Broadband Equity, Access, and Deployment (BEAD) Program

BEAD Program Monitoring Plan

DRAFT FOR PUBLIC COMMENT | December 2024

Delaware Broadband Office
Department of Technology and Information

Contents

1 Overview of Delaware's BEAD monitoring process

As subgrantees spend BEAD money on construction, equipment, services, and personnel, it is DTI's responsibility to monitor subgrantees to ensure that constituents receive the broadband benefits promised by the award. In addition, this oversight is critical to DTI's role as the primary subgrantee (grantee) of BEAD funds and its responsibility to deliver timely and accurate reports to NTIA.

DTI anticipates making deployment and non-deployment awards and will adjust and right-size its monitoring to fit the circumstances of the awards and DTI's resources. In its subgrants, DTI created compliance requirements and checks, including requiring payments on a reimbursement basis, clawback provisions, timely reporting, and environmental and historic preservation requirements.

At a higher level, the data produced via monitoring activities will be useful in constructing a robust view of BEAD accomplishments and outcomes for the program as a whole.

1.1 Subgrant monitoring strategy

In this plan, DTI is establishing a manageable approach to its risk-based monitoring that is pragmatic, yet effective. It is in the best interest of the State for subgrantees to successfully complete their projects and offer broadband service to those who need it most. Subgrant monitoring includes activities related to specific subgrants, such as project meetings, desk reviews and field inspections or site visits. These monitoring activities, as well as subgrantees' regular reports, will provide program-wide data that can be used to inform and direct the provision of technical assistance as well as corrective action and even enforcement measures.

BEAD subgrantees will be required to file semi-annual financial and performance reports. These reports are for the purposes of risk-based monitoring, and are in addition to the regular status reports required in Delaware's Initial Proposal Volume 2, Section 15.2.6.

Funds will be distributed on a reimbursement-only basis, as noted in IPv2, Section 15.2.4.

1.2 Project meetings

As described in Initial Proposal Volume 2, Section 15.2.6, DTI plans to have weekly project meetings with subgrantees to monitor project progress. Project meetings will cover project milestones, progress by address, schedules and commitments, project progress such as miles deployed, review timeline risks, and financial risks. During these meetings, DTI and subgrantees will also discuss challenges and broad issues such permitting, supply chain, and other project-related topics.

1.3 Desk reviews

On at least a bi-annual basis, DTI will use desk reviews as a monitoring tool to develop an understanding of subgrantee progress and performance. DTI personnel will undertake a review of information provided by the subgrantee to substantiate its progress; demonstrate compliance with key requirements, terms and conditions, or milestones; and show achievement of reported outcomes or other measures.

1.4 Project inspections

At least annually, DTI will perform project inspections to ensure that subgrantees are meeting reported milestones, applying safety standards, restoring sites, etc. Depending upon the grant and circumstances, these may be virtual or in-person. Deployment project field inspections are more likely occur at network sites and be used to confirm network documentation and performance. The inspection team may review

project segments against as-built reporting and application requirements. The team may also review and verify initial performance testing.

After a project inspection, DTI will complete a standard report that documents findings and conclusions, attaching supporting data.

If required by NTIA rules, DTI will perform closeout inspections and final network acceptance testing prior to DTI's acceptance of closeout materials.

1.5   Subgrantee accountability

The subgrant agreement establishes the obligations that subgrants must meet in deploying its broadband project. Each subgrant will have a subgrant agreement that contains DTI's terms and conditions. A draft subgrantee agreement is included as an attachment to this Final Proposal, though DTI notes that the final version will be negotiated between DTI and the subgrantees. DTI may, as warranted, add specific special award conditions depending upon individual circumstances (e.g., environmental issues, risk assessments). BEAD subgrant agreements include terms and conditions that support DTI's monitoring plan, including requiring distribution of funding on a reimbursable basis and clawback provisions for non-compliance.

2 Monitoring activities

DTI's goal for BEAD is to ensure high-speed internet connectivity for all constituents. With that goal in mind, DTI will be conducting monitoring activities consistently across projects. Monitoring outputs will inform risk-analysis and decision-making. Monitoring activities may be adjusted, as needed, to align with DTI's available staff and contract resources.

2.1 Establishing monitoring levels

DTI will establish initial monitoring levels using a combination of fixed subgrantee or award attributes (e.g., grant funding, project size, number of BSLs, topography), objective characteristics (e.g., financial, managerial, and organizational capacity), and previous experience.

2.2 Levels of monitoring

The following sections provide standard descriptions of monitoring levels. DTI may change monitoring levels and activities as circumstances require.

2.2.1 Standard monitoring

As noted above, standard monitoring comprises the following activities for each subgrantee:

- Weekly conference call with subgrantee
- Semi-annual desk review, with issue-specific review if needed
- Annual project inspection to confirm milestones completed

2.2.2 Additional monitoring

If persistent or concerning issues arise creating performance or financial risk, DTI may require additional monitoring for its subgrantees. Given DTI's extensive experience in monitoring awards, DTI will tailor this monitoring to specific circumstances.

2.3 Closeout

DTI will create a standard closeout checklist to help subgrantees and DTI confirm project completion before releasing a final payment. The closeout checklist may require documentation regarding final network acceptance testing, UCC-1 filing documentation, and documents supporting the subgrantee's final reimbursement request.

The final disposition of all files related to the completed project will be managed according to established document retention procedures that follow applicable laws and program requirements. DTI will retain BEAD records for at least three years following subgrant closeout.

3 Recordkeeping

DTI will maintain a file in its BEAD grants management system for each awarded subgrant that includes all information necessary to comply with BEAD Program requirements (such as those in the BEAD NOFO), federal requirements such as 2 C.F.R. 200, and Delaware laws and regulations.

4   Monitoring actions

In general, DTI plans to work closely with its subgrantees to prevent needing corrective actions. If necessary, DTI will seek to resolve issues through technical assistance but may select further corrective action, as outlined below. DTI will document its actions, which will form a part of the subgrantee's file.

4.1   Technical Assistance (TA)

Project leadership may recommend specific TA activities for a subgrantee if the subgrantee has performance issues and requires project-specific support or subject matter expertise.

4.2   Corrective Action Plan (CAP)

A CAP can be used to formally document a required subgrantee action of programmatic concern (e.g., schedule or timely reporting), or address and officially document significant non-compliance or chronic, unresolved performance issues. Any non-resolution of significant issues identified may lead to an enforcement action.

5 Monitoring resources

BEAD NOFO Waivers – https://broadbandusa.ntia.gov/waivers-policies

- **Letter of Credit Waiver** (includes performance bond) – https://broadbandusa.ntia.doc.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver

- **Conditional Limited Programmatic Waiver and Clarification of Professional Engineer Certification** – https://broadbandusa.ntia.doc.gov/funding-programs/policies-waivers/BEAD_-_Conditional_Limited_Programmatic_Waiver_and_Clarification_of_Professional_Engineer_Certification

- **Programmatic Waiver of Tribal Lands** – https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD_Program_-_Waiver_of_Subpoint_E_of_the_Definition_of_Tribal_Lands

- **Limited General Applicability Nonavailability Waiver of the Buy America Domestic Content Procurement Preference as Applied to Recipients of the BEAD Program (Build America, Buy America Waiver)** – https://www.commerce.gov/sites/default/files/2024-02/BABA%20Waiver%20Signed.pdf

- **Tailoring the Application of the Uniform Guidance to the BEAD Program** (December 2023) – https://broadbandusa.ntia.doc.gov/sites/default/files/2023-12/BEAD_Policy_Notice_of_Part_200_Exceptions_Related_Issues.pdf

General Terms and Conditions for the NTIA Broadband Equity, Access, and Deployment Program (BEAD) Program Funds – https://broadbandusa.ntia.doc.gov/sites/default/files/2024-05/BEAD_IPFR_GTC_04_2024.pdf

2 CFR Part 200 – https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1

- **Uniform Guidance for 2 CFR Part 200:**

  o Tailoring the Application of the Uniform Guidance to the BEAD Program (December 2023) – https://broadbandusa.ntia.doc.gov/sites/default/files/2023-12/BEAD_Policy_Notice_of_Part_200_Exceptions_Related_Issues.pdf

  o Uniform Guidance Policy Notice for the BEAD Program (March 2024) – https://broadbandusa.ntia.gov/sites/default/files/2024-06/BEAD_Uniform_Guidance_Briefing.pdf

Department of Commerce Financial Assistance Award Terms & Conditions (October 2024) – DOC Financial Assistance General Terms and Conditions as of 01 October 2024.pdf

OMB Circular A-133: Audits of States, Local Governments, and Non-Profit Organizations:

- Circulars (note that OMB Circular A-133 was updated under 2 CFR) – https://www.whitehouse.gov/omb/information-for-agencies/circulars/

- 2024 Compliance Supplement – https://www.whitehouse.gov/wp-content/uploads/2024/05/2024-Compliance-Supplement-V1.pdf

- 2 CFR Subpart F – Audit Requirements – https://www.ecfr.gov/current/title-2/subtitle-

A/chapter-II/part-200/subpart-F

A/chapter-II/part-200/subpart-F

6 Additional BEAD-related resources

Resource	Website Address	Description
Advisory Council on Historic Preservation	http://www.achp.gov/	This website provides information regarding compliance with Section 106 of NHPA.
BEAD Program Website	https://www.internetforall.gov/program/broadband-equity-access-and-deployment-bead-program	This website is the homepage of BEAD and contains all publicly available guidance on compliance and program requirements, as well as descriptions of each award, including quarterly and annual performance reports.
Council on Environmental Quality (CEQ)	http://www.whitehouse.gov/administration/eop/ceq/	This website is for guidance and information concerning NEPA requirements.
Financial Management Handbooks	https://www.commerce.gov/ofm/publications/handbooks-and-manuals/financial-management	Links to templates, guidance, and handbooks at varying levels of detail.
NIST Financial Assistance Reference Guide	https://www.nist.gov/system/files/documents/2022/02/17/GMD%20Financial%20Assistance%20Reference%20Guide%20v3.0.pdf	Provides information on the essential elements and most commonly asked questions of NIST financial assistance subgrantees. The guide contains a multitude of carefully selected topics designed to assist the grant and cooperative agreement community from acceptance of the award to reporting requirements to amendments and prior approvals during the award to close-out procedures after award completion.
U.S. Government Accountability Office (GAO) Red Book	https://www.gao.gov/legal/appropriations-law/red-book	*Principles of Federal Appropriations Law*, also known as the Red Book, is GAO's multi-volume treatise concerning federal fiscal law. The Red Book provides text discussion with reference to specific legal authorities to illustrate legal principles, their application, and exceptions.