

# Nebraska Broadband Equity, Access & Deployment (NBEAD)

## Benefit of the Bargain (BoB) Round Organizational Application Requirements

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
b. 40-coaxial cable/hybrid fiber-coaxial
c. 10-DSL
d. 71-licensed terrestrial fixed wireless
e. 72-hybrid licensed/unlicensed spectrum
f. 61-Non-Geostationery Satellite
g. 70-Unlicensed Terrestrial Fixed Wireless
1.19 Classification of Applicant organization (select all that apply)
▪ Women Business Enterprise (WBE), as defined at <a href="#">15 USC 1691c-2(h)(6)</a>
▪ Minority Business Enterprise (MBE), as defined at <a href="#">15 USC 1691c-2(h)(5)</a>
▪ Small business (as defined by the <a href="#">Small Business Administration</a> )
▪ 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)
<ul style="list-style-type: none"> <li>▪ Incumbent Local Exchange Carrier (ILEC)</li> <li>▪ Non-ILEC Service Provider</li> <li>▪ Cooperative</li> <li>▪ Municipality</li> <li>▪ Tribal organization</li> <li>▪ None of the above</li> </ul>
1.21 Webpage
1.22 Authorized Official name
1.23 Email address of Authorized Official
1.24 Signature of Authorized Official:
<p>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 <a href="#">Neb. Rev. Stat. §86-611</a> and <a href="#">Nebraska Administrative Code, Title 437, Digital Signatures Act</a>. 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.</p>

<b>Table 2: Organizational Capacity</b>
2.1 Provide licensing information for state and federal governing bodies.
2.2 Within the <u>past five (5) years</u> , has the <u>Applicant, under its legal, trade, or DBA name(s) or any of its affiliates been debarred or suspended</u> from any contracting or subgranting process or been disqualified from any government procurement? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach explanation.
2.3 Within the <u>past five (5) years</u> , has any individual previously identified, any <u>other key employees</u> not previously identified, or any <u>individual having the authority to sign, execute, or approve</u> bids, proposals, contracts, or supporting documentation with the State of Nebraska been <u>subject to an investigation</u> , whether open or closed, by any government entity for a civil or criminal violation for any business- related conduct? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach explanation.
2.4 Within the <u>past five (5) years</u> , has any individual previously identified, any other key employees not previously identified or any <u>individual having the authority to sign, execute, or approve</u> bids, proposals, contracts or supporting documentation with the State of Nebraska been subject to an <u>indictment, grant of immunity, judgment, or conviction</u> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach explanation.
2.5 Has the Applicant had any <u>agreements executed</u> within the <u>last five (5) years</u> with federal awarding agencies or pass-through entities (either as grant agreements, cooperative agreements, subgrants, or contracts) that either were <u>terminated for cause</u> ; or that

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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.

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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.

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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.

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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?

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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)

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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](#).

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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?

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

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

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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
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- Drug-free Workplace
- Fiscal/Internal Controls
- Staff code of conduct
- 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

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amount of the subgrant, and that they will comply with all program requirements, including service milestones.

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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.

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

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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.

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4.5 Applicant certifies that they will comply with [Nebraska Executive Order 23-05](#), Enhancing Broadband Security.

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4.6 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](#).

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4.7 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.
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4.8 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: \_\_\_\_.

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4.9 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: \_\_\_\_.

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\*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:
- operational, if the prospective subgrantee is providing service prior to the award of the subgrant; or
  - 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:

- operational, if the prospective subgrantee is already providing service at the time of the subgrant; or
- 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)?



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\_\_\_ 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.

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#### **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.

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**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><b>Application/ Project 1</b></i>	<i><b>Application/ Project 2</b></i>	<i><b>Application/ Project 3</b></i>	<i><b>Application/ Project 4</b></i>	<i><b>Application/ Project 5</b></i>
<i><b>Applicant or affiliate legal, trade, or DBA name</b></i>						
<i><b>Public funding source</b></i>						
<i><b>Service speed and latency</b></i>						
<i><b>Geographic coverage area</b></i>						
<i><b>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)</b></i>		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:
<i><b>Amount of public funding used</b></i>						
<i><b>Consumer service costs</b></i>	<i>Cost of the service(s), on a per speed offer basis</i>					



	<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>					
<b>Matching commitments</b>						