
BEAD

Program Procedures:

DRAFT – November 2023

State of West Virginia

West Virginia Department of Economic Development



INTERNET FOR ALL **West Virginia**

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2. Introduction

Device Distribution Program

The West Virginia Department of Economic Development (WVDED), in coordination with the West Virginia Broadband Enhancement Council and the State Broadband Office, intends to award at least \$10 million in grant funds – contingent on the availability of Broadband, Equity, Access, and Deployment (BEAD) funds for non-deployment activities – to expand device distribution activities across West Virginia.

WVDED is seeking applicants in the following category: interested organizations that will oversee digital device acquisition activities across a geographic area of West Virginia. Entities will also provide regional logistics and warehousing, acquisition, and a technical point of contact for local distributors.

Device distribution activities eligible for funding include, but are not limited to, coordinating with local nonprofits receiving BEAD and Digital Equity grants to identify device needs within regional West Virginian populations, logistics and procurement of digital devices, distribution of digital devices to nonprofit entities, and providing first-line support for devices.

In line with NTIA requirements, Device Distribution Program grant applications are expected to open in the spring of 2024. Awardees will be selected and notified at the end of 2024, following the approval of West Virginia's BEAD Final Proposal. Grant agreements are expected to be signed in early to mid-2025.

WVDED recognizes the importance of device distribution activities in advancing digital equity and ultimately ensuring all West Virginians have opportunities to access the benefits of statewide broadband expansion.

1. Program Overview

The West Virginia Department of Economic and Community Development (WVDED) is committed to advancing digital equity and ensuring that affordable, usable digital devices are available to all West Virginians. West Virginia's [Digital Equity](#), BEAD [5-Year Action Plan](#) and [Initial Proposal Volume II](#) provide further information about WVDED's nondeployment needs, goals, and priorities.

WVDED intends to extend existing state networks of support to include device distribution, where each device beneficiary will have the full cost of their device covered by the program. WVDED's Device Distribution Program leverages the ongoing trust and relationships with partners and community anchor institutions, including regional organizations, libraries, and senior centers.

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2. Eligible Subrecipients/Grantees

Entities eligible to apply for subgrants include but are not limited to:

- a) Regional Planning and Development Councils;
- b) The West Virginia Library Association;
- c) WVU Cooperative Extensions;
- d) School districts; and
- e) Organizations that support covered populations to distribute internet-enabled devices.

Applicants must have a current [Certificate of Existence](#) from the West Virginia Secretary of State if required under West Virginia law or be an accredited academic institution. Applicants must have no prior default or significant violations under any Federal, state, or local broadband funding program, must be able to provide certifications required under the BEAD program regarding debarment, suspension, and other responsibility matters, and must meet all other applicable federal requirements for a BEAD subrecipient. Proposals by applicants are subject to review and possible approval, denial, or modification under the Review Guidelines.

2.1 Coordination of Efforts and Best Practices

WVDED will contract with an entity to manage and align processes across grantees, provide vendor relationships, and facilitate statewide logistics and acquisition activities. All subgrantees will have access to these resources and must participate in these coordination efforts.

3. Application Deadline

The application deadline is: **TBD**. Applicants may submit applications through the West Virginia Department of Economic Development website. Further details will be provided closer to the application deadline.

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4. Funding Schedule and Amounts

WVDED is targeting at least \$10 million in BEAD funds for this Digital Literacy and Digital Navigator program. The BEAD program allocates funding to West Virginia through the National Telecommunications and Information Administration (NTIA). West Virginia must use BEAD funding first for “deployment activities” that will deliver broadband service to unserved and underserved locations but may also use some BEAD funding for “non-deployment” activities once unserved and underserved locations are fully addressed. WVDED does not guarantee any specific funding level for this program, and any or all applications received may be declined for lack of funds.

WVDED will determine BEAD funding levels remaining for this program and other non-deployment activities after selecting deployment projects through a deployment grant program and considering applications received for other non-deployment grant programs, namely to advance the broadband industry workforce and expand access to digital navigators and digital literacy opportunities. Project selection for all non-deployment programs will run concurrently. For details on the BEAD apportionment formula, please see West Virginia’s [BEAD Initial Proposal Volume II](#).

Actual funds awarded will depend on the volume of applications received, the grant support needed for proposed projects, and the requirements of the NTIA. WVDED reserves the right to reevaluate program outcomes and reallocate funds to other announced grant programs or create new programs. WVDED reserves the right to reject any or all applications made to the Program.

4.1 Maximum Funding Amounts:

No individual organization may receive more than 50% of all available funding for the Device Distribution program.

4.2 Eligible & Ineligible Expenses

This is a reimbursement program and projects receiving funding may be reimbursed for eligible expenses up to the maximum grant amount, as identified in the award.

Eligible Expenses

West Virginia Department of Economic Development (WVDED) will fund activities undertaken by subgrantees in service of advancing the State’s device distribution priorities. Grant funding must be used only for expenditures associated with developing and running Applicant’s Device Distribution Program. Eligible grant activities and costs include:

- a) Equipment acquisition costs to be solely used for the successful implementation of the Device Distribution Program, including acquisition of devices to be distributed;
- b) Facility rental or acquisition costs, including long-term facility leases;
- c) Professional services, including but not limited to project management, marketing, and/or communications costs associated with Device Distribution Program activities;
- d) Training, testing, and certification costs associated with Device Distribution Program activities;

- e) Direct outreach, communications, and marketing costs associated with Device Distribution Program activities;
- f) Other upfront costs not already covered in other categories; and
- g) Internal labor costs incurred as part of eligible grant activities up to the proportion of employees' time spent exclusively on grant activities during the period for which reimbursement is sought. When seeking reimbursement, applicants must submit such costs as line-items and provide supporting documentation for the expense. Supporting documentation shall include time spent by each employee on project activities, total time spent by each employee during the period for which reimbursement is sought, and an hourly cost that may include employee salary, itemized payroll taxes and benefits.

Ineligible Expenses

Costs that appear excessive and/or without justification and costs not considered eligible will not be reimbursed. Ineligible costs may not be paid for with grant funds.

Ineligible costs include:

- a) Indirect costs;
- b) Internal administrative activities, other than those required for administration of grant funds received under this program;
- c) Fundraising activities;
- d) Computers or office equipment not used solely for the implementation of the program;
- e) Vehicles;
- f) Equipment owned or leased by entities other than the grantee or subgrantees;
- g) Operating expenses;
- h) Expenses incurred prior to the date of the grant award announcement;
- i) Short-term operating leases;
- j) Payment of interest or principal on outstanding debt instruments, or other debt service costs;
- k) Fees or issuance costs associated with the issuance of new debt;
- l) Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding;
- m) To support or oppose collective bargaining, whether directly or indirectly;
- n) To purchase or support any covered communications equipment or service (as defined in Section 9 of the Secure and Trusted Communications Network Act of 2019)¹;
- o) To supplant amounts of existing funding WVDED would otherwise make available for the same purposes as these BEAD non-deployment funds; and
- p) Profits, fees, or other incremental charges above actual cost incurred by the Applicant.

¹ See 47 U.S.C. § 1608 and FCC Covered List at <https://www.fcc.gov/supplychain/coveredlist>.

4.3 Timeline

Applicants offering Device Distribution services must begin providing funded services not later than one year after the date that the Applicant receives an award from WVDED. Awards to selected applicants shall be made following certification that all unserved and underserved areas are covered under BEAD deployment programs (expected early 2025).

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5. Program Requirements

5.1 Minimum Digital Device Standards

As described in the West Virginia State Digital Equity Plan, digital device needs vary across West Virginia's diverse population. While WVDED expects acquired devices to thus vary by need, all devices procured for distribution under the BEAD Device Distribution Program must meet the following minimum criteria:

- a) Sold by a manufacturer with a proven track record of long-term reliability, particularly for devices used in a K-12 or post-secondary context;
- b) Sold by a manufacturer with a proven track record of maintaining a device operating system over a long period of time (at minimum, support for five to seven years);
- c) Sold by a manufacturer with a proven track record of long battery reliability (e.g., will maintain its usable capacity over many years); and
- d) Contains support for universal, robust, built-in accessibility options for very low or no additional cost.

Additionally, awardees shall give preference in procurement to devices which can meet all of the following criteria:

- a) Contains a built-in webcam;
- b) Has an above-average battery life compared to its competitors (e.g., can last longer on a single battery charge); and
- c) Has above-average energy efficiency compared to its competitors.

At its sole discretion, WVDED may waive one or all of these requirements on a case-by-case basis for a fixed period or in perpetuity.

5.2 Coordination and Outreach

Applicants proposing device distribution services must demonstrate a plan to conduct coordination and outreach activities to meaningfully engage each of the following categories of entities within their proposed geographic service area:

- a) Digital Navigator and Digital Literacy program awardees;
- b) Relevant Community Anchor Institutions within proposed service area (if applicable);² and
- c) Organizations within 15 miles of proposed geographic service area that have received Digital Equity Act funds (once funds are released).

² A final list of Community Anchor Institutions will be published by WVDED in 2024.

6. General Qualifications

Prior to entering into a grant agreement with the Applicant, WDVED must ensure that Applicants will meet three general qualifications under the Program. Applicants must be capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable laws; they must have the financial and managerial capacity to meet the Applicants' commitments under the subgrant; and they must have the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

6.1 Financial Capacity and Sustainability

Applicants must demonstrate the level of financial capacity that they have to support potentially awarded projects in West Virginia and must demonstrate that grants that they may be awarded will be financially sustainable for the lifetime of the grant.

6.2 Certification of Compliance with Relevant Laws

If awarded projects, subgrantees will need to comply with a range of laws and regulations relevant to this federally funded program. Applicants must therefore certify that they will comply with all applicable federal, state, and local laws relevant to carrying out their grant agreement. These requirements, including procurement, labor, and environmental protection standards, will be outlined in compliance guidance that will be communicated through the WDVED website and grant agreement materials.

6.3 Technical and Operational Capacity

Applicants must demonstrate that they are technically and managerially qualified to complete and operate any potential project and that they will use an appropriately skilled workforce.

7. Application Requirements

Entities applying for subgrants through WVDED's Device Distribution Program should use the list below as a structural guide for their application. For assistance with the application process, WVDED encourages applicants to leverage the resources available to them through the West Virginia Grant Resource Centers.

7.1 Entity and Contact Information

Applicants must provide a complete set of relevant company/entity information and any accompanying materials and information to demonstrate the accuracy of that information. This includes, at a minimum:

- a) Legal entity name and any relevant doing business as (DBA) names;
- b) Address of entity headquarters and other key locations;
- c) Type of Entity (i.e. non-profit, partnership, LLC);
- d) Entity history and brief overview;
- e) Contact information of authorized individual submitting application on behalf of the applicant (name, title, phone number, email; and
- f) Unique Entity Identifier (UEI) from the System for Award Management (SAM.gov).

NOTE: Each Applicant must obtain a UEI and provide it to the WVDED, but Applicants are not required to complete the full SAM.gov registration to obtain a UEI.³

7.2 Executive Summary

This section should not exceed two pages in length, and should include a project title, name, geographic service area, type of non-deployment grants sought (e.g., device distribution). Applicants should provide:

1. Project Purpose: Summarize the purpose of proposed project in a single sentence.
2. Non-BEAD Funding Sources: Provide amounts of all non-BEAD funding below.
3. Project Description: 1-2 Paragraphs describing major activities to be conducted. The description should address who, what, where, when and how for each major activity.
4. Strategic Rationale: 1 paragraph max. Identify the problems and/or opportunities the project will address.
5. Collaborative Partnerships: 1 paragraph max. Identify local, regional and/or state partnerships that will support the project, if applicable. You may attach letters of engagement or similar documentation that verify partnerships as appendices to your application package.
6. Project Sustainability and Capacity: 1 paragraph max. Describe capacity to undertake the proposed activity by describing previous experience with similar activities.

³ For more information on the establishment of a UEI, please visit <http://www.sam.gov>.

7. Performance Measures: Identify quantifiable output and outcome measures.

7.3 Project Narrative

This section should not exceed eight pages in length.

7.3.1 Needs Statement

8. List the primary need(s) that the project will address, citing the State Digital Equity Plan, Five Year Plan, and/or Initial Proposal Volume I/II as evidence of this need in the geographic service area where applicable.

7.3.2 Project Description

9. Describe the project's primary purpose, main activities, and expected outcomes.
10. Identify the geographic service area where the proposed project will be based and counties in the project's entire service area. If the project is not county-wide, identify the cities and towns of the project's entire service area.
11. Provide a detailed work plan that includes a description of all major project activities (what will be done and by whom) and timelines for each activity during the course of the project. Include as many details as possible, including details about cost-effectiveness.
12. Describe a detailed strategy to identify community needs, solicit feedback, and evolve the program in response to each, especially regarding facilitation of device procurement.

7.3.3 Strategic Rationale

13. Describe any problems, opportunities, or local/regional demand that the project will address beyond what is identified in the State Digital Equity Plan, Five-Year Action Plan, and/or Initial Proposal Volume I/II, and how these issues impact the community.
14. Explain why the proposed project is the most practical, cost-effective, and beneficial way to achieve the desired results when compared to alternative approaches.
15. Describe other project benefits likely to result from the project (e.g., positive impact on future economic development activity in the area).
16. If the proposed project is a continuation or expansion of an ongoing program (whether or not the program received federal funding), describe the program's outputs and outcomes to date, as well as other project milestones reached.
17. If the proposed project is new, include evidence from peer-reviewed sources or studies demonstrating that this approach has been successful in the past.

7.3.4 Performance Measures

18. List expected outputs and outcomes of the project.
19. Provide a credible and established methodology for estimating each performance measure that results from the project.

7.3.5 Collaborative Partnerships

20. Describe any partnerships or collaborations with other local community, state, regional, and federal partners in the development of the proposal.
21. Provide letters of engagement from partner organizations that commit to undertake specific activities in support of the project.

7.3.6 Project Sustainability and Capacity

22. Briefly describe applicant's capacity to undertake the proposed project by describing demonstrated capacity to process and fulfill digital device orders from local organizations.
23. Describe experience with prior coordination among small and medium sized nonprofit entities with federal or state compliance requirements in the planned region(s).
24. Describe experience in managing grants and federal awards.
25. Briefly detail existing demonstrated capacity or an ability to scale to meet capacity requirements for planned activities.
26. Describe the qualifications of key individuals who will manage and operate the project. Attach position descriptions or brief resumes of these individuals (1 page max).
27. Describe the desired qualifications of all consultants and subcontractors, if any, and describe the competitive procedures that will be used to select them.
28. Explain how the project will achieve long-term sustainability once BEAD non-deployment support is no longer available. Include a plan and timeline of efforts to secure other sources of support for future operations.

7.4 Budget Information and Supporting Materials

7.4.1 Detailed Budget and Budget Narrative

29. Provide a detailed budget that lists the sources and uses of BEAD non-deployment funds and any other additional non-BEAD funds, if available.
30. Provide a budget narrative that includes a detailed explanation of expenditures by line item. Include purpose of travel and supply/equipment lists, and describe expenses in the 'other' line item, if applicable.
31. If the budget includes personnel or contractual expenses (cash or in-kind resources), estimate the number of hours/days and hourly rate (or portion of FTE and salary) for the time that is expected to be spent on the proposed project by key personnel, contractors, or consultants. (After grant is awarded, all time should be tracked by actual hours worked for each individual.)

7.4.2 Non-BEAD Funding Sources

32. If applicable, identify each non-BEAD funding source as Federal, state, local, or private. Include a letter of commitment from each funding source that specifies the amount of funds committed and the kind of funds committed (grant, loan, cash, in-kind, etc.).
33. Provide descriptions of in-kind resources, including the methods used to determine their value.

7.4.3 Additional Documentation

34. Enclose pertinent supporting materials that will lead to a better understanding of the proposed project.
35. Do not include form letters.

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8. Application Review

Below is the criteria which will be used to score Device Distribution applications during the competitive review process. Applicants should adhere to these requirements to ensure their application has the best chance of being selected.

8.1 Device Distribution Program Scoring Criteria

Fulfillment Capacity	Max points: 40
To receive 40 points: Application must detail the applicant's demonstrated capacity to process and fulfill digital device orders from local organizations. This should include details surrounding the applicant's past activities, resources, and all-around capability to fulfill digital device orders from local organizations. Fulfillment Capacity should be fully detailed in the Project Sustainability and Capacity section of the project narrative.	
Efficacy and Efficiency	Max points: 30
To receive 30 points: Application must detail a cost-effective and expeditious plan to distribute devices within the region.	
Coordination	Max points: 20
To receive 20 points: Application must demonstrate the applicant's track record of prior coordination among small and medium sized nonprofit entities with federal or state compliance requirements in the region. This should be fully detailed in the Collaborative Partnership section of the project narrative.	
Community Engagement	Max points: 10
To receive 10 points: Application must include a detailed strategy to identify community needs, solicit feedback, and evolve the program in response to each, especially regarding facilitation of device procurement. This should be fully detailed in the project description section of the project narrative.	

9. Grant Distribution Agreement and Standard Terms

Awardees will be required to enter into a Grant Distribution Agreement (GDA) with the WVDED. Additional terms may be required by U.S. Department of Commerce. All projects will include a retainer equal to 5% of awarded funds withheld until project completion and until all close out documents and reporting are submitted and approved. To the extent necessary, the Program reserves the right to create additional requirements that awardees must fulfill prior to disbursement of funds.

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10. Grant Recipient Obligations and Post Award Monitoring

Awardees of grant funds must comply with post-award monitoring and reporting requirements to maintain continued eligibility for disbursement of grant funds. Awardees are responsible for active technical, financial, and project management of awarded projects through their own staff and or by hiring and managing well-qualified contractors. Awardees should also expect to cooperate with technical and financial monitoring and review provided by WVDED contractors and staff.

10.1 Certification of Compliance with BEAD Requirements

WVDED will ensure subgrantee compliance with BEAD program requirements as part of post-award subgrantee monitoring, including:

- a) Budget Amendments
- b) Invoice Submittals
- c) Grant Disbursement Requests
- d) Compliance Reporting
- e) Clawback/Recoupment of Funds
- f) Audits/Monitoring
- g) Civil Rights Compliance
- h) Cybersecurity and Supply Chain Risk Management

These requirements will be outlined in compliance guidance that will be communicated through the WVDED website and grant agreement materials.

10.2 Compliance with Federal Funds Obligations

In general, recipients and subrecipients of federal funds must comply with IIJA/BEAD funding recipient obligations, in addition to reporting obligations. Awardees should expect to comply with requirements of other applicable federal statutes, regulations, and executive orders applicable to recipients of federal funds. Awardee obligations are more fully described in the WVDED's *Guide to Reporting and Compliance Obligations for West Virginia BEAD Broadband Investment Plan Subrecipients*.⁴ Applicants should review this *Guide* as well as the applicable guidance provided and requirements as identified by the NTIA and the Department of Commerce.

⁴ This document will be made available at <https://broadband.wv.gov>.

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