

Request for Applications

For

Nebraska Broadband Equity, Access, & Deployment (NBEAD) Last-mile Broadband Deployment Project Grants

Date of Issuance:	February 7, 2025
Organizational Applications Due:	March 9, 2025
Round 1 Project Applications Due:	April 11, 2025

Applications must be submitted to
<https://apply.broadband.nebraska.gov/submit>

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Updates to information contained in this document will be posted at
<https://broadband.nebraska.gov/>

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FUNDING PRIORITIES

The Nebraska Broadband Office (NBO) announces the availability of Nebraska Broadband Equity, Access, and Deployment (NBEAD) funding to support Last-mile Broadband Deployment Projects.

Funding was provided to NBO under Title I of the Infrastructure Investments and Jobs Act (IIJA), the Broadband Equity, Access, and Deployment (BEAD). The federal funder is the National Telecommunications and Information Administration (NTIA) within the US Department of Commerce (DOC). NBO serves as a pass-through entity for BEAD funding administered by NTIA. Therefore, references below to “federal funding” or “federal awards” may be read as applicable to NBEAD subgrants.

NBO invites eligible entities to submit applications targeting Nebraska’s Defined Project Areas (DPAs), described at <https://broadband.nebraska.gov>.

NBEAD funding is required to prioritize:

1. Unserved Broadband Serviceable Locations (BSLs): BSLs that the Broadband DATA Maps show as:
 - a. Having no access to broadband service, or
 - b. Lacking access to reliable broadband service offered with
 - i. a speed of not less than 25 Mbps for downloads; and
 - ii. a speed of not less than 3 Mbps for uploads; and
 - iii. latency less than or equal to 100 milliseconds
2. Underserved BSLs:
 - a. Are not unserved
 - b. Are shown on the Broadband DATA Maps as lacking access to Reliable Broadband Service offered with:
 - i. a speed of not less than 100 Mbps for downloads; and
 - ii. a speed of not less than 20 Mbps for uploads; and
 - iii. latency less than or equal to 100 milliseconds.
3. Community Anchor Institutions (CAIs): community-based organizations (e.g., libraries, health centers, schools) that facilitate greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed people, children, the incarcerated, and aged people.

Applications are requested to support projects that will ensure a minimum of 100 Megabits per second (Mbps) download/20 Mbps upload with latency of no more than 100 milliseconds (ms) for unserved and underserved BSLs. Projects that address CAIs must ensure speeds to those entities of not less than 1 Gigabit per second (Gbps) for downloads, 1 Gbps for uploads and latency of not more than 100 ms.

NBEAD also prioritizes:

- End-to-end projects using fiber optic architecture
- Projects that include matching funds of greater than 25%
- [High poverty areas](#) and [persistent poverty counties](#)

The process used to subgrant funding to NBEAD projects must be competitive and is designed

to maximize the public benefits achieved through the subgrant process by increasing subgrantee-provided match and reducing costs to consumers. This program will lay critical groundwork for widespread access, affordability, equity, and adoption of broadband; create good-paying jobs, grow economic opportunities including for local workers, provide increased access to healthcare services, enrich educational experiences of students, and improve the overall quality of life across America.

AMENDMENTS TO THIS RFA

NBO reserves the right to amend the RFA at any time. In the event NBO decides to amend, add to, or delete any part of this RFA, a written amendment will be posted at <https://broadband.nebraska.gov>. Potential applicants are advised to check this website periodically for possible amendments to this RFA.

ELIGIBILITY

Per Nebraska's *Initial Proposal Volume II (IPV2)*, NBEAD applicants must make the following attestations regarding their current business operations. Failure to make the designated attestations will disqualify them from the application process.

- A. The Applicant, under its legal, trade, or doing business as (DBA) name(s), is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency.
- B. The Applicant has a current registration at SAM.gov and a Unique Entity Identifier (UEI).
- C. The Applicant is either:
 1. In good financial standing with the State of Nebraska, which may be evidenced via a Certificate of Good Standing from the Nebraska Secretary of State; or
 2. A federally recognized Native American Tribe with a Nebraska service area.
- D. Neither the Applicant organization nor any of its leadership is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local).
- E. The Applicant is not currently involved in pending litigation in association with and pertaining to previous Nebraska-sponsored broadband infrastructure projects.
- F. Within the last two (2) years, the Applicant has not had one or more public transactions (federal, state, or local) terminated for cause or default.
- G. Within the last two (2) years, the Applicant has not been convicted of or had a civil judgment rendered against them for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- H. Applicant certifies they have or are participating in subsidy programs to optimize digital inclusivity (i.e., Lifeline, Affordable Connectivity Program (ACP) Emergency Connectivity Fund, etc.).
- I. The Applicant has been operating in the State of Nebraska for at least two (2) years.

NBO welcomes participation from a wide variety of potential applicants that provide or will provide broadband services, including the following types of organizations. Applicants must

indicate that they represent one or more of the following categories:

- Internet service providers
- Cable service companies
- Telephone service providers
- Tribal governments or other entities
- Women-owned business enterprises
- Minority-owned business enterprises
- Cooperatives
- Nonprofit organizations
- Public-private partnerships
- Private companies
- Public or private utilities
- Public utility districts
- Local governments, including any unit, subdivision, authority, or consortium of local or tribal governments
- Incorporated businesses or partnerships
- Limited liability companies

TYPES OF NBEAD PROJECTS

Applications for NBEAD funding may be submitted for either Priority Projects or Other Projects. Priority Projects are those that provision broadband service via end-to-end fiber optic facilities to end-user premises (FTTP). Other Projects involve technologies other than end-to-end fiber optic architecture to end-user premises, including cable modem/hybrid fiber-coaxial (HFC), digital subscriber line (DSL), terrestrial licensed fixed wireless (LFW); and alternative technologies such as unlicensed fixed wireless (ULFW) and low-Earth orbit satellite (LEO), or some combination of two or more of these technologies.

NBEAD STAGES

The NBEAD program will be delivered in six stages.

- Stage 1: Organizational Applications (OAs)
- Stage 2: Project Applications (PAs)
- Stage 3: Documents & Technical Assistance (TA)
- Stage 4: Reporting & Reimbursement
- Stage 5: Monitoring
- Stage 6: Closeout

Stage 1: Organizational Applications

The NBEAD application process will be completed in two stages, and this is the first: Organizational Applications (OAs). The focus of the OA is the pieces that would be common across all NBEAD applications from a given organization, including general and contact information, experience with federal and state funding, financial standing, compliance with federal and state law, cybersecurity and supply chain risk management, and ownership. One OA should be submitted per applicant organization, regardless of the number of DPAs targeted.

Please note that if your project will involve partners, each partner will need to submit a separate OA.

To apply for NBEAD funding, Applicants must submit an OA covering at least one of Nebraska's DPAs (<https://broadband.nebraska.gov>) into the NBEAD portal, <https://apply.broadband.nebraska.gov/submit>, by 11:59 pm, Central Time on March 9, 2025.

The NBEAD portal will automatically acknowledge receipt of your OA via email to the contact named in the OA. If an OA is submitted without one or more required pieces, NBO will notify by email the contact named in the OA, and there will be a very short window (48 hours) in which the missing document(s) may be submitted. After this window closes, no further additions to OAs will be accepted.

Questions about the OAs must be submitted in writing to NBO.grants@nebraska.gov. Responses to questions will be posted in writing in the FAQs document at <https://broadband.nebraska.gov> within four (4) business days of receipt. Please note that for questions submitted within four days of the OA due date, an answer may not be available before the OA must be submitted. **To avoid any actual or perceived collusion, fraud, or abuse, NBO representatives will not respond to questions outside of this process,** nor will any inadvertent answers be binding on NBO. In no case shall verbal communications override written communications. Only written communications issued from NBO.grants@nebraska.gov or posted at NBO's website, <https://broadband.nebraska.gov>, will be binding on NBO. Attempts to circumvent this process may result in disqualification from NBEAD funding.

Questions about the Project Applications (PAs) may also be submitted during this time, but NBO may not answer them until after the Round 1 PA window opens.

NBO will use the information in the OAs to assess risk for each potential subgrantee and create a list of Approved Applicants. The list of Approved Applicants will be published to <https://broadband.nebraska.gov> and will trigger the opening of Stage 2: Project Applications.

OA requirements are detailed in Attachment 1.

Stage 2: Project Applications

The second stage of the NBEAD application process is Project Applications (PAs), which are specific to a single DPA. A DPA may be as small as a single unserved BSL.

PAs will address the Applicant's plans specific to service to be delivered, outreach efforts, labor and workforce, compliance with laws, and budget.

Round 1 PAs must be submitted to NBO via the NBEAD portal, <https://apply.broadband.nebraska.gov/submit>, by 11:59 pm, Central Time on April 11, 2025. Late PAs or those that target more than one of Nebraska's DPA's will not be considered for funding.

The NBEAD portal will acknowledge receipt of your PA via email to the contact named in the PA. There will be no opportunities for submission of missing documents during Stage 2, so NBO strongly encourages applicants to ensure they submit all required information into the NBEAD portal by the deadline noted above. Incomplete PAs will not be scored and will be rejected.

Questions about the PAs must be submitted in writing to NBO.grants@nebraska.gov. Responses to questions will be posted in writing in the FAQs document at <https://broadband.nebraska.gov> within four (4) business days of receipt. Please note that for questions submitted within four days of the PA due date, an answer may not be available before the PA must be submitted. ***To avoid any actual or perceived collusion, fraud, or abuse, NBO representatives will not respond to questions outside of this process,*** nor will any inadvertent answers be binding on NBO. In no case shall verbal communications override written communications. Only written answers issued from NBO.grants@nebraska.gov or posted to the NBEAD FAQ's document at NBO's website, <https://broadband.nebraska.gov/>, will be binding on NBO. Attempts to circumvent this process may result in disqualification from NBEAD funding.

PA requirements are detailed in Attachment 2.

Subsequent PA Rounds. During Round 1, NBO will only consider funding of Priority Projects and other Reliable Broadband Service (RBS) technologies as defined by NTIA. As Round 1 applications are evaluated, NBO will determine for which DPAs applications meeting requirements have been submitted and which DPAs lack appropriate applications. If appropriate applications were received for all DPAs, NBO will work through any necessary negotiations with the relevant applicants, then focus on securing NTIA approval of the planned subgrants.

Please note that if subsequent PA rounds are necessary, they will be considerably shorter than the Round 1 window. *Therefore, prospective subgrantees are encouraged to submit all applications, regardless of the planned technology, during Round 1.* NBO will not consider applications for Alternative Technologies, as defined by NTIA, during Round 1 scoring, but applicants will be able to resubmit applications for Alternative Technologies as defined by NTIA during Round 2 or later with just a few clicks.

If there are DPAs for which no appropriate applications were received, NBO will publish a re-optimized DPA map and an updated RFA to govern Round 2 PAs. Once all Round 2 PAs are evaluated, NBO will work through any necessary negotiations and determine whether additional PA rounds are needed.

Extremely High-Cost Threshold. During the transition from Round 1 to Round 2 PAs, NBO will use the cost analysis information from the approved Round 1 applications and other Nebraska programs such as Nebraska Broadband Bridge Program (NBBP) and Capital Projects Fund (CPF) to establish Nebraska's Extremely High-Cost Threshold (EHCT).

Applications submitted after one-to-one negotiations involving Priority Projects and other Reliable Broadband Technologies as defined by NTIA and the EHCT has been established may include alternate technologies as defined by NTIA, such as unlicensed fixed wireless (ULFW) and low-Earth orbit satellite (LEO).

If after review of each round of applications, there are still DPAs for which no appropriate applications have been received, NBO may again re-optimize the DPA map and publish it along with another RFA until every BSL is covered by an approvable application. Alternately, NBO may choose to move into targeted outreach to ensure all of Nebraska's DPAs are covered by an NBEAD-funded project.

Stage 3: Documents & Technical Assistance

Once NBEAD subgrants are approved by NTIA and announced, subgrant documents including Terms and Conditions will be routed for signature by Subgrantees and NBO. The project period for each NBEAD subgrant will begin when the subgrant is fully executed, that is, signed by both parties.

Formal and ongoing technical assistance will also begin with Stage 3. An initial technical assistance meeting with NBO staff will be scheduled and details posted to NBO's website (<https://broadband.nebraska.gov/>). This meeting will provide an opportunity for interaction among and between NBO and Subgrantee staff, address some broad oversight elements, and include time for questions and answers.

A schedule of subsequent technical assistance meetings will be posted to NBO's website (<https://broadband.nebraska.gov/>). Agendas for these meetings will include programmatic updates and opportunities for questions and answers.

Once subgrants are approved by NTIA and announced by NBO, the constraints to communication between NBO staff and Subgrantee staff will be ended. Beginning at this point, regular communication is encouraged and will be supported by NBO.

Finally, beginning at Stage 3, each subgrant will be assigned a Broadband Grants Manager (BGM), who will serve as the key contact for the project. Contact information for BGM's will be included in subgrant documents.

Copies of the subgrant, Terms & Conditions, and related documents are available for review at NBO's website, <https://broadband.nebraska.gov/>.

Stage 4: Reporting & Reimbursement

Stage 4 will include procedures and processes for timely submission of reports from Subgrantees and prompt reimbursement of costs by NBO. Reimbursement requests will include narrative, financial, and data reports, and will be submitted to NBO quarterly. BGMs will assess the reports for completeness and reasonableness in the context of the project and either return them to the Subgrantee with questions or forward them with payment approval recommendations.

Once reports are determined to be complete and reasonable within the context of the project, payment approvals will be processed in the most expeditious manner available. In accordance with the Nebraska Prompt Payment Act, [Neb. Rev. Stat. § 81-2401](#) et seq. NBO has 45 days to reimburse Subgrantees once NBO receives a complete, accurate, and appropriate request.

General Reporting & Reimbursement requirements are provided in Attachment 4.

Stage 5: Monitoring

Stage 5 will run concurrently with Stage 4, and will comprise financial, compliance, and performance monitoring efforts. The goal of Stage 5 is not to catch anyone doing anything wrong, but to ensure the rules are followed and projects progress as planned.

NBO is required to monitor NBEAD projects to ensure progress toward milestones; compliance with federal, state, local, and tribal law; and appropriate use of NBEAD funds. A variety of methods may be used to monitor projects, which will include the following:

- a. Performance monitoring: progress toward goals of the project – is the Subgrantee delivering the project as approved, within the approved timeline? If there have been variations, has that information been communicated to NBO staff and appropriate approvals secured? Has technical assistance been requested when needed?
- b. Financial monitoring: use of funds within the requirements of the NBEAD program – has the Subgrantee used the funds appropriately, within the constraints of this RFA, their approved application documents, and the subgrant documents? If there have been variations, have they been communicated to NBO staff and appropriate approvals secured, in writing?
- c. Compliance monitoring: meeting federal and state standards – is the Subgrantee and its project compliant with relevant federal, state, local, and tribal law, as applicable, including but not limited to [Build America Buy America](#), the [National Environmental Policy Act, 2 CFR 200](#), and labor and workforce law?

NBO will also monitor subgrants for common fraud schemes including but not limited to false claims for materials and labor, bribes related to the acquisition of materials and labor, product substitution, mismarking or mislabeling on products and materials, time and materials overcharging, and duplication of benefits.

Subgrantee monitoring must be done at least once per subgrant per project year but may be done more frequently. Details about the timing of an requirements for monitoring will be shared with Subgrantees at the beginning of Stage 5.

Stage 6: Closeout & Federal Interest Period

Stage 6 includes closeout and completion reporting, final monitoring, assessment of network capabilities, implementing plans for ongoing monitoring during the federal interest period, and assurance of commencement of service delivery to end users. For projects that fail to meet requirements, this phase may also include clawbacks and/or other penalties.

General information about monitoring during the 10-year federal interest period is included in Attachment 4.

PROJECT & FUNDING PERIODS

The project and funding period for the subgrants awarded under this competitive RFA will begin upon execution of the subgrant, defined as the date the final signature is appended to the subgrant document, and a signed copy is emailed to the subgrantee. The project and funding period will end four (4) years from its commencement.

Subgrantees that receive NBEAD funds for network deployment must deploy the planned broadband network and begin providing services to each customer who desires broadband service within the funded DPA not later than four (4) years after the date of execution of the subgrant.

An extension of up to one (1) year may be requested if (a) the subgrantee has a specific plan for use of the grant funds, with project completion expected by a specific date not more than one year after the four-year deadline; (b) the construction project is underway; or (c) extenuating circumstances require an extension of time to allow the project to be completed. Extensions must be approved, in writing, by NBO and NTIA. NBO does not plan to request extensions without proof of substantive need.

Project and Funding Period	Successful applicants will have four (4) years from the date of the final subgrant signature to complete projects and begin service delivery to consumers.
Federal Interest Period	Ten (10) years beginning the year in which the project ends, anticipated to continue through December 31, 2039.

SUBMISSION DEADLINES & METHOD

All OAs and PAs that fulfill all mandatory requirements will be reviewed and scored. NBO reserves the right to waive any deviations or errors that it determines are not material, do not invalidate the legitimacy of the application, and do not improve the applicant’s competitive position.

OAs must be submitted into the NBEAD portal, <https://apply.broadband.nebraska.gov/submit>, by 11:59 pm, Central Time on March 9, 2025.

Round 1 PAs must be submitted into the NBEAD portal by 11:59 pm, Central Time on April 11, 2025.

OAs and PAs received after these deadlines will be considered late and will not be scored or funded. Except as described above for OAs, additions or corrections will not be accepted after the submission deadline. NBO is not responsible for applications that are late due to applicant technology inadequacies or any other reasons. All versions of the application, including attachments, become the property of NBO upon receipt and will not be returned to the applicant.

CONFIDENTIAL & PROPRIETARY INFORMATION

NBO asserts that information provided to NBO is subject to the provisions of the Nebraska Public Records Act ([Neb. Rev. Stat. §84-712](#) et seq.). NBO expects that, to the maximum extent possible, the entity submitting an OA or PA will use “non-protected” information as the basis for statements in the documents so that the documents and the information set out in the documents may be reviewed by the public. NBO reserves the right to disclose any document or information in the OA or PA pursuant to an applicable request for access to public records without providing the entity an opportunity to review, edit, or redact such document. An entity submitting information to NBO in an OA or PA understands that the entity will be solely responsible for promptly defending its claims of confidentiality in response to a public records request, or request for information submitted to the State. Such entity will use its best efforts to promptly respond to State notice of a request for documents or information related to an OA or PA.

If an applicant claims information should be excluded from the public record, the applicant must: 1) identify on the OA or PA which responses are alleged to contain proprietary or trade secret information by indicating "Confidential and Proprietary" in the space for a response to the relevant question; and 2) at the end of the OA or PA, upload a separate document with the words "PROPRIETARY INFORMATION" in the file name and header of the document, which contains a) the claimed proprietary or trade secret information with the corresponding OA or PA response number; b) a detailed explanation of the legal basis for the claimed protection from disclosure, pursuant to State or federal public records statutes or laws; c) an explanation of how the release of the proprietary or trade secret information would give a business advantage to business competitor(s); and d) an explanation of how business competitor(s) will gain an actual business advantage by disclosure of information. The mere assertion that information is proprietary or trade secret, or that a speculative business advantage might be gained, is not sufficient (See [Nebraska Attorney General Opinion No. 92068, April 27, 1992](#)).

The State has the right, but not the duty, to determine, in its discretion, if the interests served by nondisclosure outweighs any public purpose served by disclosure (See [Neb. Rev. Stat. § 84-712.05\(3\)](#)). Absent a State determination that information is proprietary or trade secret, the State will consider all information a public record subject to release regardless of any assertion that the information is proprietary or trade secret. If the State receives a request from the public for the claimed proprietary or trade secret information, State will notify the applicant of the request. The prospective subgrantee shall respond to the State within two (2) days with an estimated time frame by which it can fully respond to and defend its position that the requested information is proprietary or trade secret. It will be the applicant's responsibility to defend its asserted interest in non-disclosure. The State retains the right, but not the duty, to make its own determination as to whether information should be protected from disclosure.

USE OF FUNDS

NBEAD funds may be used to supplement (add to) but not supplant (replace) other funds that would otherwise be used for the same purpose (i.e., buildout of a broadband network). All funded organizations must be good stewards of funds awarded.

Existing broadband providers and new entrants must communicate well with federal, state, local, and Tribal partners to ensure that deployments proceed as expected and that activities are designed and implemented in ways that most benefit the communities they are designed to serve.

Subgrantees are to expend funds in accordance with the approved line-item budget. If cumulative budget changes exceed 10% of the total award or would add or eliminate a line item, the Subgrantee must request, in writing, a budget or a project plan revision, depending on what needs to be changed, prior to implementation of proposed changes. It is to the discretion of NBO to approve the requested revision(s). NBO will provide written notice of approval or disapproval of the request within thirty (30) days of receipt.

Subgrantees must submit to NBO timely, accurate, and complete reports (see Attachment 4 for general requirements) using the forms, format, and timeline provided by NBO. This includes submission of all costs for which reimbursement is requested for a quarter. Subgrantees are encouraged to submit reports to NBO in a timely manner to ensure prompt payment of

expenses and cash flow maintenance.

Subgrantees are required to comply with NBO's performance and subrecipient monitoring activities and schedule, which includes provision of source documentation for reimbursement requests when requested by NBO, participation in site visits, and regular communications. The documentation requested may include payroll records, receipts, time studies, or other documents to fully justify the expenses claimed on the quarterly budget report. Submission of source documents may affect quarterly reimbursement, so Subgrantees are advised to submit the documents in a timely manner.

NBEAD funding may only be used for activities outlined in the approved application, and funds must be used in accordance with the approved budget. NBEAD funding may be used for the following costs:

1. Construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle- and last-mile networks, and multi-tenant buildings.
2. Long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements.
3. Deployment of internet and Wi-Fi infrastructure within an eligible multi-family residential building.
4. Engineering design, permitting, and work related to environmental, historical, and cultural reviews.
5. Personnel costs, including salaries and fringe benefits for staff and consultants providing services directly connected to the implementation of the NBEAD Program (such as project managers, program directors, and subject matter experts).
6. Network software upgrades, including, but not limited to, cybersecurity solutions.
7. Training for cybersecurity professionals who will be working on NBEAD-funded networks.
8. Workforce development, including registered apprenticeships and pre-apprenticeships, and community college and/or vocational training for broadband-related occupations to support deployment, maintenance, and upgrades.
9. For projects targeting unserved BSLs, Middle Mile Infrastructure in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of a project may be included.
10. For projects that will involve Alternative Technologies, costs for eligible, initial non-recurring fees charged to new subscribers necessary to connect to the BSL, such as costs for installation or customer premises equipment, must be included in subgrantee budgets.

All costs must meet necessary, reasonable, allowable, and allocable standards. Per [2 CFR 200.405](#), a cost is allocable to a (in this case) NBEAD subgrant if it is assignable to that subgrant in accordance with the relative benefits received. This standard is met if the cost satisfies any of the following criteria:

1. Incurred specifically for the subgrant;
2. Benefits both the subgrant and other work of the subgrantee and can be distributed in proportions that may be approximated using reasonable methods; or
3. Is necessary to the overall operation of the subgrantee and is assignable in part to the subgrant in accordance with the cost principles at [2 CFR 200, Subpart E](#).

To be considered allowable, costs must meet the following ([2 CFR 200.403](#)):

1. Be necessary and reasonable for the performance of the subgrant and be allocable thereto under the principles in [2 CFR Part 200, Subpart E](#).
2. Conform to any limitations or exclusions set forth in [2 CFR Part 200, Subpart E](#) or in the subgrant as to types or amount of cost items.
3. Be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the applicant.
4. Be accorded consistent treatment. A cost may not be assigned to a subgrant as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the subgrant as an indirect cost.
5. Be determined in accordance with generally accepted accounting principles (GAAP), except for state and local governments and Indian Tribes only as otherwise provided for in [2 CFR Part 200](#).
6. Not be included as a cost or used to meet cost-sharing or matching requirements of any other federally financed program in either the current or a prior period.
7. Be adequately documented.

A cost is reasonable if it does not exceed an amount that a prudent person would incur under the circumstances prevailing when the decision was made to incur the cost ([2 CFR 200.404](#)). To determine reasonableness, the following should be considered:

1. Whether the cost is generally recognized as ordinary and necessary for the subgrantee's operation or the proper and efficient performance of the subgrant;
2. The restraints or requirements imposed by such factors as sound business practices; arm's-length bargaining; federal, state, local, tribal, and other laws and regulations; and terms and conditions of the subgrant;
3. Market prices for comparable costs for the geographic area;
4. Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the subgrantee, its employees, the public at large, and the federal government; and
5. Whether the cost represents a deviation from the subgrantee's established written policies and procedures for incurring costs.

Build America Buy America (BABA) Act. NBEAD projects are subject to Build America, Buy America (BABA) Act requirements. For projects funded by NBEAD, the following requirements must be met:

- All iron and steel used in the project are produced in the US;
- All manufactured products used in the project are produced in the US; and
- All construction materials are manufactured in the US.

BABA compliance must be whole, not piecemealed: if one component is not compliant, the entire project is not compliant, regardless of funding types and/or braiding of funding from multiple sources.

Items purchased with matching funds are subject to the same BABA requirements. In addition, BABA requirements pass through from NBO to NBEAD subgrantees and to their subgrantees and subcontractors.

Prohibited Costs

Advance payments are not allowed under NBEAD funding.

Pre-award costs are not allowed under NBEAD funding. In addition, the following costs are specifically prohibited under NBEAD funding:

1. Covered communications equipment or services under the Secure and Trusted Communications Networks Act. Subgrantees (including contractors and subcontractors of subgrantees) may not use grant funds received under the NBEAD Program to purchase or support any covered communications equipment or service (as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 ([47 USC § 1608](#))).
2. Profit and fees. A profit, fee, or other incremental charge above actual cost incurred by the Subgrantee is not an allowable cost under this program. A profit, fee, or other incremental charge cannot be added to the actual allowable cost of the service or asset being constructed, purchased, or leased under this program. This prohibition does not apply to user or subscriber fees (which include a profit margin) charged for subsequent broadband service delivery.
3. Support for or opposition of collective bargaining. A Subgrantee may not use grant funds, whether directly or indirectly, to support or oppose collective bargaining.

Match Requirements

Matching funds of not less than 25% of project costs will be required for most NBEAD projects. Matching contributions demonstrate commitment to a particular project and minimize grant funding outlay, extend the reach of the program funding, and help to ensure that every unserved location and underserved location in Nebraska has access to reliable, affordable, high-speed internet.

Generally, funds from other federal programs may not be used as matching funds. However, matching funds for the NBEAD program, per the federal legislation, may come from a federal regional commission or authority or from funds that were provided to a subgrantee for the purpose of deploying broadband service under the Families First Coronavirus Response Act ([Public Law 116-127; 134 Stat. 178](#)); the CARES Act ([Public Law 116-136; 134 Stat. 281](#)), the Consolidated Appropriations Act, 2021 ([Public Law 116-260; 134 Stat. 1182](#)); or the American Rescue Plan of 2021 ([Public Law 117-2; 135 Stat. 4](#)), to the extent permitted by those laws. Please note that, if federal sources are used as match for NBEAD, the project will also have to comply with those federal programs' requirements. Loan funding issued through a federal agency, such as through the USDA ReConnect Program, may also be used as match.

A matching contribution may be provided by the subgrantee, a unit of local government, a utility company, a cooperative, a nonprofit or philanthropic organization, a for-profit company, a regional planning or governmental organization, a federal regional commission or authority, or any combination thereof.

Match may be provided in either cash or in-kind contributions. All match contributions must be made consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth at [2 CFR 200](#).

In-kind contributions may include indirect costs, employee or volunteer time, supplies, computer hardware and software, use of facilities; or waivers of fees associated with access to rights of

way, pole attachments, conduits, easements, or access to other types of infrastructure.

Match Waivers. In Round 1 NBEAD PAs, match of less than 25% of project costs may **only** be proposed for projects targeting one of the five (5) NTIA-designated High-Cost Areas in Nebraska. Each of these NTIA-designated High-Cost Areas is a separate DPA (see map at <https://broadband.nebraska.gov>).

As described above, NBO will use information from the first round of applications to determine the EHCT. If NBO determines that a second round of applications is necessary, match waivers may be requested in that round for both NTIA-designated High-Cost Areas and DPAs designated by NBO as exceeding the EHCT.

To request a waiver, a prospective subgrantee must submit, with their PA, a description of the special circumstances underlying the request and explain how a waiver would serve the public interest and effectuate the purposes of the NBEAD Program. The submitted request must include one or more income statements disclosing the economics surrounding the application and must incorporate multiple technical solutions and associated capital expenditure assumptions to demonstrate the special circumstances. All waivers of matching funds must be approved by NBO and subject to review and approval by NTIA.

Reimbursement Requests & Match. Subgrantees have the option of providing the full match amount at the beginning of the project, but it is not required. NBO is able to negotiate the timing of the application of match to project costs. This may be addressed upon notification of provisional awards.

Program Income

Program income may be included in NBEAD project budgets. Program income is gross income that is directly generated by a NBEAD-supported activity, or earned as a result of the NBEAD subgrant, during the period of performance, except as provided in [2 CFR 200.307\(f\)](#).

NTIA has issued a waiver specific to program income under BEAD-funded infrastructure projects: NBEAD subgrantees may retain program income, such as income derived from the servicing and use of supported networks and connections (e.g., wholesale revenues, end-user subscription revenues, etc.), for profit. However, profit and fees are **not** allowable costs, so project budgets may not include profit, fees, or similar charges.

Subgrantees will be required to track and report program income to NBO.

Contingency Funds

Per [2 CFR 200.433](#) and within certain limitations, contingency funds are allowable costs for construction projects, including NBEAD-funded projects. Contingency amounts must be estimated using broadly accepted cost estimating methodologies, specified in the budget documentation, and accepted by NBO. For actual costs incurred to be allowable, they must comply with the cost principles and other requirements (see [2 CFR 200.300](#) and [200.403](#)), be necessary and reasonable for proper and efficient accomplishment of project or program objectives, and be verifiable from the subgrantee's records.

Contingency amounts for major project scope changes, unforeseen risks, or extraordinary events must not be included in the budget. Payments to a subgrantee's "contingency reserve"

or any similar payment made for events the occurrence of which cannot be foretold with certainty as to the time or intensity, or with an assurance of their happening, are not allowable.

Property & Equipment

Application budgets must include identification of any real property and equipment that is planned to be acquired with NBEAD funding. This information will be transferred to subgrant agreement documents to ensure compliance with [2 CFR 200.316](#).

In accordance with [2 CFR 200.316](#), any real property, equipment, or intangible property acquired or improved with a federal award must be held in trust by the Subgrantee as trustee for the beneficiaries of the project, other eligible activity, or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property's estimated useful life. During this time, the federal government retains an undivided, equitable reversionary interest in the property (Federal Interest).

Depreciation of real property, equipment, and intangible property shall be in accordance with [2 CFR 200.436](#).

Subgrantees must follow [2 CFR 200.313](#)(c) through (e), which requires that:

1. Equipment, including replacement equipment, be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the subgrant or, when appropriate, under other federal awards; however, the subgrantee must not encumber the equipment without prior approval of NBO and NTIA (2 CFR 200.313(c) and (e)).
2. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the federal award and subgrant identification numbers), who holds title, the acquisition date, cost of the property, percentage of federal participation in the project costs for the federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sales price of the property (2 CFR 200.313(d)(1)).
3. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years (2 CFR 200.313(d)(2)).
4. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated (2 CFR 200.313(d)(3)).
5. Adequate maintenance procedures must be developed to keep the property in good condition (2 CFR 200.313(d)(4)).
6. If the subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return (2 CFR 200.313(d)(5)).
7. When original or replacement equipment acquired under a federal award is no longer needed for a federal program (whether the original project or program or other activities currently or previously supported by the federal government), the subgrantee must request disposition instructions from NBO if required by the terms and conditions of the subgrant. Items of equipment with a current per-unit fair market value of \$10,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency. If the federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair market value in excess of \$10,000 may be retained or sold. The federal awarding agency is entitled to

the federal interest in the equipment, which is the amount calculated by multiplying the current market value or sale proceeds by the federal agency's participation in total project costs (2 CFR 200.313(e)).

Real Property. Title to real property acquired or improved by non-federal entities under subgrants vests in the subgrantee subject to the obligations and conditions specified in [2 CFR 200.311](#). Real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the subgrantee must not dispose of or encumber title to or other interests in the real property.

When real property is no longer needed for the originally authorized purpose, the subgrantee must obtain disposition instructions from NBO. When real property is sold, sales procedures must be followed that provide for competition to the extent practicable and result in the highest possible return. If sold, subgrantees must compensate the federal awarding agency for the portion of the net sales proceeds that represents the federal agency's interest in the real property, which is the amount calculated by multiplying the current market value or sale proceeds by the federal agency's participation in total project costs. If the property is retained, the subgrantee must compensate the federal awarding agency for the federal portion of the current fair market value of the property. Disposition instructions may also provide for transfer of title to the federal awarding agency or a designated third party, in which case the subgrantee is entitled to the subgrantee's interest in the property, which is calculated by multiplying the current market value or sale proceeds by the subgrantee's share in total project costs.

Indirect Costs

Indirect costs are allowable under NBEAD funding, and are costs incurred for a common or joint purpose benefitting more than one cost objective and are not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. An applicant should describe the types of indirect costs it plans to charge to the subgrant. An applicant can never double-charge a cost as both a direct and an indirect cost. Indirect costs may be charged to the subgrant if:

- The applicant has a federally approved indirect cost rate from a cognizant agency; or
- The applicant elects to charge a *de minimis* rate of 15% of modified total direct costs (MTDC). MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$50,000 of each subgrant (regardless of the period of performance of the subgrants). MTDC excludes equipment, capital expenditures, rental costs, and the portion of each subgrant in excess of \$50,000. Subcontracts can be included as part of the MTDC calculation, and they are not subject to the limit of the first \$50,000 to which subgrants are held.
 - If an applicant elects to employ the 15% *de minimis* indirect cost rate, it cannot claim resulting costs as a match, nor can the applicant claim "unrecovered indirect costs" as a match. Neither of these costs can be reflected as actual indirect cost rates realized by the organization and, therefore, are not verifiable in the applicant records as required by federal regulation ([2 CFR 200.306\(b\)\(1\)](#)).

APPLICATION REVIEW PROCESS & CRITERIA

Review of OAs

OAs will be screened for inclusion of all requirements and scored to determine the appropriate risk level for each applicant. The outcome of the OAs will be a list of Approved Applicants, to be published to NBO's website, <https://broadband.nebraska.gov/>. Risk levels determined in the OA screening and scoring will be communicated to successful applicants upon execution of subgrants.

Review of PAs

PAs will be reviewed to ensure that all required documentation has been included. PAs that fulfill all mandatory requirements will be advanced for further evaluation. PAs will be judged non-responsive if they are incomplete, inadequately developed, or otherwise unsuitable for review and funding consideration. Non-responsive applications will not be reviewed further.

Evaluation of the PAs will focus on the following. Details of each criterion are available in Nebraska's *Initial Proposal Volume 2*, which can be downloaded from NBO's website, <https://broadband.nebraska.gov/>.

Priority Projects	
Max Points	I. Primary Criteria
	A. Minimal NBEAD Outlay: total NBEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match
30	1. Lowest cost per DPA
150	2. Applicant Match Greater than 25%
75	B. Affordability: prospective subgrantee's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps services in the project area, including taxes, surcharges, associated fees, equipment rental and managed service fees
	C. Fair Labor Practices: demonstrated record of and plans to be in compliance with federal labor and employment laws. Applicants without a record of labor and employment law compliance may provide forward-looking commitments to strong labor and employment standards and protections with respect to NBEAD-funded projects
25	1. Narrative about compliance – 3 years or equivalent
10	2. Certification from officer/director
5	3. Certification of no violations
5	4. Violation disclosure
300	<i>Subtotal</i>
Max Points	II. Secondary Criteria
	A. Technical Capabilities: Demonstrated strong technical attributes that enable superior performance and long-term viability

5	1. Open Access
5	2. Expected Latency
5	3. Scalability
5	4. Ease of Scalability
	B. Service Quality: Demonstration that a prospective subgrantee's ability to build a resilient network and support efficient break/fix operations
10	1. Expected Availability
10	2. Expected Mean Time to Repair (MTTR)
	C. Local and Tribal Coordination: Demonstration that a prospective subgrantee has support from the local and/or Tribal Government with oversight over the location or locations to be served
15	1. Community Engagement
15	2. Letters of Support
15	D. Speed to Deployment: Applications that propose planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant
10	E. Length of Affordable Commitment: The length of the prospective subgrantee's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps services in the project area.
5	F. Equitable Workforce Development and Job Quality: Prospective subgrantee's plan for ensuring the project workforce is appropriately skilled and credentialed
100	<i>Subtotal</i>
400	<i>Maximum Points Possible – Priority Projects</i>

Other Projects

Max Points	I. Primary Criteria
	A. Minimal NBEAD Outlay: total NBEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match
30	1. Lowest cost per DPA
150	2. Applicant Match Greater than 25%
75	B. Affordability: prospective subgrantee's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps services in the project area, including taxes, surcharges, associated fees, equipment rental and managed service fees
	C. Fair Labor Practices: demonstrated record of and plans to be in compliance with federal labor and employment laws. Applicants without a record of labor and employment law compliance may provide forward-looking commitments to strong labor and employment standards and protections with respect to NBEAD-funded projects
25	1. Narrative about compliance – 3 years or equivalent
10	2. Certification from officer/director
5	3. Certification of no violations
5	4. Violation disclosure

300	<i>Subtotal</i>
Max Points	II. Secondary Criteria
	A. Technical Capabilities: Demonstrated strong technical attributes that enable superior performance and long-term viability
10	1. Speed of Network
5	2. Open Access
5	3. Expected Latency
5	4. Scalability
5	5. Ease of Scalability
	B. Service Quality: Demonstration that a prospective subgrantee's ability to build a resilient network and support efficient break/fix operations
10	1. Expected Availability
10	2. Expected Mean Time to Repair (MTTR)
	C. Local and Tribal Coordination: Demonstration that a prospective subgrantee has support from the local and/or Tribal Government with oversight over the location or locations to be served
10	1. Community Engagement
10	2. Letters of Support
15	D. Speed to Deployment: Applications that propose planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant
10	E. Length of Affordable Commitment:
5	F. Equitable Workforce Development and Job Quality: Prospective subgrantee's plan for ensuring the project workforce is appropriately skilled and credentialed
100	<i>Subtotal</i>
400	<i>Maximum Points Possible – Other Projects</i>

In addition, application budgets will be assessed for appropriateness of costs, in terms of necessity, allowability, allocability, and reasonableness (see Use of Funds, above). Prospective subgrantees who fail to meet these criteria *may* be given the opportunity to revise the budget.

NBO reserves the right to reject any or all applications, wholly or in part. All awards will be made in a manner deemed by NBO to meet the goals of the NBEAD program.

Subgrants resulting from this RFA shall incorporate the following documents:

1. Amendment to the Subgrant with the most recent amendment having the highest priority;
2. Subgrant, excluding any attachments, with the following addenda in order of preference: NBO General Terms & Conditions; NBEAD Insurance Requirements;
3. Attachment 1;
4. All other attachments to the Subgrant.

Unless otherwise specifically stated in a subgrant amendment, in case of any conflict between the incorporated documents, the documents shall govern in the order above, with number one (1) receiving preference over all other documents and with each lower numbered document having preference over any higher numbered document.

ORGANIZATIONAL APPLICATION REQUIREMENTS

Organizational Application is Required

To apply for NBEAD funding, you must submit an OA for at least one DPA. Submission of an OA does not commit any organization to submitting an application nor does it commit an organization to or exclude an organization from submitting an application for any specific DPA.

The purpose of the OA is to help NBO assess risk levels to be associated with each applicant organization, and to give NBO an idea about the potential volume of applications planned to be submitted. The OA focuses on organizational pieces that will be common across all applications from a single applicant, eliminating the need for multiple submissions and repeated evaluation of the same information.

The goal is not to eliminate or prevent organizations from applying for NBEAD funds. However, it is possible that via application of the OA scoring criteria, NBO may determine that the risk of working with an individual organization is too high and decline to allow participation in NBEAD. Therefore, NBO advises that applicants carefully complete the OA.

Submission Details

OAs, including all attachments, must be submitted to the NBO no later than 11:59 pm, Central Time on March 9, 2025 into the NBEAD portal, <https://apply.broadband.nebraska.gov/submit>. The portal will automatically acknowledge receipt of the OA. If you do not receive acknowledgement of your submission within 12 hours, notify NBO immediately at NBO.grants@nebraska.gov.

Naming Conventions

OA attachments should be submitted as in as few documents as possible. Please use the following naming convention for your files: Organization Name, OA, Question #. If your file includes confidential or proprietary information, ensure you also include "Proprietary Information" in the file name, as described above.

There are no file size limits associated with the NBEAD portal.

OA Required Contents

Provide the following information. Please note that the wording of questions in the portal may differ slightly from the wording below, but the content is the same.

Table 1: Organization Information
1.1 Unique Entity Identifier (UEI) of Applicant
1.2 Registered name associated with the UEI record in SAM.gov
1.3 Federal Tax Identification Number
1.4 UEI of parent organization, if applicable
1.5 FRN: 10-digit Federal Communications Commission (FCC) Registration Number of the Applicant, with leading zeroes
1.5.a. 6-digit Provider Identification Number, assigned by the FCC
1.6 Nebraska Secretary of State registration/account number
1.7 List any DBAs

1.8 Legal address of Applicant
1.9 Contact person for questions about this OA
1.10 Phone number for Contact person
1.11 Email address for Contact person
1.12 Fiscal year dates
1.13 Average annual budget
1.14 Is your accounting system cash or accrual?
1.15 State of Incorporation
1.16 Year of Incorporation
1.17 List all Nebraska DPAs for which Applicant is interested in applying for funding.
1.18 Technology planned for each DPA for which Applicant is interested in applying for funding:
a. 50-end-to-end fiber-optic facilities (Priority Broadband Project)
b. 40-coaxial cable/hybrid fiber-coaxial, 10-DSL, 71-licensed terrestrial fixed wireless, 72-hybrid licensed/unlicensed spectrum (Reliable Broadband Service)
c. 61-Non-Geostationery Satellite, 70-Unlicensed Terrestrial Fixed Wireless (Alternative Technology)
1.19 Classification of Applicant organization (select all that apply)
▪ Women Business Enterprise (WBE), as defined at 15 USC 1691c-2(h)(6)
▪ Minority Business Enterprise (MBE), as defined at 15 USC 1691c-2(h)(5)
▪ Small business (as defined by the Small Business Administration)
▪ Non-Traditional Broadband Provider
- Electric cooperative
- Nonprofit organization
- Public-private partnership
- Public or private utility
- Public utility district
- Tribal entity
- Local government (including any unit, subdivision, authority, or consortium of local governments)
1.20 Type of Service Provider (select all that apply)
▪ Incumbent Local Exchange Carrier (ILEC)
▪ Non-ILEC Service Provider
▪ Cooperative
▪ Municipality
▪ Tribal organization
▪ None of the above
1.21 Webpage
1.22 Authorized Official name
1.23 Email address of Authorized Official
1.24 Signature of Authorized Official:
By signing this Organizational Application, the Applicant guarantees compliance with the provisions stated in the NBEAD Request for Applications (RFA) and certifies that all information contained in this Organizational Application is accurate and complete. The Applicant hereby approves the usage of electronic signatures pursuant to Neb. Rev. Stat. §86-611 and Nebraska Administrative Code, Title 437, Digital Signatures Act . This Organizational Application is submitted pursuant to the terms of the RFA, and if the Applicant is awarded funding, it will be incorporated into the subgrant between the parties. Applicant understands

that if anything in this Organizational Application conflicts with the RFA or with the subsequent subgrant, the subgrant and RFA shall govern as set forth in the subgrant.

Table 2: Organizational Capacity

2.1 Provide licensing information for state and federal governing bodies.

2.2 Within the past five (5) years, has the Applicant, under its legal, trade, or DBA name(s) or any of its affiliates been debarred or suspended from any contracting or subgranting process or been disqualified from any government procurement?

Yes No

If yes, attach explanation.

2.3 Within the past five (5) years, has any individual previously identified, any other key employees not previously identified, or any individual having the authority to sign, execute, or approve bids, proposals, contracts, or supporting documentation with the State of Nebraska been subject to an investigation, whether open or closed, by any government entity for a civil or criminal violation for any business- related conduct?

Yes No

If yes, attach explanation.

2.4 Within the past five (5) years, has any individual previously identified, any other key employees not previously identified or any individual having the authority to sign, execute, or approve bids, proposals, contracts or supporting documentation with the State of Nebraska been subject to an indictment, grant of immunity, judgment, or conviction of any business related conduct constituting a crime including, but not limited to, fraud, extortion, bribery, racketeering, price fixing, bid collusion, or any crime related to truthfulness?

Yes No

If yes, attach explanation.

2.5 Has the Applicant had any agreements executed within the last five (5) years with federal awarding agencies or pass-through entities (either as grant agreements, cooperative agreements, subgrants, or contracts) that either were terminated for cause; or that resulted in the placement of Specific Conditions on the Applicant (see [2 CFR § 200.208](#) or [45 CFR § 75.207](#))?

Yes No

If yes, attach explanation.

2.6 During the past three (3) years, has the Applicant failed to file documentation requested by any Nebraska state agency, public authority, or other quasi-state entity, with the Attorney General of the State of Nebraska, or with any other local, state, or federal entity that has made a formal request for information?

Yes No

If yes, indicate the year(s) affected and the current status of the matter.

2.7 Other than financial statements, has any aspect of the Applicant's activities been subject to an audit, examination, or monitoring within the last five (5) years by a governmental agency (e.g., Inspector General, state or local auditors)?

Yes No

If yes, attach explanation of any findings or deficiencies with respect to a grant(s) or subgrant(s) to conduct programs similar to those covered by the NBEAD program.

2.8 In the last 12 months, has the Applicant hired new senior management personnel and/or program personnel who would be working on your NBEAD project?

Yes No

If yes, which positions were affected?

2.9 Has the Applicant received a grant award under any of the following federal funding programs in the last 10 years, either for work in Nebraska or in another state?

- Rural Digital Opportunity Fund (RDOF)
- USDA ReConnect
- Enabling Middle Mile Broadband Infrastructure Program
- Tribal Broadband Connectivity Program
- Broadband Infrastructure Program (BIP)
- Connecting Minority Communities (CMC) Program
- 5G Fund for Rural America
- Enhanced Alternative Connect America Cost Mode (E-ACAM)
- Connect America Fund
- Other (specify)

2.10 Does the Applicant have any experience with receiving federal funds?
 Yes No

If yes, provide two or three examples of the Applicant's experience receiving federal funds as a grantee or a subgrantee and demonstrate knowledge of the Uniform Grant Guidance at [2 CFR § 200](#).

2.11 Has the Applicant ever received grant funds (federal or state) from the State of Nebraska?
 If yes, when, what was the name of the grant program(s), and with which agency(ies) did you work?

2.12 If the Applicant has received federal funding either directly or through a pass-through entity, when was a desk audit last completed?

2.13 If the Applicant has received federal funding either directly or through a pass-through entity, when was a site visit last completed?

2.14 Which of the following policies and procedures does the Applicant have in place?

- Authorizing and accounting for the disposal of property and equipment
- Authorizing and approving capital expenditures
- Compliance with Build America, Buy America
- Conflict of Interest
- Drug-free Workplace
- Fiscal/Internal Controls
- Minority Business Enterprise/Women's Business Enterprise/Small Business
- Staff code of conduct
- Pay rates and benefits
- Purchasing/procurement
- Records retention
- Tracking of property (e.g., checking property list against physical inventory)
- Whistleblower protections

2.15 Has the Applicant had any financial audits completed in the last five (5) years.
 Yes No

If yes, indicate any significant findings.

2.16 In the past five (5) years, did the Applicant conduct a single audit in accordance with [2 CFR Part 200, Subpart F](#)? If yes, attach a copy of the audit report.

2.17 Have any similar subgrants awarded to the Applicant been audited as a major program?
 If yes, what were the results?

2.18 Does the Applicant have new or substantially changed accounting or other systems?

If yes, provide description.

2.19 Provide a description of the Applicant's experience in planning, designing, engineering, and constructing broadband networks and duration of experience.

2.20 Provide a description of the Applicant's experience in operating and maintaining broadband networks and duration of that experience.

2.21 Provide a description of the Applicant's experience in successfully implementing projects of similar size and scope, including capital requirements and locations passed.

Table 3: Attachments

3.1 Attach a PDF copy of the Applicant's SAM.gov profile, ensuring the active dates of the account are visible.

3.2 Attach a PDF copy of the Nebraska Secretary of State's Certificate of Good Standing for the Applicant organization.

3.3 Attach a copy of the certificate of organization (e.g., incorporation) for the Applicant and copies of any amendments.

3.4 Attach résumés for up to 10 key management personnel that include information about their length of service in their current roles, current organization, and the field. Provide a summary of their anticipated roles in the NBEAD project(s).

3.5 Attach a copy of financial statements from the prior two fiscal years that have been audited by independent certified public accountants. If audited financial statements are not available, attach unaudited financial statements and initial and the following statement:

_____ A copy of the Applicant's audited financial statements will be submitted to NBO prior to execution of a subgrant. A subgrant may not be issued before receipt and assessment of audited financial statements. NBO will provide a specific deadline in award documents.

3.6 Attach a spreadsheet that includes key operational metrics documenting mean time to repair (MTTR) (in hours) and network availability (% availability) for broadband services provided in Nebraska for the last 24 months, by month.

3.7 Attach a description of the Applicant's physical presence and personnel able to respond to network outage events in Nebraska.

Table 4: Certifications

4.1 Applicant certifies that they are financially qualified to meet the obligations associated with a project, that they will have available funds for all project costs that exceed the amount of the subgrant, and that they will comply with all program requirements, including service milestones.

4.2 Applicant certifies they have and will continue to have sufficient financial resources to cover its eligible costs for the project until such time as NBO authorizes reimbursements.

4.3 Applicant certifies their understanding of the financial conditions and the performance standards including project milestones.

4.4 Applicant certifies that they will maintain their registration with the System for Award Management at SAM.gov for the duration of the subgrant project period.

4.5 Applicant must provide one of the following:

a. A certification that all laborers employed are paid wages at a rate not less than those prevailing as determined in accordance with the Davis-Bacon Act; or

b. A Project Employment and Local Impact Report detailing:

i. number of contractors/sub-contractors working on the project,

-
- ii. number of workers on the project hired directly and hired through a third party,
 - iii. the wages and benefits of workers on the project by classification, and
 - iv. whether those wages are at rates less than those prevailing.
-
- 4.6 Applicant certifies that they will permit workers to create worker-lead health and safety committees with whom management will meet upon reasonable request.
-
- 4.7 Applicant certifies they are committed to promoting the recruitment of women and other historically marginalized groups for the job opportunities created via NBEAD program funding.
-
- 4.8 Applicant certifies that they will comply with [Nebraska Executive Order 23-05](#), Enhancing Broadband Security.
-
- 4.9 Applicant certifies they will not use NBEAD funding to purchase or support any covered communications equipment, services, or systems, as defined at [2 CFR 200.216](#).
-
- 4.10 Applicant certifies that it is:
- Technically qualified to complete and operate the project, and
 - Capable of carrying out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce.
-
- 4.11 Applicant must certify one of the following:
- a. Applicant certifies that they have provided a voice, broadband service, and/or electric transmission or distribution service for at least the two (2) consecutive years prior to the date of this application submission or it is a wholly owned subsidiary of such an entity and possesses the operational capability to qualify to complete and operate a NBEAD project. If this is the case, initial here: _____ and enter the number of years the Applicant or its parent company has been operating here: _____
 - b. Applicant certifies they have not provided a voice or broadband service for at least the two (2) consecutive years prior to the date of its application submission or is it a wholly owned subsidiary of such an entity and possesses the operational capability to qualify to complete and operate a NBEAD project. Initial here: _____.
-
- 4.12 Applicant must certify one of the following:
- a. Applicant certifies they have provided a voice and/or broadband service and that it has timely filed [Commission Form 477s](#) and the [Broadband DATA Act](#) submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.
 - i. If the Applicant is unable to certify timely filing of Commission Form 477s and Broadband DATA Act submissions plus compliance with the Commission's rules and regulations, initial here: _____ and attach an explanation of any pending or completed enforcement action, civil litigation, or other matters in which it failed to comply or was alleged to have failed to comply with Commission rules or regulations.
 - b. Applicant certifies they have operated only electric transmission/ distribution services and has attached qualified operating or financial reports* filed with relevant financial institutions for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution. If this is the case, initial here: _____.
 - c. Applicant certifies that they are a new entrant to the broadband market and has attached evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Such evidence should include résumés from key personnel, detailed project descriptions and narratives from contractors, subcontractors, or other partners with relevant operational experience,
-

or other comparable evidence underlining operational proficiency. If this is the case, initial here: _____.

*Qualified operating or financial reports may be the Rural Utilities Service (RUS) Form 7, Financial and Operating Report Electric Distribution; the RUS Form 12, Financial and Operating Report Electric Power Supply; the National Rural Utilities Cooperative Finance Corporation (CFC) Form 7, Financial and Statistical Report; the CFC Form 12, Operating Report; or the CoBank Form 7; or the functional replacement of one of these reports. See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 719, n. 202.

Table 5: Attestations: Applicants must attest to the following:

Cybersecurity Attestations

5.1 The Applicant has a cybersecurity risk management plan in place that is either:

- a. operational, if the prospective subgrantee is providing service prior to the award of the subgrant; or
- b. ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the subgrant award;

5.2 The cybersecurity plan reflects the latest version of the National Institute of Standards and Technology (NIST) [Cybersecurity Framework \(CSF\) 2.0](#) and the standards and controls set forth in [Executive Order 14028](#) and specifies the security and privacy controls being implemented;

5.3 The cybersecurity plan will be reevaluated and updated on a periodic basis and as events warrant; and

5.4 The cybersecurity plan must be submitted prior to allocation of funds. _____ Initial here to indicate that the plan is attached

_____ Initial here to indicate the plan will be submitted prior to execution of the subgrant. NBO will provide a specific deadline in award documents.

If any substantive changes are made to the plan, a new version will be submitted to NBO within 30 days. NBO is required to provide a copy of the plan to NTIA upon NTIA's request.

5.5 If the Applicant relies in whole or in part on network facilities owned or operated by a third party (e.g., purchases wholesale carriage on such facilities), the Applicant will obtain the cybersecurity attestations from its network provider and make them available to NBO upon request.

Supply Chain Risk Management (SCRM) Attestation

5.6 The Applicant has a SCRM plan in place that is either:

- a. operational, if the prospective subgrantee is already providing service at the time of the subgrant; or
- b. ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of subgrant award;

5.7 The plan is based upon 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;

5.8 The plan will be reevaluated and updated on a periodic basis and as events warrant; and

5.9 The SCRM plan must be submitted prior to allocation of funds.

_____ Initial here to indicate that the plan is attached

_____ Initial here to indicate the plan will be submitted prior to execution of a subgrant. NBO will provide a specific deadline in award documents.

If any substantive changes are made to the plan, a new version be submitted to NBO within 30 days.

5.10 Does the Applicant rely in whole or in part on network facilities owned or operated by a third party (e.g., purchases wholesale carriage on such facilities)?

___ Yes ___ No

If "yes" is indicated, Applicant attests it will obtain the SCRM attestation from its network provider and make it available to NBO upon request.

Table 6: Ownership Disclosure Requirements

Per [47 CFR 2.112](#), the following shall be fully disclosed by applicants for NBEAD funding:

6.1 List the real party or parties in interest in the Applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;

6.2 List the name, address, and citizenship of any party holding 10% or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;

6.3 a. If the Applicant organization is a limited partnership, initial here ____ and provide the name, address, and citizenship of each limited partner whose interest in the applicant is 10% or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses)

b. If the Applicant organization is a general partnership, initial here ____ and provide the name, address, and citizenship of each partner, and the share or interest participation in the partnership

c. If the Applicant organization is a limited liability company, initial here ____ and provide the name, address, and citizenship of each of its members whose interest in the applicant is 10% or greater

d. If none of these apply, initial here ____

6.4 List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10% or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50% or represents actual control, it shall be treated and reported as if it were a 100% interest; and

6.5 List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in Table 6, items 1 through 3, above, owns 10% or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10% of Company B (the Applicant) and 10% of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

6.6 Provide information about the structure of the Applicant organization, including organization charts detailing parent, subsidiaries, and affiliates. Attach copies of organization charts as necessary.

Table 7: Other Public Funding

Applicants and their affiliates* must fully disclose all applications it has submitted or plans to submit; under their legal, trade, and/or DBA name(s); and every broadband deployment project funded by public sources. For each application, provide the following information. Include but do not limit your responses to funds provided under: the Families First Coronavirus Response Act ([Public Law 116-127; 134 Stat. 178](#)); the CARES Act ([Public Law 116-136; 134 Stat. 281](#)), the Consolidated Appropriations Act, 2021 ([Public Law 116-260; 134 Stat. 1182](#)); or the American Rescue Plan of 2021 ([Public Law 117-2; 135 Stat. 4](#)), any federal Universal Service Fund high-cost program (e.g., [Rural Digital Opportunity Fund](#), [Connect America Fund](#)), or any State of Nebraska or local universal service or broadband deployment funding program.

*Per the BEAD NOFO, "affiliate" refers to a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For the purposes of this definition, the term "own" means to own an equity interest (or the equivalent thereof) of more than 10%.

Please add columns as necessary. If no applications, as defined above, have been submitted or are planned to be submitted, indicate so in the Application/Project 1 column.

	<i>Application/ Project 1</i>	<i>Application/ Project 2</i>	<i>Application/ Project 3</i>	<i>Application/ Project 4</i>	<i>Application/ Project 5</i>
Applicant or affiliate legal, trade, or DBA name					
Public funding source					
Service speed and latency					
Geographic coverage area					
Number of unserved and underserved locations project is committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage)	Unserved:	Unserved:	Unserved:	Unserved:	Unserved:
	Underserved:	Underserved:	Underserved:	Underserved:	Underserved:
	% of locations to be served:	% of locations to be served:	% of locations to be served:	% of locations to be served:	% of locations to be served:
Amount of public funding used					
Consumer service costs	Cost of the service(s), on a per speed offer basis				

	<i>Cost of maintenance fees/packages</i>					
	<i>Cost of equipment rental (if applicable)</i>					
	<i>Estimated taxes on a per speed offer basis</i>					
	<i>Other costs (specify)</i>					
Matching commitments						

PROJECT APPLICATION REQUIREMENTS

Complete each section of the PA in the NBEAD portal. All sections and questions are required. Please note that the wording of the questions in the portal may differ slightly, but the content is the same.

Table 1. Applicant Information

1. Applicant name and Unique Entity Identifier (UEI)
2. DPA targeted
2a. Legal description of DPA
3. Person to contact with questions about this PA
4. Contact person's email address
5. Contact person's phone number
6. Brief description of the project (1,000 characters or less, with no commas or special characters)
7. Conditions: What conditions, if any, does the Applicant place on this PA? Please note that applications that include conditions will not be considered in PA Round 1 but will be put aside until Round 2.

Table 2. BSLs Targeted

1. Download and complete the .csv file for the targeted DPA to include:
 - a. a listing of all BSLs in the targeted DPA;
 - b. the technology(ies) planned to be used for each;
 - c. anticipated upload speed;
 - d. anticipated download speed;
 - e. whether the planned service will meet the definition of low latency;
 - f. planned cost for each location to be served by the project;
 - g. whether the location exceeds the NBO-defined Extremely High-Cost Threshold; and
 - h. if there are any BSLs in the DPA for which service is not planned, additional information will be required, including:
 - i. reason for not serving;
 - ii. exception code;
 - iii. evidence type; and
 - iv. notes

Please note: If the targeted DPA includes any BSLs for which you have planned deployment with private funding, assign to them a cost of \$1.00.

Table 3. Application Budget & Justifications

1. **Total cost for the project:** Provide a description of the total costs for your project. Ensure it reflects all eligible costs to enable the DPA with qualifying broadband speeds. Cost categories may include, but not be limited to, construction, permitting, material, electronics, labor, architectural and engineering fees, project inspection fees, mobilization, point of presence buildings, material and labor per lineal foot installed, and administrative and legal fees.
 - a. Any property or equipment to be purchased with NBEAD funds must be identified in the PA budget. Match must also be included in PA budgets.

-
2. **Business plans:** Attach business plans and related analyses that substantiate the sustainability of the project described by the application. This can be provided in the form of pro forma statements or analyses, inclusive of cash flow and balance sheet projections and should include at least three (3) years of operating cost and cash flow projections post targeted completion of project.
-
3. **Irrevocable letter of credit (ILOC):** Using Attachment 3, below, as a reference, indicate which of the options (A, B, C, D, E, or F) is preferred by the Applicant to address the ILOC requirements; and attach the required documentation as defined in Attachment 3.
-

Table 4. Service Details

-
1. When do you plan to complete construction and begin offering broadband service to customers in the targeted DPA? Please be aware that your organization will be held to and assessed against this deadline.
-
2. Have you provided broadband service within 100 miles of the targeted DPA? If yes, submit data regarding service availability delivered by the Applicant for an area within 100 miles of the targeted DPA.
-
3. Provide a statement about whether the Applicant will offer nondiscriminatory access to and use of its network on a wholesale basis to other providers seeking to provide broadband service to end-user locations, at just and reasonable wholesale rates for the useful life of the subsidized network assets.
-
4. If your project will include deployment of Middle Mile infrastructure, describe your plan to permit other broadband service providers to interconnect with its funded facilities on a just, reasonable, and nondiscriminatory basis.
-
5. If the Applicant is new to broadband service delivery: Describe your planned network design inclusive of the electronics at each end and the technology to be installed.
-
6. Provide a statement regarding the Applicant's commitment to provide the most affordable total price to the customer. If Applicant is planning a Priority Project, the commitment must be for 1/1 Gbps; and if for an Other Project, commitment must be for 100/20 Mbps. Either must be inclusive of taxes, surcharges, associated fees, equipment rental, and managed service fees. This should be non-promotional, rack rate pricing that is applicable to the DPA addressed by the application. Using the categories below, indicate the Applicant's planned price that meets these criteria.
- i. Less than \$80
 - ii. \$80 > \$90
 - iii. \$90 > \$100
 - iv. \$100 > \$110
 - v. \$110 > \$120
 - vi. \$120 > \$130
 - vii. More than \$130
-
- a. Will the price be adjusted annually based on the Consumer Price Index?
 Yes No
-
- b. For how long, beginning the date you complete construction on the project and begin offering broadband service to customers in the targeted DPA, will you commit to offering the most affordable total price to the customer for 1/1 Gbps in the service area?
-

Table 5. Outreach Efforts

1. Describe how you have and will continue to monitor for and comply with local, state, and federal laws.
 - a. If your project will address or pass through Tribal lands, include a description of how your organization has and will continue to comply with Tribal laws and coordinate with the Tribal government(s).

2. Provide evidence of outreach and local coordination events: name and type of organization, meeting purpose, local plans reviewed and/or provided, meeting minutes, attendee lists, and discussion items.

3. Provide letters of support from local and tribal entities within the targeted DPA: letters must include an individual's name, nature of support, date written, and signature.

4. Will your project focus on or pass through tribal lands? If yes, describe and provide documentation of your efforts to secure a Resolution of Consent or other formal consent document from the relevant tribal government(s), including the present status of the discussions.

Please note: If the project is approved for funding, you will have about 60 days from notification of provisional award to required submission of the consent documentation. Requirements of the Resolution of Consent are listed in the FAQs.

5. Provide a description about how the Applicant intends to notify relevant populations of the new or newly upgraded offerings available in the targeted DPA. How will you design the plans to reflect any unique needs of the specific demographics of the area at issue?

6. Describe your plan for a Public Awareness Campaign targeting the relevant DPA to include, at minimum:
 - a. Information about low-cost service plans and any federal subsidies for low-income households such as the Lifeline Program, the Affordable Connectivity Program, and any successor programs;
 - b. How your campaign will be conducted in an equitable and nondiscriminatory manner; and
 - c. How the plan will utilize a variety of communications media (e.g., online, print, radio) and provide information in languages other than English when warranted based on the demographics of the community.

Table 6. Labor & Workforce

1. Does the organization have qualified staff for all the necessary functions associated with the proposed activity, and is there adequate staff time available? If not, how does the organization plan to fill these gaps in personnel?

2. Describe your plan to create equitable on-ramps into telecommunications jobs, focusing on recruitment of women and other historically marginalized groups.

3. Submit your plan for ensuring compliance with federal labor and employment laws, including:
 - a. How will you ensure compliance in your labor and employment practices, as well as those of your subcontractors, including:
 - i. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
 - ii. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

-
- b. Describe how you will build and develop a highly skilled workforce for your NBEAD project, to include:
 - i. The ways in which the subgrantee will ensure the use of an appropriately skilled workforce, e.g., through registered apprenticeships or other joint labor-management training programs that serve all workers;
 - ii. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
 - iii. Whether the workforce is unionized;
 - iv. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
 - v. A statement confirming the Applicant will submit to NBO a list of the entities with whom they plan to contract and subcontract in carrying out the proposed work.
 - vi. Whether the plan also includes ensuring the Applicant offers jobs that exceed the local prevailing wage for an industry in the region, offers benefits, and helps the employee develop skills for career growth.
 - c. Provide the following information with respect to the non-union workforce:
 - i. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
 - ii. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - (1) Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - (2) Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.
 - d. A statement that you will provide the information detailed in items a, b, and c, above, for each subgrantee and/or subcontractor who will work on your NBEAD project to NBO in writing within 10 days of selection of subgrantees or subcontractors.
-
4. Describe your plan for using a directly employed workforce, including information about the expected workforce balance between directly employed and subcontracted workforces and addressing the prospective subgrantee and its subcontractors.
-
5. Describe how you and your subcontractors will prioritize hiring from local communities, whenever possible.
-
6. Describe your plan to recruit and retain highly skilled workers and adhere to state and federal requirements related to prevailing wages for the industry in the region.
-
7. Describe how you will utilize workers with the necessary job skills to meet safety requirements, appropriate assignment of roles, and equitable pay for the job description.
-
8. Describe how you will employ individuals with the appropriate credentials for their positions, including matching of each job description and skill set with the hiring description. For roles requiring a particular educational or skilled credential, how will you
-

-
- (subgrantee and your subcontractors) strive to hire only credentialed workers for those roles?
-
9. Describe how you and your subcontractors will work to prevent misclassification of workers, specifically ensuring correct categorizations as either employees or independent contractors.
-
10. Describe your strategies for proving your NBEAD project will employ a skilled workforce, potentially to include partnering with registered apprenticeship programs or other joint labor-management training initiatives to cater to all workers. How do your strategies align with the needs of the project and industry standards?
-
11. Describe the steps you will take to ensure that all project workforce members possess appropriate credentials (e.g., pre-existing occupational training, certifications, and licensures that are relevant to the project).
-
12. Does your project require staff with specific certifications or licenses? If yes, specify how workers will be supported in obtaining these credentials, highlighting any partnerships with training providers or institutions offering relevant certifications.
-
13. State your commitment to provide names and business license information of any subcontractors performing work on the NBEAD project to NBO within 30 days of subcontract execution.
-
14. State your commitment to provide, for each subcontractor who will work on your project, a description of their organizational compliance with federal labor and employment laws on high-speed internet deployment projects for the three years prior to execution of the subcontract this information to NBO within 30 days of subcontract execution.
-
15. Describe your compliance with federal labor and employment laws on broadband deployment projects in the last three years and your plans for continued compliance. If your organization is new to the market, provide specific, forward-looking commitments to strong labor and employment standards and protections with respect to NBEAD funded projects.
-
16. Provide data on your historical use of contracting and subcontracting arrangements, including staffing plans.
-
17. Describe how your organization meets occupational safety and health compliance requirements, including the use of worker-lead safety teams, conducting of safety meetings, and management engagement with the safety team. Ensure your plan also includes assurances that management will meet with worker-lead safety teams upon reasonable request.
-
18. Certification and Disclosure
-
- a. Provide certification from an Officer or Director-level employee (or equivalent) of the applicant, evidencing consistent past compliance with federal and employment laws by the applicant, as well as all contractors and subcontractors; and
-
- b. Provide written confirmation that the applicant discloses any instances in which it has been found to have violated laws such as Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years (or since its inception, if less than three years); and
-
- c. Provide written confirmation that the applicant will disclose any instances where its subcontractors have been found to have violated laws such as Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years (or since its inception, if less than three years).
-

Table 7. Environmental Requirements

Provide an environmental review by answering the questions below. The information provided below will allow NBO to determine the appropriate level of environmental review to be performed should the project be carried forward. NBO may request additional information if needed. **All answers need to be supported by appropriate documentation when applicable.** Links to resources that may be helpful in completion of this application form are provided in blue text, but this is not an exhaustive or comprehensive list of resources that may be used. **A complete National Environmental Policy Act (NEPA) review will be required prior to distribution of NBEAD Program funds. DO NOT begin any project construction prior to NBOs confirmation of the completed and approved NEPA review. Initiating any construction may jeopardize or compromise the completion of the NEPA process.**

A reliable resource to find information related to some of the questions below can be found at the [NTIA Permitting and Environmental Information Application GIS Map](#).

1. **Photos and Map.** Please provide recent project location photographs along with an aerial location map showing the building/lot/exact location of the project. Indicate in detail on the location map any areas of potential trenching or other ground disturbing activities, electrical connections, or other relevant project information.
2. **Detailed Project Description.** Describe the proposed project. Provide as much detail of design as is currently known. Note that any major change in project description or activities may delay the NEPA process.
3. **Size of the Project and Site.** Please indicate the size (acres/linear distance [feet or miles]) of your project and how the project will impact adjacent and surrounding areas including roads, right-of-way, utilities, or other impacts. Example: Linear transmission projects should include linear feet/miles, number of installed structures/units, details regarding trenching or ground disturbance
4. **Ground Disturbance.** Will the project involve construction without any ground disturbing activities (i.e., replacing transmission lines)?
 - a. Please provide a description of the project area's current land use and description of the area (e.g., industrial, residential, wooded, grassland, etc.). If ground disturbance is expected to occur during project activities, please describe if the site was previously disturbed, and by what (e.g., previous structures, excavation, agriculture, etc.).
5. **Land Use.** Will the project result in a change in activities, land use, or zoning occurring at or along the project alignment? Describe the current zoning classification of the project area and how it may be altered.
6. **Cultural/Historical Resources.** Describe any historical, archeological, or cultural sites that are in the vicinity of the proposed project; note any sites that are included on the State/National Register of Historic Places. For this application, consultation with the Nebraska State Historic Preservation Office (NeSHPO) and any relevant Tribal Historic Preservation Officers (THPOs) is not required.
[Nebraska Register of Historic Places](#)
 - i. Would the planned project activities disturb any historical, archeological, or cultural sites?
 - ii. Will the project be located within a Historic District?
 - iii. If yes, please list the Historic District Name.
 - iv. Would the project be located on or adjacent to tribal lands, lands considered to be sacred, or lands used for traditional purposes? If yes, describe any known tribal entities and resources within the project area. \

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- v. Have any Tribal Historic Preservation Officers been contacted? If so, please list the contacted tribes. Consultation is not required for this application.
[Bureau of Indian Affairs: Lands Area of Federally Recognized Tribes Tribal Directory Assessment Tool \(TDAT\)](#)
-
7. **Biological Resources / Threatened and Endangered Species (T&E).**
[USFWS Information for Planning and Consultation tool](#)
- i. Complete a US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) report and upload with this application. Instructions for completing the report can be found in the FAQ/SOP.
 - ii. Are there federally threatened or endangered species or critical habitats within the project area?
 - iii. If yes, describe the listed species and/or critical habitat and impacts that may occur to these identified resources.
 - iv. Complete a Nebraska Game and Parks Commission (NGPC) Conservation and Environmental Review Tool (CERT) report and upload with this application. Instructions for completing the report can be found in the FAQ/SOP.
[NGPC Conservation and Environmental Review Tool](#)
 - v. Are there state threatened or endangered species or Biologically Unique Landscapes (BUL) or areas of concern within the project area?
 - vi. If yes, describe the listed species and / or areas of concern, and impacts that may occur to these identified resources.
-
8. **Wetlands.** Does the project have the potential to impact wetlands?
- i. Please download map(s) with USFWS National Wetland Inventory (NWI) data, indicate the project location, and upload with this application.
[USFWS National Wetlands Inventory](#)
 - ii. Is it anticipated that a US Army Corps of Engineers permit will need to be obtained to complete this project?
-
9. **Floodplains.** Is the project located in, or could the project have the potential to affect, a floodplain or floodway (100- or 500-year floodplain, regulatory floodway)?
- i. Please download a Federal Emergency Management Agency (FEMA) FIRMette map from the FEMA Flood Map Service Center, indicate the project location, and upload with this application. [FEMA Flood Map Service Center](#)
 - ii. Is it anticipated that a floodplain permit will need to be obtained to complete this project?
 - iii. If the project is located within a flood hazard area, what mitigation or design measures will be implemented to protect the new last-mile network equipment and power supply?
-
10. **Prime Farmland.** Is the project located on prime, important, unique, or of local importance farmland?
[U.S Department of Agriculture \(USDA\) – Natural Resources Conservation Service \(NRCS\) Web Soil Survey](#)
- i. If yes, has an NRCS Form [CPA-106](#) (Corridor Type Project) or [AD-1006](#) (All Other Projects) been completed for this project? If yes, upload a copy of the completed report.
 - ii. Did the project have a total site assessment score of 160 or greater? Contacting the USDA-NRCS is not required for this application.
-

-
11. **Hazardous Materials.** Does the project have the potential to impact any known potentially hazardous materials or actively permitted facilities?
[Nebraska Department of Environment and Energy Interactive Mapping System](#)
- Will the project result in the disturbance of lead containing paint, asbestos containing material, or Polychlorinated Biphenyls (PCB) containing equipment (e.g., transformers, light ballasts, oils)?
 - If yes, explain.
-
12. **Environmental Justice.** Does the project as proposed have the potential to adversely impact minority populations, low-income populations, and/or limited-English proficient populations?
- If yes, explain.
 - Is the project wholly or partially located within a disadvantaged tract?
 - If yes, provide the tract information and the category(s) of burden in which it is considered disadvantaged. If the tract was disadvantaged in a previous version and no longer meets any disadvantage criteria, indicate this in the text box.
-
13. **Air Quality.** Is the project area in non-attainment for any criteria pollutants according to the National Ambient Air Quality Standards and the Clean Air Act? (As of 2001, all counties in Nebraska are considered to be in attainment for all criteria pollutants.)
[EPA Green Book: Nebraska Nonattainment/Maintenance Status by County](#)
- Will the project cause emissions such as construction exhaust, dust, suspended particles, or other air pollutants during construction or operations?
 - If yes, please explain the emissions and what Best Management Practices (BMPs) will be used to minimize.
 - Will the project, when completed, result in a substantial increase of CO₂ or other greenhouse gasses that may impact the global climate?
 - If yes, please explain.
-
14. **Surface Water and Water Quality.** Will the project as proposed disturb more than 1.0 acre of ground? If yes, a Stormwater Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES) Construction Storm Water (CSW) permit will be required. (If the project is located on federally recognized Tribal land, an EPA SWPPP and permit will also need to be developed.)
- Does the project have the potential to impact any impaired waterways?
[EPA How's My Waterway](#)
 - If yes, describe the resource and the source of its impairment (why is it considered impaired?).
 - Is the project located within a Wellhead Protection Area? [Nebraska Department of Environment and Energy Interactive Mapping System](#)
 - If yes, provide the Wellhead Protection Area ID and name.
-
15. **Traffic and Noise.** Will the project require the construction or new roadways or rerouting or alteration of existing roadways?
- Will the project result in an increase in noise that rises above currently existing levels?
 - If yes, please explain.
-
16. **Coastal Zone Management.** Does the project affect Coastal Resources (including the Great Lakes areas) including impact to a coral reef (Coastal Barrier Resources System or Coastal Zone Management Areas)? (Nebraska has no coastal resources or areas.)
[USFWS Coastal Barrier Resources System Mapper](#)
[National Oceanic and Atmospheric \(NOAA\) Coastal Zone Management Areas](#)
-
17. **Climate Change/Resiliency.**
-

-
- i. What criteria will be used to select the planned technology platform(s), and how will they be designed to withstand the climate risks that might be specific to the project area (i.e., flooding, drought conditions, winds, others)?
 - ii. How will the existing and proposed infrastructure at the project location be adapted to ensure resilience against the climate risks potentially affecting the area?
 - iii. Describe how the hub locations for this project were selected, considering the specific climate hazards that are present in the area.
 - iv. Additionally, outline the risk level associated with these hubs based on the Nebraska Hazard Mitigation Plan.
-

18. Classified Lands.

- i. Is the project located on or in close proximity to classified lands, such as State/Federal Parks, Monuments, Natural Landmarks, Wilderness Areas, Wild and Scenic Rivers, State Lands, National Forests, etc.? [USGS Protected Area Database](#)
 - ii. If yes, please detail the resources present in the project area.
-

19. Presumed Categorical Exclusion. Please identify the Categorical Exclusion (CE) for which this project is expected to qualify.

NTIA currently has 47 CE's available to use for the BEAD Program. Available CE's can be found in **Appendix B** of the BEAD Program's [Guidance on NTIA National Environmental Policy Act Compliance](#).

- i. Please identify and describe whether the project has the potential to have an Extraordinary Circumstance that may preclude the use of a CE.

The full list of Extraordinary Circumstances can be found in **Appendix C** of the BEAD Program's [Guidance on NTIA National Environmental Policy Act Compliance](#).

Table 8. Minority Business Enterprises and Women's Business Enterprises

1. Describe your organization's historic commitment to recruiting and retaining Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs).
2. Provide a plan outlining the affirmative steps your organization will take to address the following:
 - a. Place qualified small and minority businesses and women's business enterprises, on solicitation lists;
 - b. Assure that small and minority businesses women's business enterprises are solicited whenever there are potential sources;
 - c. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - d. Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and
 - e. Use the services and assistance, as appropriate, of organizations such as:
 - i. Small Business Administration (SBA) – <https://sba.gov>
 - ii. Senior Corp of Retired Executives (SCORE) – <https://www.score.org>

Minority Business Development Agency of the US Department of Commerce - <https://mbda.gov>.

Table 9. Project Design

Describe the Applicant's experience and ability to deliver broadband service that meets the requisite performance requirements for all locations served by the project, to include the following:

1. Network Design: documentation depicting the network architecture, the arrangement of the nodes and connections in the network and the physical means by which data is transmitted within the network.

2. (Network) Diagram: documentation depicting the overall structure of the network showing the equipment types, the placement of the equipment, and the physical media connecting each device and the maximum speeds supported by each connection.

3. Build-out Timeline and Milestones for Project Implementation: The work plan will incorporate project lanes spanning across multiple functional categories to ensure the network is built, tested, operationally validated, and marketed for adoption. The timeline will also reflect the capital investment schedule and milestones documenting buildout completion and initiation of service within four years of the subgrant execution date. Project lanes and associated milestones may include, but not be limited to the following:

- Project

- Detailed Engineering plan: NBO approval of detailed project budget, engineering plan, and schedule as an addendum to the executed subgrant agreements.
- Permitting/Make Ready: Proof that necessary permits have been requested filed with the NBO. Fully executed contracts by all required parties must be submitted to NBO to consider this milestone achieved.
- Material & Equipment Procurement: Proof of binding agreement to acquire BABA-compliant equipment prior to start of construction.

- Buildout

- Network Deployment: Provider certification and NBO completion of a technical and compliance audit that the provider has reached the following buildout milestones:
 - 10% of Project BSLs
 - 35% of Project BSLs
 - 60% of Project BSLs
 - 85% of Project BSLs
 - 100% of Project BSLs and NBO's approval of Subgrantee's completion report

4. Provide certification by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the project.

5. Will your project include underground installation? If yes, your network must include excess conduit capacity and regular conduit access points for interconnection by others. Describe your plan to meet these requirements, including a rationale for each aspect of your plan.

LETTER OF CREDIT/PERFORMANCE BOND REQUIREMENTS

- I. **Options:** Applicants are required to select one of the following:
- A. Irrevocable Letter of Credit (ILOC) from a bank in an amount of not less than 25% of the subgrant amount;
 1. If you choose option A, submit with your PA a letter from a bank that meets the requirements detailed at *II. Bank Eligibility*, below. The letter must meet the following:
 - a. Commits to issue an irrevocable standby letter of credit;
 - b. Is in the required form (a template is available for download at <https://broadband.nebraska.gov>);
 - c. To the subgrantee upon award of the NBEAD subgrant;
 - d. Provides the dollar amount of the ILOC, which must be at least 25% of the subgrant amount; and
 - e. Includes the bank's agreement to follow NBO's Terms & Conditions.
 2. Before NBO issues a subgrant for the project, you will be required to submit:
 - a. The ILOC for at least 25% of the subgrant amount; and
 - b. An opinion letter from legal counsel indicating the ILOC will not be treated as bankruptcy estate property.
 3. The ILOC may be revised or renewed with a reduced value upon completion and NBO approval of project milestones as detailed at *III. Reduction of Letters of Credit or Performance Bonds*, below.
 - B. ILOC from a credit union in an amount of not less than 25% of the subgrant amount;
 1. If you choose option B, submit with your PA a letter from a credit union that meets the requirements detailed at *Credit Union Eligibility* in section II., below. The letter must meet the following:
 - a. Commits to issue an ILOC;
 - b. Is in the required form (a template is available for download at <https://broadband.nebraska.gov>);
 - c. To the subgrantee upon award of the NBEAD subgrant;
 - d. Provides the dollar amount of the ILOC, which must be at least 25% of the subgrant amount; and
 - e. Includes the bank's agreement to follow NBO's Terms & Conditions.
 2. Before NBO issues a subgrant for the project, you will be required to submit:
 - a. The ILOC for at least 25% of the subgrant amount; and
 - b. An opinion letter from legal counsel indicating the ILOC will not be treated as bankruptcy estate property.
 3. The ILOC may be revised or renewed with a reduced value upon completion and NBO approval of project milestones as detailed at *III. Reduction of Letters of Credit or Performance Bonds*, below.
 - C. Performance bond from a company holding a certificate of authority as an acceptable surety on federal bonds for 100% of the subgrant amount;
 1. If you choose option C, submit with your PA a letter from a company holding a certificate of authority as an acceptable surety on federal bonds that meets the requirements detailed at *Performance Bond Issuer Eligibility* in section III., below. The letter must meet the following:

- a. Be a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the US Department of Treasury [Circular 570](#);
 - b. Commits to issue a performance bond;
 - c. To the subgrantee upon award of the NBEAD subgrant;
 - d. Provides the dollar amount of the performance bond, which must be 100% of the subgrant amount; and
 - e. Names NBO the primary beneficiary.
2. Before NBO issues a subgrant for the project, you will be required to submit a performance bond for no less than 100% of the subgrant amount.
 3. The Performance Bond may be revised or renewed with a reduced value upon completion and NBO approval of project milestones as detailed at *III. Reduction of Letters of Credit or Performance Bonds*, below.
- D. Alternative Letter of Credit Percentage: Letter of Credit from a Bank
1. Per the [BEAD Letter of Credit Waiver Notice](#), because NBEAD payments will be made on a reimbursement basis and each will cover a period of not more than six (6) months, NBO may accept an ILOC for from a bank that meets the requirements detailed at *II. Bank Eligibility*, below, for 10% of the subgrant amount, with the following caveats:
 - a. If you choose option D, submit with your PA a letter on Applicant organization letterhead committing to maintain the ILOC in the amount of 10% of the subgrant amount until NBO indicates, in writing, agreement that the buildout is complete to 100% of locations to be served by the project or until the period of performance of the subgrant ends, whichever occurs first.
 - b. Before NBO issues a subgrant for the project, you will be required to submit an ILOC from a bank that meets the requirements detailed at *Bank Eligibility* in section II, below; the letter must meet the following:
 - i. Commits to issue an ILOC;
 - ii. In the required form (a template is available for download at <https://broadband.nebraska.gov>);
 - iii. To the subgrantee upon award of the NBEAD subgrant;
 - iv. Provides the dollar amount of the ILOC, which be at least 10% of the subgrant amount; and
 - v. Includes the bank's agreement to follow NBO's Terms & Conditions.
 - c. ILOCs secured under this option are not subject to revision or renewal at lower values.
- E. Alternative Letter of Credit Percentage: Letter of Credit from a Credit Union
1. Per the [BEAD Letter of Credit Waiver Notice](#), because NBEAD payments will be made on a reimbursement basis and each will cover a period of not more than six (6) months, NBO may accept an ILOC from a credit union that meets the requirements detailed at *Credit Union Eligibility* in section II., below, for 10% of the subgrant amount, with the following caveats:
 - a. If you choose option E, submit with your PA a letter on Applicant organization letterhead committing to maintain the ILOC in the amount of 10% of the subgrant amount until NBO indicates, in writing, agreement that the buildout is complete to 100% of locations to be

served by the project or until the period of performance of the subgrant ends, whichever occurs first.

- b. Before NBO issues a subgrant for the project, you will be required to submit a letter from a credit union that meets the requirements detailed at *Credit Union Eligibility* in section III., below. The letter must meet the following:
 - i. Commits to issue an ILOC;
 - ii. In the required form (a template is available for download at <https://broadband.nebraska.gov>);
 - iii. To the subgrantee upon award of the NBEAD subgrant;
 - iv. Provides the dollar amount of the ILOC, which be at least 10% of the subgrant amount; and
 - v. Includes the bank's agreement to follow NBO's Terms & Conditions.
- c. ILOCs secured under this option are not subject to revision or renewal at lower values.

F. Alternative Performance Bond Percentage

1. Per the [BEAD Letter of Credit Waiver Notice](#), because NBEAD payments will be made on a reimbursement basis and each will cover a period of not more than six (6) months, NBO may accept a Performance Bond from a company holding a certificate of authority as an acceptable surety on federal bonds that meets the requirements detailed at *Performance Bond Issuer Eligibility* in section III., for 10% of the subgrant amount, with the following caveats:
 - a. If you choose option F, submit with your PA a letter on Applicant organization letterhead committing to maintain the Performance Bond in the amount of 10% of the subgrant amount until NBO indicates, in writing, agreement that the buildout is complete to 100% of locations to be served by the project or until the period of performance of the subgrant ends, whichever occurs first.
 - b. Before NBO issues a subgrant for the project, you will be required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds that meets the requirements detailed at *Performance Bond Issuer Eligibility* in section III., below. The letter must meet the following:
 - i. Commits to issue a performance bond;
 - ii. To the subgrantee upon award of the NBEAD subgrant;
 - iii. Provides a dollar amount of the performance bond, which must be at least 10% of the subgrant amount; and
 - iv. Names NBO the primary beneficiary.
 - c. Performance Bonds secured under this option are not subject to revision or renewal at lower values.

II. **Bank Eligibility** ([47 CFR 54.804 \(c\)\(2\)](#))

- A. Any US bank that:
 1. Is insured by the [Federal Deposit Insurance Corporation](#) (FDIC)
 2. Has a [Weiss rating](#) of B- or better; or
- B. [CoBank](#), as long as it meets requirements at the time of issuance; or
- C. [National Rural Utilities Cooperative Finance Corporation](#), if it meets requirements at the time of issuance; or

- D. Any non-US bank;
1. That is among the 100 largest non-US banks in the world;
 2. Has a branch office;
 - a. In the District of Columbia; or
 - b. New York City, New York;
 3. Has a long-term unsecured credit rating equivalent to BBB- or better by [Standard & Poor](#); and
 4. Issues the ILOC payable in US dollars.

Credit Union Eligibility ([47 CFR 54.804 \(c\)\(2\)](#))

- A. Any US credit union that:
1. Insured by [National Credit Union Administration](#); and
 2. Has a [credit union safety rating issued by Weiss](#) of B- or better.

Performance Bond Issuer Eligibility ([47 CFR 54.804 \(c\)\(2\)](#))

- A. Performance bonds issued by company holding a certificate of authority as an acceptable surety on federal bonds as identified in the [Department of Treasury Circular 570](#).

III. Reduction of Letters of Credit or Performance Bonds

Per the [BEAD Letter of Credit Waiver Notice](#), if option A, B, or C is selected above, and upon completion of each service milestone and written approval by NBO, the Subgrantee may obtain and submit to NBO a revised ILOC or Performance Bond or renew its existing ILOC or Performance Bond with a reduced value in accordance with the following schedule:

Milestone	ILOC/PB may be reduced to
Provider certification and NBO completion of a technical and compliance audit that the provider has reached the following subscription milestones:	
1. 10% of Project BSLs subscribing to the applicant's service	
2. 35% of Project BSLs subscribing to the applicant's service	
3. 60% of Project BSLs subscribing to the applicant's service	
4. 85% of Project BSLs subscribing to the applicant's service	
5. 100% of Project BSLs subscribing to the applicant's service and NBO's approval of Subgrantee's completion report.	
<i>In the event that an applicant is unable to secure a subscription from a covered BSLs, the applicant will submit documentation showing good faith attempts to encourage the resident to subscribe. Such documentation will count towards the % of BSLs served</i>	

REPORTING REQUIREMENTS

The following is a summary of NBEAD reporting requirements. Final details are under development, pending decisions from NTIA. NBO is working to ensure reporting is not heavier than absolutely necessary, as simple as possible to complete, and meets federal requirements.

One-Time: items on which subgrantees should only need to report once

- a. Resolution of consent from Tribal governments
- b. Broadband Facility Agreements
- c. Initial Irrevocable Letter of Credit/Performance Bond
- d. Submission of audited financial statements
- e. Cybersecurity plan submission
- f. Supply chain risk management plan submission

Quarterly: items necessary for quarterly reports and reimbursement requests. Please note that a number of these items will serve merely as reminders. For example, if you did not update your cybersecurity plan in the reporting period, you will indicate so and move to the next topic. In addition, some items may not apply to all projects, so may be skipped.

- a. Budget reporting and reimbursement request, including tracking against the approved budget, match, and program income
- b. Submission of source documents as requested
- c. Federal financial reports
- d. Subcontractor information, including number and dollar amounts of subcontracts and efforts to engage Minority Business Enterprises/Women Business Enterprises in contracting processes
- e. Build American Buy America compliance
- f. Cybersecurity attestation
- g. Supply chain risk management attestation
- h. Right of way permitting and pole attachments
- i. Acknowledgement of funding
- j. Whistleblower protections
- k. Progress update/performance reporting
- l. Inspection and testing of materials
- m. Service data by BSL
- n. Filings with the Federal Communications Commission
- o. Conduit access points
- p. Mandatory disclosures
- q. Tribal consultations
- r. Labor and workforce efforts
- s. Communication and outreach activities
- t. Public awareness campaign
- u. Purchases of real and tangible property
- v. Disposition of real and tangible property
- w. Irrevocable Letter of Credit/Performance Bond updates

Annual: items on which reporting is necessary only annually. There are overlaps in topics with quarterly report requirements, but the questions are different.

- a. Updates to UEI, Secretary of State registration
- b. Negotiated Indirect Cost Rate Agreement (NICRA) or *de minimis* updates
- c. Copies of audits
- d. Middle mile interconnections
- e. Updates to certifications regarding drug-free workplace, avoidance of conflicts of interest, etc
- f. Inventory of real and tangible property
- g. Copies of procurement and other policies
- h. Labor and workforce efforts
- i. Executive compensation reporting
- j. Risk assessment – annual update
- k. Duplication of benefits sign-off

Post-deployment: items on which reporting will commence once deployment is complete.

Requirements for post-deployment reporting are still evolving, but will likely include:

- a. Completion report
- b. Service obligations
- c. Service details
- d. Communication and outreach
- e. Public awareness campaigns
- f. Real and tangible property