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STATE OF MISSISSIPPI

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA)

**BROADBAND EQUITY, ACCESS, AND
DEPLOYMENT (BEAD)**

COMPLIANCE AND MONITORING PLAN

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Background

The State of Mississippi, through the Department of Finance and Administration's (DFA) Office of Broadband Expansion and Accessibility of Mississippi (BEAM), leads the implementation of the Broadband Equity, Access, and Deployment (BEAD) Program, established by the Infrastructure Investment and Jobs Act (IIJA). In June 2023, Mississippi was allocated approximately \$1.2 billion from the Department of Commerce through the NTIA BEAD Program.

As the state's designated authority, BEAM is committed to ensuring that these funds are managed responsibly, adhering to federal guidelines while strategically expanding high-speed internet access to underserved and unserved communities across Mississippi. By bridging the digital divide, BEAM aims to strengthen economic opportunities, enhance education, and improve the quality of life for all Mississippians.

This plan has been established to mitigate fraud, waste, and abuse, while also encouraging efficient use and reporting of BEAD funds in a timely manner within the grant period of performance. BEAM intends to incorporate all future guidance set forth by NTIA within this plan.

Risk Assessment

As required under federal regulations, a risk assessment will be conducted for any subgrant awards. Each subrecipient will be evaluated to determine if they possess the capabilities to adhere to the program guidelines and requirements. The subrecipients will also need the capacity to manage and implement federal regulations, including applicable requirements within 2 CFR § 200. The State of Mississippi will gather historical information to understand their respective systems of internal control, experience managing federal funds, compliance history, and financial stability. An initial risk assessment was performed during the Letter of Intent process and will be performed routinely throughout the course of the BEAD program.

The initial risk assessment was conducted as a part of the Letter of Intent process and before a subaward is executed will include a review of each entity's audited financials, audit history, project management capacity, debarment verification, cybersecurity and supply chain risk management plans, and NTIA financial assurance requirements, such as letters of credit or performance bonds.

Upon execution of a BEAD subaward, each subrecipient will be assigned a risk of high, medium or low, based on the results accumulated in each initial risk assessment. Those with a higher risk will receive more intensive oversight including but not limited to engineering site visits or inspections as well as more extensive reviews of claimed costs. Over the course of the BEAD program, a subrecipient's risk will periodically be reassessed or whenever a compliance issue has arisen. This will ensure the proper monitoring effort and scope is provided to each BEAD subaward and subrecipient to ensure adherence with BEAD program requirements and Uniform Guidance.

Monitoring Procedures

The State of Mississippi, along with its contractors, will perform monitoring reviews based on the current risk level of the subrecipient identified in the latest risk assessment

completed. Monitoring reviews will be conducted as Subrecipients achieve milestones from their respective milestone schedule within the fixed amount subaward agreement. Subrecipients who have achieved milestones earlier in the grant period will be reviewed first. The review frequency and cycle are outlined below.

Review Cycle:

The period of performance and budget incorporated into this award covers an approximate 9-year period of performance August 14th, 2023, through June 30th, 2032, and provides for a maximum total amount of \$1,203,561,563.05 in federal funding. All monitoring procedures will be completed in a reasonable and timely fashion (in conjunction with milestone reviews as well as additional reviews based on the risk associated with each Subrecipient) to ensure program objectives are met. BEAM will additionally perform periodic reviews at major project milestones. Major project milestones are defined as: (1) 50% completion, (2) 75% completion, and (3) 100% completion. Reviews conducted at major project milestones will be completed within 30 days of the achievement of the project milestone.

Types of Monitoring:

- Desk Review – This type of review is conducted on projects conducted by Subrecipients with a low-risk or medium-risk level as well as on each subrecipient payment request after each milestone achievement. The desk review consists of two separate reviews: (1) engineering reviews of the supporting documentation to substantiate the completion of each milestone and (2) the review by the of the supporting documentation for expenditures made during the milestone period to ensure costs incurred were for items/services that will progress the project toward completion as well as to ensure no fraud, waste, or abuse is present.
- Field Monitoring – This type of review is conducted on projects conducted by Subrecipients that are deemed high-risk or have been identified during a prior desk review or engineering inspection to have a potential compliance issue. The program manager provides the Subrecipient with a checklist prior to the on-site meeting to ensure the materials and other supporting documentation can be gathered for the on-site visit.
- Construction Monitoring – Regardless of risk score, the various engineering firms will conduct on-site inspections of construction progress to ensure compliance with the scope of work and terms and conditions of the subaward.

Guidance

The Notice of Funding Opportunity (NOFO) for the BEAD, Section VII.D-H as well as subsequent NTIA guidance released such as the BEAD Uniform Guidance Policy Notice Primer will serve as a guide for the performance of review activities and adherence to programmatic rules. Grant recipients and subrecipients will be monitored to ensure they comply with the statutes and regulations set forth in Section VII.D-H of the NOFO. These statutes and regulations include:

NOFO Section	Category/Area	Compliance Task/Requirement
Uniform Administrative Requirements, Cost Principles and Audit Requirements Department of Commerce Financial	Subpart D – Post Federal Award Requirements	2 CFR § 200.301-303, 313, 314, 317, 321, 322, 327-330, 334-339, 344-346
	Subpart F – Audit Requirements	2 CFR § 200.500-512
	Financial Assistance Standard Terms and Conditions applied	https://www.commerce.gov/sites/default/files/2020-

Assistance Standard Terms & Conditions	by the Department of Commerce	11/DOC%20Standard%20Terms%20and%20Conditions%20-%2012%20November%202020%20PDF_o.pdf https://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf.pdf
Pre-Award Notification Requirements	Department of Commerce pre-award requirements for grants and cooperative agreements	
Environmental and National Historical Preservation Requirements	Requirements set forth by National Environmental Policy Act and the National Historic Preservation Act	1. Submit all required environmental documentation with application package. 2. Obtain all necessary federal, state, and local governmental permits and approvals necessary for proposed work. 3. Design projects to minimize the potential for adverse impacts on the environment. 4. Required to cooperate with NTIA in identifying feasible measures to reduce/avoid any identified adverse environmental impacts of their proposed projects
Property Trust Relationship and Public Notice Filings for Grant-Acquired Property	Grant acquired/improved property (real, equipment, intangible)	2 CFR § 200.316 – Property trust relationship.
Procurement of Recovered Materials	Solid Waste Disposal Act	2 CFR § 200.323 - A recipient or subrecipient that is a State agency or agency of a political subdivision of a State and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 as amended, 42 U.S.C. 6962 .
Domestic Preference for Procurements (Buy America ACT)	Procurement of domestic goods, products or materials produced in the United States	2 CFR § 200.322 – Domestic preferences for procurements. “Build America Buy America Act” The recipient or subrecipient should, to the greatest extent practicable and consistent with law, 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). The requirements of this section must be included in all subawards, contracts, and purchase orders under Federal awards. <u>Limited general applicability nonavailability waiver:</u> https://www.commerce.gov/sites/default/files/2024-02/BABA%20Waiver%20Signed.pdf https://www.commerce.gov/oam/build-america-buy-america
Reporting Requirements (Eligible Entities)	Eligible Entities will be required to report information in support of federal agency obligations under the ACCESS BROADBAND Act	2 C.F.R. Part 200 ACCESS BROADBAND Act, 47 USC § 1307, and Infrastructure Act § 60105. 1. Not later than 90 days after receiving any Program grant funds, Eligible Entity shall submit an initial report to the Assistant Secretary. 2. Not later than 1 year after receiving grant funds, Eligible Entity shall submit to the Assistant Secretary a semiannual report The semiannual report must also include an SF-425 and a Federal Financial Report and must meet the requirements described in 2 C.F.R. §§ 200.328 and the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01 for Financial Reports. The semiannual report shall contain information as prescribed in 2 C.F.R. §

		200.329.
Reporting Requirements (Subgrantees)	The recipient of a subgrant from an Eligible Entity under this Section shall submit to the Eligible Entity regular reporting, at least semiannually, for the duration of the subgrant to track the effectiveness of the use of funds provided.	- Each report shall describe each type of project and/or other eligible activities carried out using the subgrant and the duration of the subgrant. - Subgrantees must maintain sufficient records to substantiate all information above upon request.
Provision of Information to Federal Communications Commission and United States Department of Agriculture.	The Assistant Secretary will provide the information collected under Section I.E.2 of this NOFO, in determining whether to award funds for the deployment of broadband under any program administered by those agencies.	The Assistant Secretary will provide the information collected under Section I.E.2 of this NOFO, and such other Program information as is necessary, to the Commission, the Department of Agriculture, the Department of the Treasury, and any other federal agency that funds broadband deployment, to be used, as applicable, in determining whether to award funds for the deployment of broadband under any program administered by those agencies.
Recipient Integrity and Performance Matters	SAM.gov reporting requirements	2 C.F.R. Part 200, Appendix XII, available at http://go.usa.gov/cTBwC if the total value of a recipient's currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of an award made under this NOFO, then the recipient shall be subject to the requirements specified in Appendix XII to 2 C.F.R. Part 200,103 for maintaining the currency of information reported to SAM that is made available in the Federal Awardee Performance and Integrity Information System (FAPIIS).
Audit Requirements	Financial related audit of each DOC award or subaward in accordance with Generally Accepted Government Auditing Standards	2 C.F.R. Part 200, Subpart F; 2 C.F.R. § 1327.101 requires any non-federal entity that expends federal awards of \$750,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Subpart
Federal Funding Accountability & Transparency ACT of 2006	Reporting requirements under the Federal Funding Accountability and Transparency Act of 2006	2 C.F.R. Part 170 All recipients of a federal award made on or after October 1, 2010, are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006
Prevailing Wages ¹	All laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing.	40 U.S.C. 3141-3148, CFR Appendix II to Part 200 (D) When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued

¹ Under NTIA BEAD guidance, only projects over \$5,000,000.00 will be subject to abiding by prevailing wage and benefit requirements: https://broadbandusa.ntia.doc.gov/sites/default/files/2023-08/Prevailing_Wage_Overview_and_Resources.pdf

		by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3 , https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/appendix-Appendix%20II%20to%20Part%20200).
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The State of Mississippi will also monitor grant recipients, subrecipients, and any subcontractors to ensure they comply utilizing the general terms and conditions for the NTIA BEAD Program. Any terms and conditions not covered in sections VII.D-H of the NOFO for the BEAD are listed below. Subrecipients must comply with all applicable terms and conditions outlined in the General Terms and Conditions. The specific monitoring criteria are detailed in the table below.

NTIA BEAD Terms and Conditions	Compliance Task/Requirement
Land, Easements, and Rights of Way	All encumbrances must be disclosed to the NIST Grants Officer. The officer will not accept any encumbrance that interferes with the construction, intended use, operation, or maintenance of the project during its estimated useful life.
Eminent Domain	The recipient agrees to the terms set forth in Executive Order 13406, “Protecting the Property Rights of the American People” (June 28, 2006)
Inspection and Testing of Materials	The recipient shall ensure materials and equipment used to complete work shall be subject to adequate testing and inspection.
Energy Efficiency	The recipient shall apply sustainable, and energy-efficient, design principles, when feasible. The design principles should reduce pollution and energy costs and optimize construction lifestyle costs.
Requirements During Construction	The recipient is responsible for: A. Ensuring project completion in accordance with approved plans and specifications; B. Monitoring project progress and reporting progress to NTIA and the NIST Grants Officer; C. Providing for required construction permits and adequate construction inspection; D. Promptly paying costs incurred for the project purposes; and E. Monitoring contractors’ compliance with Federal, State, and local requirements.
Recipient and Contractor Compliance with Applicable Requirements	The Recipient shall comply, and must require each subrecipient or contractor, including lower tier subrecipients or subcontractors, to comply with all applicable Federal, state, and local laws and regulations.
Environmental Assessment	The Recipient must comply with all environmental standards and identify to NTIA any impact a proposed infrastructure project may have on the environment. The recipient may not expend federal infrastructure funds other than engineering design prior to an environmental review and completion of any required consultations.
Scheduling Inspection for Final Acceptance	The Recipient will schedule a final inspection when all construction has been completed, the architect/engineer has conducted a final inspection, and any deficiencies have been corrected.
Prohibition on Use for Covered Communications Equipment or Services	A Recipient or subrecipient may not use grant funds received under the BEAD 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)) and 2 CFR § 200.216.

Prevention of Waste, Fraud, and Abuse	At any time(s) during the grant period of performance, NTIA may direct a Recipient's key personnel to take a government-provided training on preventing waste, fraud and abuse. Key personnel include those responsible for managing the Recipient's finances and overseeing any contractors, subcontractors or subrecipients (for financial matters and/or general oversight related to the grant).
Cybersecurity and Supply Chain Risk Management	47 U.S.C. § 1702(g)(1)(B), NOFO IV.C.2.c.vi. Subgrantee, in carrying out activities using amounts received from a Grantee, shall comply with prudent cybersecurity and supply chain risk management practices, as specified by the Assistant Secretary, in consultation with the Director of the NIST and FCC. Prior to allocating any funds to a Subgrantee, the Grantee shall, at a minimum, require a prospective Subgrantee to attest that: • Cybersecurity & Supply Chain Risk Management Compliance: Subgrantees must adhere to prudent cybersecurity and supply chain risk management practices as specified by federal authorities. • Cybersecurity Risk Management Plan (CRMP) Requirements: • Must be operational if the Subgrantee is already providing service or ready to implement if not. • Must align with the latest NIST Framework (Version 1.1) and Executive Order 14028. • Must be periodically reviewed and updated as necessary. • Must be submitted to the Grantee before fund allocation, with updates sent within 30 days of substantive changes. • Supply Chain Risk Management (SCRM) Plan Requirements: • Must be operational or ready for implementation as applicable. • Must follow key practices from NISTIR 8276 and NIST 800-161. • Must be periodically reviewed and updated as necessary. • Must be submitted to the Grantee before fund allocation, with updates sent within 30 days of substantive changes. • Third-Party Compliance: If a BEAD Subgrantee relies on third-party network facilities, the Grantee must obtain attestations from the network provider regarding cybersecurity and SCRM compliance.
Programmatic Waiver of the Letter of Credit	Per NOFO Section IV.D.2.a.ii, the Grantee shall establish a model letter of credit (LOC) substantially similar to the model letter of credit established by the Federal Communications Commission in connection with the Rural Digital Opportunity Fund (RDOF). The LOC requirement is waived to the extent described in the Letter of Credit Notice of Programmatic Waiver, BEAD Letter of Credit Waiver Notice https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver

Reporting Requirements

BEAM intends to follow all BEAD reporting requirements and deadlines described in Section A.01 of the Department of Commerce Financial Assistance Standard Terms and Conditions:

<https://www.commerce.gov/sites/default/files/2024-09/DOC%20Financial%20Assistance%20General%20Terms%20and%20Conditions%20as%20of%2001%20October%202024.pdf>

Report Type:	Details of the report:
Financial Reports:	- SF-425 Federal Financial Report
	- Semi-annual basis for the periods ending June 30 and December 31 of each year
	- Due within 30 days after the end of the reporting period to the NTIA Salesforce portal.
	- A final financial report is due within 120 days after the end of the project period (Note: Subrecipients must submit to the State of Mississippi within 90 days after the project period)
Performance (Technical) Reports:	- Technical progress report
	- Semi-annual basis for the periods ending June 30 and December 31 of each year
	- Due within 30 days after the end of the reporting period to the NTIA Salesforce portal.
	- Technical progress reports shall contain information as prescribed in 2 CFR § 200.329
Final Closeout Report	- Final Performance (Technical) Report within 120 days following the period of performance end date
	- Final SF-425 Federal Financial Report within 120 days following the period of performance end date
	- Final Reporting for Property Acquired under a Federal Award, as applicable (ex. SF-428 and related forms)

Subaward Reporting

BEAM also intends to submit detailed reporting and corresponding data for each of its BEAD subawards covering all reporting periods within the period of performance. BEAM will submit all BEAD subaward reporting before the prescribed NTIA reporting due date for each major reporting period described below.

Performance (Technical) Reports:	- Technical progress report
	- Semi-annual basis for the periods ending June 30 and December 31 of each year
	- Due within 30 days after the end of the reporting period to the NTIA Salesforce portal.
	- Technical progress reports shall contain information as prescribed in 2 CFR § 200.329
	- As prescribed in the BEAD Final Proposal Guidance ○ The report will include the following: • Deployment project data • Locations information • No BEAD Locations Data • CAI Locations information • Non-Deployment project data

Request for Payment Requirements

BEAM has elected to distribute funding utilizing fixed amount subawards. Typically, in a fixed amount subaward, payments may be structured in several ways as outlined in 2 CFR 200.201—including partial payments triggered by defined milestones, payments on a unit price basis, or a single payment upon project completion. However, in this case, BEAM elected to use milestone-based payments. During the Subrecipient agreement phase, the recipient and Subrecipient will negotiate a project-specific milestone schedule based on the deliverables/timeline of the project. The milestone schedule details the total expected cost of the milestone, the BEAD funds to be reimbursed to the Subrecipient, and the amount of match funding contributed by the Subrecipient (minimum of 25% for broadband infrastructure projects).

The various engineering firms will perform milestone substantiation reviews at the completion of each milestone. This review consists of evaluating the supporting documentation provided by the Subrecipient to substantiate each milestone that was completed. Payment request reviews will also be conducted once each milestone is achieved, and these reviews will consist of ensuring the funds are being expended properly on items/services that are allocable to BEAD, progressing the project, and will ultimately bring the project to completion. Additionally, this review will be performed on evidence of costs which includes reviewing some or all invoices/contracts supporting the cost and proof of payment documentation. Detailed source supporting documents are to be provided by the Subrecipients. Examples of source supporting documents include invoices, purchase orders, cancelled checks, bank statements, paid bills, payrolls, time and attendance records, and contracts/agreements.

If a subgrantee materially fails to meet deployment milestones, performance standards, or financial management requirements, BEAM may take corrective action, up to and including suspension of payments, termination of the award, and recovery of disbursed funds (clawback) to safeguard federal resources and uphold NTIA's accountability standards.

Request for Payment Timeline

BEAM will also monitor Subrecipients to ensure costs and sufficient supporting documentation are submitted during the grant award period of performance from August 14, 2023, to June 30, 2032.

After a Subrecipient submits costs for reimbursement upon completion of a milestone, BEAM will review the documentation supporting the milestone was met as well as the costs and detailed source documentation supporting the costs incurred by the Subrecipient. BEAM will monitor costs to confirm the expenditures were for items/services that progressed the project and there is no fraud, waste, or abuse present. Following BEAM's review, BEAM will submit a request for payment to DFA, and DFA will then disburse funds to Subrecipients.

Whistleblower Policy

The State of Mississippi will follow Section IX. (G)(3) of the BEAD NOFO and the Department of Commerce Financial Assistance Standard Terms and Conditions regarding whistleblower policies as they are incorporated into every NTIA grant award. Section F.05 of these Terms and Conditions states that each award is subject to the whistleblower protections afforded by 41 U.S.C. § 4712 (Enhancement of contractor protection from reprisal for disclosure of certain information).

Generally, 41 U.S.C. § 4712 provides that an employee or contractor (including subcontractors and personal services contractors) of a subrecipient may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal award, subaward, or a contract under a Federal award or subaward, a gross waste of Federal funds, an abuse of authority relating to a Federal award or subaward or contract under a Federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal award, subaward, or contract under a Federal award or subaward.

The State will also ensure subrecipients and their contractors under Federal awards and subawards inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712. If employees need to submit a formal complaint to report fraud, waste, abuse, or believe they have been the subject of retaliation for protected whistleblowing, they can contact the Department of Commerce, Office of Inspector General Hotline, as indicated at <https://www.oig.doc.gov/Pages/Hotline.aspx>, or the U.S. Office of Special Counsel, toll-free at 1-800- 872-9855.

Conclusion

The State of Mississippi will perform monitoring activities during the period of performance of this award. The purpose of monitoring is to ensure that the BEAD Program meets objectives, established terms and conditions, and fulfills regulatory requirements. The procedures in this monitoring plan will work towards ensuring the State of Mississippi and its subrecipients are assisted and evaluated in their deployment of infrastructure to areas lacking broadband in a timely and consistent manner.

BEAM will update this compliance and monitoring plan based on subsequent guidance released by NTIA as necessary. BEAM also intends to comply with all current and future SAC requirements set forth in its BEAD award.