



BEAD Benefit of the Bargain Subgrantee Application



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Application Confidentiality

All documents deemed by the applicant to include confidential information, trade secrets, or personal information **MUST** be uploaded separately into the “Confidential Documents” field located at the end of the application. These documents must be uploaded as a single PDF and the file name must include the applicant’s name and the words CONFIDENTIAL INFORMATION.

If the application requests information that the applicant deems confidential within the application itself, the applicant can refer to the confidential document rather than include the information within the application. It is the applicant’s responsibility to reference pertinent information that may be included in the confidential documents file in response to each question that fits the criteria, or the application could be deemed non-responsive.

By checking the box below, please certify on behalf of your organization that you have read and understood the required processes for submitting confidential documents and information in this application.

- ☐ I certify on behalf of my organization that I have read and understood the required processes for submitting confidential documents and information in this application.

Application Components

The following sections provide a detailed explanation of each component of the South Dakota BEAD application. Applicants who have not registered their organization as a BEAD applicant in South Dakota will not be able to submit an application. Please register here: [\[Link to Application Registration Form\]](#)

NOTE: A new application must be created for each separate proposed broadband project. If submitting multiple applications, the proposed broadband project areas cannot overlap.

Section 1: Applicant Information

Organization

Organization Name: *Enter Organization Name*

Address: *Enter Street # and Name*

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City: *Enter City*

State: *Enter State*

Zip Code: *Enter Zip Code*

Primary Contact

Name: *Enter First and Last Name*

Title: *Enter Title*

Email: *Enter Email Address*

Phone: *Enter Phone Number*

Authorized Organizational Representative (AOR)

Note: The AOR should be the individual who is legally able to make financial decisions, sign contracts, and submit the application on behalf of the organization.

Name: *Enter First and Last Name*

Title: *Enter Title*

Email: *Enter Email Address*

Phone: *Enter Phone Number*

Unique Entity Identifier (UEI)

The UEI (previously known as a DUNS number) is the primary key used to identify an organization throughout the federal awarding lifecycle and in SAM.gov.

Note: Per [Section V.E.1 of the BEAD NOFO](#) requires each subgrantee to obtain a UEI.

Applicants do not need to complete the full registration to receive a UEI; however, the UEI must be active. Applicants must have an active SAM.gov registration and, if awarded, no funding can be reimbursed in the future unless the SAM.gov registration is active. See 2 C.F.R. § 25.300 for more information. If your organization does not already have a UEI, please obtain one by visiting [sam.gov](#) and registering. See the registration checklist [here](#).

UEI: *Enter UEI*

Please upload proof of your organization's active UEI registration via screenshot or PDF.

[Upload] *Note: File type restricted to JPG, PNG, or PDF*

State Business Registration

Please upload your organization's state business registration.

Note: Applicants without a State of South Dakota business registration may apply for one through the South Dakota Secretary of State website [here](#).

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[Upload] Note: File type restricted to PDF

Section 2: Project Overview

Project Name: *Enter Project Name*

The format for the Project Name must be written as follows: “Organization Name_Name of Primary Region Covered_Number.”

Example: If an organization called “Best Fiber” submits three projects, two in Brule County and one in Hyde County, the project names would be: Best Fiber–Brule–1, Best Fiber–Brule–2, and Best Fiber–Hyde. If your project area covers multiple counties, list only the primary county.

Public Project Narrative

Please write a brief, one-paragraph summary of the project. This should include details on the regions to be covered; the technology being proposed and justification for the technology type; a general timeline; why the project is being proposed; and the benefits of the project to the community and other expected outcomes.

Enter Answer to the Above Question Here

Technology

Please confirm the technology type for your project.

- ☐ Fiber
- ☐ Hybrid
- ☐ Other Technology

If Hybrid or Other Technology was selected, please describe the technology. *Enter Answer to the Above Question Here*

Speeds

List the maximum resulting speed/services available upon project completion.

Upload speed (in Mbs): *Enter Answer to the Above Question Here*

Download speed (in Mbs): *Enter Answer to the Above Question Here*

Priority Broadband Project (Additional question)

The term “Priority Broadband Project” means a project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and

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businesses and support the deployment of 5G, successor wireless technologies, and other advanced services.

Please explain and provide documentation on how you can accomplish this now and into the future.

[Upload] Note: File type restricted to Word or PDF

Permits

Please list any federal or state permits required for your project and the expected times of approval.

Enter Answer to the Above Question Here

Tribal Consent

Please upload any Tribal government letters of consent collected. If your project covers locations on Tribal lands, you must submit proof of the Tribal government's consent to deployment (see [Section 2.4.8 of South Dakota's Initial Proposal Vol II](#)).

[Upload] Note: File type restricted to Word or PDF

Section 3: Project Location & Design

Using the map to the left, please select the service area of the proposed project.

Please attach a map including the service and network design of the proposed project area in both PDF version and an electronic version in either .shp, .kmz, or .kml format. Please ensure that your map includes:

- Service area boundaries;
- Names, boundaries, buildings, road/street names or other features that clearly identify the project coverage area;
- Marked areas of new, non-overlapping fiber construction.

[Upload] Note: File type restricted to PDF, .shp, .kmz, or .kml

Please provide the estimated number of route miles for the new project build. Route miles are defined as proposed miles of new, non-overlapping fiber construction. It does not include existing leased fiber, or slack. Provide the mileage estimate rounded to the nearest whole number.

Enter Answer to the Above Question Here

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Section 4: Service Cost

Low-Cost Service Option (Amended question)

South Dakota requires that subgrantees offer a low-cost broadband service option to eligible subscribers as a condition of receiving BEAD subgrants (see [Section 2.12.1 of South Dakota's Initial Proposal Vol II](#)). Please submit the **total proposed price for the low-cost broadband service option** inclusive of all taxes, fees, and surcharges:

Enter Answer to the Above Question Here

Note: Eligible Subscriber: The term "Eligible Subscriber" means any household seeking to subscribe to broadband internet access service that is eligible for the FCC's Lifeline Program.

- Lifeline eligibility criteria are defined in 47CFR 54.409

Section 5: Project Cost & Match

Total Funding Request: *Total Funding Request*

Note: This amount is how much grant funding your organization is seeking with this application. Provide the number rounded up to the nearest cent.

Total Match: *Total Match Amount*

Note: This amount is how much additional funding your organization is acquiring to contribute to the project. Provide the number rounded up to the nearest cent. The expectation is that companies will provide at least a 25% match ([Section III.B.1 of the BEAD NOFO](#))

Total Project Cost: *Total Project Cost*

Note: This amount should be the sum of the two amounts above. Provide the number rounded up to the nearest cent.

Project Cost & Match Breakdown

Please download the Project Cost & Match Breakdown template [HERE](#). Once complete, please upload below:

[Upload] *Note: File type restricted to Excel. Please only use the template above to complete this section.*

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Capital Investment Schedule

Per BEAD NOFO, Section IV.D.2.c., applicants must provide a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant.

Please download the Capital Investment Schedule template [HERE](#). Once complete, please upload below:

[Upload] Note: File type restricted to Excel. Please only use the template above to complete this section.

Section 6: Project Timeline

Project Timeline

Please identify the anticipated start date and completion date of the project.

Note: Per Section 60102(h)(4)(C) of the [Infrastructure Act](#), subgrantees must deploy the broadband network and begin providing services within the project area not later than four years after the date on which the subgrantee receives the subgrant.

Start Date: Click or tap to enter a date.

Completion Date: Click or tap to enter a date.

Please download the Project Timeline Template [HERE](#). Once complete, please upload below:

[Upload] Note: File type restricted to Excel. Please only use the template above to complete this section.

Section 7: BEAD Qualification Requirements (Amended)

The South Dakota Broadband Team will use the NTIA's BEAD Qualification Requirements, outlined in [Section IV.D.2 of the BEAD NOFO](#), - and in the [Restructured Policy Notice](#), as *eligibility* criteria when assessing prospective subgrantees, meaning that prospective subgrantees must meet the standards to be eligible for BEAD funding. It is important to note that the below eligibility requirements contained in this section of the application are not scoring criteria. These requirements help determine which prospective subgrantees are qualified to compete for subgrants, whereas scoring criteria will help with selection between competing eligible prospective subgrantees.

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A. Financial Capability

Summary: Applicants are required to provide organizational financial information to demonstrate financial capabilities to complete the project.

Audited Financial Statements

Does the applicant have audited financial statements from the prior fiscal year? **[Yes/No Dropdown]**

If yes, applicant will be prompted to question A. If no, applicants will be prompted to question B.

Question A

Please upload financial statements from the prior fiscal year that have been audited by an independent certified public accountant.

[Upload] Note: File type restricted to Word, PDF, or Excel

Question B

Please upload unaudited financial statements from the prior fiscal year.

[Upload] Note: File type restricted to Word, PDF, or Excel

Please provide a narrative explanation as to why audited statements are unavailable:
Enter Answer to the Above Question Here.

If awarded a subgrant, subgrantees must provide financial statements from the prior fiscal year that are audited by an independent certified public accountant. By checking the box below, please certify that the organization will provide audited financial states from the prior fiscal year.

- ☐ I certify on behalf of my organization that, if awarded a subgrant, the organization will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant.

Letter of Credit (Amended question)

Applicants must obtain a letter from a bank committing to issue a Letter of Credit as outlined in [Section IV.D.2.a.ii of the BEAD NOFO](#). Applicant, if LEO, must follow guidance regarding Letter of Credit on Page 20 of [NTIA Restructured Policy Notice](#).

Those unable to submit a letter may submit a Performance Bond as an alternative form of financial surety per NTIA's conditional programmatic waiver. Please see information on each of the options below and choose one best suited to your organization.

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a. Option A: Commitment to Letter of Credit

Please provide a letter from a bank – meeting eligibility requirements consistent with those set forth in [47 C.F.R § 54.804\(c\)\(2\)](#) – committing to issue an irrevocable standby letter of credit, in the required form, to the prospective applicant. This letter should state the dollar amount equal to minimum 25% of the prospective subgrant. In addition to using banks that are eligible under [47 C.F.R § 54.804\(c\)\(2\)](#), subgrantees may utilize any United States credit union that is insured by the National Credit Union Administration and that has a credit union safety rating issued by Weiss of B- or better.

[Upload] Note: File type restricted to PDF

Prior to Entering a Subgrant Agreement: Letter of Credit and Opinion Letter

Please note, as outlined in [Section IV.D.2.a.ii of the BEAD NOFO](#), prior to entering into any grant agreement, the applicant will need to provide a Letter of Credit on a per project basis. The Letter of Credit must be substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF). In addition to the Letter of Credit, an Opinion Letter must be submitted on a per project basis. The opinion letter from legal counsel must clearly state, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning applicant’s bankruptcy estate under Section 541 of the Bankruptcy Code.

b. Option B: Commitment to Performance Bond

Please provide a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the [Department of Treasury Circular 570](#) committing to issue a Performance Bond to the prospective applicant. The letter shall provide the dollar amount equal to 100% of the subgrant and must include all terms and conditions.

[Upload] Note: File type restricted to PDF

Prior to Entering a Subgrant Agreement: Performance Bond

Please note, as outlined in the [BEAD Letter of Credit Waiver](#), prior to entering a grant agreement, subgrantees will be required to provide the Performance Bond a per project basis. The Performance Bond must be in the format required by the State as described in the Grant Agreement, executed by a corporate Surety authorized to do business in the State of South Dakota and in the full amount of the Agreement

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Amount, as defined in the Grant Agreement (total of Grant Funds plus Grant Match).

Post-Award: Potential Reduction of Letter of Credit and Performance Bond Percentages
[Section IV.D.2.a.ii of the BEAD NOFO](#) requires that the initial amount of the Letter of Credit be 25% of the subaward (or the initial amount of the performance bond be 100% of the subaward). However, the [BEAD Letter of Credit Waiver](#) allows for South Dakota to allow the following:

- South Dakota can reduce the amount of the letter of credit obligation below 25% over time or reduce the amount of the performance bond below 100% over time, upon a subgrantee meeting deployment milestones specified by the South Dakota Broadband Team.
- The initial amount of the letter of credit or performance bond can be 10% of the subaward amount during the entire period of performance when South Dakota issues funding on a reimbursable basis consistent with [Section IV.C.1.b of the BEAD NOFO](#) and reimbursement is for periods of no more than six months each.

Administration

The expense of the Letter of Credit, or the Performance Bond, shall be borne by the applicant and the bonds or letter shall be filed with the South Dakota Broadband Team within thirty (30) days of the Effective Date of the Agreement and prior to the South Dakota Broadband Team's issuance of a Notice to Proceed with construction.

Sustainability

Applicants must demonstrate the sustainability of the project by providing a business plan as outlined in [Section IV.D.2.a.iv of the BEAD NOFO](#). Prospective subgrantees must submit business plans and related analyses, detailing cash flow and balance sheet projections, and including at least three years of operating costs and cash flow projections after the targeted completion of the project.

[Upload]: Note: File type restricted to Word, PDF, or Excel

Certifications

If awarded a subgrant, subgrantees are required to maintain certain qualifications as described below and as outlined in [Section IV.D.2.a.i of the BEAD NOFO](#). By checking the boxes below, please certify on behalf of your organization the following organizational qualifications:

- ☐ I certify that the organization will have access to funds for all project costs that exceed the requested grant amount.

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- ☐ I certify that the organization has sufficient financial resources to cover its eligible costs for the project until such time as the South Dakota authorizes additional disbursements.
- ☐ I certify that the organization is qualified to meet the obligations associated with the project.
- ☐ I certify that the organization will comply with all program requirements, including service milestones.

B. Managerial Capability

Summary: Prospective subgrantees are required to provide information on key personnel, management structure, prior experience, and current projects to demonstrate managerial capabilities to complete the project as outlined in [Section IV.D.2.b of the BEAD NOFO](#).

1. Please upload one file containing a one-page resume of all key personnel undertaking the project, detailing relevant experience and qualifications.
[Upload] Note: File type restricted to Word or PDF
2. Please upload an organizational chart that includes all relevant personnel, including those detailed in the resumes included, and all parents, subsidiaries, and affiliates of the prospective subgrantee. Names and titles should be clearly identified for all positions.
[Upload] Note: File type restricted to Word or PDF
3. Please provide a narrative describing the prospective subgrantee's readiness to manage a broadband services network, including:
 - Experience and qualifications of management personnel;
 - Experience of the prospective subgrantee in undertaking projects of similar size and scope;
 - Recent and upcoming organizational changes including mergers and acquisitions; and
 - Any relevant organizational policies.

Enter Answer to the Above Question Here.

C. Technical Capability

Summary: Prospective subgrantees must attest to their technical capabilities to demonstrate requisite capabilities to complete the project. Please note that proof of technical capabilities, as required by the [BEAD NOFO, Section IV.D.2.c](#), is required in separate portions of this application.

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By checking the boxes below, please certify on behalf of your organization the following technical qualifications:

- ☐ I certify that the organization is technically qualified to complete and operate the project(s). This includes ensuring that the prospective subgrantee is capable of carrying out the funded activities in a competent manner.
- ☐ I certify that any contracted resources that organization plans to engage for BEAD projects will have the necessary skills and qualifications to contribute effectively to the proposed initiatives.

Professional Engineer Certification

Per [Section IV.D.2.c. of the BEAD NOFO](#), prospective subgrantees must submit a certification from a professional engineer, stating that the proposed network, including but not limited to, the network design, diagram, project costs, build-out timeline and milestones for project implementation, can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

Per [NTIA's Conditional Limited Programmatic Waiver and Clarification of Professional Engineer Certification](#), the requirement that an applicant submit a “capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant” that is “certified by a professional engineer” is waived. However, a professional engineer is still required to certify the remaining elements of the PE Certification Requirement (listed in previous paragraph).

Please download the Professional Engineer Certification Form [HERE](#). Once complete, please upload below:

[Upload] Note: File type restricted to PDF or Word. Please only use the template above to complete this section.

D. Compliance with Laws

Summary: Subgrantees must comply with federal labor and employment laws as outlined in [Section IV.D.2.d of the BEAD NOFO](#). The South Dakota Broadband Team will use the information provided below to evaluate compliance and suitability of the applicant to meet federal labor and employment laws.

- ☐ Please certify that the applicant is able and intends to carry out funded activities in a competent manner in compliance with all applicable federal, state, and local laws and requirements.

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E. Operational Capability

Summary: Prospective subgrantees must certify that they possess the operational capability to qualify to complete and operate the project as outlined in [Section IV.D.2.e of the BEAD NOFO](#). They must also submit documentation proving that certain operational criteria are met per the BEAD NOFO.

By checking the boxes below, please certify on behalf of your organization the following operational qualifications:

- ☐ I certify that the organization possesses the operational capability to qualify to complete and operate this project.

Documentation Required

Please read the category types below, select which category the applicant falls under, **and** complete the required section.

Category 1: Applicant is an existing provider, defined as an organization that has provided a voice, broadband, and/or electric transmission or distribution service for at least the two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity.

Please specify the number of years the organization or its parent company has been operating:

Enter Answer to the Above Question Here

By checking the boxes below, please certify on behalf of your organization the following:

- ☐ I certify that the organization has provided a voice, broadband, and/or electric transmission or distribution service for the number of years listed above, or that it is a wholly owned subsidiary of such an entity.

For applicants that have provided a voice and/or broadband service, please complete one of the following:

- ☐ I certify that the organization has timely filed the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.
- ☐ The organization has a pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to

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comply with Commission rules or regulations.

Please describe:

For applicants that have only operated an electric transmission or distribution service, please submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant time period, and a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

[Upload] Note: File type restricted to Word or PDF

Category 2: Applicant is a new entrant, defined as an organization that does not have experience providing at least two years of voice and/or broadband service and is not an electrical transmission service provider.

Please submit a narrative description of sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities, which may include:

- Contractor and subcontractor project descriptions;
- Partnerships with entities familiar with the broadband market;
- Experience undertaking projects and/or providing services of a similar nature;

Enter Answer to the Above Question Here.

Additional Information

Please describe efforts to keep the public informed of project progress and the broadband adoption plan. Include how the applicant plans on communicating the project status to stakeholders, including but not limited to County leadership, project areas residents, and state and federal elected officials, etc.

Enter Answer to the Above Question Here

If applicable, please describe any unique partnerships involved in the proposed project. Examples include electric utilities, universities, federal/state recognized tribal governments, and federal/state agencies.

Enter Answer to the Above Question Here

F. Ownership Disclosure

Summary: Prospective subgrantees must submit relevant ownership information as required by [47 C.F.R. § 1.2112\(a\)\(1\)-\(7\)](#). Please fully disclose the following, as appropriate based on the prospective subgrantee.

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Please list the real party or parties in interest in the organization 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 prospective subgrantee.

Enter Answer to the Above Question Here

Please list the name, address, and citizenship of any party holding 10 percent or more of stock in the organization, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held.

Enter Answer to the Above Question Here

In the case of a limited partnership, please list the name, address, and citizenship of each limited partner whose interest in the partnership is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses).

Enter Answer to the Above Question Here

In the case of a general partnership, please list the name, address, and citizenship of each partner, and the share or interest participation in the partnership.

Enter Answer to the Above Question Here

In the case of a limited liability company (LLC), please list the name, address, and citizenship of each of its members whose interest in the LLC is 10 percent or greater.

Enter Answer to the Above Question Here

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

Enter Answer to the Above Question Here

Please list any FCC-regulated entity or prospective subgrantee for an FCC license, in which the organization or any of the parties identified in [paragraphs \(a\)\(1\) through \(a\)\(5\)](#) of this section, owns 10 percent 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 organization (e.g., Company A owns 10 percent of Company B (the organization) and 10 percent of Company C, then

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Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license organization).

Enter Answer to the Above Question Here

G. Existing Projects Using Public Funding

Summary: Prospective subgrantees must disclose every broadband deployment project using public funds that the applicant is undertaking or has committed to undertake at the time of the application per [Section IV.D.2.g of the BEAD NOFO](#). These awards must be disclosed if received in the last 7 years.

Please download the Public Funds Disclosure Template [HERE](#) to submit a list of all broadband deployment projects that have received or are expected to receive public funding (both state and federal). Include projects for which your organization has applied or intends to apply, along with any publicly funded broadband deployment endeavors conducted or planned by your organization or its affiliates. This may include (but is not limited to): Families First Coronavirus Response Act; CARES Act Consolidated Appropriations Act; American Rescue Plan of 2021; Any federal Universal Service Fund high-cost program (e.g., RURAL DIGITAL OPPORTUNITY FUND (RDOF), CONNECT AMERICA FUND (CAF). Once complete please upload below:

[Upload] Note: File type restricted to Excel. Please only use the template above to complete this section.

H. Risk Management

Summary: Prospective subgrantees must provide Cybersecurity and Supply Chain Risk Management plans to demonstrate requisite risk management capabilities as outlined in [Section IV.C.2.e.vi of the BEAD NOFO](#).

Cybersecurity

By checking the box below, please certify on behalf of your organization one of the following:

Option 1: Applicant is providing service prior to award

- ☐ I certify that the organization has a cybersecurity risk management plan in place that is operational.

Option 2: Applicant is not yet providing service prior to award

- ☐ I certify that the organization has a cybersecurity risk management plan in place that is ready to be operationalized upon providing service.

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Plan Requirements

- ☐ I certify that the plan reflects or will reflect the latest version of the National Institute of Standards and Technology (NIST) [Framework for Improving Critical Infrastructure Cybersecurity](#) (currently Version 1.1) and specifies the security and privacy controls being implemented.
- ☐ I certify that the plan will be reevaluated and updated on a periodic basis and as events warrant.
- ☐ I certify that the plan will be submitted to the State of South Dakota prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to South Dakota within 30 days.

Supply Chain Risk Management (SCRM)

By checking the box below, please certify on behalf of your organization one of the following:

Option 1: Applicant is providing service prior to award

- ☐ I certify that the organization has a SCRM plan in place that is operational.

Option 2: Applicant is not yet providing service prior to award

- ☐ I certify that the organization has a SCRM plan in place that is ready to be operationalized upon providing service.

Plan Requirements

- ☐ I certify that the plan is based upon or will be 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.
- ☐ I certify that the plan will be reevaluated and updated on a periodic basis and as events warrant.
- ☐ I certify that the plan will be submitted to the South Dakota Broadband Team prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the South Dakota Broadband Team within 30 days.

Section 8: Labor Standards and Protection (Amended)

By checking the boxes below, please certify on behalf of your organization the following:

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- ☐ I certify that the organization and its contractors and subcontractors, as a prospective subgrantee, are currently in compliance with applicable laws.

If applicable, detail any such violations over the previous 3 years by the prospective subgrantee and any of its contractors and subcontractors, including when the violation occurred, the nature of the violation, and remedial actions taken following the violation.

Enter Answer to the Above Question Here

If the organization is an existing provider, an Officer or Director-level employee of the applicant must certify that all applicable violations during the previous 3 years by the applicant and any of its contractors and subcontractors have been disclosed as part of the application. Please upload this certification if applicable.

[Upload] Note: File type restricted to Word or PDF

If the organization is a new entrant, please provide a narrative covering the above topics detailing specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Enter Answer to the Above Question Here

Section 9: Weather Risks Mitigation (Amended)

Due to the prevalence of South Dakota winter weather and storm conditions that primarily affect above-ground infrastructure, projects such as aerial fiber or others utilizing this type of infrastructure may be subject to additional scrutiny on mitigation of weather and climate-related hazards. Most prospective subgrantees in the state are already well prepared to handle these hazards due to the prevalence of these conditions across the state. These projects may additionally be required to take similar steps as projects in areas subject to the initial hazard screening to mitigate the risks these conditions pose. By checking the box below, please certify on behalf of your organization the following:

- ☐ I certify that the organization and its contractors and subcontractors, as a prospective subgrantee, will develop and submit to the State of South Dakota Broadband Team any requested designs, plans, or other documentation to mitigate risks in vulnerable areas due to natural disaster.

Section 10: Build America, Buy America Act (BABA)

Summary: All funds made available through the BEAD Program for broadband infrastructure must comply with the Build America, Buy America Act (BABA), enacted

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under [Division G, Title IX of the Infrastructure Investment and Jobs Act \(IIJA\)](#). While no formalized BABA policy exists in South Dakota, it is common practice in the state to source from manufacturers in the following locations in this order: local, statewide, regional, national, and finally, international. However, the State recognizes the impetus to focus BEAD funds to American businesses and workers, and, as such requires compliance from potential subgrantees with the BABA requirements listed below in accordance with [Section VII.D.6 of the BEAD NOFO](#). By checking the boxes below, please certify on behalf of your organization the following:

- ☐ I certify on behalf of the organization that all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities will be produced in the United States unless a waiver is granted.
- ☐ I certify on behalf of the organization that, in determining whether a product is produced in America, the prospective subgrantee will comply with definitions included in [Section 70912 of the Build America, Buy America Act](#), which provides that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- ☐ I certify on behalf of the organization that the prospective subgrantee will not use BEAD funding 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 \(47 U.S.C. § 1608\)](#).
- ☐ I certify on behalf of the organization that any BEAD funding for the project will not be used to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from the Assistant Secretary.

During the project application process, applicants may request a waiver from a Federal awarding agency if the recipient reasonably believes a waiver is justified. It is important that applicants thoroughly read and understand the additional guidance documents to ensure compliance. The Notice of Final Waiver can be found at the following link: [BABA Final Waiver](#). For further information on the BABA Act, applicants can use the links below:

- [EPA.gov | BABA Approved Waivers](#)
- [Commerce.gov | BABA Waivers, FAQs, and Related Information](#)
- [FAQs on BABA and BEAD](#)

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Section 11: Environmental and Historical Preservation

Summary: There are two primary articles that comprise the Environmental and Historical Preservation (EHP) interests of the BEAD Program: the [National Historical Preservation Act \(NHPA\)](#) and the [National Environmental Policy Act \(NEPA\)](#). Per [Section VII.D.4 of the BEAD NOFO](#), prospective subgrantees are required to certify that they understand and acknowledge that they must comply with NEPA and NHPA as part of the BEAD program. By checking the boxes below, please certify on behalf of your organization the following:

- ☐ I certify that the organization will comply with National Environmental Policy Act (NEPA) (42 U.S.C. part 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. part 300101 et seq.) and any other environmental or national historic preservation requirements.
- ☐ I certify that the organization understands that NEPA analysis will be required for every project funded through the BEAD program and agrees to provide sufficient information to allow for NEPA analysis such as a detailed project description, including applicable supporting documentation.
- ☐ I certify that the organization acknowledges the significance of minimizing the environmental and historic preservation impacts associated with construction in sensitive areas and will ensure that projects and eligible activities will be designed to minimize potential adverse impacts on the environment.
- ☐ I certify that the applicant understands that they are responsible for identifying and obtaining applicable Federal, State and Local Permits (such as easements) and approvals required to complete any BEAD program projects within the project implementation timeline.
- ☐ I certify that the applicant is aware that, should further details be needed post-application approval, the South Dakota Broadband Team/NTIA reserve the right to retain funds under a specific award condition until the subgrantee provides the requisite details pertaining to environmental compliance.

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Post-Application

For NTIA to fulfill the necessary NEPA and NHPA (also commonly referred to as Section 106 requirements), applicants seeking BEAD funds may need to provide additional information during the application review process. Additional NEPA guidance is forthcoming from NTIA for how it wants the state to engage on these issues. The South Dakota Broadband Team will follow up as necessary with applicants concerning any questions, unresolved issues, and other concerns, to complete the NEPA/Section 106 review process. Please refer to NTIA's BEAD NEPA Technical Assistance and FAQ page for general information about these requirements for BEAD subgrantees.

Section 12: Final Submission

Additional Information

If desired, please provide any other information you wish the South Dakota Broadband Team to know about your organization's proposed project not included in previous application responses. Information in previous responses should be as complete as possible; this section will not be used to determine eligibility or scoring of an application.

Enter Answer to the Above Question Here

Confidentiality

As noted at the beginning of the application, all documents deemed by the applicant to include confidential information, trade secrets, or personal information **MUST** be uploaded separately into the "Confidential Documents" field below. These documents must be uploaded as a single PDF and the file name must include the applicant's name and the words CONFIDENTIAL INFORMATION.

If relevant, please upload the confidential document here:

[Upload] *Note:* File type restricted to PDF

Application Submission

Please ensure that your application is complete prior to submission. Applicants cannot amend their application following submission unless deemed appropriate by the South Dakota Broadband Team under specific conditions outlined in [Section 2.4.5 of South Dakota's Initial Proposal Vol II](#). Applications with major incomplete or missing components will be rejected.

By checking the box below, please certify that all information contained in the application is true and accurate.

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- ☐ I certify on behalf of my organization that all information included in the application is true and accurate.

[Option] Submit Application