



REQUEST FOR PROPOSAL

RFP-2323

For: RI Minority Business Accelerator Intermediary-Based Initiative for Food & Beverage, Child-Care, and Construction Industries

The Rhode Island Commerce Corporation (“Corporation”) seeks proposals from eligible proposers (“Proposers”), as defined below, to receive funding through an Intermediary-Based Initiative of the Minority Business Accelerator Program (“Program”). The Program is a collection of initiatives aimed at enhancing the growth of minority business enterprises as defined in the Minority Business Enterprise Act (R.I Gen. Laws 37-14.1-1 et seq.) (“MBEs”)¹.

The funding made available through this RFP is for the Program’s Intermediary-Based Initiative for the Food & Beverage Industry; the Child-Care Industry; and the Construction Industry², (collectively, the Targeted Industries) and will support a range of assistance and programming as further described in the Scope of Work, including technical assistance; entrepreneurship and business start-up training; mentorship programming and networking opportunities; assistance relating to access to capital, licensing, and registering a business; business readiness for Division of Equity, Diversity & Inclusion (“DEDI”) registration; and government contracting and translation services.

This document constitutes a Request for Proposals (“RFP”), in a competitive format, from Proposers. Proposers shall provide a proposal, in accordance with the terms and conditions set forth herein, to provide all or part of the Eligible Services described in the Scope of Work. 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 Proposer(s), by contract.

In responding to this RFP, Proposers are encouraged to provide the Corporation with information as to how they will design and offer services and assistance, under the Eligible Services

¹ “Minority business enterprise” or “MBE” means a small business concern, as defined pursuant to § 3 of the federal Small Business Act, 15 U.S.C. § 632, and implementing regulations, which is owned and controlled by one or more minorities or women. For the purposes of this chapter, owned and controlled means a business:

- (1) Which is at least fifty-one percent (51%) owned by one or more minorities or women or, in the case of a publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by one or more minorities or women; and
- (2) Whose management and daily business operations are controlled by one or more such individuals.

² Proposals that target businesses in the following segments of the Construction Industry prioritized in this program are General Contractors, HVAC contractors who are TAB certified, Master Electrical Contractors, Plumbing, Mechanical, Well Drilling, Pump Installers, Fencing and Guardrail, Flooring, Boiler Operators, Architecting, Engineering, Glass Installing, and Environmental Assessment/ Engineering. Proposals targeting other segments of the construction industry are welcome.

described in the Scope of Work, that best meet the needs of MBEs in the Targeted Industries in Rhode Island.

It is anticipated that this initiative will provide approximately \$500,000 in total awards to intermediaries to administer programs to support the growth of MBEs in the Targeted Industries. Award amounts per intermediary will be less than \$250,000.

Proposers

Eligible Proposers include Rhode Island non-profit organizations, for-profit organizations, trade associations, chambers of commerce, institutions of higher education, and/or co-working space operators that propose to offer any of the Eligible Services and/or programming to MBEs in the Targeted Industries as described in the Scope of Work.

Proposers should familiarize themselves with the Corporation's Description of the Intermediary-Based Initiative for the Targeted Industries (in the section below) before preparing and submitting their proposals.

Proposers that are currently Intermediaries for the Minority Business Accelerator Intermediary Based-Initiative are eligible to respond to this RFP. Those proposers should clearly delineate how the proposal made in response to this RFP is specific to the industries listed above and different from services currently offered under this program.

Background

In Rhode Island, MBEs comprise a disproportionately low percentage of businesses as compared to the minority and women population statistics. For example, while Black or African Americans make up 6.5% of the State's population, Black or African American owned businesses comprise only 1% of all businesses in the state. Similarly, Hispanic Rhode Islanders account for 15.9% of the State's population but own only 3% of all businesses in the State.

The Program was created through the FY2023 Budget Act (2022 H. 7123Aaa) and is administered and supervised by the Corporation's Minority Business Support Manager ("Manager") at the Corporation. The primary goals and outcomes of this Program center around reducing barriers, expanding access, and closing historical gaps in business ownership across Rhode Island. The Manager will closely evaluate:

- 1 - the programmatic accomplishments directly related to achieving these equity-related goals,
- 2 - the overarching success in increasing the number of minority-owned businesses across Rhode Island, including specific Key Performance Indicators (KPI) as described below.

Project Overview

The primary focus of this initiative is to enhance the growth of MBEs in the Targeted Industries through programs, workshops, access to capital and other technical assistance with the objective to address historical and current inequities in business ownership in Rhode Island. There is ample data to support the finding that MBEs and communities of color are historically underserved, marginalized, and adversely affected by economic downturns.

Proposers selected through this RFP will be responsible for vetting businesses eligible in the Targeted Industries to receive services, setting and tracking KPIs, and reporting on those KPIs to the Corporation monthly. In addition to the KPIs set by Proposers in their response to this RFP, a list of KPIs that must be tracked and reported to the Corporation every month can be found in the section below labeled "Key Performance Indicators".

Description of the Intermediary-Based Initiative

To be eligible to receive support through a selected Proposer under the Minority Business Accelerator Intermediary-Based Initiative for the Targeted Industries, a business must fit the definition of a Minority Business Enterprise in R.I. Gen. Laws § 37-14.1.

This section defines MBE as a small business (pursuant to § 3 of the federal Small Business Act, 15 U.S.C. § 632, and implementing regulations) which (1) is at least fifty-one percent (51%) owned by one or more minorities or women or, in the case of a publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by one or more minorities or women; and (2) whose management and daily business operations are controlled by one or more such individuals.

According to R.I. Gen. Laws § 37-14.1, “minority” means a person who is a citizen or lawful permanent resident of the United States and who is:

- (1) Black (a person having origins in any of the Black racial groups of Africa).
- (2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race).
- (3) Portuguese (a person of Portuguese, Brazilian, or other Portuguese culture or origin, regardless of race).
- (4) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands).
- (5) American Indian and Alaskan Native (a person having origins in any of the original peoples of North America); or
- (6) Members of other groups or other individuals found to be economically and socially disadvantaged by the Small Business Administration under § 8(a) of the Small Business Act, as amended, 15 U.S.C. § 637(a).

All services and/or programs proposed through a response to this RFP must benefit those eligible businesses in the Targeted Industries. Proposers selected for funding will be responsible for screening and vetting businesses for eligibility under this Description, ensuring compliance with state and federal statutes, and complying with U.S. Treasury guidelines regarding SFRF funds. Further information regarding these guidelines can be found in the Funding Requirements section. Proposers selected for funding will be responsible for distributing and ensuring completion of an application form (to be provided by the Corporation) for business beneficiaries and for processing applications. Additionally, Proposers will be responsible for tracking the total value of Eligible Services provided to each business beneficiary and issuing 1099s and other applicable tax forms as necessary.

Awarded funds can be used to reimburse selected Proposers for the costs of providing a variety of Eligible Services in support of MBEs in the Targeted Industries, described further in the Scope of Work section.

The Corporation seeks to utilize available funding to solicit Proposers in carrying out these activities. Proposers are encouraged to describe in detail how the Eligible Services that they propose will accomplish, further, or advance assisting MBEs in the Targeted Industries in accordance with the goals of the Program.

All funding is subject to appropriation by the General Assembly. Details of payments from the Corporation to selected Proposers will be included in finalized contracts, including timing and form of payments. It is anticipated that selected Proposers will be reimbursed for the costs

associated with the Eligible Services they provide. It is also anticipated that selected Proposers may request an Advance Payment of up to 10 percent of the total award.

Scope of Work

The RFP seeks to fund proposals that support the goals of the Program — to enhance the growth of MBEs in the Targeted Industries and to reduce barriers, expand access, and close historical gaps in business ownership in these three industries across Rhode Island. Funds may be used to pay for the costs of providing the following Eligible Services:

- Technical Assistance in the following areas:
 - Accounting & Bookkeeping
 - Assistance applying to available grants including business plan preparation.
 - Legal advice & services
 - Marketing, Communications, Branding & Public Relations.
 - Customer data & User experience analytics
 - Strategic and business planning
 - Human resources & Payroll services
 - Information & Computer Technology (IT) services
 - Website Development Support
 - Business funding pitch & grant writing
 - Supply chain & procurement
 - E-Commerce
 - Fostering innovation and technology adoption
 - Sustainability
 - LEAN manufacturing
- Entrepreneurship and business start-up training
- Mentorship programming and networking opportunities
- Assistance with accessing “next stage” manufacturing, R&D facilities and/or shared commercial kitchen spaces.
- Assist small food retail and grocers or corner stores in areas with low access to fresh fruits, vegetables, and healthier food options to bring in more fresh and less processed foods.
- Assistance and education relating to access new market channels and wholesale readiness.
- Assistance registering a business with the state and a municipality.
- Training and assistance with a licensing process
- Assistance and education relating to access to capital and banking requirements.
- DEDI Directory registration preparedness
- Information and assistance around business readiness for government contracting.
- Translation services

A successful proposal will include the following:

- A well-defined, compelling statement of work for providing the above-described Eligible Services to MBEs in the Targeted Industries. This should include a detailed outline of the services to be provided and the outreach and marketing approach to reach the types of MBEs in the Targeted Industries to be served. This should also include justification of how and why these services will support MBEs in the Targeted Industries and enhance

the growth of a business. Proposals should include how the Proposer plans to mitigate fraud and avoid duplication of other federally funded services.

- A showcase of previous outcomes and evidence of effectiveness. Evidence may include independent reports, information tracked by the Proposer, third-party evaluation, testimonials, and other such information.
- A projected outcome with an explanation of how success will be measured (such as number of unique clients, amount of approved grants/loans obtained by clients, increased revenue of clients, counseling hours, training hours/clients trained, and jobs created or retained). This includes an explanation of the tracking and metric mechanisms that will be established to track and report the progress of project goals. Each Proposer must include an output and outcome measure for each unique activity of the proposal.
- Bios of key staff members and external partner organizations, as well as an overview of the governance structure of the organization and, if relevant, partnerships.
- Letters of commitment from any/all third-party organizations that are participating in the Scope of Work.
- A budget and budget narrative.

Key Performance Indicators (KPIs)

Proposers who are selected for funding will be responsible and accountable for the below-listed deliverables and Key Performance Indicators (KPIs), in addition to those that they set for themselves in their proposals. Reporting will be completed monthly, with reports due to the Corporation by a date set in the contract for services.

- The number of MBEs served (e.g., attended an entrepreneurship training session, were able to access financing, attended a procurement seminar, etc.)
- The number of programs, training, or initiatives started by the Proposer that are funded through this program.
- The number of MBEs the Proposer assisted to submit a complete application to become registered in the DEDI Directory

Funding Requirements

The Program is being supported, in whole or in part, by federal award number SLRFP0136 in connection with State Fiscal Recovery Funds awarded to the State of Rhode Island by the U.S. Department of Treasury.

The Corporation anticipates it will have an approximately \$500,000 budget to support a network of intermediary organizations serving MBEs in the Targeted Industries in Rhode Island to create and execute programs and workshops with the purpose of increasing the number of MBEs registered in the state's Division of Equity, Diversity & Inclusion Directory (DEDI) and enhancing the growth of MBEs in the state. All awards are contingent on the Corporation's receipt of funding from the General Assembly.

All proposals must be eligible uses under the **American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery Funds as well as the Corporation's Description for the Intermediary-Based Initiative**. More information, including the Interim and Final Rule promulgated by the U.S. Treasury Department 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. Treasury Department 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: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

Proposers must be able to comply with the Federal Award Terms & Conditions annexed hereto as Exhibit A, among other requirements.

Any proposal to promote, accomplish, carry out, or fulfill this Program is limited by eligible uses under the American Rescue Plan Act. Proposers shall be responsible for any and all federal requirements or obligations in connection with the use of funding for any proposal, including, but not limited to, the dissemination of Form 1099s and reporting of funding usage and/or distribution in accordance with American Rescue Plan Act requirements as well as requirements imposed by the State and/or the Corporation. Under the American Rescue Plan Act, Interim Final Rule, Proposers who are selected for funding are required to have an active registration with the System of Award Management (SAM or SAM.gov) (<https://www.sam.gov>).

Project Timeline

Proposers should provide a timeline of their proposed activities and demonstrate how their proposal can be accomplished, including the dissemination of any funding received, on or before October 31, 2024.

The following draft timeline provides for anticipated key milestones:

- October 17, 2023: RFP issued
- October 23, 2023: Questions to RFP Due
- October 26, 2023: RFP Questions and answers are posted
- November 1, 2023, **Deadline for submitting Proposals**

Qualifications

Proposers must be eligible as described above and have a demonstrated success record in assisting MBEs.

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 flat fee structure for providing services necessary to complete the proposed scope items. Proposers shall include a total, maximum price to accomplish the scope items incorporated in the proposal. 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 RFP. Proposers shall also provide job titles and rates for any subcontractors that the respondent includes 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. Proposers may also include in their budget proposal the fee structure for reviewing applications, providing outreach and marketing, and for preparing and distributing 1099s and other tax forms. The Corporation reserves the right to adjust both the budget and related services.

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

- **Research & Analytics:** Provide an overview of how success is determined. What are the analytic tools or services that will be used, and what type of information will be reported back to the Corporation as it relates to meeting the Corporation's 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 ORGANIZATION & DEMONSTRATED RESULTS The Corporation's evaluation will include an assessment of the history of Proposer's experience as it relates to the requirements within this RFP, evidence of past performance, quality and relevance of past work, references, and related items.	20
CREATIVITY & ORIGINALITY The Corporation's evaluation will include an assessment of the quality of proposed strategies and creativity of the proposal, including how the Proposer plans to prioritize vendors and beneficiaries that have not previously received federally funded assistance. The evaluation will also include an assessment of how original the proposal is and how it will serve businesses not currently reached under this program. The Corporation's evaluation will also include an assessment of the short and long-term potential impact of the proposed services for MBEs in the Food and Child-Care Industries.	20
QUALIFICATIONS OF PERSONNEL The Corporation's evaluation will include an assessment of the qualifications and experience of the Proposer's managerial team, staff, subcontractors, and related items.	10
FAMILIARITY WITH THE CORPORATION'S ACCELERATOR PROGRAM The Corporation's evaluation will include an assessment of the Proposer's understanding of the Corporation and Rhode Island's goals related to the development of minority business enterprises and how the Proposer integrated this knowledge into the proposal.	10
STRATEGIC THINKING/PLANNING APPROACH Overall approach and strategy described/outlined in the proposal and Proposer's demonstrated capacity to perform the engagement and services within the specified timeframe (prior experience in meeting timelines will be factored in here). The Corporation's evaluation will also include an assessment of the businesses to be supported and/or served by the Proposal.	20
BUDGET APPROACH/COST EFFECTIVENESS	20

Effective and efficient delivery of quality services is demonstrated in relation to the budget allocation. The allocation is reasonable and appropriate.	
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 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 Proposers. The ISBE participation rate for non ISBE Proposers shall be expressed as a percentage and shall be calculated by dividing the amount of non-ISBE Proposer's total contract price that will be subcontracted to ISBEs by the non-ISBE Proposer'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 Proposers. The ISBE participation rate for ISBE Proposers shall be expressed as a percentage and shall be calculated by dividing the amount of the ISBE Proposer's total contract price that will be subcontracted to ISBEs and the amount that will be self-performed by the ISBE Proposer by the ISBE Proposer's total contract price. For example, if the ISBE Proposer'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 Proposer's ISBE participation rate would be 20%.
- c. Points for ISBE Participation Rate:
 - i. The Proposer with the highest ISBE participation rate shall receive the maximum ISBE participation points. All other Proposers shall receive ISBE participation points by applying the following formula:

$$(\text{Proposer's ISBE participation rate} \div \text{Highest ISBE participation rate} \times \text{Maximum ISBE participation points})$$

For example, assuming the weight given by the RFP to ISBE participation is 6 points, if Proposer A has the highest ISBE participation rate at 20% and Proposer B's ISBE participation rate is 12%, Proposer A will receive the maximum 6 points and Proposer 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). Proposers 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 that are submitted late, misdirected or sent to the wrong email address will not be accepted.
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 and available here: <https://commerceri.com/wp-content/uploads/2022/08/RFP-RESPONSE-CERTIFICATION-COVER-FORM.pdf>
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. Proposers 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.ridop.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 fifteen percent (15%) participation by MBEs in all procurements, including a minimum of 7.5% participation by minority business enterprises owned and controlled by a minority owner, as defined in Section 37-14.1-3, and a minimum of 7.5% participation by minority business enterprises owned and controlled by a woman.. 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 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, experience on engagements of this scope including resumes, and their role in those past engagements.
5. A description of the outcome monitoring, evaluation, and reporting plan including a list of tools to track process, output and outcome measures for each component of the application.

Proposal Submission

Responses to this RFP are due before **11:59 pm on November 1, 2023.**

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

Note: No phone calls pertaining to the RFP will be accepted.

Questions, interpretations, or clarifications concerning this RFP should be directed by e-mail to RFP@commerceri.com no later than 11:59 pm on October 23, 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 October 26, 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 Proposer pursuant to this Request for Proposal, and by responding hereto, no Proposers 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.

EXHIBIT A
FEDERAL AWARD TERMS & CONDITIONS
U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.

- a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 602(c) of the Social Security Act (the Act) and Treasury's regulations implementing that section and guidance.
- b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.

2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.

3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.

4. Maintenance of and Access to Records

- a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 602(c), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
- c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.

5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.

6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.

7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.

8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must {2639-078 EXHIBIT A: FEDERAL AWARD TERMS & CONDITIONS.1} disclose in writing to Treasury or the pass-through entity, as appropriate, any potential

conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 602 of the Act, regulations adopted by Treasury pursuant to section 602(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit{2639-078 EXHIBIT A: FEDERAL AWARD TERMS & CONDITIONS.1}discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;

- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

10. Remedial Actions. In the event of Recipient's noncompliance with section 602 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 602(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 602(e) of the Act and any additional payments may be subject to withholding as provided in sections 602(b)(6)(A)(ii)(III) of the Act, as applicable.

11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.

12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."

14. Debts Owed the Federal Government.

- a. {2639-078 EXHIBIT A: FEDERAL AWARD TERMS & CONDITIONS.1} Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to sections 602(e) and 603(b)(2)(D) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
- b. Any debts determined to be owed the federal government must be paid promptly by Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a

debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or {2639-078 EXHIBIT A: FEDERAL AWARD TERMS & CONDITIONS.1}
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

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. Proposers 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 Division of Equity, Diversity and Equality (DEDI) 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. Proposers 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