

Context and purpose of this document

The Broadband Equity, Access, and Deployment (BEAD) program aims to deploy broadband to all unserved locations (without broadband or below 25/3 Mbps) and underserved U.S. locations (service between 25/3 Mbps and 100/2 Mbps). The program has provided \$42+ billion in state grants to meet this goal, and Arkansas is responsible for deployment of ~\$1.0B in BEAD funding, with the mandate to connect ~190K unserved, underserved, and Community Anchor Institutions with quality internet access.

As the state's broadband office, ARConnect is responsible for overseeing the selection of subgrantees to deploy broadband infrastructure. National Telecommunications and Information Administration (NTIA), the federal agency responsible for administering and supervising BEAD funding deployment, has established several essential criteria that subgrantees must meet to qualify. These criteria include certifications, such as anti-collusion statements, qualifications, which involve providing evidence of appropriate licensure, and forward-looking commitments, like a pledge to offer fair and non-discriminatory support to eligible customers.

In order to comply with these requirements and to ensure that ARConnect gathers the critical information necessary for the selection of subgrantees, all applicants will be mandated to submit a Pre-Qualification Application. The attached questionnaire is a preliminary version of this application. Please be aware that it is subject to further refinement by ARConnect, and it will undergo a review by the NTIA for final approval.

ARConnect will inform potential subgrantees when the final version of the Pre-Qualification Application is ready, along with instructions for submission. This information will be provided at a later date.

Please direct any questions to broadband@arkansas.gov, **Subject Line: Pre-Qual Question.**

Thank you!

Appendix A – Pre-qualification Application

A1. Sub-grantee certifications

Basic certifications

1.1. 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?

[Check box]

1.2. 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?

[Check box]

1.3. 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?

[Check box]

1.4. Do you certify your understanding of and commitment to abide by all Arkansas and Federal anti-collusion laws? See [Arkansas Procurement Law § 19-11-240](#) for additional information.

[Check box]

1.5. Do you certify your understanding that ARConnect BEAD rules demand full confidentiality by applicants? If any evidence is provided that applicants have shared material application information or in any way attempted to coordinate responses with other applicants, individuals outside their organization, or other entities that could support a BEAD application, ARConnect reserves the right to take legal action and/or instate penalties including termination of ongoing grants, exclusion from future ARConnect grant programs, and other assessments of penalties and fines. As one exception to this confidentiality, applicants may share network diagrams, project timelines, service levels, marketing plans, and weather mitigation plans with designated local officials as part of conversations to solicit letters of support. No other information (e.g., requested subsidy, total project costs, etc.) should be shared with local officials.

[Check box]

1.6. Please describe your plan to guard against collusion and breach of confidentiality.

[Text box]

1.7. 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](#). If you intend to use the services of any sub-contractors, disclose the same information for all potential sub-contractors. The Contract and Grant Disclosure and Certification Form shall be used for both sub-grantees and their sub-contractors. The failure of any person or entity to disclose as required under any term of Executive Order 98-04, or the violation of any rule, regulation or policy promulgated by the Department of Finance and Administration pursuant to this Order, shall be considered a material breach of the terms of the grant and shall subject the party failing to disclose, or in violation, to all legal remedies available to the Agency under the provisions of existing law.

[Upload]

1.8. Please acknowledge that Arkansas reserves the right to request modifications and/or attach conditions to BEAD awards, including but not limited to: Arkansas reserving the right to eliminate BEAD funding for some or all CAIs and/or underserved locations contained within an application, based on the reasonable per-location cost values established by the CostQuest Associates cost data used to establish initial BEAD support offers, et al.

[Check box]

Environmental preservation certifications, as required by BEAD Guidelines Section 2.4.5

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

[Check box]

1.10. 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?

[Check box]

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

[Check box]

1.12. (Optional) Please provide your weather resiliency plan, including all weather resiliency measures to be taken. Weather resiliency plans that include required measures as specified in

section 2.11.1.d. of the ARConnect BEAD Initial Proposal Volume II will be eligible for points on the ARConnect BEAD Scoring Rubric. Note that ARConnect reserves the right to request additional details and/or measures prior to awarding points based on their review of weather resiliency plans. See section 2.4.2. for a description of the scoring rubric and points available for weather resiliency plans.

[Upload]

Historical preservation certification, as required by BEAD Guidelines Section 2.4.5

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

[Check box]

Build America, Buy America certifications, as required by BEAD Guidelines Section 2.4.5

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

[Check box]

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

[Upload]

Labor Laws, as required by BEAD Guidelines Section 2.7.1

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

[Check box]

1.17. 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? If you do you not have at least three years of relevant experience please indicate 'no' and certify question 1.17.b.

[Check box]

1.17.b. (Optional) If you do not have at least three years of relevant operations in the United States of America, do you certify your commitment to abide by all fair labor laws as applied to BEAD broadband deployment and ongoing operations?

[Check box]

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

[Check Box]

1.18. Please describe 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.

[Text box]

Israel Boycott Restriction Certification

1.19. 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? Note that a full certification will be required, prior to finalization of award, pursuant to [Arkansas Code Annotated § 25-1-503](#).

[Check box]

Low-Cost-Plan Certification, as required by BEAD Guidelines section 2.12.1.

1.20. Do you certify that you will support a low-cost plan with the following characteristics:

- a) Consistently and reliably providing download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps
- b) Providing typical latency measurements of no more than 100 milliseconds
- c) Not being subject to data caps, surcharges, or usage-based throttling, and being subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.
- e) Ability of end users to apply the Affordable Connectivity Program and Lifeline Program benefit subsidies to the service charges.
- f) Ability of eligible subscribers that are subscribed to a low-cost broadband service option to upgrade to any new low-cost offerings that may be provided by the sub-grantee in the future at little to no cost.

[Check box]

Sub-contractor requirements, as required by BEAD Guidelines section 2.9.1 and 2.9.2

1.21. 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 outlined on pages 88-89 of the BEAD NOFO?

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce

[Check box]

1.22. To understand the landscape of firms participating in broadband deployment across Arkansas, ARConnect is requesting sub-grantees share a list of sub-contractors that they have worked with in Arkansas in the past 12 months. The list should include the sub-contractors DBA name, the category of work that they supported, and an indication of whether they are a small business (no more than 1,500 employees and a maximum of \$41.5 million in average annual receipts), a minority-owned business, a women-owned business, or a business operating in a Federally designated [Labor Surplus Area](#). The response to this question will not impact your eligibility to participate in the Arkansas BEAD sub-grant process.

[Upload]

A2. Applicant qualifications

Financial capabilities, as required by BEAD Guidelines section 2.4.11.

2.1. What is the approximate total subsidy you intend to request for all project areas on which you intend to bid? What is the approximate total project cost (e.g., subsidy plus subgrantee match) for all project areas on which you intend to bid? Note that total subsidy request cannot be more than 75% of project costs for any given bid, unless you request and are granted a waiver (e.g., for an area designated a High-Cost area by NTIA).

[Text box]

2.2. Do you certify that you have sufficient funds available to cover all project costs beyond the grant amount as well as fund availability to cover project costs prior to receiving reimbursement from BEAD? To verify, please provide bank account balances with funds to be dedicated to ARConnect-awarded BEAD deployment.

[Check box]

2.3. Please provide a standby letter of credit or performance bond that meets requirements set forth in Section 2.4.11 of the ARConnect BEAD Initial Proposal Volume II.

[Upload]

2.4. Please provide audited financial statements from the most recent period. If you do not have audited financial statements, please provide financial statements and certify your commitment to provide audited financial statements for your most recent period prior to initial BEAD fund disbursement for any grants that you might be awarded.

[Upload]

2.5. Please provide a business plan for your company, including cash flow statements and balance sheet projections for at least up to 3 years following completion of intended projects. Please also include any assumptions, such as subscriber counts and operating costs, behind cash flow projections.

[Text box]

Managerial capabilities, as required by BEAD Guidelines section 2.4.12.

2.6. 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.

[Upload]

2.7. Please provide organization charts, including intended organization for any projects for which you plan to submit bids. Organization charts should include the names, titles, and brief description of responsibilities for all parties along with proposed reporting lines between organizations and individuals involved in deploying BEAD projects for which you intend to bid.

[Upload]

2.8. Please provide a narrative explanation of managerial capabilities as related to BEAD deployment, incl. experience and qualification of key managerial personnel, subgrantee experience with projects of similar size and scope, any recent or upcoming M&A activities, and any relevant policies.

[Text box]

Technical capabilities, as required by BEAD Guidelines section 2.4.13.

2.9. Please provide proof of current licensing from relevant regulatory bodies permitting your operations in Arkansas in the form of scanned or photographed documents.

[Upload]

2.10. Please provide proof of current licensing for any engineers responsible for certifying design, diagrams, project costs in the form of scanned or photographed documents.

[Upload]

2.11. Please describe examples of past work demonstrating experience in designing and successfully delivering projects of similar size, duration, and complexity.

[Text box]

2.12. Please provide a comprehensive project plan description that explicitly outlines the various stages of the capital investment schedule, encompassing planning, design, implementation, and operation. The project plan should include details such as network design, diagrams, projected costs, timelines (no longer than 4 years), and evidence of adherence to the stipulated timeline as mandated by the BEAD NOFO. This project plan must be certified by a professional, licensed engineer.

[Upload]

2.13. 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.

[Check box]

2.14. Please describe how you will add incremental capacity as new customers are added to your area.

[Text box]

2.15. Please provide a detailed network diagram for all CBGs for which you intend to bid.

[Upload]

2.16. Please describe a detailed plan to guarantee cybersecurity for all planned networks.

[Text box]

Operational capabilities, as required by BEAD Guidelines section 2.4.11.

2.17. 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.

[Text box]

2.18. Please provide the number of locations currently subscribed to internet services through your networks and plans. Please separately provide both the number of locations in Arkansas and the number of locations across the United States.

[Text box]

2.19. Please provide a list of all federally or State-funded deployment projects, along with their funding sources and completion or non-completion timelines. For more information on disclosures of federal and State-funding sources, see Section 2.4.17. of the ARConnect BEAD Initial Proposal Volume II.

[Text box]

2.20. 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\(a\)\(1\)-\(7\)](#). For more information on disclosures of ownership and related companies, see Section 2.4.16. of the ARConnect BEAD Initial Proposal Volume II.

[Text box]

2.21. Please provide any penalties you or a subsidiary, affiliate, or holding company has incurred related to broadband deployment projects.

[Text box]

2.22. Please provide the name and details of any instances in which you have been involved as a defendant in federal or state criminal proceedings or civil litigation.

[Text box]

2.23. Please provide all known complaints filed against you or any of your subsidiaries or affiliates to the Arkansas Department of Inspector General, Arkansas Office of the Attorney General, Arkansas Public Service Commission, Arkansas Department of Commerce, Arkansas State Broadband Office, or any other Arkansas state agency. Please provide in the form of a document with links and/or screenshots of all known complaints.

[Upload]

2.24. If you have offered voice, broadband, and/or electric transmission or distribution services for a continuous period of at least two years before the date of application submission or if you are a wholly owned subsidiary of an entity that has offered these services, please provide these facts and specify the number of years that you or your parent company has been in operation.

[Text box]

Regulatory compliance, as required by BEAD Guidelines section 2.4.14.

2.25. 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 during this period, in compliance with the FCC's rules and regulations. Alternatively, 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, please provide an explanation.

[Check box and optional text box]

2.26. If you have exclusively operated an electric transmission or distribution service, please provide qualified operating or financial reports that have been filed with the relevant financial institution during the time period of your operations. Additionally, certify the accuracy and authenticity of these submissions in comparison to the reports provided to the relevant financial institution.

[Upload and check box]

2.27. Please provide a detailed list of all relevant federal and Arkansas state laws along with a certification of past compliance and/or disclosure of any historic violations for each law. If you do not have any experience operating in Arkansas, submit a detailed list of all relevant federal and State laws from all states in which you operate as well as certification of past compliance or disclosure of historic violations.

[Text box]

2.28. Please provide policies and procedures designed to ensure compliance with occupational health and safety laws, including protection for worker-led health and safety committees.

[Upload]

Supply chain risk management

2.29. 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, timeline, or delivery of service.

[Text box]

Workforce planning, as required by BEAD Guidelines section 2.8.2.

2.30. Please describe your hiring plan to ensure that you will have a qualified workforce. Hiring plans should include the following details:

1. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, for example, through commitments to recruit new Arkansan Fiber Academy graduates
2. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, for example, appropriate and relevant preexisting occupational training, certification, and licensure
3. Whether the workforce is unionized
4. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce
5. A list of entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work

If the project workforce or any applicant, contractor, or subcontractor workforce is not unionized, NTIA requires prospective applicants to also provide the following for the non-union workforce:

1. The job titles and size of the workforce full-time equivalent positions (including for contractors and subcontractors) required to carry out the proposed work over the course of the project, and the entity that will employ each portion of the workforce
2. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - o Safety training, certification, and/or licensure requirements (for example, Occupational Safety and Health Administration 10 and 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications or titles
 - o Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard

[Text box]

A3. Deployment commitments

3.1. Please provide a list of technology types (e.g., XGS-PON) included in your planned deployment bids as well as the baseline speed and latency for each technology type.

[Text box]

3.2. Please provide the baseline excess capacity and conduit access intervals for all intended BEAD builds.

[Text box]

3.3. 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.

[Check box]

A4. Service commitments

4.1. 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.

[Check box]

4.2. Please provide the details of your low-cost plan option, including service specifications and price. For more information about low-cost plan requirements see Sections 2.12.1 and 2.12.2 of the ARConnect BEAD Initial Proposal Volume II.

[Text box]

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

[Check box]

4.4. Please provide a detailed plan to market internet services to all BEAD-eligible BSLs and CAIs in your project area, including 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 so as to best distribute information on your services and encourage subscriptions.

[Text box]

A5. Workforce plan (optional)

5.1. (Optional) Please provide a detailed workforce support plan, including the types of workforce programs and measures to be taken and amount of funding dedicated to workforce support. See sections 2.8.1. and 2.8.2. of the ARConnect Initial Proposal Volume II for more information on workforce plans. See section 2.4.2. for an explanation of how workforce plans will be scored.

[Upload]

A6. Final attestation

5.1. 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 authorized representative of the applying entity.

[Signature]