

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM  
FINANCIAL ASSISTANCE  
SPECIFIC AWARD CONDITIONS**

**1. REVISED - Introduction:**

The National Institute of Standards and Technology (NIST), servicing for the National Telecommunications and Information Administration (NTIA), hereby amends this Grant number 18-20-B297 with State of Indiana to support the work described in the proposal, to include the final approved versions of the Letter of Intent, Initial Proposal, Initial Proposal Funding Request, Final Proposal, and Final Proposal Funding Request, including any revisions entitled “Indiana BEAD Planning Grant Program” dated August 12, 2022, August 31, 2022, September 22, 2022, December 24, 2023, May 23, 2024, September 19, 2025 and December 2, 2025 and any revisions received during the application review, which are hereby incorporated into this award by reference. Where the terms of this award and the proposal differ, the terms of this award shall prevail.

**2. Recipient Contact Information:**

**Administrative:**

Steve Cox  
Infrastructure and Broadband Administrator  
Indiana Office of Management & Budget  
200 W. Washington, Room 102  
Indianapolis, Indiana 46204-2731  
Telephone: (317) 407-1530  
Email: [stcox@iot.in.gov](mailto:stcox@iot.in.gov)

**3. REVISED - NTIA Contact Information:**

**Federal Program Officer:**

Graham Fishell  
National Telecommunications and Information Administration  
1401 Constitution Avenue, NW  
Washington, DC 20230  
Telephone: (202) 451-1004  
Email: [gfishell@ntia.gov](mailto:gfishell@ntia.gov)

**4. REVISED - NIST Award Contact Information:**

**Grants Officer:**

Yongming Qiu  
National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650  
Gaithersburg, MD 20899-1650  
Email: [yongming.qiu@nist.gov](mailto:yongming.qiu@nist.gov)

**Grants Specialist:**

Maxwell Cassity  
National Institute of Standards and Technology  
100 Bureau Drive, Mail Stop 1650  
Gaithersburg, MD 20899-1650  
Email: [maxwell.cassity@nist.gov](mailto:maxwell.cassity@nist.gov)

**5. REVISED - Award Payments:**

☐ None  
☐ Agency Review required for all withdrawals (see explanation below)  
☐ Agency Review required for all withdrawal requests over  
\$ \_\_\_\_\_ (see explanation below)  
☒ Maximum Draw Amount controls (see explanation below)  
\$ \_\_\_\_\_ each month  
\$ \_\_\_\_\_ each quarter  
\$ 523,565,037.90 Max drawdown amount

**Explanation:**

The Grantee has requested \$344,544,891.89 in funding for item(s) identified in the other cost category. The Grantee may not begin work, incur costs or draw-down funds associated with this work until the requirements outlined in Specific Award Condition #36 titled "Consolidated Budget Form" have been satisfied.

**6. Return Payments for Funds Withdrawn through ASAP:**

Funds that have been withdrawn through ASAP may be returned to ASAP via the Automated Clearing House (ACH) or via FEDWIRE. The ACH or FEDWIRE transaction may only be completed by the Recipient's financial institution. Full or partial amounts of payments received by a Payment Requestor/Recipient Organization may be returned to ASAP. All funds returned to the ASAP system will be credited to the ASAP Suspense Account. The Suspense Account allows the Regional Financial Center to monitor returned items and ensure that funds are properly credited to the correct ASAP account. Returned funds that cannot be identified and classified to an ASAP account will be dishonored and returned to the originating depository financial institution (ODFI). The Payment Requestor/Recipient Organization should notify the NIST Grants Office and provide a reason whenever return payments are made.

It is essential that the Payment Requestor/Recipient Organization provide its financial institution with ASAP account information (ALC, Recipient ID and Account ID) to which the return is to be credited. Additional detailed information is accessible at:

<https://www.fiscal.treasury.gov/asap/>.

**7. Notice of Funding Opportunity - Broadband Equity, Access, and Deployment Program:**

The Department of Commerce, National Telecommunications and Information Administration (NTIA) Notice of Funding Opportunity (NOFO) No. [NTIA-BEAD-2022](#) dated May 13, 2022, is incorporated by reference into this award.

It is accessible at: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=340304> (under the Related Documents tab). If the application period is closed, select “Closed” or “Archived” Opportunity Status to view the NOFO.

**8. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements:**

[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>.

**9. REVISED - Department of Commerce Financial Assistance General Terms and Conditions:**

As indicated on the Notice of Award, the Department of Commerce Financial Assistance General Terms and Conditions (GT&C), formerly called Standard Terms and Conditions, issued September 22, 2025 are incorporated by reference into this award. The Department’s GT&C, as well as a link to 2 CFR 200, are accessible at: <https://www.commerce.gov/oam/policy/financial-assistance-policy>

**10. REVISED - Uniform Administrative Requirements, Cost Principles and Audit Requirements:**

As indicated on the Notice of Award for this award, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200 are incorporated by reference into this award. Through 2 CFR § 1327.101, the Department of Commerce adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200, which apply to awards in this program. Refer to <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200> and <https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XIII/part-1327>. Awards issued pursuant to this program may be subject to specific award conditions as authorized by 2 CFR § 200.208. The Uniform Administrative Requirements, Cost Principles and Audit Requirements issued October 1, 2024, are

incorporated by reference into this award. The Uniform Guidance Exceptions, Adjustments, and Clarifications listed in BEAD General Term and Condition 52 are unaffected by this update.

**11. REVISED - Department of Commerce Financial Assistance General Terms and Conditions Section B.06 Indirect or Facilities and Administrative Costs:**

NIST will reimburse the Grantee for indirect or F&A expenses in accordance with 2 CFR § 200.414, Section B.06 of the Department of Commerce Financial Assistance General Terms and Conditions, and in alignment with allowable administrative expenses subject to the two percent cap as described in SAC #24 Administrative Expenses.

Any Grantee requesting indirect costs that receives more than \$35 million in direct Federal funding must submit an indirect cost rate proposal to its cognizant agency for indirect costs and may not use the de minimis indirect cost rate.

If an indirect cost rate has not been established, and NIST is identified as the cognizant agency for indirect expenses in accordance with 2 CFR § 200.1, “Cognizant agency for indirect costs,” within 90 calendar days of the award start date, the Grantee must electronically submit to [gmdaudit@nist.gov](mailto:gmdaudit@nist.gov) the documentation (indirect cost rate proposal, cost allocation plan, etc.) necessary to allow NIST to perform an indirect cost rate proposal review. Organizations that have previously established indirect cost rates with NIST must submit a new indirect cost rate proposal for indirect costs within six months after the end of the organization’s fiscal year.

If your submission includes Personally Identifiable Information (PII) or Business Identifiable Information (BII), please send an email to [gmdaudit@nist.gov](mailto:gmdaudit@nist.gov) to request a secure link.

The requirements for determining the relevant cognizant agency and for developing and submitting indirect (F&A) cost rate proposals and cost allocation plans are contained in 2 CFR § 200.414 and in Appendices III – VII to 2 CFR Part 200. For additional guidance on preparing indirect cost proposals, please review the Department of Labor’s Guide for Indirect Cost Determination at: <https://www.dol.gov/oasam/boc/dcd/np-comm-guide.htm>. Section I.B and I.C lists the various types of indirect cost rates and the circumstances under which such rates would apply. The guide also addresses common indirect cost problems and contains useful FAQs.

**12. Infrastructure Investment and Jobs Act:**

The Recipient must comply with the terms of the Infrastructure Investment and Jobs Act (Infrastructure Act), Public Law 117-58 (Nov. 15, 2021), Division F, Title I – Broadband Grants for States, District of Columbia, Puerto Rico, and Territories, including the terms

of section 60102 of that title, which establishes the BEAD Program. The text of the Infrastructure Act is available at: <https://www.congress.gov/bill/117th-congress/house-bill/3684/text>.

**13. REVISED - General Terms and Conditions for the NTIA BEAD Program Funds:**

The General Terms and Conditions for the BEAD Program have been revised in accordance with the RPN and are incorporated by reference into this award. This specific award condition was originally titled “General Terms and Conditions for the BEAD Initial Planning Funds” and has been renamed “General Terms and Conditions for the NTIA BEAD Program Funds” to reflect its applicability to all phases of the BEAD award.

**14. BEAD Program Sequencing:**

As described in the NOFO, the BEAD Program has several application steps and phases to the award, the timing of which are as follows:

- (a) Letter of Intent
- (b) Request for Initial Planning Funds
- (c) Five-Year Action Plan
- (d) Program Fund Allocation and Notice of Available Amounts—To be made on or after the date on which the Federal Communications Commission publishes the Broadband DATA Maps, once NTIA determines the BEAD Program allocations
- (e) Initial Proposal—Due no later than 180 days from the date of issuance of the Notice of Available Amounts
- (f) 20 Percent Funding Release—Upon approval of the Initial Proposal by the Assistant Secretary, NTIA will make available to the Eligible Entity not less than 20 percent of the total grant funds allocated to the Eligible Entity
- (g) Final Proposal—Due no later than 365 days from the date the Assistant Secretary approves the Initial Proposal.

Future award actions associated with the release of additional funding to implement other phases of the project will include additional specific award conditions concerning the use of funds and other requirements associated with those phases, such as, but not limited to, environmental and national historical preservation requirements, and provisions implementing the Build America Buy America Act.

**15. REVISED - Allowable Uses of BEAD Program Funding:**

This SAC was titled as “Allowable Uses of Initial Planning Funds for the BEAD Program” in the initial award and is renamed and revised to account for the next phases of the program.

The purpose and allowable uses of BEAD funding vary throughout the life of the award. Different activities are allowable following the approval of the Initial Planning Funding, the Initial Proposal and the Final Proposal respectively.

Generally, the allowable uses of funds, to include non-Federal cost share contributions, for each stage of the BEAD Program may be found in the following sections of the NOFO:

Section IV.B.2--Initial Planning Funds

Section IV.B.8--Initial Proposal Funds

Section IV.B.7.a.ii to IV.B.7.a.iii--Final Proposal Funds

The Grantee must be aware that there may be information regarding allowability in other sections of the BEAD NOFO and the Grantee shall follow all NOFO requirements.

Entities that wish to request uses of funds other than those specifically addressed in the BEAD NOFO must submit such requests via email to [UGAM@nist.gov](mailto:UGAM@nist.gov) for consideration by the Assistant Secretary. Work may not begin, nor costs incurred, for requested activities unless and until written approval is provided by the NIST Grants Officer.

Under no circumstances may planning funds be used for any construction or ground disturbing activities, or the build out of any infrastructure.

#### **16. Ineligible Costs:**

Regardless of the award phase under the BEAD Program, profits, fees, or other incremental charge above actual cost incurred by the Recipient or Subgrantee(s) are not allowable costs under this Program.

Additionally, the Recipient or Subgrantee(s), including contractors or subcontractors of Subgrantees, may not use funds received under the BEAD Program to:

- (a) Purchase Covered Communications Equipment or Services, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 USC § 1608); or
- (b) Directly or indirectly support or oppose collective bargaining.

#### **17. SATISFIED - Five Year Action Plan Requirements**

#### **18. REVISED - Period of Performance and Funding Limitations:**

The period of performance for this award is November 15, 2022 to December 31, 2040. The budget includes \$868,109,929.79 in Federal funds. This incorporates the extended period of performance to manage LEO capacity subgrants. Non-LEO capacity subgrants will have the original period of performance of four years.

The Recipient may not obligate, incur any expenditure, nor engage in any activity that involves a commitment of Federal funds under this Agreement in excess of the Federal amount presently available. Should such an excess obligation, expenditure, or commitment occur, no legal liability will exist or result on the part of the Federal Government for payment of funds.

The Grantee was previously awarded \$4,960,351.60 in federal funds for the initial planning phase of this award. The allowable uses of the Initial Planning Funds are generally limited to those identified in Section IV.B.2 of the BEAD NOFO and must be in alignment with the BEAD Restructuring Policy Notice. Any activities previously approved in the initial planning application or subsequent budget and/or scope modifications are subject to the rules and requirements of the Restructuring Policy Notice.

The Grantee was previously awarded \$863,149,578.19 in federal funds for the Initial Proposal. As of the date of the publication of the BEAD Restructuring Policy Notice, June 6, 2025, NTIA rescinded approval of any non-deployment activities approved in the Initial Proposal. *See* BEAD Restructuring Policy Notice (June 6, 2025), <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

The only allowable costs for Initial Proposal non-deployment projects that may be reimbursed must have been incurred prior to the publication of the BEAD Restructuring Policy Notice on June 6, 2025.

**19. REVISED - Deviation from the Department of Commerce Financial Assistance General Terms and Conditions, Section A.01 “Reporting Requirements”:**

**Initial Report**

The Grantee submitted an Initial Report.

**Semi-Annual Reports**

First report due no later than July 30, 2023, for the period ending June 30, 2023. Thereafter, reports are due semi-annually, for the period between January 1 and June 30, which shall be due on July 30, and for the period between July 1 and December 31, which shall be due on January 30, or any portion thereof. The Recipient shall submit a report that includes:

- (a) a description of how the Recipient expended the grant funds;
- (b) a description of each service provided with the grant funds and the status of projects or other eligible activities supported by such funds;
- (c) a description of the locations at which broadband service was made or will be made available using the grant funds, the locations at which broadband service was utilized.



- (d) a certification that the Recipient complied with the requirements of Section 60102 of the Infrastructure Act and with any additional reporting requirements prescribed by the Assistant Secretary; and
- (e) any additional information as prescribed in 2 C.F.R § 200.329.

Additionally, the Recipient shall submit an SF-425, Federal Financial Report, in conjunction with the semi-annual report described above that meets the requirements described in 2 C.F.R § 200.328 and the Department of Commerce Financial Assistance General Terms and Conditions (dated September 22, 2025).

## **Final Reports**

The Recipient shall submit a final SF-425, Federal Financial Report and final Performance Progress Report within 120 days after the expiration of the period of performance that meets the requirements described in 2 C.F.R § 200.328 and the Department of Commerce Financial Assistance General Terms and Conditions (dated September 22, 2025).

Additionally, no later than one year after the Recipient has expended all grant funds under the BEAD Program (to include all phases of the award, not just the initial planning phase) the Recipient shall submit a report that:

- (a) describes how the Eligible Entity expended the funds;
- (b) describes each service provided with the grant funds;
- (c) describes the locations at which broadband service was made available using the grant funds, the locations at which broadband service was utilized, and the comparative demographics of those served;
- (d) includes each report that the Eligible Entity received from a Subgrantee under Section 60102(j) of the Infrastructure Act; and
- (e) certifies that the Eligible Entity complied with the requirements of Section 60102 of the Infrastructure Act and with any additional reporting requirements prescribed by the Assistant Secretary.

All reports for the BEAD program must be submitted via the [NTIA Grants Portal](#) within the prescribed timeframes identified in the terms and conditions of this award. Reporting forms will be available in the [NTIA Grants Portal](#). All reports for the BEAD program will be posted publicly on NTIA's website. In each report submitted, the Recipient must mark business confidential information, if any, to be removed from the publicly-posted version of the report.

Reports must not be sent directly to NIST or NTIA personnel (e.g. Grants Specialist, Grants Officer, Administrative Assistant, Financial Assistance Agreements Management Office, Division Chief, Federal Program Officer, etc.). Any Reports sent directly to grant personnel will be returned to the sender with instructions on how to submit through the [NTIA Grants Portal](#).



**20. REVISED - Unfunded Grant Actions Mailbox (UGAM):**

Requests for unfunded award actions, which include, but are not limited to, requests for no-cost extension, change in key personnel, change in scope of work, budget revisions, award transfer, and novation, must be submitted to: [UGAM@nist.gov](mailto:UGAM@nist.gov), within the prescribed timeframes identified in the terms and conditions of the award.

Unfunded award action requests and related correspondence, including justification to support the request, sent to the mailbox must contain the following information in the email subject line: (1) Recipient name; (2) NIST award number; (3) Principal Investigator/Project Director; and (4) Action being requested (e.g. no cost extension, change in key personnel, etc.).

Unfunded award action requests must not be sent directly to NIST personnel (e.g. Grants Specialist, Grants Officer, Administrative Assistant, FAAMO Division Chief, Federal Program Officer, etc.).

Any requests sent directly to NIST personnel will be returned to the sender with instructions on how to submit through the [UGAM@nist.gov](mailto:UGAM@nist.gov) mailbox.

No other correspondence may be sent through this mailbox; timely responses to any other inquiries received in this mailbox are not guaranteed. The mailbox will not be used for any other purpose except for purposes identified above.

Requests that are processed will be authorized via a Notice of Award (NoA) Amendment to the Financial Assistance Award or a Non-Funded Administrative Change Letter.

**21. REVISED - Federal and Non-Federal Cost Sharing:**

The non-Federal Cost sharing requirements are outlined in Section III.B of the BEAD NOFO.

Non-federal share is required to be paid out at the same general rate as the federal share for the life of the award or before federal funds are expended, unless prior written approval is provided by the NIST Grants Officer based on sufficient documentation provided by the Grantee demonstrating previously determined plans for or later commitment of non-federal share. In any case, the Grantee and their sub-grantees must meet their non-federal share commitments under this award and failure to do so may result in the NIST Grant Officer pursuing one or more of the remedies for non-compliance outlined in 2 CFR § 200.339.

Waivers of the non-federal share requirement may be considered by the Assistant Secretary, but will only be granted in special circumstances, as outlined in Section III.B.5 of the BEAD NOFO. Any waiver approval will be communicated to the Grantee in writing.

**22. REVISED - Change in Funded Project Participant:**

Any change to the Administering Entity of this award will require a revised Letter of Intent by the Governor and requires prior written approval by NTIA and the Grants Officer.

Any change to a selected deployment project Subgrantee approved under this award requires prior written approval by NTIA and the Grants Officer. Any changes to the selected deployment project Subgrantees with regard to both last-mile broadband deployment projects and other eligible activities must be made in compliance with the Subgrantee selection requirements in the Infrastructure Act, Section IV.B.7 of the BEAD NOFO, and the process described in the Initial Proposal. The Grantee must provide an explanation of the process by which the new Subgrantee was selected (consistent with the requirements cited above) and update project specific information in the format requested by NTIA.

**23. Supplanting of Funds:**

Grant funds awarded to a Recipient under the BEAD program shall be used to supplement, and not supplant, the amounts of federal or non-Federal funds that the Recipient would otherwise make available for the purposes for which the grant funds may be used.

**24. REVISED - Administrative Expenses:**

***Administrative Expenses Subject to the Two Percent Cap***

The Grantee may not use more than two percent of the award amount made available to the Grantee under the BEAD Program for expenses relating (directly or indirectly) to the administration of the award, in accordance with Section 60102(d)(2)(B) of the Infrastructure Act. This requirement does not apply to the planning phase of funding (Initial Planning Funds).

The two percent cap on expenses related to the administration of the award is only applied to amounts received upon approval of the Initial and Final Proposal – non-federal cost share and BEAD Initial Planning Funds do not constitute expenses relating (directly or indirectly) to the administration of the award. Expenses associated with the administration of the BEAD award may not exceed \$17,362,198.60 for the life of the award. Grantees should reference NTIA guidance for additional details on the applicability of this statutory cap to specific costs.

The Grantee is required to rigorously monitor and report on their expenses associated with the administration of the award and ensure that their administrative expenses subject to the statutory cap remain at or under the two percent ceiling imposed by the Infrastructure Act. There is no waiver of this requirement available and any expenses in

excess of the cap will be considered non-compliant with the terms and conditions of the award, subject to disallowance of excess expenses and all other remedies available in 2 CFR § 200.339

**25. REVISED - Restriction on Human Subjects Research Work and Expenses Incurred:**

Deployment projects and activities funded as administrative expenses cannot include Human Subjects Research. The following requirements apply to initial planning fund projects. BEAD award Grantees must comply with Department of Commerce (DOC) regulations relating to the protection of human subjects for all research conducted or supported pursuant to an NTIA award. The DOC regulations related to the protection of human subjects are found in 15 CFR Part 27.

The [BEAD Program Human Subjects Research Guidance \(dated September 29, 2022\)](#) (HSR) is incorporated by reference into this specific award condition and identifies three HSR classification categories: Category 1 – Not Conducting Human Subjects Research, Category 2 – Exempt Human Subjects Research and Category 3 – Human Subject Research Non-Exempt.

For initial planning fund activities subject to HSR Requirements, the Subgrantees must satisfy BEAD HSR requirements by submitting the requisite documentation to the Grantee on a per-project basis no later than 45 calendar days after subgrant date. Grantees must submit BEAD HSR Requirements satisfaction details, on a per-project basis, no later than 90 calendar days after the subgrant date (via email to [UGAM@nist.gov](mailto:UGAM@nist.gov) with a copy to their BEAD FPO), a letter or memorandum addressed to the Grants Officer that provides the following information:

- a. Which HSR classification category, to include IRB review and approval, is applicable; and
- b. Full and complete description of the planned BEAD project activities that justify inclusion in that category.

For initial planning fund activities conducted by the Grantee, the Grantee must submit BEAD HSR Requirements satisfaction details, on a per-project basis, no later than 90 calendar days after the allocation of funds for this purpose. The documentation must be submitted via email to [UGAM@nist.gov](mailto:UGAM@nist.gov) with a copy to their BEAD FPO, and must consist of a letter or memorandum addressed to the Grants Officer that provides the following information:

- a. Which HSR classification category is applicable, to include IRB review and approval; and
- b. Full and complete description of the planned BEAD project activities that justify inclusion in that category.

No research involving human subjects is permitted under this award unless expressly authorized by specific award condition, or otherwise in writing by the Grants Officer. Further, no work involving human subjects may be undertaken under this award, until the appropriate documentation is approved in writing by the Grants Officer.

Recipients must provide an HSR memo to their NTIA FPO and Grants Office prior to conducting any research or administration of any surveys funded with NTIA funds. To satisfy the NTIA HSR requirements, recipients must state which HSR classification category is applicable and a detailed description project activities that justify inclusion in that category. Recipients must provide final study plans and documents.

If the recipient's institution has an IRB office (or equivalent) the recipient must provide documentation from that office or IRB approval that supports the HSR classification. This documentation may include a determination letter for HSR categories 1 or 2, or an approval letter for HSR categories 3 or 4. In addition, the documents reviewed by the IRB office (or equivalent) or IRB must be provided for review.

The recipient may not conduct any activities in any HSR category until expressly approved in writing by the Grants Officer. If a recipient conducts research before receiving Grants Office approval, recipients will be considered in material non-compliance with award terms and conditions, and any costs incurred to conduct the research could be disallowed.

Notwithstanding the above prohibition on starting human subjects research, work may be initiated, or expenses incurred and/or charged to the project for protocol or instrument development related to human subjects research.

Sample HSR memos are available in the Human Subjects Research Guidance (dated September 29, 2022), *Guidance for Human Subjects Research Protection*. (<https://broadbandusa.ntia.doc.gov/sites/default/files/2022-08/BEAD-Planning-Grant-HSR-Guidance-Final-9-29-2022.pdf>).

## **26. No Duplication of Federal Funding:**

No federal funds may be used to duplicate costs, services, connections, facilities, or equipment that have been authorized through another federal program. Grantees must comply with deduplication requirements and project area definitions from NOFO section IV.B.7.a.ii, with special attention to footnote 52 on page 36 of the NOFO. The NIST Grants Office and NTIA reserve the right to disallow any expenses that they determine constitute duplication of federal funds or service and/or to direct the Grantee reallocate the funds to allowable activities within the project or for another project.

**27. SATISFIED - Subgrantee Selection Monitoring Meeting with NTIA**

**28. SATISFIED - Final Proposal**

**29. REVISED - Deployment Subgrantee Award Start and End Dates:**

The Grantee is required to award deployment Subgrantee projects no later than six (6) months after the issuance of the NOA associated with the Final Proposal Funding Request (FPFR). NTIA may, at its discretion, grant an extension when extenuating circumstances demonstrate that additional time will support the overall goals of the BEAD Program. All deployment subgrants must end at least 120 days prior to the end of the Eligible Entity's own period of performance, to allow sufficient time for the Eligible Entity to close out all of its subgrants in an orderly fashion prior to the end of its own period of performance. Deployment subgrants, with the exception of LEO subawards, must have a period of performance end date no later than March 2, 2032.

In accordance with the RPN, LEO Capacity Subgrants must have a period of performance that concludes ten years from the date upon which the Subgrantee certifies to the Eligible Entity that broadband is available to every location covered by the project.

**30. REVISED - Monitoring and Compliance:**

Pursuant to 2 CFR § 200.329 Monitoring and reporting program performance, the Grantee and Subgrantee are responsible for the oversight of the Federal award. The Grantee and Subgrantee must monitor their activities under Federal awards to ensure they are compliant with all requirements and meeting performance expectations. Monitoring by the Grantee and Subgrantee must cover each program, function, or activity. Additionally, pursuant to the NOFO, Section VIII.G.1, NTIA and Grantees shall develop monitoring plans, which may include site visits or desk reviews, technical assistance, and random sampling of compliance requirements. The Grantee must comply with all monitoring and information requests from NTIA within the timeframe specified by NTIA. This includes provision of any documents or data in possession of the Grantee or their Subgrantees related to the grant. Reasonable extensions will be granted on a case by case basis. If the Grantee fails to comply with monitoring and information requests, NTIA may determine that the Grantee is non-compliant with award terms and conditions, which may result in the NIST Grant Officer pursuing one or more of the remedies for non-compliance outlined in 2 CFR § 200.339.

**31. REVISED - BEAD Restructuring Policy Notice:**

The Department of Commerce, National Telecommunications and Information Administration (NTIA) [BEAD Restructuring Policy Notice](#) (RPN) and its contents modify certain requirements and replace others outlined in the BEAD Notice of Funding Opportunity. The terms of the RPN are incorporated into this award and the Grantee must

comply with the RPN to gain approval of its Final Proposal from NTIA. Specifically, in submitting its IP correction after the publication of the RPN, the Grantee agreed to not enforce the rules removed by the RPN, such as but not limited to rules implemented by now-eliminated NOFO sections on “Affordability and Low-Cost Plans” (e.g., rate regulation), the “Consumer Protections” (e.g., the prohibition on data caps/net neutrality), “Fair Labor Practices and Highly Skilled Workforce,” “Advancing Equitable Workforce Development and Job Quality Objectives,” “Civil Rights and Nondiscrimination Law Compliance,” and any corresponding labor, employment, or workforce reporting requirements

### **32. Compliance with Executive Orders:**

Incorporated by reference into this U.S. Department of Commerce financial assistance award are the policies set forth in all applicable Executive Orders currently in legal force and effect, including Executive Orders issued on or after January 20, 2025. A comprehensive list of Executive Orders may be found at:

<https://www.federalregister.gov/presidential-documents/executive-orders>.

By accepting this financial assistance award and expending federal funding thereunder, the recipient agrees to the following conditions:

- A. Compliance with Executive Orders: The recipient agrees to comply with the policies and to further the objectives set forth in all applicable Executive Orders currently in legal effect, including those issued on or after January 20, 2025, as well as Executive Orders that may be issued after the effective date of this award.
- B. Executive Order 14173, 90 FR 8633 (Jan. 21, 2025): The recipient:
  - a. Agrees that compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decisions for purposes of section 3729(b)(4) of Title 31 United States Code; and
  - b. Certifies to the Department that it does not operate any programs promoting diversity, equity, and inclusion that violate any applicable Federal anti-discrimination laws.
- C. Affirmative Duty to Monitor for and to Report Potential Inconsistencies: The recipient must actively monitor its administration of this award to ensure that its activities do not violate the requirements of this award, including this SAC. At any time during the period of performance of this award, if the recipient believes that any of the activities in its approved scope of work may be inconsistent with the policies outlined in any applicable Executive Order, the recipient has an affirmative duty to immediately stop work on those potentially inconsistent activities and immediately contact the Grants Officer named in the Notice of Award (NoA) to determine whether the potentially inconsistent activities may proceed under this award. The performance of activities that violate or that are otherwise inconsistent with requirements under any applicable Executive Order will result in appropriate enforcement action pursuant to 2 C.F.R. § 200.339, including the disallowance of costs and possible termination of a portion or all of this award.



### 33. Deployment Scope Changes:

All scope changes must comply with the terms of 2 CFR 200.308. Consistent with the Infrastructure Act, all deployment projects must be subgranted. Other than the exceptions listed below, a proposed deployment project scope change that results in modification to the approved Final Proposal must be submitted to NTIA and NIST for approval. A proposed deployment project scope change that results in a change in technology used to serve an eligible location must be submitted to NTIA and NIST for approval. Otherwise, the Grantee has the authority to approve or deny a Subgrantee's proposed scope change as defined in the list below. The Grantee may not unilaterally approve or deny any scope changes outside of the list below. The Grantee may always request guidance from NTIA and NIST when determining whether a proposed scope change requires NTIA and NIST approval.

With regard to this Grantee authority, for deployment projects:

1. If the proposed scope change only results in an increase in locations served from what is included in the approved Final Proposal, the Grantee has the authority to approve or deny that scope change, though budget modifications will require NTIA approval;
2. If the proposed scope change does not result in a reduction of locations served by non-satellite service from what is included in the approved Final Proposal, the Grantee has the authority to approve or deny that scope change;
3. If the proposed scope change only consists of location changes that fit within Reason Codes 1-3 as listed in the Final Proposal Guidance (1: Location should not have a broadband connection; 2: Location does not need mass-market broadband service due to the nature of use; 3: Location has been removed from the latest version of the Fabric by the FCC), the Grantee has the authority to approve or deny that scope change.

For any scope change that the Grantee approves under this condition, the Grantee must retain sufficient evidence to justify the scope change, consistent with the most recent version of the Final Proposal Guidance. Grantees may be required to report on any subgrant scope changes in the semi-annual performance reports and/or closeout reports. NTIA reserves the right to request such evidence at any time as an exercise of its grant oversight responsibilities.

If the Grantee must submit a scope change request as described above (including on behalf of a Subgrantee), such a request must be submitted to: [UGAM@nist.gov](mailto:UGAM@nist.gov). Requests and related correspondence sent to the mailbox **must** contain the following information in the email subject line: (1) Grantee name; (2) NIST award number; (3) AOR name; and (4) Action being requested (*i.e.*, Scope Change).



Requests that are processed will be authorized via an administrative letter or NOA Amendment to the Financial Assistance Award. The Grantee ***must not*** begin work or incur costs prior to the above review and approval.

Any requests sent directly to NIST personnel will be returned to sender with instructions on how to submit through the UGAM@nist.gov mailbox. No other correspondence may be sent through this mailbox; timely responses to any other inquiries received in this mailbox are not guaranteed. The mailbox will not be used for any other purposes unless identified otherwise.

**34. Indirect Cost Rate for Federal Award:**

The approved budget for this award does not contain indirect costs.

**35. Low Earth Orbit Capacity Subgrant(s):**

The Grantee has requested funding for the reservation of capacity on a low earth orbit (“LEO”) satellite network(s) to deliver broadband service to each Broadband Serviceable Location (BSL) in the project area and that meets the BEAD Program’s minimum technical requirements of speeds of not less than 100 Mbps for downloads and 20 Mbps for uploads and latency less than or equal to 100 milliseconds (a “LEO Capacity Subgrant”).

The funding for the LEO Capacity Subgrant is subject to the following requirements.

(a) *Allowable Costs.* Allowable uses of funding in connection with a LEO Capacity Subgrant are limited to reimbursements for the costs of:

- (1) The reservation of capacity on a LEO satellite network for each location that meets the BEAD Program’s performance and technical requirements;
- (2) Necessary consumer premise equipment provided at no cost to the subscriber for up to 3 CPE provided per-BSL for new subscribers during the period of performance; and
- (3) Initial, non-recurring services (e.g., installation service) and equipment (e.g., consumer premise equipment) to ensure that initial non-recurring fees charged to the subscriber at a location covered by the LEO Capacity Subgrant are comparable to those initial non-recurring fees charged to subscribers at locations in the state or territory served by terrestrial broadband technologies subsidized by the BEAD program.

(b) *Required Subgrantee Agreement Provisions.* The Grantee must include, in addition to the other provisions required by the terms and provisions of this award, the following provisions in any agreement with a Subgrantee for a LEO Capacity Subgrant:

- (1) Pursuant to 47 U.S.C. § 1702(h)(4)(C), the Grantee shall ensure that the Subgrantee begins providing broadband service to each customer that desires broadband service not later than four years after the date of the LEO Capacity

Subgrant agreement. As part of satisfying this requirement, the Grantee shall require the Subgrantee to certify that it can initiate broadband service that meets the BEAD Program's technical requirements to any location covered by the LEO Capacity Subgrant agreement, with no charges or delays attributable to extension of the service, within 10 business days of a request by a subscriber at such location.

(2) The Grantee shall apply a period of performance for the LEO Capacity Subgrant agreement that concludes ten years from date the upon which the Subgrantee makes the certification required in paragraph (b)(1) herein.

(3) The Grantee shall ensure the reasonableness of the Subgrantee costs identified in paragraph (a).

(4) The Grantee shall specify the metric by which it will reimburse the Subgrantee for the reservation of capacity on the LEO network. The Grantee shall reimburse the Subgrantee for the reservation of capacity either (i) for each location where capacity is reserved or (ii) according to subscriber milestones or another metric that creates an incentive for the subgrantee to enroll subscribers in locations covered by the LEO Capacity Subgrant. If the Grantee reimburses the Subgrantee for each location where capacity is reserved, the Grantee shall:

A. Ensure that the Subgrantee agreement accounts for the relative costs of the subgrantee to provide service to locations covered by the LEO Capacity Subgrant as compared to the relative costs of the Subgrantee to provide service to locations in the state or territory not covered by the LEO Capacity Subgrant; and

B. Structure reimbursement payments in equal installments throughout the period of performance, subject to the exception that the Grantee may advance up to 50% of the total amount of the LEO Capacity Subgrant (1) at the time Subgrantee certifies the availability of service as required in paragraph (b)(1), (2) upon the subgrantee meeting subscription milestones established by the Grantee; or (3) a combination thereof. The Grantee shall make clear in the Subgrantee agreement that any advance payment of up to 50% of the total amount of the LEO Capacity Subgrant is an advancement and not reimbursement for performance rendered. (4) The Grantee shall apply the Letter of Credit requirement established in Section IV.D.2.a.ii., as modified to the extent described in the Letter of Credit Notice of Programmatic Waiver, according to the following schedule:

A. The Subgrantee may reduce its Letter of Credit or performance bond by 50% of the original amount after making the certification required in paragraph (b)(1) herein;

B. The Subgrantee may reduce its Letter of Credit by an additional 25% of the original amount after at least 25% of all locations covered by the LEO Capacity Subgrant are subscribing to the Subgrantee's service;

C. The Subgrantee may close out its Letter of Credit the earlier of (i) the point in time in which at least 50% of all locations covered by the LEO Capacity Subgrant are subscribing to the Subgrantee's

service or (ii) four years after the Subgrantee makes the certification required in paragraph (b)(1) herein.

### **36. Consolidated Budget Form:**

The Grantee has requested \$344,544,891.89 in funding for item(s) identified in the other cost category.

The budget information in the Consolidated Budget Form is not sufficient for NIST to evaluate the allowability of such costs. The Grantee must submit the following documentation for funding to be released for items identified in the Consolidated Budget Form (Tab g. "Other," Row 29, Column E):

- a. Detailed Budget and Justification (e.g, Request for Proposal (RFP); Pre-executed contract; and/or Bids received and scoring methodology and executed contract); and
- b. Other documentation as requested by NTIA

Inasmuch as the Grantee plans to propose non-deployment activities, NTIA will issue updated guidance in the future, per the Restructuring Policy Notice. Once NTIA issues such guidance, requests for the release of funds must be submitted to: [UGAM@nist.gov](mailto:UGAM@nist.gov). Requests and related correspondence sent to the mailbox must contain the following information in the email subject line: (1) Grantee name; (2) NIST award number; (3) AOR name; and (4) Action being requested (i.e., Release of Final Proposal Funds for Contract).

Requests that are processed will be authorized via an administrative letter or NOA Amendment to the Financial Assistance Award. Grantee must not begin work or incur costs prior to the above review and approval.

Any requests sent directly to NIST personnel will be returned to sender with instructions on how to submit through the [UGAM@nist.gov](mailto:UGAM@nist.gov) mailbox. No other correspondence may be sent through this mailbox; timely responses to any other inquiries received in this mailbox are not guaranteed. The mailbox will not be used for any other purposes unless identified otherwise.

The project budget contains costs for other costs. The budget information provided in the budget narrative and justification is not sufficient for NIST to evaluate the allowability of such costs. Recipient must provide, via email to both [UGAM@nist.gov](mailto:UGAM@nist.gov) and the FPO, a detailed budget and justification for each item listed above to ensure such costs are allowable (*see* 2 CFR §200.403). No funds associated with the above identified item(s) shall be released by NIST until the detailed budget and justification is submitted by the recipient and approved by the NIST Grants Officer via an award amendment or administrative letter.

### **End of Specific Award Conditions**