

POLICY NUMBER: 1-00

TITLE: BEAD Program – Overview, Definitions & Regulations

EFFECTIVE DATE: 01/22/2024

LAST REVIEW DATE:



Louisiana Broadband, Equity, Access, and Deployment (BEAD) Program

Overview

The National Telecommunications and Information Administration (NTIA) Broadband Equity Access and Deployment Program (BEAD) aims to expand and improve broadband access in underserved and unserved areas across the United States. This program, funded through the Infrastructure Investment and Jobs Act, allocates substantial resources to support broadband infrastructure deployment. It focuses on projects that enhance internet connectivity, closing the digital divide in rural and economically disadvantaged communities. The NTIA BEAD program is a critical component of the government's commitment to ensuring that all Americans have equitable access to high-speed internet, facilitating economic growth and opportunity for those historically underserved by broadband services.

The National Institute of Standards and Technology (NIST) Financial Assistance Awards covered by this policy (see Appendix B for full award documents):

- 22-20-B061, Period of Performance 9/1/2022 – 8/31/2027, \$2,000,000
- 22-30-DP064, Period of Performance 9/1/2022 – 8/31/2023, \$941,542.28
- 22-30-DP064, Period of Performance 9/1/2022 – 12/29/2023¹, \$941,542.28

Version History

01/22/2024	Version 1.0 Published

Version Policy

Version history is tracked in the table above, with notes regarding version changes. The dates of each publication are also tracked in this table. Policy changes within this document will result in the issuance of a new primary version number with a publish date clearly noted. For example, a change in eligibility criteria to the program would warrant issuance from Version 1.0 to Version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and the issuance of a new primary version number.

Definitions² & Acronyms

- **Agency** - The Louisiana Office of Broadband Development and Connectivity (ConnectLA).
- **ARPA** – American Rescue Plan Act

¹ See NIST Financial Assistance No Cost Extension Memo dated 8/9/2023

² See 2CFR200.1. Additional definitions are also found in Volume 2, SB No.877 and HB 653.

- **Assistant Secretary:** The assistant secretary of the United States Department of Commerce for Communications and Information.
- **BEAD:** Broadband Equity Access and Deployment Program
- **Broadband; Broadband Service:** The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in Section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation, meaning it is a mass-market retail service by wire or radio that provides the capability to transmit data with a minimum of one hundred megabits per second, or Mbps, download 21 and receive data at least twenty megabits per second upload transmission speeds, from all or substantially all internet endpoints. This includes any capabilities that are incidental to and enable the operation of the communications service but excluding dial-up internet access service.
- **Broadband Equity:** is achieved when all people and communities are able to access and use affordable, high-speed, reliable internet that meets their long-term needs
- **Consultants:** Individuals or entities hired by grant recipients or subrecipients to provide professional services related to the BEAD program.
- **Contract/Contractors:** Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award.³
- **Compliance Team** - The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, Uniform Guidance, and federal grant funding.
- **CPF:** Capital Projects Fund
- **DOA:** Louisiana Division of Administration
- **DOC:** Department of Commerce
- **DOTD:** Department of Transportation and Development
- **Digital Equity:** The term “digital equity” means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.⁴
- **Digital Inclusion:** Refers to the activities necessary to ensure that all individuals and communities, including the most disadvantaged, have access to and use of Information and Communication Technologies (ICTs) (National Digital Inclusion Alliance, n.d.).
- **Eligible Entity:** Any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands

³ For additional information on subrecipient and contractor determinations, see 2CFR200.331.

⁴ NTIA adopts the definition of digital equity set forth in Title III of the Infrastructure Act. See Section 60302(10) of the Infrastructure Act.

or, in the case of an application failure, a political subdivision or consortium of political subdivisions that is serving as a Substitute Entity.⁵

- **FCC:** Federal Communications Commission
- **GEER:** Governor’s Emergency Education Relief Fund
- **GUMBO:** Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) program. Louisiana passed HB 653 in the 2023 Regular Session which creates the GUMBO 2.0 program under Act 383 effective August 1, 2023, allowing the state to administer the federal Bipartisan Infrastructure Law. The new law provides the ConnectLA office the authority and responsibility to create state rules and scoring to administer funds, provided they comply with federal infrastructure law, state law and guidance. The Division of Administration shall be the designated agency for receipt and disbursement of state and federal funds received to implement the BEAD program.
- **Grant Recipients:** Organizations or individuals awarded grants under the BEAD program. The Grant Recipient for Louisiana’s BEAD program is the State of Louisiana, Office of Broadband Development & Connectivity.
- **IJA:** Infrastructure Investment and Jobs Act
- **NDIA:** National Digital Inclusion Alliance, n.d.
- **NTIA:** National Telecommunications and Information Administration
- **NOFO:** Notice of Funding Opportunity includes a description of the project and the entities that are eligible to apply.
- **OBDC:** Louisiana Office of Broadband Development and Connectivity (ConnectLA).
- **OTS:** Office of Technology Services
- **Program:** The term “Program” means the Broadband Equity, Access, and Deployment Program.
- **Project:** The term “project” means an undertaking by a subgrantee to construct and deploy infrastructure for the provision of broadband service. A “project” may constitute a single unserved or underserved broadband-serviceable location, or a grouping of broadband-serviceable locations in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.
- **Staff:** Employees of grant recipients, subrecipients, and consultants.
- **Subgrant/subaward:** An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal

⁵ See BEAD NOFO: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

- **Subgrantee/subrecipients⁶:** An entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
- **Technical Field Auditors:** Contractors with technical experience in broadband deployment will be utilized to provide technical reviews of progress and document planned versus actual project progress. The Technical Field Auditors will be responsible for conducting field audits and other comparative and technical analysis to ensure the projects are being executed as agreed upon in the Grant Agreements between OBDC and ISPs
- **Underserved location:** An underserved location as defined in the IIJA and the BEAD NOFO.
- **Unserviced Location:** An unserved location as defined in the IIJA and the BEAD NOFO.

Federal Regulations Framework

The policies included in the Policy Environment adhere to the relevant federal regulations and guidelines governing grant management, including the NIST Financial Assistance Award, applicable Uniform Guidance and the BEAD program guidance. Pursuant to Specific Award Conditions under NIST Financial Assistance Award Number: 22-20-B061, the following federal applicable statutes and regulations are incorporated by reference:

- The Department of Commerce, National Telecommunications and Information Administration (NTIA) Notice of Funding Opportunity (NOFO) No. NTIA-BEAD-2022, dated May 13, 2022. It is accessible at: <https://www.grants.gov/web/grants/search-grants.html?keywords=NTIA-BEAD-2022> (under the Related Documents tab, select "Closed" or "Archived" Opportunity Status to view the NOFO).
- The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements as published in the *Federal Register* on December 30, 2014 (79 FR 78390), are incorporated by reference into this award. They are accessible at: <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.
- The Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C) issued November 12, 2020 are incorporated by reference into this award. The Department's ST &C, as well as a link to 2CFR Part 200, are accessible at: <https://www.commerce.gov/sites/default/files/2020->

⁶ The NOFO generally uses the terms "subgrantee" and "subgrant" because these are the terms used in the relevant Infrastructure Act provisions. However, applicable regulations governing federal financial assistance generally use the term "subrecipient" to refer to what the Infrastructure Act calls "subgrantees" and the term "subaward" to refer to what the Infrastructure Act calls "subgrants." See generally 2 C.F.R. Part 200. As used in various program guidance, the terms "subgrantee" and "subgrant" herein are meant to have the same meaning, respectively, as the terms "subrecipient" and "subaward" in those regulations and other governing authorities.

[11/DOC%20Standard%20Terms%20and%20Conditions%20-%202012%20November%202020%20PDF_0.pdf](#)

- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 are incorporated by reference into this award. Through 2 C.F.R. § 1327.101, the Department of Commerce adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1> and <https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XIII>
- See also BEAD NOFO⁷, pg 86, for reference to other policy requirements not included in SAC award: Environmental and National Historical Preservation Requirements, Property Trust Relationship and Public Notice Filings for Grant-Acquired Property, Domestic Preference for Procurements (Buy American), Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.
- Program Fraud Civil Remedies Act (42 U.S.C. §§ 3801 – 3812): this Act provides federal agencies with administrative remedies for addressing false claims or statements made to federal agencies or programs
- Whistleblower Protection Laws: Whistleblower Protection Act, Sarbanes-Oxley Act, Dodd – Frank Wall Street Reform and Consumer Protection Act: these laws protect whistleblowers who report fraud, waste, or abuse, all are taken into consideration with the implementation of this policy.
- Code of Federal Regulations, Title 2, Part 200, Uniform Guidance (2CFR200)
<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

⁷ See BEAD NOFO: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

POLICY NUMBER: 1-05

TITLE: BEAD Program – Anti-Fraud, Waste and Abuse Policy

EFFECTIVE DATE: 01/22/2024

LAST REVIEW DATE:



Louisiana Broadband Equity, Access, and Deployment (BEAD) Program

Purpose

Established by the Infrastructure Investment and Jobs Act of 2021, Division F, Title I, Section 60102, Public Law 117-58, 135 Stat. 429 the Broadband, Equity, Access, and Deployment (BEAD) program allocated more than \$42 billion for the construction of broadband networks, the establishment of subsidies to offset the cost of internet service for qualifying households and the creation of training programs to equip users with a digital skillset. The BEAD program provides federal funding for grants to Eligible Entities for broadband planning, deployment, mapping, equity, and adoption activities.

This Policy for the BEAD program is to establish a coordinated approach to the identification, investigation, and resolution of fraudulent activities.

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Definitions and Acronyms

- **Abuse** is excessive or improper use of services or actions that are inconsistent with acceptable business practices.
- **Agency** - The Louisiana Office of Broadband Development and Connectivity (ConnectLA).
- **ARPA** – American Rescue Plan Act
- **Assistant Secretary:** The assistant secretary of the United States Department of Commerce for Communications and Information.
- **BEAD:** Broadband Equity Access and Deployment Program
- **Broadband; Broadband Service:** The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in Section 8.1(b) of title 47, Code of Federal

Regulations, or any successor regulation, meaning it is a mass-market retail service by wire or radio that provides the capability to transmit data with a minimum of one hundred megabits per second, or Mbps, download 21 and receive data at least twenty megabits per second upload transmission speeds, from all or substantially all internet endpoints. This includes any capabilities that are incidental to and enable the operation of the communications service but excluding dial-up internet access service.

- **Consultants:** Individuals or entities hired by grant recipients or subrecipients to provide professional services related to the BEAD program.
- **Contract/Contractors:** Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award.¹
- **Compliance Team** - The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, Uniform Guidance, and federal grant funding.
- **DOA:** Louisiana Division of Administration
- **DOC:** Department of Commerce
- **DOTD:** Department of Transportation and Development
- **Eligible Entity:** Any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands or, in the case of an application failure, a political subdivision or consortium of political subdivisions that is serving as a Substitute Entity.²
- **Employee:** a person employed for wages or salary at an eligible entity, on behalf of a contractor, for a consultant and/or for a subrecipient agency
- **FCC:** Federal Communications Commission
- **Fraud** is the intentional, false representation or concealment of material fact which deceives others and induces them to act to their detriment.
- **Grant Recipients:** Organizations or individuals awarded grants under the BEAD program. The Grant Recipient for Louisiana's BEAD program is the State of Louisiana, Office of Broadband Development & Connectivity.
- **IJA:** Infrastructure Investment and Jobs Act
- **NDIA:** National Digital Inclusion Alliance, n.d.
- **NTIA:** National Telecommunications and Information Administration

¹ For additional information on subrecipient and contractor determinations, see 2CFR200.331.

² See BEAD NOFO: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

- **NOFO:** Notice of Funding Opportunity includes a description of the project and the entities that are eligible to apply.
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- **Program:** The term “Program” means the Broadband Equity, Access, and Deployment Program.
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- **Staff:** Employees of grant recipients, subrecipients, and consultants.
- **Subgrant/subaward:** An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.
- **Subgrantee/subrecipients³:** An entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
- **Technical Field Auditors:** Contractors with technical experience in broadband deployment will be utilized to provide technical reviews of progress and document planned versus actual project progress. The Technical Field Auditors will be responsible for conducting field audits and other comparative and technical analysis to ensure the projects are being executed as agreed upon in the Grant Agreements between OBDC and ISPs
- **Waste** includes the mismanagement or inadequate oversight of supplies or equipment or causing unnecessary costs through carelessness or inefficiency.

Scope

It is the intent of the State of Louisiana, ConnectLA BEAD program to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of fraud controls and

³ The NOFO generally uses the terms “subgrantee” and “subgrant” because these are the terms used in the relevant Infrastructure Act provisions. However, applicable regulations governing federal financial assistance generally use the term “subrecipient” to refer to what the Infrastructure Act calls “subgrantees” and the term “subaward” to refer to what the Infrastructure Act calls “subgrants.” See generally 2 C.F.R. Part 200. As used in various program guidance, the terms “subgrantee” and “subgrant” herein are meant to have the same meaning, respectively, as the terms “subrecipient” and “subaward” in those regulations and other governing authorities.

conduct of investigations. The BEAD Program will work to define, identify program controls, and perform data analytics to analyze indicia of fraud, and the Division of Administration, Office of Internal Audit (DOA IA) will investigate and recommend action as a result of fraud investigations.

This policy applies to any situation of fraud or suspected fraud involving all individuals and entities involved in the BEAD program, including grant recipients, subrecipients, employees, vendors, contractors, consultants, partners, external departments, as well as any others associated with working for, accessing or attempting to access services under the BEAD program.

BEAD Specific Policies and Regulatory Framework

- Uniform Guidance, pursuant 2 CFR 200: Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200)
- Financial Assistance Standard Terms and Conditions (DOC ST&Cs): governs implementation of DOC financial assistance awards
- False Claims Act (31 U.S.C. §§ 3729 – 3733): imposes liability on individuals or entities that knowingly submit false claims to the federal government, including fraudulent claims for payments or benefits.
- Program Fraud Civil Remedies Act (42 U.S.C. §§ 3801 – 3812): this Act provides federal agencies with administrative remedies for addressing false claims or statements made to federal agencies or programs
- Whistleblower Protection Laws: Whistleblower Protection Act, Sarbanes-Oxley Act, Dodd – Frank Wall Street Reform and Consumer Protection Act: these laws protect whistleblowers who report fraud, waste, or abuse, all are taken into consideration with the implementation of this policy.

Anti-Fraud, Waste, and Abuse Requirements

1.1. Actions Constituting Fraud Waste and Abuse

Examples of fraud include, but are not limited to:

- Forging signatures or documents
- Concealing access to duplicate funding
- Misusing funds (diverting them for an unintended use)
- Any dishonest or fraudulent act
- Misappropriation of funds, supplies or assets
- Impropriety in handling or reporting money or financial transactions
- Profiting as a result of insider knowledge
- Unauthorized disclosure of confidential or private information
- Accepting or seeking anything of material value from contractors, vendors or any person that seeks a beneficial decision, contract, or action from the BEAD program
- Accepting or seeking anything of material value from contractors, vendors or any person that is providing services for Program activities
- Unnecessary cost or expenditures
- Diversion of program resources

1.1.1. Other Irregularities

Irregularities concerning an employee's moral, ethical, or behavior conduct should be referred to and resolved by their respective vendor in consultation with their Human Resources Department.

1.2. Reports and Investigations

Suspected fraud, waste, or abuse may be reported by contacting ConnectLA hotline (a specific hotline will be setup, monitored and managed by DOA IA) or submitting information via the Louisiana Legislative Auditor (LLA) Hotline at <https://www.la.gov/report-fraud/>. All contact information fields are optional to allow for anonymity. Information provided to either the DOA IA Hotline or the LLA Hotline may result in an investigation, audit or other review.

All inquiries concerning an activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer will be directed to DOA IA. Unless authorized by a ConnectLA designated Authorized Official, no information concerning the status of an investigation will be shared. All suspected cases of fraud will be taken seriously. An employee acting in good faith in reporting detected or suspected fraud, waste or abuse will not be subject to any reprisals, retaliation, threats, coercion, or similar acts for having disclosed such activities.

Reported allegations will be monitored, reviewed, and assessed by DOA IA. The initial assessments will be communicated to Connect LA and DOA executive management and, when deemed appropriate, the allegations will be reported to the Louisiana District Attorney, Louisiana Legislative Auditors and the Louisiana Attorney General, in compliance with Louisiana Revised Statute 24:523.

By executing the Letter of Agreement/Notice of Award, BEAD Program Eligible Grant Recipients and Subrecipients confirm the understanding that the use of grant funds shall be subject to audit by the Legislative Auditor of the State of Louisiana and/or the Office of the Governor, Division of Administration auditors and that an Eligible Grant Recipient and/or Subrecipient found to be fully or partially non-compliant with grant requirements shall return to the State of Louisiana all or a portion of the grant monies received.

1.2.1. Authorization for Investigating Suspected Fraud, Waste and Abuse

The DOA IA, in the conduct of AFWA responsibilities, will have:

- Necessary access to all ConnectLA BEAD program financial records and premises; and
- The authority to interview individuals, as well as audit, review, examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of the investigation.

1.2.2. Confidentiality

DOA IA treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify DOA IA immediately and ***should not attempt to personally conduct investigations or interviews/interrogations*** related to any suspected fraudulent act (See Reporting Procedures section above).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. Confidentiality is important to avoid damaging the reputations of persons/entities suspected of wrongful conduct.

1.2.3. Termination and Discipline

If the DOA IA investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the designated representatives from Human Resources and legal counsel, and, if necessary, by outside counsel, before any such action is taken. The DOA IA does not have the authority to terminate employees of its grant recipient, subrecipients, contractors, or vendor employees.

In cases where an inquiry reveals a possible action against an employee of the State, the recommendation will be reviewed by Human Resources and the ConnectLA Executive Director. Any corrective or disciplinary action will be carried out in accordance with Louisiana State Statutes, as applicable.

Anti-Fraud, Waste and Abuse and Policy Compliance

1.3. Compliance with Laws

Each prospective subrecipient must demonstrate that it is capable of carrying out funded activities in a competent manner in compliance with all applicable Federal, State, Territorial, and local laws. To submit a grant application, prospective subrecipients will be required to provide the details listed below related to compliance with applicable laws:

- Detailed history of compliance with all applicable Federal, State of Louisiana and local laws for previous broadband projects funded by federal and state programs.

To ensure that a subrecipient complies with occupational safety and health requirements, subrecipients must permit workers to create worker-led health and safety committees that management will meet with upon reasonable request. To submit a grant application, prospective subrecipients will be required to provide the details listed below related to compliance with applicable laws:

- Policies and procedures to ensure compliance with occupational safety and health requirements including worker-led health and safety committees that management will meet with upon reasonable request. (ConnectLA may utilize details or suggestions from NTIA's Workforce Planning Guide to assist with specific requirements for prospective subrecipients).

1.3.1. Compliance Assurance

Failure to comply with this Anti-Fraud Waste and Abuse policy may result in corrective actions, including the withholding of or claw back of grant funds, termination of grant agreements, or other appropriate measures to rectify non-compliance. ConnectLA employees shall comply with and exercise diligence and care in preserving records for the period of time specified in the approved Records Retention Schedule.

1.4. National Policy Requirements

The State of Louisiana, ConnectLA Broadband, Equity, Access and Deployment (BEAD) program is subject to the laws and regulations of the United States. ConnectLA, its subrecipients, and contractors must comply with all applicable requirements of all other Federal laws, executive orders, regulations and

policies governing the BEAD program. The BEAD NOFO⁴ and Department of Commerce Financial Assistance Standard Terms and Conditions⁵ lists the national policy requirements of the program.

1.5. Corrective Action

ConnectLA employees found to have violated this policy may be subject to disciplinary action, up to and including dismissal.

As part of ConnectLA's Subrecipient Management Plan⁶, the Compliance Team or ConnectLA may identify areas where the subrecipient organization requires immediate corrective action to meet the compliance requirements of the BEAD program. These areas are identified in a Subrecipient Monitoring Plan which will be discussed during the Subrecipient Monitoring Kickoff Meeting, and a plan for implementation of corrective actions will be developed.

The Compliance Team will provide guidance to the subrecipient through the process of making corrective actions as needed. Corrective actions may include drafting and approval of policies and procedures to meet Uniform Guidance requirements, updating vendor contracts to include regulatory compliance standards of Davis-Bacon Act and Environmental Historic Preservation Act, as applicable to the subrecipient's projects, providing additional training to subrecipient staff in the management of federal funding, and providing strategies and recommendations for the tracking of BEAD funds within accounting systems.

The subrecipient will be responsible for the implementation of and continued adherence to corrective actions. The Compliance Team and ConnectLA will continue to monitor and update documentation as corrective actions are resolved.

1.6. Training and Guidance

ConnectLA employees and consultants working on the BEAD program will receive appropriate Ethics training including appropriate fraud, waste and abuse training annually and will be required to submit a certificate of completion annually. A one-hour training will be provided virtually by the Louisiana Ethics Administration Program as part of the BEAD Program onboarding process. ConnectLA Ethics certificates will be monitored by the Executive Staff Officer in the Commissioner's office. Consultants training compliance will be monitored by the ConnectLA Program Manager who will collect and retain certificates of completion.

Grant recipients, subrecipients, staff, contractors and consultants will receive appropriate training and education on grant management procedures and requirements.

Training and education for grant recipients, subrecipients, staff, contractors and consultants within the BEAD program should encompass a wide range of topics related to effective grant management. This may include instruction on budgeting and financial reporting in compliance with specific award conditions, adherence to regulatory guidelines such as 2 CFR 200, time and effort reporting, procurement, monitoring and tracking of grant funds, and maintaining accurate record-keeping for audit purposes. Additionally, training should focus on ethical considerations and best practices to ensure the

⁴ See BEAD NOFO, pg 86, under Administrative and National Policy Requirements.

⁵ See DOC ST&Cs, pg 25, under National Policy Requirements

⁶ See ConnectLA Policy 1-07_Subrecipient Management Plan policy

responsible and accountable use of grant funds⁷. This comprehensive training approach aims to empower individuals and organizations within the BEAD program to successfully manage grants and contribute to the program's overarching objective.

Training will be based on individual roles and responsibilities as outlined in the Organization Structure Program Policy and the experience/knowledge of the individual in managing federal grant programs.

Prior to the subrecipient selection process, ConnectLA will communicate the requirements stipulated in the BEAD program guidance, the Build America, Buy America Act (BABA), 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.) to all prospective subrecipients. This will be completed by conducting outreach (webinars, in person meetings, etc.) to participating stakeholders, posting a list of regulations on the Office website and including grant application instructions and grant agreement terms, conditions and monitoring program requirements.⁸ Additionally, once selected, subrecipients will participate in an implementation meeting within thirty (30) days of execution of the grant agreement and Louisiana will make reporting templates and instructions available at or shortly after the implementation meeting.⁹

Training will be held no less than annually and as-needed, based on updates or changes to the program or federal guidance. Training materials and confirmation of training received will be documented.

⁷ See also Anti-Fraud, Waste and Abuse Policy.

⁸ See Volume 2, Section 2.4.5, page 33.

⁹ See Volume 2, HB653, pg. 176.

POLICY NUMBER: 1-06

TITLE: BEAD Program – Procurement of Subrecipients and Contractors

EFFECTIVE DATE: 01/22/2024

LAST REVIEW DATE:



Louisiana Broadband Equity, Access, and Deployment (BEAD) Program

Purpose

The Procurement of Subrecipients and Contractors Policy for the purpose of the Louisiana Broadband, Equity, Access and Deployment (BEAD) program is to assist program staff, subrecipients and contractors in implementing procurement activities, and to ensure procurement under the BEAD program is compliant with State, Local and Federal Guidelines.

Version History

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Scope

It is the responsibility of the Louisiana Office of Broadband Development and Connectivity (ConnectLA) BEAD staff to ensure that program staff members, subrecipients and contractors comply with all provisions of this policy, state and federal rules and regulations, and the grant award agreement. Subrecipients and contractors must also carry out proper and efficient grant administrative practices.

The Procurement of Subrecipients and Contractors Policy is intended to provide clear areas of responsibility to ensure consistent application of the procedures outlined in the policy. Due to this unprecedented endeavor, it is anticipated that circumstances will arise that will require deviations from the processes outlines in this policy. In those instances, the reasons for the deviations need to be clearly documented and included in the subrecipients and contractor files. In some cases, these circumstances will require amending the Procurement of Subrecipient and Contractor Policy to include new or revised policies or procedures to accommodate these situations

Definitions and Acronyms

- **BEAD** - Broadband Equity Access and Deployment Program.
- **Bid** – An offer by a company, firm or individual to provide good or services submitted in response to solicitation for those goods or services.
- **CFR** – Code of Federal Regulations.
- **Change Order** – Work that is added or deleted from the original contract activities to be performed and changes the original contract amount and/or the completion due date. The change order must be approved by ConnectLA, subrecipient, contractor, subcontractor, and project architect and/or engineer, as appropriate, prior to being implemented.
- **Compliance Team** - The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, Uniform Guidance and federal grant funding.
- **Consultants** - Individuals or entities hired by grant recipients or subrecipients to provide professional services related to the BEAD program.
- **Contract/Contractors** - Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award.
- **Corrective Action** – Required steps to be taken to resolve identified findings and/or concerns.
- **Debarment** - means an action taken by a Federal agency debarment official to exclude a person or entity from participating in covered Federal transactions, in accordance with debarment and suspension policies and procedures
- **Eligible Entity** - Any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands or, in the case of an application failure, a political subdivision or consortium of political subdivisions that is serving as a Substitute Entity. As used in this policy, the State of Louisiana, Office of Broadband Development & Connectivity (ConnectLA) is the grant recipient of Louisiana’s BEAD formula grant funds from the U.S. Department of Commerce.
- **Formal procurement** – method(s) of procurement used when the value of the procurement for property or services under a federal award exceeds the SAT.
- **Grantee** – As used in this policy, the State of Louisiana, Office of Broadband Development & Connectivity is the grant recipient of Louisiana’s BEAD formula grant funds from the U.S. Department of Commerce.
- **Grant Recipients** - Organizations or individuals awarded grants under the BEAD program.
- **Informal Procurement** – method(s) of procurement used when the value of property or services under a federal award does not exceed the SAT.
- **LA Public Bid Law** - the set of laws that govern contracts for public works and the purchase of materials and supplies by public entities that meet specific threshold requirements called the “contract limit” (minimum).
- **Micro-purchase** - a purchase of supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a non-Federal entity's small purchases.
- **NTIA**: National Telecommunications and Information Administration
- **NOFO** – Notice of Funding Opportunity (NOFO) includes a description of the project and the entities that are eligible to apply.

- **OBDC** – Louisiana Office of Broadband Development and Connectivity (ConnectLA).
- **Offer** – A response to a solicitation that, if accepted, would bind the over. Responses to an Invitation to Bid (ITB) are offers called “bids” or “sealed bids”.
- **Procurement**: the acquisition by using competitive procedures and awarding a contract) of goods or services (including construction
- **Request for Proposals (RFPs)** – A solicitation, often made through a bidding process, by an agency to communicate an entity’s requirements for goods or services to prospective contractors. The Louisiana Procurement Code allows for best value procurement through the RFP process to obtain high technology acquisitions, complex services, and to contract with a group purchasing organization. This procurement method is a competitive negotiation and is used when criteria other than cost is considered in determining the best value for the State.
- **Request for Qualifications (RFQs)** – A bidding solicitation where an entity asks vendors to provide a cost quote to provide goods or services. A request for qualifications (RFQ) is for engineering or architectural services. Louisiana State law (R.S. 38:2318.1 A.) prohibits price or price related considerations as a selection factor. Qualification statements cannot be used to procure any other service (2 CFR 200.302 (d)(5)).
- **Simplified Acquisition Threshold (SAT)** - the dollar amount (\$250,000) below which a non-Federal entity may purchase property or services using micro-purchase and small purchase methods.
- **Small Purchase** – a purchase of supplies or services, the aggregate amount of which exceeds the micro-purchase threshold but is under the SAT.
- **Staff** - Employees of grant recipients, subrecipients, and consultants.
- **Subrecipient/subrecipients** - An entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. The term “subgrantee” or “subrecipient” means an entity that receives grant funds from an Eligible Entity to carry out eligible activities.
- **Technical Field Auditors** - Contractors with technical experience in broadband deployment will be utilized to provide technical reviews of progress and document planned versus actual project progress. The Technical Field Auditors will be responsible for conducting field audits and other comparative and technical analysis to ensure the projects are being executed as agreed upon in the Grant Agreements between OBDC and ISPs

BEAD Specific Policies and Regulatory Framework

- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200
- The requirements of Build America, Buy America Act (BABA), 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.)¹.

¹ Initial proposal, volume 2, page 34

- The Department of Commerce, National Telecommunications and Information Administration (NTIA) Notice of Funding Opportunity (NOFO) No. NTIA-BEAD-2022, dated May 13, 2022
- The Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C) issued November 12, 2020

Procurement of Subrecipients and Contractors

This policy outlines procurement activities under the Louisiana BEAD program, including program staff, subrecipients, and contractors while adhering to the applicable BEAD program requirements with federal, state, and local laws. It is also designed to provide guidance to ensure the proper procurement method is used based on federal, state, and local thresholds and subject the procurement, and to ensure an adequate level of procurement documentation is compiled and retained to ensure compliance with the grant terms and conditions and applicable procurement requirements. It is intended to establish a policy framework for BEAD program staff, contractors, subrecipients and any other resources engaged to support the delivery of the BEAD program.

The compliance oversight will be driven by two teams with adequate knowledge and experience to effectively implement the BEAD program: Compliance Team and Technical Field Auditors. ConnectLA will provide ultimate programmatic and financial oversight and approval. For the purposes of this policy, the Compliance Team will be utilized for procurement monitoring.

- 1) Compliance Team.** The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, procurement, Uniform Guidance and federal grant funding.
- 2) Technical Field Auditors.** The Technical Field Auditors team will consist of contractors with technical experience in broadband deployment. They will be utilized to provide technical reviews of progress and document planned versus actual project progress. The Technical Field Auditors will be responsible for conducting field audits and other comparative and technical analysis to ensure the projects are being executed as agreed upon in the Grant Agreements between OBDC and internet service providers.

1.1 Subrecipient Qualifications

As outlined in the Subrecipient Management policy, ConnectLA shall ensure that any prospective subrecipient (including contractor and subcontractors of subrecipients) are capable of carrying out activities funded by the subgrant in a competent manner and in compliance with all applicable federal, State, Territorial, and local laws. ConnectLA also shall ensure that prospective subrecipients have the competence, managerial and financial capacity to meet the commitments of the subgrant and any requirements of the Program, as well as the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

See Subrecipient Management Policy for full details and information.

1.1.1. General Principles

The following Procurement Policy requirements apply to all procurement activities conducted by ConnectLA, its subrecipients, and contractors.

1. Each grantee and subrecipient is required to use their own procurement procedures, which reflect applicable state and local laws and regulations².
2. If a conflict between state, local, and federal standards arise, ConnectLA, its subrecipients, and contractors will apply the most restrictive set of standards for procurement.

1.1.2. Conflict of Interest / Code of Conduct

No employee, officer, or agent of the ConnectLA BEAD program shall participate in the selection, award, or administration of a contract if a real or apparent conflict of interest exists. Louisiana laws require full disclosure of any real or apparent (perceived) conflict of interest. Such a conflict could arise if the employee, officer or agent, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the above, has a financial or other interest in or tangible personal benefit from a firm considered or selected for award.

No officer, employee, or agent of the ConnectLA BEAD program shall solicit or accept gratuities, favors, or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements.

Any alleged violations of these standards of conduct shall be referred to the Louisiana Board of Ethics, the Louisiana Division of Administration, Office of Internal Audit (DOA) and/or the Office of the Attorney General for further review³. Where violations appear to have occurred, the offending employee, officer, or agent shall be subject to disciplinary action, including but not limited to dismissal. Where violations appear to be substantial, the matter may be referred to the appropriate officials or criminal investigation and possible prosecution.

1.2. Procurement Obligations

The procuring entity is responsible for the procurement of materials, supplies, equipment, construction activity, and professional or other services. Per 2 CFR 200.318(d) a review of all proposed procurement actions will be evaluated for actual need to avoid the purchase of unnecessary or duplicative items.

An initial cost estimate, even if informal, should be obtained on all procurements. However, a documented cost or price analysis is required on all procurement actions involving federal funds that exceed the federal Simplified Acquisition Threshold (SAT).

After the cost and budget analysis are performed, the entity should determine which procurement approach is required by applicable local, state or federal laws and regulations. 2 CFR 200.317 requires that grantees and subrecipients use their own procurement procedures, which reflect applicable state

² 2 CFR 200.317

³ See Volume 2 pg 23 ; section 2.4.16

and local laws and regulations. If a conflict between state, local and federal standards arise, ConnectLA and its subrecipients and contractors will apply the most restrictive set of standards for procurement.

1.2.1. Competition

All procurements where ConnectLA, its subrecipients and contractors are direct parties will be conducted in a manner that provides maximum free and open competition⁴. Procurement procedures will not restrict or eliminate competition by placing unreasonable requirements on firms in order to enter a qualified bid.

All procurement solicitations will incorporate a clear and accurate description of the technical requirements for the material, service, or product to be procured under the selected procurement method. In competitive procurements, these descriptions should not contain features that improperly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform to satisfy its intended use. Detailed product specifications, which limit competition, should be avoided whenever possible. A “brand name or equal” description may be used to define the performance or other prominent requirements of procurement and the specifications must state clearly that it is used only to denote the quality standard of the product desired and that bidders are not restricted to the specific brand. If a particular brand name is used in the specifications, the model or catalog number will also be included. The specific features of the named brand which must be met by offerors should be clearly stated.

All solicitations of offers should clearly set forth all requirements of the product or service requested, items required at the time of submission, and other factors to be used in evaluating or awarding bids, proposals, or statements of qualifications. Contracts should be awarded to the responsible and/or responsive contractors/firms with the low quote/bid when qualifications and/or scoring criteria are not required.

As required by state law, if contract awards are made pursuant to telephone or other oral offers, then a written confirmation of the accepted offer shall be obtained by the procuring entity and maintained in the procurement file. If the low quote/bid is not accepted, then proper justification will be denoted in the procurement file. If qualifications and/or scoring criteria are utilized, then the quote/bid that demonstrates the vendor’s potential ability to perform successfully under the terms and conditions of the proposed procurement will be selected based on the scoring criteria. Some of the qualifications and/or scoring criteria may be, but are not limited to, such factors as the contractor’s/firm’s capacity, integrity, compliance with public policy, record of past performance, and financial and technical resources.

The procuring entity should take affirmative steps to ensure that small and minority business firms, women’s business enterprises, veteran-owned small businesses, and labor surplus area firms are placed on solicitations lists and are solicited whenever they are potential qualified sources. The procuring entity should also consider the feasibility of dividing total requirements into smaller tasks or quantities, without violating other state bid and federal laws, to permit maximum participation by small and minority firms, women’s business enterprises, veteran-owned small businesses, and labor surplus firms. Where permitted by regulations, delivery schedules will be developed which will include participation by

⁴ See Subrecipient Management policy 1.4.2 ; See Volume 2 pgs. 23-24

such businesses. Where appropriate, the procuring entity will utilize the services and assistance of the Small Business Administration or similar organizations.

The following sources will help provide statewide dissemination of the solicitations of offers: Louisiana Economic Development⁵, Louisiana Municipal Association⁶, Department of Transportation and Development⁷, Small Business Administration⁸, Procurement Technical Assistance Center Louisiana⁹, Women’s Business Enterprise Council South¹⁰, Louisiana Legislative Black Caucus¹¹, Veterans Affairs¹², and American Defense Services Inc.¹³.

1.2.2. Procurement Methods

1.2.2.1. State Procurement Methods

The Louisiana Public Bid Law is the set of laws that govern contracts for public works and the purchase of materials and supplies by public entities that meet certain threshold requirements called the “contract limit” (minimum). This limit is \$60,000 for materials and supplies, and \$250,000 for public works.

2 CFR 200.317 requires that grantees and subrecipients use their own procurement procedures, which reflect applicable state and local laws and regulations. If a conflict between state, local and federal standards arise, ConnectLA and its subrecipients and contractors will apply the most restrictive set of standards for procurement.

1.2.2.2. Federal Procurement Methods

Any procurement utilizing federal funds should comply with the Code of Federal Regulations (CFR) 2 CFR Part 200¹⁴ Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. The following are general guidelines to be followed when purchases are procured under a federal grant program or other federal funding sources. An initial project cost estimate will be completed for each federal procurement activity.

1.2.2.2.1. Cost or Price Analysis

2 CFR 200.324 requires that grantees and subrecipients perform a cost or price analysis in conjunction with every procurement action, including any contract modification that exceeds the Simplified Acquisition Threshold (SAT), currently set at \$250,000. The purpose of this analysis is to ensure that the resulting price paid is reasonable. Cost analysis is the review and evaluation of each cost element, which aggregates to the overall price, to determine reasonableness. This is traditionally used in conjunction with sole source contracts or construction contracts with labor, material, and profit components, all of which should be considered for reasonableness. Price analysis is the preferred method due to its efficiency, fairness, and compliance with government and commercial practices. Price Analysis includes

⁵ www.opportunitylouisiana.com/smallbusiness

⁶ www.lma.org

⁷ www8.dotd.louisiana.gov/ucp

⁸ <https://www.sba.gov/district/louisiana>

⁹ <https://ptac.louisiana.edu/services/economic-development-partners>

¹⁰ <http://www.wbecsouth.org>

¹¹ www.llbc.louisiana.gov

¹² <https://www.vetaffairs.la.gov>

¹³ <http://www.fivestardefense.com>

¹⁴ 2 CFR 200.317 - 327

the comparison of price quotations and is used in conjunction with purchases of materials, supplies or other fixed price purchases.

For federal grant purposes, costs or prices based on estimated costs should be allowed only to the extent that the costs incurred, or the cost estimates included in negotiated prices are consistent with federal cost principles.

For other nonfederal purchases, procuring entities are required to prepare a cost or price estimate prior to procurement whenever feasible. For construction contracts, a probable cost opinion is provided by the architect or engineer and can be used for any procurement purposes. For commodities contracts, a price estimate from the internet, a catalog, a vendor, etc. may be utilized. In addition to the cost analysis for purchases in excess of the SAT, a formal cost or price analysis is required for federal grant purposes after procurement in all sole source procurements, with all contract modifications (i.e. change orders) and in any case where competition was lacking after a formal procurement process was undertaken (i.e. only one bid was received). As with the pre-procurement cost or price estimate, each procuring entity is responsible for completing this analysis.

1.2.2.2.2. Micro Purchases Procedures (<\$10,000)

No specific procurement requirements apply to this level of procurement, but the procuring entity should ensure cost reasonableness and, when practical, distribute the purchases among qualified suppliers.

1.2.2.2.3. Small Purchase Procedures (\$10,000- \$249,999)

Small purchase procedures are relatively simple, informal procurement procedures that can be used when purchasing services, materials, supplies, equipment, and/or other property that will cost in the aggregate an amount above \$10,000 but not more than \$250,000 except where further limited by state law or federal grant program requirements. The procuring entity must obtain an adequate number of quotes. Preferably, a minimum of three (3) oral or written price or rate quotations from qualified sources should be received. Documentation on all quotations received (whether oral or written) should be part of the procurement file.

Under federal procurement, if only one response is received then the procurement is considered to be a noncompetitive proposal or sole source procurement. Please refer to 1.3.2 detailing the Noncompetitive Proposals or Sole Source Procurement section of this policy for more details.

1.2.2.2.4. Sealed Bids (\$250,000 or more)

Under this procedure, bids are publicly advertised or solicited in accordance with the entities procurement policy and the requirements of Louisiana Public Bid Law. A firm fixed price contract (either lump sum or unit price) should be awarded to the responsible bidder whose bid is lowest in price, and that conforms to all the material terms and conditions of the advertisement for bids. 2 CFR 200.325 requires contracts for construction or improvements exceeding the Simplified Acquisition Threshold (SAT) to include bid guarantees, performance bonds and payment bonds.

The sealed bid method is the preferred method for procuring construction contracts. However, competitive sealed bids can be used only when the following criteria are met: (1) there are complete, adequate, and realistic specifications or purchase descriptions; (2) there are two or more responsible bidders who are willing and able to compete effectively, and (3) the procurement can be made utilizing a

firm fixed price contract and selection of the successful bidder can appropriately be made on the basis of price (assuming that bidder is fully responsive).

When formal advertising is used the following conditions should be met:

- The advertisement for bids should be publicly advertised in accordance with state law.
- The advertisement for bids, including the specifications and pertinent attachments, should clearly define the items or services needed for the bidders to properly respond to the advertisement.
- All bids should be opened publicly at the time and place specified in the advertisement for bids.
- A firm fixed-price contract award should be made by written notice to the lowest responsible and responsive bidder whose bid conforms to the advertisement for bids. Where specified in the bid documents, factors such as discounts, transportation costs, and life cycle costs should be considered in determining which bid is lowest. Payment discounts should only be used to determine low bid when prior experience indicates that such discounts are generally taken.
- Notwithstanding the above, any or all bids may be rejected when there are sound, documented business reasons in the best interest of the entity and/or federal grant program.

1.3. Proposals

1.3.1. Competitive Proposals (Requests for Proposals/Qualification Statements)

The technique of competitive proposals is normally conducted with more than one source submitting an offer. This method may be used when the sealed bid and small purchase methods are inappropriate.

The following procedures will be used for competitive proposals:

- Requests for proposals or qualification statements must be publicized or solicited in accordance with the rules of the entity and/or federal grant program funding the purchase. All responsive submittals will be honored and entered into the competition.
- The request for proposals or qualification statements should identify all significant evaluation factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements.
- The selecting party should review all proposals and statements received and make a technical evaluation of each.
- Contract award will be made to the responsible offeror whose submission is deemed most appropriate to the entity with consideration for price, qualifications, and other factors set by the governing body.

Architectural and engineering services are procured via requests for qualification statements or requests for proposal responses from an adequate number preferably three) of qualified sources. This qualifications-based procurement of architectural/engineering (A/E) professional services includes the evaluation of competitors' qualifications with the most qualified competitor being selected without reference to price. The entity would then enter into contract negotiations with the most qualified

competitor which will include negotiation of price to ensure cost reasonableness. After successful negotiation, the competitor should be invited to enter into a contract.

In addition to architectural and engineering services, administrative consulting services or other professional services may be procured via requests for proposals/qualifications. However, those requests must include an evaluation of price factors.

1.3.2. Noncompetitive Proposals or Sole Source Procurement

Noncompetitive proposals (negotiations) should be used when: (1) the small purchase, competitive sealed bids, or competitive proposal (negotiations) procedures are not feasible, (2) the item or service being procured is available only from a single source, (3) the noncompetitive proposals (negotiations) will involve the solicitation of a proposal from only one source or (4) if after solicitations under one of the federal procurement methods above, the procurement resulted in only one response, proposal, or qualification statement. Coordination with the grantor of the federal program should be made when noncompetitive negotiation is used.

In order to qualify for this type of procurement, one of the following circumstances must apply:

- The item or service is available only from a single source.
- Procurement is determined to not be feasible under the other referenced methods of procurement or it is determined that a public urgency or emergency exists and the urgency will not permit the delay beyond the time needed to employ one of the other methods of procurement.
- After solicitation of a number of sources, competition is determined to be inadequate (i.e. received only one response).

Procurement and Policy Compliance

1.4. Contractor Debarment and Suspension

Federal procurement guidelines prohibit contracting with any parties that are listed on the “System for Award Management”¹⁵ (SAM). This list identifies all parties that have previously been debarred, suspended, or otherwise excluded from receiving any solicitations for procurement activities in addition to contracting on any projects involving federal funds. The procuring entity is responsible for ensuring that they do not contract with any debarred or suspended entities and that the entity has an active SAM registration.

1.5. Procurement of Recovered Materials

When federal grant funds are being utilized procurements in excess of \$10,000 must contain the highest percentage of recovered materials practicable while consistent with maintaining a satisfactory level of competition¹⁶.

The Environmental Protection Agency (EPA) and the United States Department of Agriculture (USDA) will designate items that are considered to have recovered material components. Some of the products that can be purchased using recovered materials include, but are not limited to:

¹⁵ www.sam.gov

¹⁶ See 2 CFR 200.323

- Construction Products (building insulation, carpet, carpet cushion, cement and concrete, consolidated and reprocessed latex paint, floor tiles, flowable fill, laminated paperboard, modular threshold ramps, non-pressure pipe, patio blocks, railroad grade crossing surfaces, roofing materials, shower and restroom dividers and structural fiberboard),
- Landscaping Products (garden hoses, hydraulic mulch, lawn and garden edging),
- Non-paper Office Products (office furniture, plastic envelopes, and plastic trash bags),
- Paper and Paper Products (newsprint, paperboard, and packaging products),
- Parks and Recreation Products (plastic fencing and running tracks),
- Transportation Products (channelizers, traffic cones and delineators),
- Vehicular Products (engine coolants, retread tires and rebuild vehicular parts), and
- Miscellaneous Products (mats, pallets, and signage).

Exemptions from this requirement are available if the purchases cannot be competitively provided within a reasonable time frame, will not meet reasonable performance standards, or will not be at a reasonable price. Procurement specifications should provide that vendors and contractors provide certifications concerning recovered materials utilized in the project.

1.6. Build America, Buy America Act

The Build America Buy America Act (BABAA), enacted as part of the Infrastructure Investment and Jobs Act (IIJA) on November 15, 2021, established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022. The domestic content procurement preference requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects be produced in the United States.

Specific to BABA compliance efforts, the Office will ensure the following key points are highlighted:

- Requirements 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, prospective 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, prospective subrecipients 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 subrecipients 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.

Prior to the subrecipient selection process, Louisiana will communicate the requirements stipulated in the BEAD program guidance and also specifically the Build America, Buy America Act (BABA), 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.) to all prospective subrecipients. This will be completed by conducting outreach (webinars, in person meetings, etc.) to participating stakeholders, posting a list of regulations on the Office website and including grant application instructions and grant agreement terms, conditions and monitoring program requirements.¹⁷ Additionally, once selected, subrecipients will participate in an implementation meeting within thirty (30) days of execution of the grant agreement and Louisiana will make reporting templates and instructions available at or shortly after the implementation meeting.¹⁸

Training will be held no less than annually and as-needed, based on updates or changes to the program or federal guidance. Training materials and confirmation of training received will be documented.

For full details on the State of Louisiana, ConnectLA BEAD program compliance guidelines, see BEAD Program – Build America Buy America Act Compliance policy for additional guidance.

1.7. Bonding Requirements

Per 2 CFR 200.326, bonding requirements for construction or facility improvement contracts or subcontracts that exceed the SAT are a requirement for the BEAD Program.

1.7.1. Minimum Requirements

A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

1.8. Contract Provisions

All contracts funded under the ConnectLA BEAD program must contain the provisions found in Appendix II to Part 200, Title 2 as applicable. See Appendix II “Contract Provisions for Non-Federal Entity Contracts Under Federal Awards” of this policy for a listing.

1.9. National Policy Requirements

The State of Louisiana, ConnectLA Broadband, Equity, Access and Deployment (BEAD) program is subject to the laws and regulations of the United States. ConnectLA, its subrecipients, and contractors must comply with all applicable requirements of all other Federal laws, executive orders, regulations and

¹⁷ See Volume 2, Section 2.4.5, page 33.

¹⁸ See Volume 2, HB653, pg 176.

policies governing the BEAD program. The BEAD NOFO¹⁹ and Department of Commerce Financial Assistance Standard Terms and Conditions²⁰ lists the national policy requirements of the program.

1.10. Record Retention

All records related to grant management, including procurement activities and supporting documentation, must be retained in compliance with federal regulations and program guidelines.

In accordance with 2 CFR 220.334, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to this Federal award must be retained for a minimum period of five (5) years from the submission date of the final expenditure report. Additionally, in accordance with 2CFR200.337²¹, the Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

1.11. Training and Education

Grant recipients, subrecipients, staff, contractors and consultants will receive appropriate training and education on grant management procedures and requirements.

Training and education for grant recipients, subrecipients, staff, contractors and consultants within the BEAD program should encompass a wide range of topics related to effective grant management. This may include instruction on budgeting and financial reporting in compliance with specific award conditions, adherence to regulatory guidelines such as 2 CFR 200, time and effort reporting, procurement, monitoring and tracking of grant funds, and maintaining accurate record-keeping for audit purposes. Additionally, training should focus on ethical considerations and best practices to ensure the responsible and accountable use of grant funds²². This comprehensive training approach aims to empower individuals and organizations within the BEAD program to successfully manage grants and contribute to the program's overarching objective.

Training will be based on individual roles and responsibilities as outlined in the Organization Structure Program Policy and the experience/knowledge of the individual in managing federal grant programs.

1.12. Policy Review and Revision

A process for periodic review and revision of this policy should be established to ensure its ongoing compliance with federal regulations and relevance to the BEAD program. A Policy Environment will be established with review and formal approval of policies by the Recipient. Revisions based on programmatic changes or updated federal guidance will be evaluated, reviewed, and approved by the Recipient and incorporated and documented in the Policy Environment.

¹⁹ See BEAD NOFO, pg 86, under Administrative and National Policy Requirements.

²⁰ See DOC ST&Cs, pg 25, under National Policy Requirements

²¹ See BEAD NOFO, pg 94, under transparency.

²² See also Anti-Fraud, Waste and Abuse Policy.

1.13. Compliance Assurance

Failure to comply with this guidelines of this Procurement Policy, or Compliance with Grant Terms and Conditions Policy may result in corrective actions, including the withholding of or claw back of grant funds, termination of grant agreements, or other appropriate measures to rectify non-compliance. All individuals and organizations involved in the program must adhere to the provisions outlined in this policy to ensure full compliance with federal regulations and program guidelines.

In addition, ConnectLA will ensure adherence to the requirements of Build America, Buy America Act (BABA), 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.).

Appendix I – Comparative Analysis of Procurement Methods

Type of Local or State Procurement	Request for Quote (i.e. "Quote Request")	Invitation to Bid (i.e. "Bid" or "Sealed Bid")	Request for Proposal (i.e. "RFP")	Request for Qualifications (i.e. "RFQ Formal")
Definition	An informal offer of goods or services received by the procuring entity from a vendor in response to a "Quote Request"	A formal offer of goods or services received by the procuring entity from a vendor in response to an Invitation to Bid (BID)	A formal offer of goods or services received by the procuring entity from a vendor in response to a Request for Proposal (RFP) The request will establish grading criteria with price included as a scoring criteria	A formal vendor offer of services received by the procuring entity in response to a Request for Qualifications (RFQ) The request will establish grading criteria with either: (1) price as a factor (required for federal purposes on every non-A/E purchase), (2) price not as a factor but to be negotiated only after the qualification and selection portion is completed (A/E) or (3) without price as a factor (prices are set by the procuring entity in the procurement documents).
Selection	Low responsive and responsible bidder	Low responsive and responsible bidder	Proposer with highest score for pre-established criteria	Proposer with highest score for pre-established criteria
Applicability	<u>Public Works and Services</u> – \$5,000 or greater but less than \$250,000 <u>Materials and Supplies</u> - \$5,000 or greater but less than \$60,000	<u>Public Works</u> – \$250,000 or greater <u>Materials and Supplies (Including Installation)</u> - \$60,000 or greater	<u>Professional Services</u> – No legal requirement <u>Software, Telecommunications and Data Processing Equipment</u> - \$60,000 or greater	<u>Professional Services</u> – No legal requirement
Advertising Requirements	None	<u>Public Works Activity</u> – 1 time a week for 3 weeks beginning 25 days before opening <u>Materials and Supplies</u> – 2 times beginning 15 days before opening	<u>Professional Services</u> – No legal requirement but may advertise 1 time 15 days before opening based on RFP complexity <u>Software, Telecommunications and Data Processing Equipment</u> - 1 time 30 days before opening	<u>Professional Services</u> – No legal requirement but may advertise 1 time 15 days before opening based on RFQ complexity
Equivalent Federal Term	Small Purchases Procedures >\$10,000 < \$250,000	Sealed Bid Method	Competitive Proposals Method	Competitive Proposals Method

Appendix II - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

1. Administrative, Contractual or Legal Remedies Provision

For federal procurements in excess of the simplified acquisition threshold, which is currently at \$250,000, procurement contracts must contain a provision that addresses administrative, contractual, or legal remedies if contractors violate or breach contract terms and, when the circumstances are appropriate, the contract can address sanctions and penalties.

2. Termination Provision

All federal procurement contracts in excess of \$10,000 must have a provision allowing the procuring entity to terminate the contract for cause and for convenience including the manner in which it will be done and the basis for settlement.

3. Equal Employment Provision

For all contracts that meet the definition of “federally assisted construction contract” as defined in 41 CFR Part 60, a provision must be included in the contract for compliance with Executive Order 11246, Equal Employment Opportunity, as amended by Executive Order 11375, and as supplemented in the Department of Labor regulations (41 CFR Part 60) which prohibits discrimination in employment under federal contracts.

4. Construction Wage Rate Requirements (Previously Known as Davis-Bacon Act Provision)

Compliance with the Davis-Bacon Act is required for projects when construction contracts are in excess of \$5,000,000 and must contain a provision for compliance with this Act (40 USC 3141-3148) as supplemented by Department of Labor regulations (29 CFR Part 5). Among other requirements, this Act provides for the payment of wages to laborers and mechanics not less than once a week and at a rate not less than the prevailing wage determination issued by the Secretary of Labor.

5. Contract Work Hours and Safety Standards Act Provision

For all contracts in excess of \$100,000 that involve the employment of mechanics or laborers, a provision for compliance with the Contract Work Hours and Safety Standards Act (40 USC 3701-3708) as supplemented by Department of Labor regulations (29 CFR Part 5) must be included in the contract.

6. Rights to Inventions Provision

All contracts should include a provision notifying the contractor about any awarding agency requirements and regulations pertaining to the substitution of parties, assignment or performance of experimental, developmental or research work under the funding agreement as defined in 37 CFR Part 401.2(a). The federal award must meet the definition of a funding agreement as referenced above and the recipient or subrecipient desires to enter into a contract with a small business firm or nonprofit organization.

7. Clean Air Act and the Federal Water Pollution Control Act

All contracts, subcontracts and sub-grants in excess of \$150,000 must contain a provision which requires compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act.

8. Debarment and Suspension

All contracts must comply with 2 CFR Part 180 which implements Executive Orders 12549 and 12689 and prohibits the contracting with any party listed on the "System for Award Management" (SAM). SAM exclusions identify the names of all parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under stator or regulatory authority other than Executive Order 12549.

9. Byrd Anti-Lobbying Prohibition

Federal funds must not be used to pay any person or organization for influencing or attempting to influence anyone with any federal contract, grant or other award covered by 31 U.S.C.1352. 31 U.S.C. 1352 also requires that contractors that apply or bid for an award exceeding \$100,000 where federal funds are used must file the required certification stating that the parties will not and have not used federal funds to pay any person or organization for influencing or attempting to influence anyone with any federal contract, grant, or other award covered by 31 U.S.C. 1352.

10. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

2 CFR Part 200.216 prohibits use of federal grant or loan funds to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

11. Domestic Preferences for Procurements

When federal funds are utilized, and where appropriate and to the extent consistent with other laws and regulations, 2 CFR Part 200.322 allows a federal award to provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

12. Procurement of Recovered Materials

2 CFR Part 200.323 requires procurements in excess of \$10,000 to contain the highest percentage of recovered materials practicable while consistent with maintaining a satisfactory level of competition in compliance with section 6002 of the Solid Waste Disposal Act.

POLICY NUMBER: 1-12

TITLE: BEAD Program – Environmental Historic Preservation

EFFECTIVE DATE: 12/11/2023

LAST REVIEW DATE:



Louisiana Broadband Equity, Access, and Deployment (BEAD) Program



Purpose

This Environmental Historic Preservation Policy for the Louisiana Broadband, Equity, Access, and Development (BEAD) program is provided to assist program staff, subrecipients and subrecipients in implementing and managing broadband expansion grants provided by U.S. Department of Commerce Broadband Equity, Access, and Deployment Fund (BEAD) under the federal Infrastructure Investment & Jobs Act. It provides guidance regarding the general requirements that apply to units of local government.

Version History

12/11/2023	Version 1.0 Published

Version Policy

Version history is tracked in the table above, with notes regarding version changes. The dates of each publication are also tracked in this table. Policy changes within this document will result in the issuance of a new primary version number with a publish date clearly noted. For example, a change in eligibility criteria to the program would warrant issuance from Version 1.0 to Version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and the issuance of a new primary version number.

Definitions and Acronyms

BABA – Build America, Buy America

BEAD - Broadband Equity Access and Deployment Program.

Broadband; Broadband Service - The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in Section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation, meaning it is a mass-market retail service by wire or radio that provides the capability to transmit data with a minimum of one hundred megabits per second, or Mbps, download 20 and receive data at least twenty megabits per second upload transmission speeds, from all or substantially all internet endpoints. This includes any capabilities that are incidental to and enable the operation of the communications service but excluding dial-up internet access service.

CFR – Code of Federal Regulations.



Compliance Team - The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, Uniform Guidance and federal grant funding.

Consultants - Individuals or entities hired by grant recipients or subrecipients to provide professional services related to the BEAD program.

Contract/Contractors - Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award.

Corrective Action – Required steps to be taken to resolve identified findings and/or concerns.

DOC – U. S. Department of Commerce.

Eligible Entity - Any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands or, in the case of an application failure, a political subdivision or consortium of political subdivisions that is serving as a Substitute Entity. As used in this policy, the State of Louisiana, Office of Broadband Development & Connectivity (ConnectLA) is the grant recipient of Louisiana’s BEAD formula grant funds from the U.S. Department of Commerce.

EHP - Environmental and Historical Preservation

Infrastructure - Existing facilities, equipment, materials, and structures that an internet service provider has installed either for its core business or public enterprise purposes. Examples include but are not limited to copper wire, optical cable, loose tube cable, communication huts, conduits, vaults, patch panels, mounting hardware, poles, generators, batteries and cabinets, network nodes, network routers, network switches, microwave relays, microwave receivers, site routers, outdoor cabinets, towers, easements, rights-of-way, and buildings or structures owned by the entity that are made available for location or collocation purposes.

ISP – Internal Service Provider.

Local Government - A parish, municipality, or school board.

NEPA - National Environmental Protection Act.

NHPA - The National Historic Preservation Act

NTIA - National Telecommunications and Information Administration.

NOFO – Notice of Funding Opportunity (NOFO) includes a description of the project and the entities that are eligible to apply.

OBDC – Louisiana Office of Broadband Development and Connectivity (ConnectLA).

Staff - Employees of grant recipients, subrecipients, and consultants.

Subgrant/subaward - An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be



provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient/subrecipients - An entity, usually but not limited to non-Federal entities, which receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. The term “subrecipient” or “subrecipient” means an entity that receives grant funds from an Eligible Entity to carry out eligible activities.

Scope

It is the responsibility of the Louisiana Office of Broadband Development and Connectivity (ConnectLA) BEAD staff to ensure that subrecipients comply with all provisions of this policy, state and federal rules and regulations, and the grant award agreement. Subrecipients must also carry out proper and efficient grant administrative practices. The Environmental Historic Preservation Policy is intended to provide clear areas of responsibility to ensure consistent application of the procedures outlined in the Policy. Due to this unprecedented endeavor, it is anticipated that circumstances will arise that will require deviations from the processes outlines in this policy. In those instances, the reason for the deviations needs to be clearly documented and included in the Eligible Entity and subrecipients file. In some cases, these circumstances will require amending the Environmental Historic Preservation Policy to include new or revised policies or procedures to accommodate these situations.

BEAD Specific Policies and Regulatory Framework

- BEAD NOFO – meeting the least minimum requirements set forth and consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).
- Council on Environmental Quality
- Clean Air Act – Section 309; 42 U.S.C. 7609
- National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.)
- ACCESS BROADBAND Act, 47 USC § 1307
- Infrastructure Act § 60105.101
- National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.)¹.

Requirements

1.1. National Environmental Policy Act

The National Environment Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations require that an environmental analysis be completed for all major Federal actions to determine whether they have significant impacts on the environment. NEPA applies to the actions of Fedal agencies and may include a federal agency’s decision to fund non-federal projects under grants and cooperative agreements when the award activities remain subject to Federal authority and control. Non-federal entities are required to identify to the awarding agency any direct, indirect, or

¹ Initial proposal, volume 2, page 34



cumulative impact an award will have on the quality of the human environment and assist the agency in complying with NEPA.²

1.2. National Historic Preservation Act

The National Historic Preservation Act (NHPA) and the Advisory Council on Historic Preservation (ACHP) require that Federal agencies consider the effects of their undertakings on historic properties and, when appropriate, provide ACHP with a reasonable opportunity to comment. Historic properties include but are not necessarily limited to districts, buildings, structures, sites and objects. Non-Federal entities are required to identify to the awarding agency any effects the award may have on properties included on or eligible for inclusion of the National Register of Historic Places.³

1.3. General Principles

1.3.1. Environmental Assessment

Before conducting or initiating any broadband deployment projects, an Environmental Assessment should be conducted to evaluate the potential impact to the environment. The assessment should include studies on air quality, water quality, soil erosion, wildlife habitat disruption, and other location relevant factors.

1.3.2. Historic Preservation Assessment

Before conducting or initiating any broadband deployment projects, a Historic Preservation Assessment should be conducted to identify and protect historically significant sites and structures. The assessment will follow the guidelines of the NHPA and Louisiana State Historic Preservation Office.⁴ recommendations.

1.3.3. Public Consultation and Outreach

Environmental and Historic Preservation Assessment reports will be created and should be made available to the public for review and input to ensure transparency and community engagement. Public consultation can include in person hearings, meetings (virtual or in person), and online platforms for gathering feedback from stakeholders.⁵

1.4. Mitigation Measures

1.4.1. Mitigation Plan

A comprehensive mitigation plan should be developed based on the findings of the Environmental Assessment and Historic Preservation Assessment. The mitigation plan should outline strategies ConnectLA and/or its subrecipients will implement to minimize and mitigate environmental and historic preservation impacts.

1.4.2. Environmental Best Practices

ConnectLA and subrecipients will adhere to best environmental practices when deploying broadband infrastructure projects. Best practice methods will include:

- Minimizing soil disturbance

² 40 CFR Parts 1500 - 1508

³ 36 CFR Part 800

⁴ State of Louisiana, Office of Cultural Development, Division of Historic Preservation

⁵ National Environmental Policy Act, Council on Environmental Quality



- Using eco-friendly construction materials
- Reducing energy consumption

Practices for reducing potential harm to ecosystems will also be employed.

1.4.3. Historic Preservation Protocols

Historic structures and sites in the deployment areas will be preserved to the greatest extent possible. If preservation is not feasible, documentation and mitigation measures shall be carried out.

Environmental Historic Preservation Policy and Compliance

1.5. Compliance

ConnectLA and subrecipients will be required to comply with Environmental Historic Preservation requirements. NTIA will provide additional instructions in connection with the requirements set forth in this Section, including details on the manner and format that Eligible Entities will be required to document adherence in support of federal agency obligations under the ACCESS BROADBAND Act, 47 USC § 1307, and Infrastructure Act § 60105.101

1.5.1. Environmental and Historic Preservation Compliance

Because adhering to these requirements is necessary to participate in any BEAD funding grant rounds, engagement with stakeholders is critical for success. ConnectLA will encourage prospective subgrantees to engage with numerous federal, state and local stakeholders, including but not limited the following:

- Federal land and resource managing agencies, including but not limited to the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the U.S. Coast Guard, the U.S. Forest Service and others, to understand any restrictions or special conditions that may apply to infrastructure proposed on federal land, or that may impact federally managed resources such as wetlands, threatened or endangered species, navigable waterways and others.
- Coordination with state and local agencies that may have a role in EHP requirements, such as the State or Local Historic Preservation Office, as well as state or local agencies that may need to issue their own permits for any proposed projects.

ConnectLA recognizes the importance of compliance with these Acts noted above and ongoing monitoring of the subrecipients to ensure compliance. Specific to NEPA and NHPA compliance efforts, the Office will ensure the following key points are highlighted:

- Prospective subrecipients will describe how they will comply with applicable environmental and national historical preservation requirements.
- Obtaining all necessary federal, Eligible Entity, and local governmental permits and approvals necessary for the proposed work to be conducted based on the timeline for implementation for project areas.
- Projects and other eligible activities are expected to be designed so that they minimize the potential for adverse impacts on the environment.

ConnectLA will ensure preparedness for compliance requirements with NEPA and NHPA through the following steps:



- Review of available resources and requirements:
 - Familiarity with the EHP requirements and additional guidance in the BEAD NOFO.
 - Understanding of the requirements of the NEPA review process and the NHPA.
 - Review the NEPA, Historic Preservation, and Climate Resilience Webinar and presentation materials.
- Sourcing of EHP focused staff or contractors:
 - Demonstrate the readiness of their broadband team to analyze potential environmental impacts.
 - If necessary, hire additional staff or contractor support to ensure their broadband team has the appropriate capacity and expertise to manage EHP activities.
 - Designate certain individuals to be specifically responsible for EHP activities. Outline their responsibilities associated with managing EHP and NEPA review activities.
 - Invite collaborators or SMEs to support their team.
- Outline an approach for EHP activities:
 - Outline steps and activities necessary to ensure that the prospective subrecipients understand the requirements to comply with NEPA.
 - Coordinate with other state offices that have experience administering federal grants, such as the Department of Transportation & Development, to identify best practices and approaches for managing the NEPA review process.
 - Identify subcontractors they may engage to support with potential environmental assessments.
 - Share best practices for developing a project description that provides enough detail about the potential impacts to the environment to make a preliminary determination about the level of NEPA review required.

ConnectLA will ensure full preparedness for compliance requirements with NEPA, EHP and NHPA once further guidance is finalized by NTIA.

1.5.2. Buy America, Build America Compliance Efforts⁶

Requirements 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.

Section 70912 of the Build America, Buy America Act, states 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 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.

Prospective subrecipients 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.

⁶ See ConnectLA Policy 1-12_Build America, Buy America



The Infrastructure Act expressly prohibits subrecipients 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.

See Build America, Buy America Policy for more details and information.

1.5.3. Compliance with Laws

Each prospective subrecipient must demonstrate that it is capable of carrying out funded activities in a competent manner in compliance with all applicable Federal, State, Territorial, and local laws. To submit a grant application, prospective subrecipients will be required to provide the details listed below related to compliance with applicable laws:

- Detailed history of compliance with all applicable Federal, State of Louisiana and local laws for previous broadband projects funded by federal and state programs.

To ensure that a subrecipient complies with occupational safety and health requirements, subrecipients must permit workers to create worker-led health and safety committees that management will meet with upon reasonable request. To submit a grant application, prospective subrecipients will be required to provide the details listed below related to compliance with applicable laws:

- Policies and procedures to ensure compliance with occupational safety and health requirements including worker-led health and safety committees that management will meet with upon reasonable request. (ConnectLA may utilize details or suggestions from NTIA's Workforce Planning Guide to assist with specific requirements for prospective subrecipients).

1.5.4. Compliance Assurance

Failure to comply with this Environmental Historic Preservation Policy may result in corrective actions, including the withholding of or claw back of grant funds, termination of grant agreements, or other appropriate measures to rectify non-compliance.

This Environmental Historic Preservation Policy is fundamental to achieving the goals of the BEAD program and ensuring the responsible and accountable management of grant funds. All individuals and organizations involved in the program must adhere to the provisions outlined in this policy to ensure full compliance with federal regulations and program guidelines.

1.6. Corrective Action

As part of ConnectLA's Subrecipient Management Plan⁷, the Compliance Team or ConnectLA may identify areas where the subrecipient organization requires immediate corrective action to meet the compliance requirements of the BEAD program. These areas are identified in a Subrecipient Monitoring Plan which will be discussed during the Subrecipient Monitoring Kickoff Meeting, and a plan for implementation of corrective actions will be developed.

The Compliance Team will provide guidance to the subrecipient through the process of making corrective actions as needed. Corrective actions may include drafting and approval of policies and procedures to meet Uniform Guidance requirements, updating vendor contracts to include regulatory compliance standards of Davis-Bacon Act and Environmental Historic Preservation Act, as applicable to the

⁷ See ConnectLA Policy 1-07_Subrecipient Management Plan policy



subrecipient's projects, providing additional training to subrecipient staff in the management of federal funding, and providing strategies and recommendations for the tracking of BEAD funds within accounting systems.

The subrecipient will be responsible for the implementation of and continued adherence to corrective actions. The Compliance Team and ConnectLA will continue to monitor and update documentation as corrective actions are resolved.

1.7. Record Retention

All records related to grant management, including time and effort reporting, and supporting documentation, must be retained in compliance with federal regulations and program guidelines.

In accordance with 2 CFR 200.334, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to this Federal award must be retained for a minimum period of five (5) years from the submission date of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities.

Additionally, in accordance with 2 CFR 200.337⁸, the Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

See Record Retention Policy for additional details including certain exemptions and exceptions.⁹

1.8. Training and Guidance

Grant recipients, subrecipients, staff, contractors and consultants will receive appropriate training and education on grant management procedures and requirements.

Training and education for grant recipients, subrecipients, staff, contractors and consultants within the BEAD program should encompass a wide range of topics related to effective grant management. This may include instruction on budgeting and financial reporting in compliance with specific award conditions, adherence to regulatory guidelines such as 2 CFR 200, time and effort reporting, procurement, monitoring and tracking of grant funds, and maintaining accurate record-keeping for audit purposes. Additionally, training should focus on ethical considerations and best practices to ensure the responsible and accountable use of grant funds¹⁰. This comprehensive training approach aims to empower individuals and organizations within the BEAD program to successfully manage grants and contribute to the program's overarching objective.

⁸ See BEAD NOFO, pg. 94, under transparency

⁹ See 2 CFR 200.334 and also Volume 2, HB653, pg. 180 and elsewhere on confidentiality of ISP proprietary data

¹⁰ See also Anti-Fraud, Waste and Abuse Policy.



Training will be based on individual roles and responsibilities as outlined in the Organization Structure Program Policy and the experience/knowledge of the individual in managing federal grant programs.

Prior to the subrecipient selection process, ConnectLA will communicate the requirements stipulated in the BEAD program guidance, the Build America, Buy America Act (BABA), 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.) to all prospective subrecipients. This will be completed by conducting outreach (webinars, in person meetings, etc.) to participating stakeholders, posting a list of regulations on the Office website and including grant application instructions and grant agreement terms, conditions and monitoring program requirements.¹¹ Additionally, once selected, subrecipients will participate in an implementation meeting within thirty (30) days of execution of the grant agreement and Louisiana will make reporting templates and instructions available at or shortly after the implementation meeting.¹²

Training will be held no less than annually and as needed, based on updates or changes to the program or federal guidance. Training materials and confirmation of training received will be documented.

1.9. Policy Review and Revision

A process for periodic review and revision of this policy should be established to ensure its ongoing compliance with federal regulations and relevance to the BEAD program. A Policy Environment will be established with review and formal approval of policies by the Recipient. Revisions based on programmatic changes or updated federal guidance will be evaluated, reviewed, and approved by the Recipient and incorporated and documented in the Policy Environment.

¹¹ See Volume 2, Section 2.4.5, page 33.

¹² See Volume 2, HB653, pg. 176.

POLICY NUMBER: 1-13

TITLE: BEAD Program – Build America Buy America Act Compliance

EFFECTIVE DATE: 12/11/2023

LAST REVIEW DATE:



**Louisiana Broadband Equity, Access, and Deployment (BEAD)
Program**



Purpose

This Build America, Buy America Act (BABAA) Compliance Policy for the Louisiana Broadband, Equity, Access, and Deployment (BEAD) program is provided to assist program staff, subrecipients, and contractors in implementing requirements of the BABAA in procurement activities under the BEAD program. It provides guidance regarding the general requirements that apply to units of local government.

Version History

12/11/2023	Version 1.0 Published

Version Policy

Version history is tracked in the table above, with notes regarding version changes. The dates of each publication are also tracked in this table. Policy changes within this document will result in the issuance of a new primary version number with a publish date clearly noted. For example, a change in eligibility criteria to the program would warrant issuance from Version 1.0 to Version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and the issuance of a new primary version number.

Definitions and Acronyms

Agency - The Louisiana Office of Broadband Development and Connectivity (ConnectLA).

Assistant Secretary - The assistant secretary of the United States Department of Commerce for Communications and Information.

BEAD - Broadband Equity Access and Deployment Program.

Build America, Buy America Act (BABAA) - means division G, title IX, subtitle A, parts I–II, sections 70901 through 70927 of the Infrastructure Investment and Jobs Act

Buy America Preference - means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

CFR – Code of Federal Regulations.

Compliance Team - The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, Uniform Guidance and federal grant funding.



Component - means an article, material, or supply, whether manufactured or unmanufactured, incorporated directly into a manufactured product; or, where applicable, an iron or steel product.

Construction materials - means articles, materials, or supplies that consist of only one of the items listed in 2 CFR 184.3 “Construction materials”.

Contract/Contractors - Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award.

DOC – U. S. Department of Commerce.

Grantee – As used in this policy, the State of Louisiana, Office of Broadband Development & Connectivity is the grant recipient of Louisiana’s BEAD formula grant funds from the U.S. Department of Commerce.

Gumbo 2.0 - Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) program. Louisiana passed HB 653 in the 2023 Regular Session which creates the GUMBO 2.0 program under Act 383 effective August 1, 2023, allowing the state to administer the federal Bipartisan Infrastructure Law. The new law provides the ConnectLA office the authority and responsibility to create state rules and scoring to administer funds, provided they comply with federal infrastructure law, state law and guidance. The Division of Administration shall be the designated agency for receipt and disbursement of state and federal funds received to implement the BEAD program.

Infrastructure - Existing facilities, equipment, materials, and structures that an internet service provider has installed either for its core business or public enterprise purposes. Examples include but are not limited to copper wire, optical cable, loose tube cable, communication huts, conduits, vaults, patch panels, mounting hardware, poles, generators, batteries and cabinets, network nodes, network routers, network switches, microwave relays, microwave receivers, site routers, outdoor cabinets, towers, easements, rights-of-way, and buildings or structures owned by the entity that are made available for location or collocation purposes. Also includes roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; buildings and real property.

IIJA - Infrastructure Investment and Jobs Act.

ISP – Internal Service Provider.

Local Government - A parish, municipality, or school board.

Manufactured products – means articles, materials, or supplies that have been processed into a specific form and shape or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

MIAO – OMB’s Made in America Office

NOFO – Notice of Funding Opportunity (NOFO) includes a description of the project and the entities that are eligible to apply.



NTIA - National Telecommunications and Information Administration.

OMB – Office of Management and Budget

Produced in the United States – Means in the case of iron or steel products, all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. In the case of manufactured products, the 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. In the case of construction materials, all manufacturing processes for the construction material occurred in the United States.

Project or Deployment Project – An undertaking by an eligible grant recipient to construct and deploy infrastructure for the provision of broadband service. A project may constitute a single unserved or underserved broadband-serviceable location, or a grouping of broadband-serviceable locations in which not less than eighty percent of broadband-serviceable locations served by the project are unserved locations or underserved locations. If an overall project area crosses from one eligible parish into one or more eligible adjacent parishes, for the purposes of this Subpart, the project shall be determined to be located in the parish where the greatest number of unserved or underserved households are proposed to be served.

Section 70917(c) materials - means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

Staff - Employees of grant recipients, subrecipients, and consultants.

Subgrant/subaward - An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subgrantee/subrecipients - An entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. The term “subgrantee” or “subrecipient” means an entity that receives grant funds from an Eligible Entity to carry out eligible activities.

Underserved location - An underserved location as defined in the IIJA and the BEAD NOFO.

Unserved Location - An unserved location as defined in the IIJA and the BEAD NOFO.

Scope

The following Build America, Buy America Act Compliance policy requirements apply to all staff members of ConnectLA, subrecipients, beneficiaries, contractors, subcontractors, and consultants involved with the administration of the ConnectLA BEAD program. It is the responsibility of the Louisiana Office of Broadband Development and Connectivity (ConnectLA) BEAD staff to ensure that subrecipients comply with all provisions of this policy, state and federal rules and regulations, and the grant award agreement. Subrecipients must also carry out proper and efficient grant



administrative practices. The Build America, Buy America Act Compliance Policy is intended to provide clear areas of responsibility to ensure consistent application of the procedures outlined in the policy.

Due to this unprecedented endeavor, it is anticipated that circumstances will arise that will require deviations from the processes outlines in this policy. In those instances, the reason for the deviations needs to be clearly documented and included in the subrecipients file. In some cases, these circumstances will require amending the Subrecipient Management Policy to include new or revised policies or procedures to accommodate these situations.

BEAD Specific Policies and Regulatory Framework

- Infrastructure Investment and Jobs Act, Pub. L. No. 117-58
- Build America, Buy America Act Pub. L. No. 117-58, §§ 70901-27
- White House Executive Order M24-02
- Executive Order 14005, “Ensuring the Future Is Made in All of America by All of America’s Workers,” 86 FR 7475 (Jan. 28, 2021)
- 2 CFR 184
- 2 CFR 200
- BEAD NOFO – meeting the least minimum requirements set forth and consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).
- Louisiana ACT 383 (GUMBO 2.0) of 2023 (Adds R.S. 51:2370.21-2370.33; Amends R.S. 44:4.1(B)(35))

Requirements

1.1. Build America, Buy America Act

The Build America Buy America Act, enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022. The domestic content procurement preference requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects be produced in the United States. Accordingly, all funds made available through the BEAD Program for broadband infrastructure must comply with the Build America, Buy America Act.

1.1.1. General Principles

The BEAD program will adhere the requirements of Build America, Buy America Act (BABA) (2 CFR Part 184), the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.).¹ The Build America, Buy America Act 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.

¹ Initial proposal, volume 2, page 34



1.1.2. Applying the Buy America Preference²

All awards under the BEAD program with infrastructure projects must include the Buy America Preference in the terms and conditions. The Buy America Preference must be included in all subawards, contracts, and purchase orders for the work performed or products supplied under the program. The terms and conditions of the BEAD award flow down to subawards to subrecipients.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

The Buy America preference only applies to the iron and steel, manufactured products, and construction materials incorporated into an infrastructure project receiving a Federal award. If an agency has determined that no funds from a particular project receiving a Federal award will be used for infrastructure, a Buy America preference does not apply to that project.

The Buy America preference does not apply to non-infrastructure components or expenditures under an infrastructure project receiving a Federal award. The Buy America preference applies to an entire infrastructure project, even if it is funded by both Federal and non-Federal funds under one or more awards.

1.2. Categories of Articles, Materials, and Supplies

An article, material, or supply should only be classified into one of the following categories:

- 1.2.1. Iron or Steel Products
- 1.2.2. Manufactured Products
- 1.2.3. Construction Materials
- 1.2.4. Section 70917(c) Materials

1.3. Construction Material Standards

The Buy America Preference applies to non-ferrous metals, plastic and polymer-based products, glass, fiber optic cable (including drop cable), optical fiber, lumber, drywall, and engineered wood.³

1.4. Buy America Preference Waivers⁴

The DOC may issue waivers of the Buy America Preference under an infrastructure project/program in any case in which the head of the DOC finds that:

- Applying the Buy America preference would be inconsistent with the public interest (a “public interest waiver”);

² 2 CFR 200 184.8

³ See 2 CFR 184.6 for the standard associated with each construction material to be considered “produced in the United States”

⁴ Sec. 7921(b)(1) of the Build America, Buy America Act



- Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “nonavailability waiver”); or
- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an “unreasonable cost waiver”).

DOC is responsible for processing and approving all waivers, including waivers requested by ConnectLA and on behalf of subrecipients consistent with the procedures in 2 CFR 184.7. The MIAO must review every waiver. To the greatest extent practicable, waivers should be targeted to specific products and projects.

Before issuing a final waiver, the DOC must make the proposed waiver and the detailed written explanation publicly available in an easily accessible location on a website designated by the DOC and OMB. The DOC must also provide a period of not less than 15 calendar days for public comment on the proposed waiver. General applicability waivers are subject to a minimum 30-day public comment period when reviewed for modification or renewal. The MIAO may request that the DOC use a 30-day comment period for other waivers on a case-by-case basis when circumstances warrant — for example when a waiver covers items of special importance to American supply chains (such as those identified in section 3(b) of the Executive Order 13953) or involves a substantial amount of Federal funding.⁵

Subrecipients of the BEAD program should consult with the ConnectLA office to understand the process and applicability of waivers to the Buy America Preference before seeking waivers.

Full details of waiver justification types and the process DOC will apply when requesting them can be found in 2 CFR 184.7.

1.4.1. Limited Liability General Applicability Nonavailability Waiver (“Waiver”)

The purpose of this waiver is for NTIA to grant exceptions to the Buy America laws for certain products so that providers and manufacturers do not need to individually apply for waivers with a few, very limited exceptions.

The Waiver does not provide a process for manufacturers or others to seek exceptions outside of what is included in the Waiver.

The Waiver does the following key things:

- Fully waives both criteria of the Buy America requirement for all broadband electronics EXCEPT OLTs, OLT line cards, OLT optics modules and ONTs
- Waives the 55% criteria for OLTs, OLT line cards, OLT optics modules and ONTs, but requires these products to be manufactured in the U.S. and meet manufacturing process definitions detailed in the Proposed Waiver
- Waives the 55% criteria for enclosures but requires these products to be manufactured in the U.S. and meet manufacturing process criterion
- Requires other low-cost, non-electronics equipment to be sourced and manufactured in the U.S.

⁵ Made in America Office of the Office of Management and Budget



- Establishes a process for manufacturers to voluntarily self-certify Buy America compliance with NTIA for products that are required to be manufactured in the U.S.
- Prohibits the purchase of products manufactured in China for the BEAD Program
- Requires reporting of products that are purchased from foreign sources
- Provides a waiver for a term of 5 years from the date of the finalized Waiver

Procedure

The purpose of the following procedures is to ensure infrastructure projects funded under the ConnectLA BEAD program are adequately documented and in compliance with all requirements of the Build America, Buy America Act.

1.5. Evidence Standards

1.5.1. Architect or Engineer

Generally, the A/E contract should include, as a basic service, obtaining and maintaining all BABAA documentation (particularly manufacturers' certifications) during construction, which shall be transferred to the recipient. The architect or engineer will need to certify to this action at the project's end.

1.5.2. Resident Project Representative/Resident Inspector

As part of their duties, RPR/RI should be instructed to verify items delivered to the site and installed are accompanied by documentation of compliance with BABAA. They should photograph items as appropriate. RPR/RI daily logs and photographs will become part of the construction record and can be used as supporting information during audits, providing evidence for items that are buried or otherwise inaccessible.

1.5.3. Contractor

Construction contract(s) must include a requirement to procure and install only items that comply with BABAA or are subject to an approved waiver. Contractors must provide manufacturers' certifications for all BABAA-compliant items to the responsible party before a request for reimbursement to the agency is made. The contractor will be required to certify that all items used on the contract comply with BABAA and that all manufacturers' certifications were provided.

1.6. Documenting Compliance⁶

For each item to which BABAA applies (every item permanently installed on the project, except for aggregate and aggregate binding materials), a manufacturer's certification letter or other document demonstrating compliance is required. It must, at a minimum, identify the item being certified (short written description as well as part number, if applicable) and affirm that the item complies with BABAA. An authorized company representative must sign this document.

All procuring entities under the ConnectLA BEAD program are responsible for adequately documenting the compliance of all "Contractors," "Subcontractors," "Sellers," and "Material Suppliers" with the requirements of BABAA. The following is a guide that will help procuring entities work with these entities to ensure compliance is adequately documented.

⁶ OMB "Instructions for Submitting a BABAA Compliance Certification"



1.6.1. Preparation

The "Contractor," "Subcontractor," "Seller," Or "Material Supplier," should collect country-of-origin information on all the materials and components of products. For those elements and items not satisfying the BABAA requirement, separate requests for BABAA waivers must be submitted.

1.6.2. Assemble the Data

Create a table containing the country of origin for all materials and components of products employed in the project. Immediately below the material and product country-of-origin table, place the authorized and knowledgeable individual(s) signatory space and date over their printed name(s). Below each signature should appear the title of the certifying individual(s), the company's name, and the contact information, including a telephone number and email address at which the individual(s) may be reached.

1.6.3. Documentation

Prepare a document, either paper or electronic, on the letterhead of the company titled "BABAA Compliance Certification." Include the identifying project designation in the second line. Then insert the following statement:

"I hereby certify that to the best of my knowledge and belief, all Iron, Steel, Manufactured Products, and Construction Materials installed on this project by my company and by any and all subcontractors and suppliers for this project comply with the Build America, Buy America Act (BABAA) requirements of the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58, §§ 70901-70953), or are the subject of a waiver approved by the Secretary of Commerce or designee."

1.6.4. Compilation

The information tabulated in step 1.8.2, "Assemble the Data," for all materials and components of products employed in the project should then be inserted.

1.6.5. Certifying

After compiling all information and documentation, each certifying individual(s) provides a wet signature and date.

1.7. Required Contract Clause

Compliance with BABAA must be spelled out in agreements for services, construction contracts, and procurement contracts. Sample language for inclusion of contracts can be found in Appendix 1

Build America, Buy America Policy, and Compliance

1.8. Compliance

ConnectLA and subrecipients will be required to comply with Build America, Buy America requirements. NTIA will provide additional instructions in connection with the requirements set forth in this Section, including details on the manner and format that Eligible Entities will be required to document adherence in support of federal agency obligations under the ACCESS BROADBAND Act, 47 USC § 1307, and Infrastructure Act § 60105.101.



ConnectLA will ensure full preparedness for compliance requirements with Build America, Buy America once further guidance is finalized by NTIA.

1.8.1. Buy America, Build America Compliance Efforts⁷

ConnectLA understands the need to ensure that American taxpayer dollars are spent procuring needed products and supplies from American workers. The office will ensure adherence to the requirements of Build America, Buy America Act (BABAA)

Requirements 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.

Section 70912 of the Build America, Buy America Act, states 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 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.

Prospective subrecipients 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 subrecipients 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.

1.8.2. Compliance with Laws

Each prospective subrecipient must demonstrate that it is capable of carrying out funded activities in a competent manner in compliance with all applicable Federal, State, Territorial, and local laws. To submit a grant application, prospective subrecipients will be required to provide the details listed below related to compliance with applicable laws:

- Detailed history of compliance with all applicable Federal, State of Louisiana and local laws for previous broadband projects funded by federal and state programs.

To ensure that a subrecipient complies with occupational safety and health requirements, subrecipients must permit workers to create worker-led health and safety committees that management will meet with upon reasonable request. To submit a grant application, prospective subrecipients will be required to provide the details listed below related to compliance with applicable laws:

- Policies and procedures to ensure compliance with occupational safety and health requirements including worker-led health and safety committees that management will meet with upon reasonable request. (ConnectLA may utilize details or suggestions from NTIA's Workforce Planning Guide to assist with specific requirements for prospective subrecipients).

⁷Section 70912 of the Build America, Buy America Act



1.8.3. Compliance Assurance

Failure to comply with this Build America, Buy America Policy may result in corrective actions, including the withholding of or claw back of grant funds, termination of grant agreements, or other appropriate measures to rectify non-compliance.

This Build America, Buy America Policy is fundamental to achieving the goals of the BEAD program and ensuring the responsible and accountable management of grant funds. All individuals and organizations involved in the program must adhere to the provisions outlined in this policy to ensure full compliance with federal regulations and program guidelines.

1.9. Corrective Action

As part of ConnectLA's Subrecipient Management Plan⁸, the Compliance Team or ConnectLA may identify areas where the subrecipient organization requires immediate corrective action to meet the compliance requirements of the BEAD program. These areas are identified in a Subrecipient Monitoring Plan, which will be discussed during the Subrecipient Monitoring Kickoff Meeting, and a plan for implementation of corrective actions will be developed.

The Compliance Team will provide guidance to the subrecipient through the process of making corrective actions as needed. Corrective actions may include drafting and approval of policies and procedures to meet Uniform Guidance requirements, updating vendor contracts to include regulatory compliance standards of Davis-Bacon Act and Environmental Historic Preservation Act, as applicable to the subrecipient's projects, providing additional training to subrecipient staff in the management of federal funding, and providing strategies and recommendations for the tracking of BEAD funds within accounting systems.

The subrecipient will be responsible for the implementation of and continued adherence to corrective actions. The Compliance Team and ConnectLA will continue to monitor and update documentation as corrective actions are resolved.

1.10. Record Retention

All records related to grant management, including time and effort reporting, and supporting documentation, must be retained in compliance with federal regulations and program guidelines.

In accordance with 2 CFR 200.334, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to this Federal award must be retained for a minimum period of five (5) years from the submission date of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities.

Additionally, in accordance with 2 CFR 200.337⁹, the Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations,

⁸ See ConnectLA Policy 1-07_Subrecipient Management Plan policy

⁹ See BEAD NOFO, pg. 94, under transparency



excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

See Record Retention Policy for additional details including certain exemptions and exceptions.¹⁰

1.11. Training and Guidance

Grant recipients, subrecipients, staff, contractors and consultants will receive appropriate training and education on grant management procedures and requirements.

Training and education for grant recipients, subrecipients, staff, contractors and consultants within the BEAD program should encompass a wide range of topics related to effective grant management. This may include instruction on budgeting and financial reporting in compliance with specific award conditions, adherence to regulatory guidelines such as 2 CFR 200, time and effort reporting, procurement, monitoring and tracking of grant funds, and maintaining accurate record-keeping for audit purposes. Additionally, training should focus on ethical considerations and best practices to ensure the responsible and accountable use of grant funds¹¹. This comprehensive training approach aims to empower individuals and organizations within the BEAD program to successfully manage grants and contribute to the program's overarching objective.

Training will be based on individual roles and responsibilities as outlined in the Organization Structure Program Policy and the experience/knowledge of the individual in managing federal grant programs.

Prior to the subrecipient selection process, ConnectLA will communicate the requirements stipulated in the BEAD program guidance, the Build America, Buy America Act (BABA), 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.) to all prospective subrecipients. This will be completed by conducting outreach (webinars, in person meetings, etc.) to participating stakeholders, posting a list of regulations on the Office website and including grant application instructions and grant agreement terms, conditions and monitoring program requirements.¹² Additionally, once selected, subrecipients will participate in an implementation meeting within thirty (30) days of execution of the grant agreement and Louisiana will make reporting templates and instructions available at or shortly after the implementation meeting.¹³

Training will be held no less than annually and as-needed, based on updates or changes to the program or federal guidance. Training materials and confirmation of training received will be documented.

1.12. Policy Review and Revision

A process for periodic review and revision of this policy should be established to ensure its ongoing compliance with federal regulations and relevance to the BEAD program. A Policy Environment will be established with review and formal approval of policies by the Recipient. Revisions based on programmatic changes or updated federal guidance will be evaluated, reviewed, and approved by the Recipient and incorporated and documented in the Policy Environment.

¹⁰ See 2 CFR 200.334 and Volume 2, HB653, pg. 180 and elsewhere on confidentiality of ISP proprietary data

¹¹ See also Anti-Fraud, Waste and Abuse Policy.

¹² See Volume 2, Section 2.4.5, page 33.

¹³ See Volume 2, HB653, pg. 176.





APPENDIX 1 – SAMPLE LANGUAGE FOR INCLUSION INTO CONTRACTS

Build America, Buy America Act Sample Language for Inclusion Into Contracts (to include loans, grants, and loan guarantee documents)¹⁴

Sample Language for Inclusion into Recipient Contracts

Domestic Preference Requirements for Federal Financial Assistance to Non-Federal Entities. Federal Financial Assistance to Non-Federal Entities, defined pursuant to 2 CFR 200.1 as any State, local government, Indian tribe, Institution of Higher Education, or nonprofit organization, shall be governed by the requirements of Section 70914 of the Build America, Buy America Act (BABAA), under Title IX of the Infrastructure Investment and Jobs Act, Pub. L. 117-58. Any requests for waiver of these requirements must be submitted pursuant to USDA’s guidance available online at [USDA Buy America Waivers for Federal Financial Assistance | USDA](#).

¹⁴ USDA Attachment F - BABAA Sample Language for Inclusion into contracts.
<https://www.rd.usda.gov/media/file/download/babaa-samplelanguage-inclusionintocontracts.pdf>



Sample Language for Inclusion into Professional Services Agreements

Short Form for Entities Experienced Working with Domestic Preference Requirements

This agreement is for professional services related to a project that is subject to the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. 177-58. While professional services are not subject to BABAA, the Provider understands that they are responsible for ensuring that, absent a waiver by the [name of Federal Agency], Provider shall not approve for use in this project, any iron, steel, manufactured products, or construction materials unless such materials have been produced in the United States. Provider shall obtain all necessary compliance certificates for work that is within provider’s scope of work. Failure to do so shall be a default under this agreement. Guidance on complying with BABAA is outlined by the Office of Management and Budget’s Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, April 18,2022.

More Detailed Form for Entities Less Experienced Working with Domestic Preference Requirements

Add to main body of agreement:

This agreement is for services related to a project that is subject to the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. 177-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget’s Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, April 18,2022.

Add to description of services:

Opinions of total project costs and revisions thereof should reflect compliance with BABAA requirements.

Determine and certify that to the best of Provider’s knowledge and belief all iron and steel products, manufactured products, and construction materials referenced in any technical analysis/report; the plans, specifications, and bidding documents; any bid addenda; and change orders comply with all federal requirements, including BABAA.

Review and approve or take action with respect to shop drawings, samples, and other required Contractor submittals, including applications for payment, to ensure compliance with BABAA.

Review substitutes and “or equals” for conformity with contract conditions, [insert name of Agency] regulations, and BABAA requirements.

Obtain and review manufacturers’ and contractors’ certifications on compliance with BABAA requirements and maintain copies of certifications in project files.

Assist Owner, if needed, in due diligence related to any BABAA waiver request.



Sample Language for Inclusion into Construction Contracts

Advertisement for Bids

This agreement is for services related to a project that is subject to the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. 177-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget’s Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, April 18, 2022.

Instructions to Bidders

Any request for substitute or “or equal” shall include the Manufacturer’s Certification of compliance with the Build America, Buy America Act (BABAA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L.

177-58.

If the Instructions include a Federal requirements section, include the following: BABAA requirements apply to this project.

Bid Form

Bidder’s representation section: Bidder is familiar with all laws and regulations that may affect cost, progress, and performance of the work, including BABAA requirements.

General or Supplemental Conditions

Definitions section:

Build America, Buy America Act (BABAA) – Requirements instituted by the Bipartisan Infrastructure Law of 2021 mandating domestic preference that all iron and steel, manufactured products, and construction materials are produced in the United States.

Construction Materials – Those articles, materials, or supply – other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives – that are or consist primarily of: non-ferrous metals, plastic and polymer-based products, glass, lumber or drywall.

Manufactured Product – Items assembled out of components, or otherwise made or processed from raw materials into finished products. Manufactured products must be manufactured (assembled) in the United States, and the cost of components that were mined, produced, or manufactured in the United States must be greater than 55 percent of the total cost of all components of the project.

Manufacturer’s Certification – Documentation provided by a Manufacturer, certifying that the items provided by Manufacturer meet the domestic preference requirements of BABAA.



Contractor's Responsibilities section:

All products must meet BABAA requirements.

Contractor shall include Manufacturer's Certification for BABAA requirements with all applicable submittals. If a specific manufacture is used in the bidding, a statement that Manufacturer will comply with BABAA must be included with the bid submission. Contractor shall comply with BABAA requirements, including coordination with manufacturers, distributors, and suppliers to correct deficiencies in any BABAA documentation.

Engineer/Architect approval of shop drawings or samples shall include review of BABAA documentation.

Contractor shall certify upon completion that all work and materials have complied with BABAA requirements.

For any change orders, Contractor shall provide BABAA documentation for any new products or materials required by the change.

Installation of materials or products that are not compliant with BABAA requirements shall be considered defective work. Contractor should ensure that Engineer/Architect has an approved Manufacturer's Certification or waiver prior to items being delivered to the project site.

By submitting an application for payment, based in whole or in part on furnishing equipment or materials, Contractor certifies that such equipment and materials, to contractor's knowledge, are compliant with BABAA requirements.

Federal Requirements section:

Domestic Preference: Iron and steel products, Manufactured Products, and Construction Materials used in this project comply with the Build America, Buy America Act (BABAA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 177-58.



V1.0
12/11/2023



POLICY NUMBER: 1-14

TITLE: BEAD Program – Record Retention Policy

EFFECTIVE DATE: 01/22/2024

LAST REVIEW DATE:



Louisiana Broadband Equity, Access, and Deployment (BEAD) Program



Purpose

This Record Retention Policy for the Louisiana Broadband, Equity, Access, and Development (BEAD) program is provided to assist program staff, subrecipients and contractors in implementing and managing broadband expansion grants provided by U.S. Department of Commerce Broadband Equity, Access, and Deployment Fund (BEAD) under the federal Infrastructure Investment & Jobs Act. It provides guidance regarding the general requirements that apply to units of local government.

Version History

01/22/2024	Version 1.0 Published

Version Policy

Version history is tracked in the table above, with notes regarding version changes. The dates of each publication are also tracked in this table. Policy changes within this document will result in the issuance of a new primary version number with a publish date clearly noted. For example, a change in eligibility criteria to the program would warrant issuance from Version 1.0 to Version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and the issuance of a new primary version number.

Scope

It is the responsibility of the Louisiana Office of Broadband Development and Connectivity (ConnectLA) BEAD staff to ensure that subrecipients comply with all provisions of this policy, state and federal rules and regulations, and the grant award agreement. Subrecipients must also carry out proper and efficient grant administrative practices. The Record Retention Policy is intended to provide clear areas of responsibility to ensure consistent application of the procedures outlined in the Policy. Due to this unprecedented endeavor, it is anticipated that circumstances will arise that will require deviations from the processes outlines in this policy. In those instances, the reason for the deviations needs to be clearly documented and included ConnectLA's and subrecipients file. In some cases, these circumstances will require amending the Record Retention Policy to include new or revised policies or procedures to accommodate these situations.

Definitions and Acronyms

Agency - Any state, parish and municipal office, department, division, board, bureau, commission, authority, or other separate unit of state, parish, or municipal government created or established by the constitution, law, resolution, proclamation, or ordinance.

BEAD - Broadband Equity Access and Deployment Program.



Broadband; Broadband Service - The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in Section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation, meaning it is a mass-market retail service by wire or radio that provides the capability to transmit data with a minimum of one hundred megabits per second, or Mbps, download 21 and receive data at least twenty megabits per second upload transmission speeds, from all or substantially all internet endpoints. This includes any capabilities that are incidental to and enable the operation of the communications service but excluding dial-up internet access service.

Broadband DATA Maps - Maps created in accordance with the 18 provisions of 47 U.S.C. 642.

CFR – Code of Federal Regulations.

Compliance Team - The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, Uniform Guidance and federal grant funding.

Consultants - Individuals or entities hired by grant recipients or subrecipients to provide professional services related to the BEAD program.

Contract/Contractors - Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award.

Corrective Action – Required steps to be taken to resolve identified findings and/or concerns.

Custodian – The public official or head of any public body having custody of a public record or representative specifically authorized to respond to requests to inspect any such public records.

DOC – U. S. Department of Commerce.

Eligible Entity - Any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands or, in the case of an application failure, a political subdivision or consortium of political subdivisions that is serving as a Substitute Entity. As used in this policy, the State of Louisiana, Office of Broadband Development & Connectivity (ConnectLA) is the grant recipient of Louisiana’s BEAD formula grant funds from the U.S. Department of Commerce.

Infrastructure - Existing facilities, equipment, materials, and structures that an internet service provider has installed either for its core business or public enterprise purposes. Examples include but are not limited to copper wire, coaxial cable, optical cable, loose tube cable, communication huts, conduits, vaults, patch panels, mounting hardware, poles, generators, batteries and cabinets, network nodes, network routers, network switches, microwave relays, microwave receivers, site routers, outdoor cabinets, towers, easements, rights-of-way, and buildings or structures owned by the entity that are made available for location or collocation purposes.

ISP – Internal Service Provider/Broadband Service Provider.

Local Government - A parish, municipality, or school board.

NTIA - National Telecommunications and Information Administration.



NOFO – Notice of Funding Opportunity (NOFO) includes a description of the project and the entities that are eligible to apply.

Non-Permanent Record – Records that possess temporary value to the day-to-day operation of the agency or to the preservation of the institutional memory of that agency.

Permanent Record – A record that will never be destroyed.

Public Record – Documentary material, regardless of physical format, which is prepared, used or retained by a public entity in connection with regular agency business under the laws of the State of Louisiana.

Retention Period – The date timeline identifying how long documents and records are to be kept.

Retention Schedule – A list of records maintained by all or part of an organization and/or program with the period of time that each record is to be kept. Record retention schedule apply to records in all formats (including paper, photographs and videos, e-mail and other electronic records such as scanned paper records, word processed documents, spreadsheets, records in databases or document management systems, digital photographs and videos, etc.)

Secretary of State – Agency in charge with overseeing the approval of the record retention schedules of state and local entities.

Shapefile - A file format for storing, depicting, and analyzing geospatial data depicting broadband coverage, comprised of several component files.

Staff - Employees of grant recipients, subrecipients, and consultants.

Subgrant/subaward - An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient/subgrantee - An entity, usually but not limited to non-Federal entities, which receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. The term “subgrantee” or “subrecipient” means an entity that receives grant funds from an Eligible Entity to carry out eligible activities.

BEAD Specific Policies and Regulatory Framework

- BEAD NOFO – meeting the least minimum requirements set forth and consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).
- Louisiana ACT 383 (GUMBO 2.0) of 2023 (Adds R.S. 51:2370.21-2370.33; Amends R.S. 44:4.1(B)(35))
- Louisiana Revised Statute 44:402(5)
- Louisiana Public Records Law – Revised Statute 44:1



- 2 CFR 200.334-337

Records Management

This policy outlines the procedures record retention compliance while adhering to the applicable BEAD program requirements, Louisiana State laws, and 2 CFR 200. It is intended to establish a policy framework for BEAD program staff, contractors, subrecipients and any other resources engaged to support the successful delivery of the BEAD program.

The compliance oversight will be driven by the Compliance Team who has adequate knowledge and experience to effectively implement the BEAD program. The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, Uniform Guidance, and federal grant funding.

1.1. Record Types

1.1.1.1. Public Records

Notwithstanding any provision of ACT 383, 2370.25, all records related to the GUMBO 2.0 program are public records as provided by the Public Records Law, R.S. 44:1.1 et seq., except for a broadband service provider's trade secret and proprietary information, including coverage data, maps, and shapefiles.

ConnectLA shall treat any information submitted with a broadband availability challenge or grant award protest that is not publicly available as confidential and subject to trade secrets protections of state law upon a challenging broadband service provider's request for confidential treatment.

Public Records are defined in R.S. 44:1(A)(2)(a) to include all of the following, including copies, duplicates, photographs (including microfilm or other reproductions¹:

- Books
- Records
- Writings
- Accounts
- Letters and letter books
- Maps
- Drawings
- Photographs
- Cards
- • Tapes
- Recordings
- Memoranda
- Papers
- Documentary Materials (regardless of physical form or characteristics, and including), electronically stored information or information contained in databases, or in electronic data processing equipment)

¹ Louisiana State Public Records Law, Revised 07/20/2012



Note: This list is illustrative and not exclusive.

The documents must have been used, in use, or prepared, possessed, or retained for use in the following:

- Conduct, transaction, or performance of any:
 - Business o Transaction
 - Work
 - Duty
 - Function
- Conducted, transacted, or performed:
 - By or under the authority of the constitution or laws of the state
 - By or under the authority of any:
 - Ordinance, regulation, mandate, or order of any public body
 - Concerning the receipt or payment of any money received or paid by or under the authority of the constitution or laws of the state:
 - Records regarding public funds are public records; therefore, right to inspection of non-public foundations exists -- provided that inspection is limited to records regarding the public funds. State ex rel. Guste v. Nicholls College Foundation, 592 So.2d 419 (La. App. 1 Cir. 1991).

1.1.1.1.1. Personally Identifiable Information and Business Identifiable Information

All files containing personally identifiable information (PII) and business identifiable information (BII) must be handled in a secure manner in accordance with applicable laws. ConnectLA General Counsel will be the point of contact to review and compile public requests information directly. They will coordinate with ConnectLA on an as needed basis.

1.1.1.1.2. Personally Identifiable Information

Personally identifiable information is defined as any information about an individual maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information that can be used to distinguish or trace an individual's identity, such as his or her name, SSN, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information that is linked or linkable to an individual.²

PII may be available publicly, however, in the operation of the BEAD program, ConnectLA staff, contractors, subrecipients and any resource provided with PII while aiding in the implementation of the program, should implement PII safeguarding measures.³

1.1.1.1.3. Business Identifiable Information

Business identifiable information (BII) is defined as any information maintained by an agency or organization, included but not limited to, financial transactions, legal documents or records, employee

² Office of Management and Budget 07-16

³ Privacy Act of 1974



identification numbers, foreign activities, photographic identifiers, protected health information, salary, work address or other business contact information.

BII may be available publicly, however, in the operation of the BEAD program, ConnectLA staff, contractors, subrecipients and any resource provided with BII while aiding in the implementation of the program, should implement PII safeguarding measures.⁴

1.1.1.1.4. Public Record Exemptions

Documents that may otherwise be Public Records are exempted from inclusion if the Louisiana Constitution provides an exemption, such as the right to privacy afforded under Article I, Section 5. Documents may also be statutorily exempted in Title 44 Chapter 1 of the Louisiana Revised Statutes⁵.

Examples of exempted documents include:

- The work papers of the Legislative Auditor.
- Documents containing trade secrets or proprietary information.
- Documents pertaining to the security procedures, investigative techniques, or containing internal security information of a body.
 - Security camera video tapes are not exempted and are public records subject to inspection by the public; however, video of executive session may be excluded. AG Op No 05-0166.
- Protected health information as defined in R.S. 29:762(10).
- Documentation or other information related to closed litigation claims that are provided by a State entity to the litigation subcommittee of the Joint Legislative Committee on the Budget pursuant to R.S. 24:653(H)(3)⁶.
- Investigative records (R.S. 44:3) held by attorney general, police, district attorney, etc. pertaining to pending criminal litigation.

Additional exceptions, exemptions, and limitations to the laws pertaining to public records exist throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are continued in effect in the operation of the GUMBO 2.0 program⁷.

1.1.1.1.5. Public Records Request

All local governments including ConnectLA and eligible grant recipients operated by local government can be subject to a public records request at any time. All requests for public documents should be directed to the custodian of the records. All local governments including ConnectLA and eligible grant recipients operated by local government should follow the guidelines provided by the Louisiana Public Records Law R.S. 44:31 to adequately comply and adhere to any public records request including charging a fee for copies of records to persons requesting.

⁴ Privacy Act of 1974

⁵ Louisiana Revised Statute 44:4:1(B)

⁶ Enacted by Act 291 of the 2023 Regular Session (Effective 08/01/23)

⁷ (35) R.S. 51:710.2(B), 705, 706, 936, 1363.1, 1404, 1926, 1934, 2113, 2182, 2262, 2318, 2370.3, 2370.16, 2370.25, 2370.27, 2389



ConnectLA will notify its staff, contractors, consultants, subrecipients and any other resources engaged to support the successful delivery of the BEAD program that information submitted to the office may become a public record pursuant to the Public Records Law.⁸

DOC may not place restrictions on ConnectLA that limits public access to records pertinent to the BEAD program and GUMBO 2.0, except for protected health information or controlled unclassified information pursuant to Executive Order 13556.⁹

1.1.1.2. Permanent Records

A permanent record is one that will never be destroyed. These records should be preserved for administrative, historical, or other research purposes. Examples of permanent records include, but are not limited to:

- Minutes of Meetings
- Financial Journals
- Oaths of Office
- Legislative Bills
- Policy Memoranda
- Legislative Acts
- Records over 50 years old
- Old Photographs of historic value

Pursuant to R.S. 44:10 agencies utilizing imaging for the creation and maintenance of long term and/or archival records may use imaging for administrative purpose provided that, for preservation purposes, the agency either (1) maintains the original source documents for the retention period listed on the agency's retention schedule; or (2) produces a microfilm back up of the records and stores the microfilm with the Secretary of State Archives.

1.1.1.3. Non-Permanent Records

Non-permanent records possess temporary value to the day-to-day operation of the agency or to the preservation of the institutional memory of that agency. How long records retain their value to the agency will determine whether these records are characterized as long-term, short-term, or transitory records. Examples of some records that typically become unnecessary over time are:

- Award agreements and amendments
- Monitoring and Audit reports
- Grant Applications and supporting documentation
- Performance Reports
- Financial Records
- Planning Documentation
- Correspondence related to the grant program
- Any other administrative records related to program administration
- Environmental and regulatory compliance documentation

⁸ Louisiana Revised Statute 44:33.1(B)

⁹ 2 CFR 200.338



1.1.1.3.1. Long-term Record

A long-term record is a non-permanent record with a total retention requirement of over 10 years but less than permanent. The Department of Commerce may request that ConnectLA and/or a subrecipient transfer records to its custody if the agency determines that the records have value and warrants long-term retention. It may also instead arrange for ConnectLA and/or its subrecipients to retain records that are continually needed for joint use.¹⁰ Records transferred to the DOC are exempt from record retention requirements.¹¹

1.1.1.3.2. Short-term Record

A short-term record is a non-permanent record with a total retention requirement of 10 years or less.

1.1.1.3.3. Transitory Records

Transitory records are non-permanent records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions. They are not considered public records and therefore may be immediately destroyed. Examples of transitory records are sticky notes or any writing that is temporary, unnecessary, and of no value

Non-permanent records of the BEAD program and the GUMBO 2.0 program must adhere to the record retention guidelines set forth in this Policy.

Record Retention

1.2. Documentation and Storage

1.2.1.1. Documentation

ConnectLA and its subrecipients should, whenever practicable, collect, transmit, and store BEAD program award-related information in open and machine-readable formats rather than in closed formats or on paper in accordance with applicable legislative requirements. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a web browser or computer system.

ConnectLA and its subrecipients must always provide or accept paper versions of BEAD program related information to and from upon request. If paper copies are submitted, ConnectLA must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable¹².

1.2.1.2. Records Storage

ConnectLA shall coordinate the transfer of records designated for temporary storage at the State Records Center pursuant to the rules, policies, and procedures established by the State Archives. ConnectLA will

¹⁰ 2 CFR 200.334

¹¹ 2 CFR 200.333(d)

¹² 2 CFR 200.336



notify the State Archives Record Officer when records are packaged and ready for transfer per the approved Record Retention Schedule.

No records shall be transferred until approval is received from the State Archives.

1.2.1.3. Electronic Methods¹³

Some documents may be kept electronically under an imaging exception granted by the Secretary of State. The imaging exception allows original documents that are short term records to be destroyed immediately after scanning or imaging. The scanned or imaged hard copy becomes the Digital Original. Agencies may use imaging without maintaining the original or a microfilm copy of the original short-term record provided that:

- 1) The record series has been included on the agency's retention schedule approved by the State Archivist;
- 2) A quality control inspection of the images is conducted prior to the destruction of the original source documents to ensure visibility and accessibility; and
- 3) The proper approval has been secured by the State Archives prior to the destruction of the original source documents.

Agencies utilizing imaging for the creation and maintenance of long term and/or archival records may use imaging for administrative purpose provided that, for preservation purposes, the agency either

- 1) Maintains the original source documents for the retention period listed on the agency's retention schedule; or
- 2) Produces a microfilm back up of the records and stores the microfilm with the State Archives.

Note: Imaging exceptions must be renewed at least every (5) five years.

1.2.1.4. Imaging Exception

If ConnectLA converts paper records to electronic formats, they must retain the original source documents unless the State Archives approves an exception. In the event ConnectLA desires an exception, the Executive Director or his or her designee, shall coordinate the imaging exception application process, submitting the appropriate exception forms to State Archives. No records shall be disposed of until approval is received from State Archives.¹⁴

Note: Exceptions may only be granted for records approved for a retention of 10 years or less.

1.2.1.5. Legal Hold

In the event a legal hold is placed on an agency in cases of potential or ongoing litigation, agency records must not be destroyed.

1.3. Records Disposition/Destruction Guidance

Records disposition guidance is designed to ensure that necessary records and documents are adequately protected and maintained. Before disposition or destroying records, ConnectLA and its staff,

¹³ Louisiana R.S. 44:4410

¹⁴ Louisiana Revised Statutes 44:39



contractors, consultants, subrecipients and any other resources engaged to support the successful delivery of the BEAD program will:

- Ensure records that have not met their minimum retention period are not accidentally destroyed;
- Protect records that have satisfied their minimum retention but are needed for other purposes, such as litigation or investigation;
- Control the creation and duplication of records; and
- Create economic benefit by freeing up valuable office space that otherwise might be used for storage of records that are no longer useful to the agency.

1.3.1.1. General Accepted Principles for Records Disposition

ConnectLA and its staff, contractors, consultants, subrecipients and any other resources engaged to support the successful delivery of the BEAD program will adhere to the ARMA International (formerly known as the Association of Records Managers and Administrators) www.arma.org Generally Accepted Recordkeeping Principles (GARP). Under GARP, best practices for records disposition include, but are not limited to:

- That the destruction of records occurs in the normal course of business; and
- The agency does not retain records after the retention period has expired and destruction approval is received.

1.3.1.1.1. Records Disposition Authorization¹⁵

Two levels of authorization are required for the destruction of records:

- 1) An internal authorization by the Executive Director or Deputy Director; and
- 2) A formal destruction authorization from the State Archivist, pursuant to an approved records retention schedule, together with completion of a records destruction certificate.

Each organization is required to name a records officer who is made responsible for the process. The agency's records officer gives the final internal approval for destruction.

After internal approval for destruction has been made, a disposal request is sent to the State Archivist. Once a disposal request has been received by the State Archivist, the agency will be notified within 30 days of receipt that their disposal request:

- 1) Has been approved;
- 2) Has been denied with an explanation;
- 3) Contains records that should be transferred to the State Archives for possible inclusion;
or
- 4) Requires an additional 30 days to review.

Public records may not be destroyed without approval from the State Archivist.

¹⁵ Louisiana R.S. 44:36(A)



Record Retention and Policy Compliance

All records related to grant management, including time and effort reporting, and supporting documentation, must be retained in compliance with federal regulations and program guidelines.

1.4. Retention Schedule

ConnectLA will adhere to the Record Retention Schedule, R2023-193, in Appendix 1 which was approved by the Louisiana Secretary of the State on March 17, 2023. The approved Record Retention Schedule, R2023-193, is valid for five (5) years from the date of approval by the State Archives.

ConnectLA shall coordinate submission of a renewal schedule to the State Archives ninety (90) days prior to the five-year anniversary.

1.5. Retention Period

In accordance with 2 CFR 200.334, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to this Federal award must be retained for a minimum period of five (5) years from the submission date of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:

- 1) If any litigation, claim, or audit is started before the expiration of the 5-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- 2) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
- 3) Records for real property and equipment acquired with Federal funds must be retained for 5 years after final disposition.
- 4) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 5-year retention requirement is not applicable to the non-Federal entity.
- 5) Records for program income transactions after the period of performance. In some cases, recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.
- 6) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).
 - a. ***If submitted for negotiation.*** If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 5-year retention period for its supporting records starts from the date of such submission.



- b. ***If not submitted for negotiation.*** If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 5-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

1.5.1. Access to Records

Additionally, in accordance with 2 CFR 200.337¹⁶, the Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

1.6. Compliance

ConnectLA and subrecipients will be required to comply with all Record Retention requirements set forth in this policy.

1.6.1. Compliance with Laws

Each prospective subrecipient must demonstrate that it is capable of carrying out funded activities in a competent manner in compliance with all applicable Federal, State, Territorial, and local laws. To submit a grant application, prospective subrecipients will be required to provide the details listed below related to compliance with applicable laws:

- Detailed history of compliance with all applicable Federal, State of Louisiana and local laws for previous broadband projects funded by federal and state programs.

To ensure that a subrecipient complies with occupational safety and health requirements, subrecipients must permit workers to create worker-led health and safety committees that management will meet with upon reasonable request. To submit a grant application, prospective subrecipients will be required to provide the details listed below related to compliance with applicable laws:

- Policies and procedures to ensure compliance with occupational safety and health requirements including worker-led health and safety committees that management will meet with upon reasonable request. (ConnectLA may utilize details or suggestions from NTIA's Workforce Planning Guide to assist with specific requirements for prospective subrecipients).

1.6.2. Compliance Assurance

Failure to comply with this Record Retention policy may result in corrective actions, including the withholding of or claw back of grant funds, termination of grant agreements, or other appropriate measures to rectify non-compliance. ConnectLA employees shall comply with and exercise diligence and care in preserving records for the period of time specified in the approved Records Retention Schedule.

¹⁶ See BEAD NOFO, pg. 94, under transparency



1.7. Corrective Action

ConnectLA employees found to have violated this policy may be subject to disciplinary action, up to and including dismissal.

As part of ConnectLA's Subrecipient Management Plan¹⁷, the Compliance Team or ConnectLA may identify areas where the subrecipient organization requires immediate corrective action to meet the compliance requirements of the BEAD program. These areas are identified in a Subrecipient Monitoring Plan which will be discussed during the Subrecipient Monitoring Kickoff Meeting, and a plan for implementation of corrective actions will be developed.

The Compliance Team will provide guidance to the subrecipient through the process of making corrective actions as needed. Corrective actions may include drafting and approval of policies and procedures to meet Uniform Guidance requirements, updating vendor contracts to include regulatory compliance standards of Davis-Bacon Act and Environmental Historic Preservation Act, as applicable to the subrecipient's projects, providing additional training to subrecipient staff in the management of federal funding, and providing strategies and recommendations for the tracking of BEAD funds within accounting systems.

The subrecipient will be responsible for the implementation of and continued adherence to corrective actions. The Compliance Team and ConnectLA will continue to monitor and update documentation as corrective actions are resolved.

1.8. Training and Guidance

Grant recipients, subrecipients, staff, contractors and consultants will receive appropriate training and education on grant management procedures and requirements.

Training and education for grant recipients, subrecipients, staff, contractors and consultants within the BEAD program should encompass a wide range of topics related to effective grant management. This may include instruction on budgeting and financial reporting in compliance with specific award conditions, adherence to regulatory guidelines such as 2 CFR 200, time and effort reporting, procurement, monitoring and tracking of grant funds, and maintaining accurate record-keeping for audit purposes. Additionally, training should focus on ethical considerations and best practices to ensure the responsible and accountable use of grant funds¹⁸. This comprehensive training approach aims to empower individuals and organizations within the BEAD program to successfully manage grants and contribute to the program's overarching objective.

Training will be based on individual roles and responsibilities as outlined in the Organization Structure Program Policy and the experience/knowledge of the individual in managing federal grant programs.

Prior to the subrecipient selection process, ConnectLA will communicate the requirements stipulated in the BEAD program guidance, the Build America, Buy America Act (BABA), 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.) to all prospective subrecipients. This will be completed by conducting outreach (webinars, in person meetings, etc.) to participating stakeholders, posting a list of regulations on the

¹⁷ See ConnectLA Policy 1-07_Subrecipient Management Plan policy

¹⁸ See also Anti-Fraud, Waste and Abuse Policy.



Office website and including grant application instructions and grant agreement terms, conditions and monitoring program requirements.¹⁹ Additionally, once selected, subrecipients will participate in an implementation meeting within thirty (30) days of execution of the grant agreement and Louisiana will make reporting templates and instructions available at or shortly after the implementation meeting.²⁰

Training will be held no less than annually and as-needed, based on updates or changes to the program or federal guidance. Training materials and confirmation of training received will be documented.

1.9. Policy Review and Revision

A process for periodic review and revision of this policy should be established to ensure its ongoing compliance with federal regulations and relevance to the BEAD program. A Policy Environment will be established with review and formal approval of policies by the Recipient. Revisions based on programmatic changes or updated federal guidance will be evaluated, reviewed, and approved by the Recipient and incorporated and documented in the Policy Environment.

¹⁹ See Volume 2, Section 2.4.5, page 33.

²⁰ See Volume 2, HB653, pg. 176.



Appendix 1

R2023-193, Record Retention Schedule, approved 3/17/2023



Records Retention Schedule

SS ARC-932 (09/20)

Louisiana State Archives—Records Management
Louisiana Secretary of State
Post Office Box 94125, Baton Rouge, LA 70804

recmat@sos.la.gov

Page 1 of 2 R2023-193 HH	
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Indicate Use of Form	
Remarks	

Agency No: 003.000 Agency / Division / Section: Division of Administration / Office of Broadband Development and Connectivity

Item Number	Records Series Title	Retention Period			Security	Archival	State Records Center	Vital	Remarks
		In Office	In Storage	Total Retention					
1.	GUMBO State Grants Administration Files	ACT	5 FY	ACT + 5 FY	M	S	N	V	ACT = Until end of FY in which grant closes out.
2.	GUMBO Federal Grants Administration Files	ACT	5 FFY	ACT + 5 FFY	M	S	N	V	ACT = Until end of FFY in which grant closes out.
3.	GUMBO Grant Program Solicitations, Requests for Proposals, Invitations to Bid	ACT	5 CY	ACT + 5 CY	M	S	N	V	ACT = Until end of CY in which created or received.
4.	GUMBO Grant Program Scoring Documents	ACT	5 CY	ACT + 5 CY	M	S	N	V	ACT = Until end of CY in which created or received.
5.	GUMBO Grant Program Awards	ACT	5 CY	ACT + 5 CY	M	S	N	V	ACT = Until end of CY in which created or received.
6.	Protests (includes decisions)	ACT	5 CY	ACT + 5 CY	M	S	N	I	ACT = until end of CY in which decision is issued.
7.	Appeals of Protest Decisions (includes decisions)	ACT	5 CY	ACT + 5 CY	M	S	N	I	ACT = until end of CY in which decision is issued.
8.	La. R.S. 51:2370.12 Annual Reports	ACT	5 FY	ACT + 5 FY	P	S	N	V	ACT = until end of FY report is created or received.
9.	Mapping Tools	ACT	5 CY	ACT + 5 CY	M	S	N	U	ACT = Until end of CY in which created or received.
10.	Shape Files	ACT	5 CY	ACT + 5 CY	M	S	N	U	ACT = Until end of CY in which created or received.
11.	Project Management Records	ACT	5 CY	ACT + 5 CY	M	S	N	I	ACT = Until end of CY in which project is complete.
12.	Correspondence in conjunction with administration of GUMBO Grant Program	ACT	5 CY	ACT + 5 CY	M	S	N	U	ACT = Until end of CY in which created or received.

Permitted Retention Period Abbreviations
 ACT – Active Period (when used define term in remarks column)
 FY – Fiscal Year (July 1 - June 30)
 CY – Calendar Year (Jan 1 – Dec 31)
 AY – Academic Year (Aug 1 – July 31)
 FFY – Federal Fiscal Year (Oct 1 – Sept 30)
 MO – Months WK – Week DY - Day(s)
 PERM – Permanent

Security Status Codes
 P – Public Record
 M – May Contain Confidential Information
 C – Confidential Information

Archival Processing Codes
 A – Transfer to State Archives
 R – Retain in Agency Archives
 S – Review by State Archives
 O – Other (Specify in Remarks)

State Records Center Use
 Y – Yes
 N – No

Vital Record Identification Code
 V= Vital
 I = Important
 U= Useful

Agency Abbreviations
 OBC = Office of Broadband Development & Connectivity
 RFP = Request for Proposal
 ITB = Invitation to Bid

Agency Approval

3/16/23
Date Signed

Secretary of State, State Archives & Records Services

3/17/2023
Date Approved



Records Retention Schedule

SS ARC-932 (09/20)

Louisiana State Archives—Records Management
Louisiana Secretary of State
Post Office Box 94125, Baton Rouge, LA 70804

recmct@sos.la.gov

Page 2 of 2

Indicate Use of Form
 ORIGINAL SUBMISSION
 RENEWAL
 REPLACEMENT PAGE
 ADDENDUM PAGE

Remarks

Item Number	Records Series Title	Retention Period			Security	Archival	State Records Center	Vital	Remarks
		In Office	In Storage	Total Retention					
Division of Administration / Office of Broadband Development and Connectivity									
13.	General Correspondence	ACT	5 CY	ACT + 5 CY	M	S	N	U	ACT = Until end of CY record is created or received.
14.	Public Records Requests	ACT	5 CY	ACT + 5 CY	P	S	N	I	ACT = Until end of CY in which request is closed.
15.	Reports and Audits	ACT	5 CY	ACT + 5 CY	M	S	N	I	ACT = Until end of CY report or audit was created.
16.	Personnel Records (Payroll, Time, Attendance, Leave)	ACT	5 CY	ACT + 5 CY	C	S	N	U	ACT = Until end of CY employment ends.
17.	Administrative Records (Bills, purchasing records, travel, calendars, etc.)	ACT	5 CY	ACT + 5 CY	M	S	N	U	ACT = Until end of CY in which action occurred.
18.	Contracts (standard, including amendments)	ACT	5 CY	ACT + 5 CY	M	S	N	U	ACT = Until end of CY contract expires or terminates.
19.	Records Management Files (Record Center transmittals, disposal approvals, certificates of destruction, approved schedules, RO designations)	PERM	PERM	PERM	P	R	N	I	
20.	Records Management Administration Files (correspondence)	ACT	5 CY	ACT + 5 CY	M	S	N	U	ACT = Until the end of CY when file is closed or expired.
Permitted Retention Period Abbreviations		Security Status Codes			State Records Center Use			Agency Abbreviations	
ACT – Active Period (when used define term in remarks column)		P – Public Record			Y – Yes			OBC = Office of Broadband Development & Connectivity	
FY – Fiscal Year (July 1- June 30)		M – May Contain Confidential Information			N – No			RO = Records Officer	
CY – Calendar Year (Jan 1 – Dec 31)		C – Confidential Information			Vital Record Identification Code				
AY – Academic Year (Aug 1 – July 31)		Archival Processing Codes			V = Vital				
FFY – Federal Fiscal Year (Oct 1 – Sept 30)		A – Transfer to State Archives			I = Important				
MO – Months WK – Week DY – Day(s)		R – Retain in Agency Archives			U = Useful				
PERM – Permanent		S – Review by State Archives							
		O – Other (Specify in Remarks)							

Agency Approval

3/16/23
Date Signed

Secretary of State, State Archives & Records Services

3/17/2023
Date Approved