



REQUEST FOR PROPOSAL

For: Credit Card Spending Data

The Rhode Island Commerce Corporation (“Corporation”) seeks proposals from qualified firms to provide consumer credit card spending data in merchant categories related to visitor spending.

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 the services to the Corporation described in the Scope of Work.

Project Overview

The Corporation seeks to gain a holistic perspective on visitor spending through the acquisition of credit card spending data generated within the Rhode Island tourism economy. Proposer should be able to provide data inclusive of top merchant categories impacted by visitor spending.

Background

The Corporation has contracted with Tourism Economics, a global leader in analysis of the impact of visitor spending on a tourism economy, to provide a tourism impact analytics dashboard—called Symphony—and a monthly summary of the Rhode Island tourism economy. The Corporation seeks the services of a third-party credit card data resource to provide consumer spending data for inclusion and integration into the Symphony dashboard and impact summary.

Scope of Work

Proposers should, at a minimum, have access to the data listed below, which should be able to be integrated into Symphony:

- Monthly tracking of debit, credit, prepaid, commercial, and small business spending in the Rhode Island Economy.
- Spending across tourism related merchant categories (i.e., restaurants, hotels, retail etc.).
- Key Performance Indicators, including, but not limited to,
 - Average spends by origin market;
 - Average transaction size across spending categories;
 - Share of spending by merchant category; and
 - Available ATM cash transactions.

Please provide 12-month cost of data including data updates.

Qualifications

Proposers must be a retail payment network with access to verified credit cardholder and merchant outlet transactions that can be used for reporting packages to inform travel spend to the tourism industry.

Project Timeline

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 proposed Scope of Work. Proposers shall include a total, maximum price to accomplish the Scope of Work incorporated in the proposal. 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 a Proposer will meet the requirements outlined above, Proposers should also provide information regarding the following:

- 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?

Criteria for Selection

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.	50
QUALIFICATIONS OF PERSONNEL Our evaluation will include an assessment of the qualifications and experience of your managerial team, staff, subcontractors, and related items.	10
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.	40
Total	100
MBE/WBE/DisBE Participation (additional potential points)	6 points

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.

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 MBEs 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 and work plan. 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, and Economic Adjustment Assistance for Disaster Economic Recovery Under Sections 703 and 209 of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. §§ 3149 and 3233.

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>.

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 the Specific Award Conditions attached hereto as Exhibit A.

Proposal Submission

Responses to this RFP must be received as follows:

One (1) electronic (PDF) version must be provided by email to RFP@commerceri.com by **Monday, August 14, 2023, 11:59pm**. Submissions that are late, misdirected or sent to the wrong email address will not be accepted.

Note: To ensure transparency, no phone calls pertaining to this RFP will be accepted.

Questions, interpretations, or clarifications concerning this RFP should be directed by e-mail to RFP@commerceri.com by 11:59 pm on Thursday, August 3, 2023. Responses to questions, interpretations, or clarifications concerning this RFP will be posted online via addendum at www.commerceri.com and www.ridop.ri.gov on Tuesday, August 8, 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:

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 separate forms for each MBE/WBE or Disability Business Enterprise subcontractor/supplier to be utilized on the solicitation.**

Name of Subcontractor/Supplier:

Type of RI Certification:

☐ MBE ☐ WBE ☐ 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**

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

Exhibit A

SPECIFIC AWARD CONDITIONS
U.S. DEPARTMENT OF COMMERCE
Economic Development Administration (EDA)

STATE TOURISM GRANTS: Economic Adjustment Assistance
for Disaster Economic Recovery Under Sections 703 and 209 of the Public Works and
Economic Development Act of 1965, as amended, 42 U.S.C. §§ 3149 and 3233

PROJECT TITLE: American Rescue Plan Act State Travel, Tourism, and Outdoor Recreation Grants (State Tourism Grants) Supplemental Disaster Recovery and Resiliency Awards.

1. **SCOPE OF WORK:** This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the Authorized Scope of Work (Attachment 1). All work on this project must be consistent with the Authorized Scope of Work, unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized through execution of a Form CD-451.
2. **CONTACT INFORMATION:** Contact information for the Recipient and key EDA staff with responsibilities for this award is contained in Attachment 2. The Recipient agrees to notify EDA promptly of any changes to the Recipient's contact information.
3. **ADDITIONAL INCLUDED DOCUMENTS:** In addition to the regulations, documents, or authorities incorporated by reference on the Financial Assistance Award (Form CD-450), the following additional documents are hereby incorporated by reference into this Award:
 - The Recipient's application, including any attachments, project descriptions, schedules, and subsequently submitted supplemental documentation
 - *Authorized Scope of Work* (Attachment 1)
 - *Project Contact Information* (Attachment 2)
 - *Authorized Budget* (Attachment 3)
 - *Authorized Staffing Plan* (Attachment 4)

Should there be a discrepancy among these documents, these Specific Award Conditions (SACs) shall control.

4. **INCORPORATION OF EDA'S STANDARD TERMS AND CONDITIONS FOR CONSTRUCTION PROJECTS:** Any construction activities funded through this award, whether undertaken by the Recipient or funded through a subaward, must meet the requirements of EDA's *Standard Terms and Conditions for Construction Projects*. Should there be a discrepancy between the *Standard Terms and Conditions for Construction Projects* and these Specific Award Conditions, these Specific Award Conditions (SACs)

shall control. The *Standard Terms and Conditions for Construction Projects* are available at <https://www.eda.gov/resources/grantee-information/> or upon request to EDA.

5. **PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project Development Time Schedule:

Authorized Award End Date48 months from the Date of
Award
Submission of Final Project Progress ReportNo later than 120 days from the
Authorized Award End Date
Submission of Final Financial Documents (Form SF-425) No later than 120 days from the
Authorized Award End Date

The Recipient shall diligently pursue the development and implementation of the project upon receipt of the EDA Award so as to ensure completion within this time schedule, and shall promptly notify EDA in writing of any event that could substantially delay meeting any of the time limits set forth above. The Recipient further acknowledges that failure to meet the Project Development Time Schedule may result in EDA pursuing remedies for non-compliance, potentially including termination of the Award, in accordance with the regulations set forth at 2 C.F.R. §§ 200.339–200.343.

All work, including any construction activities, under this State Tourism Grant **must be completed by May 31, 2027** to allow for closeout and final disbursement prior to **September 30, 2027**. By operation of the Account Closing Statute (31 U.S.C. §§ 1552(a)), on September 30, 2027 any remaining balances will be cancelled and no longer available for expenditure for any purpose. Nothing in this paragraph is intended to alter the Project Development Time Schedule set forth above.

6. **UNIQUE POSITION OF STATES TO DISTRIBUTE STATE TOURISM AWARDS:** As set forth in the Authorized Scope of Work (Attachment 1), this Award is made pursuant to the American Rescue Plan Act Pub. L. 117-2 (March 11, 2021) to respond to the impacts of the coronavirus (COVID-19) pandemic on the State’s travel, tourism, and outdoor recreation sectors. EDA is making this Award to the Recipient non-competitively, based on EDA’s finding that States are uniquely positioned to distribute State-Selected Tourism Awards quickly and effectively to help the State’s travel, tourism, and outdoor recreation sectors recover and rebound from the impacts of the coronavirus pandemic.

Because of the time-limited nature of American Rescue Plan Act funds, as noted above, time is of the essence in the implementation of the *Authorized Scope of Work*. If EDA determines that the Recipient is not implementing the grant at an acceptable pace, EDA may take appropriate actions to ensure that American Rescue Plan Act funds are used

to benefit the travel, tourism, and outdoor recreation sectors to the maximum extent feasible.

By accepting this award, the Recipient certifies that it will use its best efforts to implement the *Authorized Scope of Work* expeditiously to maximize the benefits of the Award in responding to the pandemic. The Recipient acknowledges that failure to implement the project at an acceptable pace, as determined in EDA's reasonable discretion in accordance with the approved Grant Administration Plan (see Condition 21, below), may result in EDA taking action to modify or terminate the award in accordance with 2 C.F.R. § 200.340(a)(2).

7. **PRIOR APPROVAL OF SUBAWARDS:** It is understood that the Recipient may make subawards under this State Tourism Grant on a competitive basis to Eligible Subrecipients within the State for implementation projects that would support the economic recovery of the travel, tourism, and outdoor recreation sectors. "Eligible Subrecipients" include:

1. Cities or other political subdivisions of a State, including special purpose units of State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions
2. States or state agencies
3. Institutions of higher education or a consortium of institutions of higher education
4. Public or private non-profit organizations or associations, including community or faith-based non-profit organizations, acting in cooperation with officials of a political subdivision of a State
5. Economic Development District Organizations
6. Indian Tribes or a consortium of Indian Tribes

The foregoing terms are further defined in EDA's regulation at 13 C.F.R. § 300.3.

Individuals and for-profit entities are not eligible to receive subawards. No grant funds, whether expended by the Recipient or a subrecipient, may be used to subsidize or defray the operating costs of for-profit businesses.

Prior to making any subaward, the Recipient must provide EDA with certain documentation identifying the proposed subrecipient and describing the work to be performed. At EDA's request, the Recipient must provide additional information and documentation for any proposed subaward.

- A. **For non-construction subawards.** At a minimum the following information must be provided to EDA before the Recipient enters into the subaward agreement:

- *Name, entity type, and DUNS of Subrecipient.* Identify the name and entity type (e.g., city, county, non-profit organization) of the Subrecipient and provide the Subrecipient's DUNS number.

- *Amount of proposed subaward.* Provide the amount of EDA funds to be provided to the Subrecipient.
- *Summary of the scope of work.* Briefly describe the specific services/tasks to be performed under the subaward and relate them to the accomplishment of State Tourism Grant objectives. Subaward deliverables should be clearly defined.

EDA will review the submitted information and determine whether the subaward is allowable. The Recipient may not make any subaward for non-construction activities until it has received written notification from EDA that it is authorized to proceed. EDA reserves the right to disallow any non-construction subaward made before receipt of this authorization.

- B. **For construction subawards.** In addition to the foregoing information, the Recipient must submit to EDA a completed *Environmental Narrative and Applicant Certification Clause* using the EDA's Environmental Narrative Template, which can be found at: <https://eda.gov/programs/eda-programs/>. The Recipient must also provide electronic copies of any documents prepared to satisfy state environmental review requirements and any available phase I or phase II environmental site assessment reports. This information must be provided so that EDA can complete its environmental and historic preservation review responsibilities. The Recipient may not make any subaward for construction activities until it has received written notification that EDA has completed its environmental and historical preservation review and that the Recipient is authorized to proceed with the subaward. Subawardees should not undertake any earthmoving, construction, or demolition activities, including the solicitation of bids or design and engineering activities proceeding past conceptual design as determined by EDA, before EDA authorizes the Recipient to proceed. Any such activities undertaken before receipt of EDA authorization are at the subawardee's own risk and may be denied reimbursement. EDA reserves the right to decline approval of any construction subawards at the end of the environmental review process or to require changes to the proposed subaward project as a condition of approval. **Any construction subaward made before receipt of EDA's authorization will be disallowed in its entirety.**

EDA may also require the Recipient to initiate consultation on EDA's behalf under the Endangered Species Act, National Historic Preservation Act, or other statutes. The Recipient will be required to secure all concurrences or clearances from other agencies or third parties as EDA may reasonably require to fulfill its statutory and regulatory obligations, and the Recipient agrees to pursue all such clearances diligently. The Recipient further agrees to provide public notice of any proposed construction project and an opportunity for the public to submit comments if directed to do so by EDA.

Please note that environmental reviews can be lengthy. EDA will not be held responsible for any delays associated with the environmental review process or required consultations, nor can the deadline for project completion be extended beyond May 31, 2027 for this reason.

8. **COMPETITIVE SELECTION OF SUBAWARDS:** The Recipient agrees that it will only make subawards under this award on a competitive basis to subrecipients that fall within the definition of “Eligible Recipient” at 13 C.F.R. 300.3. At a minimum, the Recipient will:
- a) Publicly advertise the availability of subawards in a manner reasonably directed to reach the audience of potential applicants. For purposes of this award, advertising the opportunity for subawards in a manner substantially similar to the way in which state grant programs are advertised is sufficient.
 - b) Select subrecipients on the basis of criteria publicly specified in advance of the application process using a panel of not fewer than three reviewers.
 - c) Maintain a conflict-of-interest policy that prohibits an individual who is an Interested Party (as defined at 13 C.F.R. § 300.3) with respect to a subaward application or applicant from participating in the evaluation of that subaward application.
9. **SUBAWARD ADMINISTRATION AND MONITORING:** The Recipient agrees that it is responsible for compliance with the requirements of 2 C.F.R. § 200.332 – Pass-Through Entities with regard to any subawards. Before the subrecipient undertakes any work to be funded through this Award, the Recipient must enter into a written subaward agreement with the subrecipient governing the subrecipient’s work activities that meets the requirements of 2 C.F.R. § 200.332(a). The subaward agreement must include a requirement that the subrecipient comply with all of the terms and conditions of this Financial Assistance Award, including but not limited to the Standard and Specific Award conditions and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. part 200). The Recipient acknowledges that it is responsible for monitoring the subrecipient’s performance under the subaward in accordance with the requirements of 2 C.F.R. § 200.331, and for addressing any performance or compliance deficiencies.

All Recipients of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at www.FSRS.gov on all sub-awards over \$35,000. Please see the OMB guidance published at 2 C.F.R. part 170 (2015), which can be accessed at <http://www.gpo.gov/fdsys/pkg/C.F.R.-2015-title2-vol1/pdf/C.F.R.-2015-title2-vol1-part170.pdf>. The Recipient acknowledges that it is responsible for this reporting.

10. PROJECT REPORTING AND FINANCIAL DISBURSEMENT INSTRUCTIONS:

A. AWARD DISBURSEMENTS:

- a. *For non-construction expenditures by the Recipient and for all subawards:* To receive disbursements, the Recipient must submit a Form SF-270 “*Request for Advance or Reimbursement*” for the applicable period electronically to the Project Officer, who will review and process the request. EDA will make payments on an advance basis, unless the Recipient requests reimbursement.

Prior to the initial disbursement, Recipients must complete Form SF-3881, “ACH Vendor/Miscellaneous Payment Enrollment Form” and submit it to NOAA’s Accounting Office by emailing through secure/encrypted email to: edagrants@noaa.gov. The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.

The Recipient must minimize the time between the drawdown of Federal funds from the Federal government and their disbursement for Federal program purposes. EDA will generally limit disbursements to the Recipient’s reasonably anticipated cash requirements for the calendar quarter following the disbursement.

The Recipient must comply with all provisions of 2 C.F.R. § 200.305 – Federal Payment regarding the handling of advance payments.

EDA retains the right to change Recipients from “advance” to “reimbursement” or “agency review” status if the Grants Officer deems it necessary or prudent to ensure successful monitoring of Federal funds.

- b. *For construction expenditures by the Recipient:* **Reimbursement basis only.** EDA will make disbursements for construction projects undertaken by the Recipient on a reimbursement basis only, based on actual costs incurred, after all preconditions set forth in these Specific Award Conditions, the EDA Standard Terms and Conditions for Construction project, and any other requirements specified by EDA in writing have been met.

The “*Outlay Report and Request for Reimbursement*” (Form SF-271 or any successor form) is used to request a disbursement, and must be approved in writing by the Project Officer.

Prior to the initial disbursement, Recipients must complete Form SF-3881, “ACH Vendor/Miscellaneous Payment Enrollment Form” and submit it to NOAA’s Accounting Office by emailing through secure/encrypted email to:

edagrants@noaa.gov. The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.

B. REPORTS:

- a. *Project Progress Reports*: The Recipient agrees to provide the Project Officer with project progress reports, communicating the important activities and accomplishments of the project including the status of progress under any subaward, on a semi-annual basis for the periods ending **March 31** and **September 30**, or any portion thereof, for the entire project period. Reports are due no later than one month following the end of the semi-annual period.

Performance progress reports shall be submitted to EDA in an electronic format no later than the due date. Reports shall be in a clear format, not exceeding six pages, and shall:

- i. Provide a concise overview of the activities undertaken during the semi-annual reporting period, including any subaward;
- ii. Document accomplishments, benefits, and impacts of the project. The Recipient should identify activities that have led to specific outcomes, such as job creation/retention, private investment, increased regional collaboration, engagement with historically excluded groups or regions, enhanced regional capacity, or other positive economic development benefits;
- iii. Identify any upcoming or potential press events or opportunities for collaborative press engagements to highlight the benefits of the EDA investment;
- iv. Compare progress on the project with the targeted schedule, explaining any departures, identifying how those departures will be remedied, and projecting the course of work for the next semi-annual reporting period;
- v. Outline challenges impeding or that may impede progress on the project over the next semi-annual reporting period and identify ways to address those challenges;
- vi. Outline any areas in which EDA assistance is needed to support the project; and
- vii. Provide any other information that would be helpful for your EDA Project Officer to know.

Final Project Reports may be posted on EDA's website, used for promotional materials or policy reviews, or otherwise shared. Recipients should not include any copyrighted or other sensitive business information in these reports. There is no page limit for Final Project Reports; however, such reports should concisely

communicate key project information and should:

- i. Provide a high-level overview of the activities undertaken;
 - ii. Explain how the project activities have prevented, prepared for, or responded to the coronavirus pandemic and advanced economic development;
 - iii. Document the expected and actual economic benefits of the project as of the time the report is written;
 - iv. Detail lessons learned during the project that may be of assistance to EDA or other communities undertaking similar efforts; and
 - v. Provide any other information necessary to understand the project and its impacts.
- b. *Project Progress Reports for Construction Projects Undertaken by the Recipient:* (This paragraph is inapplicable to construction subawards.) The Recipient shall submit project progress reports to the Project Officer on a quarterly basis for the periods ending December 31, March 31, June 30, and September 30, or any portion thereof until the final grant payment is made by EDA. Reports should be submitted using the approved EDA template, which will be provided by the Project Officer and discussed during the project kick-off meeting. Reports are due no later than 15 days following the end of the quarterly period.

The Project progress report must contain the following information for each Project program, function, or activity:

- i. A comparison of planned and actual accomplishments according to the timetable or list of Project objectives in this Award;
 - ii. An explanation of any delays or failures to meet the Project timetable or Project goals; and
 - iii. Any other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- c. *Financial Reports (Construction and Non-Construction Projects):* The Recipient shall submit a “*Federal Financial Report*” (Form SF-425 or any successor form) on a semi-annual basis for the periods ending **March 31** and **September 30**, or any portion thereof, for the entire project period. Form SF-425 and instructions for completing it are available at: <https://www.grants.gov/forms/post-award-reporting-forms.html>. Reports are due no later than one month following the end of the semi-annual period.

A final Form SF-425 must be submitted no more than 120 calendar days after the Award End Date specified on the Form CD-450 (or any subsequently executed Form CD-451). Final Financial Reports should follow the instructions for

submitting mid-term financial reports, but should ensure that all fields accurately reflect the total outlays for the entire project period and that all matching funds and program income (if applicable) are fully reported. **Determination of the final grant rate and final balances owed to the government will be determined based on the information on the final Form SF-425, so it is imperative that it be submitted in a timely and accurate manner.**

11. **PERFORMANCE MEASURES:** Recipient agrees to report on program performance measures and program outcomes in such form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993 and the Government Performance and Results Modernization Act of 2010 (collectively, GPRA Reports). The Data Collection Form for Public Works, Economic Adjustment Infrastructure and Revolving Loan Fund Investments (Non-infrastructure programs) (Form ED-915) must be submitted by Recipient to EDA as directed by EDA.

The Semi-Annual Program Outputs Questionnaire for EDA Grantees (Non-infrastructure programs) (Form ED-916) must be submitted by Recipient to EDA on a semi-annual basis during the period of performance of this Award, or as otherwise directed by EDA. EDA will provide Recipient with the first electronic Outputs Questionnaire approximately six months after the date the period of performance starts, as set forth in Form CD-450. EDA will then provide Recipient subsequent electronic Outputs Questionnaires approximately every six months thereafter through the end of the period of performance, or any portion thereof if applicable. Recipient must complete and submit to EDA each electronic Outputs Questionnaire within 30 days of receipt.

The Annual Capacity Outcomes Questionnaire for EDA Grantees Serving Clients (Non-Infrastructure Programs) (Form ED-917) or the Annual Capacity Outcomes Questionnaire for EDA Grantees not Serving Clients (Non-infrastructure programs) (Form ED-918) must be submitted by Recipient to EDA on an annual basis for five years, or as otherwise directed by EDA. If Recipient will directly serve clients (i.e., beneficiaries) under the Authorized Scope of Work, Recipient must submit Form ED-917; if Recipient will not directly serve clients under the Authorized Scope of Work, Recipient must submit Form ED-918. (Recipient should consult the project officer if Recipient is unsure whether activities in the Authorized Scope of Work constitute serving clients.) Recipient will automatically receive whichever Outcomes Questionnaire is most appropriate, as determined by the EDA project officer, for the Authorized Scope of Work. EDA will provide Recipient with the first electronic Outcomes Questionnaire approximately one year after the date the period of performance starts, as set forth in Form CD-450. EDA will then provide Recipient subsequent electronic Outcomes Questionnaires approximately every 12 months thereafter for a total of five years, notwithstanding the end of the period of

performance. Recipient must complete and submit to EDA each Outcomes Questionnaire within 30 days of receipt.

EDA may revise or replace the Outputs Questionnaire and/or the Outcomes Questionnaire at any time during or following the period of performance of this Award.

Performance measures and reporting requirements that apply to program activities funded by this investment will be provided in a separate GPRA information collection document. EDA staff will contact the Recipient in writing within a reasonable period prior to the time of submission of the reports with information on how this data should be submitted.

Recipient must collect sufficient data and retain sufficient documentation to enable Recipient to complete required GPRA Reports. Failure to submit to EDA required GPRA Reports might adversely impact the ability of the Recipient to secure future funding from EDA.

- 12. ALLOWABLE COSTS AND AUTHORIZED BUDGET:** Total allowable costs will be determined after the final financial documents are submitted in accordance with the applicable authorities specified on the Financial Assistance Award (Form CD-450), including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. part 200. The Recipient must submit a line item budget for EDA approval as part of its Grant Administration Plan (see Condition 21). Upon approval, the line item budget will be incorporated into these Specific Award Conditions as Attachment 3, Authorized Budget.
- 13. FEDERAL SHARE:** The Federal Share of total allowable project cost for this Award is 100 percent. EDA will fund 100 percent of the total allowable project costs or the grant amount shown on the Financial Assistance Award (Form CD-450), whichever is less.
- 14. REFUND CHECKS, INTEREST, OR UNUSED FUNDS:** If the Recipient needs to return money to EDA, it may use one of the following two methods:

 - i. The first is the pay.gov website, which allows the Recipient to pay EDA online. The Recipient will have the option to make a one-time payment or to set up an account to make regular payments.
 - ii. The second is paper check conversion. All checks must be made payable to “Department of Commerce, Economic Development Administration” and include the award number and a description of no more than two words identifying the reason for the payment. A copy of the check should be provided to the EDA Project Officer. The check should be mailed to NOAA’s Accounting Office, which processes EDA’s accounting functions, at the following address:

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Finance Office, AOD, EDA Grants
20020 Century Boulevard
Germantown, MD 20874

When funds are remitted to EDA by check, the check will be converted into an electronic funds transfer (EFT) by using the account information on the check to debit the payor's account electronically. The debit from the payor's account will usually occur within 24 hours. EDA will not return the check; the original will be destroyed and a copy will be retained. If the EFT cannot be completed because of insufficient funds, EDA will charge a one-time fee of \$25.00, which will be collected by EFT.

15. **PLANNING COORDINATION:** In keeping with regional economic development principles, the Recipient should coordinate economic development planning and implementation projects with other economic development organizations active in the project area, especially EDA-funded recipients such as state and urban planning grantees, adjoining Economic Development Districts (EDDs), Indian Tribes, and University Centers (UCs).
16. **TECHNICAL ASSISTANCE TO BUSINESSES:** Any technical assistance offered to businesses under the EDA award shall be widely advertised and accessible to all potentially benefitting businesses, as is reasonably permitted by the EDA project Scope of Work and Budget. The Recipient shall maintain adequate documentation of any technical assistance offered and/or provided to benefitting businesses under the EDA award.
17. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. §§ 200.317–200.327.
18. **NONRELOCATION:** By accepting this Award, the Recipient attests that EDA funding is not intended by the Recipient to assist efforts to induce the relocation or the movement of existing jobs from one region to another region in competition for those jobs. In the event that EDA determines that its assistance was used for such purposes, EDA reserves the right to pursue appropriate enforcement actions, including suspension of disbursements, termination of the Award for convenience or cause (which may include the establishment of a debt requiring the Recipient to reimburse EDA), or disallowance of any costs attributable, directly or indirectly, to the relocation.
19. **STAFFING CHANGES:** The Recipient must submit a Staffing Plan for EDA approval as part of its Grant Administration Plan (see Condition 21). Upon approval, the Staffing Plan will be incorporated into these Specific Award Conditions as Attachment 4. In the event of

a change in the professional staff positions primarily funded with the EDA grant, the Recipient shall provide the name of the individual selected to fill the position to the Project Officer and a copy of his or her resume within 30 business days of the selection.

20. REAFFIRMATION OF APPLICATION: Recipient acknowledges that Recipient's application for this Award may have been submitted to the Government and signed by Recipient, or by an authorized representative of Recipient, electronically. Regardless of the means by which Recipient submitted its application to the Government or whether Recipient or an authorized representative of Recipient submitted its application to the Government, the Recipient hereby reaffirms and states that:

- i. All data in the application and documents submitted with the application are true and correct as of the date the application was submitted and remain true and correct as of the date of this Award;
- ii. The application was, as of the date of submission and the date of this Award, duly authorized as required by local law by the governing body of the Recipient; and
- i. Recipient has read, understood, and will comply with all terms of this Award, including the Assurances and Certifications submitted with, or attached to, the application.

The term "application" includes all documentation and any information provided to the Government as part of, and in furtherance to, the request for funding, including submissions made in response to information requested by the Government after submission of the initial application.

21. GRANT ADMINISTRATION PLAN: Prior to the initial disbursement of Award funds, the Recipient shall provide to the Project Officer a Grant Administration Plan, not to exceed five pages, that outlines how the Recipient will implement the Authorized Scope of Work. The plan must include the following information:

1. A list of tasks that the Recipient will undertake to implement the *Authorized Scope of Work* at a sufficient level of detail to allow EDA to monitor the Recipient's progress in implementing the project. The list of tasks must be consistent with the *Authorized Scope of Work* and the Project Narrative submitted as part of the Recipient's application;
2. A timeline for implementing the tasks identified;
3. Expected outputs and outcomes of the project;
4. If the Recipient intends to subaward all or part of the grant, a description of the types of projects for which subawards are proposed (e.g., marketing support to local tourism boards, technical assistance to travel-related businesses) and the process by which

subrecipients will be selected, including the target date by which subawards will be made. Recipients should also describe the anticipated parameters of the proposed subaward (e.g., the estimated period of performance, whether any matching share will be required);

5. A completed Form SF-424A, “Budget Information—Non-Construction Programs” showing a line-item budget for performance of the award and a Budget Narrative that aligns with both Form SF-424A and the list of tasks. If the Recipient will undertake construction work itself as part of the Award, the Recipient must also provide a completed Form SF-424C, “Budget Information—Construction Programs,” the total of which must be consistent with the “Construction” line item on the SF-424A;
6. If applicable, a Staffing Plan showing the individuals or positions that will charge time to the Award along with salary, percentage of effort, and estimated total amount each individual will charge to the Award; and
7. If the Recipient proposes to undertake construction work itself as part of the Award, a completed Form SF-424D – Additional Assurances for Construction Projects. In addition, the Recipient must provide **for each** construction project:
 - a. A completed Form ED-900C or ED-900D and, if applicable, Form ED-900E
 - b. A completed *Environmental Narrative and Applicant Certification Clause*.

Upon approval by EDA, the Grant Administration Plan shall be incorporated into and become an enforceable part of these Specific Award Conditions. The approved line item budget will become the *Authorized Budget* (Attachment 3), and the approved staffing plan will become the *Authorized Staffing Plan* (Attachment 4).

EDA’s approval of the Grant Administration Plan does not authorize any earthmoving, construction, or demolition activities, including the solicitation of bids or design and engineering activities proceeding past conceptual design as determined by EDA. As with construction subawards (see SAC # 7.B), EDA must complete its environmental and historic preservation reviews before any construction activity takes place. In addition to the construction forms noted above as required under the Grant Administration Plan, before any construction activity is approved, as part of EDA’s review process the Recipient must provide electronic copies of any documents prepared to satisfy state environmental review requirements and any available phase I or phase II environmental site assessment reports. If, after completing its environmental review, EDA determines that the construction project may proceed, it will inform the Recipient of the authorization in writing. EDA reserves the right to decline approval of any proposed construction project at the end of the environmental review process or to require changes to the proposed project as a condition of approval. **Any expenditures for construction activities made before receipt of EDA’s authorization will be disallowed in their entirety.**

EDA may also require the Recipient to initiate consultation on EDA's behalf under the Endangered Species Act, National Historic Preservation Act, or other statutes. The Recipient will be required to secure all concurrences or clearances from other agencies or third parties as EDA may reasonably require to fulfill its statutory and regulatory obligations, and the Recipient agrees to pursue all such clearances diligently. The Recipient further agrees to provide public notice of any proposed construction project and an opportunity for the public to submit comments if directed to do so by EDA.

Please note that environmental reviews can be lengthy. EDA will not be held responsible for any delays associated with the environmental review process or required consultations, nor can the deadline for project completion be extended beyond May 31, 2027 for this reason.

- 22. DUTY TO REFRAIN FROM EMPLOYING CERTAIN EDA EMPLOYEES:** For the two-year period beginning on the date the Grants Officer executes this Award, Recipient agrees that it will not employ, offer any office or employment to, or retain for professional services any person who, on the date the Grants Officer executes this Award or within the one-year period prior to that date: (a) served as an officer, attorney, agent, or employee of EDA; and (b) occupied a position or engaged in activities that the Assistant Secretary for Economic Development determines involved discretion with respect to the granting of financial assistance under the American Rescue Plan Act (Pub. L. 117-2).

This Specific Award Condition is not applicable if Recipient is an Indian Tribe, a State, county, city, or other political subdivision of a State, or a public institution of higher education.

The two-year period and associated restrictions referenced above also shall apply beginning on the date the Grants Officer executes any cost amendment to this Award that provides additional funds to Recipient.

- 23. MAINTENANCE OF STANDARDS:** All construction contracts in excess of \$2,000 funded through this Award are subject to the Davis-Bacon Act, as amended (40 U.S.C. §§ 3141–3144, 3146, 3147; 42 U.S.C. § 3212), which requires minimum wages for mechanics and laborers employed on Federal Government public works projects to be based on the wages that the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the Project is to be performed, or in the District of Columbia if the Project is to be performed there.
- 24. GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth at 41 C.F.R. part 60-4 establish goals and timetables for the participation of minorities and women in the construction industry. Those regulations apply to all federally assisted construction contracts in excess of \$10,000. The Recipient shall

comply with those regulations and shall obtain compliance with 41 C.F.R. part 60-4 from contractors and subcontractors employed on the project by including such notices, clauses, and provisions in the Solicitations for Offers or Bids as required by 41 C.F.R. part 60-4. The goal for the participation of women in each trade area shall be as follows: from April 1, 1981 until further notice: 6.9 percent.

All changes to this goal, as published in the Federal Register in accordance with the Office of Federal Contract Compliance Programs regulations at 41 C.F.R. § 60-4.6, or any successor regulations, shall hereafter be incorporated by reference into these Specific Award Conditions.

Goals for minority participation shall be as prescribed by Appendix B-80 of the Federal Register notice published October 3, 1980 at 45 Fed. Reg. 65984–65991, or any subsequently published amendments. The Recipient shall include the Standard Federal Equal Employment Opportunity Construction Contract Specifications (or cause them to be included, if appropriate) in all Federally assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 C.F.R. § 60-4.6.

- 25. WASTE, FRAUD AND ABUSE:** Consistent with 2 C.F.R. part 200, at EDA’s direction, at any time(s) during the estimated useful life of the Project, Recipient’s key personnel will take a training on preventing waste, fraud and abuse as provided by the Government. Key personnel include those responsible for managing the Recipient’s finances and overseeing any contractors, sub-contractors or sub-grantees (for financial matters and/or general oversight related to this Project). EDA will provide instructions on when and how to take the training. Within sixty days of accepting the EDA Financial Assistance Award, the Recipient shall provide to the Project Officer all Certificates of Completion for the Waste, Fraud, and Abuse training. In the event there are co-recipients of this Award, the obligations in the Specific Award Condition shall apply to all recipients whether or not designated in this Award as the Lead Recipient.

Further, Recipient will monitor award activities for common fraud schemes (hereinafter “Fraud Schemes”), such as 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 Recipient detect any Fraud Schemes or any other suspicious activity, Recipient will contact the EDA staff listed above and the Department of Commerce, Office of Inspector

Investment No.: 01-79-15164

General, as indicated at <https://www.oig.doc.gov/Pages/Contact-Us.aspx>, as soon as possible.

ATTACHMENT 1

Authorized Scope of Work for the State Tourism Grant Program

Under EDA's American Rescue Plan Act State Tourism Grant funding invitation, a state or an Eligible Recipient designated in writing by the state may apply for one or more of the Scope of Work elements listed below that have been pre-approved by EDA.

All projects supported under the State Tourism Grant Program must support the travel, tourism, and outdoor recreation sectors and be consistent with Centers for Disease Control (CDC) guidelines for safe travel. Projects that do not support these sectors or are intended to support diversification away from the sectors are not permitted.

Eligible uses of State Tourism Grants include:

- State, county, city, or community/regional tourism marketing and promotion campaigns,²¹ including through nonprofit Destination Marketing Organizations (DMO). Messaging must be consistent with Centers for Disease Control and Prevention (CDC) COVID-19 guidelines.
 - Note: Due to statutory restrictions, advertising on behalf of private companies is not permitted.
- Workforce training that supports the travel, tourism, and outdoor recreation industries, to improve the skills and job opportunities for workers, including Registered Apprenticeship Programs and other work and learn models. Grant recipients and their partners are encouraged to make connections with the American Job Centers that connect individuals to workforce training.
- Short-term and long-term economic development planning and coordination to respond to the effects of the coronavirus pandemic on the regional travel, tourism, and outdoor recreation industry.
- Technical assistance projects to assist regional economies to recover from damage to the travel, tourism, and outdoor recreation industries, including technical assistance to businesses, entrepreneurs, and small and rural communities to respond to changes to those industries brought about by the coronavirus pandemic.
- Upgrades/retrofits to existing travel, tourism, and outdoor recreation infrastructure, such as convention centers, to increase travel/tourism activity or to make such infrastructure more functional under pandemic social distancing conditions (e.g., consistent with CDC guidelines).
 - These activities can include general accessibility upgrades (e.g., disability access).

²¹ This includes activities such as: campaign development, media purchases, advertising, and promotional events.

- Infrastructure projects that lead to long-term increases in tourist activity in a region, including to communities adjacent to National Park Service units, State Parks, National Marine Sanctuaries, or other natural destinations, and nature-based infrastructure projects and projects enhancing public access to outdoor recreational opportunities.²²
- Other uses to support the travel, tourism, and outdoor recreation industries, as approved by EDA.
 - **Please note:** If the State Tourism Grant Program applicant elects to propose other activities, the applicant must provide a detailed project and budget narrative specifying the types of activities proposed.

²² The U.S. Department of Agriculture has developed a resource guide that may be helpful for rural communities seeking to develop recreation economies. See:
https://www.rd.usda.gov/sites/default/files/RD_Recreation_Economy_USDA.pdf.

ATTACHMENT 2

Project Contact Information

RECIPIENT INFORMATION:

Jesse Saglio President/COO Phone: (401) 278-9148 Email: jesse.saglio@commerceri.com	Rhode Island Commerce Corporation 315 Iron Horse Way Suite 101 Providence, RI 02908
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EDA INFORMATION:

EDA Project Team	Roles and Responsibilities
Linda Cruz-Carnall Regional Director Phone: (215) 597-4603 Email: LCruz-Carnall@eda.gov	<u>Grants Officer</u> : Authorized to award, amend, suspend, and terminate financial assistance awards.
Jennifer Sloms Program Manager Phone: (215) 597-9584 Email: JSloms@eda.gov	<u>Program Officer</u> : Oversees the programmatic aspects of this Award.
Matthew McShane Program Analyst Phone: (215) 510-9005 Email: MMcshane@eda.gov	<u>Project Officer</u> : Responsible for day-to-day administration of this Award; liaises with Recipient and receives all reports and payment requests.

ATTACHMENT 3

Authorized Budget

ATTACHMENT 4

Authorized Staffing Plan
