

Office of Broadband Access and Expansion BEAD Program Prequalification Application - Benefit of the Bargain Round

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Introduction

The New Mexico Office of Broadband Access and Expansion (OBAE) is accepting prequalification applications for the BEAD Program in compliance with the [BEAD Restructuring Policy Notice](#) issued by the National Telecommunications and Information Administration (NTIA) on June 6, 2025. This process enables prospective applicants to establish their qualifications and capabilities to plan, finance, deploy, and maintain broadband networks while driving commercial success and adhering to all legal and regulatory requirements. OBAE aims to prequalify prospective applicants in advance of accepting Benefit of the Bargain Round applications. Organizations that are already prequalified need not submit an additional prequalification application.

Note that the Prequalification Phase evaluates entities intending to apply for BEAD funds and not their projects. Prequalified entities must submit their applications for scoring in the Benefit of the Bargain Round. The Benefit of the Bargain Round will evaluate the merits of their applications based on the framework designated in NTIA's BEAD Restructuring Policy Notice.

Objectives of the Prequalification Phase

The Prequalification Phase filters out potential applicants who do not meet the minimum criteria, ensuring OBAE will only evaluate applications from organizations that meet federal and state requirements and are most likely to achieve the objectives of the BEAD Program. This will enable OBAE to efficiently manage its resources during the limited time available for the Benefit of the Bargain Round.

OBAE will adhere to the BEAD Restructuring Policy Notice requirements to ensure program compliance.

Prequalification Factors

The BEAD Notice of Funding Opportunity (NOFO) requires the State to ensure that all prospective subgrantees can competently carry out activities funded by the subgrant in compliance with all applicable laws and meet certain cybersecurity and supply-chain risk management best practices. The BEAD NOFO further specifies seven additional types of qualifications Eligible Entities must evaluate in potential subgrantees:

- A) Financial Capability
- B) Managerial Capability
- C) Technical Capability
- D) Compliance With Laws
- E) Operational Capability

- F) Ownership
- G) Other Public Funding

Confidentiality

As a government agency, OBAE is subject to, and acts in compliance with, the Inspection of Public Records Act (“IPRA”), NMSA Section 14-2-1 *et. seq.* Though OBAE is authorized to maintain the confidentiality of grant materials during the application and review process, upon issuance of awards, materials in OBAE’s possession shall be made available for public inspection.

If any applicant or subgrantee has reason to believe that information requested by OBAE during this process is exempt from disclosure under IPRA (see, NMSA Section 14-2-1), OBAE has implemented a confidentiality request process. The confidentiality request form can be accessed online at the [Connect NM website](#).

SAM.gov Registration (required)	To begin the application, provide the unique entity identifier (UEI) from a SAM.gov registration pursuant to 2 C.F.R. § 25.300 in the textbox below. Applicants do not need to complete the full registration to receive a UEI; however, the UEI must be active.
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Section 1: Administrative

1.1	Organization Legal Name (required)	Provide the organization’s legal name in the textbox. The name of the corporate entity provided must match the name of the corporate entity authorized to do business in the State of New Mexico.
1.2	Organization “Doing Business As” Name	Provide the “doing business as” name of the organization in the textbox.
1.3	Organization Address (required)	Provide the organization’s address in the textbox.
1.4	Organization Website (required)	Provide the organization’s website in the textbox.
1.5	Primary Contact Information (required)	Provide the contact information of your primary contact in the text boxes.
1.6	Secondary Contact Information	Provide the contact information of the secondary contact in the text boxes.
1.7	Authorized Certifying Representative Contact Information (required)	The Authorized Certifying Representative must be an officer or director with the authority to bind the company to the legal and regulatory requirements.
1.8	Organization Type (required)	Which of the following best describes the organization? <ul style="list-style-type: none"> • Incorporated business or partnership • Government entity (Public Agency, Local, State or Political Subdivision of the State) Note: A political subdivision includes any county, city, village, town, special district, or other political subdivision or public corporation • Tribal Government • Nonprofit • Cooperative • Limited Liability Corporation (Organized to expand broadband)
1.9	Federal Employer Identification Number (EIN) (required)	Provide the Federal Employer Identification Number (EIN) in the textbox.
1.10	FCC Registration Number (FRN)	Applicants should only respond to this question if the organization has an FCC Registration Number (FRN). Provide the FRN in the textbox.

1.11	State Business Registration (required)	Upload the State business registration to the portal. Multiple files may be uploaded. Uploads must be in PDF format. Applicants that are not registered with the State of New Mexico must complete and upload the documentation found here .
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Section 2: Financial Capability

2.1	Audited Financial Statements (required)	Does the applicant have unqualified audited financial statements audited by an independent certified public accountant from the prior fiscal year? Provide an answer using the “Yes/No” dropdown menu. LEO satellite providers should select “No” and upload a statement in response to Question 2.1a indicating that it intends to provide a financial certification letter from NTIA in lieu of audited financial statements.
	2.1.a if “Yes” to 2.1	This is required if the answer to 2.1 is “Yes.” Please provide audited financial statements for the prior fiscal year that have been audited by an independent certified public accountant and conform to industry standards. These financial statements should be “unqualified” and the subject of a clean financial audit.
	2.1.a if “No” to 2.1	<p>This is required if the answer to 2.1 is “No.” Which of the following can you provide?</p> <ul style="list-style-type: none"> • If the organization’s audited financial statements contain “qualifications” by the auditor, potential applicants must provide these qualified audited financial statements, and provide a statement explaining the reason for the qualification and measures taken by the company to address the qualification if applicable. • If the organization does not prepare audited financial statements in the ordinary course of business, it must describe the circumstances and reasons for the lack of audited financials and provide financial statements from the prior fiscal year that contain substantially the same level of detail and information. An organization without audited financial statements must also certify that it will provide audited financials from the prior fiscal year within eight months of submitting the Prequalification Phase application. • Entities that have alternative financial reporting requirements, such as public entities, may submit relevant and applicable financial documentation that provide similar information and that will allow OBAE to substantiate the public entity’s

		<p>financial qualifications and capabilities to participate in the program. A certification by an officer of the entity and a narrative explanation by the public entity must accompany the submitted financial documentation.</p> <ul style="list-style-type: none"> If the organization is a LEO satellite provider, it must provide a statement indicating that it intends to provide a financial certification letter from NTIA in lieu of audited financial statements.
2.2	Certification of Financial Qualifications (required)	In the Certification Template , please certify that the organization has the necessary financial qualifications, capabilities, and resources to comply with all program requirements and successfully participate in the program.
2.3	Certification of Evidence of Sufficient Funding	In the Certifications Template , please certify that the organization will provide with their application(s) 1) a narrative discussing that the organization will have sufficient financial resources to cover the eligible cost of the project(s); and 2) will provide evidence regarding the available funding amount for broadband project(s), such as cash on the balance sheet, credit lines, equity commitments, or financial certifications.
2.4	Letter of Credit/Performance Bond Acknowledgements (required)	In the Certification Template , please certify that the organization is aware of and understands the letter of credit and performance bond obligations set forth in Section IV.D.2.a.ii of the BEAD NOFO , the BEAD Letter of Credit Waiver , and the BEAD Restructuring Policy Notice .
2.5	Alternative Letter of Credit Options	Please indicate whether the organization plans to make use of any of the alternative Letter of Credit options available under NTIA's waiver.
	2.5.a if "Yes" to 2.5	<p>Please select which option you plan to make use of from the options below.</p> <ul style="list-style-type: none"> 2.1 Subgrantee Option to Use Credit Unions 2.2 Subgrantee Option to Use Performance Bonds 2.3 Reduction of LOC/Performance Bonds Upon Completion of Milestones 2.4 Subgrantee Option for Alternative Initial LOC or Performance Bond Percentage
2.6	Letter of Credit Qualifications and Resources	In the Certification Template , please certify that the organization has the qualifications and resources to obtain the required letter of commitment and letter of credit from an eligible financial institution in an amount of no less than 25 percent of the subaward amount, per NTIA's requirements.
2.7	Tribal Letter of Credit Waiver	OBAE recognizes the unique sovereign status of New Mexico's twenty-three Tribes and Pueblos. In addition to

		NTIA's letter of credit guidance for subgrantees, OBAE will allow a letter of credit waiver from Tribal entities. The waiver will require self-certification by Tribal council resolution, and the waiver only applies to the letter of credit. Other financial reviews must be completed during the pre-qualification and curing processes. Please indicate whether the organization plans to make use of OBAE's letter of credit waiver for Tribal entities. Select either Yes, No, or Not Applicable.
2.8	Funding Structure (required)	In the <u>Certification Template</u> , certify and acknowledge that all BEAD awards are fixed-amount subawards and, if granted an award, the applicant will be a subgrantee, not a contractor or subcontractor, and that all relevant state and federal laws and regulations apply accordingly.
2.9	Matching Funds Requirement (required)	In the <u>Certification Template</u> , certify and acknowledge that, unless specified by OBAE with NTIA approval, a minimum 25 percent match is required from prospective applicants except for projects in NTIA High-Cost Areas.

Section 3: Managerial Capability

3.1	Resumes (required)	<p>Please upload <i>a single</i> file containing current resumes of all key management personnel in roles such as officers and directors of the organization, executive level management, financial planning and strategy, technical design, risk management, human resources, equipment procurement, operations, and planning. This should include an employed CTO and contractor oversight team with the relevant certifications (both management and non-management) for deployment projects as mandated by State and federal law. Additionally, provide a narrative discussion of each individual's expected role in a BEAD-funded project. Each of the identified individuals shall be an employee of the organization, have at least five years of experience in the same or similar role within the communications industry, and have the demonstrated experience, skills, and authority to successfully fulfill the obligations of the role.</p> <p>Materials submitted during this process will be subject to IPRA upon completion of the applications process, and only information with a listed IPRA exemption will be redacted by OBAE prior to responding to any IPRA request.</p>
3.2	Organizational Chart (required)	Please upload detailed organizational charts of the organization's structure, key management personnel including but not limited to those key personnel provided in 3.1, and relevant operational teams.

		The organizational chart should show all relevant personnel who will support project implementation with names and titles clearly identified for all positions. These charts should also provide information regarding the organization’s parent company and affiliates, if any. The organizational chart is expected to correspond to the other elements of the entity’s showing of managerial capability, including mapping back to each identified key management personnel and functional teams.
3.3	Changes to the Organization’s Structure (required)	Please describe any recent or expected changes to the organization’s structure, processes, and planning that may impact your BEAD project efforts. Relevant information may include mergers, acquisitions, and organizational policies.
3.4	Organizational Narrative (required)	<p>Please upload a narrative detailing the organization’s processes and structure to manage large projects. The narrative should describe the organization’s background and experience managing broadband infrastructure projects of similar size and scope and under similar circumstances, such as the timeframes, reimbursement models, and geographic characteristics.</p> <p>The narrative must also describe the organization’s experience, resources, and readiness to provide the required service offerings, level of service, and maintenance over the completed network. The narrative must describe plans to maintain a sufficient level of management resources through training, retention, and recruitment activities to support its service delivery efforts throughout the federal interest period.</p> <p>The narrative should also describe and provide documentation regarding any independent contractors, consultants, and subcontractors that the organization plans to retain to supplement its managerial capabilities. This description should include the scope of the third-party contractor’s role and the expected term of the engagement.</p> <p>A participant in the Prequalification Phase that is a new entrant must demonstrate in this narrative how it will develop its organization’s managerial expertise and resources through the recruitment of directly employed key management personnel with the requisite leadership experience of at least five years in prior roles and positions in the communication industry.</p>

Section 4: Technical Capability

4.1	Narrative Description of Organizational Experience (required)	Please provide a narrative description of the organization’s experience designing and constructing broadband infrastructure projects of similar size and scope and experience operating the
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		network to offer last mile services. This description should reference the key management personnel referenced in the prior application section as well as the experience and expertise of the technical teams the organizations will use to design, construct, and operate the proposed project.
4.2	Technical Qualifications (required)	In the <u>Certification Template</u> , please certify that the organization is technically qualified to complete and operate a broadband network and that the organization is capable of carrying out BEAD funded activities in a competent manner.
4.3	This question is intentionally left blank.	
4.4	Skilled and Credentialed Workforce (required)	In the <u>Certification Template</u> , please certify that the organization has the processes and resources in place to employ an appropriately skilled and credentialed workforce and that key technical personnel and technical team members are current on all required training, licensing, and license renewals.
4.5	This question is intentionally left blank.	
4.6	Contracted Resources Certification (required)	In the <u>Certification Template</u> , please certify that all contracted resources will have the relevant and necessary skills.
4.7	Period of Performance Certification (required)	In the <u>Certification Template</u> , please certify that you understand subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant from OBAE.

Section 5: Operational Capability

5.1	Capability to Complete and Operate a BEAD Project (required)	In the <u>Certification Template</u> , please certify that the organization possesses the operational expertise, capabilities, and resources to successfully complete and operate a BEAD funded project.
5.2	Experience Offering Voice and Broadband Services (required)	In the <u>Certification Template</u> , please certify that the organization has at least two years of experience providing voice, broadband, or electric transmission or distribution services to end users, or is a wholly owned subsidiary of a parent entity that has two years of operational experience in the communications industry.
5.3	Operations in Other States (required)	If the organization referenced operations in other states as part of its demonstration of managerial, technical, or operational capabilities, please provide a list or chart describing operations

		providing voice and broadband services in other states. The list must include licensing and certification identifiers, years of operating experience, and descriptions of the services provided in each state either by the organization directly or by its affiliates and parent organization.
5.4	Organization Voice and/or Broadband Experience	Has the organization provided a voice and/or broadband service?
	5.4.a if “Yes” to 5.4 FCC and Broadband DATA Act Compliance (required)	In the <u>Certification Template</u> , if the organization has provided a voice and/or broadband service, please certify that the organization is in compliance with any applicable federal laws and regulations implemented by the Federal Communications Commission (FCC), including submission of required reporting under the FCC’s Form 477 regulations for reporting deployment and subscription data. This certification should also include compliance with the Broadband DATA Act (Pub. L. No 116-130 (2020)) and implementing regulations including the FCC’s Broadband Data Collection process. If the organization has not provided voice or broadband service and has operated only an electric transmission or distribution service, please enter “N/A” in the <u>Certification Template</u> and move to the next question.
	5.4.b if “Yes” to 5.4 FCC and Broadband DATA Act Explanation (required)	If the organization has provided voice or broadband service and cannot provide the required certification for 5.4.a, provide a narrative explanation of any pending or completed enforcement action, litigation, or other action regarding violations or non-compliance with applicable FCC regulations, and a description of any efforts by the organization to cure the noncompliance or violations of the applicable regulations.
	5.4.a if “No” to 5.4 Electric Service Providers and New Entrants’ Additional Documentation (if applicable)	If the organization is a provider of electricity transmission or distribution of services with less than two years of experience offering communications services or is a new entrant to the communications market, please submit additional operational or financial reports that the electric service provider or new entrant may have originally submitted to a financial institution or applicable regulatory agency. These additional reports must be accompanied by a certification from an officer or director of the organization that they are true and correct copies of the reports originally provided to the financial institution or regulatory agency.
	5.4.b if “No” to 5.4 Electric Services Providers and New Entrants’ Organizational Capabilities (if applicable)	If the organization is an electric services provider with less than two years of experience offering communications services or a new entrant to the communications market, please provide documentation of plans to acquire additional resources to increase the organization’s organizational capabilities, including third party contractors and stakeholders with relevant operational expertise, to the extent that they cannot demonstrate that they have already acquired those capabilities.

Section 6: Legal Compliance

6.1	New Mexico Licenses (required)	In the <u>Certification Template</u> , please certify that the organization is fully and properly licensed in New Mexico to conduct funded activities and comply with all post award obligations, or will obtain the required licenses to conduct funded activities and comply with all post award obligations within eight months of submitting the Prequalification Phase application.
6.2	This question is intentionally left blank.	
6.3	Recoupment/Clawback of Payments (required)	Has the organization ever been subject to recoupment or clawback of payments under any federal or state grant?
	6.3.a if “Yes” to 6.3	Please explain the situation(s), key outcomes, and current state of the matter.
6.4	This question is intentionally left blank.	
6.5	Prevailing Wage Acknowledgment (required)	<p>BEAD grants are federally funded, and all laborers and mechanics employed by contractors and subcontractors in the performance of BEAD projects are required to be paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), or by the New Mexico Department of Workforce Solution pursuant to the New Mexico Public Works Minimum Wage Act, NMSA 1978, §§ 13-4-10 through 13-4-17.</p> <p>In the <u>Certification Template</u>, please certify and acknowledge that you understand each application shall utilize prevailing wages in the creation of proposed budgets.</p> <p>Tribal organizations are exempt from prevailing wage requirements.</p>
6.6	Legal Opinion (required)	<p>Please submit a legal opinion by an attorney licensed in New Mexico that the organization is aware of the federal and State laws applicable to BEAD funded broadband deployment projects and the organization possesses the qualifications and resources to perform BEAD-related commitments in compliance with all applicable federal and State laws.</p> <p>The legal opinion must further attest to the organization’s current compliance with all relevant federal and State laws and describe any violations of applicable laws and regulations, current or pending investigations, and current or pending legal actions.</p>

		<p>The legal opinion must be accompanied by a description of the expertise and qualifications of the attorney and demonstration of the attorney’s familiarity with relevant areas of the law including preemption and issues of jurisdiction. The attorney must also describe their familiarity with the operations of the organization and the documents, policies, and procedures that they reviewed to render the opinion.</p> <p>Laws that Prequalification participants should consider include federal procurement laws, including Build America, Buy America requirements, the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. §1608), New Mexico procurement regulations, federal Uniform Guidance regulations, Department of Commerce Standard Terms and Conditions for grant funding, federal and New Mexico environmental and historic preservation regulations, and any specific award conditions that OBAE or NTIA may develop. In the event of a conflict between federal, State, or local regulations, OBAE will require compliance with the most stringent obligations and requirements to the extent those obligations are not preempted by applicable federal law.</p>
6.7	Legal Compliance Narrative (required)	<p>Please also provide a narrative description of the processes the organization has in place to conduct funding activities in compliance with federal and State laws, including descriptions and documentation of procurement practices. Additionally, the narrative must provide an explanation of any special circumstances or considerations that may prevent compliance with specific applicable laws. The narrative must address specific requirements and discuss the participant’s plans to mitigate the impact of any noncompliance on its participation in the program.</p>
6.8	Compliance with Federal labor and employment laws (required)	<p>In the Certification Template, please certify that the organization is in compliance with Federal labor and employment laws.</p>

Section 7: Ownership

7.1	Ownership Information (required)	<p>Please submit documentation of the organization’s ownership structure and shareholder interests consistent with federal regulations developed for specific funding and auction programs implemented by the Federal Communications Commission that can be found at 47 C.F.R. §1.2112(a)(1)-(7). Please also submit a list of the required ownership information specific to the type of corporate entity, including the name, address, and citizenship and</p>
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		proportion of ownership interest of those owning and controlling the organization, including partners and shareholders with more than a 10 percent ownership interest.
7.2	Ownership Narrative (required)	Provide a narrative description of the organization's ownership structure and corporate entity type (e.g., publicly held corporation, limited partnership, limited liability company, general partnership, cooperative). Consortiums and partnership applications must provide ownership information for all participating entities in the consortium or partnership. The showing should reference and correspond to the organizational charts, identification of executive leadership, and financial statements provided in other elements of this application.
7.3	Ownership (required)	In the <u>Certification Template</u> , please certify that there is no collusion, bias or conflict of interest involving the organization, regarding this or any other application for public funding.
7.4	Foreign Interest (required)	Is there any foreign interest in the organization or affiliates?
	7.4.a if "Yes" to 7.4	Please disclose any foreign interest in the organization or affiliates.
7.5	Prohibited Communications (required)	In the <u>Certification Template</u> , please certify that the organization will not engage in prohibited communications as defined in 47 C.F.R. 1.2105(a) starting from the date of submission of this Prequalification application until the signing of a final award.

Section 8: Cybersecurity Compliance

8.1	Cybersecurity Risk Management Plan (required)	In the <u>Certification Template</u> , please certify that the organization has or will have, if awarded, a cybersecurity risk management plan in place that is either: (a) operational, if the organization is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the organization is not yet providing service prior to the grant award.
8.2	Cybersecurity Risk Management Standards (required)	In the <u>Certification Template</u> , please certify that the organization's cybersecurity plan reflects or will reflect, if awarded, the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity, and the standards and controls set forth in Executive Order 14028, and specifies the security and privacy controls being implemented.
8.3	Cybersecurity Risk Management Plan Updates (required)	In the <u>Certification Template</u> , please certify that the organization's cybersecurity plan will be reevaluated and updated on a periodic basis and as events warrant and a timeline for how frequently the plan is reevaluated and updated.
8.4	Submission of Cybersecurity Risk	In the <u>Certification Template</u> , please certify that the organization's cybersecurity plan will be submitted to OBAE following execution

	Management Plan to OBAE (required)	of grant agreements, and if the participant makes any substantive changes to the plan, a new version will be submitted to OBAE within 30 days.
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Section 9: Supply Chain Compliance

9.1	Supply Chain Risk Management Plan (required)	In the Certification Template , please certify that the organization has or will have, if awarded, a supply chain risk management plan in place that is either: (a) operational, if the organization is already providing service at the time of the grant; or (b) ready to be operationalized, if the organization is not yet providing service at the time of grant award.
9.2	Supply Chain Risk Management Plan Standards (required)	In the Certification Template , please certify that the organization’s supply chain risk management plan reflects or will reflect, if awarded, the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented.
9.3	Supply Chain Risk Management Plan Updates (required)	In the Certification Template , please certify that the organization’s supply chain risk management plan will be reevaluated and updated on a periodic basis and as events warrant and a timeline for how frequently the plan is reevaluated and updated.
9.4	Submission of Supply Chain Risk Management Plan to OBAE (required)	In the Certification Template , please certify that the organization’s supply chain risk management plan will be submitted to OBAE prior to the allocation of funds, and if the participant makes any substantive changes to the plan, a new version will be submitted within 30 days.

Section 10: Stewardship of Other Public Funding

10.1	Suspensions or Debarments (required)	Has the organization ever been suspended or debarred by any federal or state agency, or declared ineligible from participating in covered transactions by any federal department or agency?
	10.1.a if “Yes” to 10.1	Please explain the situation(s), key outcomes, and the current state of the matter.
10.2	Other Public Funding (required)	Please complete and upload the Other Public Funding Template provided on the Connect NM website to provide a list of a) completed projects funded by federal and state funding; b) broadband deployment projects that the participant or its affiliates are undertaking or have committed to undertake at the time of this application using public funds; c) applications the

		organization submitted or plans to submit related to federal or State broadband funding.
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Section 11: Certification Template

11.1	Certification Template Upload	Please complete and upload the completed Certification Template provided on the Connect NM website . The Certification Template must be completed and signed by the Authorized Certifying Representative identified in Section 1.
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