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**OFFICE OF THE CHIEF INFORMATION OFFICER  
OF THE STATE OF IOWA (“OFFICE”)**

**Broadband Grants Program—Connect Every Iowan**

**NOTICE OF FUNDING AVAILABILITY (“NOFA”) #001**

**(Exhibit A)**

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## SECTION 1—Program Overview/Administrative Issues

**1.1. Purpose.** In 2014, House File 655 (“**HF 655**”), an act providing for the coordination and facilitation of broadband access in targeted service areas of the State, was signed into law. 2015 Acts, ch 120, §26-38 (codified, in relevant part, at Iowa Code chapter 8B). HF 655 was designed to help reduce the “digital divide” and better deploy technology assets across the State of Iowa with special emphasis on the critical broadband needs of rural Iowans.

HF 655 is comprised of several components, one of which includes the “**Broadband Grants Program**” established by Iowa Code section 8B.11. *See also* Iowa Admin. Code r. 129—22. In 2016, the Office of the Chief Information Officer of the State of Iowa (“**Office**”) undertook a process to identify underserved areas within the State of Iowa, making use of broadband availability maps and data sources widely accepted for accuracy and made available for public review and comment. Iowa Admin. Code r. 129—20.3. These underserved areas, statutorily referred to as “**Targeted Service Areas**,” *see* Iowa Code § 8B.1(12), identify areas within the State “within which no communications service provider offer[ed] or facilitate[d] broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed as of July 1, 2015” at the census block level. *Id.* The results of this process can be viewed and explored on the State’s “**Broadband Availability Map**,” *available at:* <https://ocio.iowa.gov/broadband>.

The Broadband Grants Program seeks to eliminate Targeted Service Areas in the State by incentivizing Communications Service Providers to install Broadband Infrastructure in these Targeted Service Areas. Accordingly, the purpose of this Notice of Funding Availability # 001 (“**NOFA**”) is to solicit Applications that will enable the Office to carefully select proposed Broadband Infrastructure Projects that will have the greatest overall effect of reducing or eliminating Targeted Service Areas in the State of Iowa.

**1.2. Definitions.** Unless otherwise defined herein, capitalized terms shall have the meaning ascribed to them under Iowa Code chapter 8B and Iowa Administrative Code rule 129—22. In addition, the following terms shall be ascribed the following meaning:

- 1.2.1. “**25/3**” or “**25/3 Broadband**” means Broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed.
- 1.2.2. “**Advertised Speeds(s)**” means the maximum Broadband speeds in terms of megabits per second a communications service provider would provide to a home, school, or business within a commercially reasonable time at a commercially reasonable price upon request by a consumer.
- 1.2.3. “**Allowable Expenditures**” means specific types/categories of expenditures Applicants/Grantees may include in their estimated or final Project costs, and for which Applicants/Grantees may seek reimbursement from the Office. Allowable Expenditures are more fully defined and discussed in the Budget Plan and Grant Agreement.
- 1.2.4. “**Applicant(s)**” means a Communications Service Provider submitting an Application in response to this NOFA.

- 1.2.5. **“Application(s)”** means a Communications Service Provider’s Application in response to this NOFA requesting grant funds made available pursuant to and in accordance with the terms, conditions, and requirements of Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA, including any corresponding attachments, exhibits, or schedules submitted in connection therewith.
- 1.2.6. **“Application Checklist”** means the checklist submitted as part of an Application designed to assist Applicant and the Office in ensuring Applicant has completed and submitted all forms, materials, and information required by this NOFA. This form, is labeled as **Exhibit I**.
- 1.2.7. **“Authorized Contact”** means an individual identified by an Applicant, in writing, who is authorized to respond to inquiries and make binding decisions on behalf of and for an Applicant regarding an Application or Grant Agreement.
- 1.2.8. **“Authorization to Release Information”** means the form submitted as part of an Application by which Applicant authorizes the Office, its officers, employees, agents, independent contractors, and the members of the Review Committee to obtain information about Applicant from third parties, and additionally authorizes such third parties to supply such requested information to the Office upon request. This form is labeled as **Exhibit G**.
- 1.2.9. **“Award”** means an award of grant funds made available pursuant to Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA, to an Applicant following the Office’s review, scoring, and selection of an Applicant in accordance with the terms, conditions, and requirements of Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA.
- 1.2.10. **“Broadband Unit”** means a home, school, or business within Targeted Service Area forming the basis of the Project as of July 1, 2015, and which exists on the Broadband Availability Map.
- 1.2.11. **“Budget Plan”** means the budget plan identifying Allowable Expenditures submitted as part of an Application. This form is labeled as **Exhibit D**. *See* the Exception Request Form, **Exhibit D.1**, for information on how to apply, in limited circumstances, for permission to include expenditures incurred for or related to Broadband Infrastructure to be installed outside of Targeted Service Areas. These Exhibits are located in a Worksheet within the Excel Workbook entitled **“Broadband Grants Core Application.”**
- 1.2.12. **“Certification Letter”** means a letter submitted as part of an Application through which a representative of Applicant’s with legal authority to bind Applicant certifies to the Office the completeness, accuracy, truthfulness, performance capabilities, and satisfaction of key legal requirements of and related to the Application and/or any subsequent performance should Applicant be Awarded grant

funds. This form is labeled as **Exhibit F**.

- 1.2.13. **“Form 22”** means a form submitted as part of an Application requesting the confidential treatment of specifically identified information or materials submitted as part of an Application in accordance with the terms, conditions, and requirements of Iowa Administrative Code rule 129—22 and this NOFA. *See* Section 1.25 (Disposition of Applications/Public Records) for specific information regarding this process and the limitations associated therewith. Form 22 is labeled as **Exhibit H**.
- 1.2.14. **“Iowa Grants System”** or **“Iowa Grants”** means the State of Iowa’s electronic grants management system through which Applicants may view and explore funding opportunities made available by State of Iowa agencies, and through which Applicants must submit Applications in response to such opportunities, including this NOFA. The Iowa Grants System is *available at*: <https://www.iowagrants.gov/index.do>.
- 1.2.15. **“Grant Agreement”** means the contract entered between the Office and an Applicant awarded funds by the Office, pursuant to and in accordance with Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA, establishing terms, conditions, and requirements governing the the delivery, administration, and oversight of a Project for which grant funds have been awarded. *See* Section 5 (Grant Agreement Terms and Conditions) for requirements related to the contracting process. The Offices standard/template Grant Agreement is labeled as **Exhibit E**.
- 1.2.16. **“Grantee”** shall have the same meaning ascribed to it under Iowa Administrative Code rule 129—22, and generally means a Communications Service Provider awarded grant funds by the Office pursuant to Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA.
- 1.2.17. **“Local Match”** shall have the same meaning ascribed to it under Iowa Administrative Code rule 129—22, and generally includes “any private and public sources of funding available to the Applicant and to be utilized in connection with its proposed Project.”
- 1.2.18. **“Project”** shall have the same meaning ascribed to it under Iowa Administrative Code rule 129—22, and generally means “an installation of broadband infrastructure by a communications service provider in one or more targeted service areas. Except in limited circumstances otherwise permitted herein, a project may not be comprised of, in whole or in part, census blocks that are not targeted service areas.”
- 1.2.19. **“Project Worksheet”** means the worksheet submitted as part of an Application defining the Project boundaries and supplying the Office with several key data elements, to be utilized primarily by the Office in the quantitative aspects of reviewing, ranking, and scoring Applications. This form is labeled as **Exhibit B** and

is located in a Worksheet within the Excel Workbook entitled “**Broadband Grants Core Application.**”

- 1.2.20. “**Qualitative Attributes Form**” means the form submitted as part of an Application defining key Project attributes and anticipated Project outcomes, to be primarily utilized by the Office in the qualitative aspects of reviewing, ranking, and scoring Applications. This form is labeled as **Exhibit C** and is located in a Worksheet within the Excel Workbook entitled “**Broadband Grants Core Application.**”

**1.3. Project Period/Contract Term.** The Project period/Contract term shall be as agreed to by the Office and a Grantee as codified in the Grant Agreement executed between the Office and the Grantee following an Award. Communications Service Providers will be required to propose anticipated Project completion timelines, including a final Project completion date, as part of their Application, and are expected to complete the Project within the represented completion date. Applicant’s projected Project completion date shall be used to determine whether a Grantee’s failure to complete a Project in a timely manner warrants a finding of noncompliance for purposes of Iowa Administrative code rule 22.6(4)(b)(2) and any applicable provisions of any Grant Agreement executed between the Office and Grantee. Notwithstanding the foregoing, Projects must be completed by no later than five (5) years from the date the NOFA is issued.

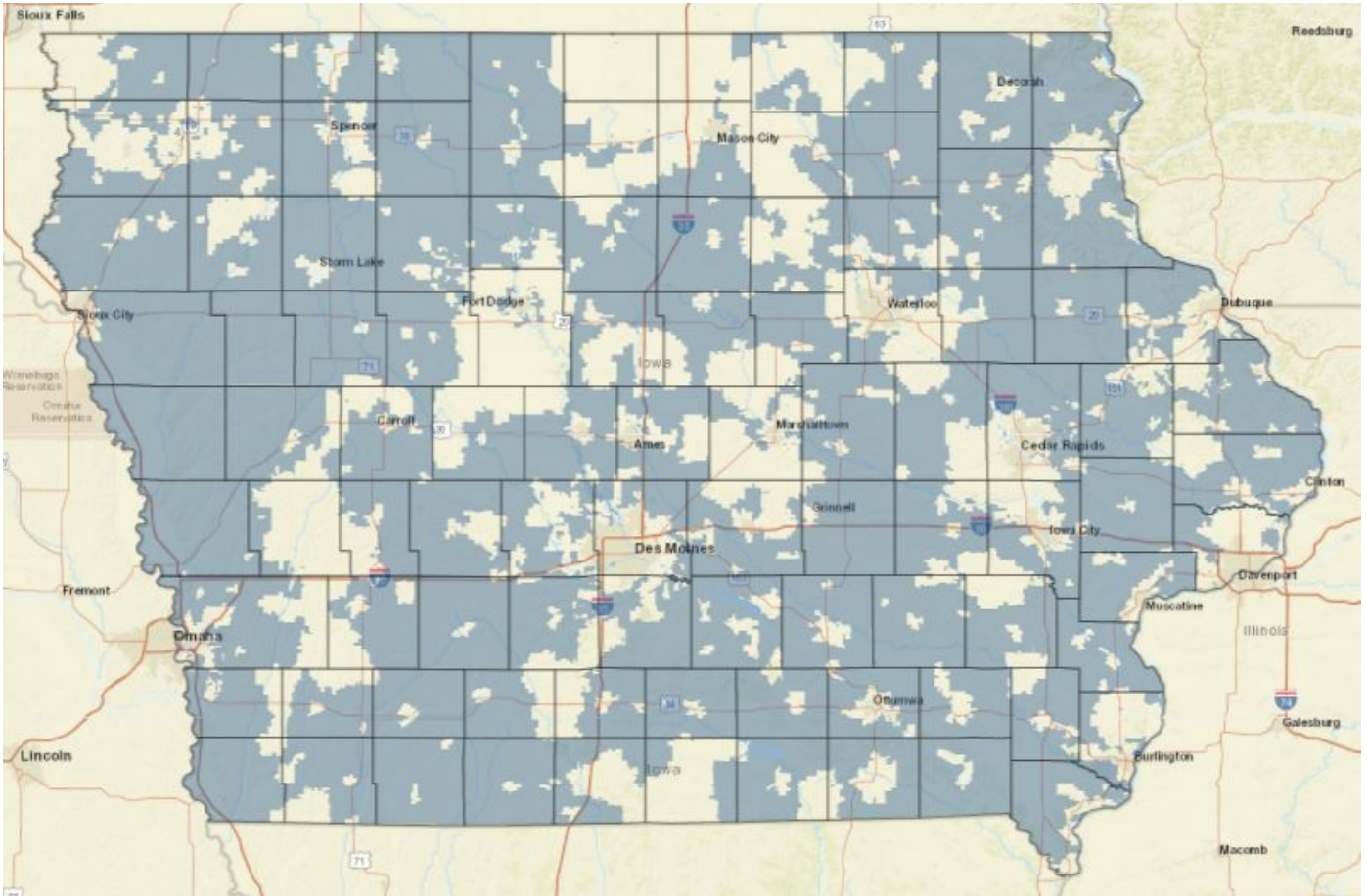
**1.4. Eligibility Requirements.** Applicants/Projects must meet each of the following eligibility requirements for consideration:

- 1.4.1. Persons eligible to submit Applications in accordance with this NOFA include any Communications Service Provider as defined by Iowa Code chapter 8B, including but not limited to private sector carriers, local governments, utilities, and other entities that provide or intend to provide broadband service.
- 1.4.2. Projects eligible for an Award include only prospective Projects, meaning Projects for which the commencement of an installation of Broadband Infrastructure has not begun as of the date of the posting of this NOFA.

**1.5. Project Definition.** Applicants are expected to identify and define Projects within the meaning of Iowa Administrative Code rule 129—22(1)(b), meaning: “an installation of broadband infrastructure by a communications service provider in one or more targeted service areas. . . . [A] project may not be comprised of, in whole or in part, census blocks that are not targeted service areas.” Applicants may not include census blocks that are not Targeted Service Areas within their definition of a Project (*i.e.*, on their Project Worksheet, attached as Exhibit B). Notwithstanding the foregoing, Applicants may, on a limited basis, apply to the Office for “grant funds for broadband infrastructure installed outside of targeted service areas that facilitates or is essential to and inextricably intertwined with facilitating broadband infrastructure within targeted service areas forming the basis of a project.” *See* Iowa Administrative Code r. 129—22(4)(5) and the Exception Request Form, **Exhibit D.1**, for information on how to apply, in limited circumstances, for permission to include such expenditures in your Project costs. The limited exception is not limited, in terms of its availability, to census blocks that are directly adjacent to Targeted Service Areas forming the basis of the Application. Refer to the Broadband Availability Map to identify census blocks that



the State has deemed Targeted Service Areas (represented in [blue](#)).



**1.6. Available Funds.** Funding for the Broadband Grants Program comes from funds appropriated to the Office for such purpose in 2018.

- 1.6.1. The total amount of funds available for Award under this NOFA is up to: **\$1,300,000.**
- 1.6.2. Applicants must clearly state in their Application the amount of grant funds they seek as it relates to a proposed Project.
- 1.6.3. The Office may, in its sole discretion, Award the entire amount available under this NOFA to a single Applicant, or to multiple Applicants, subject to the limitations that:
  - 1.6.3.1. The Office will not Award a grant pursuant to this NOFA that exceeds fifteen percent of any Applicant’s estimated or total Projects costs (in the form of Allowable Expenditures as calculated in accordance with the terms, conditions, and limitations of the form Budget Plan), whichever is less; and/or

1.6.3.2. Available funding levels may be amended or vary from that listed in this NOFA, or funding may be withdrawn completely, depending on availability of funding or any other grounds, as determined by the Office in its sole discretion.

1.6.4. The Office may, in its sole discretion, choose to Award the entire or a partial amount of the grant funds requested by an Applicant.

**1.7. Schedule of Important Dates.** The following dates are set forth for informational purposes only. The Office reserves the right to change these deadlines at any time. All times and dates listed are local Iowa time.

EVENT	DATE
1.7.1 NOFA Issued	12/17/2018
1.7.2 Written Questions and Responses	
1.7.2.1 Questions Due By:	1/11/2019
1.7.2.2 Responses Posted By:	1/25/2019
1.7.3 Application Acceptance Window ( <b>no Applications will be accepted prior to this date and time</b> )	2/18/2019
1.7.4 Applications Due ( <b>no Applications will be accepted after this date and time</b> )	3/15/2019
1.7.5 Technical Review/Quantitative Scoring	
Begin:	3/18/2019
End:	3/29/2019
1.7.6 Initial Input/Review	
1.7.6.1 Applications Posted Online for Public Comment	4/1/2019
1.7.6.2 Applications and Quantitative Scoring Submitted to members of the Review Committee	4/1/2019
Public Comment Period and Review Committee Period Concludes:	4/12/2019
1.7.7 Final Agency Decision(s)	
Office' Review Begins	4/15/2019
Anticipated Notice of Intent to Award Issued	4/30/2019
1.7.9 Contracting Process Begins	5/1/2019

1.7.1. *NOFA Issued.* The Office will provide notice to Communications Service Providers of this funding opportunity by posting this NOFA online at [Iowa Grants](#) and <https://ocio.iowa.gov/broadband> on the date specified in the table above.

1.7.2. *Written Questions and Responses.*



- 1.7.2.1. Written questions related to this NOFA must be submitted to the Office by email, to [OCIOgrants@iowa.gov](mailto:OCIOgrants@iowa.gov), no later than and in accordance with the date and time specified in the table above.
- 1.7.2.2. Written questions submitted after the date and time specified for final questions will not be considered and a response will not be provided by the Office. If a question or comment pertains to a specific section of this NOFA, the section and page must be referenced.
- 1.7.2.3. The Office will prepare written responses to all pertinent, timely, and properly submitted questions and post such responses as an addendum to the NOFA online at [Iowa Grants](#). The Office's written responses will be considered part of the NOFA. Verbal responses to any questions will not be binding on the Office. It is the responsibility of the Applicant to check [Iowa Grants](#) for written questions and responses to this NOFA. Failure to raise a question or issue regarding the scope, interpretation, Application, or contents of this NOFA as part of the question and response process may be deemed a waiver or failure to exhaust administrative remedies for purposes of a subsequent appeal of an Award.
- 1.7.3. *Application Acceptance Window.* Following the closure of the period for written questions and responses, Applicants shall submit Applications through [Iowa Grants](#). The date and time as recorded by [Iowa Grants](#) shall serve as the official regulator for the submission date and time of an Application. Applications submitted to the Office in any manner other than that listed above (e.g., faxed, hand-delivered, mailed, shipped, or courier-service delivered) will not be considered by the Office. Applications must consist of any/all required forms or attachments, including those identified herein or otherwise required by [Iowa Grants](#). Each form or attachment of the Application must be completed in its entirety or the Office may reject the Application. Refer to 2.2.1 (Registration) and the “**Iowa Grants Registration Instructions**” found in **Exhibit K** for instructions on how to access and submit Applications.
- 1.7.4. *Applications Due.* Applications must be submitted through [Iowa Grants](#) no later than the date and time specified in the table above. Applications submitted after the stated due date and time will not be considered by the Office. Applicants are solely responsible for ensuring Applications are timely submitted and any/all required forms or attachments are fully and properly filled out and/or submitted. Failure to timely submit Applications or fully or properly fill out or submit any/all required forms or attachments may result in disqualification.
- 1.7.5. *Technical Review/Quantitative Scoring.* Following the expiration of the deadline for the receipt of Applications, the Office will review all Applications received and conduct a Technical Review (defined below) and Quantitative Scoring (defined

below) as more fully described in Section 4.1.1 (Technical Review/Quantitative Scoring).

- 1.7.6. *Initial Input/Review.* Following the initial Technical Review/Quantitative Scoring:
- 1.7.6.1. Period for Public Comment. The Office anticipates that all Applications received by the Office that pass the Technical Review will be posted online at <https://OCIO.iowa.gov/broadband>. The Office then intends to open a period for public comment for such Applications through the State of Iowa’s public comment website, *available at:* <https://comment.iowa.gov/>. Any member of the public will be permitted to submit comments regarding Applications made available for public comment by the Office.
  - 1.7.6.2. Review Committee Input/Recommendations. The Office will supply all Applications that pass the Technical Review and the results of the Quantitative Scoring to the members of the Review Committee (defined below), which members will provide input and/or make recommendations to the Office regarding whether, to which Projects, and in what amount(s) to make an Award(s) in accordance with the terms, conditions, and requirements of this NOFA as more fully described in Section 4.1.2.2 (Review Committee Input/Recommendations). The individual Review Committee member’s written input and/or recommendations shall be made available online in furtherance of facilitating an open application review process.
- 1.7.7. *Final Agency Decision(s)/Notices of Intent to Award.* Following the Office’s receipt of the members of the Review Committee’s input or recommendations and the closure of the period for public comment, if any, the Office will review all applications received that pass the Technical Review, any public comment solicited/received, and the input and/or recommendations of the members of the Review Committee, all in accordance with the terms, conditions, and requirements of the NOFA, these rules, and Iowa Code chapter 8B, and make a final agency decision regarding whether, to which Projects, and in what amount(s) to award grant funds. The Office will then make a final agency decision regarding whether, to which Projects, and in what amount(s) to make an Award(s), and notify each Applicant to which it has decided to make an Award by issuing a “**Notice of Intent Award**” or “**NOIA.**” Such Notice of Intent to Award shall be distributed by email to the Applicant’s Authorized Contact. The Office will also post all Notices of Intent to Award online at Iowa Grants and <http://ocio.iowa.gov/broadband>. Unsuccessful Applicants are solely responsible for reviewing such websites to determine their award status.
- 1.7.8. *Grant Agreement Execution.* Following the issuance of Notices of Intent to Award, the Office will distribute final Grant Agreements for the applicant’s review and signature. The Office’s standard/template Grant Agreement is labeled as **Exhibit E**.

See Section 5 (Grant Agreement Terms and Conditions) for instructions on how to propose modifications to the Office's standard/template Grant Agreement as part of this NOFA process. Successful Applicants will be given thirty (30) working days from date of receipt of a final Grant Agreement in which to negotiate and sign a contract with the Office. If a Grant Agreement has not been executed within thirty (30) working days of Applicant's receipt thereof, the Office may, in its sole discretion, cancel the Award and begin negotiations with another Applicant, as deemed appropriate by the Office. The Office may, in its sole discretion, extend the time period for negotiations of the Grant Agreement.

**1.8. Inquiries.** Inquiries related this NOFA may be made in the following ways.

- 1.8.1. Formal inquiries for which Applicants seek binding responses from the Office related to this NOFA must be submitted in accordance with Section 1.7.2 (Written Questions and Responses). Only written communications made in response to questions submitted through this process shall be binding on the Office.
- 1.8.2. The Office will make available administrative support throughout the Application process to Applicants. Such support includes assisting Applicants in navigating and completing required forms or attachments associated with the Application process, including but not limited to transposing information from the Broadband Availability Map to Applications and/or corresponding forms/attachments. This is a service made available to Applicants to assist them in navigating the more complex areas of the Application process. Contact [ociogrants@iowa.gov](mailto:ociogrants@iowa.gov) for further information. Communications made in response to questions submitted through this process shall not be binding on the Office.

With the exception of the available support as described above, unauthorized contact with employees of the Office, other independent contractors utilized by the Office, or members of the Review Committee regarding this NOFA or any Application submitted in connection therewith may result in disqualification. Including as it relates to the Application support as described above, representations made by the Office's officers, employees, or any independent contractors, whether made verbally, in writing, or otherwise, are not binding on the Office or otherwise incorporated into or made part of this NOFA, unless made in response to questions submitted through the process set forth in Section 1.7.2 (Written Questions and Responses). Likewise, any verbal information provided by an Applicant to the Office, including through the Application support described above, shall not be considered part of its Application. Applicants are solely responsible for ensuring their Applications are timely submitted and all required information, forms, or attachments are fully and properly filled out and/or submitted in accordance with the terms, conditions, or other requirements of this NOFA.

**1.9. Amendments to NOFA.** The Office reserves the right to amend this NOFA at any time. In the event the Office decides to amend, add to, or delete any part of this NOFA, a written amendment will be attached to the NOFA as an addendum, and posted at [Iowa Grants](#) and <https://ocio.iowa.gov/broadband>. Applicants are advised to check these web sites periodically for amendments to this NOFA. In the event an

amendment occurs after the submission deadline is closed, the Office will email the written amendment to each Applicant's Authorized Contacts.

**1.10. Open Competition.** Awards will be made through a fair, open, and objective process. Accordingly, no attempt shall be made by any Applicant to induce any other person or firm to submit or not to submit an Application for the purpose of restricting competition. Doing so may result in disqualification.

**1.11. Withdrawal of Applications.** An Application may be withdrawn by request of an Applicant at any time prior to the due date and time. An Applicant desiring to withdraw an Application shall submit notification including the Application ID, title of the Application, and the Applicant organization name via email to [OCIOgrants@iowa.gov](mailto:OCIOgrants@iowa.gov). After this funding opportunity closes, the Office may withdraw Applications that have been created in [Iowa Grants](#) but which have not been finally submitted. See Section 2.1.5 (Previously Withdrawn Applications) for instructions on how to access a withdrawn Application.

**1.12. Resubmission of Withdrawn Applications.** A withdrawn Application may be resubmitted by an Applicant at any time prior to the stated due date and time for the submission of Applications by submitting it in the same manner as permitted by Section 1.7.3 (Application Acceptance Window) in accordance with the applicable deadline.

**1.13. Costs of Application Preparation.** All costs of preparing the Application are the sole responsibility of the Applicant. The Office is not responsible for any costs incurred by the Applicant which are related to the preparation or submission of the Application or any other activities undertaken by the Applicant related in any way to this NOFA.

**1.14. Multiple Applications.** An Applicant may submit one or more Applications for different Projects.

**1.15. Oral Presentation.** Applicants may be requested to make an oral presentation related to their Application. The determination of need for presentations, the location, order, and schedule of the presentations shall be at the sole discretion of the Office. If an oral presentation is required, Applicants may clarify or elaborate on their Applications, but may in no way change or amend their original Application.

**1.16. Rejection of Applications/Cancellation of the NOFA.** The Office reserves the right to reject, in whole or in part, any or all Applications, to advertise for new Applications, to arrange to receive or itself perform the services herein, to abandon the need for such services, and/or to cancel this NOFA if it is in the best interests of the Office or the State of Iowa. Any Application may be rejected outright and not evaluated for any of the following reasons:

- 1.16.1. The Applicant is not an eligible Applicant in accordance with section 1.4 (Eligibility Requirements).
- 1.16.2. An Application is submitted in a manner other than through [Iowa Grants](#).
- 1.16.3. An Applicant fails to include required information or fails to include sufficient information to determine whether a requirement of the NOFA has been satisfied.
- 1.16.4. An Applicant fails to follow the Application instructions or presents information

requested by this NOFA in a manner inconsistent with the instructions of the NOFA.

- 1.16.5. An Applicant provides misleading or inaccurate answers.
- 1.16.6. An Applicant states that a requirement of this NOFA cannot be satisfied.
- 1.16.7. An Applicant's response materially changes a requirement of this NOFA.
- 1.16.8. An Applicant's response limits or attempts to limit any right(s) of the Office.
- 1.16.9. An Applicant fails to respond to the Office's request for information, documents, or references.
- 1.16.10. An Applicant fails to include any signature, certification, authorization, or stipulation requested by this NOFA.
- 1.16.11. An Applicant alters the language in any Exhibit, including any certification, authorization, or other form required to be submitted in connection herewith.
- 1.16.12. An Applicant initiates unauthorized contact regarding the NOFA with an officer, employee, or independent contractor of the Office or member of the Review Committee.

**1.17. Restrictions on Gifts and Activities.** Iowa Code Chapter 68B contains laws which restrict gifts which may be given or received by state officers or employees, requires certain individuals to disclose information concerning their activities with state government, and prohibits inappropriate use of influence and conflicts of interest. Applicants are responsible for determining the applicability of this chapter to their activities, for complying with these requirements, and for avoiding other potential or actual conflicts of interest. In addition, Iowa Code Chapter 722 provides that it is a felony offense to bribe a public official.

**1.18. Use of Subcontractors.** Applicant's are permitted to seek reimbursement for Allowable Expenditures incurred through the use of contractors, subcontractors, and other third parties in the performance of the services contracted for through this NOFA process. Terms, conditions, and restrictions on the use of contractors, subcontractors, and other third parties are as found in Iowa Administrative Code rule chapter 129—22 and the Grant Agreement, *see Exhibit E*. Current officers or employees of the State of Iowa may not act as contractors, subcontractors, or other third parties in an Applicant's performance of the services contracted for through this NOFA process. Applicants are fully responsible for all work contracted for through this NOFA process, including work performed by contractors, subcontractors, and other third parties. No contract or subcontract into which an Applicant enters into with respect to performance under the Grant Agreement will, in any way, relieve an Applicant of any responsibility for performance of its duties.

**1.19. Criminal Background Checks.** Except as otherwise prohibited by applicable law, the Office reserves the right to conduct criminal history and other background investigations into an Applicant, its officers, directors, managerial and supervisory personnel, clerical or support personnel, and other personnel retained by an Applicant for duties related to this Application process or any Grant Agreement. Such

information may be used in determining whether to issue a Notice of Intent to Award or as a precondition to signing a Grant Agreement with an Applicant who has been Awarded Grant funds. An Applicant shall cause any/all necessary waivers to be executed by appropriate persons to effectuate such background investigations. Disqualifying offenses may include, but are not limited to, crimes involving an element of dishonesty, fraud, or other crimes of moral turpitude.

**1.20. Reference Checks.** Except as otherwise prohibited by applicable law, the Office reserves the right to contact any reference(s) to verify information contained in an Application or to discuss the Applicant's qualifications.

**1.21. Information from Other Sources.** Except as otherwise prohibited by applicable law, the Office reserves the right to obtain and consider information from other sources about an Applicant, including but not limited to the Applicant's capability and performance across the State, the Applicant's financial stability, past or pending litigation, and/or any publicly available information. Such information will be used solely for the purposes of judging Applications against the requirements or criteria otherwise identified in this NOFA.

**1.22. NOFA Application Clarification Process.** The Office may request clarification from Applicants for the purpose of resolving ambiguities or questioning information presented in an Application. Clarifications may occur throughout the Application review/evaluation process. Requests for clarification will be issued to the Applicant's Authorized Contact. Clarification responses shall be the format specified by the Office and shall address only the information requested. This may include written questions, interviews, or site visits. Responses shall be submitted to the Office within the time stipulated by the Office at the time of the request and deemed part of the Application. The Office will not consider information received from or through an Applicant if the information materially alters the content of the Application. Failure to comply with requests for additional information may result in rejection of the Proposal.

**1.23. Verification of Application Contents.** Except as otherwise prohibited by applicable law, the Office reserves the right to verify the contents of an Application submitted by an Applicant. Misleading or inaccurate responses may result in rejection of an Application.

**1.24. Waivers and Variances.** The Office reserves the right to waive or permit cure of non-material variances in an Application's form and content, provided such action is in the best interest of the Office and the State of Iowa. In the event the Office waives or permits the cure of non-material variances, such waiver or cure will not modify the terms, conditions, or requirements of this NOFA or excuse an Applicant from full compliance with the terms, conditions, or requirements of this NOFA. The determination of materiality shall be in the sole discretion of the Office.

**1.25. Disposition of Applications/Public Records.** All Application submissions and the contents associated therewith shall become the property of the Office. Pursuant to Iowa Code section 8B.11(3), the Office is required to post Applications to a public internet site. Pursuant to Iowa Administrative Code rule 129—22.5(1), following the expiration of the deadline for the receipt of Applications, the Office may, in its sole discretion, open a period for public comment as it relates to such Applications through the state of Iowa's public comment website: <https://comment.iowa.gov>. Further, the Office is generally subject to the State's public records law, Iowa Code chapter 22, and corresponding implementing rules. Applicants or other persons or parties submitting information to the Office are encouraged to familiarize themselves with



Iowa Code chapter 22 and Iowa Administrative Code chapter 129—2 and rule 129—22.4(4) before submitting Applications or other information to the Office.

Accordingly, the following terms, conditions, and processes shall govern requests from Applicants for the confidential treatment of information supplied to the Office in connection with an Application. These terms, conditions, and processes are designed to strike a fair balance between the need for transparency and facilitation of the above-described processes and Applicant’s legitimate claims for confidential treatment of information. As a general matter, the Office will treat all information submitted by Applicants to the Office or other persons or parties as public, nonconfidential records unless an Applicant or other person or party requests that specific information submitted by it be treated as confidential at the time of the submission to the Office in accordance with the following.

- 1.25.1. An Applicant or other person or party requesting confidential treatment of portions of an Application or other information submitted to the office must:
  - 1.25.1.1. Fully complete and submit to the Office Form 22, attached as **Exhibit H**;
  - 1.25.1.2. Clearly identify in the Application the specific information within each specific section of the Application for which Applicant seeks confidential treatment;
  - 1.25.1.3. Conspicuously mark the outside of any Application and individual exhibits or attachments thereto as containing confidential information;
  - 1.25.1.4. Mark each page upon which confidential information appears; and
  - 1.25.1.5. Submit a public copy from which claimed confidential information has been excised. Any claimed confidential information must be excised in such a way as to allow the public to determine the general nature of the information removed and to retain as much of the otherwise public information as possible. In submitting a public copy of electronic documents to the Office, Applicants may excise information for which they seek confidential treatment and replace it with clear, conspicuous, **bold** language indicating that information has been redacted (*e.g.*, “[REDACTED]”) from a specific aspect/area of the Application.
- 1.25.2. Form 22 will not be considered fully complete unless, for each confidentiality request, the Applicant or other person or party:
  - 1.25.2.1. Enumerates the specific grounds in Iowa Code chapter 22 or other applicable law that support treatment of the specific information as confidential;
  - 1.25.2.2. Justifies why the specific information should be maintained in confidence;

- 1.25.2.3. Explains why disclosure of the specific information would not be in the best interest of the public; and
  - 1.25.2.4. Sets forth the name, address, telephone number, and e-mail address of the individual authorized by the person or party submitting such information to respond to inquiries from the office concerning the confidential status of such information. This person may be the same person as the Applicant's Authorized Contact.
- 1.25.3. Failure to request that information be treated as confidential in accordance with the foregoing shall relieve the Office and state personnel from any responsibility for maintaining the information in confidence. Applicants or other persons or parties may not request confidential treatment with respect to information specifically identified by the Office in the NOFA as being non-confidential and/or subject to public disclosure. An Applicant's request for confidentiality that does not comply with this terms, conditions, or process of this Section 1.25 (Disposition of Applications/Public Records Law) is grounds for rejecting an Application, or denying a request for confidential treatment. Blanket requests to maintain an entire Application submitted to the Office as confidential will be categorically rejected.
- 1.25.4. If the Office receives a request for information or materials related to an Application marked as confidential or if a judicial or administrative proceeding is initiated to compel the release of such materials or information, Applicant shall, at its sole expense, appear in such action and defend its request for confidentiality. If, upon reasonable notice to Applicant, Applicant fails to appear to defend its request for confidentiality, the Office may release the information or material, or otherwise bill the Applicant any costs or expenses incurred in defending the same (including but not limited to the reasonable time and value of the Iowa Attorney General's Office or other attorney or law firm utilized by the Office or the State). Additionally, if Applicant fails to comply with the confidentiality process set forth herein, Applicant's request for confidentiality is unreasonable, Applicant fails to supply the Office with sufficient information to determine whether Applicant's request for confidential treatment is founded, or Applicant rescinds its request for confidential treatment, the Office may release such information or material with or without providing advance notice to applicant and with or without affording Applicant the opportunity to obtain an order restraining its release from a court of competent jurisdiction. Applicant waives any claims it may have against the Office or the State of Iowa related to the confidential treatment of any information or materials submitted as part of this Application process that result, in whole or in part, from any deficiencies with or related to compliance with this Section, or that otherwise result from Applicant's failure to comply with the terms, conditions, or requirements of this NOFA.

**1.26. Copyrights.** By submitting an Application, Applicant agrees and acknowledges that the Office will, subject to Section 1.25 (Disposition of Applications/Public Records Law), post all Applications

received as part of this NOFA process online at <https://OCIO.iowa.gov/broadband>, release Applications for the purpose of facilitating input/recommendations/evaluations or as is otherwise necessary in administering the selection and Award process, and/or release Applications in response to requests for public records. By submitting an Application, Applicant consents to such releases/disclosures and grants the Office and the State of Iowa a right and license to do so, warrants and represents that such release will not violate the rights of any third party, and agrees to indemnify and hold harmless the Office and the State of Iowa and their employees, officers, board members, agents, representatives, and officials from and against any and all claims, actions, suits, liabilities, damages, losses, settlements, demands, deficiencies, judgments, fines, penalties, taxes, costs and any other expenses (including the reasonable value of time of the Attorney General's Office and the costs, expenses and attorney fees of other counsel retained by any Indemnatee) directly or indirectly related to, resulting from, or arising out of any such release. In the event an Applicant copyrights or attempts to copyright its Application, the Office may reject the Application.

**1.27. Construction of NOFA.** This NOFA shall be construed in light of pertinent legal requirements and the laws of the State of Iowa, including but not limited to Iowa Code chapter 8B and Iowa Administrative Code rule 129—22. Changes in applicable statutes and rules may affect the award process or the resulting Grant Agreement. Applicants are responsible for ascertaining relevant legal requirements.

**1.28. Issuance of NOFA Not Commitment by the Office.** The issuance of this NOFA in no way constitutes a commitment by the Office to issue any Award or enter into a Grant Agreement with any Applicant.

**1.29. Evaluation of Applications Submitted.** Applications that are timely submitted and are not rejected will be reviewed in accordance with Section 4 (Review/Award Process).

**1.30. Authorization to Release Information.** Applicant shall sign and submit with its Application an Authorization to Release Information form, attached as **Exhibit G**.

**1.31. Authority to Bind.** An individual authorized to legally bind the Applicant shall sign any documents requiring signature associated therewith.

**1.32. Choice of Law and Forum.** All issues in any way related to this NOFA and any resulting Grant Agreement shall be governed in all respects by, and construed in accordance with, the laws of the State of Iowa, without giving effect to the choice of law principles thereof. Any and all litigation or actions commenced in connection with this NOFA or any Grant Agreement shall be brought in Des Moines, Iowa, in Polk County District Court for the State of Iowa, if jurisdiction is proper. However, if jurisdiction is not proper in the Iowa District Court for Polk County, but is proper only in a United States District Court, the matter shall be commenced in the United States District Court for the Southern District of Iowa, Central Division. Applicant irrevocably: (i) consents and agrees that any legal or equitable action or proceeding arising under, in connection with or arising out of this NOFA or Grant Agreement shall be brought and maintained exclusively in the aforesaid courts; (ii) submits to and accepts, with respect to any such action or proceeding, for it and in respect of its properties and assets regardless of the physical or legal situs thereof, generally and unconditionally, the jurisdiction of the aforesaid courts; and (iii) waives any objection to such jurisdiction based on forum non conveniens or otherwise. This provision shall not be construed as waiving any immunity to suit or liability, in state or federal court, which may be available to the Office or the State of Iowa, including sovereign immunity, governmental immunity, immunity based on the Eleventh

Amendment to the Constitution of the United States or otherwise. Applicant irrevocably consents to service of process by certified or registered mail addressed to Applicant's Authorized Contact. If for any reason Applicant's agent for service is unable to act as such or the address of the agent changes, Applicant shall immediately appoint a new agent and provide the Office with written notice of the change in agent or address. Any change in the appointment of the agent or address will be effective only upon actual receipt by the Office. Nothing in this provision will alter the right of the Office to serve process in any other manner permitted by law.

**1.33. Appeal of Award Decision.** The Office will notify successful Applicants by sending their Authorized Contact a copy of their Notice of Intent to Award, and will notify unsuccessful Applicants by posting all final Notices of Intent to Award/decisions online at [Iowa Grants](#) and <https://ocio.iowa.gov/broadb> and. Unsuccessful Applicants are solely responsible for reviewing such websites to determine their award status. From the date and time of such posting, adversely affected Applicants will have ten (10) days to appeal such decision(s) by requesting a contested case proceeding in accordance with Iowa Administrative Code rule 129—22.5(4) and 129—6. Failure to challenge the Office's decision within the ten (10) day period shall waive any other claims an Applicant may have as it relates to the Office's administration of the process and otherwise be deemed a failure to exhaust administrative remedies. Applicants may appeal an adverse decision only for a timely submitted Application. Appeals must clearly and fully identify all issues being contested and demonstrate what procedures in the NOFA were not followed. In the event of an appeal, the Office will continue working with successful Applicants pending the outcome of the appeal.

## SECTION 2—Form and Content of Applications

These instructions prescribe the submission, format, and content requirements of the Application. They are designed to facilitate a uniform review process. Failure to adhere to these instructions may result in disqualification. Applicants must complete each Application form listed in/required by this NOFA following the instructions herein and within [Iowa Grants](#). Some forms may be in the format of web forms, whereas other forms may be in a .PDF, .DOCX, .XLSX or other electronic format and must be uploaded as part of the Application. Redacted or “public” versions of electronic documents must also be uploaded as part of the Application to the extent an Applicant seeks confidential treatment of any information supplied to the Office in accordance with Section 1.25 (Disposition of Applications/Public Records). Applicants are solely responsible for providing the office with a redacted/public copy of an Application and any corresponding materials or information submitted therewith.

**2.1. Iowa Grants Instructions.** All Applications and corresponding forms/attachments must be submitted through [Iowa Grants](#).

- 2.1.1. *Registration.* Each user will complete the registration process, only if not already registered. Follow the steps outlined in the “**Iowa Grants Registration Instructions**” as posted under the Attachment section of the Funding Opportunity within **Exhibit J**. New Users should allow at least a few days for new registrations to be processed.
- 2.1.2. *Application Instructions.* For general instructions on completing Applications in [Iowa Grants](#), as well as how to copy previously created Applications, refer to the “Iowa Grants Application Instruction Guidance” as posted under the Attachment section of the Funding Opportunity as **Exhibit K**. Once an Application form is completed, the applicant must mark it as complete. All forms must be marked as complete or [Iowa Grants](#) will not permit the Application to be submitted. Submitted Applications must meet all minimum and eligibility requirements outlined in this NOFA. Any information or materials not required to be submitted by this NOFA will not be considered in the review process.
- 2.1.3. *Multiple Users, Single Application.* [Iowa Grants](#) will permit multiple users within the Applicant’s organization to register and begin creation of an Application for each funding opportunity. Applicant is responsible for ensuring only one entire Application is completed and submitted for the same Project. Upon starting an Application, the first screen that appears is the General Information Form. This is where the Applicant will title their Application and identify their organization. Applicant must an eligible entity (refer to Section 1.4 (Eligibility Requirements)). After clicking “Save,” Applicant can re-open and edit this form to add other users registered with [Iowa Grants](#) and associated with their entity as “Additional Contacts.” Each individual within the Applicant’s organization who requires access to the Application must be registered in [Iowa Grants](#). The first user to initiate an Application is designated by the system as the primary user for that Application. This primary user can add additional registered users as Grantee Contacts within their organization for completion/edit/review of forms and submission of the

Application. If multiple users are editing the same form within an Application at the same time, the last saved version will override any changes made by other users. [Iowa Grants](#) will permit multiple registered users to create separate Applications for the same opportunity, thereby creating multiple Applications for the same opportunity. Applicant is responsible for ensuring only one entire Application is completed and submitted for each Project submitted in response to this NOFA.

- 2.1.4. *Previously Withdrawn Application.* To access a previously withdrawn Application:
  - 2.1.5.1. Login to [Iowa Grants](#) as a returning user;
  - 2.1.5.2. Search Funding Opportunities;
  - 2.1.5.3. Select this Funding Opportunity;
  - 2.1.5.4. Click on “Copy Existing Application”;
  - 2.1.5.5. Select the Application that you want to copy by marking it under the “Copy” column (**Note:** all Applications whether in editing, submitted or withdrawn status will be displayed to be copied);
  - 2.1.5.6. Click the “Save” button.
  - 2.1.5.7. An Application that was copied will be open in this Funding Opportunity. Be sure to re-title the Application if necessary by going into the General Information form and editing it.

## **2.2. Required Forms/Submissions.**

- 2.2.1. *General Information.* This form requires Applicant to identify the name, address, telephone number, email address, and other general information of the individual authorized by Applicant (Authorized Contact) to respond to inquiries regarding the Application and other required information.
- 2.2.2. *Business Organization.* This form requires information about Applicant’s organization, including legal name, address, alternate mailing address for warrants/payments, business structure, history, table of organization, any pending or threatened litigation or investigation (including any administrative, or regulatory proceedings) which may affect Applicant’s ability to perform, as well as disclosure of any prior contract default or termination, description of financial capability, and any other required information.
- 2.2.3. *Executive Project Summary.* This form requires Applicant to summarize, at a high level, its proposed Project, including but not limited to the geographic area in which the Project will occur, the primary deployment model (e.g., wireline versus wireless), the estimated start and completion dates of the Project, and a general overview of how Applicant has/will comply with the terms, conditions, and



requirements of this NOFA.

2.2.4. *Funding, Generally.* This form requires Applicant to:

2.2.4.1. State the estimated total Project costs (in the form of Allowable Expenditures as calculated in accordance with the terms, conditions, and limitations of the form Budget Plan).

2.2.4.2. State the total amount of State funds Applicant seeks for the Project (this amount may not exceed fifteen percent (15%) of Applicant's estimated total Project costs).

2.2.4.3. Explain why State funds are necessary to initiate/complete a proposed Project, including but not limited to a description of how the Project will or will not proceed if State funds are not ultimately awarded.

2.2.5. *Demonstrated Experience.* This form requires information about Applicant's demonstrated experience in the provisioning of Broadband across the State of Iowa. Applicant shall include relevant information about their experience that has prepared them to deploy their proposed Project, such as, for example, community partnerships and services; number of years in business; number of years experience providing the types of services sought by this NOFA; if the Applicant is a relatively new provider/market entrant, an explanation of the benefits, if any, of being a newer provider/market entrant; or the level of technical experience in providing the types of services sought by this NOFA. An Applicant may also submit letters of reference from up to three (3) previous customers or clients knowledgeable of Applicant's performance in providing services similar to the services described in this NOFA along with a contact person and telephone number for each reference.

2.2.6. *Minority Impact Statement.* This form collects information about the potential impact of the Project on minority groups.

2.2.7. *Central Forms.* Applicant shall complete and upload the following central forms related to this NOFA. **Note:** Exhibits B through D.1 are located in separate Worksheets within the Excel Workbook entitled "**Broadband Grants Core Application.**"

2.2.7.1. Broadband Grants Program Project Worksheet. This form, attached as **Exhibit B**, requires Applicant to specifically define its Project by identifying each of the Targeted Service Areas(s), by Census Block ID#(s), forming the basis of its Project and identify key inputs from the Broadband Availability Map, to be utilized by the Office in the quantitative aspects of the reviewing, ranking, and scoring process, including but not limited to:

2.2.7.1.1. The number of Broadband Units in the form of Homes, Businesses, and Schools located within Targeted Service

Areas forming the basis of the Project;

- 2.2.7.1.2. The number of Broadband Units in the form of Homes, Businesses, and Schools located within Targeted Service Areas forming the basis of the Project Applicant represents will be provided access to 25/3 Broadband as a result of the Project;
- 2.2.7.1.3. The new upload/download speeds, stated in megabits per second, and which must be at least 25/3 Broadband or greater, that Applicant represents will be available in Targeted Service Areas forming the basis of the Project upon Project completion.

**Note:** This Exhibit is located in a Worksheet within the Excel Workbook entitled “**Broadband Grants Core Application.**” See the “**Project Selection and Data Export/Import Instructions,**” included in the Broadband Grants Core Application, for instructions on how to properly complete this aspect of the Application.

2.2.7.2. Broadband Grants Program Qualitative Attributes Form. This form, attached as **Exhibit C**, requires Applicant to describe key attributes and anticipated outcomes of its Project, to be primarily utilized by the Office in the qualitative aspects of reviewing, ranking, and scoring Applications. **Note:** This Exhibit is located in a Worksheet within the Excel Workbook entitled “**Broadband Grants Core Application.**”

2.2.7.3. Broadband Grants Program Budget Plan. This form, attached as **Exhibit D**, requires Applicant to state its estimated Allowable Expenditures to deliver/complete the Project in the categories provided on the form. Information supplied on this form may be primarily utilized by the Office in both the quantitative and qualitative aspects of the reviewing, ranking, and scoring process. See Iowa Administrative Code r. 129—22(4)(5). See the Exception Request Form, **Exhibit D.1**, for information on how to apply, in limited circumstances, for permission to include expenditures incurred for or related to Broadband Infrastructure to be installed outside of Targeted Service Areas. **Note:** These Exhibits are located in a Worksheet within the Excel Workbook entitled “**Broadband Grants Core Application.**”

2.2.7.4. Broadband Grants Program Grant Agreement. In accordance with Section 5 (Grant Agreement Terms and Conditions), by submitting an Application, Applicant acknowledges its acceptance of the terms, conditions, and other requirements of the Grant Agreement, attached as **Exhibit E**. If Applicant wishes to take exception(s) to a provision of the Grant Agreement, it must upload a document specifically identifying such exception(s) by identifying the page and section number to which it

takes exception(s), state the reason for the exception(s), and set forth the language it proposes to include in place of the provision(s) to which it takes exceptions(s), in accordance with the terms, conditions, and limitations of Section 5 (Grant Agreement Terms and Conditions). Such document may take the form of a redline with comments in the margins.

- 2.2.7.5. Certification Letter. This form, attached as **Exhibit F**, requires a representative of Applicant's with legal authority to bind Applicant to make certification to the Office regarding the completeness, accuracy, truthfulness, performance capabilities, and satisfaction of key legal requirements of and related to the Application.
  - 2.2.7.6. Authorization to Release Information. This form, attached as **Exhibit G**, requires Applicant to authorize the Office, its officers, employees, agents, independent contractors, and the members of the Review Committee to obtain information about Applicant from third parties, and additionally authorizes such third parties to supply such requested information to the Office.
  - 2.2.7.7. Form 22. This form, attached as **Exhibit H**, permits Applicant to, solely to the extent permitted by and in accordance with Section 1.25 (Disposition of Applications/Public Records), request confidential treatment of portions of its Application. **Note:** Applicant must complete and submit a Form 22 regardless of whether Applicant requests any confidential treatment.
  - 2.2.7.8. Application Checklist. This form, attached as **Exhibit I**, is designed to assist Applicant and the Office in ensuring Applicant has completed and submitted all forms, materials, and information required by this NOFA.
- 2.2.8. *Project Area Map*. In addition to defining a Project by identifying each of the Targeted Service Areas(s), by Census Block ID#(s), Applicant must supply the Office with a visual representation of its proposed Project as derived from the Broadband Availability Map. See the "**Project Selection and Data Export/Import Instructions**," attached as **Exhibit L**, for instructions on how to select your Project Area and obtain this visual representation.

## SECTION 3—Scoring Methodology

Scoring Applications submitted in response to this NOFA will occur through the consideration of a combination of both quantitative and qualitative factors, more fully outlined below. A maximum of **one-hundred (100) points** is available. While the Office will utilize the points system described herein as a tool to assist in initially determining the relative merits of each Application, such scores/points are in no way binding on the Office, and the Office will ultimately make a decision regarding whether, to which Projects, and in what amounts to award grant funds based on which Projects are most likely to have the greatest effect in reducing or eliminating Targeted Service Areas, taking into consideration the statutory factors outlined in Iowa Code section 8B.11 and other relevant factors identified in this NOFA.

Applicants must supply answers to and the information requested in this Section in accordance with the the terms, conditions, and requirements set forth herein. An Applicant that fails to do so may be disqualified. Except as otherwise prohibited by applicable law, the Office reserves to the right to consider information elicited in or supplied in response to other Sections of the NOFA in considering the factors outlined below, to consider information elicited in or supplied in response to a specific factor outlined below in considering other factors outlined below, or obtained from other sources as identified in or permitted by this NOFA/Application process, including but not limited to the Broadband Availability Map.

The Office recognizes that some of the factors identified below compete with each other. This is by design. Rather than emphasizing one single policy objective, the Office seeks balanced Projects that address a number of competing policy objectives/considerations. *See, e.g.*, Iowa Code § 8B.11(4)(a)(1)–(5) (outlining factors the Office must consider in making Award decisions, some of which compete with each other).

**3.1. Quantitative Factors.** A total of fifty **(50) points** distributed over the four (4) factors identified below are available for the quantitative portion of this NOFA. An addendum identifying the specific point values assigned to each evaluation factor will be posted prior to the Application due date. The inputs for this Section are to be supplied by Applicant on the **Project Worksheet (Exhibit B)**, the **Budget Plan (Exhibit D and/or Exhibit D.1)**, and may otherwise be sourced from the data sources underlying the Broadband Availability Map.

- 3.1.1. *Rurality.* This factor operates on the premise that Targeted Service Areas located in rural areas are in greater need of Broadband service than other areas. For purposes of this factor, “rurality” is defined as a function of Broadband Unit density per square mile.

**Formula:** The aggregate number of Broadband Units within the Targeted Service Areas forming the basis of the Project **divided by** ( $\div$ ) by the total square miles forming the basis of the Project).

This results in a “rurality” ratio. The lower the ratio, the more “rural” the Project.

- 3.1.2. *Efficiency.* This factor operates on the premise that the more Broadband Units delivered through lower Project costs, the more efficient the delivery. Thus, Projects resulting in higher Broadband Unit delivery per dollar spent represent a more favorable use of grant dollars.

**Formula:** The total estimated cost of the Project (*i.e.*, total Allowable Expenditures as calculated in accordance with the terms, conditions, and limitations of the Budget Plan) **divided by** ( $\div$ ) by the total Broadband Units Applicant represents will be supplied 25/3 upon the completion of the Project.

This results in a Project-dollars per Broadband-Units-delivered ratio. The lower the ratio, the more efficient the Project.

- 3.1.3. *Total Broadband Units Delivered.* This factor operates on the premise that Projects supplying 25/3 to the most Broadband Units best achieve the statutory goals of the Broadband Grants Program, *i.e.*, to reduce or eliminate targeted service areas in the State of Iowa. **Accordingly, Applicants must identify the total Broadband Units Applicant represents will be supplied 25/3 upon the completion of the Project.**

**Formula:** Total Broadband Units Delivered will be calculated by reference to where each Application stands in relation to all other Applications.

- 3.1.4. *Completeness.* This factor operates on the premise that Projects that make 25/3 available to more Broadband Units within Targeted Service Areas forming the basis of a Project are more favorable.

**Formula:** The aggregate number of Broadband Units within the Targeted Service Areas forming the basis of the Project **divided by** ( $\div$ ) the total Broadband Units Applicant represents will be supplied 25/3 upon the completion of the Project.

This results in a “completeness” ratio. The higher the ratio, the more complete the Project.

**3.2 Qualitative Factors.** A total of fifty **(50) points** distributed over the six (6) factors identified below are available for the qualitative portion of this NOFA. An addendum identifying the specific point values assigned to each evaluation factor will be posted prior to the Application due date. Any required inputs for this Section are to be supplied by Applicant on the **Qualitative Attributes Form, Exhibit C**. Each Application’s score will be determined by the Office, taking into consideration the input and/or recommendations made by the members of the Review Committee, and any public comment solicited/received.

- 3.2.1. *Local Support.* This factor takes into consideration both the support of the local community(ies) that will be positively affected by a proposed Project, and the Applicant’s overall commitment to the Project. Generally speaking, Applications that demonstrate more community support and/or Applicants that, themselves (or through other Local Match funding sources), are making an investment greater than eighty-five percent (85%) as it relates to the Project and thereby the community will receive higher scores.

- 3.2.2. *New Broadband Products.* This factor takes into consideration the specific product attributes resulting from the proposed Broadband Infrastructure an Applicant will deploy in the Project area. Generally speaking, Applications which represent that

Projects will supply higher upload/download speeds and lower latency at lower costs to consumers will receive higher scores.

- 3.2.3. *Relative Need for New Broadband and Existing Broadband Service Speeds.* In addition to other factors described herein which take similar considerations into account, this factor takes into consideration the relative need for Broadband Infrastructure in the Project area and existing Broadband service speeds by considering, among other things, how geographically proximate the Project area is to other infrastructure that provides access to 25/3 Broadband, any buildout that has occurred since July 1, 2015 (the effective date of the data underlying the Broadband Availability Map), any related barriers to expansion/extension, and how the Project will positively affect any anchor institutions in the area (e.g., key businesses, schools, universities, libraries, hospitals). Generally speaking, Applications proposing the installation of Broadband Infrastructure in Targeted Service Areas further away from other geographic areas that already have access to 25/3 Broadband and that positively affect more anchor institutions will receive higher scores.
- 3.2.4. *Deployment Timeline.* This factor takes into consideration the Project delivery schedule/timeline. Applications proposing more aggressive initiation and completion dates will receive higher scores (the varying sizes and complexities of proposed Projects will be taken into consideration).
- 3.2.5. *Economic Impact.* This factor takes into consideration the economic impact the Project will have on the surrounding community(ies), including but not limited to jobs impact, and how the Project will best serve the agricultural community, if at all. Applications with a greater impact on jobs, and/or that will reach the agricultural community will receive higher scores.
- 3.2.6. *Geographic Diversity.* This factor takes into consideration the geographic diversity of the Project areas of all proposed Projects relative to each other in an effort to ensure Projects Awarded funds are reasonably spread out across the State. Applications that propose Projects that overlap with other proposed Projects or that are near other proposed Projects may receive lower scores.



## SECTION 4—Review/Award Process

**4.1. Overview of Review Process.** Review/evaluation of Applications submitted to the Office pursuant to this NOFA and Award decisions will be conducted and made in the following phases:

4.1.1. *Technical Review/Quantitative Scoring.* Following the expiration of the deadline for the receipt of Applications, the Office will review all Applications received and:

4.1.1.1. Conduct a preliminary “**Technical Review**” for compliance with the terms, conditions, and requirements of this NOFA, such as whether an Application was received within the submission deadline, whether an Applicant or Project is eligible for consideration by the Office, or any other reasons an Applicant may be disqualified or an Application rejected outright hereunder; and

4.1.1.2. Calculate Applicant’s quantitative score in accordance with Section 3.1 (Quantitative Factors) (“**Quantitative Scoring**”).

4.1.2. *Initial Input/Review.* Following the initial Technical Review/Quantitative Scoring:

4.1.2.1. Period for Public Comment. All Applications received by the Office that pass the Technical Review will be posted online at <https://OCIO.iowa.gov/broadband>. The Office then anticipates opening a period for public comment for such Applications through the State of Iowa’s public comment website, *available at:* <https://comment.iowa.gov/>. Any member of the public will be permitted to submit comments regarding Applications made available for public comment by the Office.

4.1.2.2. Review Committee Input/Recommendations. The Office will supply all Applications that pass the Technical Review and the results of the Quantitative Scoring to members of a review committee established by the Office (“**Review Committee**”). The members of the Review Committee will review these Applications and provide input and/or make recommendations to the Office regarding whether, to which Projects, and in what amount(s) to make an Award(s) in accordance with the terms, conditions, and requirements of this NOFA. The members of the Review Committee will primarily focus its review/input on the qualitative aspects of the Applications received, *see* Section 3.2 (Qualitative Factors) (“**Qualitative Scoring**”). In assessing each of the qualitative factors, the members of the Review Committee may consider any information or materials:

4.1.2.2.1. Elicited or supplied in response to any question or other input mechanism related to this NOFA;

4.1.2.2.2. Obtained as part of an oral presentation by Applicant, to the extent requested by the Office;

- 4.1.2.2.3. Obtained from the Broadband Availability Map; and/or
- 4.1.2.2.4. Otherwise obtained by the Office from any other sources as identified in or permitted by this NOFA/Application process and applicable law.

As of the issuance of this NOFA, the members of the Review Committee, which the Office reserves the right to change or alter at any time, will be comprised of individuals the following areas:

- 4.1.2.2.1. Education;
- 4.1.2.2.2. Agriculture;
- 4.1.2.2.3. Healthcare;
- 4.1.2.2.4. Communities;
- 4.1.2.2.5. Industry.

The members of the Review Committee’s input/recommendations are in no way binding on the Office, which reserves the sole right to determine whether, to which Projects, and in what amount(s) to make an Award(s), in accordance with the terms, conditions, and requirements of this NOFA.

- 4.1.3. *Final Agency Decision(s)/Notices of Intent to Award.* Following the Office’s receipt of the members of the Review Committee’s input or recommendations and the closure of the period for public comment, if any, the Office will review all applications received that pass the Technical Review, any public comment solicited/received, and the recommendations of the members of the Review Committee, all in accordance with the terms, conditions, and requirements of the NOFA, these rules, and Iowa Code chapter 8B, and make a final agency decision regarding whether, to which Projects, and in what amount(s) to award grant funds. The Office will then make a final agency decision regarding whether, to which Projects, and in what amount(s) to make an Award(s). In making final decisions the Office may consider any/all of the information reviewed by the members of the Review Committee. The Office will notify each Applicant to which it has decided to make an Award by issuing a “**Notice of Intent Award**” or “**NOIA.**” Such Notice of Intent to Award shall be distributed by email to the Applicant’s Authorized Contact. The Office will also post all Notices of Intent to Award online at [Iowa Grants](#) and <https://ocio.iowa.gov/broadband>. Unsuccessful Applicants are solely responsible for reviewing such websites to determine their award status.
- 4.1.4. *Grant Agreement Execution.* Following the issuance of Notices of Intent to Award, the Office will distribute final Grant Agreements for the applicant’s review and signature. The Office’s standard/template Grant Agreement is labeled as **Exhibit E**. See Section 5 (Grant Agreement Terms and Conditions) for instructions on how to propose modifications to the Office’s standard/template Grant Agreement as part of this NOFA process. Successful Applicants will be given thirty (30) working days

from date of receipt of a final Grant Agreement in which to negotiate and sign a contract with the Office. If a Grant Agreement has not been executed within thirty (30) working days of Applicant's receipt thereof, the Office may, in its sole discretion, cancel the Award and begin negotiations another Applicant, as deemed appropriate by the Office. The Office may, in its sole discretion, extend the time period for negotiations of the Grant Agreement.

## SECTION 5—Grant Agreement Terms and Conditions

By submitting an Application, Applicant acknowledges its acceptance of the terms, conditions, criteria, and other requirements of the NOFA and Grant Agreement, **Exhibit E**, without change except as otherwise expressly stated in its Application. If Applicant takes exception to a provision in the Grant Agreement, it must identify it by page and section number, state the reason for the exception, and set forth the specific Grant Agreement language it proposes to include in place of the provision. This may be communicated through a redline with comments in the margins. If Applicant's exceptions or proposed responses materially alter the NOFA, or if Applicant submits its own terms and conditions or otherwise fails to follow the process described herein, the Office may reject the Application, in its sole discretion. The Office reserves the right to either Award grant funds without further negotiation with a successful Applicant, or to negotiate terms and conditions with a successful Applicant if the best interests of the State would be served. *See* Section 4.1.5 (Grant Agreement Execution) for timelines related to Grant Agreement negotiations, if any.

## SECTION 6—Attachments

The following forms/reference documents can be found on the OCIO Broadband Grants website available at: <https://ocio.iowa.gov/broadband-grants>

- **Exhibit A**—This Notice of Funding Opportunity (“**NOFA**”).
- **Exhibit B**—Broadband Grants Program Project Worksheet (“**Project Worksheet**”).
- **Exhibit C**—Broadband Grants Program Qualitative Attributes Form (“**Qualitative Attributes Form**”).
- **Exhibit D**—Broadband Grants Program Budget Plan (“**Budget Plan**”).
- **Exhibit D.1**—Limited exception for Broadband Infrastructure Installed Outside of Targeted Service Areas (“**Exception**” or “**Exception Process**”).
  - **Note:** Exhibits B through D.1 are located in separate Worksheets within the Excel Workbook entitled “**Broadband Grants Core Application.**”
- **Exhibit E**—Broadband Grants Program Grant Agreement (“**Grant Agreement**”).
- **Exhibit F**—Certification Letter.
- **Exhibit G**—Authorization to Release Information.
- **Exhibit H**—Request for Confidentiality (“**Form 22**”).
- **Exhibit I**—Application Checklist.
- **Exhibit J**—Iowa Grants Registration Instructions.
- **Exhibit K**—Iowa Grants Application Instruction Guidance.
- **Exhibit L**—Project Selection and Data Export/Import Instructions.

## SECTION 7—Links

The following reference materials are available by clicking on the links identified below:

- The State of Iowa Broadband Availability Map and related information, *available at:* <https://ocio.iowa.gov/broadband>.