Massachusetts Broadband Equity, Access, and Development (BEAD) Program

Pre-Qualification Application Guide

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<u>Introduction</u>

Key Information

The purpose of this pre-qualification application guide is to assist potential grantees in assembling the proper information for pre-qualification in the Broadband Equity, Access and Deployment (BEAD) funding program. All requirements have been outlined in the BEAD Notice of Funding Opportunity (NOFO) and Massachusetts BEAD Initial Proposal Volume II. Please use this guide as a resource when preparing to submit organizational information and certifications for the BEAD Pre-Qualification process. It is strongly recommended that applicants submit their pre-qualification documents before the subgrant program application opens.

Preregistration Deadline

Preregistration opens on 9/26/24 and will close on 10/28/24

Submission Guidelines

All applications must be submitted using an online application through Submittable. Applications must be complete with all sections clearly labeled.

Contact for Questions

If you have any questions about or during the process, please contact MBI using the broadband@masstech.org email. Please include "BEAD Pre-Qualification" in the subject line.

MBI will also be hosting an information session on 10/3/24 from 2:30 p.m. - 3:30 p.m. to answer any questions.

Program Background

BEAD Program Overview

The National Telecommunications and Information Administration's (NTIA) Broadband Equity, Access and Deployment (BEAD) Program provides $42.45 billion to expand high-speed internet access across the U.S. states and territories. The Commonwealth of Massachusetts has been allocated BEAD funding totaling $147 million to support expansion of broadband access to unserved and underserved locations. The Executive Office of Economic Development (EOED), working in close collaboration with the Massachusetts Broadband Institute (MBI), is managing the Commonwealth's BEAD funding. EOED is the prime recipient and responsible for the delivery, reporting, and compliance related to the funding.

The BEAD program in Massachusetts aims to provide universal broadband access and support digital equity initiatives. The Commonwealth is in an advantageous situation for BEAD broadband deployment projects as the Broadband Infrastructure Gap Networks Grant Program (Gap Networks Program), funded through the ARPA Capital Projects Fund (CPF), has reduced the number of unserved and underserved locations in the Commonwealth prior to BEAD funding becoming available. Any Broadband Serviceable

Locations (BSLs) that have their status changed to unserved or underserved as a result of the BEAD Challenge Process will be eligible for BEAD funding. All remaining coverage gaps of unserved and underserved mass market BSLs will be addressed through the BEAD subgrantee selection process.

Deployment

The BEAD deployment program will have up to three possible rounds of funding based on the number of locations remaining to be served. BEAD Round One focus will be on municipalities as the project service areas, BEAD Round Two focus will be determined after Round One awards, and Round Three, if funds are still available, will focus on Community Anchor Institutions (CAIs). The level of funding allocated to providing 1Gbps symmetrical service to CAIs will be determined by the Commonwealth at a later date. All three rounds may not be required if there are only a small number of locations to be served following the Gap Network Program. The rounds of competitive grant applications will be followed by negotiations to ensure that no gaps remain. By the end of these rounds, the BEAD deployment program will achieve 100% broadband availability through the Commonwealth.

Non-Deployment

MBI intends to use non-deployment BEAD funds to support deeper investment into already existing digital equity programs while also developing new, complementary programs that support the Commonwealth's vision for broadband adoption and quality of service. This approach will make the most efficient use of federal funds while advancing progress toward the Commonwealth realizing MBI's unified vision that every resident in Massachusetts has high-speed, high-quality internet availability and can confidently adopt and use the internet regardless of who they are or where they live.

Separate guidance for non-deployment projects will be provided at a later date.

BEAD Pre-qualification

Pre-qualification is an essential step in the application process and will serve as the first phase in the selection of subgrantees. The primary objective is to assess the eligibility of Applicants for BEAD funding at the organizational level, ensuring that they meet the minimum requirements. BEAD applicants are strongly encouraged but not required to participate in this initial standalone prequalification process for BEAD deployment projects. Applicants that elect not to participate in this initial prequalification process will still be subject to a full review of qualifications during the funding round(s) that they participate in.

Key Definitions:

Alternative technology: Alternative technology is any broadband technology that does not qualify as reliable broadband service; includes unlicensed fixed wireless (ULFW)

and low-earth orbit satellites (LEOs). Alternative technologies must still meet the BEAD technical requirements if funded through the BEAD program.

Applicant: Entities who may be interested in applying for BEAD broadband deployment projects in Massachusetts and are submitting pre-qualification information.

BEAD Technical Requirements: For the purposes of BEAD, the delivered minimum speed must be not less than 100 Mbps for downloads and 20 Mbps for uploads. 95% of latency measurements during testing windows must fall at or below 100 milliseconds round-trip time.

Broadband; Broadband Service: The term "broadband" or "broadband service" has the meaning given the term "broadband internet access service" in Section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation, meaning it is a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part.

Broadband Data Collection (BDC): The term "BDC" refers to the methodology and systems the Federal Communications Commission uses to collect broadband availability, subscription, and bulk crowdsourced/challenge data for use in the Commission's broadband mapping program.

Broadband DATA Maps: The term "Broadband DATA Maps" means the maps created by the Federal Communications Commission under Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)).

Commission: The term "Commission" means the Federal Communications Commission.

Community Anchor Institution (CAI): The term Community Anchor Institution ("CAI") means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

Director/Officer Level Employee: The term "Officer/Director-level employee" of an Applicant or Subgrantee may include roles such as President, Chief Executive Officer, Chief Financial Officer, Treasurer, or equivalent position.

Location; Broadband-Serviceable Location (BSL): The terms "location" and "broadband serviceable location" mean "a business or residential location in the United States at which fixed broadband Internet access service is, or can be, installed."

Program: The term "Program" means MBI's Broadband Equity, Access, and Deployment Program.

Project: In Massachusetts the term "project" means an undertaking by a subgrantee to construct and deploy infrastructure for the provision of broadband service. A "project" may constitute a single unserved or underserved broadband-serviceable location, or a grouping of broadband-serviceable locations.

Key Project Personnel: The term "key project personnel" means all personnel who are likely to have a role on the potential broadband project(s) to be funded by this grant award, including but not limited to, a chief technology officer, project engineer, and contractor oversight team.

Qualifying Broadband Service: To a location that is not a CAI, qualifying broadband is Reliable Broadband Service with (i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds; "qualifying broadband" to a CAI is Reliable Broadband Service with a speed of not less than 1 Gbps for downloads and uploads alike and latency less than or equal to 100 milliseconds.

Reliable Broadband Service: In Massachusetts the term "Reliable Broadband Service" means broadband service that is accessible to a location via: i) fiber-optic technology (BDC technology code 50) ii) cable modem/hybrid fiber-coaxial (HFC) technology (technology code 40) iii) terrestrial fixed wireless technology utilizing entirely licensed spectrum (includes spectrum licensed by rule) or using a hybrid of licensed and unlicensed spectrum (technology codes 71 and 72).

State: The term "State" means, for the purposes of the BEAD Program, any State of the United States, the District of Columbia, and Puerto Rico. In this case, the Commonwealth of Massachusetts.

Subgrantee/Subrecipient: The term "subgrantee" or "subrecipient" means an entity that receives BEAD grant funds from the Commonwealth of Massachusetts to carry out eligible activities.

Underserved Location: The term "underserved location" means a broadband-serviceable location that is (a) not an unserved location, and (b) that the Massachusetts BEAD program eligible locations map show as lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

Unserved Location: The term "unserved location" means a broadband-serviceable location that the Massachusetts BEAD program eligible locations map show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 25 Mbps for downloads; and (ii) a

speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

Purpose of this Guide

This document serves as a guide for those who are interested in applying for BEAD broadband deployment project(s) and will assist such Applicants in pre-registering for Massachusetts' BEAD Program. It includes guidelines regarding Applicant requirements and compliance measures mandated by the National Telecommunications and Information Administration (NTIA), as well as any additional requirements specified by MBI for participation in the BEAD program. The document outlines each prerequisite and provides instructions on the necessary documentation to be submitted as part of preregistration.

The remainder of the document is organized into the following sections:

• General Requirements

• Specific Qualifications

• Financial Capability

• Managerial Capability

• Technical Capability

• Compliance with Applicable Laws

• Operational Capability

• Ownership Information

• Public Funding Information

• Fair Labor Practices and Highly Skilled Workforce

• Environmental and National Historical Preservation (EHP)

• Build America, Buy America Act (BABA)

• Cybersecurity and Supply Chain Risk Management Compliance

Program Eligibility

As described in the Massachusetts BEAD Initial Proposal Volume II, Section 2.4.1, and as required by NTIA, MBI will pre-qualify Applicants before they can submit formal bids for providing services to specific Project Service Areas. This Applicant pre-qualification evaluation will allow MBI to identify the pool of Applicants in advance of the Bead

Project Application Process and work proactively with Applicants to ensure that their applications meet eligibility requirements, and the application process is as competitive as possible.

The following types of entities may apply for BEAD grants:

- Private companies (e.g., corporations, limited liability companies, general partnerships, limited partnerships, etc.).
- Local governmental entities (e.g., municipalities or municipal light plants that offer broadband service),
- Native American Indian Tribes
- Nonprofit organizations.
- Co-operatives, electric co-operatives, and public or private utilities.
- Public utility districts.
- Public Private Partnerships, which are long-term agreements between local government entities and private entities for the delivery and funding of broadband services.
- Other entities that develop and/or operate broadband networks and can demonstrate the experience, capacity and financial resources and stability to satisfy the grant obligations.

Accessing Pre-qualification Portal

Required Information:

General Applicant Information

- Lead Organization Type
    - Broadband Service Provider
    - Local government
    - Tribal government
    - State government
    - Non-Profit
    - Other
- FCC Provider ID: This number is required if the Lead Organization is a Broadband Service Provider.
- Lead Organization Tax Identification: This may be the organization's EIN or the individual's tax identification number.
- Lead Organization Tax Form: A completed W9 form will be uploaded as a PDF
- Company Name: Include full company name.
- Company Address: Include full company address.
- Primary First and Last Name: This should be the person primarily responsible for completing the application.
    - Primary Title

- o Primary Email
- o Primary Phone
- Authorized Organizational Representative (AOR) First Name and Last Name
  - o AOR Title
  - o AOR Email
  - o AOR Phone
- If submitting application as a public private partnership please provide information related to the other participants in the partnership
  - o Company Name: Include full company name.
  - o Company Address: Include full company address.
  - o Primary First and Last Name: This should be the person primarily responsible for completing the application.
    - ▪ Primary Title
    - ▪ Primary Email
    - ▪ Primary Phone
  - o Authorized Organizational Representative (AOR) First Name and Last Name
    - ▪ AOR Title
    - ▪ AOR Email
    - ▪ AOR Phone
  - o Provide Company Unique Entity Identifier (UEI).
    - ▪ The UEI is the primary key used to identify an entity throughout the federal awarding lifecycle and in SAM gov. The BEAD NOFO requires "each subrecipient must obtain a UEI and provide it to the Eligible Entity." Entities doing business with the federal government must have an active registration in SAM.gov. Please note that your application will not be accepted unless you have an active SAM.gov registration and, if awarded, no funding can be reimbursed in the future unless the SAM.gov registration is active. If your company does not already have a UEI, please obtain one by visiting sam.gov and registering. (NOTE: The UEI was previously known as a DUNS number.) See the entity registration checklist here. Please upload proof of your active registration via screenshot or PDF.

Financial Capability

Certifications

- Applicant must demonstrate financial capability by certifying that they:
  - o Are financially qualified to meet the obligations associated with the BEAD project(s).

- o Will have funds available for all project costs that exceed the amount of the grant.
- o Will comply with all BEAD Program requirements, including service milestones.
- o Has and will continue to have sufficient financial resources to cover eligible project costs until further disbursements are authorized by MBI.
- o Will comply with uniform administrative requirements, cost principles, and audit requirements to complete and operate the project.

Audited Financial Statements

Applicants shall provide audited financial statements from the prior fiscal year that are audited by an independent certified public accountant. If the Applicant has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant at such time as the Applicant applies for BEAD subgrant funding.

If the Applicant is publicly-held, provide direct links to 10-K statements for the five most recent fiscal years and a 10-Q for the most recent quarter (if the 10-Q was filed after the most recent 10-K).

Letter of Credit (Letter of Credit will be required for the grant program, and is not needed at time of prequalification)

MBI will establish a model letter of credit (LOC) similar to the model LOC established within the Rural Digital Opportunity Fund (RDOF) and aligned to the NTIA LOC waiver.[1] Applicants must submit the model letter signed by an eligible bank committing to issue an irrevocable standby LOC to the Applicant.

Option to Use Credit Unions

The LOC requirement to use of a bank that meets the eligibility requirements of 47 C.F.R. § 54.804(c)(2)) is waived if the Applicant is instead using any United States Credit Union that is insured by the National Credit Union Administration and has a credit union safety rating issued by Weiss of B- or better.

Option to Use Performance Bonds

MBI will permit the subgrantee to use performance bonds. The LOC Requirement is waived where:

1. During the subgrantee application process, prospective subgrantees are required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury

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[1] https://broadbandusa.ntia.gov/sites/default/files/2023-10/BEAD_LOC_Waiver_Notice_10.23.23.pdf

Circular 570 committing to issue a performance bond to the prospective subgrantee.[2] The letter shall at a minimum provide the dollar amount of the performance bond

2. Prior to entering into any subgrantee agreement, each prospective subgrantee obtains a performance bond, acceptable in all respects to MBI and in a value of no less than 100 percent of the subaward amount.

1. The Applicant must certify that it shall comply with the Letter of Credit requirements in the event that the Applicant elects to subsequently apply for subgrantee funding.

<div align="center"><u>**Managerial Capability**</u></div>

Applicant Organizational Chart

Applicants must submit an organizational chart that includes all Key Project Personnel within the organization who are likely to have a financial, managerial or technical role on the potential broadband project(s) to be funded by this grant award and an explanation of their roles and responsibilities.

Corporate Organizational Chart

Applicants must submit a corporate organizational chart identifying the parent company and any subsidiaries or affiliates that will be performing work in Massachusetts and identifying the company serving as the Applicant to the BEAD Program. The Applicant should be able to contract, receive, and implement grant awards in Massachusetts.

Description of Key Business Partners

Applicant must submit a description of Key Business Partners that will help deliver the proposed project and the roles and responsibilities of each entity.

Disclosure of Organizational Changes

Applicants must submit a document detailing recent and upcoming organizational changes including mergers and acquisitions.

Resumes for Key Project Personnel

Applicants must submit resumes for all Key Project Personnel shall also be provided detailing the education and years of experience for each. Each resume should demonstrate relevant experience with last mile broadband deployment projects of similar scope and scale. Each resume shall also identify relevant credentials. MBI suggests that resumes be no longer than 1 page per individual.

Project History

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[2] https://www.fiscal.treasury.gov/surety-bonds/list-certifiedcompanies.htm

Applicants must provide a narrative describing three last mile broadband deployment projects performed in the past three years. The narrative should include the approach taken, the type of technology deployed, the number of premises passed, and the results accomplished.

Project Readiness

Each Applicant must provide a narrative describing the Applicant's readiness to manage a broadband services network project. The narrative should describe the experience and qualifications of key management for undertaking this project, its experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies.

Technical Capability

Technical Capability Certification

Applicants must certify that they are technically capable of executing and managing the project efficiently. This includes a commitment to employ an appropriately skilled and credentialed workforce.[3] Please note that MBI will review the resumes of Key Project Personnel submitted under the Managerial Capacity section.

Compliance (applicable law)

Certification / Attestation

The officer (CEO/CFO) or Senior Executive Officer of the Applicant must certify that the Applicant is capable of carrying out funded activities competently and in compliance with all applicable federal, state, territorial, and local laws.

Operational Capability

Reference to Other Relevant Pre-Qualification Submissions

Please note that MBI will confirm that the Applicant submitted the certification in the Compliance section and will review the Project History provider in the Managerial Capability section as components of the Applicant's operational capability.

History of Operations (existing providers only)

Applicants that have provided a voice, broadband, and/or electric transmission or distribution service for at least the two consecutive years prior to the date of the application submission or that it is a wholly owned subsidiary of such an entity, must

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[3] detailed in Section IV.C.1.e of the BEAD NOFO

attest to these facts and specify the number of years the Applicant or its parent company has been operating.

FCC Compliance (existing providers only)

Applicants that have provided a voice and/or broadband service must submit a certificate, certifying that it has timely filed Federal Communications Commission Form 477s and the Broadband DATA Act submission, if applicable, for at least the two consecutive years prior to the data of this application submission, and otherwise has complied with the Federal Communications Commission's rules and regulations.

New Entrants- Financial Reports

If the Applicant has operated *only* an electric transmission or distribution service, they must submit qualified operating or financial reports for the prior two years, such as : Rural Utilities Service (RUS) Form 7, Financial and Operating Report Electric Distribution; the RUS Form 12, Financial and Operating Report Electric Power Supply; the National Rural Utilities Cooperative Finance Corporation (CFC) Form 7, Financial and Statistical Report; the CFC Form 12, Operating Report; or the CoBank Form 7; or the functional replacement of one of these reports. *See Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 719, n. 202.

Applicant must also certify that the submission is a true and accurate copy of the reports that were provided to the relevant institution.

New Entrants – Operational Capability

Applicants that are new entrants to the broadband market must provide evidence to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. The Applicant must submit narratives from contractors, subcontractors, or other partners describing relevant operational experience, or other comparable evidence.

Please note that MBI will also review the following information submitted by the Applicant under the Managerial Capacity section:

- Resumes for Key Project Personnel, and
- Project History.

- **<u>Ownership Information</u>**

Applicants must provide a comprehensive disclosure of their ownership information, adhering to the specifics laid out in 47 CFR part 1.2112(a)(1)-(7). This regulation mandates the full disclosure of direct and indirect ownership interests, including details of any parties with a 10% or more stake, the nature of the interest, and the inter-relationships with any FCC-regulated entities. Each Applicant shall fully disclose the following:

1. **Applicant Information**
   List the real party or parties with interest in the Applicant, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the Potential Applicant.
2. **Stockholders Information**
   List the name, address, and citizenship of any party holding 10% or more of stock in the Applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held.
3. **Limited Partners Information**
   In the case of a limited partnership, list the name, address and citizenship of each limited partner whose interest in the Applicant is 10% or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses).
4. **General Partners Information**
   List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership.
5. **Limited Liability Company Information**
   In the case of a limited liability company, list the name, address, and citizenship of each of its members whose interest in the Applicant is 10% or greater.
6. **Indirect Ownership Interest Information**
   List all parties holding indirect ownership interests in the Applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10% or more of the Applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50% or represents actual control, it shall be treated and reported as if it were a 100% interest.
7. **FCC-Regulated Entity Information**
   List any FCC-regulated entity or prospective applicant for an FCC license, in which the prospective applicant or any of the parties identified in paragraphs1-5 of the above 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 prospective applicant (e.g., Company A owns 10 percent of Company B (the prospective applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license prospective applicant)

   a. <u>Public Funding</u>

Applicants are required to provide a list, for itself and for its affiliates any application the Applicant or its affiliates have submitted or plan to submit, and every broadband deployment project that the Applicant or its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including but not limited to funds provided under:

- Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178)
- CARES Act (Public Law 116-136; 134 Stat. 281)
- Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
- American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
- Federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
- Any MBI or local universal service or broadband deployment funding program

Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) Compliance

EHP

Applicants must certify that they have been and will remain compliant 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.).

The Applicant must disclose any past violations of NEPA or NHPA requirements and must submit a detailed narrative documenting the circumstances of the noncompliance and any remedial efforts undertaken to prevent future noncompliance.

BABA

Applicants must certify that they understand and commit to complying with the BABA requirements for the BEAD Program.

Applicants must provide detailed plans outlining their approach to remaining compliant with BABA requirements.

It is imperative that subgrantees thoroughly read and understand the BABA requirements and guidance to ensure compliance. The Notice of Final Waiver can be found at the following link: BABA Waiver Signed.pdf (commerce.gov).[4] Applicants should recognize the significance of adhering to these guidelines and take appropriate measures to equip themselves accordingly.

Labor Standards and Protections

Compliance

Applicants must submit a certification from a senior Officer/Director-level employee from the prospective subgrantee's organization, as well as a certification from a senior Officer/Director-level employee from all contractors and subcontractors evidencing

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[4] https://www.commerce.gov/sites/default/files/2024-07/Disclaimer_Final.pdf

consistent past compliance with federal labor and employment laws over the previous three years.

Applicants must also provide a certification stating the Applicant will permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

Applicants must disclose any past violations through written confirmation of any instances in the preceding three years where they, or their affiliated contractors or subcontractors, violated regulations covered under the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws.

Cybersecurity Compliance

The Applicant must certify that they will submit a cybersecurity plan to MBI that complies with the following requirements in the event that the Applicant elects to subsequently apply for subgrantee funding.

- The Applicant has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- The plan will be reevaluated and updated on a periodic basis and as events warrant.

Supply Chain Risk Management (SCRM) Compliance

Applicant must certify that they will submit a supply chain risk management (SCRM) plan to MBI that complies with the following requirements in the event that the Applicant elects to subsequently apply for subgrantee funding.

- The Applicant has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for

Systems and Organizations and specifies the supply chain risk management controls being implemented;

- The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- If the Applicant makes any substantive changes to the plan, a new version will be submitted to MBI within 30 days. The Applicant acknowledges that MBI will be required to provide a subgrantee's plan to NTIA upon NTIA's request.