

**Virginia Office of Broadband
Broadband Equity, Access, and Deployment (BEAD) Program**

Policy Notice on Benefit of the Bargain Round

General Statement: On June 6, 2025, the National Telecommunications and Information Administration (NTIA) published the BEAD Restructuring Policy Notice. This Policy Notice outlined new requirements for Eligible Entities (states and territories) to follow when implementing the BEAD programs. This Policy Notice is available at the following hyperlink: [NTIA BEAD Restructuring Policy Notice](#).

The requirements set forth in this document explicitly override all other guidance documents specifically related to the Virginia BEAD application process for deployment projects. Applicants are required to comply with this document's requirements. For any guidance provisions not addressed herein, applicants must consider all other relevant components of Virginia's BEAD application process as applicable and are responsible for reviewing and ensuring compliance with all materials available at dhcd.virginia.gov/bead.

Elimination of Regulatory Requirements

Through the Policy Notice issued by NTIA on June 6, certain regulatory requirements were eliminated. For clarification, please review NTIA's June 6th Policy Notice prior to requesting technical assistance from the Va OoB. Note, this is a list of the amended regulatory requirements that either directly or indirectly relate to the Virginia BEAD application process.

- Labor, Employment, and Workforce Development Requirements
- Open Access/Net Neutrality
- Middle Class Affordability Plan
- Low-Cost Service Option
 - Note: Applicants must still comply with the statutory provisions to offer at least one low-cost service option, but the Va OoB will not be explicitly or implicitly set the low-cost service option. In other terms, the low-cost service option's price is established solely by the applicant and communicated to the Va OoB through an applicant's application.

Technology Neutrality

All broadband technologies that meet the performance requirements of the Infrastructure Investments and Jobs Act (IIJA) and NTIA's June 6th Policy Notice are eligible to participate in the BEAD Program and Benefit of the Bargain Round, as described in the section below.

The Va OoB adopts the updated definition of Priority Broadband Project in NTIA's June 6th Policy Notice, which is a project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services.

Applicants believing they satisfy this definition shall apply as a Priority Broadband Project as identified in the Benefit of the Bargain Round section below. The Va OoB reserves the right to ask supplemental questions of applicants when determining their status and eligibility as a Priority Broadband Project. As required in NTIA's June 6th Policy Notice, the Va OoB will not categorically exclude any given technology and may only reject treatment of an application as a Priority Broadband Project if the project could not meet the statutory definition for a specific project area.

The Va OoB will determine the point at which project costs for Priority Broadband Service are considered excessive and identify other Priority Broadband Project applications or Non-Priority Broadband Project applications to reach these excessive cost locations.

Benefit of the Bargain Round

As required by NTIA's June 6th Policy Notice, the Va OoB will conduct at least one additional subgrantee selection round for every BEAD-eligible location. As described in detail below, the Va OoB will repeat both the Initial Cycle and Negotiation Cycle of its original BEAD application process to satisfy this requirement and ensure an open, fair, and transparent BEAD application process. The Benefit of the Bargain Round will permit all applicants – regardless of technology employed or prior participation in the program – to compete on a level playing field undistorted by the non-statutory regulatory requirements eliminated as described on Page 1 of this document.

Also, as required by NTIA's June 6th Policy Notice, the Va OoB rescinds all preliminary and provisional subaward selections. This document serves as such formal notification to Virginia's provisional sub awardees under the previous BEAD application process that these provisional awards are rescinded. Previously identified provisional sub awardees must reapply for the applications to be considered under the Benefit of the Bargain Round.

Benefit of the Bargain Round Schedule and Schedule Item Descriptions

The schedule below outlines the timeline of the Benefit for the Bargain Application Rounds. All dates are in 2025. Dates marked with an asterisk are tentative. If these dates changes, the VaOoB will update its BEAD webpage at dhcd.virginia.gov/bead.

- June 13 – Letter of Intent Window Opens
- June 23 – Letter of Intent Window Closes
- June 25 – Initial Cycle of Benefit of the Bargain Round Opens
- July 2 – Initial Cycle of Benefit of the Bargain Round Closes
- July 16* - Provisional Sub awardees Notified of Awards under Initial Cycle
- July 16* - Negotiation Cycle of Benefit of the Bargain Round Opens
- July 26* - Negotiation Cycle of Benefit of the Bargain Round Closes
- August 8* - Provisional Sub awardees Notified of Awards under Negotiation Cycle
- August 8* - Public Comment Window on BEAD Final Proposal Opens
- August 22* – Public Comment Window on BEAD Final Proposal Closes
- TBD – Va OoB submits Final Proposal to NTIA for Approval

Benefit of the Bargain Letter of Intent Requirements

All applicants, regardless of prior participation in the previous Letter of Intent (LOI), Initial Cycle or Negotiation Cycle, must submit a new Letter of Intent to be eligible to apply under Virginia's Benefit of the Bargain BEAD application process. As previously required, applicants must include high level information about the applicant and a general statement of qualification for expanding broadband infrastructure to unserved and underserved locations, as well as unserved community anchor institutions under the BEAD Program.

To ensure compliance with NTIA's June 6th Policy Notice, applicants' letters of intent must clearly outline how their planned application meets the updated definition of a Priority Broadband Project. This narrative included in an applicant's Letter of Intent must be specific to planned project areas and specific to the technology to be deployed in planned project areas. Applicants must clearly describe how the planned technology for each specific, planned project area meets all components of the definition of a Priority Broadband Project. Applicants should consider foliage and tree canopy coverage, the density of eligible and total BSLs, and topographical and geographical features.

This definition, which is copied from NTIA's June 6th Policy Notice, is listed below.

Priority Broadband Project—The term "Priority Broadband Project" means a project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services.

For clarification, applicants which submit a letter of intent by June 23rd shall not be geographically limited based on previous letters of intent and the geographies listed. Letters of intent submitted by June 23rd do not need to include a list of geographies, but the letter of intent should include a description of specific project areas per the guidance in the previous paragraph. All applicants that submit a letter of intent by June 23rd will be permitted to apply in all counties and independent cities in the Commonwealth of Virginia. The two-page limit for this letter no longer applies.

Benefit of the Bargain Round Scoring Criteria

The following evaluation criteria supersede all prior Va OoB BEAD criteria and will be utilized to analyze competing Priority Broadband Project applications, as well as competing Non-Priority Broadband Project applications if no such priority project was submitted for consideration for that respective application area or location.

Primary Criteria: In deciding among competing applications covering the same general project areas, the Va OoB will choose the option with the lowest cost based on minimal BEAD Program outlay. This will be analyzed on a requested subsidy per location basis as described in NTIA's June 6th Policy Notice.

Secondary Criteria: If an application to serve the same general project area proposes a project cost within 15% of the lowest-cost application received for that same general project area on a per location basis, the Va OoB will evaluate such competing applications based on the following three criteria. Each of these criteria is assigned a number of points on a 100-point scale.

Speed to Deployment: 25 Points. The applicant’s binding commitment to provision service by a date certain that is earlier than four years after the date on which the subgrantee will receive the subgrant from the Va OoB subject to contractual penalties. Specifically, applicants that commit to deployment in 36 months or less will receive full credit under this section. The remaining scoring criteria are as follows: 20 Points for <38 months, 15 Points for <40 months, 10 Points for <42 months, 5 Points for <44 months, and 0 Points for 44-48 months.

Speed of Network and Other Technical Capabilities: 25 Points. Eligible Entities may weigh the speed, latency, and other technical capabilities of the technologies proposed by prospective subgrantees. The Va OoB adopts the table below for evaluating applications for the purpose of this section

Download Speeds		Upload Speeds	
=100Mbps	0 Points	=20 Mbps	0 Points
>100Mbps, <250 Mbps	5 Points	>100Mbps, <250 Mbps	3.33 Points
>250Mbps, <1 Gbps	10 Points	>250Mbps, <1 Gbps	6.67 Points
>1Gbps	15 Points	>1Gbps	10 Points

Preliminary/Provisional Subgrantees: 50 Points. For locations where Eligible Entities have already identified preliminary or provisionally selected subgrantees, Eligible Entities may give additional weight to those applications in the Benefit of the Bargain Round. Applicants will receive 50 points if they were identified as the Provisional Subgrantee in an area of the first Initial Cycle of the Va OoB’s BEAD Application Process.

Optimizing BEAD Locations

The Policy Notice issued by NTIA on June 6th does not require the Va OoB to re-run the BEAD challenge process; however, the Policy Notice does require the provisions below.

- The Va OoB must investigate and account for locations that do not require BEAD funding using the reason code process as detailed in the Final Proposal Guidance.
 - The Va OoB previously conducted these activities in January and February and invited supplemental submissions for applicants to identify these locations as recently as April. The combined list of these locations is available at <https://data.virginia.gov/dataset/bead-recommended-de-obligation-locations>. As previously, applicants are ultimately responsible for reviewing and factoring this list

of recommended de-obligation-locations into their application designs. This will be updated by June 24th to reflect locations removed from the Federal Communications Commission's Broadband Data Collection Fabric between Version 5 and Version 6. This list previously accounted for locations that are a part of an enforceable commitment and locations served by a non-subsidized service.

- The Policy Notice issued by NTIA on June 6th requires the Va OoB to include locations no longer served due to a default or change in service area on a federal enforceable commitment. If any such locations meet this definition, the Va OoB will add these locations to the [BEAD Application Areas file on the Virginia Open Data Portal](#) on or before June 24th.
- Because unlicensed fixed wireless providers (ULFW) providers are now eligible to compete for BEAD subgrants on a level playing field with all other applications, the Va OoB must account for BSLs with access to existing ULFW networks to prevent overbuilding. Within 7 days of the date of this document, ULFW providers must email broadband@dhcd.virginia.gov that the ULFW provider intends to submit evidence that BEAD funding is not required for the locations it serves. The publication of this document serves as public posting of this opportunity. The Va OoB will also notify its stakeholders via email of the release of this notice. If any ULFW providers submit a notice in this 7-day window, the Va OoB will host a webinar on Monday, June 23rd to review the requirements of documenting the availability of ULFW services. Given the broad latitude of changes established by NTIA of the BEAD program in its June 6th Policy Notice, the Va OoB will accept new submissions under this ULFW overbuild prevention process not previously received in February 2025 and will require providers that previously submitted coverage claims of ULFW service to resubmit under this process. Given the 90 day requirement of NTIA's June 6th Policy Notice, this ULFW coverage verification process runs concurrently to the application process.
- If an ULFW provider does communicate to the Va OoB that it intends to submit evidence that BEAD funding is not required for the locations it serves within 7 days of the publication of this document, then, within 7 days after submitting the notice that it intends to submit evidence, the ULFW provider must submit documentation supporting the claim that the existing ULFW services meet the same BEAD technical and service standards required for a ULFW application for a BEAD subgrant. These requirements are documented in Appendix A of NTIA's June 6th Policy Notice. Additionally, ULFW providers must submit the information required in the Va OoB's Policy Notice on [Alternative Technology](#) as described in section i on page 3 for claiming existing coverage. The Va OoB acknowledges that this document on Alternative Technology is now obsolete per Section 7 of NTIA's June 6th Policy Notice; however, the reference to this Alternative Technology Policy Notice is mentioned solely for clarification of supplemental evidentiary requirements of ULFW providers as allowed by footnote 45 of NTIA's June 6th Policy Notice.
- The NTIA's June 6th Policy Notice altered the definition of Community Anchor Institution. This notice also communicated that NTIA will narrowly interpret the term "community support organization" as used in the statute. For the Benefit of the Bargain Round, the list of Community Anchor Institutions and their inclusion into an applicant's application shall be completely optional. Please note that the guidance does not amend the service requirement for Community Anchor Institutions of gigabit symmetrical service availability.

Other Provisions and Clarifications

- Applicants that previously applied need not submit new narrative, attachment, or certification responses in the CAMS platform; however, previous applicants must resubmit applications in the Initial Cycle ZCTA Portal and Negotiation Cycle Portal.
 - If an applicant would like to revise its previous narrative responses submitted in CAMS, the applicant should email those revisions to broadband@dhcd.virginia.gov
 - The previous error on the application area boundary of ZCTA 24141 has been resolved and the corrected application area boundaries are provided at the [BEAD Application Areas file on the Virginia Open Data Portal](#).
- Only applicants proposing Priority Broadband Projects may apply under the Initial Cycle of the Benefit of the Bargain Round. If an applicant is proposing a non-priority broadband project, the applicant is only eligible to participate in the Negotiation Cycle of the Benefit of the Bargain Round. If the Va OoB deems that an applicant does not meet the definition of a Priority Broadband Project in a specific project area, and there were no other Priority Broadband Project applications that meet the definition in that specific project area under an excessive cost, then all locations in that ZCTA will move to the Negotiation Cycle.
- The Va OoB will now measure compliance with the 95% location requirement for the Initial Cycle of the Benefit of the Bargain round based on the number of unserved and underserved locations. The amount of eligible Community Anchor Institutions will not be considered in the denominator of this percentage calculation.
- The Va OoB strongly encourages all applicants in the Initial Cycle of the Benefit of the Bargain Round to submit both bundled and reserve applications, as this submission structure best allows the Va OoB to effectively consider submitted applications.
- Prior to the conclusion of both the Initial Cycle and Negotiation Cycle, applicants should notify the Va OoB if the applicant intends to utilize the recommended de-obligation list as described under the Optimizing BEAD Locations section of this guidance. If the Va OoB does not hear from an applicant, it will be assumed that the applicant is utilizing this list of recommended locations for de-obligation.
- As communicated in NTIA's June 6th Policy Notice, the Va OoB must still ensure that applicants meet the financial and managerial capacity, technical and operational capability, and other requirements in 47 U.S.C. § 1702(g)(2)(A). These considerations and authority of the Va OoB were previously described in the Policy Notice on [Declining High-Scoring Awards, in Whole or In-Part based on Technical Capability](#). These provisions remain in full force and effect.
- Previously, the Va OoB established processes for [Handling of Missing, Incomplete, or Non-Compliant Application Information](#). While the Va OoB hopes to have the opportunity to fulfill these commitments, the established time frames for considerations of applications under the Benefit of the Bargain Round may not allow for full compliance with this document. New applicants under the Benefit of the Bargain Round are strongly advised to request technical assistance. The Va OoB is under no obligation to follow the provisions previously established in this prior published policy notice and may disqualify an applicant on the basis of missing, incomplete, or non-compliant application information if time does not allow for such correction.
- The Va OoB reserves the right to alter any prior guidance issued for the BEAD application process to ensure compliance with NTIA's June 6 Policy Notice, as well as to meet the deadlines established for the Va OoB in NTIA's June 6th Policy Notice. If this guidance is

altered, it will be done via the addition of questions and answers to the [FAQ document available here](#).

- New applicants need not respond to questions that have been waived by NTIA's June 6 Policy Notice as outlined in the Elimination of Regulatory Requirements section of this document. These include:
 - Provide a record of past compliance with state and federal labor and employment laws, along with the associated detailed questions of this category
 - Provide plans for ensuring compliance with federal labor and employment laws, along with the associated detailed questions of this category
 - Under Section 2.8.2: Skilled and Credentialed Workforce, the requirement to provide the following information during the application phase, along with the associated detailed questions of this category.
 - If utilizing contractors/subcontractors, describe plans for including historically underrepresented businesses in compliance with this section's requirements.
 - If utilizing subcontractors, certify that the applicant will take the affirmative steps laid out in 2 C.F.R. § 200.321 which have been adopted by the Office of Broadband (this also includes elimination of the associated detailed questions of this category)
- New applicants may strike out certification statements that have been waived by NTIA's June 6th Policy Notice as outlined in the Elimination of Regulatory Requirements section of this document. These include:
 - Certify that the applicant has complied with all applicable Federal Labor and Employment Laws in the past and is committed to future compliance.
 - Certify that the applicant has included all of the information related to compliance with Federal Labor and Employment Laws which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.
 - Certify that the applicant will permit workers to create worker-led health and safety committees that management will meet upon reasonable request.
 - Certify that the applicant has included all of the information related to advancing workforce development which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.
 - Certify that the applicant is committed to utilizing a skilled, diverse workforce for this project.
 - Certify that the applicant has included all of the information related to advancing workforce development which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.
 - Certify that the applicant is committed to utilizing a skilled, credentialed workforce for this project.
 - Certify that the applicant has included all of the information related to utilizing a skilled, credentialed workforce which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.
 - Certify that the applicant will take the affirmative steps to include Women's Business Enterprises, Minority Business Enterprises, and Labor Surplus Area Firms, as laid out in 2 C.F.R. § 200.321, if utilizing a subcontractor.

- New applicants need not comply with the application attachments that have been waived by NTIA's June 6th Policy Notice as outlined in the Elimination of Regulatory Requirements section of this document. These include:
 - Letter(s) of Support Received
- For clarity regarding the prior three primary bullets, the Va OoB cannot remove these questions from the CAMS platform due to restrictions of the platform that prohibit amending application narratives, attachments, and forms after opening the application round and receiving the first application. Applicants should respond "Not Applicable" in response to these questions outlined above.
- Submission templates and requirements in both the Initial Cycle ZCTA Portal as well as the Negotiation Cycle Portal will be adjusted to delete certain requirements that have been waived by NTIA's June 6th Policy Notice as outlined in the Elimination of Regulatory Requirements section of this document. Applicants should review the updated guidance documents available in these portals for technical submission details and formatting.
 - In general, this includes the deletion of the estimated aerial and underground fiber mileage, as priority broadband projects may encompass a wide range of technologies. This also includes deletion of the pricing for the gigabit symmetrical service option, as this is no longer a scoring criteria.
- All subgrantees must deploy the planned broadband network, regardless of the technology utilized, and be able to perform a standard installation. A standard installation is the initiation by a provider of fixed broadband internet access service within 10 business days of a request with no charges or delays attributable to the extension of the network of the provider. The Va OoB interprets "charges ... attributable to the extension of the network of the provider" to include charges for line extensions for wireline providers, as well as costs for receiver equipment for wireless and non-terrestrial providers that exceed the normal service installation charge of that provider. Per NTIA's June 6th Policy Notice, these costs remain impermissible under the BEAD Program and applicants should factor them into the requested subsidy or matching funds of an application and not charge these costs to potential subscribers at BEAD funded locations. The previous requirement stated that awardees will be prohibited from charging special construction charges for a minimum of twelve months after broadband service is made available to a BEAD-funded location stands.
- The Va OoB may schedule ad hoc Office Hours and Technical Assistance sessions. If these are scheduled, the same calendar invitees of former DHCD application processes will be added to this meeting invite. Interested applicants not included on previous technical assistance sessions and office hours should email broadband@dhcd.virginia.gov to be added to this list.
- The Va OoB will host a virtual opening webinar for applicants on June 25th to review this document. This webinar will be from 3:30PM to 4:30PM and an invitation will be distributed in accordance with the prior bullet on Office Hours and Technical Assistance Sessions.