



# **BEAD Initial Proposal Volume 2**

**Draft for Public Comment**

***MESSAGE from the Director:***

Governor Tate Reeves signed the BEAM Act into law on April 13, 2022, creating the first state broadband office in Mississippi. The Broadband Expansion and Accessibility of Mississippi (BEAM) office is charged with administering state and federal broadband funding, mapping of all unserved and underserved locations, and serves as a single point of contact for broadband policy for the State. Miss. Code Ann. §77-19-7.

The federal Broadband Equity, Access, and Deployment program (BEAD) was established by the Infrastructure Investment and Jobs Act of 2021 and allocated over \$42 billion for the construction of broadband networks and other activities designed to close the digital divide in each state. In June of 2023, Mississippi was allocated \$1.2 billion of the total BEAD funding. BEAM now releases its draft of Volume II of Mississippi's Initial Proposal as required by the BEAD program.

BEAM asks all stakeholders to review this draft proposal and provide constructive feedback during a 30-day public comment period. Comments may be submitted via email at [comments@beam.ms.gov](mailto:comments@beam.ms.gov). For more information about the comment period, please go to the BEAM website at [www.beam.ms.gov](http://www.beam.ms.gov).

The contents of Volume II were defined by the National Telecommunications and Information Administration (NTIA), the federal agency overseeing the BEAD funding, and can be found at [BroadbandUSA.gov](http://BroadbandUSA.gov). Volume II builds on the previously released Volume I which was released for public comment on October 12, 2023. As required, Volume II covers a variety of subjects from affordability to workforce development. Importantly, Volume II defines the process for subgrantee selection and implementation of the program.

After consideration and possible implementation of comments made during the public comment period, Volumes I and II will be submitted to NTIA for review and approval. The deadline for Mississippi's submission is December 27, 2023.

Providing broadband service to all Mississippians is a vast undertaking that is vital to the future of our State. BEAM looks forward to hearing comments on Volume II from Mississippi Stakeholders as we work together to close the digital divide.



**Sally Doty, Director  
Broadband Expansion and Accessibility of Mississippi**

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## Volume II Initial Proposal Requirements

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### Section 2.1 Objectives – Requirement 1

#### 2.1.1 Long-term Objectives

**Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.**

The following goals and objectives are necessary to close the digital divide in Mississippi.

- Goal: Create a fully comprehensive Mississippi broadband map.
  - Objective: To determine grant awards and monitor expansion efforts.
  - Objective: To prevent duplication of funds.
  - Objective: To reflect digital skills and literacy training programs and device loan or assistance programs.
- Goal: Provide universal high-speed internet service.
  - Objective: Provide service of 100Mbps / 20 Mbps to all Mississippians.
  - Objective: Determine appropriate technology for high-cost locations and extremely high-cost locations.
- Goal: Increase statewide broadband adoption rates.
  - Objective: Ensure all grant awardees comply with affordability requirements.
  - Objective: Promote the FCC Affordable Connectivity Program.
- Goal: Increase digital skills and accessibility
  - Objective: Support and leverage existing efforts by state agencies.
  - Objective: Identify barriers and develop strategies to address each obstacle.
- Goal: Comply with all BEAD Requirements.
  - Objective: Accurately assess financial and technical capabilities of applicants.
  - Objective: Monitor all aspects of subgrantee buildout for compliance.
  - Objective: Meet all reporting and compliance requirements.

### Section 2.2 Local, Tribal, and Regional Broadband Planning Processes – Requirement 2

#### 2.2.1 Alignment with Existing Planning Efforts

Describe coordination with local and tribal governments, along with local, tribal, and regional planning processes. Eligible Entities may directly copy descriptions in their Five-Year Action Plans

From its inception, BEAM has partnered with state agencies, nonprofits, associations, elected officials, community leaders, and ad hoc coalitions to work toward the goal of closing the digital divide in Mississippi.

BEAM created a core planning team as suggested by NTIA for development of the Mississippi Digital Skills and Accessibility Plan. Leaders of organizations who work with covered populations were invited to participate in periodic meetings to understand the funding opportunities available under BEAD and discuss the needs of their groups. Individual meetings

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with members of the core planning team were held to discuss needs and possible outreach to each particular covered population. Members of the Core Planning Team include representatives from the following organizations:

- AARP Mississippi
- Community Foundation of North Mississippi
- FCC Communications Equity Diversity Committee
- Mississippi Missionary Baptist Convention
- Hope Credit Union – Hope Policy Institute
- One Shred of Hope
- Mississippi Department of Corrections
- Mississippi Minority Business Development Agency
- Mississippi Library Commission
- Mississippi Veterans Affairs
- Mississippi Community College Board
- Mississippi Institutes of Higher Learning
- Mississippi Farm Bureau
- National Telecommunications and Information Administration

No stakeholder or community is the same across the State. Rather, different stakeholders require different types of outreach and community engagement to yield reliable data that will result in strategies to reach covered populations. Accordingly, BEAM works closely with each stakeholder group to develop a targeted outreach plan that will produce reliable results in a timely fashion.

To date, BEAM has hosted more than twenty community engagement meetings that were attended by local elected officials, community leaders, nonprofit representatives, and residents across the State. These meetings included two parts: the first being a presentation educating attendees on grant funding, the timeline of broadband deployment and buildout, who is eligible/ineligible for funding, and resources available to help bridge access and skills while the second half of these meetings allowed for participants to ask questions and to share their experiences with unreliable internet or no access to the internet. The team documented questions and feedback received from these in-person meetings to develop programs that yield quality results for covered populations.

Below is a summary of consistent feedback heard during these informational sessions:

- Unable to work remotely after moving back to Mississippi to care for elderly parents.
- Multiple children are unable to complete homework assignments because of inadequate service or availability of devices.
- High-speed internet access is unavailable for telehealth.
- Service is needed immediately - availability in 3 or 4 years seems like a lifetime.
- Service is too expensive.
- Even cell phone service is unreliable, and lack of high-speed internet is a health and safety issue.

Each community engagement event included a discussion of the ACP and its eligibility requirements. Participants were encouraged to use the speed-test tool to record their speeds or call 601-439-2535 to record no service. Citizens could also text the previously mentioned phone number to log their lack of access.

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BEAM also partnered with each of Mississippi's eight four-year public institutions of higher learning to gather additional data regarding barriers to access for covered populations. This effort included three historically Black colleges and universities ("HBCU"); Jackson State University located in the Capitol City, Mississippi Valley State located in the Delta, and Alcorn State University, a land-grant institution located in Southwest Mississippi which is the most unserved area of the state. Each university hosted a focus group with their assigned covered population and collected other research on barriers and obstacles for these groups. This information is available in the Mississippi Digital Skills and Accessibility Plan.

BEAM partnered with the fifteen public community colleges across Mississippi, two of which are considered HBCU, Coahoma Community College in Clarksdale and Mississippi Delta Community College in Morehead. These partnerships are primarily focused on cataloging current workforce development programs and defining future needs. Each college hosted a focus group meeting with the internet service providers (ISPs) in their areas to discuss foreseeable needs in both the near and long term, with a focus on how the Community Colleges can best design curriculums to meet these needs. The Community Colleges also publicized the Affordable Connectivity Program in their student and community populations and administered a connectivity survey. This information is provided in the Mississippi DSA Plan as well.

BEAM gathered information and participated in events with numerous organizations across the state that are providing digital skills training. The Mississippi Library Commission is a consistent leader in digital access and skills training. With 246 physical locations across the state, the Library Commission has recently completed the arduous task of connecting all locations with fiber. This was accomplished by taking advantage of the state contract, Contract 5000, that requires a fiber broadband connection for all governmental entities. The Commission reports that local library branches are now upgrading equipment to take advantage of high-speed access through the e-rate program, but local funding issues make this a slow process. Mississippi libraries provide computers on-site for use, wi-fi that often extends outdoors and is available to the public, loan devices, and engage in digital skills training. BEAM intends to work closely with the Mississippi Library Commission to enhance these existing programs.

Likewise, BEAM met with the Mississippi Department of Education on numerous occasions to determine obstacles and barriers among students and teachers to be addressed. During the pandemic, the Mississippi Legislature used \$100 million of CARES funding to provide tablets or other devices for all students to participate in remote learning. Students in rural areas with no access to high-speed internet were unable to use the devices as intended. While all public schools in Mississippi have access to fiber broadband if they choose to avail themselves of the state contract for high-speed internet services, some districts chose other technology and have reported slow speeds and difficulty with connections. Mississippi school districts participate in a connectivity survey each year and BEAM will provide that information within its DSA plan, as the most recent data is currently being collected for the beginning of the 2023-24 school year.

BEAM recently hosted a meeting with all state agencies to gather information on any obstacles or barriers faced by the populations they serve. This meeting also provided information from agencies on any skills training or broadband programs they may provide. A similar meeting was conducted for the Mississippi Alliance of Nonprofits and Philanthropy in September. All information will be categorized in the DSA plan.

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BEAM recognizes that nonprofits are essential for digital skills training and has met with numerous organizations including:

- The BEAN Path in Jackson provides programming for the Jackson Public School System and introduces students to a digital maker's space that allows students to use digital skills in creative means.
- The Basecamp Coding Academy in Water Valley provides high-school graduates with a free program of study that leads to a career as a software developer.
- The Isaac Chapel Rosenwald School in Holly Springs is one of the few surviving Rosenwald schools in Mississippi and is now the home of digital skills training for local high school students.
- Save the Children funds a bus equipped with Wi-Fi in the Mississippi Delta that travels to small communities to allow students to increase their digital skills when school is not in session.

Nonprofits will guide strategies included in the DSA plan to implement a holistic approach to skills training and leverage the federal funding to close the digital divide in Mississippi.

Stakeholder engagement points to several common obstacles across Mississippi. First and foremost is a lack of high-speed internet availability across large swaths of the state. If service is in fact available, affording that service is the next most common obstacle. Other factors exist, such as lack of devices, lack of digital literacy, and privacy concerns must be addressed to fully close the digital divide in Mississippi.

### Section 2.3 Local Coordination- Requirement 4

#### 2.3.1 Plan for Ongoing Coordination

**Describe the coordination conducted, summarize the impact such coordination has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.**

BEAM met and provided resources to numerous unserved and underserved communities and will continue to assist with local coordination in a more targeted manner as the BEAD program progresses. Information about funding streams and timelines, technology, and affordability options have already been provided through small and large group meetings, written materials, and coordination with partnering organizations.

The BEAM office has mapped existing federal funding and received updated service information from the numerous affiliates of rural electric coops that are aggressively building in rural areas in Mississippi. This deduplication of existing funding and updated map now allows BEAM to focus on those communities that remain unserved or underserved. Further refinements to unserved locations will be added when the Capital Projects Funds Awards are made in the coming weeks.

The rural nature and low population density of many of the remaining un/underserved areas make local planning difficult for some governmental entities. And while no municipalities, counties, or other governmental entities in Mississippi currently serve as internet service providers, and none are expected to assume that role, planning, and coordination remains essential to attract the provider that best aligns with the needs of the un/underserved

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community.

BEAM seeks to fill any gap in local coordination efforts and assist any community with planning and coordination through in person meetings, presentations at events targeted at rural community leaders, and referrals to nonprofit entities who provide grant funding for broadband planning activities. For example, BEAM worked to identify ten unserved areas for a nonprofit that now has an application pending with the Rural Utilities Service to assist with broadband planning for unserved areas across Mississippi. Likewise, BEAM has connected several communities with entities providing broadband planning funding such as the Appalachian Regional Commission.

BEAM has reached out to associations that work with rural communities and their leaders, with the BEAM director speaking at their conferences and BEAM staff available throughout the conference for individual conversations regarding coordination issues. BEAM provided additional information through articles in both the County Supervisor and Municipal League magazines. This outreach led to numerous meetings with local leaders as detailed in the local coordination tracker.

While the BEAM office will continue its current outreach, as project areas are defined for buildout under BEAD, the BEAM office will additionally work with Planning and Development Districts (PDD) across the State for coordination efforts. Mississippi has ten PDDs that provide planning and economic development activities and are closely aligned with their member communities. The PDDs have expressed their willingness to assist in disseminating information and conducting any local planning activities.

### 2.3.2 Local Coordination Tracker Tool Attachment

**As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.**

See Exhibit A - Local Coordination Documentation Tracker

### 2.3.3 Tribal Consultation

**Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”**

The Mississippi Band of Choctaw Indians (MBCI) is the only Federally recognized American Indian tribe living with the State of Mississippi. With more than 11,000 members, the Choctaw lands cover over 35,000 acres in ten different counties in Mississippi.

Through the Office of Governor Tate Reeves, the BEAM office requested consultation with the Mississippi Band of Choctaw Indians. The BEAM director met with MBCI Chief Cyrus Ben and his



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leadership team on May 9, 2023. MBCI provided an update on the buildout funded with their \$8.6 million Tribal Broadband Connectivity Program Grant and detailed concerns surrounding adoption of service. MBCI stressed the importance of digital skills training and the need for additional funding for these programs. BEAM committed to including strategies for Tribal outreach provided by MBCI in its DSA plan.

MBCI recently notified BEAM of a Tribal Council resolution creating “Chahta Link Communications, LLC” (Chahta is the word for Choctaw in the tribal language). MBCI anticipates using Chahta Link to grow their existing network to serve additional communities that are not situated within the defined Choctaw Reservation.

### 2.3.4 Tribal Meeting Supporting Documentation

**As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.**

See Exhibit B – Letter to Chief Cyrus Ben

See Exhibit C – Report to NTIA on 5/9/23 meeting with Mississippi Band of Choctaw Indians

## Section 2.4 Deployment Subgrantee Selection - Requirement 8

### 2.4.1 Plan for Fair, Open and Competitive Process

**Describe a detailed plan to award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.**

BEAM will utilize the same underlying web-based portal deployed in its administration of the \$115 million Broadband Infrastructure subcategory of the \$162 million awarded to the State through the U.S. Department of Treasury’s Capital Projects Fund (CPF). Under that program, BEAM published a statewide broadband map that was made available in advance to all prospective applicants. The statewide broadband map identified all Broadband Serviceable Locations (BSLs) throughout the state as well as the eligibility status of the BSL. Under the CPF program, the eligibility status for each BSL was binary (eligible or ineligible), with no contemplation of underserved. After completion of the Challenge process described in Section 1.4 of Volume I of the Initial Proposal, the statewide broadband map will reflect the most current and accurate depiction of the level of service at each BSL, enabling BEAM to make determinations at a BSL level of served, underserved and unserved.

In making applications, certain required information will be asked of prospective applicants including information sufficient to assess the applicant’s grant management capabilities, key information regarding the project, the applicant’s plan to address affordability and adoption, and stakeholder engagement information. Upon receipt of applications, the BEAM office will conduct a multi-leveled review of applications ensuring the applicant provided sufficient information in the application to assess the risk associated with the applying entity (as required by 2 CFR 200.332), the eligibility of the proposed project as well as a project feasibility assessment, and an assessment of cost reasonableness.

**2.4.2 Prioritization and scoring process**

**Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.**

The State of Mississippi plans to accept applications for Subawards through a single round of competitive applications and will utilize a second, smaller round only if necessary. BEAM believes that the most effective and timely way to reach all portions of the state, both unserved and underserved, is to limit the process to one round of applications with a second round on an as needed only basis. The details of the application process are laid out below in Section 2.4.3. The scoring rubric attached outlines the tool that will be deployed to assign points to individual applications. Scoring of individual applications will be preliminarily conducted by hired contractual support and secondarily confirmed by BEAM staff. BEAM staff and hired contractual support have undergone extensive conflict of interest checks, including the maintenance of an internal conflict list. Score sheets will be maintained within the deployed system and made available to applicants and the public upon request.

*The BEAD NOFO mandates 75% of scoring criteria be composed of the following categories:*

1. *Minimal BEAD Program Outlay*
2. *Affordability*
3. *Fair Labor Practices*

**Priority Broadband Projects will be scored as follows:**

Minimal BEAD Program Outlay – 30%

- Description: The project's total funding from BEAD, considering both the overall projected expenses and the applicant's proposed share (which, in the absence of a waiver, must constitute no less than 25 percent of the project's cost).
- Scoring: Points will be awarded based on upon the range in which the applicants proposed match percentage falls:

<b>Match as percent of total project costs</b>	<b>Points Awarded</b>
25-34%	5
35-44%	10
45-54%	15
55-64%	20

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65-75%	25
>75%	30

### Affordability – 30%

- **Description:** The applicant's pledge to deliver the most economical total cost to the customer for 1 Gbps/1 Gbps (Gigabit symmetrical) service within the project's geographical area.
- **Scoring:** The BEAM office will award affordability points based on pricing for internet service packages of top-tier speeds. The less expensive the monthly rate, the more points that will be awarded. Similarly, the more expensive the monthly rate, the fewer points will be awarded. Points will be awarded based upon the range in which the applicants proposed pricing structure falls:

Download/Upload Speed	Proposed Pricing Range	Points Awarded
1 Gbps/1 Gbps	> \$140	0
	\$130 - \$139.99	2
	\$120 - \$129.99	6
	\$110 - \$199.99	10
	\$100 - \$109.99	14
	\$90 - \$99.99	18
	\$80 - \$89.99	22
	\$70 - \$79.99	26
	<\$70	30

### Fair Labor Practices – 15%

- **Description:** Applicants are required to provide a detailed account of their history and future intentions regarding adherence to federal labor and employment regulations. Applicants lacking a history of compliance with these laws can address this by making explicit commitments to uphold robust labor and employment standards and protections for BEAD-funded projects moving forward.
- **Scoring:** The BEAM office will review applications for the requested certifications and narrative regarding historical compliance and plans to comply with Federal labor laws.

Information within application	Points awarded
Applicant provided certification of intent to comply with Federal labor laws. Applicant further provided detailed plans and/or historical records regarding compliance with Federal labor laws.	15

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Applicant provided certification of intent to comply with Federal labor laws but did not provide detailed plans and/or historical records regarding compliance with Federal labor laws.	7.5
Applicant did not provide certification of intent to comply with Federal labor laws and did not provide detailed plans and/or historical records regarding compliance with Federal labor laws.	0

*The BEAD NOFO also mandates that the Speed to Deployment be given weight in the scoring criteria.*

**Speed to Deployment – 25%**

- Description: Every subgrantee who receives BEAD Program funding for network deployment is required to execute the proposed broadband network deployment and commence offering services to any customer in the project area requesting broadband services within four years from the date they receive the subgrant from the Eligible Entity.
- Scoring: The BEAM office will review applications for the proposed timelines for deployment in each application based on the following criteria:

<b>Timeline to deployment</b>	<b>Points Awarded</b>
Project schedule indicates construction completion less than 2 years after award	25
Project schedule indicates construction completion between 2 and 3 years after award	12.5
Project schedule indicates construction completion within 4 years of award	0

**Other Last Mile Broadband Projects will be scored as follows:**

**Minimal BEAD Program Outlay – 30%**

- Description: The project's total funding from BEAD, considering both the overall projected expenses and the applicant's proposed share (which, in the absence of a waiver, must constitute no less than 25 percent of the project's cost).
- Scoring: Points will be awarded based on upon the range in which the applicants proposed match percentage falls:

<b>Match as percent of total project costs</b>	<b>Points Awarded</b>
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25-34%	5
35-44%	10
45-54%	15
55-64%	20
65-75%	25
>75%	30

### Affordability – 30%

- **Description:** The applicant's pledge to deliver the most economical total cost to the customer for 100 Mbps/20 Mbps service within the project's geographical area.
- **Scoring:** The BEAM office will award affordability points based on pricing for internet service packages of top-tier speeds. The less expensive the monthly rate, the more points that will be awarded. The more expensive the monthly rate, the fewer points will be awarded. Points will be awarded based upon the range in which the applicants proposed pricing structure falls:

Download/Upload Speed	Proposed Pricing Range	Points Awarded
100 Mbps/20 Mbps	>\$80	0
	\$75 - \$79.99	2
	\$70 - \$74.99	4
	\$65 - \$69.99	6
	\$60 - \$64.99	8
	\$55 - \$59.99	11
	\$50 - \$54.99	14
	\$45 - \$49.99	17
	\$40 - \$44.99	20
	\$35 - \$39.99	24
	\$30 - \$34.99	28
	<\$30	30

### Fair Labor Practices – 15%

- **Description:** Applicants are required to provide a detailed account of their history and future intentions regarding adherence to federal labor and employment regulations. Applicants lacking a history of compliance with these laws can address this by making

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explicit commitments to uphold robust labor and employment standards and protections for BEAD-funded projects moving forward.

- Scoring: The BEAM office will review applications for the requested certifications and narrative regarding historical compliance and plans to comply with Federal labor laws.

<b>Information within application</b>	<b>Points awarded</b>
Applicant provided certification of intent to comply with Federal labor laws. Applicant further provided detailed plans and/or historical records regarding compliance with Federal labor laws.	15
Applicant provided certification of intent to comply with Federal labor laws but did not provide detailed plans and/or historical records regarding compliance with Federal labor laws.	7.5
Applicant did not provide certification of intent to comply with Federal labor laws and did not provide detailed plans and/or historical records regarding compliance with Federal labor laws.	0

### Speed to Deployment – 15%

- Description: Every subgrantee who receives BEAD Program funding for network deployment is required to execute the proposed broadband network deployment and commence offering services to any customer in the project area requesting broadband services within four years from the date they receive the subgrant from the Eligible Entity.
- Scoring: The BEAM office will review applications for the proposed timelines for deployment in each application based on the following criteria:

<b>Timeline to deployment</b>	<b>Points Awarded</b>
Project schedule indicates construction completion less than 1 year after award	15
Project schedule indicates construction completion between 1 and 2 years after award	7.5
Project schedule indicates construction completion within 3 years of award	0

### Download and Upload Speeds After Buildout – 10%

- Description: Applicants that are adopting non-fiber projects are asked to demonstrate the download and upload speeds their alternative technology will be able to provide to their customers following buildout.

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- Scoring: Applicants using alternative technologies to provide high-speed, reliable internet will be scored as outlined in the chart below:

Download/Upload Speed	Points Awarded
100 Mbps/20 Mbps	1
100 Mbps/100 Mbps	2
250 Mbps/100 Mbps	3
250 Mbps/250 Mbps	5
500 Mbps/250 Mbps	6
500 Mbps/500 Mbps	7
1000 Mbps/500 Mbps	9
1000 Mbps/1000 Mbps	10

### 2.4.2.1 Scoring Rubric

**As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA or use their own format for the scoring rubric.**

See Exhibit D – Priority Broadband Projects Scoring Rubric

See Exhibit E – Other Last Mile Broadband Projects Scoring Rubric

### 2.4.3 Unserved Prioritization

**Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.**

BEAM plans to prioritize projects designed to build out connections to unserved and underserved locations utilizing a 5-step model for as many rounds of competitive grant applications are necessary to deploy last-mile broadband deployment projects to Mississippians currently classified as unserved and underserved. The five steps the State of Mississippi plans to undertake in order, and at a high level, are:

1. Define project areas to include all unserved and underserved locations statewide.
2. Accept letters of intent from ISPs.
3. Review letters of intent to understand if project areas as defined will maximize participation.
4. Re-define project areas, as necessary.
5. Open competitive application process allowing applications to be made in finalized project areas.

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Expanding further, for an abundance of clarity on each step, the State of Mississippi's process has been designed to maximize provider participation in the program, which ultimately serves the public interest most advantageously.

### **Step 1: Define project areas to include all unserved and underserved locations statewide:**

BEAM plans to make the initial assignments of project areas dividing the unserved locations geographically to ensure that prospective subgrantees have strong interest in each defined project area within the state, with the ultimate goal of serving the public interest. Though the defined project areas are not yet drawn, the BEAM office plans to subdivide the state geographically such that an application area would encompass a target number of BSLs, with additional consideration given to overall coverage square miles and possible fiber route span.

### **Step 2: Accept letters of intent from ISPs:**

Establish a streamlined process for ISPs to express their intent to participate in the broadband expansion initiative. Provide ISPs with guidelines and a submission channel, such as an online portal, to submit letters of intent. Request essential information, including their interest in specific project areas, to gauge their willingness to contribute to the initiative.

### **Step 3: Review letters of intent to understand if project areas as defined will maximize participation:**

After receiving letters of intent from ISPs, review to gauge interest and assess alignment with the defined project areas. This evaluation will help determine if the project areas encompass the maximum potential for participation from interested providers and if any adjustments or clarifications are needed.

### **Step 4: Re-define project areas, as necessary:**

If the review of letters of intent reveals gaps or areas that may not maximize ISP participation, BEAM may choose to re-define project areas. This may involve revisiting the initial criteria, consulting with stakeholders, and making data-driven adjustments to ensure that the project areas are optimized for participation and successful broadband deployment.

### **Step 5: Open a competitive application process allowing applications to be made in finalized project areas:**

Once project areas have been re-defined and confirmed, the BEAM office will launch an open and competitive application process. The application portal utilized will establish clear guidelines for applicants, including ISPs and other potential partners, to submit detailed proposals outlining how they plan to address broadband deployment within the finalized project areas. This process allows for the selection of the most promising proposals, ensuring efficient and effective broadband expansion to all Mississippians.

## **2.4.4 Non-Deployment Project Prioritization**

**If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note "Not applicable."**



Not Applicable currently. At present, Mississippi anticipates using all funds for deployment activities.

### 2.4.5 Compliance with EHP and BABA Requirements

**The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.**

**PLEASE NOTE:** Considering the pending BABA waiver of applicability for the BEAD program, BEAM may make further updates to the planned actions described below. In the absence of such waiver of applicability, the process described below will be fully enacted.

BEAM will place emphasis on ensuring that taxpayer dollars are spent procuring needed products and supplies from American workers and businesses, thereby strengthening and growing U.S. domestic manufacturing capacity. BEAM will communicate requirements stipulated in the Build America, Buy America Act (BABA) to all applicants prior to the selection process. Key points highlighted by BEAM will be:

- Requirement 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 are produced in the United States unless a waiver is granted.
- In determining whether a product is produced in America, subrecipients must 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.
- In addition to the provisions above, subgrantees may 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).
- The Infrastructure Act expressly prohibits subgrantees from using BEAD funding 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. BEAM will incorporate the requirements of the Build America, Buy America Act into the subgrantee selection process by conducting regulations information webinars, posting a list of regulations on the BEAM website, and including the

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requirements in grant applications/instructions as well as grant agreement terms/conditions and subgrantee grant monitoring program requirements. Any application that does not show intent to abide by BABA or explicitly violates the requirements will not be considered to receive BEAD funding.

Finally, BEAM acknowledges that, at the time of drafting this Initial Proposal, NTIA is considering amendments to existing BABA guidance. To account for this uncertainty, BEAM will adopt the final guidance as published by NTIA.

BEAM will adhere to the National Environmental Policy Act (NEPA) (42U.S.C. § 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) requirements to analyze the potential environmental impacts of awardee projects and other eligible activities that are seeking to utilize BEAD funding. Communication between BEAM and applicants prior to and throughout the selection process will ensure entities seeking to capitalize on BEAD funding comply with NEPA and NHPA. BEAM administered a thirty-two million award under the Bipartisan Infrastructure Program (BIP) and gained extensive experience in coordination with the Mississippi SHPO office and First Net and its Environmental Compliance and Federal Preservation Officers. The below points will be specifically highlighted:

- Projects or other eligible activities containing construction and/or ground-disturbing activities are required to submit all required environmental documentation to NTIA with their Final Proposals, which also must describe how they will comply with applicable environmental and national historical preservation requirements.
- It is the subgrantee's responsibility to obtain all necessary federal, state, and local governmental permits and approvals necessary for the proposed work to be conducted.
- Projects and other eligible activities are expected to be designed so that they minimize the potential for adverse impacts on the environment. BEAM will incorporate the requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) into the subgrantee selection process by conducting regulations information webinars, posting a list of regulations on the BEAM website, and including the requirements in grant applications/instructions as well as contract negotiation records, grant agreement terms/conditions and subrecipient grant monitoring program requirements. Projects that fail to comply with EHP regulations will not be considered to receive BEAD funding.

### ***Last-Mile Broadband Deployment Project Areas***

#### **2.4.6 Definition of Eligible Project Areas**

**Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de- conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.**

As described in Step 1 of section 2.4.3, BEAM will define project areas with a dual purposed

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approach of ensuring that every unserved and underserved BSL in the State is contemplated in a project area and subdividing the state into areas that will maximize participation by ISPs. BEAM anticipates that this approach will enable an overall avoidance of conflicting overlapping proposals as the competitive application process described in Step 5 of Section 2.4.3 will limit applications to the pre-defined project areas.

### 2.4.7 Ensuring Universal Coverage in Subsequent Funding Rounds

**If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.**

Through the acceptance of letters of intent and subsequent modifications to the defined project areas as described in Section 2.4.3, BEAM anticipates conducting one round to award funding to reach universal service for unserved and underserved locations with a second round of applications on an as needed basis. In the event that individual locations or clusters of locations remain unserved following the publication of initial awards from the first round of application solicitations, the BEAM office will rapidly launch a second application period re-opening the remaining areas for a brief application window. To the extent the second round of applications does not reach all unserved and underserved locations in the State, the BEAM office will contact the nearest ISP, where applicable, as indicated by the continuously updated database of network infrastructure maintained by the BEAM office and attempt to negotiate an award to finish out the remaining unserved locations. In the event that ISP declines that award a third round of competitive solicitations will be made in a manner identical to the first two rounds, as described in Section 2.4.3.

### 2.4.8 Tribal Government Consent

**Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands.**

The Mississippi Band of Choctaw Indians (MBCI) is the only Federally recognized American Indian tribe living with the State of Mississippi. With more than 11,000 members, the Choctaw lands cover over 35,000 acres in ten different counties in Mississippi. All Tribal land will be designated as such in BEAM's internal mapping software.

BEAM will comply with all tribal consultations as required in the NOFO. BEAM, in its grant portal, will ask applicants if the proposed project crosses tribal lands and require applicants to upload a letter of consent from the MBCI.

### *Extremely High Cost Per Location Threshold*

### 2.4.9 Identification of Extremely High-Cost Location Threshold

**Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include operational costs for the lifespan of the network.**

The BEAM office has undergone extensive data and cost modeling utilizing information provided regarding existing middle mile, an assumption of several variations of aerial and buried fiber deployments, as well as inputs from the current deployments' unit costs of individual fiber network components seen through existing grant programs. Through this process, BEAM has provisionally identified an Extremely High Cost Per Location Threshold (EHCT) based on an in-depth analysis of various models for fiber to the home (FTTH) for all Mississippians. Based on the mapping efforts of the BEAM office and the understanding of the current middle-mile network infrastructure provided to the BEAM office in collaboration with ISPs in the state, as well as the aforementioned processes, the current prevailing model contemplates a 75%/25% aerial/buried deployment in calculating the EHCT. The current working figure exclusively contemplates the capital expenditures that would be required to deploy fiber to every BSL within the state and does not take into consideration any ongoing operating costs over the life of the network assets. Current models reflect over 7% of unserved above an EHCT.

Though significant data and cost modeling have taken place to assess a possible EHCT, the BEAM office elects to postpone the release of the EHCT at this time. Upon receipt of the letters of intent and tentatively applications from the first funding round, the BEAM office will utilize the data gathered to further refine the pre-existing models and formally establish an EHCT. Should there be defined project locations that do not receive any letters of intent nor application for funding after the conclusion of the first round of funding, BEAM will consider publishing and incorporating an EHCT into the smaller, second round of funding to enable the BEAM office to consider funding Other Last-Mile Broadband Projects as defined in the BEAD NOFO.

#### **2.4.10 Use of Extremely High Cost Per Location Threshold**

**Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:**

*Sections 2.4.10.A, 2.4.10.B, and 2.4.10.C below all incorporate by reference the EHCT process description in section 2.4.9 above.*

##### **A. Process for Declining Proposals Above the High Cost Per Location Threshold**

**The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.**

**B. Process for Application Revisions above the High Cost Per Location**

**The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.**

**C. Process for Selecting Applications with Less Costly Technology**

**The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.**

Following the evaluation of all round one application, priority broadband projects to serve an area that exceeds the EHCT (Estimated High-Cost Threshold) calculated based on the average funding requested per location, BEAM will first consider whether there are any anomalies in the geography and other conditions of that area that justify a higher deployment cost threshold for priority projects. Following this evaluation, if no waiver is granted for exceeding the EHCT, and if no waiver is requested or granted for the 25% matching requirement, BEAM will then evaluate non-priority applications received for that area. If there are no non-priority applications for that area, BEAM will engage with priority applicants who submitted proposals to determine whether the costs exceeding the EHCT are reasonable and warrant an award above this threshold.

BEAM will only entertain non-priority broadband projects that may not meet the definition of reliable broadband if all priority broadband projects exceed the EHCT, and if the other conditions outlined above are not met by priority applicants.

***Deployment Subgrantee Qualifications***

**2.4.11 Ensuring Minimum Financial Capability**

**Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72 – 73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:**

**A. Required Qualifications for Financial Obligations**

**Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible**

**costs for the Project until such time as the Eligible Entity authorizes additional disbursements.**

During the application phase and at the conclusion of the application phase BEAM will collect the following to verify the financial capabilities of the applying entity to complete the project. The table below outlines the schedule on which the data will be collected:

<p><b><i>Application Phase Data Collection</i></b></p>	<ul style="list-style-type: none"> <li>- <i>Financial Statements:</i> Such as balance sheets, income statements, and cash flow statements. These statements should provide a clear picture of the subgrantee's financial performance and position.</li> <li>- <i>Budgets:</i> Detailed budgets for the Project, outlining expected income and expenses, as well as a breakdown of how grant funds will be utilized.</li> <li>- <i>Audited Financial Statements:</i> If available, audited financial statements from an independent certified public accountant (CPA) can provide additional assurance of financial accuracy and integrity.</li> </ul>
<p><b><i>Successful Awardees Data Collection</i></b></p>	<ul style="list-style-type: none"> <li>- <i>Bank Statements, or equivalent documentation:</i> To confirm that the subgrantee has sufficient cash or liquid assets to cover project costs exceeding the matching or cost sharing amount.</li> </ul>

**B. Required Model Letter of Credit**

**Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).**

Through a process substantially equivalent to the model letter of credit established under the Rural Digital Opportunity Fund (RDOF), BEAM will require applicants to provide a letter from an eligible bank (as defined in 47 C.F.R. § 54.804(c)(2)) in which the bank commits to issuing an irrevocable standby letter of credit to the applicant. This letter should specify the dollar amount of the letter of credit and the issuing bank's agreement to adhere to BEAD's model letter of credit terms and conditions. Before finalizing any subgrantee agreements, each applicant must secure an acceptable irrevocable standby letter of credit, approved by BEAM, and hired contractual support, equivalent to no less than 25% of the subaward amount. Along with the letter of credit, an opinion letter from legal counsel must be obtained, stating that, subject to standard assumptions, limitations,

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and qualifications, 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 categorize the letter of credit or its proceeds as part of the winning subgrantee's bankruptcy estate under Section 541 of the Bankruptcy Code.

To assist applicants in complying with this requirement, BEAM will provide on its BEAD program website a checklist that will assist subgrantees in complying with the Model Letter of Credit requirements. Use of the checklist will not be mandated, but rather will serve as a resource for subgrantees.

*The BEAM office is currently contemplating submission of a requested waiver for the letter of credit requirements. Public comments on alternative solutions to ensure performance on subawards are strongly encouraged. Additionally, BEAM will follow all published NTIA guidance that may include alternative solutions for the Letter of Credit.*

### C. Required Audited Financial Statement

**Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.**

BEAM will require that each prospective subgrantee submits financial statements from the prior fiscal year, audited by an independent certified public accountant as a required component of the application process. If the prospective subgrantee has not undergone an audit as part of their regular business practices, instead of providing audited financial statements, they must submit unaudited financial statements from the previous fiscal year and certify their commitment to subsequently deliver financial statements from the preceding fiscal year that have been audited by an independent certified public accountant prior to execution of grant award. BEAM will only grant approval for the deployment or enhancement of network facilities when it is satisfied that the submitted documents establish the prospective subgrantee's financial capability concerning the proposed project.

Throughout deployment of the subgrants, BEAM will require audited financial statements be submitted within 30 days of issuance of an opinion by the respective subgrantees' auditors. Submissions will be gathered through the monitoring portal throughout the life of the project and reviewed by BEAM and hired contractual support. Any deficiencies or findings referenced in the audited financial statements will require the subgrantee to provide BEAM with sufficient information to determine that the deficiency does not and will not impact the management of the BEAD grant.

### D. Required Business Plans and Financial Analysis

**Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.**

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BEAM will collect detailed business plans as required components of each application in a pre-prescribed format sufficient to enable BEAM to accomplish the following objectives.

- The project is sustainable.
- The project demonstrates a need for grant funding in order to be sustainable.

The business plans will require applicants to provide the following information with BEAD Grant funding and without BEAD Grant funding:

- Payback period for the project as calculated in number of years.
- Expected take rate for service in the area.
- Estimated operating costs (inclusive of periodic network upgrades and maintenance) and revenues for a period of three years (incorporating the expected take rate).

The business plan will be evaluated by hired contractual support as well as BEAM staff to ensure that the project, as proposed, meets the minimum sustainability requirements outlined in section IV.2.D.iv of the BEAD NOFO.

### **2.4.11.1 Supporting Documentation for BEAD Subgrantee Selection Process**

**As an optional attachment, submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.**

The application questions are currently under development and will be published in advance of the application period opening.

### **2.4.12 Ensuring Managerial Capability**

**Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section.**

#### **A. Resumes for Key Personnel Requirement**

**Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.**

#### **B. Readiness to Manage Proposed Project Requirement**



**Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.**

The BEAM office will require that all applicants have the managerial capability prerequisites detailed in the BEAD NOFO. To ensure compliance, BEAM will request applicants to provide resumes for key management personnel and any essential project organizational charts, along with optional pertinent information about corporate relationships, parents, subsidiaries, and affiliates. Additionally, each applicant must furnish a narrative detailing their readiness to oversee a broadband services network. This narrative should encompass the experience and qualifications of the key management team for managing this project, their history in handling projects of a similar scale and scope, recent and upcoming organizational changes such as mergers and acquisitions, and relevant organizational policies. BEAM will only grant approval for network facility deployment or enhancement once it is satisfied that the submitted documents demonstrate the applicant's managerial capability in relation to the proposed project. Throughout the selection process, BEAM will ensure that applicants are well-informed about these regulations by conducting informational webinars, displaying a list of regulations on the BEAM website, and incorporating descriptions of the requirements into help text included in the online grant applications.

#### **2.4.13 Ensuring Technical Capability**

**Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section.**

##### **A. Technical Qualification for Implementation and Credentialed Workforce**

**Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.**

##### **B. Proposed Project Workplan Requirement**

**Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and 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, all certified by a professional engineer, stating that**

**the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.**

BEAM will thoroughly evaluate all applicants aiming to deploy network facilities, ensuring that they meet the essential technical qualifications outlined in the BEAD NOFO. Applicants will be required to provide a certification of their technical competence to execute and manage the project efficiently, including the commitment to employ a skilled and credentialed workforce (as detailed in Section IV.C.1.e of the BEAD NOFO).

All applicants must submit a comprehensive package that includes a network design, diagram, project costs, build-out timeline, project milestones, and a capital investment schedule, all certified by a professional engineer or from an in-house engineer who designs and oversees the implementation of network designs in the regular course of business. Should an in-house engineer provide certification, please also provide details of such an individual's expertise. This documentation should affirm that the proposed network can deliver broadband service meeting the necessary performance standards to all locations served by the Project, with an obligation to complete build-out and initiate service within four years from the contract commencement date or such earlier time as provided in the application.

BEAM will only grant approval for network facility deployment or enhancement when the materials submitted convincingly demonstrate the applicant's technical capabilities for the proposed project.

BEAM, at its discretion, may decline a proposal following such an analysis if another priority application exists within the same application area. To keep applicants well-informed, BEAM will conduct informational webinars, maintain a list of requirements on the BEAM website, and incorporates these criteria into grant applications, instructions, contract negotiation records, grant agreement terms and conditions, and subrecipient grant monitoring program requirements.

Applications failing to meet the minimum technical qualifications, as described on page 74 of the BEAD NOFO, will not be eligible for BEAD funding through BEAM.

**2.4.14 Ensuring Compliance with Applicable Laws.**

**Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section.**

**A. Compliance with Federal, State and Local Laws**

**Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.**

**B. Worker-led Health and Safety Committees**

**Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.**

BEAM is dedicated to ensuring that applicants seeking to deploy network facilities in Mississippi undergo thorough evaluation to meet the essential qualifications regarding compliance with applicable laws, as delineated in the BEAD NOFO. Applicants will be required to provide evidence that they can proficiently carry out funded activities while adhering to all relevant federal, state, and local laws and regulations. Applicants will be asked to certify intent to comply as well as submit a narrative that demonstrates their commitment to compliance and understanding of the relevant federal, state, and local laws.

In order to assure applicant compliance with occupational safety and health requirements, BEAM will require that applicants describe their plans to enable workers to establish worker-led health and safety committees. The plans described in the application must outline that management will be required to meet with these committees upon reasonable request.

Throughout the selection process, BEAM will ensure that applicants are well-informed about these requirements. This will be achieved by conducting informational webinars, maintaining a list of requirements on the BEAM website, and including the necessary criteria in grant applications, instructions, contract negotiation records, grant agreement terms and conditions, and subrecipient grant monitoring program requirements. BEAM may also provide resources for applicants to utilize, such as guidance available on the Mississippi Department of Health's website.

Applications that do not meet the minimum qualifications for compliance with applicable laws, as detailed on page 74 of the BEAD NOFO, will not be eligible to receive BEAD funding through BEAM. In addition, BEAM recognizes that, at the time of drafting this Initial Proposal, NTIA is considering input on exemptions from the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards that may facilitate the implementation of the BEAD Program. To address this uncertainty, BEAM will adopt and enact within the execution of its state level BEAD Program the final guidance published by NTIA.

**2.4.15 Ensuring Operational Capabilities**

**Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section.**

**A. Required Operational Qualifications**

**Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.**

BEAM is dedicated to ensuring that applicants looking to deploy network facilities undergo a rigorous evaluation to meet the minimum operational capability standards outlined in the BEAD NOFO. BEAM will require applicants to certify their operational competence to complete and manage the Project successfully.

**B. Required Number of Years in Operation**

**Detail how the Eligible Entity will require prospective subgrantees to submit a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of their application submission or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the prospective subgrantee or its parent company has been operating.**

As required by Mississippi state law, an "Eligible broadband service provider" means any company, firm, corporation, limited liability company, partnership or association (i) that has been providing broadband service to at least one hundred (100) residences and businesses in Mississippi for at least three (3) consecutive years; (ii) is an electric power association's broadband affiliate operating pursuant to Section 77-17-1 et seq.; or (iii) that has demonstrated financial, technical, and operational capability in building and operating a broadband network." New entrants are eligible as described in section E.

**C. Required Compliance with FCC Form 477, Rules, Regulation**

**Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.**

If the applicant has provided voice and/or broadband services, they will be required to certify that they have timely filed Commission Form 477s and adhered to the Broadband DATA Act submission, if applicable, as required during this time period. In cases of non-compliance with Commission rules or regulations or pending enforcement actions, civil litigation, or similar matters, applicants should provide an explanation.

**D. Required Operating and Financial Reports for Electric Transmission or Distribution Services**

**Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.**

For applicants operating solely an electric transmission or distribution service, they must submit qualified operating or financial reports filed with the relevant financial institution for the applicable time period, along with a certification confirming the accuracy of these reports provided to the relevant financial institution.

#### **E. Required Operational Capabilities for New Entrants**

**In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.**

New entrants to the broadband market must present sufficient evidence to demonstrate their newly formed entity's operational capabilities. Such evidence could include key personnel resumes, project descriptions, narratives from contractors, subcontractors, or other partners with relevant operational experience, or other equivalent evidence.

BEAM will ensure that applicants are well-informed about these requirements throughout the selection process. This will be accomplished through informational webinars, maintaining a list of regulations on the BEAM website, and incorporating these requirements into grant applications, instructions, grant agreement terms and conditions, as well as subrecipient grant monitoring program requirements.

Applications that do not meet the minimum qualifications for compliance with applicable laws, as detailed on pages 74-75 of the BEAD NOFO, will not be eligible for BEAD funding.

#### **2.4.16 Ensuring Ownership**

**Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to**

**outline alignment with requirements for this section. The response must:**

**A. Required Supporting Ownership Information**

**Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).**

Applicants seeking to deploy network facilities in Mississippi are thoroughly scrutinized to meet the minimum qualifications for providing ownership information, as specified in the BEAD NOFO. BEAM will mandate each applicant to furnish ownership information consistent with the requirements outlined in 47 C.F.R. § 1.2112(a)(1)-(7). The ownership information, according to the Code of Federal Regulations, encompasses the following:

3. Identifying the real party or parties with a vested interest in the applicant or application, including a comprehensive disclosure of the identity and relationship of individuals or entities directly or indirectly owning or controlling the applicant.
2. Listing the name, address, and citizenship of any party holding 10 percent or more of the applicant's stock, regardless of it being voting or nonvoting, common, or preferred. This should also include the specific amount or percentage of the interest held.
  3. For limited partnerships, specifying the name, address, and citizenship of each limited partner whose interest in the applicant is 10 percent or greater, calculated based on the percentage of equity paid in or the percentage of distribution of profits and losses.
  3. For general partnerships, detailing the name, address, and citizenship of each partner, along with their share or interest participation in the partnership.
  3. For limited liability companies, listing the name, address, and citizenship of each member whose interest in the applicant is 10 percent or greater.
  3. Enumerating all parties with indirect ownership interests in the applicant, calculated by multiplying the ownership percentages in each link of the vertical ownership chain. This should account for interests of 10 percent or more, unless a particular link exceeds 50 percent or represents actual control, in which case it should be reported as a 100 percent interest.
  3. Identifying any FCC-regulated entity or applicant for an FCC license where the applicant or any of the parties mentioned in paragraphs (a)(1) through (a)(5) holds 10 percent or more of stock, voting or nonvoting, common, or preferred. This list should include a description of each entity's principal business and its relationship to the applicant.

Additionally, for applicants claiming eligibility for small business provisions or a rural service provider bidding credit, further disclosure is necessary, including listing officers, directors, affiliates, and other controlling interests, FCC-regulated entities with controlling interests, agreements or arrangements for spectrum capacity use, revenue information, eligibility for rural

service provider bidding credit, and consortium information.

Applications that do not meet the minimum qualifications for providing ownership information, as outlined on page 75 of the BEAD NOFO, will not be eligible to receive BEAD funding through the BEAM office's BEAD Program.

**2.4.17 Disclosure of Other Publicly Funded Projects**

**Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section.**

**A. Disclosure of Existing or Future Publicly Funded Projects**

**Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.**

Applicants intending to deploy network facilities in Mississippi must disclose information regarding other public funding, as defined in the BEAD NOFO. BEAM will require each applicant to reveal, for both them and their affiliates, any applications they have submitted or plan to submit, along with every broadband deployment project they or their affiliates are currently or have committed to undertake using public funds. These public funds include those provided under various legislative acts such as the Families First Coronavirus Response Act, the CARES Act, the Consolidated Appropriations Act, 2021, or the American Rescue Plan of 2021, as well as any federal Universal Service Fund high-cost program (e.g., RDOF, CAF), or any Eligible Entity or local universal service or broadband deployment funding program.

**B. Detailed Information for Existing or Future Publicly Funded Projects**

**At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.**

For each broadband deployment project, applicants will be required to disclose:

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- a. The speed and latency of the broadband service to be provided, measured and/or reported under applicable rules.
- b. The geographic area to be covered.
- c. The number of unserved and underserved locations committed to serve, or the relevant percentage if the commitment is to serve a percentage of locations within the specified geographic area.
- d. The amount of public funding to be utilized.
- e. The cost of service to the consumer.
- f. Any matching commitment, if provided by the applicant or its affiliates.

BEAM will ensure that applicants are informed about these requirements both before and during the selection process through informational webinars, maintaining a list of requirements on the BEAM offices' BEAD Program website, and integrating these criteria into grant applications, instructions, contract negotiation records, grant agreement terms and conditions, as well as subrecipient grant monitoring program requirements.

Applications failing to meet the minimum qualifications for providing information on other public funding, as outlined on pages 75-76 of the BEAD NOFO, will not be eligible for BEAD funding through the BEAM offices' BEAD Program.

### Section 2.5 Non-Deployment Subgrantee Selection- Requirement 9

#### 2.5.1 Non-Deployment Projects and Plans

**Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.**

At present, based on the current prevailing universal service cost model described in the Five-Year Action Plan, the State of Mississippi's funding allocation will be entirely devoted to deployment activities.

BEAM plans to explore non-deployment programming to the extent there is remaining funding available following the final round of awards for deployment activities. In the event there is existing available funding for non-deployment activities, BEAM aims to support on-going efforts within the state that align with the goals of the BEAD program.

#### Internet Exchange Points

Mississippi is one of fourteen states without a carrier-neutral internet exchange point (IXP). To truly harness the potential for Mississippians provided by BEAD funding, Mississippi requires at least one, and ideally four IXPs—regionally distributed across the state.

An Internet exchange point (IXP) is a physical location through which Internet infrastructure companies connect with each other. These locations allow network providers to share transit outside their own network. By having a presence inside an IXP location, network operators of all types—including local ISPs—can shorten their path to Cloud, content, and IP transit networks,



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thereby reducing latency, improving round-trip time. IXPs also foster a competitive marketplace for transport and IP transit competition, reducing costs for local ISPs and other networks.

**Improved Connectivity:** More IXPs strategically placed throughout the state would reduce the reliance on long-distance data routes, thereby enhancing internet connectivity for both urban and rural communities. This would translate into faster, more reliable access for individuals and businesses across the state.

**Economic Growth:** Expanding IXPs would encourage more tech companies to establish a presence in the state, attracted by the promise of low-latency, high-speed internet connections. This influx of tech companies could drive economic growth, create jobs, and foster innovation.

**Disaster Resilience:** Mississippi is prone to natural disasters, particularly hurricanes and tropical storms. Distributed IXPs can significantly improve disaster resilience by ensuring that data can be rerouted efficiently during network disruptions. This safeguards critical services, emergency communications, and data continuity, making Mississippi more resilient in the face of adverse events.

**Data Security:** Cybersecurity is a top concern in the digital age. Developing neutral IXP facilities in Mississippi will facilitate the exchange of data traffic *within* the state, keeping data traffic local that can stay local—thereby reducing the need for some data to traverse long distances, and decreasing the vulnerability to cyberattacks. This strengthens data security and privacy for individuals and businesses.

**Digital Inclusion:** Rural and underserved communities often face significant connectivity challenges. Developing IXPs regionally will help bridge the digital divide by making high-quality, low-latency internet access more readily available and affordable in rural and remote areas. Higher quality connectivity not only empowers residents with better educational and economic opportunities but also attracts businesses looking for diverse talent pools in areas where the cost of living is low, and quality of life is high.

**Fostering Innovation:** IXPs can serve as hubs for innovation and collaboration. By facilitating efficient data exchange between research institutions, startups, and established tech companies, Mississippi can foster a more vibrant and dynamic tech ecosystem.

**Strategic Partners:** Specifically identified areas of need and partnerships include, but are not limited to, research institutions at the University of Mississippi (Oxford), Mississippi State University (Starkville), Jackson State University (Jackson – Capital City), and The University of Southern Mississippi (Hattiesburg or Coast Gulf Park Campus).

IXPs are critical infrastructure components that facilitate the efficient exchange of internet traffic and play a pivotal role in enhancing network performance, reducing latency, and bolstering cybersecurity. Developing one or more carrier neutral IXPs within Mississippi is not just a matter of convenience but a strategic imperative. By investing in this critical infrastructure, Mississippi can unlock its full digital potential, drive economic growth, enhance resilience, support new and enhances last-mile service availability, and ensure that all residents benefit from the opportunities that the BEAD funding program has to offer—making invested BEAD dollars go further.

### Open-Access Conduit

Mississippi is exploring the need for a fiber transport system consisting of open-access conduit that could be used by State Agencies such as the Mississippi Department of Transportation or Mission (the State's research and education network) with open micro ducts administered on a carrier-neutral, open-access basis. Multi-tenant optical inline amplifier (ILA) facilities that are deployed along the route would contain sufficient rack space to support future network deployments in the open micro ducts, and they will serve as neutral interconnection points for local ISPs, community anchor institutions, and other transport networks along the route. This project would enable new competitive backhaul/transport options across Mississippi that have never before been possible – lowering costs, increasing available bandwidth, and improving network resiliency for local ISPs, other network operators, governmental agencies, and community anchor institutions. This project would also significantly improve the economics and performance of BEAD-funded last-mile deployments into unserved and underserved areas.

### Libraries

BEAM has recognized the Mississippi Library Commission and public libraries across the state as one of the most prominent networks of assets to the state and its citizens. Local libraries throughout the state serve as primary and secondary internet access points for many Mississippians. They also serve as hubs for digital skills and digital literacy training. If any funds for non-deployment activities remain, BEAM is eager to help support the Library Commission and public libraries with BEAD funds to help serve their local communities through the execution of digital skills programming. Depending upon the level of funding available, if any, BEAM will accept applications from individual libraries within the state network. Applications will need to narratively describe the community need, the objectives, and the outcomes that their proposed programming will accomplish. Applications will be reviewed and awarded to individual libraires that demonstrate the most significant need and align the response to that need most effectively.

### Mississippi State Extension Service

Following the need for local support through the Library Commission, BEAM will then explore other areas of need for BEAD funds throughout the state by continuing the partnership with Mississippi State Extension Service to help fund existing programs that align with the goals of the BEAD program.

#### 2.5.2 Ensuring Coverage

**Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.**

BEAM's deployment mapping process will ensure that every legitimized BSL in the state of Mississippi will be served with high-speed, reliable internet access as required by the BEAD program given the funds allocated.

### 2.5.3 Ensuring General Qualifications

**Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the BEAD NOFO.**

The application process, if funding is available, will be designed to gather the requisite information regarding detailed plans from applicants clearly demonstrating their capabilities to execute on program objectives. This will include narrative based responses describing detailed forward-looking plans and historical execution of similar programs. The application process will collect resumes of individuals instrumental in the execution of the program, budgets, and the applicant's assessment of the measurable objectives of the program. Through review of this information, the BEAM office will make awards as funding is available to only qualified applicants that satisfy the needs described in Section 2.5.2.

## Section 2.6 Eligible Entity Implementation Activities- Requirement 10

### 2.6.1 State Initiatives without Subgrants

**Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.**

BEAM may implement some initiatives and carry out some activities related to the BEAD program without making a subgrant. These initiatives and activities can be divided into two categories: administrative activities and non-deployment activities related to digital equity. BEAM will not implement any deployment-related activities as the recipient without making a subgrant.

Administrative activities may include the following:

- Implementation of the challenge process;
- Implementation of the subgrantee selection process;
- Activities related to outreach, such as webinars for prospective subgrantees;
- Activities related to subgrant agreement, contracting, funding disbursement;
- Activities related to subgrantee monitoring, reporting, and compliance;
- Activities related to program evaluation and public outreach; and
- Activities related to program closeout.

Digital skills and accessibility related activities are more specifically enumerated in Mississippi's State Digital Skills and Accessibility Plan. In the plan, BEAM describes activities that it will fund with State Capacity Grant funding. Some activities will be performed by BEAM. The majority of activities will be sub-granted. Depending on funding available following deployment to unserved and underserved locations, and community anchor institutions, BEAM may supplement the activities performed by BEAM funded by the State Capacity Grant. These activities may include the following:

- Promoting ACP awareness and enrollment
- Public and community engagement around digital skills and accessibility, including reports, dashboards, and presentations

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- Conducting program evaluation

BEAM will leverage funding from multiple sources to carry out various initiatives, including those listed above. Weaving funding from BEAD, if available after addressing unserved, underserved, and CAI locations, with other funding sources will lead to greater program outcomes. In many cases, BEAM will already be implementing some non-deployment activities funded under the State Digital Equity Capacity Grant and supplementing funding for those activities with BEAD Program funds, if available, to allow BEAM to scale and broaden impacts.

### Section 2.7 Labor Standards and Protection- Requirement 11

#### 2.7.1 Prospective Subgrantee Labor Requirements

**Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following:**

##### **A. Past Compliance with Federal Labor and Employment Laws**

**Prospective subgrantees' record of past compliance with federal labor and employment laws;**

BEAM will require applicants to submit the following information during the application period of the competitive subgrantee selection process:

- Applicants' record of past compliance with federal labor and employment laws, which:
  - Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
  - Should include a certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal labor and employment laws by the applicant, as well as all contractors and subcontractors; and
  - Should include written confirmation that the applicant discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

BEAM will request prospective subgrantees to provide documentation that displays their compliance with Federal labor and employment laws on past broadband deployment projects. The documentation requested will be for the prospective subgrantee's compliance records covering a minimum of the last three years. BEAM will also request a prospective subgrantee's historical uses in contracting and subcontracting arrangements, including but not limited to staffing plans. Specifically, BEAM will request examples of each of the prospective subgrantee's past contractor's

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and subcontractors' performance on projects similar to the proposed project.

During the evaluation process, each prospective subgrantee will be scored based on the documentation and information gathered using the criteria below in regard to fair labor and employment practices:

- Applicants who provide sufficient documentation to demonstrate a history of full compliance with all relevant Federal labor and employment laws and certify their plan to comply with these laws on the proposed project will receive a set score of 15 points.
- Applicants who are unable to provide sufficient documentation to demonstrate a history of full compliance with all relevant Federal labor and employment laws must present a clear, forward-looking certification to robust labor and employment standards and protections, as defined in the BEAD NOFO guidelines. BEAM will assess this certification and assign a score ranging from 0 to 15 points on an all or nothing basis.
- Applicants who only provide a certification of intent to comply with Federal Labor laws will receive a score of 7.5 points crediting them with the intent to comply, but not awarding full points for clearly demonstrating a plan and history of compliance.
- Applicants who do not provide a plan nor certification regarding compliance with Federal Labor laws will not receive any points.

### **B. Ensuring Compliance with Federal Labor and Employment Laws**

#### **Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws;**

BEAM will require applicants to submit the following information during the application period of the competitive subgrantee selection process.

Applicants' plans for ensuring compliance with federal labor and employment laws, which must address the following:

- How the applicant will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
  - Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
  - How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

As stated in the scoring criteria of Section A, BEAM will mandate prospective subgrantees to submit a comprehensive written plan that entails the applicant's strategy for ensuring compliance with federal labor and employment laws, particularly focusing on the requirements specified in the BEAD NOFO (projects exceeding five million in total project costs) and federal regulations such as the Davis-Bacon Act. BEAM will specify within the application that the applicant's plans will need to

encompass the items listed below:

- How the applicant will guarantee compliance with its own labor and employment policies that extend to its contractors and subcontractors.
- Explicit information on applicable wage scales and overtime payment practices for categories of laborers or employees who are expected to be directly involved in the physical construction of the broadband network. For example, does the applicant plan to utilize applicable wage determinations and prevailing wage rates in the proposed project area, as well as overtime compensation rates specified under the Contract Work Hours and Safety Standards Act?
- How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

As the state of Mississippi is a right-to-work state, BEAM does not plan to incorporate any of the following items into legally binding commitments for subgrantees (including contractors and subcontractors) outside of what is explicitly required in the BEAD NOFO:

- Using a directly employed workforce, as opposed to a subcontracted workforce;
- Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;
- Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
- Use of local hire provisions;
- Commitments to union neutrality;
- Use of labor peace agreements;
- Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other training programs through the Community Colleges that serve all workers, particularly those underrepresented or historically excluded);
- Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- Taking steps to prevent the misclassification of workers.

### C. Commitment Plans for Federal Labor and Employment Laws

#### **Prospective subgrantees' plans for committing to strong labor standards and protections for the project workforce (including contractors and subcontractors) and how these plans will be incorporated into binding legal commitments.**

During the competitive subgrantee selection process, BEAM will make the determination that information submitted suffices for the purposes of the federal BEAD requirements on the basis of completeness, unless otherwise noted in this document. Provided this requirement is met, applicants will receive full scoring credit under the Fair Labor Practices scoring criteria.

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BEAM expects prospective subgrantees to incorporate strong labor standards and protections into their project applications as specified in the BEAD NOFO guidelines. While these items will not constitute legally binding commitments, they will serve as essential criteria in the selection process.

Applicants will be required to submit the following to demonstrate their commitment to robust labor standards and protections for the project workforce, including contractors and subcontractors:

- An explanation of how they intend to integrate strong labor standards, which may include local project labor agreements and community benefit agreements, competitive wage offerings, and respect for existing agreements.
- Assurance of providing quality jobs as per the Economic Development Administration's Good Jobs Challenge definition.
- Disclosure of any prior legal determinations related to wage or labor mandates.
- A description of any planned subcontracting arrangement.

BEAM does not intend to mandate the incorporation of specific labor and employment regulations into legally binding commitments for subgrantees, contractors, and subcontractors, beyond what is explicitly required by the BEAD NOFO. Instead, subgrantees are expected to include these regulations in their applications in accordance with the prog'ams guidelines.

BEAM will emphasize the importance of these requirements through various means, including informational webinars, website postings, grant application instructions, grant agreement terms, and subrecipient grant monitoring program requirements. Clear instructions will be provided to subgrantees on where and how to provide detailed descriptions of their compliance with these regulations, which will be considered during the scoring process.

### 2.7.2 Compliance with Federal and Labor Employment Laws

**Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:**

As the state of Mississippi is a right-to-work state, BEAM does not plan to incorporate any of the following items into legally binding commitments for subgrantees (including contractors and subcontractors) outside of what is explicitly required in the BEAD NOFO:

- Using a directly employed workforce, as opposed to a subcontracted workforce;
- Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;
- Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
- Use of local hire provisions;

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- Commitments to union neutrality;
- Use of labor peace agreements;
- Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);
- Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- Taking steps to prevent the misclassification of workers.

Subgrantees must comply with only those Federal and Labor Employment laws required by the BEAD NOFO.

### Section 2.8 Workforce Readiness- Requirement 12

#### 2.8.1 Objectives for a Skilled and Diverse Workforce

**Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response must clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:**

##### A. Safe and Effective Environment for Skilled Workforce

**A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective.**

In Mississippi's pursuit of a robust and highly skilled broadband workforce, BEAM has developed a comprehensive strategy to ensure that subgrantees actively contribute to the development and utilization of such a workforce, characterized by safety and effectiveness in their operations.

Central to this strategy is a focus on structured training programs and credentialing. Subgrantees will be strongly encouraged to engage in systematic training initiatives that equip their workforce with the necessary skills and knowledge to perform broadband-related tasks safely and effectively. This will involve collaboration with Accelerate Mississippi, Community Colleges, and industry experts to design and deliver tailored training programs.

Mississippi's approach also emphasizes the importance of industry standards and best practices. Subgrantees will be expected to adhere to recognized industry standards for safety and effective work procedures. This includes compliance with safety regulations, quality control measures, and adherence to established industry guidelines.

Additionally, Mississippi is committed to providing resources for ongoing skill development through the state's community college network and within the institutions of higher learning (IHLs). This commitment to ongoing education ensures that the workforce remains adaptable and effective in an ever-changing broadband landscape.



Mississippi's ambitious plan to expand broadband accessibility places a strong emphasis on creating equitable opportunities for individuals to enter the broadband-related job market. The goal is to foster a workforce that reflects the diversity of the state and offers sustainable, high-quality employment prospects.

There is a commitment to collaboration with educational institutions and training providers. Together, training programs will be designed to be inclusive, catering to people from various backgrounds and demographics. In essence, Mississippi's strategy is not solely focused on expanding broadband infrastructure; it is about nurturing a diverse, skilled workforce prepared for success.

### 2.8.2 Objectives for a Skilled and Credentialed Workforce

**Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce (including contractors and subcontractors) will be an appropriately skilled and credentialed workforce.**

Prospective subgrantees interested in participating in Mississippi's broadband expansion initiative must present well-structured plans to ensure that their project workforce, including contractors and subcontractors, possesses the requisite skills and credentials. These plans play a vital role in ensuring the seamless execution of broadband projects statewide. Here is a detailed breakdown of the information expected from prospective subgrantees:

**Building a Skilled Team:** Subgrantees are requested to provide their strategies for cultivating a workforce with the appropriate skillset. This may involve establishing apprenticeships or training programs to equip all project participants with the necessary knowledge and abilities. Subrecipients are requested to work with the local community colleges that have existing workforce training programs.

**Obtaining the Right Credentials:** Prospective subgrantees should outline their procedures for verifying that every individual involved in the project holds the requisite credentials. This includes accounting for prior training, certifications, and licenses. It is imperative that subgrantees provide clarity regarding the prerequisites for different job positions within the project and describe their mechanisms for ensuring compliance and ongoing credential maintenance.

**Workforce Management:** The plan should clarify whether the workforce will be directly employed by the subgrantee or if subcontractors will be engaged to perform the work.

**Collaborative Partnerships:** Prospective subgrantees are expected to provide a roster of collaborating entities that will contribute to project completion. This should encompass details regarding the roles and suitability of these partners in the broadband project.

**Safety and Training:** The plan should provide insights into safety training and certification requirements for each job title involved in the project. This may encompass certifications like OSHA training or other specialized training, and it should address the presence of any in-house

training programs.

**Professional Certifications and Training Standards:** Subgrantees should furnish details about professional certifications and in-house training programs designed to uphold high standards in broadband project execution. This should encompass explanations of certification and training program specifics, as well as mechanisms for maintaining and renewing these credentials.

By furnishing this comprehensive information, prospective subgrantees demonstrate their dedication to forming a proficient and credentialed workforce capable of executing broadband projects effectively across Mississippi. These plans serve as vital components in ensuring the success of our broadband expansion endeavors.

### **Section 2.9 MBE/ WBE/ Labor Surplus Firms Inclusion Requirement 13**

#### **2.9.1 Data Tracking Methods for small business, DBE and WBE**

**Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.**

The BEAM office is committed to ensuring the recruitment and retention of diverse suppliers and contractors throughout the BEAD program. The two main pillars of the BEAM office's strategy are as follows:

#### **Outreach and Education:**

- Inform subgrantees about their responsibilities to solicit minority and women business enterprises when they are potential sources.
- Organize webinars or workshops to connect subgrantees with diverse suppliers.
- Collaborate with Mississippi Development Authority and the Minority Business Development Center in their support of minority and WBEs.

#### **Data Collection and Tracking:**

- Incorporate MBE/WBE reporting elements into the periodic reporting collected from awarded subgrantees.
- Regularly review and verify supplier data to ensure accuracy and compliance with certification criteria.

#### **2.9.2 Certification for Affirmative Action**

**Certify that the Eligible Entity will take all necessary 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. Incorporation on Solicitation Lists**

**Placing qualified small and minority businesses and women's business enterprises on solicitation lists;**

**B. Ensuring Potential Source Solicitation**

**Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;**

**C. Dividing Total Requirements to Permit Maximum Participation**

**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**

**Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;**

**E. Other Organizations Services' and Assistance**

**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; and**

**F. Affirmative Action for Subcontracting**

**Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.**

The BEAM office certifies that it will make every effort to comply with the six affirmative steps as outlined in 2 CFR 200.321 in the procurement of new contracts under the BEAD Program as well as take measures to ensure subgrantee compliance with the same. Should NTIA formally adopt the proposed waivers of procurement standards upon utilization of fixed amount subawards, BEAM will provide further clarified guidance for subgrantees.

**Section 2.10 Cost and Barrier Reduction- Requirement 14**

**2.10.1 Steps for Reducing Costs and Barriers**

**Identify steps that the Eligible Entity has taken or will take to reduce costs and barriers to deployment.**

Mississippi has been proactive in establishing a favorable regulatory environment for the efficient use of existing infrastructure for broadband deployment projects. During the 2019 Regular Session of the Mississippi Legislature the state enacted the Mississippi Broadband Enabling Act, §§ 77-17-1 through 77-17-15, Mississippi Code of 1972, annotated (approved January 30, 2019), which among other things, specifically authorized Mississippi’s rural electric cooperatives to operate broadband networks on their electric delivery systems via affiliated or non-affiliated service providers.

Mississippi has long been a leader in the One Call (call before you dig) initiative through Mississippi 811. Mississippi 811 serves as the state’s clearinghouse for member utility location and identification requests. Safety and damage prevention are central strategies for reducing the cost of deployment for any utility or communication provider. Timely and accurate location of infrastructure prevents damage and costly repairs. Mississippi 811’s call before you dig program is a service to industry and the public. Additionally, through the Mississippi Underground Facilities Damage Prevention Board, the state monitors industry best practices and educates industry participants on implementation strategies to avoid costly damage to existing infrastructure.

Finally, the Mississippi Department of Transportation (MDOT) has already implemented significant streamlining and efficiency initiatives in its permitting process for Electric Utilities and Communications providers. MDOT maintains an updated and robust one-stop website containing all necessary permit applications and forms, along with contacts for technical assistance. MDOT allows existing utilities to execute Master Agreements for more efficient processing of individual permit applications. MDOT works closely with the electric utility and communications industry in permitting right-of-way access and use on the public highways throughout the state. Additionally, MDOT maintains seven (7) district offices dispersed throughout the state with designated permitting assistance personnel in each office.

**Section 2.11 Climate Assessment–t - Requirement 15**

**2.11.1 Assessment of Climate Threats and Proposed Mitigation Methods**

**Describe the Eligible Entity’s assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:**

- a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;**
- b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;**

- c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;**
- d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and**
- e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.**

Mississippi is no stranger to natural disasters. Historic disasters such as the Mississippi River Flood of 1927, and Hurricane Katrina in 2005, headline a consistent experience of flood, ice, wind, and tornadoes. Indeed, according to Mississippi's State Climatologist, our "...climate rarely seems to bring 'average' conditions." The Gulf Coast of Mississippi is especially susceptible to rising sea levels resulting from climate change.<sup>1</sup> Given this history, Mississippi maintains a comprehensive approach to risk assessment and mitigation through a combined effort of numerous state agencies and research facilities.

The Mississippi Emergency Management Agency (MEMA), an executive agency of the State of Mississippi, is responsible for developing, maintaining, and implementing the State's Comprehensive Emergency Management Plan, and the State of Mississippi Standard Mitigation Plan. (Both plans may be viewed by clicking the following link [www.msema.org/about/hazard-mitigation/](http://www.msema.org/about/hazard-mitigation/).) The State of Mississippi Standard Mitigation Plan ("Plan") is the work product of the State of Mississippi Hazard Council, which was created in 2007 and is comprised of various State Agency Officers and Directors, along with County and City organizations throughout the State.<sup>2</sup> The Council's work and methodology ensures public participation from all areas of the State of Mississippi and represents the State's most comprehensive risk assessment and mitigation efforts.

From the Executive Summary of the Plan (p. i):

This Plan is the result of a monumental effort from stakeholders, staff, and technical advisors to complete a document that updates the 2018 Standard Mitigation Plan. The updated Plan addresses natural/manmade hazards throughout the state with the expressed purpose of "saving lives and reducing future losses" in anticipation of future events.

Mississippi's Standard Mitigation Plan has been completed with a high degree of public participation...

"Mitigation actions" that can be implemented to complete projects that are technically feasible, cost effective and environmentally sound are included within the Plan. It is a "living document" that will be constantly reviewed and updated thus reflecting current strategies and providing opportunities

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<sup>1</sup> [Office of the Mississippi State Climatologist | Department of Geosciences at Mississippi State University \(msstate.edu\)](http://www.msstate.edu); See section entitled "Mississippi Climate."

<sup>2</sup> Page references throughout this response are to the State of Mississippi Standard Mitigation Plan unless otherwise indicated.

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for evaluating the effectiveness of the projects and programs.

BEAM submits the Plan as partial satisfaction of the requirements set forth above. Additional narrative will address how the Plan's risk assessment relates to broadband infrastructure.

Section One (1) of The Plan identifies the following hazards (p. 1-1):

- Flooding
- Extreme Winter Weather
- Earthquakes
- Wildfires
- Hurricanes
- Tornadoes
- Dam and Levee Failures
- Climate Change/Sea Level Rise
- Cyberterrorism

Except for Cyberterrorism, all the above hazards are arguably affected by climate-related risks.

Section Three (3) of the Plan conducts a risk assessment for each of the identified hazards. Historical and forecasted data is provided for each hazard, including identification of affected geographic regions of the state. Maps, tables, and figures are included for analysis.

Section 3.11 specifically addresses "Sea Level Rise-Climate Control Risk Assessment." Beginning on p. 3-313 the Plan discusses the hazard of projected sea-level rise due to climate change and concludes "...[a]s the waterline creeps up along coasts, storms and flooding will happen more frequently. The closer the sea is to the communities, the easier it is for floods to reach homes, roads, and towns." (p. 3-315). Additionally, the Plan predicts that "... flooding during storms (sometimes referred to as storm surge) will reach farther inland as sea level rises. During hurricanes and other large storms, like Nor'easters, strong winds push water beyond the normal high tide mark. They are likely to get worse as sea level rises due to increased flooding danger across the board. Additionally, as the ocean warms from climate change, it will provide more energy to hurricanes, potentially making them stronger. According to NOAA, over the next century, hurricanes are estimated to grow between 2 and 11 percent stronger on average." (Id.). The effect on Mississippi's three (3) coastal counties, Hancock, Harrison, and Jackson is depicted in Figures 3.11.3, 3.11.4 and 3.11.5.

The Plan assesses the State's vulnerability from Climate/Sea Level Rise as follows:

Based on sheer geography, coastal Mississippi will be more susceptible to sea level rise. More than 99% of people, property, and infrastructure in harm's way in Mississippi are in Jackson, Hancock, and Harrison counties. Within the State of Mississippi, some \$1.5 billion in property value plus more than 14,500 people living in more than 8,000 homes sit on 131 square miles of land less than 6 feet above the local high tide line. The exposure of populations with high social vulnerability is disproportionately high, 50% greater than would be expected by chance alone. Of the exposed high vulnerability population, more than 60% live in just one zip code, in Bay St. Louis. Compared to six feet, more than double the total property, population and housing sit on land below 10 feet: \$3.7 billion and nearly 44,000 people living in more than 22,000 homes, across 227 square miles. (Citations omitted). (p. 3-318).

Broadband infrastructure is susceptible to damage from all the above identified hazards. Proper planning and construction can mitigate the damage. Mississippi's utility industry includes investor-owned, cooperative, and municipal systems, serving electric, water/wastewater, and communications customers. Though not traditionally considered a "utility," numerous cable and non-traditional communications companies also operate in the broadband market. Construction design for each market participant should account for the hazards associated with the project's geographic location. At a minimum, construction should conform to "best practices" as required by the National Electric Safety Code (NESC), and/or the construction specifications of the USDA Rural Utilities Service. All subgrantees should employ grid "hardening" construction practices and consider buried fiber where feasible. Infrastructure co-location is also encouraged to the extent that it reduces the likelihood of damage from natural disasters. (BEAM recognizes that co-location may be counterproductive in some instances).

Finally, rapid, and safe service restoration following natural disasters requires planning and coordination. Mississippi's Emergency Management Plan describes the State's approach to disaster response and includes sections specifically related to utility and communication service restoration. All subgrantees must comply with the requirements of the State's Emergency Management Plan. Additionally, all subgrantees are encouraged to enter into mutual aid agreements with utility partners to ensure a rapid and safe emergency service restoration response. Mutual aid agreements are encouraged to include order of restoration strategies which minimize the destruction of broadband infrastructure.

### **2.11.2 Supporting Documentation for Climate Assessment**

**As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.**

Mississippi State Hazard Mitigation Plan: [www.msema.org/about/hazard-mitigation/](http://www.msema.org/about/hazard-mitigation/)

### **Section 2.12 Low-Cost Broadband Service Option- Requirement 16**

#### **2.12.1 Required Subgrantee Low-Cost Broadband Service Option**

**Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:**

##### **A. Service Initiation Cost**

**All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);**

- a. The plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network**

- management practices);
- b. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan’s rate; and**
- c. Any provisions regarding the subscriber’s ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.**

The low-cost broadband service options offered by subgrantees, as selected by BEAM, are designed to cater to the specific needs of residents. These options are instrumental in ensuring that affordable and accessible broadband connectivity is available to a wide range of households:

**Recurring Charges and Additional Costs:** Low-cost broadband service options encompass all recurring charges to the subscriber, including monthly subscription fees, as well as any non-recurring costs or fees associated with service initiation. These options are structured to minimize financial barriers, making broadband access affordable and attainable for residents.

**Basic Service Characteristics:** The outlined low-cost broadband service options specify their basic service characteristics, ensuring transparency and clarity for subscribers. This includes defining download and upload speeds, latency levels, any limits on usage or availability, and any material network management practices. By articulating these technical specifications, subscribers can make informed decisions about their broadband service.

**Affordable Connectivity Benefit Subsidy:** Subscribers are informed that they may utilize the Affordable Connectivity Benefit subsidy toward the rate of the low-cost broadband service plans. This provision leverages federal support to further reduce the financial burden on subscribers, making quality broadband services more accessible to households in need.

**Upgrade Opportunities:** Additionally, the low-cost broadband service options outline provisions regarding a subscriber's ability to upgrade to new low-cost service plans offering more advantageous technical specifications. This demonstrates a commitment to adapt to evolving technological standards and ensure that subscribers can access improved broadband services as they become available.

The selected low-cost broadband service options have been tailored to align with the needs and circumstances of residents within Mississippi. They prioritize affordability, transparency, and adaptability to provide residents with cost-effective access to reliable broadband services. These options are a crucial component of the broader broadband expansion strategy, fostering connectivity for all communities. Lastly, the required low-cost option detailed above should not be considered rate regulations imposed by BEAM, but rather, represent BEAD program requirements.

### **2.12.2 Certification of Subgrantee Participation in ACP**

**Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.**

BEAM Certifies that all ISPs will be required to participate in ACP to be eligible for funding.



**Section 2.13 Middle-Class Affordability Plans - Requirement 20**

**2.13.1 Plan for Middle-Class Affordability of High-Quality Broadband**

**Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD- funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.**

**BEAD Proposal Scoring Criteria**

The BEAM office has elected to allocate 25% of prospective subgrantee's application score towards providing affordable service options. This commitment to fund projects that ensure the middle class can afford highspeed internet access.

**Affordable Service Options**

Subgrantees of the BEAD program will be required to offer to eligible customers the Low-Cost Service Option. Subgrantees will be strongly encouraged to consider affordability for middle class households in establishing the pricing post deployment.

The required low-cost option detailed in Section 2.12, the encouragement to consider middle class affordability, and prioritization of projects that favor affordability should not be considered rate regulations imposed by BEAM, but rather, represent BEAD program requirements.

**Section 2.14 Use of 20 Percent of Funding - Requirement 17**

**2.14.1 Planned Use of 20 Percent of Funding**

**Describe the Eligible Entity's planned use of any funds being requested, which must address the following:**

- a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.**
- b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations.**
- c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.**

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BEAM requests 100% of funding be made available to the state of Mississippi under the BEAD allocation. The BEAM and its industry, state and local government, and community partners stand ready to implement BEAD funding and deliver access to this vital infrastructure to unserved and underserved communities across the state. Mississippi's internet service providers are prepared with the technical expertise to begin expanding broadband networks to the remaining unserved and underserved with BEAD funding on an expedited schedule – ahead of the BEAD Program's timeline of Final Proposal approval. As described in Section 2.4, BEAM is preliminarily expecting that the deployment project subgrantee selection process will consume the entirety of the State of Mississippi's BEAD Allocation, and as such in order to provide the budget certainty necessary to obligate subawards prior to approval of the Final Proposal, the State is requesting that the entire allocation be obligated with this funding request.

### 2.14.2 Initial Proposal Funding Request

**Enter the amount of the Initial Proposal Funding Request.**

**Requested Funds:** \$1,203,561,563.05

### 2.14.3 Certification to Adherence of BEAD Requirements

**Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Proposal Funding Request, note "Not applicable."**

BEAM certifies that they will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

## Section 2.15 Eligible Entity Regulatory Approach - Requirement 18

### 2.15.1 Waiver of Laws for Eligible Entities

#### A. Details of Waved Laws

**Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.**

The Mississippi BEAM office will not waive any State laws.

#### B. Details of Not Waiving Laws

**If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.**

House Bill 1029, The Broadband Expansion and Accessibility of Mississippi (BEAM) Act, was enacted during the 2022 Regular Session of the Mississippi Legislature. It is codified at §§77-19-1 through 77-19-17 of the Mississippi Code of 1972, Annotated, (approved and effective from and after April 13, 2022).

The BEAM Act created the Mississippi BEAM Office to serve as the State’s broadband office, and coordinator of all grant funds for broadband expansion. Part of the BEAM Act includes the definition and criteria for “Applicants” and “Eligible Broadband Service Provider” which may preclude, or otherwise affect, public sector providers from participating in the subgrant competition.

**2.15.2 Supporting Documentation for Applicable Laws**

**As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.**

See Exhibit F – Broadband Expansion and Accessibility Act of Mississippi

**Section 2.16 Certification of Compliance with BEAD Requirements - Requirement 19**

**2.16.1 Certification for Intent to Comply with BEAD Program**

**Certify the Eligible Entity’s intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.**

BEAM certifies that it intends to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

**2.16.2 Certification for Intent to Comply with BEAD Program**

**Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:**

In accordance with the requirements outlined in 2 CFR Part 200 Subpart D and the

specific compliance criteria set forth by the BEAD Program, BEAM has implemented robust accountability procedures within its program to ensure subgrantee compliance with all applicable Program requirements.

### **A. Distribution of Funding**

**Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize)**

**PLEASE NOTE:** This is subject to change should NTIA formally adopt the proposed guidance regarding Fixed Amount Subawards.

BEAM utilizes a reimbursement-based fund distribution strategy. This approach means that subgrantees are only reimbursed for eligible expenses after they have completed the actions or milestones that the funds are intended to support. This method reinforces subgrantee accountability by ensuring that funds are disbursed in alignment with project progress and achievement of predetermined milestones. Subgrantees are required to demonstrate that they have fulfilled their obligations before receiving the financial support to which they are entitled.

### **B. Clawback Provisions**

**The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee**

To safeguard the responsible use of public funds, BEAM includes clawback provisions in its agreements with subgrantees. These provisions serve as a safeguard mechanism, allowing BEAM to recover funds previously disbursed in the event of noncompliance with BEAD Program or CFR requirements. Subgrantees who fail to meet their legal and contractual responsibilities risk forfeiting the funds they have received, providing an additional incentive for compliance.

### **C. Subgrantee Reporting**

**Timely subgrantee reporting mandates.**

BEAM enforces strict reporting requirements for subgrantees. Subgrantees are obligated to provide regular and comprehensive reports that cover various aspects of their projects. These reports include but are not limited to data on project progress, financial expenditures, civil rights compliance, equity indicators, community engagement efforts, geospatial data, workforce plans, and information about subcontracted entities. This transparency in reporting ensures that BEAM has access to all necessary information to assess subgrantee performance and compliance.

### **D. Subgrantee Monitoring**

**Robust Subgrantee Monitoring Practices**

BEAM has established a comprehensive monitoring framework to maintain accountability

throughout the project lifecycle. This framework includes the following components:

**Compliance Team:** BEAM employs contractors with expertise in accounting, audit principles, Uniform Guidance, and federal grant funding to form a Compliance Team. This team conducts thorough reviews to ensure that subgrantees comply with both financial and programmatic requirements.

**Technical Field Auditors:** Contractors with technical experience in broadband deployment serve as Technical Field Auditors. They conduct technical reviews of project progress, perform field audits, and conduct comparative and technical analysis to ensure that projects adhere to the terms stipulated in Grant Agreements. This technical oversight helps ensure the quality and effectiveness of broadband deployment.

**Ultimate Programmatic and Financial Oversight:** Mississippi designates the Department of Finance and Administration Office of Broadband Expansion and Accessibility of Mississippi (DFA BEAM) to provide ultimate programmatic and financial oversight and approval. This step ensures that subgrantees adhere to program requirements and that the funds are used efficiently and effectively.

In summary, BEAM places a strong emphasis on accountability and compliance to ensure the responsible utilization of public funds and the successful achievement of program objectives under the BEAD Program. These procedures are not only a demonstration of BEAM's commitment to program integrity but also serve as a deterrent to noncompliance. In cases of subgrantee noncompliance, BEAM is prepared to take appropriate actions, including the clawback of funds, to uphold the highest standards of accountability and fulfill its obligations under the law. These measures underscore BEAM's dedication to ensuring the success of broadband expansion and access initiatives.

### **2.16.3 Certification for Subgrantee Civil Rights and Non-Discrimination Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.**

BEAM hereby certifies its unwavering commitment to the principles of civil rights and nondiscrimination in the selection of subgrantees under the BEAD Program. We affirm our dedication to upholding these principles and ensuring that our subgrantees adhere to them.

The Certification of Compliance provided by BEAM demonstrates the organization's commitment to upholding various important authorities and principles in its subgrantee selection process. Each aspect of this commitment is addressed below:

- Executive Order 11246 - Equal Employment Opportunity:
  - BEAM's commitment to promoting equal employment opportunities underscores its dedication to fairness and non-discrimination in the hiring and employment practices of its subgrantees.
  - This commitment means that BEAM will actively strive to ensure that subgrantees do not engage in discriminatory practices based on factors such as race, gender, religion,

- or disability in their employment decisions.
- It emphasizes the importance of creating a diverse and inclusive workforce within the subgrantee organizations to promote equitable opportunities for all individuals, regardless of their background.
- Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency:
  - BEAM's pledge to facilitate access to services for individuals with limited English proficiency signifies its commitment to inclusivity and ensuring that language barriers do not hinder access to vital services.
  - This commitment recognizes the diverse linguistic needs of communities and ensures that subgrantees take appropriate measures to provide services in languages other than English when necessary.
  - It underscores the importance of equitable service delivery to individuals who may face language challenges, promoting accessibility for all members of the community.
- Executive Order 13798 - Promoting Free Speech and Religious Liberty:
  - BEAM's dedication to upholding the principles of free speech and religious liberty in subgrantee selection ensures that individuals' rights in these areas are respected.
  - This commitment emphasizes that subgrantees should not infringe upon the free expression of ideas or religious beliefs of their employees or beneficiaries.
  - It underscores the importance of fostering an environment where individuals can exercise their rights to free speech and religious liberty without fear of discrimination or censorship.

Overall, BEAM's Certification of Compliance serves as a clear statement of its commitment to fundamental principles such as equal employment opportunity, accessibility for individuals with limited English proficiency, and the protection of free speech and religious liberty within its subgrantee selection process. By adhering to these principles, BEAM aims to not only meet its legal and ethical obligations but also contribute to a more equitable and inclusive society by setting a positive example for its subgrantees to follow. This commitment reflects BEAM's dedication to upholding these core values throughout its programs and initiatives.

Before BEAM disburses any funding to a subgrantee, it mandates that the subgrantee enter a binding commitment. This commitment serves as a legally enforceable agreement between BEAM and the subgrantee, outlining the subgrantee's obligations and responsibilities, particularly regarding nondiscrimination. By requiring this commitment, BEAM establishes a clear framework for subgrantee compliance with a range of legal authorities aimed at preventing discrimination and promoting equal access and opportunities.

### **Nondiscrimination Requirements Covered:**

1. Title VI of the Civil Rights Act:
  - a. Subgrantees are required to comply with Title VI, which prohibits discrimination on the basis of race, color, or national origin.
  - b. This means that subgrantees must ensure that their programs and services do not discriminate against individuals based on these protected characteristics.
2. Title IX of the Education Amendments of 1972:
  - a. Subgrantees must adhere to Title IX, which mandates equal opportunities regardless

- of sex.
- b. This commitment ensures that subgrantees create an environment that promotes gender equality and does not discriminate based on sex.
- 3. The Americans with Disabilities Act of 1990 (ADA):
  - a. Subgrantees are obligated to comply with the ADA, which requires providing equal access and opportunities for individuals with disabilities.
  - b. This commitment ensures that subgrantees make their programs, services, and facilities accessible to individuals with disabilities, promoting inclusivity.
- 4. Section 504 of the Rehabilitation Act of 1973:
  - a. Subgrantees must adhere to Section 504, which prohibits discrimination against individuals with disabilities in federally funded programs.
  - b. This commitment underscores the importance of ensuring that individuals with disabilities have equal access to and are not excluded from federally funded programs.
- 5. The Age Discrimination Act of 1975:
  - a. Subgrantees are required to comply with the Age Discrimination Act, which prohibits age-based discrimination.
  - b. This commitment ensures that subgrantees do not discriminate against individuals based on age.
- 6. Any Other Applicable Non-Discrimination Law(s):
  - a. In addition to the specific laws mentioned, subgrantees must also adhere to any other relevant non-discrimination laws.
  - b. This commitment is comprehensive, ensuring that subgrantees remain in compliance with all applicable nondiscrimination laws that may vary by jurisdiction or context.

In summary, the binding commitment mandated by BEAM serves as a comprehensive and proactive measure to enforce nondiscrimination requirements among its subgrantees. By obligating subgrantees to adhere to a wide range of legal authorities related to nondiscrimination, BEAM seeks to create an environment of fairness, inclusivity, and equal opportunity for all individuals who benefit from BEAD funding. This commitment underscores BEAM's dedication to upholding the principles of equity and non-discrimination in all aspects of its programs and initiatives.

### **Recourse for Noncompliance:**

BEAM acknowledges the importance of recourse in the event of subgrantee noncompliance. We pledge to take appropriate actions, including cancellation of awards and recoupment of funds disbursed, should any subgrantee fail to fulfill its legal and contractual responsibilities.

### **NTIA's Enforcement:**

BEAM is aware that NTIA maintains a stringent stance on subgrantee accountability. We understand that NTIA will reject Initial Proposals and Final Proposals that fail to provide sufficient recourse against noncompliant subgrantees. Additionally, NTIA will pursue the clawback of funds directly from BEAM if we fail to ensure subgrantee accountability in accordance with the law.

BEAM is committed to fostering an inclusive, equitable, and nondiscriminatory environment within the BEAD Program. We encourage all Eligible Entities and subgrantees to refer to the

Workforce Planning Guide and BEAD NOFO Section IV.C.1.g. for comprehensive information on the laws and principles that govern our commitment to civil rights and nondiscrimination.

**2.16.4 Certification for Management of Cybersecurity and Supply Chain Risk**

**Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:**

**A. Cybersecurity**

- **The prospective subgrantee 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; and**
- **The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.**

**B. Supply Chain Risk Management (SCRM)**

- **The prospective subgrantee 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**
- **The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.**



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In accordance with the requirements outlined in the BEAD NOFO, BEAM hereby certifies its commitment to ensuring subgrantee compliance with cybersecurity and supply chain risk management requirements.