

Montana BEAD Program

Prequalification Application Guide

Updated April 2, 2024



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Introduction

The Broadband Equity, Access, and Deployment Program (BEAD) is designed to expand high-speed internet access by funding planning, infrastructure deployment, and broadband adoption programs across the country. BEAD is administered by the National Telecommunications and Information Administration (NTIA).

The State of Montana was awarded \$628 million in BEAD funding to connect all unserved locations in the state with reliable and affordable broadband. The Montana Broadband Office (MBO) will execute the subgrantee selection process across three phases:

1. **Map Challenge Process:** Nonprofits, ISPs, and local governments can submit challenges to the broadband map.
2. **Prequalification:** Applicants will submit materials for prequalification to meet the BEAD minimum eligibility requirements.
3. **Main Round Application:** Prequalified applicants will be invited to submit proposals for projects as part of the main round.

The purpose of this document is to provide applicants with clear and comprehensive guidance on the Montana BEAD Prequalification Application process, aiming to assist users in understanding the necessary steps, requirements, and procedures involved in submitting their applications successfully.

Program Eligibility

To receive BEAD funding, subgrantees must:

1. Meet mandated financial requirements;
2. Demonstrated capability to provide broadband service;
3. Propose a project that will provide 100/20 service to all locations within service area within timeline; and
4. Certify ability to comply with all requirements mandated by NTIA and the State of Montana.

Eligible Applicants

Eligible applicants for a subgrantee from the BEAD program include cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments.

Eligible Program Areas

The Montana Broadband Office has opted to allow providers to define their desired project areas using existing Census Block Groups (CBGs). A list of the census block groups, associated Broadband Serviceable Locations, and benchmarking will be published before the main round application window opens.

Eligible Program Costs

According to the [BEAD NOFO](#) (Notice of Funding Opportunity), eligible uses of funding in connection with last-mile broadband deployment projects include the following:

1. Construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle- and last-mile networks, and multi-tenant buildings.
2. Long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements.
3. Deployment of internet and Wi-Fi infrastructure within an eligible multi-family residential building.
4. Engineering design, permitting, and work related to environmental, historical, and cultural reviews.
5. Personnel costs, including salaries and fringe benefits for staff and consultants providing services directly connected to the implementation of the BEAD Program (such as project managers, program directors, and subject matter experts).
6. Network software upgrades, including, but not limited to, cybersecurity solutions.
7. Training for cybersecurity professionals who will be working on BEAD-funded networks.
8. Workforce development, including Registered Apprenticeships and pre-apprenticeships, and community college and/or vocational training for broadband-related occupations to support deployment, maintenance, and upgrades.

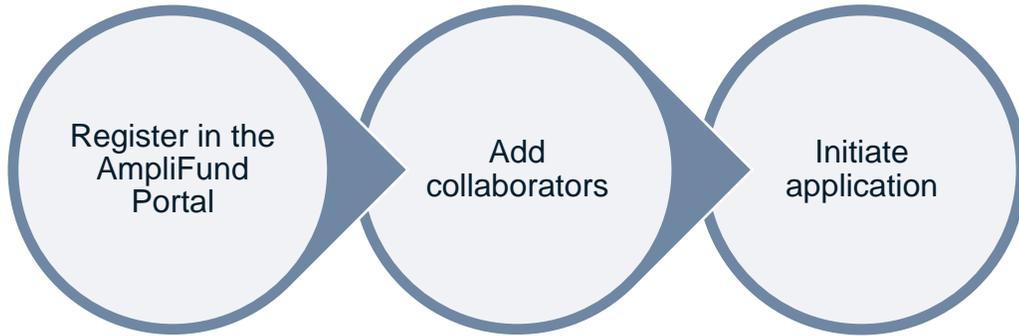
Application Requirements

Application Timing

Montana plans to open prequalification for the BEAD program March 12, 2024. Main round applications will begin in early May 2024 dependent on approvals from NTIA and will remain open for 45 days.

Application Portal

Montana is utilizing a new grants management system, AmpliFund, to process applications for the BEAD program. Prior to initiating an application, you must register your organization.¹ In order to begin and application, applicants must register their account, select users, and initiate an application. The application portal can be accessed via <https://connectmt.mt.gov/>.



Registration

By clicking the ‘Apply’ button, applicants will be prompted to Log in or Register. When the BEAD Application Portal (powered by AmpliFund) Login screen appears, users will click the ‘Register’ button to Create New Account for their Applicant Organization. Applicants should only Register ONCE for their Organization. Users/collaborators can be added to the Organization account.

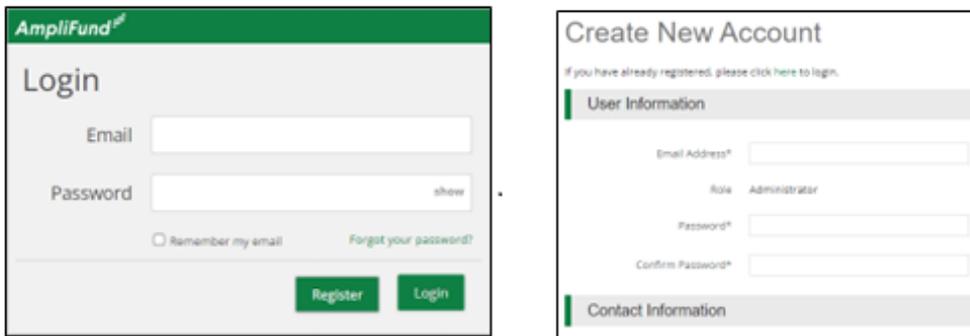


Figure 1: AmpliFund Login and Registration

¹ If your organization is an existing ARPA awardee, and you have already received guidance to enter the AmpliFund system please reach out to ConnectMT for assistance on merging your accounts. If you have not received guidance, you may register your organization to access the BEAD application.

Assigning Users

Once registered and in the applicant portal, Administrators can edit their information or add Users (Editors/Collaborators) through the Account Information section.

- User roles: Editor vs Administrator
 - Administrator can initiate, modify, and submit application. A contact with an Administrator role must be the AOR who is authorized to submit your application.
 - Editor can modify application/collaborate but cannot submit. A contact with an Administrator role can be any contact who is authorized to edit your application.

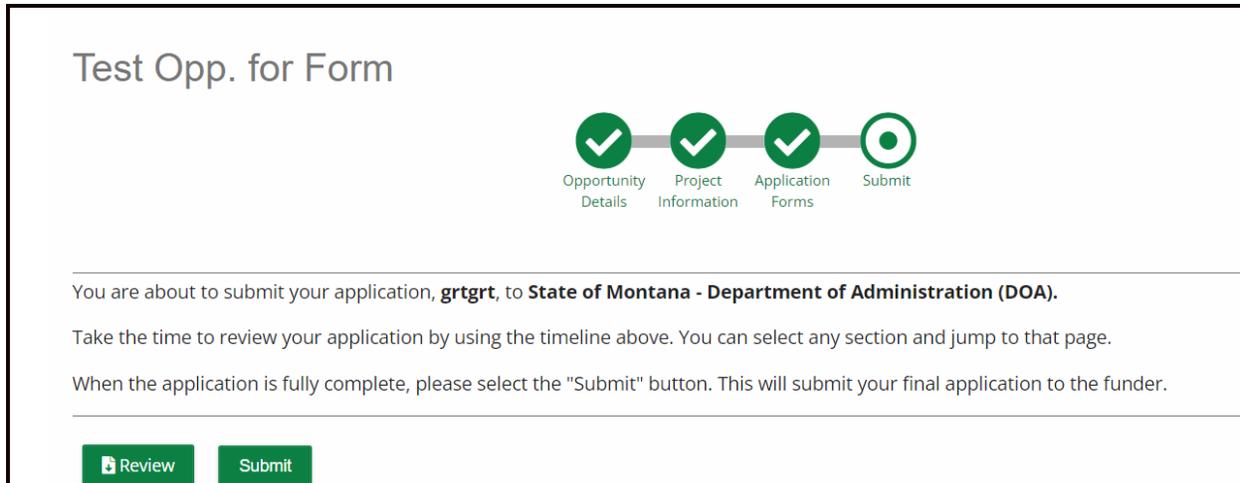


Figure 2: Application Submission Page

Navigating the Applicant Portal

The Navigation toolbar at the top center of the application window provides quick overview of progress and easy access to all sections of the application. Once a section of the application is 'Marked as Complete' (at the bottom of each application section) a checkmark will appear on the section header. Generally, functionality at the bottom of each section will include the option to:

- Save – Saves progress and remain on current page
- Mark as Complete – Indicates the form has been completed
- Save & Continue – Save progress on page and move on to next section/form



Figure 3: Application saving options

Each section of the application has a separate form. Forms do not need to be completed in order, but each form must be marked as complete prior to submission.

Once all sections have been Completed and the Checkmark displays in the Navigation Timeline, a user with the Administration role can click the Submit button.

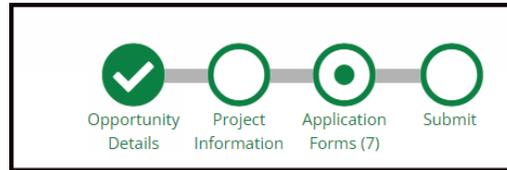


Figure 4: Application Navigation Timeline

Once Submitted, applications cannot be modified.

AmpliFund Support Site

Submit a support ticket: support@amplifund.Zendesk.com

Visit the support portal: <https://amplifund.zendesk.com>

Supported Browsers: Google Chrome (current supported releases), Mozilla Firefox (current supported releases), Microsoft Edge (current supported releases), Microsoft IE 11 +, and Apple Safari 10+

Application Resources

The Montana Broadband Office will post this guide, templates, FAQ documents, and relevant application portal links to the ConnectMT website (<https://connectmt.mt.gov/>). Any changes to documents will be noted in version history.

As a reminder, any documents submitted as part of the application may be subject to Freedom of Information Act requests. MBO will work with applicants and awardees to protect proprietary information, however, applicants should be sure to mark such information as “confidential” or “proprietary” upon submission.

Prequalification Application

Prequalification Overview

Prequalification is the first phase in a multi-phase application process to select subrecipient as part of the BEAD program. Prequalification evaluates potential applicants' organizational eligibility to participate in the program.

The [BEAD NOFO](#) explicitly outlines the requirements to meet the minimum eligibility criteria for the program. These include:

- 1. Financial Capability:** Certifications and documentation, Letter of credit compliance statement, Audited financial statements
- 2. Organizational Capability:** Key management resumes, Organizational charts, Certification of operational readiness, Evidence of prior service in relevant areas, Compliance with regulatory filings
- 3. Certifications and Compliance:** Adherence to federal, state, and local laws, Compliance with occupational safety regulations
- 4. Federal Labor and Employment Laws:** Adherence to federal labor and employment laws, Labor and employment practices
- 5. Risk Management:** Cybersecurity and Supply Chain Risk Management plans, Plan reevaluations and updates
- 6. Ownership:** Ownership information required by [47 C.F.R. § 1.2112\(a\)\(1\)-\(7\)](#)

In the following section, you will find a detailed expansion of the criteria listed above within the prequalification application, accompanied by screenshots to familiarize you with the application functionality.

Project Information

Summary

After reviewing the Opportunity Details at the start of the application, applicants should proceed to the Project Information section using the "Save & Continue" button located at the bottom of the screen, or the Navigation toolbar.

In the Project Information section, applicants should define their Application Name as their full company name.

The screenshot shows the 'Project Information' section of an application. At the top, there is a progress bar with four steps: 'Opportunity Details' (checked), 'Project Information' (active), 'Application Forms', and 'Submit'. Below the progress bar, there are buttons for 'Help', 'Download', 'Save', and 'Save & Continue'. The 'Project Information' section is divided into two subsections: 'Application Information' and 'Primary Contact Information'. In the 'Application Information' subsection, the 'Application Name*' field is filled with 'ISP Name' and has a green checkmark. Below it, the 'How much are you requesting from the funder?' section shows 'Award Requested*' as '\$0.01' and 'Total Award Budget' as '\$0.01'. The 'Primary Contact Information' subsection contains fields for Name*, Email Address*, Address Line 1*, Address Line 2, City*, State/Province*, Postal Code*, and Phone Number, all of which are currently empty.

Figure 5: Project Information section

To avoid a submission error as shown below, applicants should request an award of \$0.01. This will not impact the amount requested for the projects in the main round.

The screenshot shows the 'Project Information' section of an application. At the top, there is a progress bar with four steps: 'Opportunity Details' (checked), 'Project Information' (active), 'Application Forms', and 'Submit'. Below the progress bar, there are buttons for 'Help', 'Download', 'Save', and 'Save & Continue'. The 'Project Information' section is divided into two subsections: 'Application Information' and 'Primary Contact Information'. In the 'Application Information' subsection, the 'Application Name*' field is filled with 'Full Company Name' and has a green checkmark. Below it, the 'How much are you requesting from the funder?' section shows 'Award Requested*' as '\$1.00' and 'Total Award Budget' as '\$1.00'. A red error message is displayed next to the 'Award Requested*' field: 'You have entered a Requested Award Amount larger than the maximum allowed for this opportunity. Please adjust the requested amount to be at or under the award ceiling of \$0.01.'

Figure 6: Example of Project Information award subsection

The required fields in the Primary Contact Information section should auto-fill based on the applicant's registration information, but please take a moment to ensure that all fields are correct and include a phone number if available.

Once all fields are completed, applicants can mark the form as complete using the green "Mark as Complete" button located at the bottom of the screen, and then proceed to the next screen using the "Save & Continue" button. It is also possible to proceed without marking the form complete, but applicants will need to return to the page and mark complete in order to submit.

Project Information Application Questions

- Application Name:
 - This field should include the name of the applying entity.
- How much are you requesting from the funder?:
 - Please enter **\$0.01** in this field.
- Name: This field will automatically include your name.
- Email Address:
 - Please enter the primary contact information for the application.
- Address, City, State/Province, Postal Code:
 - Please enter the Company's address information
- Phone Number:
 - Please enter the phone number for the primary contact

Project Information Documents to Prepare

There are no required documents for this portion of the application.

Application Forms

The prequalification application is divided into six sections: Administrative, Financial Capability, Organizational Capability, Certification and Compliance, Federal Labor and Employment Laws, Risk Management, and Ownership Information. All forms must be marked as complete prior to submission. As a reminder, all uploads should utilize the following naming convention: Entity Name_File Name.

SECTION 1: Administrative

Summary

Applicants must provide their administrative details, including company details and primary and secondary contacts.

Administrative Application Questions

- **Company Name:** Include full company name.
- **Company Address:** Include full company address.
- **Primary First and Last Name:** This should be the person primarily responsible for completing the application.
- **Primary Title**
- **Primary Email**
- **Primary Phone**
- **AOR First Name and Last Name**
- **AOR Title**
- **AOR Email**
- **AOR Phone**

The screenshot shows a form with the following fields:

1. Company Name *
2. Company Address *
3. Primary First Name *
4. Primary Last Name *
5. Primary Title *
6. Additional Contacts *
7. Primary Email *
8. Primary Phone *
9. AOR First Name *
10. AOR Last Name *
11. AOR Title *
12. AOR Email *
13. AOR Phone *

Figure 7 (right): Administrative Application Form in AmpliFund

Administrative Documents to Prepare

1. **Prepare to appoint your Authorized Organizational Representative.** The authorized organizational representation (AOR) should be legally able to make financial decisions and sign contracts on the applicant's behalf.

SECTION 2: Financial Capability

Summary

Companies applying for BEAD funding are required to provide organizational financial information in the prequalification round. Project specific financial projections will be required as part of the application process's second phase. A summary of the application questions and associated documentation are provided below.

Financial Capability Application Questions

Financial Statements

1. Does the applicant have unqualified audited financial statements from the prior year? *

Yes
 No

2. Please provide the unaudited interim financial statements for the current year to date

Statement of Financial Capability

3. Please use the template linked below to provide a statement signed by an executive with the authority to bind the company that certifies and guarantees the minimum qualifications for financial capability. The Signee should be listed as the AOR in the application *

Template provided below:
ConnectMT.gov

Letter of Credit

4. Please provide a statement of how the organization plans to meet the requirements for a letter of credit in alignment with the instructions published by NTIA in the Waiver. Please reference the NTIA Letter of Credit Waiver options here: <https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>

Provide statement below: *

Figure 8: Financial Capability section

2.1: Does the applicant have unqualified audited financial statements from the prior year? (Yes/No Checkbox).

If yes, applicant will be prompted to upload unqualified audited financial statements. If no, applicants will be directed to question 2.1A.

2.1A: If the prior year's unqualified audited financial statements are not available, the applicant must submit:

- 1) qualified audited financial statements from the previous year;
- 2) a narrative explanation as to why unqualified statements were unavailable. If audited financial statements are not available, please provide an explanation here as to why they are not available. Please note, audited financials will be a requirement prior to award. (Upload, Textbox)

2.2: Please upload unaudited interim financial statements for the current year (FY24) to date.

2.3: Please use the template linked below entitled "**MT BEAD Executive Authority Template**" to provide a statement signed by an executive with the authority to bind the company that certifies and guarantees the minimum qualifications for financial capability. **The**

signee should be listed as the AOR in the application. A sample template is available for reference in [Appendix A](#). (Template, Upload)

2.4: Please provide a statement of how the organization plans to meet the requirements for a letter of credit in alignment with the instructions published by NTIA in the Waiver.

The NTIA Letter of Credit Waiver options can be found here:

<https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>. (Textbox)

Documents to Prepare

1. Audited financial statements

Applicants are required to provide Unqualified Audited Financial statements from the most recent year available. If audited statements are Qualified or are not available, a narrative explanation of the qualifications is required or a narrative explanation regarding a lack of audit plus current year interim financial statements (Profit & Loss, Balance Sheet, Cash Flow statement) are required.

2. Interim Unaudited Financial Statement

Applicants are required to provide interim unaudited financial statements for the current fiscal year.

3. Executive authority statement

Applicants are required to provide a statement signed by an executive with the authority to bind the company guaranteeing minimum qualifications for financial capacity. **A sample is available in Appendix A, Template 01 EXECUTIVE AUTHORITY for applicants to reference.**

4. Statement on requirements for letter of credit

The NTIA has issued a [waiver](#) for the Letter of Credit requirement of 25% of the value of the grant in addition to the minimum match. As such, **applicants are asked to indicate how they will comply with the LOC or waiver requirements.**

Please reference the NTIA Letter of Credit Waiver options here:

<https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>

SECTION 3: Organizational Capability

Summary

Companies applying for BEAD funding are required to provide information on organizational key personnel, management structure, prior experience, and current projects².

Organizational Capability Application Questions

Management and Personnel

1. Please upload one file (PDF) containing a one-page resume for each essential financial, technical, and managerial key personnel. Each resume must include a minimum of five years of relevant experience. Note that Personal Identifiable Information should be removed from resumes before submission. *

[Choose File](#)

2. Include a detailed narrative outlining the company managerial approach including the roles and responsibilities held by each individual identified as "Key Personnel". *

[Choose File](#)

3. Please upload an Organizational chart that includes all relevant personnel, including those detailed in the resumes above. Names and titles should be included for all positions. *

[Choose File](#)

Experience and Projects

4. Please use the template linked below to provide evidence detailing your company's scope, amount, length, and funding source for similar projects. This will include past involvement in telecommunications deployments and similar scale projects. Additionally, provide information about your methods and strategies in handling projects of a comparable size and scope. *

[Choose File](#)

Template provided below:
<https://connectmt.mt.gov/>

5. Please use the provided template to submit a list of all broadband deployment projects that have received or are expected to receive public funding (both state and federal). Include projects for which your company has applied or intends to apply, along with any publicly funded broadband deployment endeavors conducted or planned by your company or its affiliated. *

[Choose File](#)

Template provided below:
<https://connectmt.mt.gov/>

Figure 9: Organizational Capability section

3.1. Please upload one file (.PDF) containing a one-page resume for each essential financial, technical, and managerial key personnel³. Each resume must include a minimum of five years of relevant experience. Note that Personal Identifiable Information (PII) should be removed from resumes before submission. (Upload)

3.2. Include a detailed narrative (.PDF or WORD) outlining the company managerial approach including the roles and responsibilities held by each individual identified as "Key Personnel". (Upload)

3.3. Please upload (.PDF) an Organizational chart that includes all relevant personnel, including those detailed in the resumes included. Names and titles should be clearly identified for all positions. (Upload)

3.4. Please use the [template](#) provided to submit evidence detailing your company's scope, amount, length, and funding source for recent broadband projects. This will include past involvement in telecommunications deployments and similar-scale projects. Additionally, provide information about your methods and strategies in handling projects of a comparable size and scope. (Template, Upload)

² This information should be limited to company management. Project specific information will be requested during the main round application.

³ The file can include multiple resumes, but each resume may be no longer than one page each.

3.5. Please use the provided template to submit a list of all broadband deployment projects that have received or are expected to receive public funding (both state and federal). Include projects for which your company has applied or intends to apply, along with any publicly funded broadband deployment endeavors conducted or planned by your company or its affiliates. (Template, Upload)

Documents to Prepare

- 1. Key personnel resumes:** Resumes for key management personnel should be limited to one page and show at minimum five years of relevant experience. Resumes should be combined into one file upload.
- 2. Descriptions of roles and responsibilities of key personnel:** Narrative description of key personnel roles and responsibilities
- 3. Organizational chart:** Managerial organizational chart including all key personnel
- 4. Evidence of experience with prior broadband projects:** Utilize the provided template to provide information on the at least three past projects
 - See [Appendix B](#), Template 02 PRIOR EXPERIENCE
- 5. Current broadband deployment projects**
 - See [Appendix C](#), Template 03 EXISTING BROADBAND PROJECTS

SECTION 4: Certifications and Compliance

Summary

Companies applying for BEAD funding must provide certifications or documentation supporting certain requirements.

Staff Certifications

1. Please certify that your company has employed personnel, including a chief technology officer, project engineer, and contractor oversight team with appropriate skills and certifications necessary for the project.*
 Yes
 No

2. Please upload the relevant certifications you require for staff for deployment projects as mandated by state and federal law and reflective of industry best practices. This list should be organized by role.*

Resources

3. Do you intend to contract resources for your project? Please note that this is not a requirement for the Pre-Qualification round.*
 Yes
 No

Environmental, Historical, and BABA Requirements Certifications

4. Please certify you understand the Environmental and Historical Preservation requirements as outlined in both the BEAD NOFO and the Montana issued solicitation for this program.*
 Yes
 No

5. Please certify you understand the Build America, Buy America Act (BABA) requirements as outlined in both the BEAD NOFO and the Montana issues solicitation for this program.*
 Yes
 No

Legal Opinion

6. Please upload a legal opinion that demonstrates the capability to carry out funded activities competently and in compliance with all applicable federal, state, and local laws. The opinion must also detail any past violations or pending court proceedings. A sample template is included at the link provided below. All elements of the sample should be included in the submitted document, however, applicants should feel free to add relevant and required information as needed.

Template provided below:
[ConnectMT.gov](https://connectmt.gov)

Health and Safety

7. Please certify using the checkbox below that you will permit workers to create worker-led health and safety committees that management will meet with upon reasonable request. Please note that if this box is not checked, your application will not be considered complete.*
 Yes

Affordable Connectivity Program

11. Please certify that your company will participate in the Affordable Connectivity Program or any successor program.
 Yes
 No

Business Registration

12. Please upload a PDF screenshot of your active registration in SAM.gov. Entities doing business with the federal government must have an active registration in SAM.gov. Please note your application will not be accepted unless you have an active registration.

13. Date of active status expiration on SAM.gov. If your registration is set to expire during the application period, it must be renewed prior to the main round.*

14. Please provide documentation of your state business registration. If your business is not registered with the state, you must complete and upload the documentation found here:
<https://biz.sosmt.gov/forms/business>

Upload state business registration*

Figure 10: Application Certifications and Compliance

Application Questions

Staff Certifications

4.1. Please certify that your company has employed personnel, including a chief technology officer, project engineer, and contractor oversight team with appropriate skills and certifications necessary for the project. (Checkbox)

4.2. Please upload a list (.PDF or WORD) of the relevant certifications you require for staff for deployment projects as mandated by state and federal law and reflective of industry best practices. This list should be organized by role. (Upload)

Resources

4.3. Do you intend to contract resources for your project? Please note that this is not a requirement for the Prequalification round. (Checkbox)

4.3A. Have you compiled a list of anticipated requirements for contracted staff as mandated by state and federal law and reflective of industry best practices? (Checkbox)

4.3B. In the field below, please list 1) the contracted resources and 2) relevant certifications for deployment projects as mandated by state and federal law and reflective of industry best practices. (Textbox)

Resources

4.4. Please certify your understanding of the Environmental and Historical Preservation requirements outlined in the [BEAD NOFO](#) and the Montana-issued solicitation for this program. (Checkbox)

Environmental, Historical, and BABA Requirements

4.5. Please certify you understand the Build America, Buy America Act (BABA) requirements as outlined in both the [BEAD NOFO](#) and the Montana issued solicitation for this program. NTIA has published a [partial waiver](#) of BABA requirements. (Checkbox)

Legal Opinion

4.6. Please upload a legal opinion (.PDF) that demonstrates the capability to carry out funded activities competently and in compliance with all applicable federal, state, and local laws. If an applicant does not have a legal opinion ready at the time of prequalification application, please upload a statement indicating your commitment to provide such statement at the time of the main round application. The opinion must also detail any past violations or pending court proceedings. (Upload)

A sample legal opinion is included below as [Appendix D](#). All elements of the sample should be included in the submitted document, however, applicants should feel free to add relevant and required information as needed.

Health and Safety

4.7. Please certify using the checkbox below that you will permit workers to create worker-led health and safety committees that management will meet with upon reasonable request. Please note that if this box is not checked, your application will not be considered complete. (Checkbox)

Prior Service and FCC Form 477

4.8. Has your company provided a voice and/or broadband service in Montana? (Checkbox)

4.9. Has your company filed Federal Communication Commission (FCC) Forms 477 and the Broadband DATA Act submission, as applicable and required, and otherwise complied with the Commission's rules and regulations? (Checkbox)

4.10. If your company previously provided a voice and/or broadband service, but has not submitted a Form 477, please provide a justification as to how you plan to comply with the Commission's rules and regulations. (Textbox)

Affordable Connectivity Program

4.11. Please certify that your company will participate in the FCC Affordable Connectivity Program or any successor program. (Checkbox)

Business Registration

4.12. Entities doing business with the federal government have an active registration in SAM.gov. Please upload a PDF screenshot of your active registration. Please note that your application will not be accepted unless you have an active SAM.gov registration and, if awarded, no funding can be reimbursed in the future unless the SAM.gov registration is active. (Upload)

4.13 Please indicate the date of active status expiration on SAM.gov (Date)

4.14. Please provide documentation of your state business registration. If your business is not registered with the state, you must complete and upload the documentation found here: <https://biz.sosmt.gov/forms/business> before submitting your application. (Upload)

Documents to Prepare

1. List of staff certifications for deployment projects
2. Legal opinion ([Template 04 SAMPLE LEGAL OPINION](#))
3. Screenshot of Active SAM.gov registration
4. Documentation of State business registration

SECTION 5: Federal Labor and Employment Laws

Summary

Companies applying for BEAD funding must certify compliance with federal labor and employment laws and describe their labor and employment practices and wage scales.

Application Questions

Federal Law Compliance

1. Please certify that your organization has complied with federal labor and employment laws on broadband deployment projects over the last three years. *

Yes
 No

2. Please indicate that an Officer- or Director-level employee or equivalent thereof certifies that your organization, its contractors, and its subcontractors have consistently complied with federal labor and employment laws. *

Yes
 No

3. Has your organization, or its contractors or subcontractors, 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? *

Yes
 No

Labor and Employment Practices

4. Please certify that your organization, its contractors, and its subcontractors, have existing labor and employment practices in place, and commit to annual recertification for the duration of BEAD implementation. *

Yes
 No

5. Please submit a brief narrative detailing your existing labor and employment practices and submit any relevant supporting materials as PDF attachments. *

Attach supporting materials below:

6. Please upload documentation describing applicable wage scales, as well as wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network. *

7. Please certify if your workforce is unionized. *

Yes
 No

Figure 11: Labor and Employment Laws Application Form in AmpliFund

Federal Law Compliance

5.1. Please certify that your organization has complied with federal labor and employment laws on broadband deployment projects over the last three years. (Checkbox)

5.2. Please indicate that an Officer- or Director-level employee or equivalent thereof certifies that your organization, its contractors, and its subcontractors have consistently complied with federal labor and employment laws. (Checkbox)

5.3. Has your organization, or its contractors or subcontractors, 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? (Checkbox)

5.3A. If your organization has violated labor or employment laws in the past three years, please provide a detailed account in narrative form including any mitigating steps taken, accompanied by any relevant documentation. The narrative and documentation will be reviewed by the MBO to determine if your organization may participate in the main round. (Textbox, Upload)

Labor and Employment Practices

- 5.4.** Please certify that your organization, its contractors, and its subcontractors, have existing labor and employment practices in place, and commit to annual recertification for the duration of BEAD implementation. (Checkbox)
- 5.5.** Please submit a brief narrative detailing your existing labor and employment practices and submit any relevant supporting materials as PDF attachments. (Textbox, Upload)
- 5.6.** Please upload documentation describing applicable wage scales, as well as wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network. (Upload)
- 5.7.** Please indicate if your workforce is unionized. (Yes/No)

Documents to Prepare

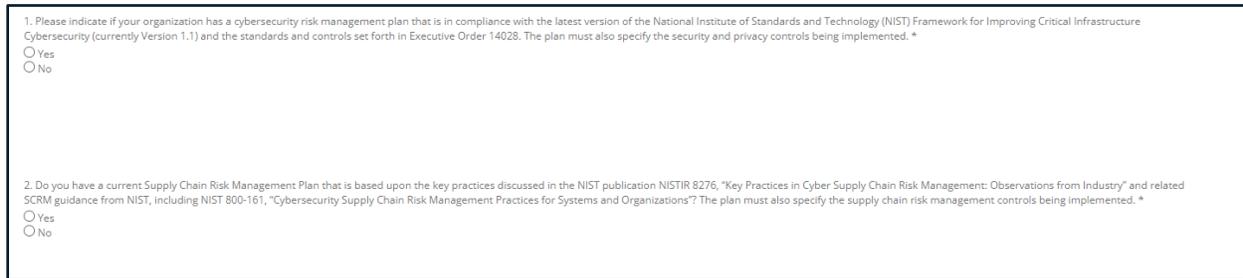
1. Narrative and documentation of existing labor and employment practices
2. Documentation of wage scales

SECTION 6: Risk Management

Summary

Companies applying for BEAD funding must provide Cybersecurity and Supply Chain Risk Management plans.

Application Questions



1. Please indicate if your organization has a cybersecurity risk management plan that is in compliance with 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. The plan must also specify the security and privacy controls being implemented. *

Yes
 No

2. Do you have a current Supply Chain Risk Management Plan that 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"? The plan must also specify the supply chain risk management controls being implemented. *

Yes
 No

Figure 12: Risk Management Application Form in AmpliFund

6.1. Please indicate if your organization has a cybersecurity risk management plan that is in compliance with 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](#). The plan must also specify the security and privacy controls being implemented. (Yes/No)

If Yes

6.1A. If your organization has a cybersecurity risk plan, please upload your plan. (Upload)

6.1B. Do you certify that your organization's risk management plan will be reevaluated and updated periodically and as events warrant? If any substantive changes are made to the plan, a new version must be submitted within 30 days. (Checkbox)

6.1C. Please detail via narrative the expected timeline to complete the plan updates described above. (Textbox)

If No

6.1D. If your organization does not have a plan, do you commit to providing one for the main round application? Please note that answering no to this question will disqualify the applicant from applying in the main round. (Checkbox)

6.2. Do you have a current Supply Chain Risk Management Plan that 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? (Yes/No)

If Yes

6.2A. If your organization has a Supply Chain Risk Management plan, please upload your plan. (Upload)

6.2B. Do you certify that your SCRM plan will be reevaluated and updated periodically, and that if any substantive changes are made to your plan, a new version will be submitted within 30 days of those changes being incorporated? (Checkbox)

6.2C. Please detail via narrative the anticipated timeline to complete these updates. (Textbox)

If No

6.2D. If you do not have a plan, do you commit to providing one for the main round application? Please note that answering no to this question will disqualify the applicant from applying in the main round. (Checkbox)

Documents to Prepare

1. Cybersecurity risk management plan
2. Supply chain risk management plan

SECTION 7: Ownership

Summary

Companies applying for BEAD funding must submit relevant ownership information as required by [47 C.F.R. § 1.2112\(a\)\(1\)-\(7\)](#).

Application Questions

Please submit the relevant ownership information as required by 47 C.F.R § 1.2112(a)(1)-(7) and outlined below.

1. List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant.

1a. Attach relevant documentation below:

2. List the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held.

2a. Attach relevant documentation below:

3. List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses)

3a. Attach relevant documentation below:

4. List, in the case of a general partnership, the name, address and citizenship of each partner and the share or interest participation in the partnership

4a. Attach relevant documentation below:

5. List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater.

5a. Attach relevant documentation below:

6. List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest.

6a. Attach relevant documentation below:

7. List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (1) through (5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

7a. Attach relevant documentation below:

Figure 13: Ownership Application Form in AmpliFund

-
- 7.1.** List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant. (Textbox, Upload)
- 7.2.** List the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held. (Textbox, Upload)
- 7.3.** List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses). (Textbox, Upload)
- 7.4.** List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership. (Textbox, Upload)
- 7.5.** List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater. (Textbox, Upload)
- 7.6.** List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest. (Textbox, Upload)
- 7.7.** List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (1) through (5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant.) (Textbox, Upload)

Documents to Prepare

1. List of the real party or parties in interest
2. List of parties owning 10 percent or more of stock in the applicant

APPENDIX A: Sample EXECUTIVE AUTHORITY

MONTANA BEAD PREQUALIFICATION CERTIFICATION

On behalf of [INSERT COMPANY NAME], with TIN [INSERT TIN], the undersigned official certifies that the updated responses and information provided in its BEAD application are true and correct and guarantees that [INSERT COMPANY NAME] meets the minimum qualifications for the program’s financial capability.

I make this certification after reasonable inquiry of people, systems, and other information available to my organization. I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of material fact) in this certification and the application may be the subject of criminal prosecution and also may subject me and my organization to civil penalties and/or administrative remedies for false claims or otherwise, including confinement for up to 5 years, fines, and civil penalties (18 U.S.C. §§ 287, 1001; 31 U.S.C. §3729, 3802).

I am the Authorized Official of the eligible jurisdiction or have been delegated authority on behalf of the Authorized Official, _____[INSERT COMPANY NAME]_____, with authority to make this certification.

Name of Official	
Title of Official	
Signature of Official	
Date	

APPENDIX B: PRIOR EXPERIENCE

MONTANA BEAD PREQUALIFICATION

In the space below, please provide evidence detailing your company's scope, amount, length, funding source for **at least 3** recent broadband projects. This will include past involvement in telecommunications deployments and similar-scale projects. Additionally, provide information about your methods and strategies in handling projects of a comparable size and scope.

Project 1

1. Scope, Amount, Length, Funding Source

2. Past Involvement in Telecommunications Deployments and Similar-Scale Projects

3. Methods and Strategies in Handling Projects of a Comparable Size and Scope

Project 2

1. Scope, Amount, Length, Funding Source

2. Past Involvement in Telecommunications Deployments and Similar-Scale Projects

3. Methods and Strategies in Handling Projects of a Comparable Size and Scope

Project 3

1. Scope, Amount, Length, Funding Source

2. Past Involvement in Telecommunications Deployments and Similar-Scale Projects

3. Methods and Strategies in Handling Projects of a Comparable Size and Scope

APPENDIX C: EXISTING BROADBAND PROJECTS

MONTANA BEAD PREQUALIFICATION

Please download the spreadsheet in the figure below to report Existing Broadband Projects/all broadband deployment projects that have received or are expected to receive public funding (both state and federal). Include projects for which your company has applied or intends to apply, along with any publicly funded broadband deployment endeavors conducted or planned by your company or its affiliates. These may include (but are not limited to): Families First Coronavirus Response Act; CARES Act; Consolidated Appropriation Act; American Rescue Plan Act of 2021; and any federal Universal Service Fund high-cost program (e.g., RDOF; CAF).

The downloadable form is available in the AmpliFund Prequalification application portal or on the ConnectMT website here: <https://connectmt.mt.gov/>

All columns must be filled in for each project noted.

03 EXISTING BROADBAND PROJECTS									
INSTRUCTIONS									
In the space below, please submit a list of all broadband deployment projects that have received or are expected to receive public funding (both state and federal). Include projects for which your company has applied or intends to apply, along with any publicly funded broadband deployment endeavors conducted or planned by your company or its affiliates. These may include (but is not limited to): Families First Coronavirus Response Act, CARES Act, Consolidated Appropriations Act, American Rescue Plan of 2021, Any federal Universal Service Fund high-cost program (e.g., RDOF, CAF)									
REQUIREMENTS									
	Project Name	Funding Agency	Is it a Prior, Current, or Upcoming application?	Speed and latency of broadband service to be provided	Geographic area to be covered	# of unserved / underserved locations committed to serve (or % of locations within geographic area)	Amount of public funding to be used	Cost of service to consumer	Matching commitment (if any) provided by your company or its affiliates
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

APPENDIX D: Sample LEGAL OPINION

MONTANA BEAD PREQUALIFICATION

[Date]

Authorized Representative

Montana BEAD Program

Re: BEAD Program Application – Legal Opinion

Dear Sir/Madam:

We are counsel for _____, (the "Applicant.") In such capacity, we acted as counsel to the Applicant in connection with its ability to apply for an award under the Montana BEAD Program and in the review of the Grant Agreement, as referenced in the Notice of Funding Opportunity.

We are of the opinion that:

- (a) Applicant is an “eligible provider” pursuant to the definition of “eligible provider” and requirements of 90-1-602, MCA, from Senate Bill 531, (2023), in that Applicant has authorization to do business in the state of Montana, either as a governmental unit or as a nongovernment entity which is duly registered to do business in Montana with the Montana Secretary of State;
- (b) Applicant is an eligible provider of broadband service which has demonstrated that it has the technical, financial, and managerial resources and experience to provide broadband service or other communications service to customers in the State of Montana;
- (c) Applicant is an eligible provider of broadband service which has the authority on behalf of the eligible provider: (1) to execute and deliver the Grant Agreement; and (2) to perform, on behalf of the eligible provider, all acts required to be done by it under said Grant Agreement;
- (d) No legal proceedings, including violations of Federal labor laws, have been instituted or are pending against Applicant, the outcome of which would adversely affect Applicant's ability to perform the duties under the Grant Agreement;
- (e) Applicant has the power to own its property and to pledge the collateral required by the Grant Agreement; and
- (f) Applicant represents that it owns the following real property, attached as a schedule to this opinion. A lien accommodation is necessary on assets that would constitute Collateral under the award during the main round.

Very truly yours,

[Signature]

GLOSSARY

Term	Definition
AmpliFund	Application system where applications are hosted, applicants apply through here
Authorized Organizational Representative (AOR)	The person who is be legally able to make financial decisions and sign contracts on the applicant's behalf
Broadband	A mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service
Broadband Equity, Access, and Deployment Program (BEAD)	Program designed to expand high-speed internet access by funding planning, infrastructure deployment, and broadband adoption programs across the country
Broadband map	Highlights areas of Montana that are under- or unserved in terms of high-speed internet access
Broadband Serviceable Location (BSL) Fabric	The data set of all residential and business locations (or structures) in the U.S. where fixed broadband internet access service is or can be installed.
Build America Buy America (BABA)	Act that requires that all of the 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.
Census Block Groups (CBGs)	A geographical unit used by the United States Census Bureau which is bounded on all sides by visible features, such as streets, roads, streams, and railroad tracks, and/or by nonvisible boundaries such as city, town, township, and county limits, and short line-of-sight extensions of streets and roads
Federal Communications Commission (FCC)	U.S. agency that regulates interstate and internation communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia, and US territories.
Indefeasible Right-of-Use (IRU)	The exclusive, unrestricted, and indefeasible right to use one, a pair or more strands of a fiber cable for any legal purpose. With an IRU contractual arrangement the buyer of the IRU can unconditionally use the fiber of the IRU for long periods of time, approximately 25 – 30 years.
Infrastructure Investment and Jobs Act (IIJA)	Authorized \$1.2 trillion for transportation and infrastructure spending with \$550 billion of that figure going toward new investments and programs
Montana Broadband Office (MBO)	Section of the Montana state government responsible for overseeing and carrying out broadband development and implementation
National Institute of Standards and Technology (NIST)	U.S. federal agency responsible for promoting innovation and industrial competitiveness by advancing measurement science, standards, and technology

National Telecommunications and Information Administration (NTIA)	Serves state, local, and tribal governments, industry, and nonprofits that seek to expand broadband connectivity and promote digital inclusion
Notice of Funding Opportunity (NOFO)	Published description of a project to be funded and an explanation of who can apply for funding and what is required to do so
Personal Identifiable Information (PII)	Any information that can be used to identify an individual, such as their name, address, social security number, or other unique identifiers
Prequalification Application	The first round of the BEAD application, this allows MBO to screen applications for eligibility
Subgrantee	Entities to which a subgrant is awarded and that is accountable to the grantee for use of funds provided
Supply Chain Risk Management Plan (SCRM)	Document identifying and mitigating risks within a company's supply chain to ensure continuity and minimize disruptions
Unaudited interim financial statement	A financial report covering a shorter period (usually a quarter or half-year) that has not been externally audited, offering a snapshot of a company's finances during that time
Unqualified audited financial statements	Financial statements that have been reviewed by an independent auditor and found to be free from material misstatements or errors
Unserviced location	Broadband-serviceable locations that lack access to Reliable Broadband Service at speeds of at least 25 Mbps downstream and 3 Mbps upstream and latency levels low enough to support real-time, interactive applications) in each State and Territory
Underserved location	Location without broadband service offering speeds of 100 Mbps downstream/20 Mbps upstream

Revision History

Date	Section	Update Summary
April 2, 2024	Section 2: Financial Capability	Montana Broadband Office implemented the following updates: <ul style="list-style-type: none">• Provided clarity on the Executive Authority Template
April 2, 2024	Section 4: Certifications and Compliance	Montana Broadband Office implemented the following updates: <ul style="list-style-type: none">• Adjusted requirement for legal opinion to be with submission of main round application