



REQUEST FOR PROPOSAL

For: General Support for Broadband Infrastructure and Digital Equity Investment

The Rhode Island Commerce Corporation (Corporation) seeks proposals from one or more qualified firms to (1) draft and implement a statewide broadband infrastructure and digital equity investment and grant program, called ConnectRI; this will consist primarily of drafting and implementing an integrated plan for maximizing the benefits of all relevant federal broadband subsidy programs in Rhode Island; (2) draft and implement all aspects of a Digital Equity Plan; (3) draft and implement all aspects of the Broadband Equity, Access, and Deployment (BEAD) Five-Year Action Plan, the BEAD Initial Proposal, and the BEAD Final Proposal, all in service of the ConnectRI investment program; and (4) design and implement a process for supervising grant completion for all recipients of grant funds awarded pursuant to the BEAD, the Digital Equity Act (DEA), and the US Treasury's Capital Projects Fund (CPF) program. All work will be performed in close consultation with and subject to final review and approval by the Corporation.

This document constitutes a Request for Proposal (RFP), in a competitive format, from qualified firms. This request is an offer by the Corporation to underwrite, in accordance with the terms and conditions of this RFP, the services proposed by the successful firm(s), by contract. The respondents (Proposers) to this RFP shall provide a proposal, in accordance with the terms and conditions set forth herein, to provide all or part of services to the Corporation as described in the Scope of Work.

Project Overview

Rhode Island has the following broadband and digital equity goal:

Leverage a best-in-class, resilient, sustainable, and scalable broadband infrastructure to propel the state's 21st century economics, education, healthcare, civic and social engagement, and quality of life, by ensuring all Rhode Islanders have access to affordable, high-speed internet in their homes, at their places of employment, and at public facilities by 2027.

As a result of federal and state funding through the CPF, the BEAD, and the DEA, Rhode Island will have the resources to make a generational investment in broadband infrastructure and digital equity projects in order to help reach that goal. Rhode Island has committed \$25M in CPF dollars to support broadband access at the 100/100Mbps threshold. Additionally, through the BEAD and DEA programs, the State expects to receive a minimum of \$108.7M toward both broadband and digital equity efforts. Both programs administered by the National Telecommunications and Information Administration (NTIA) (BEAD and DEA) require states to conduct planning activities in advance of deploying funding. Rhode Island has begun this work, with a statewide strategic broadband plan available for review here:

<https://commerceri.com/broadband/strategic-plan/>. This work is being branded in state as the ConnectRI Broadband and Digital Equity Initiative.

In order to be successful, the Corporation must first design a strategic and surgical broadband and digital equity initiative that fits within the parameters of allowable federal funding. It must then administer this initiative successfully. While this funding level is historic, we do not believe it adequate to provide for all the broadband and digital equity needs in State. The program design must, therefore, prioritize efforts that will most strategically help Rhode Island reach its broadband goal.

This effort must commence in short-order, beginning with the deployment of Capital Projects Funding, the preparation and implementation of a community engagement plan, and the preparation of a Five-Year Action Plan for BEAD funding consistent with the BEAD program's Notice of Funding Opportunity (NOFO) requirements, due by mid-September 2023. It must then follow with preparing and obtaining NTIA approval of an Initial Proposal in order to be able to receive the first at least \$20M in BEAD funding shortly thereafter.

The Corporation seeks to engage with one or more qualified Proposers to design and implement all aspects of the ConnectRI Broadband and Digital Equity Initiative. The required work will consist of four tasks:

- (1) Drafting and implementing a plan for incorporating the three federal funding programs (CPF, DEA, and BEAD) into a single, integrated broadband plan for Rhode Island;
- (2) Drafting and implementing the Digital Equity Plan;
- (3) Drafting and implementing the BEAD Five-Year Action Plan, Initial Proposal, and Final Proposal. This task consists of many elements, the most significant of which are as follows: (a) designing and conducting the external engagement process required by the BEAD NOFO including, but not limited to, outreach to and coordination with local, regional, and Tribal (as applicable) entities (governmental and non-governmental); (b) designing and implementing the BEAD state-administered challenge process including, but not limited to, designing a user-friendly system for local, regional, and Tribal governments as well as other stakeholders to prepare and file challenges and assessing whether to accept such challenges; and (c) designing and implementing a process for selecting BEAD subgrantees; and
- (4) Designing and implementing a process for supervising grant completion for all recipients of CPF, BEAD, and DEA grant money.

Background

The Corporation works with public, private, and non-profit partners to create conditions for businesses in all sectors to thrive and to improve the quality of life for the State's residents by promoting Rhode Island's long-term economic health and prosperity. Its broadband effort seeks to ensure that Rhode Island residents and public and private enterprises have access to the broadband infrastructure they need to succeed.

Rhode Island has the opportunity to capitalize on its small geographic size, population density, flat terrain, and middle-mile fiber infrastructure to expand broadband access to its unconnected, under-connected, and covered populations.¹ The State is set to receive \$108.7 million from the NTIA's BEAD program for investments in last-mile broadband infrastructure. In the Fall of 2022, the State received \$5 million of its allocation from the BEAD program as Initial Planning Funds to engage in a range of preliminary activities such as increasing the capacity of the staff within the Corporation that oversees broadband programs and broadband deployment. Additionally, in the Fall of 2022, the State received \$506,000 to develop a "State Digital Equity Plan." This plan, along with the Five-Year Action Plan that the State must submit under the BEAD Program, will be submitted to NTIA by mid-September 2023. Finally, the State has received approval to use \$25M of our CPF for broadband last-mile projects. Recognizing the inextricable link between broadband deployment and digital inclusion needs, the Corporation plans to create a comprehensive and holistic broadband and digital equity initiative, braiding the three federal funding streams to maximize the impact of federal funding and achieve universal connectivity and digital equity for all Rhode Islanders that is sustainable long after federal funding for this work goes away. As explained above and in the Scope of Work below, drafting and implementing this plan is one of the four tasks set forth in this RFP.

Scope of Work

The Corporation seeks a range of services to support the successful completion of ConnectRI Broadband and Digital Equity Initiative. The Corporation will retain responsibility for key programmatic determinations. All draft deliverables submitted by the selected Proposer(s) will be subject to review and approval by the Corporation. Proposals may include one consultant or a team of consultants who can deliver services for one or more of the Categories of Service outlined in the following section. The Corporation expects that Proposers will be able to perform all duties associated within the category or categories of service for which they apply. However, the Corporation expects that consultants may need to sub-contract with specialized organizations for community engagement or other technical components of the services. Proposer(s) must indicate in the proposal if they are proposing to use subcontracted services for additional resources.

Proposers may submit responses to one or more of the tasks described in this Scope of Work. Proposers should clearly indicate the tasks for which they wish to be considered for selection. Proposers shall be scored separately for each task that is included in their proposal. The Corporation reserves the right to select more than one Proposer to complete this work or to not make an award, as well as to award work for one or more of the tasks over a period of time. The Corporation expects selected Proposers to be able to work together as needed.

Task 1: Draft and Implement an Integrated Plan for Maximizing the Benefits of CPF, DEA, and BEAD in Rhode Island.

Consistent with the requirements, rules, and guidance of the NTIA's BEAD and DEA programs as well as US Treasury's CPF, Proposers will be responsible for drafting and implementing a

¹ Unserved refers to locations without reliable access to 25/3Mbps; underserved refers to locations without reliable access to 100/20Mbps; and covered populations refers to those who are one of the following groups: low-income households, racial and ethnic minorities, aging populations, people with disabilities, English language learners, incarcerated individuals, people who live in rural areas, and veterans.

statewide broadband infrastructure investment program that maximizes the benefits of the subsidies available under the three programs for Rhode Island.

The integrated broadband plan for Rhode Island will include program design and implementation for both an infrastructure as well as a digital equity program. Drafting and implementing the plan will entail a wide array of elements including but not limited to the following:

- Identify known or potential obstacles or barriers to the successful implementation of a broadband infrastructure and digital equity investment program, and how the Corporation might address them;
- Provide a comprehensive, high-level plan for providing reliable, affordable, high-speed internet service through the Rhode Island, including:
 - The estimated timeline and cost for universal service,
 - The planned utilization of federal, state, and local funding sources, including the CPF and DEA, and strategies to maximize the investment of non-BEAD funding sources,
 - Identification of inconsistencies in the requirements governing the use of CPF, DEA, and BEAD funds and proposals for complying with such inconsistent requirements
 - Prioritization of areas for federal support,
 - Any consideration afforded to the use of public-private partnerships or cooperatives in addressing the needs of Rhode Island residents,
 - Strategies to address affordability issues, including but not limited to strategies to increase enrollment in the Affordable Connectivity Program by eligible households;
- Develop an estimate of how much it would cost and how long it would take to design and deploy broadband infrastructure to provide access to reliable, high-speed internet service that meet the relevant requirements under CPF and BEAD, for all unserved and underserved locations in the State, including CAIs.;
- Develop a high-level projection, with associated analysis, of the economic impact of BEAD investments in Rhode Island;
- Solicit input from relevant State agencies, municipal governments, utilities, transportation authorities and regional entities on options to promote streamlined deployment of broadband infrastructure; and
- Solicit broadband industry input and perspectives on the barriers and challenges to developing and implementing a broadband project pipeline, including but not limited to, issues related to permitting, access rights (including easements and pole and conduit licenses), and access to a qualified workforce.

Task 2: Draft and Implement a Digital Equity Plan.

Proposers will be responsible for drafting and implementing a plan for implementing all aspects of the DEA in Rhode Island, including assessing, awarding, and distributing Digital Equity Grants. Such grants will be designed to address barriers to digital equity throughout the State and may be used to help scale existing programs, create new programs, or support the equitable infrastructure within CAIs that help to achieve the State's broadband and digital equity goals.

Task 3: Draft and Implement BEAD Five-Year Action Plan, Initial Proposal, and Final Proposal. Proposers will be responsible for drafting and implementing the BEAD Five-Year Action Plan, Initial Proposal, and Final Proposal. Proposers will be responsible for ensuring that the text and implementation of each of the plan and the two proposals complies with all of the requirements set forth in the BEAD NOFO and NTIA guidance as to the meaning of the BEAD NOFO and is consistent with the integrated broadband plan described in Task 1. Task 3 will entail a large number of elements over several years, including, but not limited to, the following:

Sub-task 3A: Design and Implement External Engagement Process.

Proposers will be responsible for designing and conducting the external engagement process required by the BEAD NOFO including, but not limited to, outreach to and coordination with local, regional, and Tribal (as applicable) entities (governmental and non-governmental) and incorporating the input received into all aspects of the work described in this RFP.

Sub-task 3B: Design and Implement BEAD State-Administered Challenge Process.

Proposers will be responsible for designing and implementing the BEAD state-administered challenge process to the Rhode Island broadband map (the development of which is being done by a previously selected vendor). This work will include, but not be limited to the following:

- Design a user-friendly system for local, regional, and Tribal governments as well as other stakeholders (government and non-government) to prepare and file challenges to the map; and
- Design and implement a system for assessing whether to accept such challenges and for incorporating accepted challenges into the state broadband map.

Sub-task 3C: Design and Implement a Process for Selecting BEAD Subgrantees and Awarding BEAD Grants.

Proposers will be responsible for designing and implementing a system for the submission, assessment, and award of BEAD funds to sub-grantees. This work will include, but not be limited to the following:

- Create and implement a complete system, including all relevant and necessary procedures and processes, for the submission and receipt of applications by applicants for BEAD funding;
- Draft criteria for judging such applications, including a point system for assessing applications, and perform all necessary work to apply those criteria and select subgrantees; and
- Create and implement a complete system for the distribution of BEAD funding for selected subgrantees.

Task 4: Design and implement a Process for Supervising Grant Completion for all recipients of CPF, BEAD, and DEA grant money.

Proposers will be responsible for designing and implementing a system for ensuring that all recipients of grants awarded under the CPF, BEAD, and DEA complete the projects for which the grants are intended and that all post-grant requirements, including all auditing and reporting requirements applicable under each of the three programs, are met. Task 4 will include a large number of elements including but limited to the following:

- Provide monitoring and field verification of grant recipients' progress and verify that work has been completed as necessary.
- Monitor the activities, grant expenditures, financial reports, and performance reports of grant recipients necessary to ensure that funds are used for authorized purposes.
- Assist Corporation staff and local project teams throughout the life of each project to ensure successful completion of projects, including but not limited to assistance with resolution of any material delays or noncompliance with performance goals.
- Provide financial review of the grant recipients' invoices on a per project and per invoice basis to ensure eligibility and completeness of supporting documentation and assist with budget revisions as needed to ensure proper cost categories and rates.
- Assist with all required state or federal reports via online systems and/or written reports and provide documentation on construction and grant expenditures. Final reports shall include field verification on construction, performance measures, and review of final expenditures and matching funds; provide grant recipients' written certification of final project performance measures as required by the federal or state funding agency and a grant recipients' written certification of the final budget tracking on the use of grant funds and matching funds.

Project Timeline

July 12, 2023: RFP posted

July 17, 2023: Questions deadline

July 21, 2023: Questions & answers posted

July 26, 2023: Deadline for RFP submissions

The successful Proposer(s) will enter into a contract for services with the Corporation. The duration of the initial contract between the Corporation and the successful Proposer is expected to begin upon the date of contract approval.

Budget

Proposers to this RFP shall provide a proposed fee structure for providing services necessary to complete the tasks in the Scope of Work. Proposers shall include a separate, maximum price to accomplish each task in the Scope of Work that is incorporated in their proposal.²² Fee structure proposals shall include, but are not limited to, costs for specific task items from the Scope of Work along with an estimate regarding the duration and number of hours to complete each task. Additionally, proposers shall provide a personnel schedule which includes job title and billing rate for any work which may be undertaken under this contract. Proposers shall also provide job titles and rates for any subcontractors that the respondent is including in this response. If the Proposer contemplates any purchases or pass-through charges during the engagement, any mark-up rate above actual cost shall be identified as a separate line item in the budget. The Corporation reserves the right to adjust both the budget and related services.

In addition to showing how you will meet the requirements outlined above, Proposers should also provide information regarding the following:

²² Note that Task 3 in the Scope of work includes Sub-tasks. Proposers whose bids include Task 3 should submit a maximum price for performing Task 3 in total. Proposers should not submit discrete maximum prices for the Sub-tasks in Task 3.

- **Research and Analytics:** Provide an overview of how you determine success. What are the analytic tools or services that you use, and what type of information will you be reporting back to the Corporation as it relates to meeting our objectives?
- **Travel and Administration:** The Proposer should estimate any travel costs expected to incur during contract period. Travel and per diem expenses shall not exceed rates authorized by the Corporation's Travel and Expense Policy.

Criteria for Selection

Selection of a Proposer to provide the services sought herein may be based on criteria that include but are not limited to:

- Demonstrated capacity, facilities and organizational structure to perform the type of services sought in this RFP;
- Qualifications and experience of the Proposer and subcontractor(s) and the primary personnel identified to provide the Proposer's proposed services;
- Record of experience in providing similar services to other clients;
- Demonstrated knowledge of the Proposer's proposed services;
- Knowledge, skills, and experience to be evaluated include knowledge of and experience in the broadband industry, including the structure and requirements of the broadband-related programs in IIJA and CPF;
- Demonstrated knowledge and technical capacity to evaluate the efficacy and impact of broadband deployment applications and projects in real time;
- Reasonableness of the proposed budget and hourly rate structure, including a stated willingness (and preferably a commitment) to offer hourly rate discounts and/or blended rates;
- Reasonableness of the proposed schedule for providing the categories of Proposer's proposed services;
- Demonstrated familiarity with Rhode Island's technical and organizational systems.

The order of these factors does not generally denote relative importance. The goal of this RFP is to select and enter into an Agreement with the Proposer(s) that will provide the best value for the services to achieve the Corporation's goals. The Corporation reserves the right to consider such other relevant factors as it deems appropriate in order to obtain the "best value."

Responsive proposals for this RFP will be evaluated according to the Evaluation Criteria outlined below.

EVALUATION CRITERIA

	Points
OVERALL EXPERIENCE OF COMPANY & DEMONSTRATED RESULTS Our evaluation will include an assessment of the history of your company, your experience as it relates to the requirements within this RFP, evidence of past performance, quality and relevance of past work, references, and related items.	30

CREATIVITY (if applicable) Our evaluation will include an assessment of the quality of proposed strategies, and creativity.	5
QUALIFICATIONS OF PERSONNEL Our evaluation will include an assessment of the qualifications and experience of your managerial team, staff, subcontractors, and related items.	20
FAMILIARITY WITH RHODE ISLAND'S ECONOMIC DRIVERS (if applicable) Our evaluation will include our assessment of your understanding of our organization and the existing market for broadband services in Rhode Island and how you integrated this knowledge into your proposal.	5
STRATEGIC THINKING/PLANNING APPROACH Overall approach and strategy described/outlined in the proposal and firm capacity to perform the engagement within the specified timeframe (prior experience of the firm in meeting timelines will be factored in here)	15
BUDGET APPROACH/COST EFFECTIVENESS Effective and efficient delivery of quality services is demonstrated in relation to the budget allocation. The allocation is reasonable and appropriate.	25
Total	100
MBE/WBE/DisBE Participation (additional potential points)	6 pts

NOTE: Designated Corporation staff or selected advisors will evaluate the written proposals. The Corporation may at any time during the evaluation process seek clarification from Proposers regarding any information contained within their proposal. Final scores for each respondent will reflect a consensus of the evaluations. Any attempt by a Proposer to contact a member of Corporation staff or selected advisors outside the RFP process, in an attempt to gain knowledge or an advantage, may result in disqualification of Proposer.

1. ISBE Participation Evaluation (see below for scoring)

- a. The Rhode Island Commerce Corporation encourages MBE/WBE/DisBE participation in this Request. In accordance with Title 37, Chapter 14.1, and Title 37, Chapter 2.2 of the Rhode Island General laws, the Corporation reserves the right to apply additional consideration to MBE/WBE/DisBE up to six (6) additional points in the scoring evaluation as provided below:
- b. Calculation of ISBE Participation Rate
 - i. ISBE Participation Rate for Non-ISBE Vendors. The ISBE participation rate for nonISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of non-ISBE vendor's total contract price that will be subcontracted to ISBEs by the non-ISBE vendor's total contract price. For example, if the non-ISBE's total contract price is \$100,000.00 and it subcontracts a total of \$12,000.00 to ISBEs, the non-ISBE's ISBE participation rate would be 12%.
 - ii. ISBE Participation Rate for ISBE Vendors. The ISBE participation rate for ISBE vendors shall be expressed as a percentage and shall be calculated by dividing the

amount of the ISBE vendor's total contract price that will be subcontracted to ISBEs and the amount that will be self-performed by the ISBE vendor by the ISBE vendor's total contract price. For example, if the ISBE vendor's total contract price is \$100,000.00 and it subcontracts a total of \$12,000.00 to ISBEs and will perform a total of \$8,000.00 of the work itself, the ISBE vendor's ISBE participation rate would be 20%.

c. Points for ISBE Participation Rate:

- i. The vendor with the highest ISBE participation rate shall receive the maximum ISBE participation points. All other vendors shall receive ISBE participation points by applying the following formula:

(Vendor's ISBE participation rate ÷ Highest ISBE participation rate X Maximum ISBE participation points)

For example, assuming the weight given by the RFP to ISBE participation is 6 points, if Vendor A has the highest ISBE participation rate at 20% and Vendor B's ISBE participation rate is 12%, Vendor A will receive the maximum 6 points and Vendor B will receive $(12\% \div 20\%) \times 6$ which equals 3.6 points.

See Appendix A for information and the MBE, WBE, and/or Disability Business Enterprise Participation Plan form(s). Bidders are required to complete, sign and submit these forms with their overall proposal in a sealed envelope. Please complete separate forms for each MBE, WBE and/or Disability Business Enterprise subcontractor/supplier to be utilized on the solicitation.

If a Proposer intends to submit a proposal for less than all of the Tasks in the Scope of Work, it must complete the form attached as **Appendix A** for **each task** that the Proposer submits a proposal for.

Instructions and Notifications to Proposers

1. Potential proposers are advised to review all sections of this RFP carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.
2. Alternative approaches and/or methodologies to accomplish the desired or intended results of this procurement are solicited. However, proposals that depart from or materially alter the terms, requirements, or scope of work defined by this RFP will be rejected as being non-responsive.
3. All costs associated with developing or submitting a proposal in response to this RFP, or to provide oral or written clarification of its content, shall be borne by the proposer. The Corporation assumes no responsibility for such costs.
4. Proposals are considered to be irrevocable for a period of not less than 120 days following the date set for submission of proposals.
5. All pricing submitted will be considered to be firm and fixed unless otherwise indicated herein.

6. Proposals misdirected to other locations, or that are otherwise not present at the Rhode Island Commerce Corporation by the submission deadline for any cause will be determined to be late and will not be considered. For the purposes of this requirement, the official time and date shall be that of the time clock in the reception area of the Rhode Island Commerce Corporation.

7. All proposals should identify the proposed team of professionals, including those employed by subcontractors, if any, along with respective areas of expertise and relevant credentials. Proposer should also provide a delineation of the portion of the scope of work for which each of these professionals will be responsible.

8. All proposals should include the proposer's FEIN or Social Security number as evidenced by a W9, downloadable from <https://www.irs.gov/pub/irs-pdf/fw9.pdf>

9. All proposals should include a completed RFP Response Certification Cover Form, included in this document.

10. The purchase of services under an award made pursuant to this RFP will be contingent on the availability of funds and made at the discretion of the Corporation.

11. Awarding this RFP is based on the Evaluation Criteria set forth in this RFP. Vendors are advised, however, that all materials and ideas submitted as part of this proposal and during the performance of any award shall be the property of and owned by the Corporation, which may use any such materials and ideas.

12. Interested parties are instructed to peruse the Corporation's website (www.commerceri.com) on a regular basis, as additional information relating to this solicitation may be released in the form of an addendum to this RFP. Addenda will also be posted to the Rhode Island State Division of Purchases' website at www.purchasing.ri.gov.

13. Equal Employment Opportunity (R.I. Gen. Laws § 28-5.1-1, et seq.) – § 28- 5.1-1 Declaration of policy – (a) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities, and in the classified, unclassified, and non-classified services of state employment. This policy applies to all areas where State dollars are spent, in employment, public services, grants and financial assistance, and in state licensing and regulation.

14. In accordance with Title 7, Chapter 1.2 of the General Laws of Rhode Island, no corporation organized under the laws of another state or country shall have the right to transact business in Rhode Island until it shall have procured a Certificate of Authority to do so from the Rhode Island Secretary of State (401-222-3040). This is a requirement only of the successful bidder.

15. The proposer should be aware of the State's Minority Business Enterprise (MBE) requirements, which address the State's goal of ten percent (10%) participation by MBE's in all procurements. For further information, visit the website www.mbe.ri.gov.

16. The Corporation reserves the right to award to one or more Proposers.

Proposal Requirements

In order to be considered responsive, proposals must at a minimum contain the following:

Technical Proposal Elements

1. Description of the proposed approach, work plan, and cost proposal. Activities and timelines should be specific, measurable, achievable, realistic, and time-oriented. Include a timeline of major tasks and milestones.
2. Person who will be the primary point of contact with the Rhode Island Commerce Corporation.
3. Qualifications of the Proposer to provide the requested services including capability, capacity, similarly complex projects and related experience and client references. Certification of availability of individuals in proposal.
4. A listing of the staff to be assigned to this engagement and their respective qualifications, past experience on engagements of this scope including resumes, and their role in those past engagements.
5. A description of the outcome monitoring and evaluation plan including a list of tools to track process, output and outcome measures for each component of the application.

Funding Requirements

All proposals must be eligible uses under the American Rescue Plan Act, Capital Projects Fund and the Infrastructure Investment and Jobs Act (IIJA).

More information, including the Interim and Final Rule promulgated by the United States Department of Treasury and published at:

<https://www.federalregister.gov/documents/2021/05/17/2021-10283/coronavirus-state-and-local-fiscal-recovery-funds> and FAQs from the U.S. Department of Treasury published at:

<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>. Information about the the BEAD program's Notice of Funding Opportunity (NOFO) requirements can be found at the following link.

Proposers should also be familiar with the requirements under the Uniform Guidance with respect to federal grants (2 C.F.R. Part 200) inclusive of the procurement requirements applicable to subrecipients of federal grants.

Additionally, all proposals must comply with Form CD-450, the Financial Assistance Award and General Terms and Conditions for the NTIA Broadband Equity, Access & Deployment Program (BEAD) Initial Planning Funds, attached to this RFP as Exhibit A, as well as Form CD-450, the Financial Assistance Award and General Terms and Conditions for the NTIA State Digital Equity Planning Grant funds, attached to this RFP as Exhibit B.

Proposal Submission

Responses to this RFP are due before 11:59pm on July 26, 2023.

One (1) electronic (PDF) version must be provided by email to RFP@commerceri.com by **July 26, 2023, 11:59pm**. Submissions that are late, misdirected or sent to the wrong email address will not be accepted.

Note: No phone calls and late responses will be accepted and responses received via electronic submission only will be disqualified.

Questions, interpretations, or clarifications concerning this RFP should be directed by e-mail to RFP@commerceri.com no later than 11:59 pm on July 17, 2023. Responses to questions, interpretations, or clarifications concerning this RFP will be posted online via addendum at www.commerceri.com on July 21, 2023 to ensure equal awareness of important facts and details.

The Rhode Island Commerce Corporation reserves the right to terminate this solicitation prior to entering into any agreement with any qualified firm pursuant to this Request for Proposal, and by responding hereto, no firms are vested with any rights in any way whatsoever.

Rhode Island Commerce Corporation reserves the right to reject any or all proposals for not complying with the terms of this RFP.

APPENDIX A
**PROPOSER ISBE RESPONSIBILITIES AND MBE, WBE, AND/OR DISABILITY
BUSINESS ENTERPRISE PARTICIPATION FORM**

A. Proposer's ISBE Responsibilities (from 150-RICR-90-10-1.7.E)



1. Proposal of ISBE Participation Rate. Unless otherwise indicated in the RFP, a Proposer must submit its proposed ISBE Participation Rate in a sealed envelope or via sealed electronic submission at the time it submits its proposed total contract price. The Proposer shall be responsible for completing and submitting all standard forms adopted pursuant to 105-RICR-90-10-1.9 and submitting all substantiating documentation as reasonably requested by either the Using Agency's MBE/WBE Coordinator, Division, ODEO, or Governor's Commission on Disabilities including but not limited to the names and contact information of all proposed subcontractors and the dollar amounts that correspond with each proposed subcontract.
2. Failure to Submit ISBE Participation Rate. Any Proposer that fails to submit a proposed ISBE Participation Rate or any requested substantiating documentation in a timely manner shall receive zero (0) ISBE participation points.
3. Execution of Proposed ISBE Participation Rate. Proposers shall be evaluated and scored based on the amounts and rates submitted in their proposals. If awarded the contract, Proposers shall be required to achieve their proposed ISBE Participation Rates. During the life of the contract, the Proposer shall be responsible for submitting all substantiating documentation as reasonably requested by the Using Agency's MBE/WBE Coordinator, Division, ODEO, or Governor's Commission on Disabilities including but not limited to copies of purchase orders, subcontracts, and cancelled checks.
4. Change Orders. If during the life of the contract, a change order is issued by the Division, the Proposer shall notify the ODEO of the change as soon as reasonably possible. Proposers are required to achieve their proposed ISBE Participation Rates on any change order amounts.
5. Notice of Change to Proposed ISBE Participation Rate. If during the life of the contract, the Proposer becomes aware that it will be unable to achieve its proposed ISBE Participation Rate, it must notify the Division and ODEO as soon as reasonably possible. The Division, in consultation with ODEO and Governor's Commission on Disabilities, and the Proposer may agree to a modified ISBE Participation Rate provided that the change in circumstances was beyond the control of the Proposer or the direct result of an unanticipated reduction in the overall total project cost.

B. MBE, WBE, AND/OR Disability Business Enterprise Participation Plan Form:

Attached is the MBE, WBE, and/or Disability Business Enterprise Participation Plan form. Bidders are required to complete, sign and submit with their overall proposal in a sealed envelope. Please complete separate forms for each MBE, WBE and/or Disability Business Enterprise subcontractor/supplier to be utilized on the solicitation.

MBE, WBE, and/or DISABILITY BUSINESS ENTERPRISE PARTICIPATION PLAN					
Bidder's Name:					
Bidder's Address:					
Point of Contact:					
Telephone:					
Email:					
Solicitation No.:					
Project Name:					
<p>This form is intended to capture commitments between the prime contractor/vendor and MBE/WBE and/or Disability Business Enterprise subcontractors and suppliers, including a description of the work to be performed and the percentage of the work as submitted to the prime contractor/vendor. Please note that all MBE/WBE subcontractors/suppliers must be certified by the Office of Diversity, Equity and Opportunity MBE Compliance Office and all Disability Business Enterprises must be certified by the Governor's Commission on Disabilities at time of bid, and that MBE/WBE and Disability Business Enterprise subcontractors must self-perform 100% of the work or subcontract to another RI certified MBE in order to receive participation credit. Vendors may count 60% of expenditures for materials and supplies obtained from an MBE certified as a regular dealer/supplier, and 100% of such expenditures obtained from an MBE certified as a manufacturer. This form must be completed in its entirety and submitted at time of bid. Please complete <u>separate forms</u> for each MBE/WBE or Disability Business Enterprise subcontractor/supplier to be utilized on the solicitation.</p>					
Name of Subcontractor/Supplier:					
Type of RI Certification:		<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Disability Business Enterprise			
Address:					
Point of Contact:					
Telephone:					
Email:					
Detailed Description of Work To Be Performed by Subcontractor or Materials to be Supplied by Supplier:					
Total Contract Value (\$):			Subcontract Value (\$):		ISBE Participation Rate (%):
Anticipated Date of Performance:					
I certify under penalty of perjury that the forgoing statements are true and correct.					
Prime Contractor/Vendor Signature			Title		Date
Subcontractor/Supplier Signature			Title		Date

EXHIBIT A

FORM CD-450 (REV. 10/18)		U.S. DEPARTMENT OF COMMERCE		X GRANT		COOPERATIVE AGREEMENT	
FINANCIAL ASSISTANCE AWARD				FEDERAL AWARD ID NUMBER			
				44-20-B072			
RECIPIENT NAME Rhode Island Commerce Corporation				PERIOD OF PERFORMANCE 11/15/2022 - 11/14/2027			
STREET ADDRESS 315 Iron Horse Way Suite 101				FEDERAL SHARE OF COST \$5,000,000.00			
CITY, STATE ZIP Providence, RI 02908-5625				RECIPIENT SHARE OF COST \$0.00			
AUTHORITY Section 60102, Public Law 117-58, 135 Stat. 429				TOTAL ESTIMATED COST \$5,000,000.00			
CFDA NO. AND NAME 11.035 Broadband Equity, Access, and Deployment Program							
PROJECT TITLE: State of Rhode Island BEAD Project							
<p>This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modifications by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.</p> <p>X DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS</p> <p>R & D AWARD</p> <p>FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE</p> <p>X SPECIFIC AWARD CONDITIONS</p> <p>X LINE ITEM BUDGET</p> <p>X 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101</p> <p>48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES</p> <p>X MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.</p> <p>X OTHER(S): Refer to Specific Award Condition #18 (Period of Performance and Funding Limitations) for the Multi-Year Specific Award Condition.</p> <p>GENERAL TERMS AND CONDITIONS for the NTIA BROADBAND EQUITY, ACCESS & DEPLOYMENT PROGRAM (BEAD) INITIAL PLANNING FUNDS, July 2022 (see attached).</p>							
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER						DATE	
Yongming Qiu 						Digitally signed by YONGMING QIU Date: 2022.11.10 09:29:55 -05'00'	
PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL						DATE	
Hilary Farn 						12-2-22	

Award Number: 44-20-B072, Amendment Number 0

Federal Program Officer: Stuart Freiman

Requisition Number: BEA72

Employer Identification Number: 050356994

UEI Number: HCNJFC71CHQ1

Recipient ID: 4419230

Requestor ID: 4419230

Award ACCS Information

Bureau	FCFY	Project-Task	Organization	Object Class	Obligation Amount
61	2023	4700001-000	06-00-0000-00-00-00-00	41-19-00-00	\$5,000,000.00

Award Contact Information

Contact Type	Contact Name	Email	Phone
Administrative	Mrs. Hilary Fagan	hilary.fagan@commerceri.com	401-278-9100

NIST Grants Officer:

Darren Olson
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975-0000

NIST Grants Specialist:

John Villella
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975-4448

NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

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

1. Introduction:

The National Institute of Standards and Technology (NIST), servicing for the National Telecommunications and Information Administration (NTIA), hereby enters into this Grant number 44-20-B072 with Rhode Island Commerce Corporation to support the work described in the proposal entitled “State of Rhode Island BEAD Project” dated 8/15/2022, 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:

Technical:

Hilary Fagan
President/Chief Operating Officer
Rhode Island Commerce Corporation
315 IronHorse Way
Providence, RI 02908-5637
Telephone: 401-278-9100
Email: hilary.fagan@commerceri.com

Administrative:

Justin Medeiros
CFO
Rhode Island Commerce Corporation
315 IronHorse Way
Providence, RI 02908-5637
Telephone: 401-278-9100
Email: justin.medeiros@commerceri.com

3. NTIA Contact Information:

Federal Program Officer:

Stuart Freiman
National Telecommunications and Information Administration
1401 Constitution Avenue, NW
Washington, DC 20230
Email: sfreiman@ntia.gov

4. NIST Award Contact Information:

NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

Grants Officer:

Darren Olsen

National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650

Gaithersburg, MD 20899-1650

Email: darren.olson@nist.gov

Grants Specialist:

John Villella

National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650

Gaithersburg, MD 20899-1650

Telephone: 301-975-4448

Email: john.villella@nist.gov

5. Award Payments:

This award is hereby funded through advanced payments using the Department of Treasury's Automated Standard Application for Payments (ASAP) system. Payments will be issued in accordance with 2 CFR § 200.305 and the Department of Commerce Financial Assistance Standard Terms and Conditions, B.02, dated November 12, 2020.

Payments for allowable costs may be drawn down as needed by the Recipient enrolled in ASAP. Funds may be requested through ASAP by the authorized *Payment Requestor* who is the individual designated by the Recipient to access Federal funds.

This award has the following control or withdrawal limits set in ASAP:

- ☐ 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
 - \$3,940,00.00 Max drawdown amount

Explanation:

The project budget contains costs for subawards in the amount of \$1,060,000.00. The budget information provided in the budget narrative and justification is not sufficient for NIST to evaluate the allowability of such costs. Please see SAC#26 for what need to be provided.

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. Department of Commerce Financial Assistance Standard Terms and Conditions:

As indicated on the Form CD-450 for this award, the Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C) issued November 12, 2020 are incorporated by reference into this award. The Department's ST&C, as well as a link to 2 CFR Part 200, are accessible at: [https://www.commerce.gov/sites/default/files/2020-11/DOC Standard Terms and Conditions - 12 November 2020 PDF_0.pdf](https://www.commerce.gov/sites/default/files/2020-11/DOC%20Standard%20Terms%20and%20Conditions%20-%2012%20November%202020%20PDF_0.pdf).

10. Uniform Administrative Requirements, Cost Principles and Audit Requirements:

As indicated on the Form CD-450 for this award, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 are incorporated by reference into this award. Through 2 C.F.R. § 1327.101, the Department of Commerce adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to <https://www.ecfr.gov/on/2022-01-19/title-2/subtitle-A/chapter-II/part-200> and <https://www.ecfr.gov/on/2022-01-19/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 C.F.R. § 200.208.

11. Department of Commerce Financial Assistance Standard Terms and Conditions Section B.06 Indirect or Facilities and Administrative Costs:

The Recipient will be reimbursed for indirect or F&A costs in accordance with 2 C.F.R. § 200.414 and Section B.06. of the Department of Commerce Financial Assistance Standard Terms and Conditions, dated November 12, 2020.

If an indirect cost rate has not been established, and the Department of Commerce is identified as the cognizant agency for indirect costs in accordance with 2 C.F.R. § 200.1, “Cognizant agency for indirect costs,” within 90 calendar days of the award start date, the Recipient must electronically submit to gmdaudit@nist.gov the documentation (indirect cost rate proposal, cost allocation plan, etc.) necessary to allow the Department of Commerce (through NIST or through another Commerce agency) to perform an indirect cost rate proposal review. Organizations that have previously established indirect cost rates with the Department of Commerce, including with one of its agencies, 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 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 C.F.R. § 200.414 and in Appendices III-VII to 2 C.F.R. 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. General Terms and Conditions for the BEAD Initial Planning Funds

The General Terms and Conditions for the BEAD Initial Planning Funds are incorporated by reference into this 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—Due 8/12/2023
- (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.

The Recipient of this initial funded award action has completed the steps associated with the submission of a Letter of Intent and the Request for Initial Planning Funds. Funding associated with this action may only be used for the specific planning and pre-deployment activities outlined in that request, consistent with the planning activities contemplated by the NOFO and described in special award condition no. 15.

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 Buy American, Build America Act.

15. Allowable Uses of Initial Planning Funds for the BEAD Program:

The purpose of the Initial Planning Funds is to support the Eligible Entity's broadband planning efforts, including creating the required five year action plan and capacity development programmatic efforts to support its execution of the BEAD program, as outlined in Section IV.B.2 of the NOFO. The NOFO allows for the use of the initial planning funds only for the following activities:

- (a) Research and data collection, including initial identification of unserved locations and underserved locations consistent with the rules, regulations, and processes the Commission has established for making these determinations in the Broadband DATA Maps;
- (b) The development of a preliminary budget for pre-planning activities;
- (c) Publications, outreach, and communications support related to broadband planning, deployment, mapping, equity and adoption;
- (d) Providing technical assistance to potential subgrantees, including through workshops and events;
- (e) Training for employees of the broadband program or office of the Eligible Entity or employees of political subdivisions of the Eligible Entity, and related staffing capacity or consulting or contracted support to effectuate the goals of the BEAD Program;
- (f) Establishing, operating, or increasing capacity of a broadband office that oversees broadband programs and broadband deployment in an Eligible Entity;
- (g) Asset mapping across the Eligible Entity to catalogue broadband adoption, affordability, equity, access and deployment activities occurring within the Eligible Entity;
- (h) Conducting surveys of unserved, underserved, and underrepresented communities to better understand barriers to adoption;
- (i) Costs associated with meeting the local coordination requirements in Section IV.C.1.c of the BEAD NOFO, including capacity building at the local and regional levels or contracted support;
- (j) Reasonable post-NOFO, pre-Initial Planning Funds expenses in an amount not to exceed \$100,000 relating to the preparation of program submissions to NTIA (such as the Letter of Intent) or adding additional capacity to State or Territorial broadband offices in preparation for the BEAD Program may be reimbursed if they were incurred after the publication date of the NOFO and prior to the date of issuance of this grant award from NTIA (such pre-award expenses must be approved by NTIA and the Grants Officer in writing to be considered allowable); and
- (k) Other uses approved in advance in writing by the Assistant Secretary (including in response to an Eligible Entity's request) that support the goals of the Program.

Entities that wish to request other uses of funds must submit such requests via email to UGAM@nist.gov for consideration by the Assistant Secretary. Work may not begin, nor costs incurred for requested activities until written approval is provided by the NIST Grants Officer.

Under no circumstances may planning funds awarded via this action 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 U.S.C. § 1608); or
- (b) Directly or indirectly support or oppose collective bargaining.

17. Five Year Action Plan Requirements:

A five year action plan is required to be submitted to NTIA within 270 days of the award start date authorizing planning funding and is due by 8/12/2023. This plan must (a) be informed by collaboration with local, regional, and Tribal (as applicable) entities, as well as unions and worker organizations, (b) detail the Eligible Entity's investment priorities and associated costs, and (c) align the State or Territory's planned spending with its economic development, community benefit, workforce, telehealth, digital equity, and other related efforts.

Minimum requirements for the action plan are identified in the NOFO. Additionally, NTIA will make a template available to Recipients on the [NTIA Grants Portal](#). Recipients are not required to use this template as long as the proposed plan addresses the minimum requirements of the Infrastructure Act and NOFO.

18. Period of Performance and Funding Limitations:

Due to the nature of the BEAD program and its associated phases, the approved scope of work and the associated budget of each phase will evolve over the life of the award. As a result, the period of performance and funding limitations will also increase over each phase of this program. To accommodate this overall program structure, this specific award condition will be revised in future funding actions to take into account the needs of each phase and its impacts to the period of performance and funding.

The scope of work and budget incorporated into this award action cover only the planning phase of the BEAD program with an initial period of performance from 11/15/2022 to 11/14/2027 (referred to as the "project period"), for a total of \$5,000,000.00 in Federal funds.

Receipt of any funding beyond what is specified at this time up to the level projected under this award is contingent upon the availability of funds, satisfactory performance, and continued relevance to program objectives, and will be at the sole discretion of NTIA and NIST. The Grants Officer may require additional clarification to support the budget. If that results in changes to the budget or budget narrative, the Recipient must submit, in writing, a revised budget and/or budget narrative to the Grants Officer for approval.

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.

No legal liability exists or will result on the part of the Federal Government for payment of any portion of the remaining funds, which have not been made available under this award. If additional funds are not made available, any allowable expenses incurred related to termination or closeout activities must be funded from the amount already made available under this award.

As described in the NOFO, on or after the date that the Broadband Data Maps are made public and NTIA determines the BEAD Program allocations, the Assistant Secretary will notify each Recipient of the estimated amount of funding that NTIA will make available to the Recipient and invite submission of an Initial Proposal and Final Proposal.

The notice of availability or non-availability of additional funding for subsequent funding or budget periods will be made in writing by the Grants Officer after the submission of the Initial and Final Proposals and their subsequent review and approval by NTIA and NIST. Only the Grants Officer is authorized to obligate funds. No other verbal or written notice should be relied upon by the Recipient. In the absence of a written notice of additional funding by the Grants Officer on Form CD-451, "Amendment to Financial Assistance Award," no assumption should be made by the Recipient that the funds will be forthcoming.

19. Deviation to the Department of Commerce Financial Assistance Standard Terms and Conditions, Section A.01 "Reporting Requirements":

Initial Report

Not later than 2/13/2023, the Recipient shall submit an Initial Report that:

- (a) describes the planned and actual use of funds;
- (b) describes the planned and actual subgrant process;

- (c) identifies the establishment of appropriate mechanisms by the Eligible Entity to ensure that all subgrantees of the Eligible Entity comply with the eligible uses prescribed under the BEAD Program; and
- (d) includes any other information required by the Assistant Secretary.

Additionally, the Recipient shall submit an SF-425, Federal Financial Report, in conjunction with the Initial Report described above, that meets 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).

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, and the comparative demographics of those served;
- (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 Standard Terms and Conditions (dated November 12, 2020).

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 Standard Terms and Conditions (dated November 12, 2020).

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.

Reporting forms for the 90 Day report, Semi-Annual reports, Final reports and SF-425 Federal Financial reports will be available in the [NTIA Grants Portal](#). All reports for the BEAD program must be submitted via email to GReports@nist.gov with a copy to the NTIA Federal Program Officer listed in the award document.

The Recipient organization name, award number, and reporting period must be included in the email subject line. The Recipient contact information should be included in the body of the message. To the greatest extent possible, SF-425 and Performance Progress Reports should be submitted together in the same email.

Reports must not be sent directly to NIST personnel (e.g., Grants Specialist, Grants Officer). Any SF-425 or Performance Progress Reports sent directly to NIST personnel will be returned to the sender with instructions on how to submit through the GReports@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.

20. 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, 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, GMD 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 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 Form CD-451 Amendment to the Financial Assistance Award or a Non-Funded Administrative Change Letter.

21. Federal and Non-Federal Cost Sharing:

The BEAD Program requires non-federal cost sharing/local match, however the cost share requirements do not apply to the initial planning phase of funding associated with this award action. This specific award condition will be updated and revised to incorporate cost share requirements in future funding actions, as applicable.

22. Change in Funded Project Participant

Any change to the Administering Entity designated in the Letter of Intent and approved under this award requires prior written approval by the Grants Officer.

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. Administrative Expenses

The Recipient may not use more than two percent of the grant amounts received under the BEAD Program for expenses relating (directly or indirectly) to the administration of the grant, in accordance with Section 60102(d)(2)(B) of the Infrastructure Act. This requirement does not apply to the planning phase of funding awarded with this action and this specific award condition will be updated and revised in future funding actions to incorporate these requirements, as applicable.

25. Restriction on Human Subjects Research Work and Costs Incurred

BEAD grant recipients 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 grant award. The DOC regulations related to the protection of human subjects are found in 15 C.F.R. Part 27.

The [Human Subjects Research Guidance \(posted August 29, 2022\)](#) (HSR) for the Broadband Equity Access and Deployment (BEAD) Program is incorporated by reference into this specific award condition and identifies three HSR classification categories: Category 1 – Not Conducting Human Subjects Research, Category 2 – Exemption Request, and Category 3 – Human Subject Research Non-Exempt.

To satisfy the BEAD HSR requirements, recipients must submit, no later than 45 calendar days after the award start date, (via email to 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 is applicable; and
- b. Examples of planned BEAD project activities that justify inclusion in that category.

If a project requires a human subjects research exemption request (Category 2) or IRB approval for non-exempt human subjects research (Category 3), research activities involving human subjects are not authorized to start under this award until the appropriate documentation, as set forth by the DOC Standard Terms & Conditions (dated November 12, 2020) Section G.05.i.3, is approved in writing by the Grants Officer.

If a recipient conducts human subjects research before receiving NTIA approval of an exemption or before receiving IRB approval for non-exempt research, recipients will be considered in material non-compliance with award terms and conditions, and any costs incurred to conduct the research may be disallowed.

Notwithstanding the above prohibition on starting human subjects research, work may be initiated, or costs 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 (posted August 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. Budget Narrative and Justification

The project budget contains costs for subawards. The budget information provided in the budget narrative and justification is not sufficient for NIST to evaluate the allowability of such costs. Within 45 calendar days of the award start date, Recipient must provide a

NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

detailed budget and justification for each item listed above to ensure such costs are allowable (see 2 C.F.R. §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

GENERAL TERMS AND CONDITIONS
for the
NTIA BROADBAND EQUITY, ACCESS & DEPLOYMENT PROGRAM (BEAD)
INITIAL PLANNING FUNDS

July 2022

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1. Project Management Conference

After the award start date, the NIST Grants Officer (on behalf of NTIA) may contact the Recipient to arrange a project management conference. The purpose of the project management conference is to explain to the Recipient its responsibilities for administration of the award, including its responsibilities with respect to the Terms and Conditions of the award and applicable Federal requirements.

2. Property Trust Relationship and Public Notice Filings for Grant-Acquired Property

In accordance with 2 CFR § 200.316 (Property trust relationship), real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity (*i.e.*, Recipient or Subrecipient) as trustee for the beneficiaries of the project or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property's estimated useful life, as determined by the Grants Officer in consultation with the Program Office, during which time the Federal Government retains an undivided, equitable reversionary interest in the property (Federal Interest). The non-Federal entity must comply with all use and disposition requirements and restrictions as set forth in 2 C.F.R. §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship), as applicable, and in the terms and conditions of the Federal award.

The Grants Officer may require a non-Federal entity (*i.e.*, a Recipient or Subrecipient) to execute and to record (as applicable) a statement of interest, financing statement (Form UCC-1), lien, mortgage or other public notice of record to indicate that real or personal property acquired or improved in whole or in part pursuant to a Broadband Equity, Access, and Deployment Program (BEAD) award is subject to the Federal Interest, and that certain use and disposition requirements apply to the property. The statement of interest, financing statement (Form UCC-1), lien, mortgage or other public notice must be acceptable in form and substance to NTIA and to the NIST Grants Officer and must be placed on record in accordance with applicable State and local law, with continuances re-filed as appropriate. In such cases, the NIST Grants Officer may further require the non-Federal entity to provide NTIA and the NIST Grants Officer with a written statement from a licensed attorney in the jurisdiction where the property is located, certifying that the Federal Interest has been protected, as required under the award and in accordance with applicable State and local law. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, must be promptly returned to the NIST Grants Officer. The non-Federal entity may use model documentation made available by NTIA.

Without releasing or excusing the non-Federal entity from these obligations, the non-Federal entity, by execution of the financial assistance award or by expending Federal financial assistance funds (in the case of a subrecipient), authorizes NTIA and/or the NIST Grants Officer to file such notices and continuations as it determines to be necessary or convenient to disclose and protect the Federal Interest in the property. The NIST Grants Officer may

elect not to release any or a portion of the Federal award funds until the non-Federal entity has complied with this provision and any other applicable award terms or conditions, unless other arrangements satisfactory to the NIST Grants Officer are made.

3. 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. The Recipient is responsible for ensuring that all contracts, including those necessary for design and construction of the Project facilities, are implemented in compliance with the Terms and Conditions of this Award.

4. Environmental and Historic Preservation Compliance

NTIA has evaluated the allowable grant-funded activities enumerated in Section IV.B.2 of the NOFO and in Specific Award Condition (SAC) No. 15 for compliance with the National Environmental Policy Act of 1969 (NEPA) and the National Historic Preservation Act of 1966 (NHPA). The activities as described would have no potential to effect historic properties, and qualify for the following DOC Categorical Exclusions:

A8: Planning activities and classroom-based training and classroom-based exercises using existing conference rooms and training facilities.

A11: Personnel, fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel.

At this time, no further NEPA or NHPA review is required for the expenditure of Initial Planning Funds. This determination does not apply to activities other than those allowable expenses specified in Section IV.B.2 of the NOFO and in SAC No. 15, nor does it apply to any infrastructure project implementation activities. Once planning and design activities are complete, individual projects will need to be evaluated for compliance with NEPA, NHPA, and other applicable laws, regulations, and Executive Orders prior to project initiation.

5. Domestic Preference for Procurements (Buy American)

Pursuant to 2 CFR § 200.322, the Recipient should, to the greatest extent practicable under the BEAD award, 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 2 CFR § 200.322 must be included in all subawards, including all contracts and purchase orders for work or products pursuant to this program.

6. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

Pursuant to 2 CFR § 200.321, the Recipient and its subrecipients must take all necessary affirmative steps (as described in 2 CFR § 200.321) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

7. Prevention of Waste, Fraud, and Abuse

Consistent with statutory requirements in Section 905(e)(3) of the Consolidated Appropriations Act, 2021, and the principles in 2 CFR part 200, 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, sub-contractors or sub-recipients (for financial matters and/or general oversight related to the grant). NTIA will provide instructions on when and how to take such training(s), and costs incurred by a Recipient relative to the training (*e.g.*, staff time) are eligible for reimbursement pursuant to the NTIA award.

Further, Recipients must monitor award activities for common fraud schemes, including but not limited to:

- false claims for materials and labor;
- bribes related to the acquisition of materials and labor;
- product substitution;
- mismarking or mislabeling on products and materials; and
- time and materials overcharging.

Should a Recipient detect any fraud schemes or any other suspicious activity, the grant Recipient must contact its assigned NTIA Federal Program Officer and the Department of Commerce, Office of Inspector General Hotline, as indicated at <https://www.oig.doc.gov/Pages/Contact-Us.aspx>, as soon as possible. Additionally, in accordance with 2 CFR § 200.113, an applicant or Recipient must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR § 200.339. (*See also* 2 CFR Part 180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.)

8. Protection of Whistleblowers

The Department of Commerce Financial Assistance Standard Terms and Conditions 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, this law provides that an employee or contractor (including subcontractors and personal services contractors) of a non-Federal entity 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.

Non-Federal entities and contractors under Federal awards and subawards must inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.

A person that believes they have been the subject of retaliation for protected whistleblowing 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.

BUDGET INFORMATION - Construction Programs				OMB Approval No. 0348-0041
NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.				
COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)	
1. Administrative and legal expenses	\$ 1,774,693.3	\$	\$ 1,774,693.3	
2. Land, structures, rights-of-way, appraisals, etc.	\$	\$	\$ 0	
3. Relocation expenses and payments	\$	\$	\$ 0	
4. Architectural and engineering fees	\$	\$	\$ 0	
5. Other architectural and engineering fees	\$ 20,000	\$	\$ 20,000	
6. Project inspection fees	\$	\$	\$ 0	
7. Site work	\$	\$	\$ 0	
8. Demolition and removal	\$	\$	\$ 0	
9. Construction	\$	\$	\$ 0	
10. Equipment	\$	\$	\$ 0	
11. Miscellaneous	\$ 3,205,306.7	\$	\$ 3,205,306.7	
12. SUBTOTAL (sum of lines 1-11)	\$ 5,000,000	\$ 0	\$ 5,000,000	
13. Contingencies	\$	\$	\$ 0	
14. SUBTOTAL	\$ 5,000,000	\$ 0	\$ 5,000,000	
15. Project (program) income	\$	\$	\$ 0	
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 5,000,000	\$ 0	\$ 5,000,000	
FEDERAL FUNDING				
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply X 100 %		\$ 5,000,000	

EXHIBIT B

FORM CD-450 (REV. 10/18)		U.S. DEPARTMENT OF COMMERCE		X GRANT		COOPERATIVE AGREEMENT	
FINANCIAL ASSISTANCE AWARD				FEDERAL AWARD ID NUMBER			
				44-30-DP073			
RECIPIENT NAME Rhode Island Commerce Corporation				PERIOD OF PERFORMANCE 12/01/2022 - 11/30/2023			
STREET ADDRESS 315 Iron Horse Way				FEDERAL SHARE OF COST \$506,100.07			
CITY, STATE ZIP Providence, RI 02908-5625				RECIPIENT SHARE OF COST \$0.00			
AUTHORITY Section 60304(c) of Public Law 117-58				TOTAL ESTIMATED COST \$506,100.07			
CFDA NO. AND NAME 11.032 State Digital Equity Planning Grants							
PROJECT TITLE: Rhode Island's State Digital Equity Plan (SDEP)							
<p>This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modifications by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.</p> <p>X DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS</p> <p>R & D AWARD</p> <p>FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE</p> <p>X SPECIFIC AWARD CONDITIONS</p> <p>X LINE ITEM BUDGET</p> <p>X 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101</p> <p>48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES</p> <p>MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.</p> <p>OTHER(S):</p>							
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER						DATE	
Mercedes Ernest Martinez MERCEDES ERNEST MARTINEZ <small>Digitally signed by MERCEDES ERNEST MARTINEZ Date: 2022.11.17 16:38:50 -05'00'</small>						12-2-22	
PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL						DATE	
						12-2-22	

Award Number: 44-30-DP073, Amendment Number 0

Federal Program Officer: Stuart Freiman

Requisition Number: DE73

Employer Identification Number: 050356994

UEI Number: HCNJFC71CHQ1

Recipient ID: 4419230

Requestor ID: 4419230

Award ACCS Information

Bureau	FCFY	Project-Task	Organization	Object Class	Obligation Amount
61	2023	4710001-000	06-00-0000-00-00-00-00	41-19-00-00	\$506,100.07

Award Contact Information

Contact Type	Contact Name	Email	Phone
Administrative	Mrs. Hilary Fagan	hilary.fagan@commerceri.com	401-278-9100

NIST Grants Officer:

Mercedes Ernest Martinez
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975-0000

NIST Grants Specialist:

John Villella
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975-4448

NIST Financial Assistance Award Number: 44-30-DP073

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
STATE DIGITAL EQUITY PLANNING GRANT PROGRAM
FINANCIAL ASSISTANCE
SPECIFIC AWARD CONDITIONS**

1. Introduction:

The National Institute of Standards and Technology (NIST), servicing for the National Telecommunications and Information Administration (NTIA), hereby enters into this Grant, number 44-30-DP073 with Rhode Island Commerce Corporation to support the work described in the proposal entitled "Rhode Island's State Digital Equity Plan (SDEP)" dated 7/11/2022 and any revisions received during the application, 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:

Hilary Fagan
Chief Operating Officer
Rhode Island Commerce Corporation
315 Iron Horse Way
Providence, RI 02908-5625
Telephone: 401-278-9100
Email: hilary.fagan@commerceri.com

3. NTIA Contact Information:

Federal Program Officer:

Stuart Freiman
National Telecommunications and Information Administration
US Department of Commerce
1401 Constitution Ave., NW, Ste. 4078
Washington, DC 20230
Email: sfreiman@ntia.gov

4. NIST Contact Information:

Grants Officer:

Mercedes Martinez
National Institute of Standards and Technology
100 Bureau Drive, Mail Stop 1650
Gaithersburg, MD 20899-1650
Email: mercedes.martinez@nist.gov

Grants Specialist:

John Villella

National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650

Gaithersburg, MD 20899-1650

Email: john.villella@nist.gov

5. Award Payments:

This award is hereby funded through advanced payments using the Department of Treasury's Automated Standard Application for Payments (ASAP) system. Payments will be issued in accordance with 2 CFR § 200.305 and the Department of Commerce Financial Assistance Standard Terms and Conditions, B.02, dated November 12, 2020.

Payments for allowable costs may be drawn down as needed by the Recipient enrolled in ASAP. Funds may be requested through ASAP by the authorized *Payment Requestor* who is the individual designated by the Recipient to access Federal funds.

This award has the following control or withdrawal limits set in ASAP:

☒ 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

\$ _____ Max drawdown amount

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. Administering Entity

By accepting this award, the Rhode Island Commerce Corporation agrees that Rhode Island Commerce Corporation will serve as the Administering Entity and as co-recipient of this award in accordance with Section 60304(b) of the Infrastructure Investment and Jobs Act of 2021. Incorporated by reference into this award are the written assurances pursuant to Section 60304(e) of the Infrastructure Investment and Jobs Act of 2021, which were provided to NTIA by the Rhode Island Commerce Corporation as part of its application and which assure Rhode Island Commerce Corporation's programmatic and fiscal performance under this award.

Any change to the Administering Entity designated by Rhode Island Commerce Corporation in its application and approved under this award requires prior written approval by the Grants Officer.

8. Period of Performance and Funding Limitations:

The period of performance and budget incorporated into this award cover a 1-year period of performance and provide for a maximum total amount of \$506,100.07 in Federal funding. This award is being fully funded via this award action.

The maximum amount of NIST funding in support of this award will not exceed the amount specified in the award documents, unless otherwise amended in writing by the NIST Grants Officer. The Department of Commerce is not liable for any obligations, expenditures, or commitments which involve any amount in excess of the Federal funds being made available pursuant to this award.

Extensions

NTIA has set the initial award period as no more than one year from the award start date. The award period may be extended by NTIA, in consultation with the NIST Grants Officer, for up to 180 days based on a written request from the recipient and prior written approval from the NIST Grants Officer.

Petition for Extension

The recipient may submit a request for an extension of the one-year award period not later than ninety (90) calendar days before the end of the award period.

Recipients that wish to request an extension must submit such requests via email to UGAM@nist.gov in accordance with specific award condition no. 20. Unfunded Grant Actions Mailbox.

9. Notice of Funding Opportunity - State Digital Equity Planning Grant Program:

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

NIST Financial Assistance Award Number: 44-30-DP073

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

It is accessible at: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=340301> (under the Related Documents tab). If the application period is closed, select “Closed” or “Archived” Opportunity Status to view the NOFO.

10. Infrastructure Investment and Jobs Act:

The recipient must comply with the requirements of the Infrastructure Investment and Jobs Act, Public Law 117-58, 135 Stat. 429 (November 15, 2021), including Section 60304(c) thereof, which establishes the State Digital Equity Planning Grant Program.

11. Uniform Administrative Requirements, Cost Principles and Audit Requirements:

As indicated on the Form CD-450 for this award, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 are incorporated by reference into this award. Through 2 C.F.R. § 1327.101, the Department of Commerce adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to <https://www.ecfr.gov/on/2022-01-19/title-2/subtitle-A/chapter-II/part-200> and <https://www.ecfr.gov/on/2022-01-19/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 C.F.R. § 200.208.

12. 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>.

13. Department of Commerce Financial Assistance Standard Terms and Conditions:

As indicated on the Form CD-450 for this award, the Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C), issued November 12, 2020, are incorporated by reference into this award. The Department’s ST&C, as well as a link to 2 CFR Part 200, are accessible at: https://www.commerce.gov/sites/default/files/2020-11/DOC%20Standard%20Terms%20and%20Conditions%20-%202012%20November%202020%20PDF_0.pdf.

14. Allowable Uses of State Digital Equity Planning Grant Funds:

The purpose of the planning funds is to create the required State Digital Equity Plan and grant funds must be used **only** for the following purposes as set forth in Section IV.C.1 of the NOFO:

- 1) To develop the State Digital Equity Plan of the State; and
- 2) To make subgrants to any of the following entities to assist in the development of the State Digital Equity Plan of the State:
 - a. Community anchor institutions;

- b. County and municipal governments;
- c. Local educational agencies;
- d. Indian Tribes, Alaska Native entities, or Native Hawaiian organizations;
- e. Nonprofit organizations;
- f. Organizations that represent—
 - i. Individuals with disabilities, including organizations that represent children with disabilities;
 - ii. Aging Individuals;
 - iii. Individuals with language barriers, including—
 - 1. Individuals who are English learners; and
 - 2. Individuals who have low levels of literacy;
 - iv. Veterans; and
 - v. Individuals in the State who are incarcerated in facilities other than Federal correctional facilities;
- g. Civil rights organizations;
- h. Entities that carry out workforce development programs;
- i. Agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;
- j. Public housing authorities in the State; and
- k. A partnership between any of the entities described above.

15. Ineligible Costs

Profits, fees, or other incremental charges above actual cost are not allowable costs under this Program.

Additionally, grant funds awarded pursuant to this Program may not be used, whether directly or indirectly as an offset for other funds, to support or oppose collective bargaining.

16. State Digital Equity Plan

Within one year of the date on which a State is awarded State Digital Equity Planning Grant Program funds, that State must develop a State Digital Equity Plan that includes elements outlined in the statute, Section IV.C.1 of the NOFO, and stated herein, solicit and respond to public comments on the draft plan, and finalize that plan. The only exception is for Recipients who receive an extension of the period of performance in accordance with specific award condition no. 8, in which case the State Digital Equity Plan is due by the end of the extended period of performance. Each State's State Digital Equity Plan will be a key component of any application the State may later submit seeking a State Digital Equity Capacity Grant. Recipients must submit their State Digital Equity Plan in the NTIA Grants Portal, within the prescribed timeframes identified in the terms and conditions of the award.

17. Department of Commerce Financial Assistance Standard Terms and Conditions, Section A.01 “Reporting Requirements”:

The Recipient must submit a Federal Financial Report (SF-425) and Performance Progress Report on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof.

Reports are due no later than 30 calendar days following the end of each reporting period. A final SF-425 and Performance Progress Report must be submitted within 120 days after the expiration of the period of performance.

All SF-425 and Performance Progress Reports must be submitted to GReports@nist.gov, within the prescribed timeframes identified in the terms and conditions of the award.

The Recipient organization name, award number, and reporting period must be included in the email subject line. The Recipient contact information should be included in the body of the message. To the greatest extent possible, SF-425 and Performance Progress Reports should be submitted together in the same email.

Reports must not be sent directly to NIST or NTIA personnel (e.g., Grants Specialist, Grants Officer, Administrative Assistant, GMD Division Chief, Federal Program Officer, etc.). Any SF-425 or Performance Progress Reports sent directly to NIST/NTIA personnel will be returned to the sender with instructions on how to submit through the GReports@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.

18. Programmatic Reporting Requirements:

Annual Report Requirements – For each year during the period of performance, any entity to which a grant, including a subgrant, is awarded under this program shall be required to publicly report, in a format to be specified by the Assistant Secretary, on:

- 1) The use of State Digital Planning grant by the entity;
- 2) The progress of the entity toward fulfilling the objectives for which the grant was awarded; and
- 3) The implementation of the State Digital Equity Plan of the State.

Submit the Annual Report via email to the NTIA Federal Program Officer listed in the recipient’s award documents with a copy to GReports@nist.gov.

The Assistant Secretary may establish additional reporting and information requirements for any recipient of a grant as necessary to fulfil the requirements of the Infrastructure Act.

19. Department of Commerce Financial Assistance Standard Terms and Conditions

Section B.06 Indirect or Facilities and Administrative Costs:

The Recipient will be reimbursed for indirect or F&A costs in accordance with 2 C.F.R. § 200.414 and Section B.06. of the Department of Commerce Financial Assistance Standard Terms and Conditions, dated November 12, 2020.

If an indirect cost rate has not been established, and the Department of Commerce is identified as the cognizant agency for indirect costs in accordance with 2 C.F.R. § 200.1, “Cognizant agency for indirect costs,” within 90 calendar days of the award start date, the Recipient must electronically submit to gmdaudit@nist.gov the documentation (indirect cost rate proposal, cost allocation plan, etc.) necessary to allow the Department of Commerce (through NIST or through another Commerce agency) to perform an indirect cost rate proposal review. Organizations that have previously established indirect cost rates with the Department of Commerce, including with one of its agencies, 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 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 C.F.R. § 200.414 and in Appendices III-VII to 2 C.F.R. 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.

20. 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, 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, GMD Division Chief, Federal Program Officer, etc.).

NIST Financial Assistance Award Number: 44-30-DP073

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

Any requests sent directly to NIST personnel will be returned to the 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 purpose except for purposes identified above.

Requests that are processed will be authorized via a Form CD-451 Amendment to the Financial Assistance Award or a Non-Funded Administrative Change Letter.

21. Domestic Preference for Procurements (Buy American)

Pursuant to 2 CFR § 200.322, as appropriate and to the extent consistent with law, the Recipient should, to the greatest extent practicable under the State Digital Equity Planning Program, 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, including all contracts and purchase orders for work or products pursuant to this program.

22. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

Pursuant to 2 CFR § 200.321, the Recipient and its subrecipients must take all necessary affirmative steps (as described in 2 CFR § 200.321) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

23. Protection of Whistleblowers

Section F.05 of the DOC Financial Assistance Standard 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, this law provides that an employee or contractor (including subcontractors and personal services contractors) of a non-Federal entity 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.

Non-Federal entities and contractors under Federal awards and subawards must inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.

A person that believes they have been the subject of retaliation for protected whistleblowing 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.

24. Supplanting of Funds

Pursuant to Section 60304(h) of the Infrastructure Act, the Recipient agrees that federal funds that it receives under this award will be used to supplement, not supplant, other federal or State funds that have been made available to carry out activities described in Section 60304 of the Infrastructure Act and the NOFO.

25. Restriction on Human Subjects Research Work and Costs Incurred

State Digital Equity Planning Grant Program (DE) recipients 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 grant award. The DOC regulations related to the protection of human subjects are found in 15 C.F.R. Part 27.

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

To satisfy the DE HSR requirements, recipients must submit, no later than 45 calendar days after the award start date, (via email to UGAM@nist.gov with a copy to their DE FPO), a letter or memorandum addressed to the Grants Officer that provides the following information:

- a. Which HSR classification category is applicable; and
- b. Examples of planned DE project activities that justify inclusion in that category.

If a project requires a human subjects research exemption request (Category 2) or requires IRB review as non-exempt human subjects research (Category 3), research activities involving human subjects are not authorized to start under this award until the appropriate documentation, as set forth by the DOC Standard Terms & Conditions (dated November 12, 2020) Section G.05.i.3, is approved in writing by the Grants Officer.

If a recipient conducts human subjects research before receiving NTIA approval of an exemption or before receiving IRB approval for non-exempt research, recipients will be considered in material non-compliance with award terms and conditions, and any costs incurred to conduct the research may be disallowed and subject to recovery by NTIA (*see* 2 C.F.R. 200.346).

NIST Financial Assistance Award Number: 44-30-DP073

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

Notwithstanding the above prohibition on starting human subjects research, work may be initiated, or costs 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 (posted August 29, 2022), *Guidance for Human Subjects Research Protection*.

(<https://broadbandusa.ntia.doc.gov/sites/default/files/2022-08/State-Digital-Equity-Planning-Grant-HSR-Guidance-8-29-2022.pdf>)

End of Specific Award Conditions

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. Totals		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$

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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	
9.					
10.					
11.					
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$	
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTAL (sum of lines 16-19)	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION					
21. Direct Charges:		22. Indirect Charges:			
23. Remarks:					

RFP/RFQ RESPONSE CERTIFICATION COVER FORM

Instruction: To fulfill your RFP/RFQ response, this form must be completed, printed, signed and included with your submission.

SECTION 1 - RESPONDENT INFORMATION

RFP/RFQ Number:

RFP/RFQ Title:

RFP/RFQ Respondent Name:

Address:

Telephone:

Fax:

Contact Name:

Contact Title:

Contact Email:

SECTION 2 —DISCLOSURES

RFP/RFQ Respondents must respond to every statement. RFP/RFQ Responses submitted without a complete response may be deemed nonresponsive.

Indicate "Y" (Yes) or "N" (No) for Disclosures 1-4, and if "Yes," provide details below

____ 1. State whether the Respondent, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Respondent or any parent, subsidiary, or affiliate has been subject to suspension or debarment by any federal, state, or municipal governmental authority, or the subject of criminal prosecution, or convicted of a criminal offense within the previous 5 years. If "Yes," provide details below.

____ 2. State whether the Respondent, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Respondent or any parent, subsidiary, or affiliate has had any contracts with a federal, state, or municipal governmental authority terminated for any reason within the previous 5 years. If "Yes," provide details below.

____ 3. State whether the Respondent, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Respondent or any parent, subsidiary, or affiliate has been fined more than \$5000 for violation(s) of any Rhode Island environmental law(s) by the Rhode Island Department of Environmental Management within the previous 5 years. If "Yes," provide details below.

____ 4. State whether any officer, director, manager, stockholder, member, partner, or other owner or principal of the Respondent is serving or has served within the past two calendar years as either an appointed or elected official of any state governmental authority or quasi-public corporation, including without limitation, any entity created as a legislative body or public or state agency by the general assembly or constitution of this state.

Disclosure details (continue on additional sheets if necessary):

SECTION 3 —OWNERSHIP DISCLOSURE

Respondents must provide all relevant information. Respondent proposals submitted without a complete response may be deemed nonresponsive.

If the Respondent is publicly held, the Respondent may provide owner information about only those stockholders, members, partners, or other owners that hold at least 10% of the record or beneficial equity interests of the Respondent; otherwise, complete ownership disclosure is required.

List each officer, director, manager, stockholder, member, partner, or other owner or principle of the Respondent, and each intermediate parent company and the ultimate parent company of the Respondent. For each individual, provide his or her name, business address, principal occupation, position with the Respondent, and the percentage of ownership, if any, he or she holds in the Respondent, and each intermediate parent company and the ultimate parent company of the Respondent.

SECTION 4 —CERTIFICATIONS

Respondents must respond to every statement. Responses submitted without a complete response may be deemed nonresponsive.

Indicate "Y" (Yes) or "N" (No), and if "No," provide details below.

THE RESPONDENT CERTIFIES THAT:

____ 1. The Respondent will immediately disclose, in writing, to the Rhode Island Commerce Corporation any potential conflict of interest which may occur during the term of any contract awarded pursuant to this solicitation.

____ 2. The Respondent possesses all licenses and anyone who will perform any work will possess all licenses required by applicable federal, state, and local law necessary to perform the requirements of any contract awarded pursuant to this solicitation and will maintain all required licenses during the term of any contract awarded pursuant to this solicitation. In the event that any required license shall lapse or be restricted or suspended, the Respondent shall immediately notify the Rhode Island Commerce Corporation in writing.

____ 3. The Respondent will maintain all required insurance during the term of any contract pursuant to this solicitation. In the event that any required insurance shall lapse or be canceled, the Respondent will immediately notify the Rhode Island Commerce Corporation in writing.

____ 4. The Respondent understands that falsification of any information in its RFP/RFQ response or failure to notify the Rhode Island Commerce Corporation of any changes in any disclosures or certifications in this Respondent Certification may be grounds for suspension, debarment, and/or prosecution for fraud.

____ 5. The Respondent has not paid and will not pay any bonus, commission, fee, gratuity, or other remuneration to any employee or official of the Rhode Island Commerce Corporation or the State of Rhode Island or any subdivision of the State of Rhode Island or other governmental authority for the purpose of obtaining an award of a contract pursuant to this solicitation. The Respondent further certifies that no bonus, commission, fee, gratuity, or other remuneration has been or will be received from any third party or paid to any third party contingent on the award of a contract pursuant to this solicitation.

____ 6. This RFP/RFQ response is not a collusive RFP/RFQ response. Neither the Respondent, nor any of its owners, stockholders, members, partners, principals, directors, managers, officers, employees, or agents has in any way colluded, conspired, or agreed, directly or indirectly, with any other Respondent or person to submit a collusive response to the solicitation or to refrain from submitting response to the solicitation, or has in any manner, directly or indirectly, sought by agreement or collusion or other communication with any other Respondent or person to fix the price or prices in the response or the response of any other Respondent, or to fix any overhead, profit, or cost component of the price in the response or the response of any other Respondent, or to secure through any collusion, conspiracy, or unlawful agreement any advantage against the Rhode Island Commerce Corporation or the State of Rhode Island or any person with an interest in the contract awarded pursuant to this solicitation. The price in the response is fair and proper and is not tainted by any collusion, conspiracy, or unlawful agreement on the part of the Respondent, its owners, stockholders, members, partners, principals, directors, managers, officers, employees, or agents.

____ 7. The Respondent: (i) is not identified on the General Treasurer's list created pursuant to R.I. Gen. Laws § 37-2.5-3 as a person or entity engaging in investment activities in Iran described in § 37-2.5-2(b); and (ii) is not engaging in any such investment activities in Iran.

___ 8. The Respondent will comply with all of the laws that are incorporated into and/or applicable to any contract with the Rhode Island Commerce Corporation.

Certification details (continue on additional sheet if necessary):

Submission by the Respondent of a response pursuant to this solicitation constitutes an offer to contract with the Rhode Island Commerce Corporation on the terms and conditions contained in this solicitation and the response. The Respondent certifies that: (1) the Respondent has reviewed this solicitation and agrees to comply with its terms and conditions; (2) the response is based on this solicitation; and (3) the information submitted in the response (including this Respondent Certification Cover Form) is accurate and complete. The Respondent acknowledges that the terms and conditions of this solicitation and the response will be incorporated into any contract awarded to the Respondent pursuant to this solicitation and the response. The person signing below represents, under penalty of perjury, that he or she is fully informed regarding the preparation and contents of this response and has been duly authorized to execute and submit this response on behalf of the Respondent.

RESPONDENT

Date: _____

Name of Respondent

Signature in ink

Printed name and title of person signing on behalf of Respondent