

Virginia Office of Broadband

BEAD Application Requirements Overview

Build America, Buy America Act (BABA)
Section 2.4.5

Section 2.4.5 BABA Summary

1 DESCRIPTION: WHAT?

- Section 2.4.5 covers the Build America, Buy America (BABA) requirements included in the selection process

2 RATIONALE: WHY?

- To ensure applicants are aware of and comply with all BABA requirements

3 ROLES AND RESPONSIBILITIES: WHO?

Applicant: Demonstrate an understanding of and compliance with BABA requirements
 DHCD Office of Broadband: Evaluate applications

4 DESCRIPTION: HOW?

The BEAD NOFO and NTIA guidance requires applicants comply with BABA requirements

5 QUESTIONS?

Contact: broadband@dhcd.virginia.gov
 Additional Resources: <https://www.dhcd.virginia.gov/bead>

6 ROADMAP: WHEN?

Milestone	Phase
Applicant to certify understanding of and compliance with BABA requirements	Application
Awardee to provide either a Bill of Materials or detailed list of vendors, including a comprehensive list of materials and equipment to be purchased for the BEAD project detailing compliance with BABA	Pre-Contract
Subgrantee to provide final Bill of Materials	Ongoing

Section 2.4.5 BABA Breakdown

1. Compliance with Build America, Buy America

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities comply with all applicable BABA requirements*. Please note that the NTIA has posted a BABA waiver. You can find information from NTIA on the waiver [here](#) and view the filed waiver [here](#). The NTIA has also posted a [BABA FAQ](#) and created a self-certification and compliance framework for ensuring conformity with the BEAD BABA waiver (see Section 4.2 of NTIA's [Compliance and Documentation Requirements and Procedures](#))



The Office of Broadband will require applicants to submit a Bill of Materials or detailed list of vendors, including a comprehensive list of materials and equipment to be purchased for the BEAD project detailing compliance with BABA in the Pre-Contract Phase.

- **Certify that the applicant understands and will comply with the following BABA requirements:**
 - Requirement 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, 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, subgrantees 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 subgrantees 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.

- **Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA**



Section 2.4.5 BABA Actions

The applicant is expected to complete the following task(s) to satisfy the requirements for Section 2.4.5 which are laid out on Page 87 – 88 [BEAD NOFO](#) and adopted by the Office of Broadband on Page 15 – 16 of their [Initial Proposal Volume 2](#).

REQUIREMENTS

The Office of Broadband posted the requirement specifics in IPv2

Fall 2023



APPLICATION

Applicant to include all documentation, narratives, and certifications in the application

During Application



PRE-CONTRACT

In the Post-Award but Pre-Contract phase, awardees will be asked to provide additional information

2025



SUBGRANTEE MONITORING

The Office of Broadband will monitor subgrantees to ensure compliance with ongoing requirements for this section

Ongoing

