

ALABAMA BEAD Program Compliance

Construction Vendor Requirements Summary

Contractor acknowledges that the project(s) it will be working on for Brightspeed is/are funded in whole or in part by the Broadband Equity, Access, and Deployment (BEAD) Program administered by the National Telecommunications and Information Administration (NTIA) and the Alabama Department of Economic and Community Affairs (ADECA). Contractor shall comply with all applicable requirements of the Alabama BEAD Subaward Agreement between ADECA and Brightspeed, including attachments, applicable BEAD program guidance, federal award requirements, and Alabama state-specific requirements described below.

Use this as a vendor-facing summary. It does not replace the vendor contract, statement of work, master services agreement, or any project-specific instructions from Brightspeed.

Applicable Program Requirements

- [Alabama BEAD Subaward Agreement](#) between ADECA and Brightspeed, including Attachment A (Scope of Work), Attachment B (Project Budget), Attachment C (Reporting and Closeout Obligations), Attachment D (Certifications and Assurances), and incorporated Award Documents.
- BEAD Notice of Funding Opportunity (NOFO), as amended by the BEAD Restructuring Policy Notice.
- NTIA BEAD General Terms and Conditions and U.S. Department of Commerce financial assistance terms and conditions.
- Applicable provisions of 2 CFR Part 200 and related federal grant requirements, as tailored to BEAD fixed amount subawards.
- Alabama BEAD Program requirements, guidance, monitoring, oversight, reporting, and closeout requirements issued by ADECA.

Specific Compliance Requirements

1. Build America, Buy America (BABA)

- Use only BABA-compliant iron, steel, manufactured products, and construction materials for BEAD-funded broadband infrastructure, unless Brightspeed confirms that a waiver or exception applies.
- Materials supplied by Brightspeed must not be substituted without Brightspeed approval. Contractor-supplied materials must be pre-approved by Brightspeed for BABA compliance.
- Provide complete and accurate BABA documentation, certifications, bills of material, supplier/manufacturer information, and supporting records upon request.
- Flow down BABA requirements to all lower-tier subcontractors, suppliers, and purchase orders.

2. Environmental, NEPA, and Historic Preservation

- Comply with all applicable federal, state, and local environmental and historic preservation requirements, including NEPA and the National Historic Preservation Act when applicable.
- Do not perform construction or ground-disturbing activity until Brightspeed confirms that required environmental and historic preservation reviews, consultations, permits, and approvals have been completed and the work is authorized.
- Engage only in approved non-construction activities before environmental/historic preservation approvals are complete.
- Maintain and provide records, permits, field notes, photographs, maps, and other documentation needed to evidence compliance.

- Immediately stop work and notify Brightspeed if archaeological resources, human remains, burial sites, protected species, wetlands, or other sensitive resources are discovered.

3. Permitting, Utility Coordination, and Rights-of-Way

- Comply with all federal, state, local, railroad, utility, pole attachment, conduit, and right-of-way permitting requirements.
- Maintain current permit logs, correspondence, application dates, approvals, denials, conditions, make-ready status, railroad crossing status, and escalation records.
- Promptly notify Brightspeed of permitting delays, access disputes, missed timelines, unreasonable fees or conditions, construction technique restrictions, pole or conduit access issues, or municipal permitting issues.
- Cooperate with Brightspeed in tracking issues that may need to be raised through ADECA permitting roundtables or other BEAD escalation processes.

4. Performance, Quality, Testing, and Milestone Support

- Perform work in a manner that enables Brightspeed to meet the approved scope of work, schedule, milestone, closeout, and service obligations for each Alabama BEAD project.
- Support delivery of fiber-to-the-premises broadband service meeting at least 100/20 Mbps with latency less than or equal to 100 milliseconds, as reflected in the Alabama project scopes.
- Cooperate with milestone verification, quality inspections, testing, as-built reviews, final closeout testing, and on-site inspections by Brightspeed, ADECA, NTIA, or other authorized representatives.
- Provide accurate progress data, redlines, as-builts, GIS files, photographs, test results, bills of materials, and other documentation needed for Brightspeed reporting and payment requests.

5. Audit, Inspection, Access, and Cooperation

- Provide Brightspeed, ADECA, NTIA, the U.S. Department of Commerce Office of Inspector General, the U.S. Government Accountability Office, the Alabama Chief Examiner of Public Accounts, and their authorized representatives timely access to records, facilities, work sites, and personnel necessary for audits, inspections, monitoring, financial reviews, investigations, or closeout.
- Do not impede, condition, or delay access requested for BEAD oversight or audit purposes.
- Cooperate with pre-award, during-award, and post-award audit or monitoring activities related to the Alabama BEAD-funded work.

6. Recordkeeping and Retention

- Maintain complete, accurate, auditable, and project-specific records supporting labor, materials, equipment, costs, invoices, permitting activities, route construction, compliance obligations, and project deliverables.
- Retain records for at least ten (10) years from submission of Brightspeed/ADECA final financial reporting for the applicable project, or longer if required by law, audit, litigation, claim, or unresolved finding.
- Maintain as-built documentation, GIS records, test records, bills of material, invoices, material certifications, permitting files, environmental records, and subcontractor records in a usable format.

7. Suspension, Debarment, and Excluded Parties

- Contractor represents that neither it nor its principals are suspended, debarred, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federally funded programs.
- Contractor must verify and monitor suspension/debarment status for lower-tier subcontractors and suppliers receiving BEAD-funded work.

- Contractor must immediately notify Brightspeed if it or any lower-tier contractor, subcontractor, supplier, or principal becomes suspended, debarred, or otherwise excluded.
- Flow down required debarment and suspension certifications to lower-tier covered transactions.

8. Prohibited Telecommunications and Video Surveillance Equipment

- Do not use BEAD funds to procure, obtain, extend, renew, or enter into contracts for covered telecommunications equipment or services prohibited under Section 889 and 2 CFR 200.216.
- Covered equipment and services include certain equipment or services produced or provided by Huawei, ZTE, Hytera, Hikvision, Dahua, or subsidiaries/affiliates, and other covered entities as defined by federal law.
- Flow down this prohibition to all subcontractors, suppliers, and purchase orders.

9. Civil Rights, Nondiscrimination, Labor Compliance, and Workplace Requirements

- Comply with all applicable civil rights, nondiscrimination, equal employment opportunity, labor, and employment requirements applicable to federally assisted construction work.
- Include the required Equal Employment Opportunity clause in covered subcontracts and purchase orders unless an exemption applies.
- Comply with the Copeland Anti-Kickback Act for covered construction work exceeding \$2,000.
- Comply with the Contract Work Hours and Safety Standards Act for covered work exceeding \$100,000 involving laborers or mechanics, including overtime and workplace safety requirements.
- Comply with applicable drug-free workplace requirements, and adopt workplace safety practices addressing seat belt use and reducing text messaging while driving.

10. Small and Minority Businesses, Women-Owned Businesses, and Labor Surplus Area Firms

- When letting lower-tier subcontracts or purchase orders, take required affirmative steps when possible to include qualified small businesses, minority businesses, women's business enterprises, and labor surplus area firms.
- Maintain documentation of outreach, solicitation lists, bid opportunities, subcontracting decisions, and related good-faith efforts where applicable.

11. Conflicts of Interest

- Promptly disclose to Brightspeed any actual, potential, or apparent conflict of interest relating to selection, award, administration, or performance of BEAD-funded work.
- Maintain standards of conduct for personnel engaged in selection, award, and administration of BEAD-related subcontracts and purchase orders.
- Do not offer, solicit, or accept improper gratuities, favors, or financial interests connected to BEAD-funded work.

12. Waste, Fraud, Abuse, False Claims, and Mandatory Disclosure

- Promptly report to Brightspeed any credible evidence of fraud, conflict of interest, bribery, gratuity violations, False Claims Act violations, misuse of federal funds, or other integrity concerns connected with the BEAD-funded work.
- Do not submit false, inaccurate, inflated, unsupported, or misleading invoices, certifications, testing data, labor records, material records, progress reports, or compliance documentation.
- Cooperate with any required disclosure, investigation, corrective action, or remediation.

13. Whistleblower, Human Trafficking, Lobbying, and Political Activity

- Comply with federal whistleblower protections and provide required employee notices regarding rights and remedies under 41 U.S.C. 4712 in the predominant native language of the workforce.
- Comply with federal human trafficking prohibitions applicable to federal awards.
- Do not use federal BEAD funds for lobbying or partisan political activity; provide lobbying certifications or disclosures if required.
- Comply with applicable Hatch Act restrictions where relevant.

14. Federal Interest, Inventory, and Property Restrictions

- Do not sell, transfer, lease, encumber, dispose of, substitute, remove, or repurpose BEAD-funded materials, equipment, facilities, or project property without Brightspeed authorization.
- Support inventory controls, material tracking, asset records, federal interest documentation, UCC/covenant support, and closeout documentation requested by Brightspeed.
- Protect BEAD-funded assets and work product from loss, damage, misuse, theft, or unauthorized diversion, and promptly report issues to Brightspeed.

15. Cybersecurity and Supply Chain Risk Management

- Follow Brightspeed's cybersecurity, information security, network security, and supply chain risk management requirements applicable to the Alabama BEAD projects.
- Provide supplier, equipment, software, and network information needed to support Brightspeed's cybersecurity and supply-chain attestations, plans, and updates.
- Protect project data, network information, GIS files, customer/location information, credentials, and other sensitive information from unauthorized access or disclosure.

16. Clean Air, Water Pollution Control, Recovered Materials, and American-Made Products

- Comply with Clean Air Act and Federal Water Pollution Control Act requirements for covered contracts exceeding \$150,000.
- Comply with recovered materials procurement requirements where applicable, including procurement of EPA-designated items containing the highest practicable percentage of recovered materials when thresholds are met.
- To the extent practicable, use American-made equipment and products for purchases funded under the Alabama BEAD work.

17. Scope Changes, Substitutions, and Future Guidance

- Do not change approved scope, design, route, construction method, materials, equipment, bill of materials, or compliance approach without Brightspeed approval when the change could affect BEAD requirements, cost eligibility, BABA, permitting, environmental approvals, network performance, or reporting.
- Cooperate with Brightspeed in implementing updated NTIA, ADECA, federal, or state compliance, reporting, documentation, or operational requirements issued during the project.
- Promptly provide information required to support amendments, reporting, payment requests, closeout, or responses to ADECA/NTIA inquiries.

18. Required Flowdowns to Lower-Tier Subcontractors and Suppliers

- Contractor must include all applicable BEAD compliance obligations in lower-tier subcontracts, purchase orders, vendor agreements, and supplier terms.

- At minimum, flowdowns should cover BABA, environmental/historic preservation, permitting, audit/access, record retention, debarment and suspension, prohibited equipment, EEO and federal labor clauses, termination for cause and convenience for contracts over \$10,000, whistleblower protections, fraud/mandatory disclosure, federal interest/property restrictions, cybersecurity/supply chain, lobbying/political activity, human trafficking, Alabama state-specific requirements, and cooperation with future guidance.
- Contractor remains responsible for lower-tier compliance and must provide lower-tier records to Brightspeed upon request.

Alabama State-Specific Requirements

- **Alabama procurement and public works laws:** Comply with applicable Alabama procurement law (Ala. Code 41-16-1 et seq.; Ala. Code 41-4-110 et seq.) and the Alabama Public Works Law (Ala. Code 39-1-1 et seq.) to the extent applicable to the work, including any competitive bidding, public works, bonding, contract, documentation, or subcontracting requirements that apply.
- **State permitting requirements:** Comply with all Alabama state permitting requirements, along with county, municipal, utility, railroad, right-of-way, and environmental permits needed for construction.
- **Beason-Hammon Alabama Taxpayer and Citizen Protection Act:** Comply with applicable Alabama immigration requirements under Ala. Code 31-13-1 et seq. Contractor must not knowingly employ, hire for employment, or continue to employ an unauthorized alien in Alabama.
- **Boycott certification under Ala. Code 41-16-5:** For agreements governed by Alabama Public Works Law or Alabama procurement law, contractor must not be engaged in, and must not engage in, the boycott of a person or entity based in or doing business with a jurisdiction with which Alabama can enjoy open trade.
- **Economic boycott certification under Ala. Code 41-16-161:** Contractor must not engage in economic boycotts during the term of the applicable contract.
- **Alabama disclosure statement:** Where applicable, support or provide any Alabama disclosure statement required for grant proposals over \$25,000 or proposed contracts meeting formal solicitation thresholds under Alabama law.
- **Alabama Open Records Law and publication language:** Project information may be subject to public records requests. Publications produced with BEAD funds must include the required federal award acknowledgement: “This project [is being] [was] supported, in whole or in part, by federal award number 01-20-B093 awarded to the State of Alabama by NTIA.” Contractor must comply with any ADECA or NTIA guidance on signage or customer outreach materials.
- **Alabama audit submission context:** Audits and records may be reviewed by ADECA and the Alabama Department of Examiners of Public Accounts. Contractor must support Brightspeed with records and cooperation needed for any Alabama-specific audit or monitoring request.