



Certifications Template for Prequalification for the Broadband,
Equity, Access, and Deployment (BEAD) Grant Program

The Delaware Department of Technology and Information (DTI)

Certification	Initials
2.2. Certify that the applicant has the necessary financial qualifications, capabilities, and resources to comply with all program requirements and successfully participate in the program.	
2.3 Certify that applicant 1) is aware of and understands the letter of credit or performance bond obligations and processes for the Program and 2) has the qualifications and resources to obtain the required letter of commitment and letter of credit or performance bond. See BEAD Letter of Credit Waiver (11/01/23, NTIA Notice of Programmatic Waiver, https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver).	
2.4 Certify and acknowledge that BEAD funds will be issued as reimbursements and not advance funding, and that all BEAD awards are fixed-amount subawards and, if granted an award, the Applicant will be a subgrantee, not a contractor or subcontractor, and that all relevant state and federal laws and regulations apply accordingly.	
2.4a Certify and acknowledge that minimal BEAD outlay includes a 25 percent match from prospective applicants.	
3.4 Certify that the applicant possesses the operational expertise, capabilities, and resources to successfully complete and operate a BEAD funded project. To certify, the applicant must possess at least three years of experience providing broadband transmission to end users or be a wholly owned subsidiary of a parent entity that has three years of operational experience in the communications industry. Note that if applicant cannot certify 3.4, applicant must provide a narrative to 3.4D and 3.5 and additional documentation.	
3.4B Certify the applicant is technically qualified to complete and operate a broadband network and capable of carrying out BEAD funded activities in a competent manner.	
3.5A Certify that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution (NOFO, p.75).	
3.5B Certify that key directors and managers have at least three years of experience operating a network.	
3.6 Certify that the applicant is fully and properly licensed in Delaware to conduct funded activities and comply with all post-award activities.	
3.6B Certify that applicant has training programs, hiring and retention processes, and employee resources in place to ensure proper certifications and employ appropriately skilled and credentialed workforce necessary to successfully complete a BEAD funded program, including but not limited to a chief technology officer, project engineer, and contractor oversight team with appropriate skills and certifications, and that key technical personnel and technical team members are current on all required training, licensing, and license renewals.	
3.7B Certify that if applicant chooses to contract resources, all contracted resources will have the relevant and necessary skills.	

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<p>3.8 Certify that (Guidance 2.16.4, p.96):</p> <p>1) Applicant has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the applicant is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the applicant is not yet providing service prior to the grant award</p> <p>2) The plan specifies the security and privacy controls being implemented and reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 2.0, see https://www.nist.gov/cyberframework) and the standards and controls set forth in Executive Order 14028</p> <p>3) The plan will be reevaluated and updated on a periodic basis and as events warrant</p> <p>4) The plan will be submitted to DTI prior to the allocation of funds. If the applicant makes any substantive changes to the plan, a new version will be submitted to DTI within 30 days.</p>	
<p>3.9 Certify that (Guidance 2.16.4, p.96):</p> <p>1) The applicant has a Supply Chain Risk Management (SCRM) plan in place (and will provide it to DTI) that is either: (a) operational, if the applicant is already providing service at the time of the grant; or (b) ready to be operationalized, if the applicant is not yet providing service at the time of grant award</p> <p>2) 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</p> <p>3) The plan will be reevaluated and updated on a periodic basis and as events warrant</p> <p>4) The plan will be submitted to DTI prior to the allocation of funds. If the applicant makes any substantive changes to the plan, a new version will be submitted to DTI within 30 days. Please take note that, if the applicant becomes a subgrantee, DTI must provide a subgrantee's plan to NTIA upon NTIA's request.</p>	
<p>4.1 Please certify that the applicant understands and will comply with the Environmental and Historical Preservation (EHP) requirements outlined in the BEAD NOFO and the DTI solicitation for this program (link to NOFO: https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf).</p>	
<p>4.1A Please certify that the applicant has no history of failure to comply with environmental and historic preservation requirements.</p>	

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<p>4.2 Please certify that the applicant understands and will comply with the Build America, Buy America Act (BABA) requirements as outlined in the Department of Commerce Final Waiver dated February 2024 (https://www.commerce.gov/sites/default/files/2024-02/BABA%20Waiver%20Signed.pdf) and the BEAD NOFO (link to NOFO: https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf) including Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608) (see the regularly updated “List of Equipment and Services Covered By Section 2 of The Secure Networks Act,” FCC, https://www.fcc.gov/supplychain/coveredlist):</p> <ul style="list-style-type: none"> • All iron, steel, and manufactured products (including but not limited to fiber-optic communications facilities) (with exceptions as outlined in the Final Waiver) and • Construction materials used in the project must be produced in the United States (with exceptions as outlined in the Final Waiver) • Section 70912 of BABA and the Final Waiver outlines the definition of “produced in the United States” with respect to manufactured products <p>Subgrantees are prohibited 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 is received from the Assistant Secretary of Commerce</p>	
<p>4.2A Please certify that the applicant is aware of and intends to reference Delaware’s resources for Minority and Women-Owned Business Enterprises and Labor Surplus Area Firms, including the Division of Small Business’s Office of Supplier Diversity and its resources and database (https://business.delaware.gov/directory-of-certified-businesses/).</p>	
<p>4.3 Please acknowledge that the applicant plans to comply in the Scoring Phase by submitting a letter signed by an attorney regarding the applicant’s qualifications and past compliance with federal and state laws.</p>	
<p>4.5 Please certify that the applicant will permit workers to create worker-led health and safety committees that management will meet with upon reasonable request, and will recertify this annually for the duration of the BEAD implementation period. Also certify that the applicant understands that every successful applicant will be required to ensure that it and any subcontractors on BEAD deployment projects will be contractually obligated to allow for the creation of worker-led health and safety committees that management will meet with upon reasonable request. Please note that without this certification, the application will not be considered complete.</p>	
<p>4.5A Please certify that applicant has or will have a process in place to monitor and support compliance with specific State and federal safety regulations applicable to work on BEAD program projects, including federal Occupational Safety and Health Act and related State and federal regulations.</p>	

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4.6A. If applicant has provided a voice and/or broadband service for at least three years, certify that applicant has filed Federal Communication Commission Forms 477 and the Broadband DATA Act submission, as applicable and required, and otherwise complied with the Commission's rules and regulations.	
<p>4.8 Please certify that there is no collusion, bias or conflict of interest or provide the necessary ownership and partnership disclosures pursuant to 47 CFR 1.2105(a):</p> <p>(1) that the applicant is the real party in interest in this application and that there are no agreements or understandings other than those specified in this application, which provide that someone other than the applicant shall have an interest in the application</p> <p>(2) that the applicant is aware that, if upon inspection, this application is shown to be defective, the application may be dismissed without further consideration, and any fees forfeited. Other penalties may also apply</p> <p>(3) except as explicitly provided in the rules for the BEAD program and in this application, that the applicant has not entered into and will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in this application regarding the amount to be bid, bidding strategies, or the particular area on which the applicant or other parties will or will not bid</p> <p>(4) that the applicant, or any party to this application, is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988</p> <p>(5) that the applicant is and will, during the pendency of its application(s), remain in compliance with any service specific qualifications detailed in this application including, but not limited to, the qualifications in this application regarding financial, technical, and organizational capabilities</p> <p>(6) that the applicant is not in default on any payment to the State of Delaware and that it is not delinquent on any non-tax debt owed to any federal agency</p>	
4.8A Certify that the applicant will not engage in prohibited communications as defined in 47 C.F.R. 1.2105 starting from the date of submission of prequalification application until final award	
5.1Ai If applicant and any contractors or subcontractors, have a history of compliance with federal and State labor and employment and unfair trade practices laws during the preceding three years, such as the Occupational Safety and Health Act and the Fair Labor Standards Act, certify that applicant has complied with federal labor and employment laws on broadband deployment projects over the last three years preceding the date of the application by applicant and by its planned contractors and subcontractors.	
5.1Aii If applicant and any contractors or subcontractors, have a history of compliance with federal and State labor and employment and unfair trade practices laws during the preceding three years, such as the Occupational Safety and Health Act and the Fair Labor Standards Act, certify that that applicant, its contractors, and its subcontractors have consistently complied with federal labor and employment laws.	

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5.1Ci Certify that that the applicant, its contractors, and its subcontractors, have existing labor and employment practices in place, and commit to annual recertification for the duration of BEAD implementation.	

Signature

I, the undersigned, am an officer, director, or equivalent, authorized to obligate my entity and enter into agreements for my organization. I understand that the above certifications and assurances, which I have initialed, do not guarantee funding. I further understand that a subaward agreement, which may contain terms and conditions, will be executed prior to project funds being awarded. I further understand that, if the information provided by my organization to DTI in the application is materially false or the application information cannot be verified, no grant funds will be awarded under this program. Finally, to the best of my knowledge, the information in this application, including all certifications and assurances as well as information input into the portal and uploaded to the portal, is true and correct.

Signature of Applicant:

Title of Applicant and Name of Employer:

Contact information:

Date:
