



ARConnect
The Arkansas State Broadband Office

ARCONNECT

BEAD PRE-REGISTRATION APPLICANT USER GUIDE

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Version 2.0 – August 12, 2024

Version 3.0 – September 20, 2024

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Confidentiality Statement

See Appendix B

Overview

The purpose of the ARConnect BEAD Pre-Registration process is a way for providers to go through qualifying or gating steps that will determine if they are eligible to participate in the ARConnect BEAD bidding/application process. The pre-registration process asks questions about the organization or company and collects information critical to assessing eligibility, not about a specific project area.

Questions related to policy or procedural items should be directed to:

- broadband@arkansas.gov

Questions related to technical assistance with the Grantor Portal (which includes the pre-registration module) should be directed to:

- arhelpdesk@ready.net

Note: Due to ongoing discussions between federal agencies and Arkansas' partners, the information in this document is subject to change. Any changes will be announced through official channels and documented in a change log.

The intended audience of this Applicant User Guide is the representative from an eligible organization that will be completing the pre-registration application. The application needs to be completed by an officer of the company or legal representative with binding authority to make these attestations.

Why Pre-Registration?

The [BEAD NOFO](#) (Section IV.D) requires Eligible Entities to ensure that all prospective subgrantees can carry out activities funded by the subgrant in a competent manner and in compliance with all applicable laws. The NTIA published a [Subgrantee Qualifications Evaluation Guide](#) which gives Eligible Entities an overview of the BEAD NOFO requirements and how to evaluate the qualifications of prospective BEAD subgrantees.

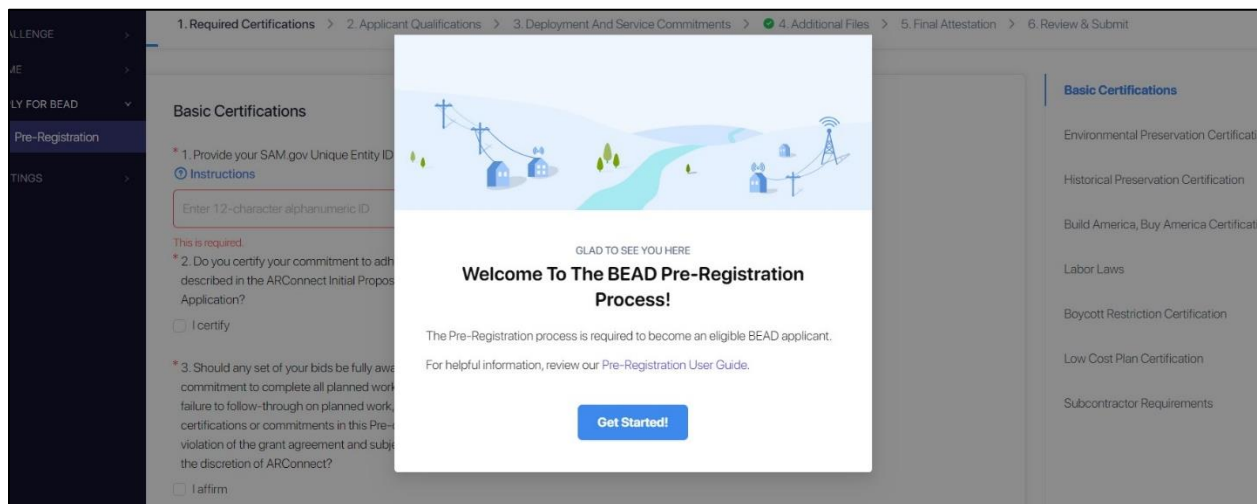
Subgrantee qualifications act as gating criteria, meaning prospective subgrantees must meet the standards to be eligible for funding. Please note that gating criteria are not scoring criteria. Gating criteria, also called eligibility criteria, help determine which subgrant applicants are qualified to compete, whereas scoring criteria support the subgrant selection process.

ARConnect is committed to wisely spending the over 1 billion dollars that have been awarded to the State in BEAD funds. Applicants will be required to submit prequalification applications to confirm the following:

1. They meet basic financial, managerial, technical, operational, and other regulatory and disclosure requirements, as described in Sections 2.4.11 through 2.4.17 of ARConnect's [Initial Proposal Volume II¹](#) and by the BEAD guidelines.
2. Certification of applicant's history and planned continuance of compliance with relevant labor laws and disclosure of past violations, as described in Sections 2.7.1 and 2.7.2 of ARConnect's [Initial Proposal Volume II](#) and required by the BEAD guidelines.
3. Certification of applicant's willingness to abide by certain BEAD requirements, such as support for BABA and EHP requirements and anti-collusion and conflict-of-interest provisions, as described in ARConnect's [Initial Proposal Volume II](#) and pursuant to the Arkansas state policy on anti-collusion.

How do I Pre-Register?

The pre-registration process takes place in the ARConnect BEAD Grantor Portal. The Pre-Registration module is one of the many modules, and it can be found under the Apply BEAD dropdown. Once selecting Pre-Registration, a screen with a "Get Started" button, like the one pictured below, will appear. After clicking on the button, the application will open. It has five sections, each with questions and/or required documentation specific to that section.



The following guidance provides insight about navigating, completing, and submitting the Pre-Registration Application.

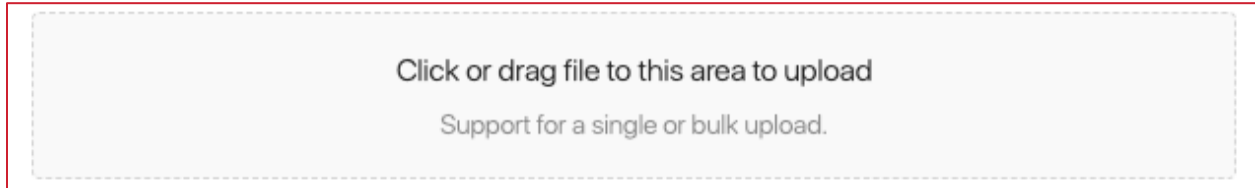
Answering Questions

- A Pre-Registration Application is not considered complete unless all questions are answered.

¹ Initial Proposal Volume II is pending approval by NTIA. The final version will be made available upon approval.

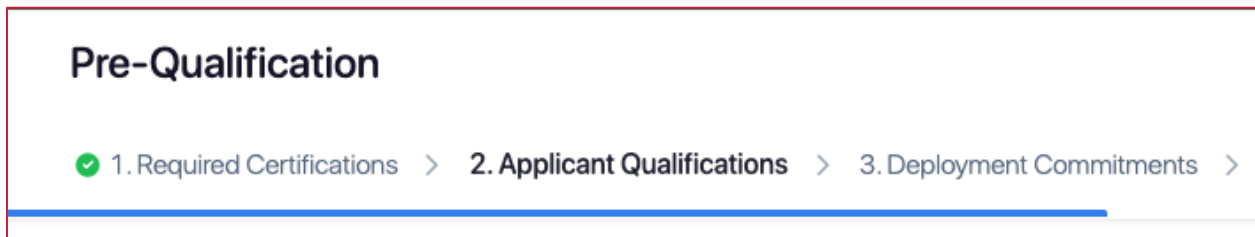
Uploading Documents

- You may upload documents either individually or in bulk.
- Ensure all required documents are uploaded to avoid delays in your application processing.



How Do I Track My Progress?

- Your progress is tracked throughout the application process.
- Sections will be marked as complete as you finish them, and the percentage complete will be displayed.



Navigating Sections and Subsections

- Use the Next and Back buttons to move sequentially through the application.
- You can also hop to different subsections if you need to review or update information.

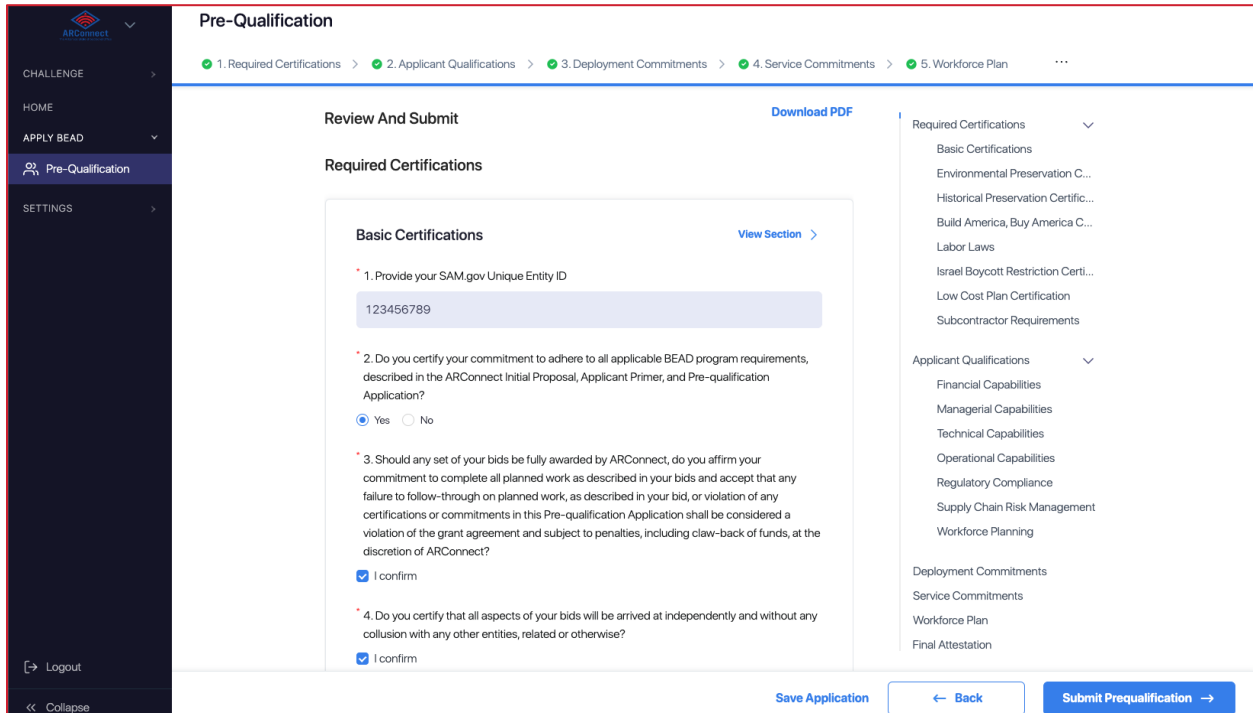
Saving Your Application

- Be sure to click Save Application between sessions to ensure your work is saved.
- This allows you to return to your application later without losing any progress.



Reviewing and Submitting

- Once you have completed all sections, review your entire application to ensure all information is accurate.
- You can download a PDF version of your application for your records.



Pre-Qualification

1. Required Certifications > 2. Applicant Qualifications > 3. Deployment Commitments > 4. Service Commitments > 5. Workforce Plan

Review And Submit [Download PDF](#)

Required Certifications

Basic Certifications [View Section >](#)

* 1. Provide your SAM.gov Unique Entity ID

123456789

* 2. Do you certify your commitment to adhere to all applicable BEAD program requirements, described in the ARConnect Initial Proposal, Applicant Primer, and Pre-qualification Application?

Yes No

* 3. Should any set of your bids be fully awarded by ARConnect, do you affirm your commitment to complete all planned work as described in your bids and accept that any failure to follow-through on planned work, as described in your bid, or violation of any certifications or commitments in this Pre-qualification Application shall be considered a violation of the grant agreement and subject to penalties, including claw-back of funds, at the discretion of ARConnect?

I confirm

* 4. Do you certify that all aspects of your bids will be arrived at independently and without any collusion with any other entities, related or otherwise?

I confirm

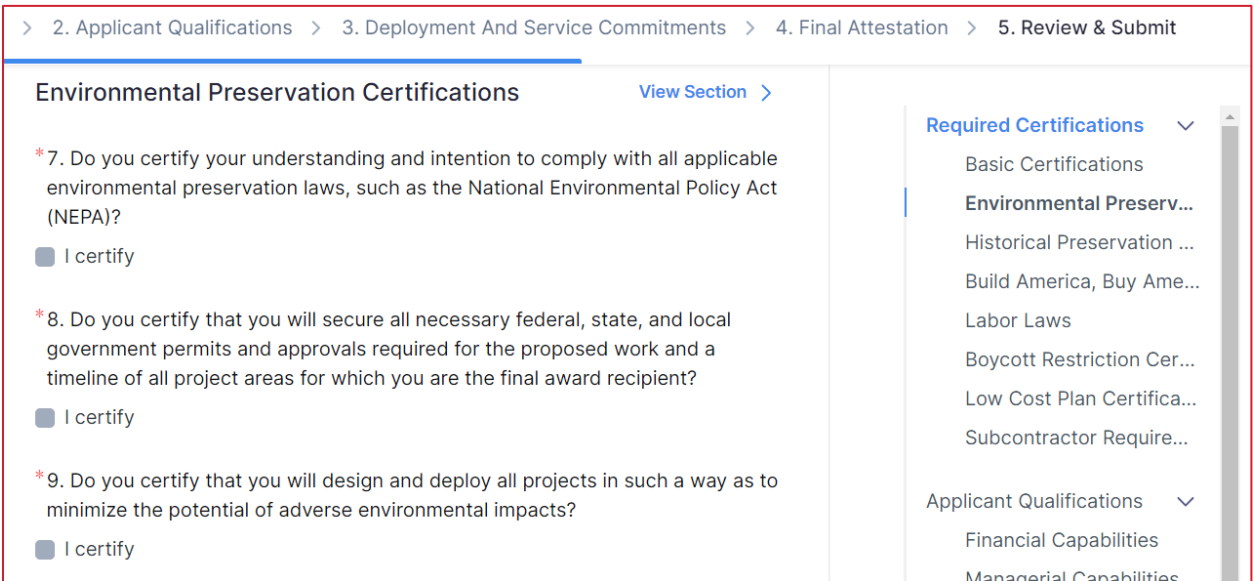
Required Certifications

- Basic Certifications
 - Basic Certifications
 - Environmental Preservation C...
 - Historical Preservation Certic...
 - Build America, Buy America C...
 - Labor Laws
 - Israel Boycott Restriction Certi...
 - Low Cost Plan Certification
 - Subcontractor Requirements
- Applicant Qualifications
 - Financial Capabilities
 - Managerial Capabilities
 - Technical Capabilities
 - Operational Capabilities
 - Regulatory Compliance
 - Supply Chain Risk Management
 - Workforce Planning
- Deployment Commitments
- Service Commitments
- Workforce Plan
- Final Attestation

[Save Application](#) [← Back](#) [Submit Prequalification →](#)

Attestations

- As part of the pre-qualification application, you will be asked to complete several attestations.
- Be sure to read each attestation closely before confirming.



2. Applicant Qualifications > 3. Deployment And Service Commitments > 4. Final Attestation > 5. Review & Submit

Environmental Preservation Certifications [View Section >](#)

* 7. Do you certify your understanding and intention to comply with all applicable environmental preservation laws, such as the National Environmental Policy Act (NEPA)?

I certify

* 8. Do you certify that you will secure all necessary federal, state, and local government permits and approvals required for the proposed work and a timeline of all project areas for which you are the final award recipient?

I certify

* 9. Do you certify that you will design and deploy all projects in such a way as to minimize the potential of adverse environmental impacts?

I certify

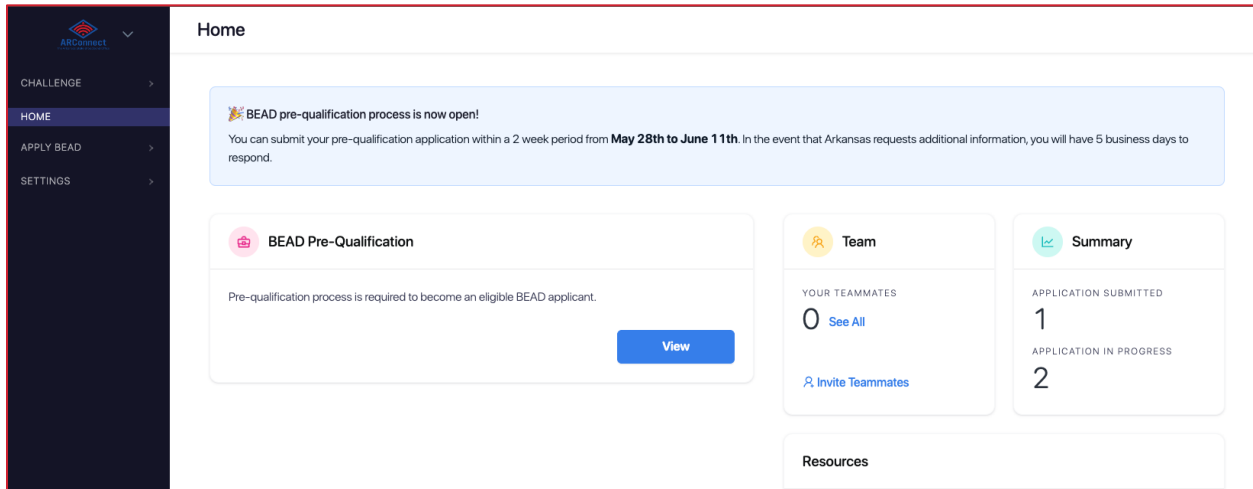
Required Certifications

- Basic Certifications
- Environmental Preserv...**
- Historical Preservation ...
- Build America, Buy Ame...
- Labor Laws
- Boycott Restriction Cer...
- Low Cost Plan Certifica...
- Subcontractor Require...
- Applicant Qualifications
 - Financial Capabilities
 - Managerial Capabilities

Submitting Your Application

- After submitting your pre-registration application, you will be redirected to your Application Homepage.
- Here, you can see the status of your application.
- You will receive email notifications regarding updates to the status of your application.

Applicants are encouraged to review the Pre-Registration Prep List and the ARConnect Pre-Registration Application Questions prior to completing the pre-registration. The information, which is included in this guide, will help streamline the process.



The screenshot shows the ARConnect Home page. A dark sidebar on the left contains navigation links: CHALLENGE, HOME (selected), APPLY BEAD, and SETTINGS. The main content area is titled 'Home' and features a blue notification banner at the top stating 'BEAD pre-qualification process is now open!' with details about the submission window from May 28th to June 11th. Below the banner are three main widgets: 'BEAD Pre-Qualification' with a 'View' button, 'Team' with 'See All' and 'Invite Teammates' links, and 'Summary' showing 1 application submitted and 2 in progress. A 'Resources' section is partially visible at the bottom.

When do I Pre-Register?

Pre-registration opened on July 8, 2024, and is anticipated to close near the end of Tranche-1 bidding. This timeline is subject to change based on NTIA's pending approval of Arkansas' challenge process results and Initial Proposal Volume 2.

Please note, potential applicants will not gain access to the application portal until pre-registration is complete.

If an applicant receives a request for more information, ARConnect requests that the applicant respond as soon as possible and before the submission window ends.

ARConnect will make all reasonable efforts to work with applicants to help them with their submissions.

Assistance is available through:

- Arkansas Grants Program Helpdesk: argrants@mbakerintl.com
- Helpdesk Phone: 501-244-1098

Pre-Registration Prep List

A list of items or knowledge needed to complete this application include:

- [SAM.gov](#) Unique Entity ID [12-character alphanumeric ID]
- Completed [Contract and Grant Disclosure and Certification Form](#)
- Detailed plan for supply chain compliant with [Build America, Buy America Act](#) requirements.
- A description of your policies ensuring fair labor law compliance of your contractors and subcontractors, including at least one specific example of how these policies were implemented with a contractor in the last three years.
- Audited financial statements from your company's most recent fiscal year (if available).
- If your company does not have audited financial statements as part of your regular business operations, you will need to provide financial statements from the previous fiscal year.
- Resumes for key management personnel who may be involved in completion of BEAD-funded projects in Arkansas. At minimum, this should include resumes for all C-suite officers and at least one senior leader who will be accountable for the success of the BEAD-funded deployment in Arkansas.
- Organization charts for parent and subsidiary companies likely to be involved in BEAD-funded activity in Arkansas including top-level leadership and person accountable for BEAD-funded activity.
- A narrative explanation of managerial capabilities as related to BEAD deployment, include experience and qualifications of key managerial personnel, leadership's experience with projects of similar size and scope, any recent or upcoming mergers or acquisitions, and any relevant policies.
- Proof of current licensing from relevant regulatory bodies permitting your operations in Arkansas in the form of scanned or photographed documents.
- Three examples of past work demonstrating experience in designing and successfully delivering projects of similar size, duration, and complexity.
- A plan to manage risks in your supply chain, such as mitigation of geopolitical risks, inflationary risks, or other risks that could materially impact project budget or delivery.
- A detailed plan to guarantee cybersecurity for all planned networks in line with the BEAD requirements as described in ARConnect's [Initial Proposal Volume II](#) Section 2.16.4.
- The number of years during which you have been providing uninterrupted internet service in Arkansas as well as the number of years providing uninterrupted service in other U.S. states and territories.

- The number of locations currently subscribed to internet services through your networks and plans.
- A list of all federally- or Arkansas State-funded deployment projects, along with their funding sources and completion or non-completion timelines in Excel format.
- A detailed disclosure of ownership and related companies, as required and set forth in [the Code of Federal Regulations Title 47 § 1.2112\(a\)\(1\)- \(7\)](#).
- A written narrative of any penalties you or a subsidiary, affiliate, or holding company has incurred in the last five years related to development projects funded by State or Federal broadband grants.
- The name and details of any instances in the last five years in which you have been found liable in federal or state criminal proceedings or civil litigation related to federally- or state-funded broadband deployment or services.
- If there is a pending or completed enforcement action, civil litigation, or any other matter related to non-compliance or alleged non-compliance with page 75 of the [BEAD NOFO](#), you will need to provide an explanation.
- If you have exclusively operated an electric transmission or distribution service, you will need to provide qualified operating or financial reports that have been filed with the relevant financial institution during the time period of your operations.
- If you do not have any experience operating in Arkansas, and therefore are unable to demonstrate past compliance/disclosure of any historic violations for relevant federal and Arkansas state law – including laws related to the Occupational Safety and Health Act, Fair Labor Standards Act, or other applicable laws – you will need to submit a certification of past compliance or disclosure of historic violations for States in which you have operated. If you or any other entities participating in the project, including contractors and subcontractors, have any labor and employment law violations, including violations of other States’ labor and employment laws over the past three years, please disclose those violations.
- A document sharing policies and procedures designed to ensure compliance with occupational health and safety laws, including protection for worker-led healthy and safety committees.

ARConnect BEAD Pre-Registration Application Questions

The pre-registration process is broken into segments, including Required Certifications, Applicant Qualifications, Deployment and Service Commitments, Final Attestation, and Review & Submit. The following list includes the questions applicants must answer as part of the pre-registration process on the ARConnect BEAD Grantor Portal.

Section 1: Required Certifications

1. Provide your [SAM.gov](https://sam.gov) Unique Entity ID (If your company does not already have a UEI, please obtain one by visiting sam.gov and registering)
2. Do you certify your commitment to adhere to all applicable BEAD program requirements, described in the ARConnect Initial Proposal, Applicant Primer, and Pre-Registration Application?
3. Should any set of your bids be fully awarded by ARConnect, do you affirm your commitment to complete all planned work as described in your bids and accept that any failure to follow-through on planned work, as described in your bid, or violation of any certifications or commitments in this Pre-registration Application shall be considered a violation of the grant agreement and subject to penalties, including claw-back of funds, at the discretion of ARConnect?
4. Do you certify that all aspects of your bids will be arrived at independently?
5. Do you certify your understanding of and commitment to abide by all Arkansas and Federal anti-collusion laws? See § 19-11-240 for additional information.

<https://www.dfa.arkansas.gov/images/uploads/procurementOffice/lawsRegs.pdf>

6. Please provide information related to potential conflicts of interest, as required under the terms of Executive Order 98-04 and the Regulations pursuant thereto, using the Contract and Grant Disclosure and Certification Form.

<https://www.transform.ar.gov/wp-content/uploads/2020/04/contgrantform.pdf>

Please note you will need to download this form, save it, fill it out, and then re-upload.

CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM									
Failure to complete all of the following information may result in a delay in obtaining a contract, lease, purchase agreement, or grant award with any Arkansas State Agency.									
SUBCONTRACTOR NAME:					IS THIS FOR:				
<input type="checkbox"/> Yes <input type="checkbox"/> No					<input type="checkbox"/> Goods? <input type="checkbox"/> Services? <input type="checkbox"/> Both?				
TAXPAYER ID NAME:			YOUR LAST NAME:			FIRST NAME:			M.I.:
ADDRESS:									
CITY:			STATE:			ZIP CODE:			COUNTRY:
AS A CONDITION OF OBTAINING, EXTENDING, AMENDING, OR RENEWING A CONTRACT, LEASE, PURCHASE AGREEMENT, OR GRANT AWARD WITH ANY ARKANSAS STATE AGENCY, THE FOLLOWING INFORMATION MUST BE DISCLOSED:									
FOR INDIVIDUALS *									
Indicate below if: you, your spouse or the brother, sister, parent, or child of you or your spouse is a current or former: member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee:									
Position Held	Mark (✓)		Name of Position of Job Held (Senator, representative, name of board/commission, date entry, etc.)	For How Long?		What is the person(s) name and how are they related to you? (i.e., Jane D. Public, spouse, John D. Public, Jr., child, etc.)			
	Current	Former		From MM/YY	To MM/YY	Person's Name(s)	Relation	Overship Interest (%)	Position of Control
General Assembly	<input type="checkbox"/>	<input type="checkbox"/>							
Constitutional Officer	<input type="checkbox"/>	<input type="checkbox"/>							
State Board or Commission Member	<input type="checkbox"/>	<input type="checkbox"/>							
State Employee	<input type="checkbox"/>	<input type="checkbox"/>							
<input type="checkbox"/> None of the above applies									
FOR AN ENTITY (BUSINESS) *									
Indicate below if any of the following persons, current or former, hold any position of control or hold any ownership interest of 10% or greater in the entity: member of the General Assembly, Constitutional Officer, State Board or Commission Member, State Employee, or the spouse, brother, sister, parent, or child of a member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee. Position of control means the power to direct the purchasing policies or influence the management of the entity.									
Position Held	Mark (✓)		Name of Position of Job Held (Senator, representative, name of board/commission, date entry, etc.)	For How Long?		What is the person(s) name and what is his/her % of ownership interest and/or what is his/her position of control?			
	Current	Former		From MM/YY	To MM/YY	Person's Name(s)	Overship Interest (%)	Position of Control	
General Assembly	<input type="checkbox"/>	<input type="checkbox"/>							
Constitutional Officer	<input type="checkbox"/>	<input type="checkbox"/>							
State Board or Commission Member	<input type="checkbox"/>	<input type="checkbox"/>							
State Employee	<input type="checkbox"/>	<input type="checkbox"/>							
<input type="checkbox"/> None of the above applies									

Environmental Preservation Certifications

7. Do you certify your understanding and intention to comply with all applicable environmental preservation laws, such as the National Environmental Policy Act (NEPA)?

8. Do you certify that you will secure all necessary federal, state, and local government permits and approvals required for the proposed work and a timeline of all project areas for which you are the final award recipient?

9. Do you certify that you will design and deploy all projects in such a way as to minimize the potential of adverse environmental impacts?

Historical Preservation Certification

10. Do you commit to abide by any agreed-upon resolutions to mitigate the effects of proposed projects on Arkansas Historical and Heritage sites, should your project plan trigger NHPA Section 106 review?

Build America Buy America (BABA) Certifications

11. Do you certify your understanding and intention to comply with all Build America, Buy America Act requirements?

12. Please provide your detailed plan for a supply chain compliant with Build America, Buy America Act requirements.

Labor Law Certifications

13. Do you certify your commitment to abide by all relevant Arkansas and Federal labor laws?

14. Do you certify your historical commitment and compliance with fair labor laws for at least the last three years? Do you further certify that your use of contracting and subcontracting arrangements complies with fair labor laws and includes safeguards for the labor practices of contractors and subcontractors?

15. Do you certify that you will support employee-led workplace safety commissions for the duration of your BEAD-funded deployment activity?

16. Question 16 has been removed

Boycott Restriction Certifications

17. Do you certify that you do not currently boycott Israel and will not boycott Israel during any time in which you are in contract with the State of Arkansas for BEAD funding?

Document for review:

<https://humanservices.arkansas.gov/wp-content/uploads/710-24-0005-Attachment-H-Boycott-Certifications.pdf>

18. Do you certify that you will not employ illegal immigrants during any time in which you are in contract with the State of Arkansas for BEAD funding?

Document for review:

<https://humanservices.arkansas.gov/wp-content/uploads/710-24-0005-Attachment-H-Boycott-Certifications.pdf>

19. Do you certify that you do not currently boycott, and for the duration of the contract will not boycott, an energy, fossil fuel, firearms, or ammunition industry?

Document for review:

<https://humanservices.arkansas.gov/wp-content/uploads/710-24-0005-Attachment-H-Boycott-Certifications.pdf>

Low-Cost Plan Certification

20. Do you certify that you will offer a low-cost plan as described in the ARConnect Initial Proposal Volume II?

Subcontractor Requirements

21. Do you certify that you will take all NTIA-required affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible, including the following requirements, as outlined on pages 88–89 of the BEAD NOFO?

22. Question 22 has been removed

Section 2: Applicant Qualifications

Financial Capabilities

23. Do you certify that you will have access to sufficient funds available to cover all project costs for areas for which you intend to bid? Certification should consider funds needed beyond the anticipated grant amount, such as the BEAD-mandated 25% match, as well as fund availability to cover project costs prior to receiving reimbursement from BEAD?

24. Do you have audited financial statements from your company's most recent fiscal year? If so, please upload them.

24a. If your company does not have audited financial statements as part of your regular business operations, submit unaudited financial statements from the previous fiscal year

24b. If your company does not have audited financial statements as part of your regular business operations, certify that audited financial statements will be provided as a condition to any future subaward.

*Please note that you must first answer question 24 with a “Yes” for the upload box to open.

Managerial Capabilities

25. Please provide resumes for key management personnel who may be involved in completion of BEAD-funded projects in Arkansas. At a minimum, this should include resumes for all C-suite officers and at least one senior leader who will be accountable for the success of the BEAD-funded deployment in Arkansas.

26. Please provide organizational charts for parent and subsidiary companies that will be involved in Arkansas BEAD-funded activity. In the organizational charts, include leadership and those accountable for BEAD-funded activity.

27. Please provide a narrative explanation of managerial capabilities as related to BEAD deployment, include experience and qualification of key managerial personnel, leadership's experience with projects of similar size and scope, any recent or upcoming mergers and acquisitions, and any relevant policies.

Technical Capabilities

28. Please provide proof that your organization is currently licensed to do business in the State of Arkansas. At a minimum you must include: Business Entity Registration from the Arkansas Secretary of State and/or a business license from the Arkansas Department of Finance and Administration. In addition, you may upload any local licenses or permits that allow you to do business a particular County or Municipality. Please upload full documents via pdf, jpg, etc. (**Question clarification added August 12, 2024.*)

29. Please provide three examples of past work demonstrating experience in designing and successfully delivering projects of similar size, duration, and complexity. Examples may be from material you have produced for other purposes.

30. Please certify that your proposed networks will have the ability to deliver broadband services meeting the prescribed performance criteria to all eligible locations within included CBGs.

31. Do you certify that you will comply with the cybersecurity

and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO? To the extent

Financial Capabilities

* 23. Do you certify that you will have access to sufficient funds available to cover all project costs for areas for which you intend to bid? Certification should consider funds needed beyond the anticipated grant amount, such as the BEAD-mandated 25% match, as well as fund availability to cover project costs prior to receiving reimbursement from BEAD?

I certify

* 24. Do you have audited financial statements from your company's most recent fiscal year?

Yes

No

* 24a. If so, please upload them.

Click or drag file to this area to upload

Support for a single or bulk upload.

you rely in whole or in part on network facilities owned or operated by a third party (e.g., purchase wholesale carriage on such facilities), do you certify that you will obtain attestations from your network provider with respect to both cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO?

32. Please provide a plan to manage risks in your supply chain, such as mitigation of geopolitical risks, inflationary risks, or other risks that could materially impact project budget or delivery.

You may use the attached template or provide your own language.

<https://storage.googleapis.com/bbm-public-bucket-dev/ASBO%20SCRM%20Template%20FINAL%2020240723.docx>

33. Please provide a high-level overview of your approach to guaranteeing cybersecurity for all planned networks. Prospective awardees will be required to furnish detailed, project-specific plans. Provide a 200-400 word overview in Word or PDF format.

- <https://www.nist.gov/cyberframework>
- <https://www.nist.gov/profiles-0>

Organizational Capabilities

34. Please provide the number of years during which you have been providing uninterrupted internet service in Arkansas as well as the number of years providing uninterrupted service in other U.S. states and territories.

35. Please provide the number of locations currently subscribed to internet services through your networks and plans.

36. Please provide a list of all federally or State-funded broadband deployment projects your company is or has been engaged in, along with their funding sources and completion or non-completion timelines. Please use this template and re-upload below.

https://storage.googleapis.com/bbm-public-bucket-dev/Other%20Grant%20Funded%20BB%20Deployment%20Projects-VER04_20240802.xlsx

37. Please provide a detailed disclosure of ownership and related companies, as required and set forth in the Code of Federal Regulations Title 47 § 1.2112(a)(1)– (7). "The disclosure shall include a detailed ownership chart showcasing direct and indirect stakeholders, a list of associated FCC-regulated entities, and clear explanations of relationships between entities."

Document for review:

<https://www.ecfr.gov/current/title-47/chapter-I/subchapter-A/part-1/subpart-Q/subject-group-ECFR7e6f5a3219dc9cd/section-1.2112>

38. Please provide a written narrative of any penalties you or a subsidiary, affiliate, or holding company has incurred in the last 5 years related to deployment projects funded by State or Federal broadband grants.

39. Please provide the name and details of any instances in the last 5 years in which you have been found liable in federal or state criminal proceedings or civil litigation related to federally- or state-funded broadband deployment or services.

Regulatory Compliance

40. If you have offered voice and/or broadband services, certify your timely submission of FCC Form 477s and, if applicable, a Broadband Deployment Accuracy and Technological Availability Act submission, as required for the period 2022-2023, in compliance with the FCC's rules and regulations. *

*If "No, we did not certify" is selected, you will be asked to explain why an FCC Form 477 was not submitted.

41. Is there a pending or completed enforcement action, civil litigation, or any other matter related to non-compliance or alleged non-compliance against your company? ²

41a. If so, please provide an explanation.

42. Have you exclusively operated an electric transmission or distribution service?

42a. If yes, please provide qualified operating or financial reports that have been filed with the relevant financial institution during the time period of your operations.

42b. Additionally, do you certify the accuracy and authenticity of these submissions in comparison to the reports provided to the relevant financial institution?

43. Do you certify your compliance and the compliance of other entities participating in the project, including contractors and subcontractors, with all relevant federal and Arkansas state labor and employment laws, including laws related to the Occupational Safety and Health Act, Fair Labor Standards Act, or any other applicable labor and employment laws, over the past three years. If you do not have any experience operating in Arkansas, do you certify past compliance for States in which you have operated over the past 3 years.

43a. If you or any other entities participating in the project, including contractors and subcontractors, have any labor and employment law violations, including violations of other States' labor and employment laws, over the past three years, please disclose those violations.

44. Please provide your organization's policies and procedures designed to ensure compliance with occupational health and safety laws, including protection for worker-led health and safety committees.

²² See pages 74-75 of the BEAD NOFO.

45. Please certify your commitment to non-disclosure rules modeled on FCC's prohibited communications rules for auctions. This includes prohibiting applicants from making general public comments or specific comments about their participation intentions or project details for BEAD funding.

46. If your organization has been awarded funding from other federal or state programs, provide a history detailing compliance with all pertinent federal, state, and local laws.³

47. Do you certify your commitment to comply with all applicable federal, state, and local laws?

Section 3: Deployment and Service Commitments

Deployment Commitments

48. Please certify that you will submit all required progress reports and other reports and submit to all periodic reviews as stipulated by ARConnect during final contracting.

49. Please certify the following statement. *"We hereby express our intent to fully review the subaward agreement provided by the Arkansas State Broadband Office (ASBO) if we are selected for a BEAD subaward. We acknowledge that signing the agreement, subject to mutual agreement on the final terms, is a mandatory condition for receiving the subaward funds. Furthermore, we understand that if we are selected for a subaward and choose not to sign the agreement, we may be precluded from future grant opportunities with the ASBO."* (*Question clarified on August 12, 2024.)

Service Commitments

50. Please certify that you will participate in the Affordable Connectivity Program or any successor programs in Arkansas for all eligible locations that you are awarded, as required by BEAD Guidelines section 2.12.2.

51. Please certify your commitment to provide fair and non-discriminatory services to each customer served by BEAD-deployed infrastructure.

52. Do you certify that you will provide a detailed plan to market internet services to all BEAD-eligible BSLs and CAIs in your project area? Be aware that should you receive BEAD funds, you will be expected to include a detailed explanation of how you will market your low-cost plan option. (Plan should include explanation of how plans reflect the needs of the specific population in your service areas to best distribute information on your services and encourage subscriptions. Plans must be submitted to ARConnect prior to the disbursement of BEAD funds to subgrantees.)

³ As a sub-recipient of federal funds, each provider will need to demonstrate that they understand and have been cooperative with all regulatory and compliance requests from the state and/or federal agency in addition to any local laws. Examples: Timely filing of data location information (BSLs); accurate monthly and quarterly reporting; notifying all jurisdictional entities of planned construction and obtaining applicable permits. Please name each funding program (Example RDOF) and a brief history of the compliance efforts you undertook. Please note successful outcomes, etc.

Section 4: Additional Files

53. Please attach any additional files.

Section 5: Final Attestation

54. Please attest that all responses and submitted documents are accurate and comprehensive as of the date of this application being submitted and that this attestation is being completed by an officer of the company, or legal representative, with binding authority to make these attestations.

Appendix A

Frequently Asked Questions

- **What if we don't have audited financial statements?**

If your company does not have audited financial statements as part of your regular business operations, you will need to provide financial statements from the previous fiscal year.

- **Why do I have to submit audited financial statements?**

See Financial Capability (BEAD NOFO Section IV.D.2.a) Prospective subgrantees must submit financial statements from the prior fiscal year that are audited by an independent certified public accountant. If not previously audited during the ordinary course of business, prospective subgrantees can provide unaudited statements but must commit to supplying audited statements by a deadline specified by the Eligible Entity.

Sustainability / Pro Forma Analyses Prospective subgrantees must submit business plans and related analyses that substantiate the sustainability of the proposed project to the Eligible Entity. 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 years of operating cost and cash flow projections post-project completion.

- **What should I do if I don't have all the required documentation?**

If you don't have all the documents when you begin working on your application, you can save your work and log in later to upload additional documents. We strongly recommend that you assemble all the necessary information before you begin.

- **Is there an expected length of time it will take ARConnect to review my application?**

Upon receipt of a complete submission, please allow up to 30 business days for review. You will receive an email or notice through the portal if more information is required to complete the review process.

1. **If I start my application but let it sit for several weeks, will I still be able to access it when I log back in?**

If you saved your application, you will be able to access it when you log back in.

- **What if I don't remember my log-in?**

If you forget your password, you can follow the prompts from the log-in screen for help with your password. You also have the option to log in using your email address.

- **What happens if I don't meet the deadline to pre-register?**

The NTIA has established several essential criteria that subgrantees must meet to qualify. To comply with these requirements and ensure that ARConnect gathers the critical

information necessary for selecting subgrantees, all applicants must submit a Pre-Registration Application. Please contact the ASBO if you need more information.

2. Who should complete this application?

The application should be completed by a representative from the eligible organization who is an officer of the company or legal representative with binding authority to make these attestations.

3. Where can I learn more about the Build America, Buy America waivers?

You can find information at <https://broadbandusa.ntia.gov/waivers-policies>. The Policy and Waiver Notices page of the NTIA website allows you to search for notices of waiver issued by NTIA in connection with its Internet for All grant programs. Additionally, a one-pager containing essential information is also included in Appendix C.

Appendix B

Confidentiality Statement

The Arkansas State Broadband Office (ASBO) is dedicated to ensuring the protection of sensitive and proprietary information submitted during the application process. To provide transparency and assurance to applicants, our trusted vendor partners, Michael Baker International, Boston Consulting Group (BCG), and Ready.net, have submitted detailed statements below outlining their measures for safeguarding all confidential data.

These efforts are designed to assure applicants that their submissions will be protected with the highest standards of data security.

Prospective applicants should also refer to NTIA's BEAD Notice of Funding Opportunity (NOFO), pages 94-95, for information concerning how the U.S. Department of Commerce will handle protected and proprietary information related to the BEAD program.

From Michael Baker International:

Michael Baker International, its employees, consultants, and contractors ("MBI") will take reasonable measures to safeguard information clearly marked by the applicant as protected, proprietary, or confidential information, including personally identifiable information ("Confidential Information"), obtained through the grant pre-qualification, application, award, administration, and enforcement process, consistent with applicable law. Except as required by applicable laws, rules, regulations, and legal requirements, MBI will not use or disclose any Confidential Information for any purpose other than for the performance of its grant-related obligations on behalf of the State of Arkansas. Confidential Information will only be shared with employees, consultants, and contractors with a need to know such information for performing those obligations.

MBI may be required to submit financial and performance information and data to the Department of Commerce and/or other federal agencies, employees, and contractors, as necessary to comply with the Notice of Funding Opportunity and other applicable laws, rules, regulations, and legal requirements.

From Ready.net:

Ready uses a multi-tenanted data model that secures customer data via a uniquely identifiable internal tenant id. This allows us to logically segregate SBO and other data, secure it in our logic tier, and identify/sanitize any tenant data if the need arises.

When data is at rest, it is stored via RSA 128-bit encryption. In transit, our data is sent using encrypted TLS (SSL) 1.2+. Our internal data systems are accessible via secure VPN. All external systems have certificates granted from Google Trust Services LLC - <https://pki.goog> - or from Amazon Trust Services - <https://www.amazontrust.com/repository/>. Internal systems have certificates signed using an internal certificate authority, which also uses RSA 128-bit encryption.

We rely on our cloud service providers in AWS and GCP to implement further security measures around the hardware of the systems themselves. In terms of our cloud usage, we regularly review

and tighten our firewall policies across our cloud infrastructure. We have implemented continuous vulnerability and intrusion detection + scanning according to SOC2 recommendations, as well as robust logging + monitoring across our production infrastructure. We have regular penetration testing, security audits, and a paid bug bounty program too.

From Boston Consulting Group:

Boston Consulting Group ("BCG") maintains strict procedural and technical protocols to ensure that the information shared by each client is kept secure and confidential. In order to properly maintain client confidential information and prevent any conflicts of interest, BCG operates under stringent policies and guidelines which include the following: (i) BCG adheres to strict confidentiality obligations with its clients and ensures that each BCG consultant is trained to abide by these obligations and our internal procedures; (ii) Each individual client team establishes confidential "firewalls" between itself and other client teams working in the same industry and/or practice group (and the rest of the company and all third parties), so that no information is shared between competitor groups or with unauthorized individuals or entities; (iii) BCG fosters (to the extent possible) geographic/physical separation among BCG client teams working with competitive companies in the same industry; and (iv) BCG employs technical security and encryption protocols to ensure all confidential information is safeguarded securely from inadvertent disclosure of any kind.

BCG maintains a best-in-class IT system environment to meet special safeguarding and privacy requirements, ensuring that nonpublic information is not accessed by unauthorized personnel. This separation is continually monitored. Only BCG employees assigned to a specific contract have access to project information. Other BCG employees, regardless of their roles or clearances, do not have access to this data. Client documents are managed in central folders with limited access rights, protected through encryption, complex passwords, access controls, and data loss protection protocols. BCG has implemented security measures to detect and prevent unauthorized access to equipment and data storage devices, including restrictions on email attachments for external correspondence.

Appendix C



What is Build America, Buy America?

Congress passed the Build America Buy America Act (BABA), in November 2021 as part of the Infrastructure Investment and Jobs Act (IIJA). The BABA Act states that when government funds are provided for infrastructure projects, the materials used to build them should be made in the United States.

What types of infrastructure are covered by Build America, Buy America?

Projects with public functions such as roads, highways, bridges, public transportation facilities, dams, ports, harbors, railroads, intermodal facilities, airports, water systems, electrical transmission facilities and systems, buildings, and of course, broadband infrastructure.

Can BABA be waived for BEAD?

On February 22, 2024, the National Telecommunications and Information Administration (NTIA) issued a final limited, general applicability, nonavailability waiver of the BABA domestic content requirement for the \$42.5B Broadband Equity, Access, and Deployment (BEAD) Program. Recipients and subrecipients receiving federal financial assistance through BEAD may utilize certain manufacturing products and construction materials produced outside the United States.

Please refer to the limited waiver for guidance regarding the manufacturing processes that must be performed in the United States for certain categories of products used in BEAD deployments. The final waiver applies to all funds expended by BEAD Program award recipients for five years from the effective date of the waiver, February 22, 2024.



Specific to broadband expansion, what cannot be waived?

Non-U.S. fiber, cabinets, vaults, pedestals closures and terminals, specific manufacturing activities, optical line terminals and remote optical line terminals, OLT line cards, optical pluggables, Standalone Optical Network Terminals and Optical Network Units.

Will the Build America, Buy America requirements ever expire?

There are no plans to ease BABA at this time.

Additional official resources:



<https://www.commerce.gov/oam/build-america-buy-america>
<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-184>
<https://www.commerce.gov/sites/default/files/2024-02/BABA%20Waiver%20Signed.pdf>
<https://www.fcc.gov/supplychain/coveredlist>

Why Build America, Buy America?



Fueling job creation



Local business opportunities



Boosting economic resilience

What does a waiver mean for internet service providers?

Recipients and sub-recipients receiving federal financial assistance under the BEAD Program may utilize certain manufactured products and construction materials produced outside of the United States:

Fiber Optic Cable (such as non-optic-glass inputs, connectorization, plastic and polymers used in fiber optic cables)

Electronics (all "passive optical equipment" and "electronics" used in BEAD Program projects)

Enclosures (Enclosures used to protect network equipment, e.g., active electronics, fiber split or splice, or other connection points)

When did the Build America, Buy America sourcing requirements initially take effect?

As of May 14, 2022, projects receiving federal financial assistance are obligated to follow BABA requirements. That means that past this date:

All manufacturing processes for iron and steel items, from the initial melting stage to the coating stage, must occur in the United States

For manufacturing products, the final manufacturing process must include comprised of components at least 55 percent mined, produced, or manufactured in the United States

For construction materials, all manufacturing processes must occur in the United States

More to come from NTIA:

NTIA confirmed its intent to publish a list of manufacturers that have certified that their products comply with BABA.

NTIA confirmed its intent to require recipients of BEAD funds to report their purchases of foreign items under the waiver.

NTIA is expected to issue additional guidance on the "self-certification" and reporting requirements.



For the latest updates including our user guide, and webinar

Visit broadband.arkansas.gov