

**Department of Transformation and Shared Services**

Governor Asa Hutchinson  
Secretary Amy Fecher  
Director Edward Armstrong

September 22, 2021

The Honorable Terry Rice, Co-Chairperson  
The Honorable Jeff Wardlaw, Co-Chairperson  
Legislative Council  
State Capitol Building, Room 315  
Little Rock, Arkansas 72201

Dear Senator Rice and Representative Wardlaw:

Under Arkansas Procurement Law, all non-exempt contracts for services must be presented for legislative review if they have an annual contract amount that equals or exceeds fifty thousand dollars (\$50,000) in any one (1) contract year or a total projected contract amount of three hundred fifty thousand dollars (\$350,000) over the term of the contract. See Ark. Code Ann. § 19-11-265.

The Department of Transformation and Shared Services (TSS), through its Office of State Procurement (OSP), has reviewed the contracts for services that have been submitted for legislative review this month. None of the contracts submitted appear, on their face, to be unlawful and are, therefore, submitted for review.

Should you have any questions, we will do our best to see that they are answered.

Respectfully,

Edward R. Armstrong  
State Procurement Director

cc: Amy Fecher  
Secretary, TSS

Ann Purvis  
Chief of Staff, TSS

SUMMARY SCHEDULE OF STATE AGENCY CONTRACTS  
FOR ARKANSAS LEGISLATIVE COUNCIL REVIEW  
*In-State Contracts*

---

<b>1. Agency:</b> Economic Development Commission	<b>Contractor:</b> BROADBAND DEVELOPMENT GROUP LLC
	<b>Location:</b> LITTLE ROCK <b>State:</b> AR
<b>Service Type:</b> Professional Consultant Services (PCS)	
<b>Total Authorized:</b> \$0.00	<b>Org. Term:</b> 10/07/2021 10/08/2022 <b>Procurement:</b> RFP
<b>Total After Review:</b> \$2,224,915.50	<b>Funding:</b> Federal - 100% - [Federal ARP Act]
<b>Total Projected:</b> \$2,224,915.50	<b>MOF:</b> <b>Contract Number:</b> 4600049657
<b>Org/Amt:</b>	<b>Amount</b> <b>Paid To Date</b> <b>Objective:</b> <b>New Exp Date</b>
	2,224,915.50 BROADBAND MASTER PLAN CONSULTING SERVICES



## Department of Transformation and Shared Services

Governor Asa Hutchinson  
Secretary Amy Fecher

Governor Asa Hutchinson  
State Capitol Building, Room 250  
Little Rock, Arkansas 72201

September 22, 2021

The Honorable Terry Rice, Co-Chairperson  
The Honorable Jeff Wardlaw, Co-Chairperson  
ALC Review Subcommittee  
State Capitol Building, Room 315  
Little Rock, Arkansas 72201

Re: Consulting Services for Statewide Broadband Plan  
RFP S000000039

Governor Hutchinson, Senator Rice, and Representative Wardlaw:

Executive Order 98-04 addresses contract disclosure requirements in pertinent part as follows:

### II. APPROVAL OF CONTRACTS AND GRANTS

Agencies shall be prohibited from entering into or renewing any contract ... with any current or former: member of the general assembly, ... or the spouse or immediate family member of any of the persons described in this sentence, or with any entity in which any such person holds (i) any position of control, or (ii) any ownership interest of 10% or greater.

The prohibition provided in the previous sentence shall not apply to:

- (i) Contracts, leases, or purchase agreements that are the result of ... a request for proposal, which requires public notice and public opening of bids or proposals; provided, however, agencies shall be required to disclose any such contract, lease, or purchase agreement entered into with any of the persons described in the previous paragraph, notice of which is given to the Governor and the Legislative Council; ...

In accordance with this provision, please be advised that Aaron Bragg, son of Representative Ken Bragg, has been disclosed in regard to the Broadband Development Group, LLC response to the Consulting Services for Statewide Broadband Plan request for proposal. The enclosed Contract and Grant Disclosure and Certification form reflects that Aaron Bragg is a member of the entity's Board of Directors and has an ownership interest of 10%.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ed Armstrong", followed by a small blue checkmark.

Edward R. Armstrong  
State Procurement Director

cc: Amy Fecher

**Office of the Secretary**

501 Woodlane, Suite 201 \* Little Rock, AR 72201 \* 501.319.6551

**TRANSFORM.AR.GOV**



# CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

Failure to complete all of the following information may result in a delay in obtaining a contract, lease, purchase agreement, or grant award with any Arkansas State Agency.

SUBCONTRACTOR NAME:

☒ Yes ☐ No Broadband Development Group, LLC

IS THIS FOR:

TAXPAYER ID NAME: 473017458 ☐ Goods? ☒ Services? ☐ Both?

YOUR LAST NAME: McAlister FIRST NAME: Louis M.I.: F

ADDRESS: 124 W Capitol Av Ste 1901

CITY: Little Rock STATE: AR ZIP CODE: 72201 COUNTRY: USA

AS A CONDITION OF OBTAINING, EXTENDING, AMENDING, OR RENEWING A CONTRACT, LEASE, PURCHASE AGREEMENT, OR GRANT AWARD WITH ANY ARKANSAS STATE AGENCY, THE FOLLOWING INFORMATION MUST BE DISCLOSED:

## FOR INDIVIDUALS \*

Indicate below if: you, your spouse or the brother, sister, parent, or child of you or your spouse is a current or former: member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee:

Position Held	Mark (✓)		Name of Position of Job Held [senator, representative, name of board/ commission, data entry, etc.]	For How Long?		What is the person(s) name and how are they related to you? [i.e., Jane Q. Public, spouse, John Q. Public, Jr., child, etc.]
	Current	Former		From MM/YY	To MM/YY	
General Assembly						
Constitutional Officer						
State Board or Commission Member						
State Employee	X		Attorney	08/12	08/21	Michael E. McAlister Brother

☐ None of the above applies

## FOR AN ENTITY (BUSINESSES) \*

Indicate below if any of the following persons, current or former, hold any position of control or hold any ownership interest of 10% or greater in the entity: member of the General Assembly, Constitutional Officer, State Board or Commission Member, State Employee, or the spouse, brother, sister, parent, or child of a member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee. Position of control means the power to direct the purchasing policies or influence the management of the entity.

Position Held	Mark (✓)		Name of Position of Job Held [senator, representative, name of board/ commission, data entry, etc.]	For How Long?		What is the person(s) name and what is his/her position of control?	
	Current	Former		From MM/YY	To MM/YY	Person's Name(s)	Ownership Interest (%)
General Assembly	X		Son of Representative	01/13	08/21	Aaron Bragg	10% Board of Directors
Constitutional Officer							
State Board or Commission Member	X		Spouse of ARDOT Commissioner	03/20	08/21	Ryan Holder	5% Board of Directors
State Employee							

☐ None of the above applies



## Contract and Grant Disclosure and Certification Form

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency.

As an additional condition of obtaining, extending, amending, or renewing a contract with a state agency I agree as follows:

1. Prior to entering into any agreement with any subcontractor, prior or subsequent to the contract date, I will require the subcontractor to complete a CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM. Subcontractor shall mean any person or entity with whom I enter an agreement whereby I assign or otherwise delegate to the person or entity, for consideration, all, or any part, of the performance required of me under the terms of my contract with the state agency.

2. I will include the following language as a part of any agreement with a subcontractor:

*Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this subcontract. The party who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the contractor.*

3. No later than ten (10) days after entering into any agreement with a subcontractor, whether prior or subsequent to the contract date, I will mail a copy of the CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM completed by the subcontractor and a statement containing the dollar amount of the subcontract to the state agency.

I certify under penalty of perjury, to the best of my knowledge and belief, all of the above information is true and correct and that I agree to the subcontractor disclosure conditions stated herein.

Signature  Title CEO Date 08/20/2021  
Vendor Contact Person Louis McAlister Title CEO Phone No. 5015908206

Agency use only

Agency Number                      Agency Name                      Agency Contact Person                      Contract Phone No.                      or Grant No.