



**REQUEST FOR PROPOSAL  
RFP#: RFP-2329**

**For: BEAD State Challenge Process Assistance**

The Rhode Island Commerce Corporation (Corporation) seeks proposals from qualified non-profit entities to assist units of local government and/or tribal governments in participating in the state challenge process pertaining to the availability of broadband services. The Corporation will be administering a state challenge process as required by the National Telecommunications and Information Administration's (NTIA) Broadband Equity, Access, and Deployment (BEAD) program to ensure the accuracy of the Rhode Island Broadband Map prior to deploying the infrastructure investment program. As part of this process, the Corporation has built a challenge portal, which units of local government, tribal governments, nonprofit organizations, and Internet Service Providers (ISPs) may use to submit location challenges and rebuttals. The selected non-profit entity(ies) will support the units of local government and/or tribal governments in this process by reviewing, aggregating, and submitting broadband serviceable location challenges and challenges pertaining to the identity and eligibility of Community Anchor Institutions.

This document constitutes a Request for Proposal (RFP), in a competitive format, from qualified firms. This request is an offer by the Corporation to underwrite, in accordance with the terms and conditions of this RFP, the services proposed by the successful firm(s), by contract.

The respondents (Proposers) to this RFP shall provide a proposal, in accordance with the terms and conditions set forth herein, to provide all or part of services to the Corporation as described in the Scope of Work.

**Project Overview**

Rhode Island has the following broadband and digital equity goal:

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

Rhode Island has the resources to make a generational investment in broadband infrastructure and digital equity projects in order to help reach that goal. Rhode Island received \$108.7 million through the BEAD program. Before Rhode Island can disburse these funds, the state must conduct a state challenge process to create accurate broadband maps to inform investment decisions.

To facilitate this state challenge process, the Corporation is working with a mapping vendor to (i) create a Rhode Island Broadband Map which modifies the National Broadband Map and which shows the broadband serviceable locations in the state that have been classified by Rhode Island as served, unserved or underserved and (ii) design a state challenge portal. The portal will enable Rhode Islanders to access the Rhode Island Broadband Map so they can view whether their location is classified as served, unserved or underserved, and, if that information is incorrect, submit a request to challenge the classification, along with supporting evidence, to the portal. However, the NTIA requires that only units of local government, tribal governments, internet service providers (ISP), or nonprofit entities officially submit challenges. This RFP is to assist units of local government and/or tribal governments submit challenges on behalf of individual subscribers located in their jurisdiction, including assisting them in reviewing individual subscriber requests to challenge submitted through the state challenge process portal, aggregating, and submitting such challenges, and submitting rebuttals, which will then be adjudicated by the Corporation.

## **Background**

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

Rhode Island has the opportunity to capitalize on its small geographic size, population density, flat terrain, and middle-mile fiber infrastructure to expand broadband access to its unserved locations, underserved locations, and covered populations.<sup>1</sup> The State received \$108.7 million from the NTIA's BEAD program for investments in last-mile broadband infrastructure. In the Fall of 2022, the State received \$5 million of its \$108.7 million from the BEAD program as Initial Planning Funds to engage in a range of preliminary activities such as increasing the capacity of the staff within the Corporation that oversees broadband programs and broadband deployment. As explained above and in the Scope of Work below, the state challenge process is a requirement to access the next phase of BEAD funding.

## **Scope of Work**

As part of the state BEAD challenge process, the Corporation seeks proposals from qualified nonprofit entities to support units of local government and/or tribal governments submit challenges and/or rebuttals pertaining to the classification of broadband serviceable locations within their city, town, or sovereign land. Proposals may be submitted by qualified nonprofit

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<sup>1</sup> "Unserved location" means a broadband-serviceable location that the Rhode Island Broadband Map shows as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with (i) a speed of not less than 25 Mbps for downloads; and a speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds. Underserved location means a broadband-serviceable location that is (a) not an unserved location, (b) that the Rhode Island Broadband Map shows as lacking access to Reliable Broadband Service offered with (i) a speed of not less than 100 Mbps for downloads; and a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds. "Covered populations" refers to those who are one of the following groups: low-income households, racial and ethnic minorities, aging populations, people with disabilities, English language learners, incarcerated individuals, people who live in rural areas, and veterans.

entities that can deliver the services outlined in the following section. The Corporation expects that Proposers will be able to perform all duties associated within the category or categories of service for which they respond. However, the Corporation expects that consultants may need to sub-contract with specialized organizations for community engagement or other technical components of the services. Proposer(s) must indicate in the proposal if they are proposing to use subcontracted services for additional resources.

Proposers must submit responses to the task described in this Scope of Work and may propose additional services that they believe are pertinent to the successful execution of Rhode Island's state BEAD challenge process as part of the ConnectRI Broadband and Digital Equity Initiative. The Corporation reserves the right to select more than one Proposer to complete this work or to not make an award, as well as to award work over a period of time. The Corporation expects selected Proposers to be able to work together as well as to work with current Corporation consultants as needed.

Task: Assist units of local government and tribal governments in the state BEAD challenge process

Consistent with the requirements, rules, and guidance of the NTIA's BEAD programs, Proposers will be responsible for supporting Rhode Island's thirty-nine (39) municipalities, as well as participating tribal governments in the review, aggregation, and submission of broadband serviceable location challenges on behalf of individual subscribers during the state's BEAD state challenge process, which the Corporation expects to begin in March, depending on timing for NTIA approval of Volume 1 of Rhode Island's BEAD Initial Proposal, and continue for 90 days through the completion of the state challenge process. The task will require: 1) review and verification of evidence submitted by individual challengers for veracity (e.g., internet bill or letter to a resident detailing timeline or cost for installation of internet to the address in question); 2) aggregation of complete requests to challenge; and 3) submission of challenges through the Rhode Island State Challenge Portal. Essential to this support will be accessing and utilizing the Rhode Island Broadband Map and challenge portal, which the Corporation will make available to selected Proposer(s).

**Qualifications**

Per NTIA requirements, Proposers must be a nonprofit organization.

**Project Timeline**

January 23, 2024: RFP posted

January 29, 2024: Questions deadline

January 31, 2024: Questions & answers posted

February 7, 2024: Deadline for RFP submissions

The successful Proposer(s) will enter into a contract for services with the Corporation. The duration of the initial contract between the Corporation and the successful Proposer is expected to begin upon the date of contract approval. Please note that it is possible that the scope of the work associated with Task 1 will be materially reduced if NTIA adopts a model framework for accomplishing the Task in whole or in part and the Corporation then adopts such a model (or a

similar model) itself. The contract will account for the possibility that the fee charged by Proposer(s) will be reduced in the event that the Corporation adopts one or more model framework.

### **Budget**

Proposers to this RFP shall provide a proposed hourly fee structure for providing services necessary to complete the task in the Scope of Work. Proposers shall include a maximum, fixed price to accomplish all of the activities described in the task in the Scope of Work. Fee structure proposals shall include an estimate regarding the duration and number of hours to complete the task. Additionally, proposers shall provide a personnel schedule which includes job title and billing rate for any work which may be undertaken under this contract. Proposers shall also provide job titles and rates for any subcontractors that the respondent is including in this response. If the Proposer contemplates any purchases or pass-through charges during the engagement, any mark-up rate above actual cost shall be identified as a separate line item in the budget. The Corporation reserves the right to adjust both the budget and related services.

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

- Research and Analytics: Provide an overview of how you determine success. What are the analytic tools or services that you use, and what type of information will you be reporting back to the Corporation as it relates to meeting our objectives?

The Corporation's budget for work described in this RFP is not to exceed \$70,000. This budget is based on an expected number of submitted challenges and an estimated time to review each challenge.

### **Criteria for Selection**

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

- Demonstrated capacity, facilities and organizational structure to perform the type of services sought in this RFP;
- Qualifications and experience of the Proposer and subcontractor(s) and the primary personnel identified to provide the Proposer's proposed services;
- Record of experience in providing similar services to other clients;
- Demonstrated knowledge of the Proposer's proposed services;
- Reasonableness of the proposed budget and hourly rate structure, including a stated willingness (and preferably a commitment) to offer hourly rate discounts and/or blended rates;
- Reasonableness of the proposed schedule for providing the categories of Proposer's proposed services;
- Demonstrated familiarity with Rhode Island's technical and organizational systems.

The order of these factors does not generally denote relative importance. The goal of this RFP is

to select and enter into an Agreement with the Proposer(s) that will provide the best value for the services to achieve the Corporation’s goals. The Corporation reserves the right to consider such other relevant factors as it deems appropriate in order to obtain the “best value.”

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

**EVALUATION CRITERIA**

	<b>Points</b>
<b>OVERALL EXPERIENCE OF COMPANY &amp; DEMONSTRATED RESULTS</b> 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.	25
<b>QUALIFICATIONS OF PERSONNEL</b> Our evaluation will include an assessment of the qualifications and experience of your managerial team, staff, subcontractors, and related items.	20
<b>FAMILIARITY WITH RHODE ISLAND’S ECONOMIC DRIVERS</b> Our evaluation will include our assessment of your understanding of our organization and the existing market for broadband services in Rhode Island and how you integrated this knowledge into your proposal.	5
<b>STRATEGIC THINKING/PLANNING APPROACH</b> Overall approach and strategy described/outlined in the proposal and firm capacity to perform the engagement within the specified timeframe (prior experience of the firm in meeting timelines will be factored in here)	10
<b>BUDGET APPROACH/COST EFFECTIVENESS</b> Effective and efficient delivery of quality services is demonstrated in relation to the budget allocation. The allocation is reasonable and appropriate.	40
<b>Total</b>	<b>100</b>
MBE/WBE/DisBE Participation (additional potential points)	6 pts

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

1. ISBE Participation Evaluation (see below for scoring)
  - a. The Rhode Island Commerce Corporation encourages MBE/WBE/DisBE participation in this Request. In accordance with Title 37, Chapter 14.1, and Title 37, Chapter 2.2 of the Rhode Island General laws, the Corporation reserves the right to apply additional consideration to MBE/WBE/DisBE up to six (6) additional points in the scoring evaluation as provided below:

- b. Calculation of ISBE Participation Rate
  - i. ISBE Participation Rate for Non-ISBE Vendors. The ISBE participation rate for non-ISBE 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 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.
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](http://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](http://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 fifteen percent (15%) participation by MBE's 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](http://www.mbe.ri.gov).

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

### **Proposal Requirements**

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

#### Technical Proposal Elements

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



**Funding Requirements**

All proposals must be eligible uses under the Infrastructure Investment and Jobs Act (IIJA).

Information about the BEAD program's Notice of Funding Opportunity (NOFO) requirements can be found at the following link: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.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 Form CD-450, the Financial Assistance Award and General Terms and Conditions for the NTIA Broadband Equity, Access & Deployment Program (BEAD) Initial Planning Funds, attached to this RFP as Exhibit A.

**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](mailto:RFP@commerceri.com) by **11:59 pm on February 7, 2024**. 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](mailto:RFP@commerceRI.com) no later than 11:59: pm on January 29, 2024. Responses to questions, interpretations, or clarifications concerning this RFP will be posted online via addendum at [www.commerceri.com](http://www.commerceri.com) on January 31, 2024 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.**

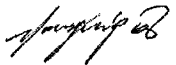

Name of Subcontractor/Supplier:					
Type of RI Certification:	<input type="checkbox"/> MBE	<input type="checkbox"/> WBE	<input type="checkbox"/> Disability Business Enterprise		
Address:					
Point of Contact:					
Telephone:					
Email:					
Detailed Description of Work To Be Performed by Subcontractor or Materials to be Supplied by Supplier:					
Total Contract Value (\$):		Subcontract Value (\$):		ISBE Participation Rate (%):	
Anticipated Date of Performance:					

I certify under penalty of perjury that the forgoing statements are true and correct.

<b>Prime Contractor/Vendor Signature</b>	<b>Title</b>	<b>Date</b>

<b>Subcontractor/Supplier Signature</b>	<b>Title</b>	<b>Date</b>

EXHIBIT A

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

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

Federal Program Officer: Stuart Freiman

Requisition Number: BEA72

Employer Identification Number: 050356994

UEI Number: HCNJFC71CHQ1

Recipient ID: 4419230

Requestor ID: 4419230

**Award ACCS Information**

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

**Award Contact Information**

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

**NIST Grants Officer:**

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

**NIST Grants Specialist:**

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

NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

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

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**1. Introduction:**

The National Institute of Standards and Technology (NIST), servicing for the National Telecommunications and Information Administration (NTIA), hereby enters into this Grant number 44-20-B072 with Rhode Island Commerce Corporation to support the work described in the proposal entitled “State of Rhode Island BEAD Project” dated 8/15/2022, and any revisions received during the application review, which are hereby incorporated into this award by reference. Where the terms of this award and the proposal differ, the terms of this award shall prevail.

**2. Recipient Contact Information:**

**Technical:**

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

**Administrative:**

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

**3. NTIA Contact Information:**

**Federal Program Officer:**

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

**4. NIST Award Contact Information:**



NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

**Grants Officer:**

Darren Olsen

National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650

Gaithersburg, MD 20899-1650

Email: [darren.olson@nist.gov](mailto:darren.olson@nist.gov)

**Grants Specialist:**

John Villella

National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650

Gaithersburg, MD 20899-1650

Telephone: 301-975-4448

Email: [john.villella@nist.gov](mailto:john.villella@nist.gov)

**5. Award Payments:**

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

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

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

- None
- Agency Review required for all withdrawals (see explanation below)
- Agency Review required for all withdrawal requests over \$ \_\_\_\_\_ (see explanation below)
- Maximum Draw Amount controls (see explanation below)
  - \$ \_\_\_\_\_ each month
  - \$ \_\_\_\_\_ each quarter
  - \$3,940,00.00 Max drawdown amount

**Explanation:**

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

**6. Return Payments for Funds Withdrawn through ASAP:**

NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

Funds that have been withdrawn through ASAP may be returned to ASAP via the Automated Clearing House (ACH) or via FEDWIRE. The ACH or FEDWIRE transaction may only be completed by the Recipient's financial institution. Full or partial amounts of payments received by a Payment Requestor/Recipient Organization may be returned to ASAP. All funds returned to the ASAP system will be credited to the ASAP Suspense Account. The Suspense Account allows the Regional Financial Center to monitor returned items and ensure that funds are properly credited to the correct ASAP account. Returned funds that cannot be identified and classified to an ASAP account will be dishonored and returned to the originating depository financial institution (ODFI). The Payment Requestor/Recipient Organization should notify the NIST Grants Office and provide a reason whenever return payments are made.

It is essential that the Payment Requestor/Recipient Organization provide its financial institution with ASAP account information (ALC, Recipient ID and Account ID) to which the return is to be credited. Additional detailed information is accessible at: <https://www.fiscal.treasury.gov/asap/>.

**7. Notice of Funding Opportunity - Broadband Equity, Access, and Deployment Program:**

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

It is accessible at: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=340304> (under the Related Documents tab). If the application period is closed, select "Closed" or "Archived" Opportunity Status to view the NOFO.

**8. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements:**

[The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements](#) as published in the *Federal Register* on December 30, 2014 (79 FR 78390), are incorporated by reference into this award.

They are accessible at: <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.

**9. Department of Commerce Financial Assistance Standard Terms and Conditions:**

As indicated on the Form CD-450 for this award, the Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C) issued November 12, 2020 are incorporated by reference into this award. The Department's ST&C, as well as a link to 2 CFR Part 200, are accessible at: [https://www.commerce.gov/sites/default/files/2020-11/DOC Standard Terms and Conditions - 12 November 2020 PDF\\_0.pdf](https://www.commerce.gov/sites/default/files/2020-11/DOC%20Standard%20Terms%20and%20Conditions%20-%2012%20November%202020%20PDF_0.pdf).

NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

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

As indicated on the Form CD-450 for this award, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 are incorporated by reference into this award. Through 2 C.F.R. § 1327.101, the Department of Commerce adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to <https://www.ecfr.gov/on/2022-01-19/title-2/subtitle-A/chapter-II/part-200> and <https://www.ecfr.gov/on/2022-01-19/title-2/subtitle-B/chapter-XIII/part-1327>. Awards issued pursuant to this program may be subject to specific award conditions as authorized by 2 C.F.R. § 200.208.

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

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

If an indirect cost rate has not been established, and the Department of Commerce is identified as the cognizant agency for indirect costs in accordance with 2 C.F.R. § 200.1, “Cognizant agency for indirect costs,” within 90 calendar days of the award start date, the Recipient must electronically submit to [gmdaudit@nist.gov](mailto:gmdaudit@nist.gov) the documentation (indirect cost rate proposal, cost allocation plan, etc.) necessary to allow the Department of Commerce (through NIST or through another Commerce agency) to perform an indirect cost rate proposal review. Organizations that have previously established indirect cost rates with the Department of Commerce, including with one of its agencies, must submit a new indirect cost rate proposal for indirect costs within six months after the end of the organization’s fiscal year.

If your submission includes Personally Identifiable Information (PII) or Business Identifiable Information (BII), please send an email to [gmdaudit@nist.gov](mailto:gmdaudit@nist.gov) to request a secure link.

The requirements for determining the relevant cognizant agency and for developing and submitting indirect (F&A) cost rate proposals and cost allocation plans are contained in 2 C.F.R. § 200.414 and in Appendices III-VII to 2 C.F.R. Part 200. For additional guidance on preparing indirect cost proposals, please review the Department of Labor’s Guide for Indirect Cost Determination at: <https://www.dol.gov/oasam/boc/dcd/np-comm-guide.htm>. [Section I.B](#) and I.C lists the various types of indirect cost rates and the circumstances under which such rates would apply. The guide also addresses common indirect cost problems and contains useful FAQs.

**12. Infrastructure Investment and Jobs Act:**

NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

The Recipient must comply with the terms of the Infrastructure Investment and Jobs Act (Infrastructure Act), Public Law 117-58 (Nov. 15, 2021), Division F, Title I – Broadband Grants for States, District of Columbia, Puerto Rico, and Territories, including the terms of section 60102 of that title, which establishes the BEAD Program. The text of the Infrastructure Act is available at: <https://www.congress.gov/bill/117th-congress/house-bill/3684/text>.

**13. General Terms and Conditions for the BEAD Initial Planning Funds**

The General Terms and Conditions for the BEAD Initial Planning Funds are incorporated by reference into this award.

**14. BEAD Program Sequencing:**

As described in the NOFO, the BEAD Program has several application steps and phases to the award, the timing of which are as follows:

- (a) Letter of Intent
- (b) Request for Initial Planning Funds
- (c) Five-Year Action Plan—Due 8/12/2023
- (d) Program Fund Allocation and Notice of Available Amounts—To be made on or after the date on which the Federal Communications Commission publishes the Broadband DATA Maps, once NTIA determines the BEAD Program allocations
- (e) Initial Proposal—Due no later than 180 days from the date of issuance of the Notice of Available Amounts
- (f) 20 Percent Funding Release—Upon approval of the Initial Proposal by the Assistant Secretary, NTIA will make available to the Eligible Entity not less than 20 percent of the total grant funds allocated to the Eligible Entity
- (g) Final Proposal—Due no later than 365 days from the date the Assistant Secretary approves the Initial Proposal.

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

Future award actions associated with the release of additional funding to implement other phases of the project will include additional specific award conditions concerning the use of funds and other requirements associated with those phases, such as, but not limited to, environmental and national historical preservation requirements, and provisions implementing the Buy American, Build America Act.

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

NIST Financial Assistance Award Number: 44-20-B072

Amendment: NEW

Recipient: Rhode Island Commerce Corporation

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

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

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

Under no circumstances may planning funds awarded via this action be used for any construction or ground disturbing activities, or the build out of any infrastructure.

**16. Ineligible Costs**

Regardless of the award phase under the BEAD Program, profits, fees, or other incremental charge above actual cost incurred by the Recipient or subgrantee(s) are not allowable costs under this Program.

Additionally, the Recipient or subgrantee(s), including contractors or subcontractors of subgrantees, may not use funds received under the BEAD Program to:

- (a) Purchase Covered Communications Equipment or Services, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608); or
- (b) Directly or indirectly support or oppose collective bargaining.

**17. Five Year Action Plan Requirements:**

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

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

**18. Period of Performance and Funding Limitations:**

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

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

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Amendment: NEW

Recipient: Rhode Island Commerce Corporation

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

The Recipient may not obligate, incur any expenditure, nor engage in any activity that involves a commitment of Federal funds under this Agreement in excess of the Federal amount presently available. Should such an excess obligation, expenditure, or commitment occur, no legal liability will exist or result on the part of the Federal Government for payment of funds.

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

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

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

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

**Initial Report**

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

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

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

Additionally, the Recipient shall submit an SF-425, Federal Financial Report, in conjunction with the Initial Report described above, that meets the requirements described in 2 C.F.R § 200.328 and the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020).

### **Semi-Annual Reports**

First report due no later than July 30, 2023, for the period ending June 30, 2023. Thereafter, reports are due semi-annually, for the period between January 1 and June 30, which shall be due on July 30, and for the period between July 1 and December 31, which shall be due on January 30, or any portion thereof. The Recipient shall submit a report that includes:

- (a) a description of how the Recipient expended the grant funds;
- (b) a description of each service provided with the grant funds and the status of projects or other eligible activities supported by such funds;
- (c) a description of the locations at which broadband service was made or will be made available using the grant funds, the locations at which broadband service was utilized, and the comparative demographics of those served;
- (d) a certification that the Recipient complied with the requirements of Section 60102 of the Infrastructure Act and with any additional reporting requirements prescribed by the Assistant Secretary; and
- (e) any additional information as prescribed in 2 C.F.R § 200.329.

Additionally, the Recipient shall submit an SF-425, Federal Financial Report, in conjunction with the semi-annual report described above that meets the requirements described in 2 C.F.R § 200.328 and the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020).

### **Final Reports**

The Recipient shall submit a final SF-425, Federal Financial Report and final Performance Progress Report within 120 days after the expiration of the period of performance that meets the requirements described in 2 C.F.R § 200.328 and the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020).

Additionally, no later than one year after the Recipient has expended all grant funds under the BEAD Program (to include all phases of the award, not just the initial planning phase) the Recipient shall submit a report that:



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Amendment: NEW

Recipient: Rhode Island Commerce Corporation

- (a) describes how the Eligible Entity expended the funds;
- (b) describes each service provided with the grant funds;
- (c) describes the locations at which broadband service was made available using the grant funds, the locations at which broadband service was utilized, and the comparative demographics of those served;
- (d) includes each report that the Eligible Entity received from a subgrantee under Section 60102(j) of the Infrastructure Act; and
- (e) certifies that the Eligible Entity complied with the requirements of Section 60102 of the Infrastructure Act and with any additional reporting requirements prescribed by the Assistant Secretary.

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

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

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

No other correspondence may be sent through this mailbox; timely responses to any other inquiries received in this mailbox are not guaranteed. The mailbox will not be used for any other purpose *except* for purposes identified above.

## **20. Unfunded Grant Actions Mailbox (UGAM):**

Requests for unfunded award actions, which include, but are not limited to, requests for no-cost extension, change in key personnel, change in scope of work, budget revisions, award transfer, and novation, must be submitted to: [UGAM@nist.gov](mailto:UGAM@nist.gov), within the prescribed timeframes identified in the terms and conditions of the award.

Unfunded award action requests and related correspondence, including justification to support the request, sent to the mailbox *must* contain the following information in the email subject line: (1) Recipient name; (2) NIST award number; (3) Principal Investigator/Project Director; and (4) Action being requested (e.g. no cost extension, change in key personnel, etc.).

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Unfunded award action requests must not be sent directly to NIST personnel (*e.g.* Grants Specialist, Grants Officer, Administrative Assistant, GMD Division Chief, Federal Program Officer, etc.).

Any requests sent directly to NIST personnel will be returned to the sender with instructions on how to submit through the [UGAM@nist.gov](mailto:UGAM@nist.gov) mailbox.

No other correspondence may be sent through this mailbox; timely responses to any other inquiries received in this mailbox are not guaranteed. The mailbox will not be used for any other purpose *except* for purposes identified above.

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

**21. Federal and Non-Federal Cost Sharing:**

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

**22. Change in Funded Project Participant**

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

**23. Supplanting of Funds**

Grant funds awarded to a Recipient under the BEAD program shall be used to supplement, and not supplant, the amounts of federal or non-Federal funds that the Recipient would otherwise make available for the purposes for which the grant funds may be used.

**24. Administrative Expenses**

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

**25. Restriction on Human Subjects Research Work and Costs Incurred**

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Amendment: NEW

Recipient: Rhode Island Commerce Corporation

BEAD grant recipients must comply with Department of Commerce (DOC) regulations relating to the protection of human subjects for all research conducted or supported pursuant to an NTIA grant award. The DOC regulations related to the protection of human subjects are found in 15 C.F.R. Part 27.

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

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

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

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

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

Notwithstanding the above prohibition on starting human subjects research, work may be initiated, or costs incurred and/or charged to the project for protocol or instrument development related to human subjects research.

Sample HSR memos are available in the Human Subjects Research Guidance (posted August 29, 2022), *Guidance for Human Subjects Research Protection*. (<https://broadbandusa.ntia.doc.gov/sites/default/files/2022-08/BEAD-Planning-Grant-HSR-Guidance-Final-9-29-2022.pdf>)

## **26. Budget Narrative and Justification**

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

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Amendment: NEW

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detailed budget and justification for each item listed above to ensure such costs are allowable (see 2 C.F.R. §200.403). No funds associated with the above identified item(s) shall be released by NIST until the detailed budget and justification is submitted by the recipient and approved by the NIST Grants Officer via an award amendment or administrative letter.

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**End of Specific Award Conditions**

**GENERAL TERMS AND CONDITIONS**

**for the**

**NTIA BROADBAND EQUITY, ACCESS & DEPLOYMENT PROGRAM (BEAD)  
INITIAL PLANNING FUNDS**

**July 2022**

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## **1. Project Management Conference**

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

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

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

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

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

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

### **3. Recipient and Contractor Compliance with Applicable Requirements**

The Recipient shall comply, and must require each subrecipient or contractor, including lower tier subrecipients or subcontractors, to comply with all applicable Federal, state, and local laws and regulations. The Recipient is responsible for ensuring that all contracts, including those necessary for design and construction of the Project facilities, are implemented in compliance with the Terms and Conditions of this Award.

### **4. Environmental and Historic Preservation Compliance**

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

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

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

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

### **5. Domestic Preference for Procurements (Buy American)**

Pursuant to 2 CFR § 200.322, the Recipient should, to the greatest extent practicable under the BEAD award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including, but not limited to, iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 CFR § 200.322 must be included in all subawards, including all contracts and purchase orders for work or products pursuant to this program.



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

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

**7. Prevention of Waste, Fraud, and Abuse**

Consistent with statutory requirements in Section 905(e)(3) of the Consolidated Appropriations Act, 2021, and the principles in 2 CFR part 200, at any time(s) during the grant period of performance, NTIA may direct a Recipient’s key personnel to take a Government-provided training on preventing waste, fraud and abuse. Key personnel include those responsible for managing the Recipient’s finances and overseeing any contractors, sub-contractors or sub-recipients (for financial matters and/or general oversight related to the grant). NTIA will provide instructions on when and how to take such training(s), and costs incurred by a Recipient relative to the training (*e.g.*, staff time) are eligible for reimbursement pursuant to the NTIA award.

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

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

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

**8. Protection of Whistleblowers**

The Department of Commerce Financial Assistance Standard Terms and Conditions are incorporated into every NTIA grant award. Section F.05 of these Terms and Conditions

states that each award is subject to the whistleblower protections afforded by 41 U.S.C. § 4712 (Enhancement of contractor protection from reprisal for disclosure of certain information).

Generally, this law provides that an employee or contractor (including subcontractors and personal services contractors) of a non-Federal entity may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal award, subaward, or a contract under a Federal award or subaward, a gross waste of Federal funds, an abuse of authority relating to a Federal award or subaward or contract under a Federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal award, subaward, or contract under a Federal award or subaward.

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

A person that believes they have been the subject of retaliation for protected whistleblowing can contact the Department of Commerce, Office of Inspector General Hotline, as indicated at <https://www.oig.doc.gov/Pages/Hotline.aspx>, or the U.S. Office of Special Counsel, toll free at 1-800-872-9855.

**BUDGET INFORMATION - Construction Programs**

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$ 1,774,693.3	\$	\$ 1,774,693.3
2. Land, structures, rights-of-way, appraisals, etc.	\$	\$	\$ 0
3. Relocation expenses and payments	\$	\$	\$ 0
4. Architectural and engineering fees	\$	\$	\$ 0
5. Other architectural and engineering fees	\$ 20,000	\$	\$ 20,000
6. Project inspection fees	\$	\$	\$ 0
7. Site work	\$	\$	\$ 0
8. Demolition and removal	\$	\$	\$ 0
9. Construction	\$	\$	\$ 0
10. Equipment	\$	\$	\$ 0
11. Miscellaneous	\$ 3,205,306.7	\$	\$ 3,205,306.7
12. SUBTOTAL (sum of lines 1-11)	\$ 5,000,000	\$ 0	\$ 5,000,000
13. Contingencies	\$	\$	\$ 0
14. SUBTOTAL	\$ 5,000,000	\$ 0	\$ 5,000,000
15. Project (program) income	\$	\$	\$ 0
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 5,000,000	\$ 0	\$ 5,000,000
FEDERAL FUNDING			

17. Federal assistance requested, calculate as follows:  
 (Consult Federal agency for Federal percentage share.)  
 Enter the resulting Federal share. Enter eligible costs from line 16c Multiply X 100 %

## 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