

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

**Broadband Grants Program—Empower Rural Iowa**

**NOTICE OF FUNDING AVAILABILITY (“NOFA”) #004**

**(Exhibit A)**

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## SECTION 1—Program Overview/Administrative Issues

**1.1. Purpose.** In accordance with Iowa Code section 8B.11 and corresponding implementing rules found at Iowa Administrative Code 129—22,<sup>1</sup> the purpose of this NOFA is to solicit Applications from Communications Service Providers for Broadband Infrastructure Projects that will have the greatest overall effect of reducing or eliminating Unserved and Underserved Areas in the State through the installation of Broadband Infrastructure that Facilitates 25/3 Broadband or 100/20 Broadband in the Targeted Service Areas forming the basis of the Projects. Targeted Service Areas are areas within which, as of July 31, 2020, no Communications Service Provider Facilitated 25/3 Broadband; or that is materially underserved or without meaningfully available 25/3 Broadband. This grant round is based on renewed Targeted Service Area determinations published to an updated version of the Statewide Broadband Availability Map on October 28, 2020 at: <https://ocio.iowa.gov/broadband-availability-map-version-3>. These determinations and this map identify the geographic areas in the State of Iowa in which grant funds under this program are available.

For purposes of this NOFA and in accordance with 2020 Iowa Acts ch. 1078, section 12, the total amount of grants the Office Awards using the monies available under this NOFA shall be evenly distributed across the following categories (50% within each):

- 1.1.1. Projects that will result in the installation of Broadband Infrastructure that will Facilitate at least 25/3 Broadband but less than 100/20 Broadband.
- 1.1.2. Projects that will result in the installation of Broadband Infrastructure that will Facilitate 100/20 Broadband or faster.

Notwithstanding the foregoing, if the amount requested by all applicable Applicants in response to this NOFA within one of the above-enumerated categories is less than the amount reserved for Projects under that category, the Office may Award the difference to Projects under the other category, and vice versa.

**1.2. Key Program Definitions.** In addition to any other terms defined elsewhere herein, including in Section 6 (Glossary of Additional Terms), capitalized words used but not defined herein shall have the meaning ascribed to them under Iowa Code chapter 8B and Iowa Administrative Code chapters 129—20 and 22. In addition, the following terms shall be ascribed the following meaning:

- 1.2.1. **“25/3 Broadband”** means twenty-five (25) megabits per second of download speed and three (3) megabits per second of upload speed. As of the date of issuance of this NOFA, and as it relates to whether a Census Block constitutes a Targeted Service Area, these were the download and upload speeds, respectively, identified by the federal communications commission pursuant to section 706 of the federal Telecommunications Act of 1996, as amended.
- 1.2.2. **“100/20 Broadband”** means one-hundred (100) megabits per second of download speed and twenty (20) megabits per second of upload speed.
- 1.2.3. **“Allowable Expenditure(s)”** means specific types/categories of expenditures Applicants/Grantees may include in their Total Project Cost, and for which Applicants/Grantees may seek reimbursement from the Office. Examples of permissible categories of Allowable Expenditures are more fully defined and identified in the Budget Plan and, to the extent applicable, the Outside TSA

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<sup>1</sup>Any references to Iowa Code chapter 8B (or any sections or subsections therein) throughout this NOFA, including any related attachments, exhibits, addenda, or amendments hereto or to any of the foregoing, shall be understood to reference Iowa Code chapter 8B as amended by [2020 Iowa Acts chapter 1078](#).

Infrastructure Worksheet. Notwithstanding anything herein or in the Budget Plan or, to the extent applicable, Outside TSA Infrastructure Worksheet to the contrary, Allowable Expenditures may only include expenditures:

1.2.3.1. Directly related to the installation of Broadband Infrastructure that Facilitates 25/3 Broadband or 100/20 Broadband, whichever is applicable, in Targeted Services Areas identified in the Application/forming the basis of the Project;

1.2.3.2. Not incurred prior to the date of the issuance of this NOFA.

Allowable Expenditures may not include expenditures (in other words, “**Disallowed Expenditure(s)**”) that are:

1.2.3.3. Related to land buildings, structures, improvements, or equipment not directly used in the transmission of data via Broadband;

1.2.3.4. Related to the process of removing existing Broadband Infrastructure, fixtures, or other real property in preparation of the installation of new Broadband Infrastructure forming the basis of the Project;

1.2.3.5. Indirect labor costs or administrative overhead;

1.2.3.6. Passthrough expenditures with respect to subcontractors or other third parties operating on an Applicant’s behalf to the extent they are not the result of arm’s length transactions or are not reflective of fair-market rates;

1.2.3.7. Any other expenditures that are not reimbursable under applicable law, rule, or policy, as may be more fully defined and described in the Grants Management Policies and Procedures Guide.

1.2.4. “**As of Date**” means the as of date of the broadband availability maps and corresponding data sources utilized by the Office pursuant to Iowa Code section 8B.10(1) and Iowa Administrative Code rules 129—20.3 and 20.4 in determining whether a Communications Service Provider Facilitates 25/3 Broadband in a particular Census Block as of the As of Date and underlying the Broadband Availability Map in effect on the date of the issuance of this NOFA. On the date of the issuance of this NOFA, the As of Date was July 31, 2020. Put another way, the Broadband Availability Map in effect as of the date of the issuance of this NOFA reflects the availability of 25/3 Broadband in Iowa as of July 31, 2020.

1.2.5. “**Broadband Availability Map**” means a statewide map generated pursuant to Iowa Code section 8B.10 and Iowa Administrative Code rules 129—20.3 and 20.4 which identifies whether a Communications Service Provider offered or Facilitated 25/3 Broadband in a particular Census Block as of the As of Date or whether a Census Block is Materially Underserved or that Broadband service is meaningfully available therein, and which thereby identifies whether a Census Block is a Targeted Service Area within the meaning of Iowa Code chapter 8B and Iowa Administrative Code chapter 129—20 and thereby an eligible location to receive incentives under this Program. On October 28, 2020 the final version of the Broadband Availability Map will be published at: <https://ocio.iowa.gov/broadband-availability-map-version-3>.

1.2.6. “**Broadband Unit(s)**” means a home, farm, school, or business within a Census Block as of the As of Date. For purposes of the Program, including for purposes of

determining data inputs for Application scoring and for holding Grantee's accountable for purposes of the enforcement of resulting Grant Agreements, the number of Broadband Units within a Census Block as represented on the Broadband Availability Map in effect as of the date of issuance of this NOFA shall be determinative.

- 1.2.7. **“Census Block”** or **“Broadband Block”** means a U.S. Census Bureau census block located in this state, including any crop operation located within the census block.
- 1.2.8. **“Project”** shall have the same meaning ascribed to it under Iowa Administrative Code rule 129—22, and generally means a proposed installation of Broadband Infrastructure by a Communications Service Provider that Facilitates 25/3 Broadband or 100/20 Broadband, whichever is applicable, in one or more Targeted Service Area(s). *See* Section 1.5.1 (Project Definition/Identification) for a comprehensive definition of “Project” and Section 2.2.6.1 (Project Worksheet) and the Project Worksheet for detailed instructions on how to identify a Project for purposes of this Program.
- 1.2.9. **“Total Project Cost(s)”** means the total costs/expenditures comprising a Project, and for which Applicants/Grantees may seek reimbursement from the Office. *See* Section 1.5.2 (Total Project Costs) for a comprehensive definition of Total Project Costs. Total Project Costs shall be as identified in the Budget Plan and, to the extent applicable, the Outside TSA Infrastructure Worksheet. To the extent of any conflict or inconsistency between the figure identified in the Budget Plan or, to the extent applicable, the Outside TSA Infrastructure Worksheet and anywhere else in the Application, the figure identified in the Budget Plan or, to the extent applicable, Outside TSA Infrastructure Worksheet shall be determinative.

**1.3. Project Period/Contract Term.** Communications Service Providers will be required to propose anticipated Project completion timelines, including, assuming the anticipated date of Award identified in the table set forth in Section 1.7 (Schedule of Important Dates), a final Project completion date (**“Completion Date”**). Grantees will be expected to complete their Projects by that represented Completion Date. The Completion Date will 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) or whether a breach has occurred for purposes 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 in order to be considered:

- 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. Persons submitting Applications must be the entity that will be performing the proposed work, or an entity with a substantial ownership interest in the entity that will be performing the proposed work. While Applicants may hire or work with consulting firms to prepare their Applications, an Application may not be presented or framed as work to be performed by a consulting firm and may not be signed by a representative of the consulting firm. Instead, the Application must be presented and framed as work

to be performed by an appropriate Applicant and signed by an Authorized Official of Applicant's.

- 1.4.3. Projects may only consist of activities resulting in the delivery of Broadband within the geographic boundaries of the State of Iowa.
- 1.4.4. Projects must Facilitate at least 25/3 Broadband service.
- 1.4.5. Projects must be completed by no later than five (5) years from the date this NOFA is issued.

## 1.5. Project/Total Project Costs.

1.5.1. *Project Definition/Identification.* A Project means a proposed installation of Broadband Infrastructure by a Communications Service Provider that Facilitates at 25/3 Broadband or 100/20 Broadband, whichever is applicable, in one or more Targeted Service Areas. For purposes of this Program, Applicants must identify their Projects in terms of the Targeted Service Areas in which their Projects will Facilitate 25/3 Broadband or 100/20 Broadband, whichever is applicable. See Section 2.2.6.1 (Project Worksheet) and the Broadband Grants Program Project Worksheet for instructions on how to identify a Project by identifying each of the Targeted Service Areas(s), by Census Block ID#(s), forming the basis of the Project using the Broadband Availability Map and identifying key related inputs from the Broadband Availability Map that will be used by the Office in the review, scoring, and ranking process.

1.5.2. *Total Project Costs.*

1.5.2.1. *Funding, Generally.* Applicants are required to state the estimated Total Project Costs forming the basis of their Project and the total amount of State funds sought in connection therewith in the Budget Plan and, to the extent applicable, Outside TSA Infrastructure Worksheet. The total amount of State funds sought may not exceed thirty-five percent (35%) of Applicant's estimated Total Project Cost, subject to the following:

1.5.2.1.1. Estimated Total Project Costs may only be comprised of Allowable Expenditures.

1.5.2.1.2. Estimated Total Project Costs may only include Allowable Expenditures to be incurred on or after the date of the issuance of this NOFA. Thus, for example, to the extent pre-construction expenses constitute an Allowable Expenditure, such expenditures may be included in an Applicant's estimated Total Project Cost only to the extent they are **NOT** actually incurred prior to the date of the issuance of this NOFA.

Applicants are also required to supply an additional summary of their Project budget directly in the [Iowa Grants](#) system to facilitate the Office's reporting obligations and for ease of administration. **Applicants should take care to ensure that information supplied in the Iowa Grants System summary budget is consistent with the information supplied in the Budget Plan and, to the extent applicable, Outside TSA**

**Infrastructure Worksheet.** For the avoidance of doubt, to the extent of any conflict or inconsistency between any information supplied in such summary budget and the Budget Plan or, to the extent applicable, the Outside TSA Infrastructure Worksheet, the information identified in the Budget Plan or, to the extent applicable, Outside TSA Infrastructure Worksheet shall be determinative, and the Office reserves the right to update such summary budget information to match the information supplied in the Budget Plan or, to the extent applicable, Outside TSA Infrastructure Worksheet without notice to Applicant or any opportunity to clarify any discrepancies.

1.5.2.2. *Geographic Proximity Nexus.* To implement the above definition of a **“Project,”** the Office considers Broadband Infrastructure physically installed within a Targeted Service Area(s) to Facilitate 25/3 Broadband therein by virtue of the geographic proximity of such Broadband Infrastructure to the Targeted Service Area(s) itself. Thus, except as otherwise permitted herein, Applicants may only include costs/expenditures incurred within a Targeted Service Area forming the basis of a Project within the Project’s Total Project Costs and corresponding Allowable Expenditures.

1.5.2.3. *Outside TSA Infrastructure Process.* Notwithstanding the foregoing, Applicants may include costs/expenditures that are incurred outside of Targeted Service Area(s) within their Total Project Costs and corresponding Allowable Expenditures, provided that, in order to do so an Applicant must:

1.5.2.3.1. Explain how such outside-Targeted-Service-Area Broadband Infrastructure Facilitates 25/3 Broadband or 100/20 Broadband, whichever is applicable, within the Targeted Service Area(s) forming the basis of the Project;

1.5.2.3.2. Demonstrate how claimed costs/expenditures for such outside-Targeted-Service-Area Broadband Infrastructure are necessary to effectively complete the Project;

1.5.2.3.3. Explain why claimed costs/expenditures for such outside-Targeted-Service-Area Broadband Infrastructure cannot be excluded from the Application; and

1.5.2.3.4. Set forth the specific methods/formulas that will be utilized in allocating the costs of and for such outside Targeted-Service-Areas Broadband Infrastructure in proportion to such Broadband Infrastructure’s actual Facilitation of 25/3 Broadband to the Targeted Service Area(s) forming the basis of the Project.

This Outside TSA Infrastructure process is not limited to Census Blocks that are directly adjacent to Targeted Service Areas forming the basis of the Application. For more information on where and how to include costs/expenditures that are incurred outside of Targeted Service Area(s)

forming the basis of a Project within a Project's Total Project Costs and corresponding Allowable Expenditures, *see* the Outside TSA Infrastructure Worksheet, labeled as “**Exhibit D.1**” in the Core Application Excel Workbook. The Office reserves the right, in its sole discretion, to exclude claimed costs/expenditures for outside-Targeted-Service-Area Broadband Infrastructure, including in scoring a Project or in determining in what amount to Award grant funds, where an Applicant fails, in the Office's determination, to satisfy the above-outlined tests. In the event the Office excludes any claimed outside-Targeted-Service-Areas costs/expenditures, the Office may, in its sole discretion, notify the Applicant in advance and permit the Applicant to withdraw or amend its Application.

**1.6. Available Funds.** Funding for the Broadband Grants Program comes from funds appropriated to the Office for such purpose. *See* 2020 Iowa Acts ch. 1121.

- 1.6.1. The total amount of funds available for Award under this NOFA is up to: **\$4,950,000**.
- 1.6.2. Applicants must clearly state in their Applications the amount of grant funds they seek as it relates to a 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 thirty-five percent (35%) of any Applicant's Total Project Costs.

**Note:** A Grantee whose Total Projects Costs, as actually incurred, ultimately differs from its estimated Total Project Costs submitted for purposes of this application process will only be reimbursed for thirty-five percent (35%) of the lesser amount.

- 1.6.3.2. In accordance with 2020 Iowa Acts ch. 1078, Section 12, the total amount of grants the Office Awards using the monies available under this NOFA shall be evenly distributed across the following categories (50% within each):
  - 1.6.3.2.1. Projects that will result in the installation of Broadband Infrastructure that will Facilitate at least 25/3 Broadband but less than 100/20 Broadband.
  - 1.6.3.2.2. Projects that will result in the installation of Broadband Infrastructure that will Facilitate 100/20 Broadband or faster.

Notwithstanding the foregoing, if the amount requested by all applicable Applicants in response to this NOFA within one of the above-enumerated categories is less than the amount reserved for Projects under that category, the Office may Award the difference to Projects under the other category, and vice versa.

**Note:** Projects must propose one consistent buildout speed, greater than or equal to 25/3 Broadband but less than 100/20 Broadband, or greater than 100/20 Broadband, and should not propose speeds within both speed thresholds. A single Project that does propose varying



speeds across different geographic areas will be deemed to Facilitate Broadband within the lower speed threshold for purposes of this Section and requirement.

- 1.6.3.3. Available funding levels may be amended or vary from that listed in this NOFA, or funding may be withdrawn completely, depending on the 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. The decision of whether to Award a partial amount may be guided by consideration of the following non-exclusive list of factors:
  - 1.6.4.1. Where factual information received by the Office pursuant to the Validation Process set forth in Section 1.7.6.1.2, below, demonstrates that a portion of the Project is currently served with 25/3 Broadband or 100/20 Broadband, whichever is applicable.
  - 1.6.4.2. Where a portion of the Project overlaps with any portion of any other Project concurrently seeking funds pursuant to this NOFA.
  - 1.6.4.3. Where a portion of the Project overlaps with an area in which any Communications Service Provider has already commenced construction or build out.
  - 1.6.4.4. Where a portion of the Project overlaps with an area in which any Communications Service Provider has preexisting Broadband expansion commitments.
  - 1.6.4.5. Where a portion of the Project has already been or will be funded, in whole or in part, with or by any state funds or program, including as it relates to prior grant rounds administered by the Office.
  - 1.6.4.6. Where a portion of the Project overlaps with an area in which a Communications Service Provider has previously sought, claimed, or otherwise taken advantage of a property tax exemption pursuant to Iowa Code section 427.1(40).
  - 1.6.4.7. The Applicant indicates that the Project is likely to proceed regardless of whether grant funds are Awarded to the Applicant for the Project.
  - 1.6.4.8. Where the Office believes a partial Award would maximize the impact of available funds in furtherance of the core objectives of the Program.
  - 1.6.4.9. Where only an amount less than the funds requested by a particular Applicant remains available following the issuance of all other Awards.
- 1.6.5. The Office will not entertain offers from Applicants that seek to substitute an award of funds granted under this NOFA for any funds awarded to the same Applicant to build in the same Project area under any prior grant rounds administered by the Office. For the sake of clarity, an award under this NOFA will not be offered for Census Blocks or Broadband Blocks for which a prior Award has been accepted by the Applicant.

**1.7. Schedule of Important Dates.** The following dates and times are set forth for informational purposes only. The Office reserves the right to change these timelines and deadlines at any time. All dates and times listed are local Iowa time. In addition, this Section describes the process and phases by and during which the Office will review and evaluate Applications submitted to the Office pursuant to this NOFA and the manner in which Award decisions will be conducted and made.

EVENT	DATE
1.7.1 NOFA Issued	10/23/2020
1.7.2 Written Questions and Responses	
1.7.2.1 Written Questions Due By:	10/28/2020
1.7.2.3 Responses Posted By:	10/29/2020
1.7.2a Broadband Availability Map Adopted and Published Online	10/28/2020
1.7.3 Application Acceptance Window Opens <b>(no Applications will be accepted prior to this date and time)</b>	10/29/2020
1.7.4 Application Acceptance Window Closes/Applications Due <b>(no Applications will be accepted after this date and time)</b>	11/22/2020, 5:00 PM CDT
1.7.5 Technical Review/Quantitative Scoring	
Begin:	11/23/2020
End:	12/2/2020
1.7.6 Initial Input/Review	
1.7.6.1 Applications Posted Online for Public Comment and Validation Process	12/4/2020
1.7.6.2 Applications and Quantitative Scoring Submitted to members of the Review Committee	12/4/2020
Public Comment/Validations Process and Review Committee Periods Conclude	12/16/2020
1.7.7 Final Agency Decision(s)	
Office's Review Begins	12/7/2020
Anticipated Notice of Intent to Award Issued	12/18/2020
1.7.8 Contracting Process Begins	1/4/2020

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.* Questions regarding the scope, interpretation, application, or contents of this NOFA must be raised as part of the formal Written Question and Response process set forth herein. While the Office will make available administrative support throughout the application process to Applicants as more fully described in Section 1.8 (Inquiries), below, only written communications made in response to questions submitted through this process shall be binding on the Office.

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 <https://ocio.iowa.gov/broadband>. 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 <https://ocio.iowa.gov/broadband> for written questions and responses to this NOFA.
- 1.7.2.4. Failure to raise a question or issue regarding the scope, interpretation, application, or contents of this NOFA as part of this question and response process shall be deemed a waiver or failure to exhaust administrative remedies for purposes of a subsequent appeal of an Award; such waiver is intended to ensure the Office is able to correct any material issues or errors in an orderly, efficient fashion and in a manner that is fair to all prospective Applicants.
- 1.7.2a *Broadband Availability Map Adopted and Published Online.* The Office will formally adopt and publish online the Broadband Availability Map as described in Section 1.2.5 (Broadband Availability Map) for Applicants to use to create their Applications.
- 1.7.3. *Application Acceptance Window Opens.* Applicants must submit Applications through [Iowa Grants](#) no earlier than and in accordance with the date and time specified in the table above. Applications submitted prior to the opening of the Application Acceptance Window will not be considered by the Office.
- 1.7.4. *Application Acceptance Window Closes/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.

**Note:** Applicants are solely responsible for ensuring Applications are timely submitted within the Application Acceptance Window. Failure to timely submit an Application within the Application Acceptance Window will result in rejection of the Application. The date and time as recorded by [Iowa Grants](#) shall serve as the official regulator for the submission date and time of Applications. Applications submitted to the Office in any manner other than that listed above (*i.e.*, through [Iowa Grants](#)) will not be considered by the Office. Applications, including any/all required forms or attachments, must be fully and properly filled out and include any/all required forms or attachments, including those identified herein or otherwise required by [Iowa Grants](#), or the Office may reject the Application. Refer to the “**Iowa Grants Registration Instructions**,” labeled as “**Exhibit I**,” for detailed instructions on how to create, access, and submit Applications in and through [Iowa Grants](#).

- 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 the Technical Review and Quantitative Scoring as more fully described below and in Section 3.1 (Quantitative Factors) and as follows:

- 1.7.5.1. Technical Review. The purpose of the “**Technical Review**” is to review Applications for compliance with the terms, conditions, and requirements of Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA (*e.g.*, 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), and to screen out any Applications that do not comply with the terms, conditions, or requirements of any of the foregoing where appropriate. Applications that are timely submitted and that are not rejected as part of the Technical Review will be reviewed, scored, and ranked in accordance with Section 3 (Scoring Methodology) and as more fully described below.
- 1.7.5.2. Quantitative Scoring. Quantitative scores will be calculated in accordance with and utilizing the formulas set forth in Section 3.1 (Quantitative Factors) (“**Quantitative Scoring**”). A Project’s quantitative score is the outcome of predetermined formulas which require little-to-no exercise of discretion by the Office as part of the evaluation process. The inputs for these formulas are primarily supplied by Applicants through the Project Worksheet, Budget Plan, and, to the extent applicable, the Outside TSA Infrastructure Worksheet, or may otherwise be sourced from data elements obtained as part of this application process and the data sources underlying the Broadband Availability Map.
- 1.7.6. *Initial Input/Review*. Following the Technical Review/Quantitative Scoring:
  - 1.7.6.1. Period for Public Comment, including Validation Process. All Applications received by the Office that pass the Technical Review will be posted online at <https://ocio.iowa.gov/broadband> for a period of public comment.
    - 1.7.6.1.1. Comments, generally. Any member of the public will be permitted to submit comments regarding Applications received by the Office through the State of Iowa’s public comment website, *available at*: <https://comment.iowa.gov/>.
    - 1.7.6.1.2. Validation Process. As required by Iowa Code section 8B.11(3), the period for Public Comment will also include the opportunity for the public to submit factual information as part of a validation process to address claims that a Targeted Service Area(s) forming the basis of a proposed Project is currently served with 25/3 Broadband or 100/20 Broadband, whichever is applicable. Examples of such factual information the Office would consider particularly probative of current service include:
      - 1.7.6.1.2.1. Signed attestations submitted to the Office under penalty of perjury on [forms supplied by](#)

[the Office](#), attesting that a Targeted Service Area(s) forming the basis of a Project is currently served with 25/3 Broadband or 100/20 Broadband, whichever is applicable.

- 1.7.6.1.2.2. Bills or invoices provided to or received by customers in a Targeted Services Area(s) forming the basis of a Project which identify current Broadband service at or above 25/3 Broadband or 100/20 Broadband, whichever is applicable.

Forms, factual information, and other materials submitted as part of this Validation Process must be submitted to the Office by email, to [ociogrants@iowa.gov](mailto:ociogrants@iowa.gov).

Comments, forms, factual information, and other materials must be submitted no later than and in accordance with the date and time specified in the table above and in the manner identified above (*i.e.*, through the State of Iowa’s public comment website or by email, to [ociogrants@iowa.gov](mailto:ociogrants@iowa.gov), as applicable), or they will not be considered 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, which members will provide input 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 Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA. The members of the Review Committee will primarily focus their review/input on the qualitative aspects of the scoring process. *See* Section 3.2 (Qualitative Factors). In assessing the qualitative factors, the members of the Review Committee may consider a variety of information or materials, including but not limited to information and materials:

- 1.7.6.2.1. Elicited or supplied in response to any question or other input mechanism related to this NOFA;
- 1.7.6.2.2. Obtained as part of an oral presentation by Applicant, to the extent requested by the Office;
- 1.7.6.2.3. Obtained from the Broadband Availability Map or data sources underlying the same; or
- 1.7.6.2.4. Otherwise obtained by the Office from any other sources as identified in or permitted by this NOFA/application process and applicable law.

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 Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA. A summary of the Review Committee’s recommended results will be made available online as required by Iowa Code section 8B.11(3).

1.7.7. *Final Agency Decision(s)/Notice 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, the Office will review all Applications received that pass the Technical Review, any Public Comment solicited/received (including any factual information received as part of the Validation Process), and the input or recommendations of the members of the Review Committee, all in accordance with the terms, conditions, and requirements of Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA, and make a final agency decision regarding whether, to which Projects, and in what amount(s) to Award grant funds. In making final Award decision(s), the Office may consider a variety of information or materials, including but not limited to the same information and materials enumerated in Section 1.7.6.2 (Review Committee Input/Recommendations) above. In formulating its final recommendation(s), the Office is not bound by the results of the scoring process set forth in this NOFA, which scoring process is a tool for intelligent decision making and a consensus-based decisional process that considers the key factors set forth in this NOFA. 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 NOIA shall be distributed by email to the Applicant’s Authorized Contact. The Office will also post the NOIA online at <https://ocio.iowa.gov/broadband>. Unsuccessful Applicants are solely responsible for reviewing this website to determine their Award status.

1.7.8. *Grant Agreement Execution.*

1.7.8.1. Following the issuance of the NOIA, the Office will distribute final Grant Agreements for the successful Applicants’ review and signature. The Office’s standard Grant Agreement is labeled as “**Exhibit E**.” Successful Applicants will be given thirty (30) working days from the date of receipt of a final Grant Agreement to negotiate and sign a contract with the Office. If a Grant Agreement has not been executed within thirty (30) working days of an Applicant’s receipt thereof, the Office may, in its sole discretion, cancel the Award with respect to that Applicant 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.

1.7.8.2. By submitting an Application, Applicant acknowledges its acceptance of the terms, conditions, criteria, and other requirements of the NOFA and the Grant Agreement, labeled as “**Exhibit E**,” without change, except as otherwise expressly stated in its Application and otherwise permitted herein. If Applicant takes exception to a provision in the Grant Agreement, it must identify such exception by page and section number, state the reason for the exception, and set forth the specific language it proposes to include in place of that section or 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 the requirements of

Iowa Code section 8B.11 or Iowa Administrative Code rule 129—22, 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 Office, the Program, and the State would be served.

**1.8. Inquiries.** Inquiries related to 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 or corresponding forms/attachments. This is a service made available to Applicants to assist them in navigating the more complex aspects 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 described above, unauthorized contact with employees of the Office, independent contractors utilized by the Office, or members of the Review Committee regarding this NOFA or any Application submitted in connection herewith may result in disqualification. Including as it relates to the administrative support services described above, representations made by the Office's officers, employees, or 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 administrative support services described above, shall not be considered part of an 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 submitted in accordance with the terms, conditions, or other requirements of Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA.

**1.9. Rejection/Disqualification or Cancellation of NOFA.** The Office reserves the right to reject, in whole or in part, any or all Applications, disqualify an Applicant, to advertise for new Applications, to arrange to receive or itself perform the services described herein, to abandon the need for such services, or to cancel this NOFA at any time for any reason, including when in the best interests of the Office, the Program, or the State of Iowa to do so. Any Application may be rejected outright and not evaluated, or an Applicant disqualified, for any of the following reasons:

- 1.9.1. The Applicant is not an eligible Applicant in accordance with section 1.4 (Eligibility Requirements).

- 1.9.2. The Project is not an eligible Project in accordance with section 1.4 (Eligibility Requirements).
- 1.9.3. The Applicant is not a Responsible Applicant.
- 1.9.4. The Applicant indicates that the Project is likely to proceed regardless of whether grant funds are awarded to the Applicant for the Project.
- 1.9.5. Where factual information received by the Office pursuant to the Validation Process set forth in Section 1.7.6.1.2, above, demonstrates that a material portion of the Project is currently served with 25/3 Broadband or 100/20 Broadband, whichever is applicable.
- 1.9.6. Where a portion of the Project overlaps with an area in which any Communications Service Provider has already commenced construction or build out.
- 1.9.7. Where a portion of the Project overlaps with an area in which any Communications Service Provider has preexisting Broadband expansion commitments.
- 1.9.8. Where a portion of the Project has already been or will be funded, in whole or in part, with or by any state funds or program, including as it relates to prior grant rounds administered by the Office.
- 1.9.9. Where a portion of the Project overlaps with an area in which a Communications Service Provider has previously sought, claimed, or otherwise taken advantage of a property tax exemption pursuant to Iowa Code section 427.1(40).
- 1.9.10. Where a portion of a lower scoring Project materially overlaps with a portion of any other higher scoring Project concurrently seeking funds pursuant to this NOFA.
- 1.9.11. An Application is submitted in a manner other than through [Iowa Grants](#).
- 1.9.12. An Applicant fails to include required information or fails to include sufficient information to determine whether a requirement of the NOFA has been satisfied.
- 1.9.13. 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.
- 1.9.14. An Applicant provides misleading or inaccurate answers.
- 1.9.15. An Applicant states that a requirement of this NOFA cannot be satisfied.
- 1.9.16. An Applicant's response materially changes a requirement of this NOFA.
- 1.9.17. An Applicant's response limits or attempts to limit any right(s) of the Office.
- 1.9.18. An Applicant fails to respond to the Office's request for information, documents, or references.
- 1.9.19. An Applicant fails to include any signature, certification, authorization, or stipulation required by this NOFA.
- 1.9.20. An Applicant alters the language in any exhibit, certification, authorization, or other form required to be submitted in connection with this NOFA.
- 1.9.21. An Applicant initiates unauthorized contact concerning or related to this NOFA with an officer, employee, or independent contractor of the Office or member of the Review Committee.



**1.10. Grants Management Policies and Procedures Guide.** The Office anticipates issuing a Grants Management Policies and Procedures Guide, which may be updated from time to time, and which guide will describe the financial, oversight, and administrative requirements, policies, and procedures the Office will require Grantee's to follow in the Office's administration of Awards issued in connection with this NOFA. The primary purpose of this guide is to assist applicants in navigating Project verification, reporting, claims, and other administrative processes administered by the Office. Such Grants Management Policies and Procedures Guide shall be considered contractual obligations of a successful Grantee.

**1.11. Additional Terms and Conditions.** For ease of reading, in addition to any other terms and conditions set forth elsewhere in the NOFA, Section 7 (NOFA Administration/Terms and Conditions Governing Application Process) sets forth standard terms and conditions that primarily relate to the administration of the NOFA, as opposed to key program terms and critical concepts the understanding of which are essential for an Applicant to prepare a thoughtful and responsive Application and which key program terms and conditions are set forth in this Section 1 (Program Overview/Administrative Issues). Applicants and Applications must also comply with the terms and conditions set forth in Section 7 (NOFA Administration/Terms and Conditions Governing Application Process).

## 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 rejection of an Application. 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 this application process. Redacted or “public” versions of electronic documents must also be uploaded as part of the application process to the extent an Applicant seeks confidential treatment of any information supplied to the Office in accordance with Section 7.18 (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](#). Registration and Application Instructions are outlined in the “**Iowa Grants Registration and Application Instructions**,” labeled as “**Exhibit I**.”

### 2.2. Required Forms/Submissions.

- 2.2.1. *General Information.* This form requires an 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, history of organization, and identification of whether Applicant is a subsidiary of one or more parent companies and specific identification of all corresponding parent companies within any chain of ownership and a visualization of the relationship between all parent companies to one another and the subsidiary. Applicants must identify the official legal name under which they are registered with applicable authorities, including, as applicable, the Iowa Secretary of State.
- 2.2.3. *Executive Project Summary.* This form requires an Applicant to summarize, at a high level, its proposed Project, including but not limited to:
  - 2.2.3.1. The geographic area in which the Project will occur;
  - 2.2.3.2. The primary deployment model (*e.g.*, wireline versus wireless);
  - 2.2.3.3. The Completion Date of the Project, including a description of the anticipated project timeline that includes identifying project milestones and corresponding completion dates. As part of the grant administration process, the Applicant will be expected to describe any completed activities related to these milestones and indicate the date that costs were incurred in relation to these milestones. Example engineering (tasks completed, date costs were incurred (invoiced));
  - 2.2.3.4. The current status of the Project, including the phase it is in, such as pre-planning, planning, or whether building has commenced;
  - 2.2.3.5. Why State funds are necessary for the Project to proceed, including but not limited to a description of how the Project will or will not proceed if the

State funds requested are not ultimately Awarded; and

- 2.2.3.6. A general overview of how Applicant has/will comply with the terms, conditions, and requirements of Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and this NOFA.
- 2.2.4. *Demonstrated Experience.* This form requires information about Applicant’s demonstrated experience in provisioning Broadband across the State of Iowa. Applicant shall include relevant information about their experience that has prepared them to deploy their Project, such as, for example, community partnerships and services; number of years in business; number of years of 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; the level of technical experience in providing the types of services sought by this NOFA; or any other information that would aid the Office in assessing whether Applicant is a Responsible Applicant. An Applicant may also submit letters of reference from up to three (3) current or 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.
- 2.2.5. *Minority Impact Statement.* This form collects information about the potential impact of the Project on minority groups.
- 2.2.6. *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 Broadband Grants Core Application Excel Workbook.
- 2.2.6.1. Project Worksheet. This form, labeled as “**Exhibit B**,” requires Applicant to specifically define its Project by identifying the Targeted Service Areas(s) by Census Block ID#(s) forming the basis of its Project and identifying key inputs from the Broadband Availability Map to be utilized by the Office primarily in the quantitative aspects of the reviewing, ranking, and scoring process. These key inputs include, but are not limited to:
- 2.2.6.1.1. The number of Broadband Units in the form of Homes, Businesses, and Schools located within Targeted Service Areas forming the basis of the Project;
- 2.2.6.1.2. 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 Facilitated with 25/3 Broadband or 100/20 Broadband, whichever is applicable, as a result of the Project;
- 2.2.6.1.3. 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 Facilitated in Targeted Service Areas forming the basis of the Project upon Project completion;

- 2.2.6.1.4. The type of delivery platform(s) of the Broadband Infrastructure underlying the Project; and
- 2.2.6.1.5. Key product attributes of the Broadband services to be Facilitated to consumers in the Project area.

**Note:** See the “**Project Selection and Data Export/Import Instructions**,” labeled as “**Exhibit J**,” for instructions on how to properly complete this aspect of the Application, which is largely auto populated from data to be input by Applicants into the “**TSA Input**” tab in the Broadband Grants Core Application Excel Workbook.

- 2.2.6.2. Qualitative Attributes Form. This form, labeled as “**Exhibit C**,” requires the 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.
- 2.2.6.3. Budget Plan. This form, labeled as “**Exhibit D**,” requires the Applicant to state its Total Project Costs and corresponding Allowable Expenditures to deliver/complete the Project in the categories provided on the form. Information supplied on this form may be utilized by the Office in both the quantitative and qualitative aspects of the reviewing, ranking, and scoring process. See the Outside TSA Infrastructure Worksheet, labeled as “**Exhibit D.1**,” for information on how to claim expenditures for Broadband Infrastructure installed outside of Targeted Service Areas forming the basis of a Project.
- 2.2.6.4. Grant Agreement. Successful applicants will be required to execute a Grant Agreement with the Office. See Section 1.7.8 (Grant Agreement Execution) for details on the Grant Agreement markup, negotiation, and execution process and “**Exhibit E**” for a copy of the Office’s standard Grant Agreement.
- 2.2.6.5. Certification, Authorization, and Release of Information Form. This form, labeled as “**Exhibit F**,” requires:
  - 2.2.6.5.1. A representative of Applicant’s with legal authority to bind the Applicant to certify to the Office the completeness, accuracy, truthfulness, performance capabilities, and satisfaction of key legal requirements of or related to the Application; and
  - 2.2.6.5.2. 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.
- 2.2.6.6. Form 22. This form, labeled as “**Exhibit G**,” permits Applicant to, solely to the extent permitted by and in accordance with Section 7.18 (Disposition of Applications/Public Records), request confidential treatment of portions of its Application. Applicant or other persons or parties may not request

confidential treatment with respect to the following information or materials:

- 2.2.6.6.1. Any data or information supplied through the Project Worksheet.
- 2.2.6.6.2. Any data or information supplied through the Qualitative Attributes Form.
- 2.2.6.6.3. Any non-cost related data or information supplied through the Budget Plan, such as budget line-item descriptions.
- 2.2.6.6.4. Any non-cost related data or information supplied through the Outside TSA Infrastructure Worksheet.
- 2.2.6.6.5. The estimated or actual Total Project Cost, including but not limited to, as stated in the Budget Plan or Outside TSA Infrastructure Worksheet.
- 2.2.6.6.6. Any data or information supplied in response to Section 2.2.2 (Business Organization).

**Note:** Applicant must complete and submit a Form 22 regardless of whether it requests any confidential treatment.

- 2.2.6.7. Application Checklist. This form, labeled as “**Exhibit H**,” is designed to assist Applicant in ensuring Applicant has completed and submitted all forms, materials, and information required by this NOFA. **Applicant is not expected to return this form to the Office with its Application.**

## SECTION 3—Scoring Methodology

Scoring and ranking 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. An addendum identifying the specific point values assigned to each evaluation factor set forth in Section 3.1 (Quantitative Factors) and 3.2 (Qualitative Factors), below, will be posted immediately prior to the Application due date. This ensures that Applicants provide thorough answers and information to all questions or inputs elicited through this Application process, instead of focusing only on those areas that may be weighted most heavily. 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 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 Unserved and Underserved areas in the State, leveraging federal funds and public and private partnerships where possible, by awarding grants to Communications Service Providers that reduce or eliminate Targeted Service Areas by installing Broadband Infrastructure that Facilitates Broadband service in Targeted Service Areas at or above 25/3 Broadband or 100/20, and taking into consideration the factors outlined in Iowa Code section 8B.11, Iowa Administrative Code rule 129—22, and any other relevant factors identified in this NOFA.

The Office recognizes that some of the factors identified below compete with each other. This is by design. The Office seeks balanced Projects that address a number of competing policy objectives. *See* Iowa Code § 8B.11(4)(a)(1)–(8) (outlining factors the Office must consider in making Award decisions). Notwithstanding the foregoing or anything else in this NOFA to the contrary, as required by Iowa Code section 8B.11(4)(b), the Office shall afford the greatest weight to the factors described in subparagraphs (1) through (3) of Iowa Code subsection 8B.11(4) in making final Award decisions. Successful Projects will be expected to meet or exceed any statements or representations made in connection with any questions or inputs associated with any scored factors outlined below, and any related answers or inputs shall be deemed contractual obligations of Applicant and incorporated by reference into any resulting Grant Agreement as if fully set forth therein.

**3.1. Quantitative Factors.** The following factors identified below will be evaluated through the quantitative portion of this NOFA. The inputs for this Section 3.1 (Quantitative Factors) are to generally be supplied by Applicant on the Project Worksheet, the Budget Plan, and, to the extent applicable, the Outside TSA Infrastructure Worksheet.

- 3.1.1. *Rurality* (Iowa Code § 8B.11(4)(a)(1)). 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** (÷) by the total square miles forming the basis of the Project.

This results in a “rurality” measure. The lower the measure, the more “rural” the Project. The resulting measure of all Applicants will be compared against each other to calculate the Rurality score for each individual Applicant.

- 3.1.2. *Efficiency* (Iowa Code § 8B.11(4)(a)(8)). This factor operates on the premise that the more Broadband Units delivered through lower Total Project Costs, the more efficient

the delivery. Thus, Projects resulting in higher Broadband Unit delivery per dollar spent represent more efficient use of grant dollars.

**Formula:** The estimated Total Project Cost **divided by** ( $\div$ ) by the total number of Broadband Units Applicant represents will be Facilitated with 25/3 Broadband or 100/20 Broadband, whichever is applicable, upon the completion of the Project.

This results in a Project-dollars per Broadband-Units-Facilitated measure. The lower the measure, the more efficient the Project. The resulting measure of all Applicants will be compared against each other to calculate the Efficiency score for each individual Applicant.

3.1.3. *Total Broadband Units Delivered* (Iowa Code § 8B.11(4)(a)(8)). This factor operates on the premise that Projects Facilitating 25/3 Broadband or 100/20 Broadband, whichever is applicable, to the most Broadband Units help to achieve the core statutory goals of the Program, *i.e.*, to reduce or eliminate Unserved and Underserved areas in the State. Accordingly, Applicant must identify the total Broadband Units the Applicant represents will be Facilitated with 25/3 Broadband or 100/20 Broadband, whichever is applicable, upon the completion of the Project. The totals of all Applicants will be compared against each other to calculate the Total Broadband Units Delivered score for each Applicant.

3.1.4. *Completeness* (Iowa Code § 8B.11(4)(a)(5)). This factor operates on the premise that Projects that make 25/3 Broadband or 100/20 Broadband, whichever is applicable, available to a higher proportion of Broadband Units within the Targeted Service Areas forming the basis of a Project further the objectives of the Program.

**Formula:** The total Broadband Units Applicant represents will be Facilitated with 25/3 Broadband or 100/20 Broadband, whichever is applicable, upon the completion of the Project **divided by** ( $\div$ ) the aggregate number of Broadband Units within the Targeted Service Areas forming the basis of the Project.

This results in a “completeness” measure. The higher the measure, the more complete the Project. The resulting measures of all Applicants will be compared against each other to calculate the Completeness score for each individual Applicant.

3.1.5. *Relative Speed* (Iowa Code § 8B.11(4)(a)(3)). This factor operates on the premise that Projects that Facilitate higher upload/download speeds further the objectives of the Program.

**Formula:** The average upload/download speeds in terms of megabits per second that the Applicant represents will be Facilitated to all Targeted Service Areas forming the basis of the Project.

The resulting averages of all Applicants will be compared against each other to calculate the Relative Speed score for each individual Applicant.

3.1.6. *Prospective Product Attributes* (Iowa Code § 8B.11(4)(a)(4)). This factor operates on the premise that Projects that will deploy more effective Broadband products further the objectives of the Program. Inputs relevant to this factor include, as defined and described in more detail below, Availability, Latency, Performance Credits, Hop Count, Data Caps, and Symmetry. Applicants may use the most favorable product

offering that will be made available within a commercially reasonable time and at a commercially reasonable price within the Project area upon request by a consumer as a result of the Project. The product offering selected to describe attributes should be the same product offering used to respond to all product attribute questions/inputs. To the extent providing answers or information to the questions or inputs related to this factor requires assumptions about the route or path certain data/traffic would traverse, and to the extent OCIO would verify performance after a Project ultimately Awarded grant funds is completed, assume the following “**Destination Server**,” [www.iowa.gov](http://www.iowa.gov), for purposes of answering such questions or inputs. Additionally, where stated in the applicable subcategory below, assume the Office will use the following “**Internet Speed Test Tool**” in determining whether Projects ultimately awarded grant fund’s Facilitate the Product Attributes as represented by Applicants in their Applications upon Project completion as it relates to those subcategories, <http://iowa.speedtestcustom.com/>. Each of the six (6) subcategories set forth below will be allocated one sixth of the total points available within this broader Prospective Product Attributes category.

3.1.6.1. SubCategory 1 - Availability. “**Availability**” means the estimated percentage of total time service is operative or available when measured over a thirty (30) day calendar month (720 hours), upon Project completion. Service is considered inoperative or unavailable when degraded to a level at which packets are not passing between the user point of demarcation and the host point of demarcation.

**Formula:**

3.1.6.1.1. Products Facilitating greater than or equal to 99.9% Availability will receive all of the points available within this subcategory.

3.1.6.1.2. Products Facilitating greater than or equal to 99% Availability but less than 99.9% Availability will receive half of the points available within this subcategory.

3.1.6.1.3. Products Facilitating less than 99% Availability will receive none of the points available within this subcategory.

3.1.6.2. SubCategory 2 - Latency. “**Latency**” means the average time it is estimated to take, expressed in milliseconds (ms), for data to travel from the customer edge router ingress/egress point to the router specified by and as measured by the Internet Speed Test Tool, upon Project completion.

**Formula:**

3.1.6.2.1. Products with a Latency of less than thirty (30) ms will receive all of the points available within this subcategory.

3.1.6.2.2. Products with a Latency of greater than or equal to thirty (30) ms but less than sixty (60) ms will receive half of the points available within this subcategory.

3.1.6.2.3. Products with a Latency of greater than or equal to sixty (60) ms will receive none of the points available within this



subcategory.

- 3.1.6.3. SubCategory 3 - Performance Credits. **“Performance Credit(s)”** means a credit or other similar discount or incentive to customers for failing to meet a minimum service level as guaranteed in a contract between the Communications Service Provider and a customer.

**Formula:**

3.1.6.3.1. Communications Service Providers that offer a Performance Credit will receive all of the points available within this subcategory.

3.1.6.3.2. Communications Service Providers that do not offer a Performance Credit will receive none of the points available within this subcategory.

- 3.1.6.4. SubCategory 4 - Hop Count. **“Hop Count”** or **“Hops”** means the estimated number of intermediate devices through which data must pass between the originating source and ultimate destination, upon Project completion. Please identify the average number of Hops Internet traffic will pass when traversing your network endpoint to go from the Broadband Units forming the basis of your Project, as the originating source, to the Destination Server identified above, as the destination source.

**Formula:**

3.1.6.4.1. Products with a Hop Count of less than six (6) will receive all of the points available within this subcategory.

3.1.6.4.2. Products with a Hop Count of greater than or equal to six (6) but less than twelve (12) will receive half of the points available within this subcategory.

3.1.6.4.3. Products with a Hop Count greater than or equal to twelve (12) will receive none of the points available within this subcategory.

- 3.1.6.5. SubCategory 5 - Data Caps. **“Data Cap(s)”** or **“Bandwidth Cap(s)”** means a limit, stated in terms of gigabits, imposed by a Communications Service Provider at which point the amount of data that may be transferred or received by a customer at a specified level of Throughput would result in either an additional fee(s) paid by the customer or a speed reduction (*i.e.*, throttling) or both. If the product DOES NOT contain either a cost increase or throttling above a specified aggregate data level it would NOT be considered to have a data cap (*i.e.*, answer “NO”). If the product DOES contain either a cost increase or throttling above a specified aggregate data level, or both, it would be considered to have a data cap (*i.e.*, answer “YES”).

**Formula:**

3.1.6.5.1. Products with no Data Caps will receive all of the points available within this subcategory.

3.1.6.5.2. Products with a Data Cap will receive none of the points available within this subcategory.

3.1.6.6. SubCategory 6 - Symmetry. A symmetrical connection is a connection with equal download/upload speeds, such as fifty (50) megabits per second of download speed and fifty (50) megabits per second of upload speed. An asymmetrical connection is a connection with different download/upload speeds, such as fifty (50) megabits per second of download speed and five (5) megabits per second of upload speed.

**Formula:**

3.1.6.6.1. Symmetrical products will receive all of the points available within this subcategory.

3.1.6.6.2. Asymmetrical products will receive none of the points available within this subcategory.

3.1.7. *Geographic Diversity* (Iowa Code § 8B.11(4)(a)(6)). This factor operates on the premise that the State has an interest in ensuring that Projects are reasonably spread out across the entire State.

**Formula:**

3.1.7.1. Baseline: Projects will first be mapped to their respective congressional districts. If a Project is located in one or more congressional districts, the Project will be deemed to be located in the congressional district in which the highest number of Targeted Services Areas forming the basis of the Project are located. From there, the total number of points available within this category will be **divided by** ( $\div$ ) the total number of Projects proposed within that congressional district. Each applicant within a respective congressional district will receive the number of points that result from that calculation.

3.1.7.2. Downward Adjustment: After the Baseline score is calculated, Projects that directly overlap more than a *de minimis* amount with one or more other Projects will receive a downward adjustment of 10% of the total number of points available within this category. A *de minimis* overlap means five percent (5%) or less of the Targeted Service Areas forming the basis of one or more proposed Projects are the same, excluding Targeted Service Areas that overlap on the boundaries of any overlapping Projects. Notwithstanding, Projects cannot receive a score of less than zero (0) in this category.

**3.2. Qualitative Factors.** The following factors identified below will be evaluated through the qualitative portion of this NOFA. Any required inputs for this Section are to be generally supplied by Applicant on the Qualitative Attributes Form.

3.2.1. *Budget Composition*. (Iowa Code § 8B.11(4)(a)(2)). This factor takes into consideration the degree to which State funds are requested for the funding of this project. Generally speaking, Projects that are supported by funding other than State funds will receive higher scores for this factor. This NOFA permits requests of up to 35% from State funds; therefore, those Projects requesting less than 35% will receive

higher scores than those requesting the entire 35%.

- 3.2.2. *Relative Need for New Broadband and Existing Broadband Service Speeds* (Iowa Code § 8B.11(4)(a)(1)). 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, by way of example only: 1) how geographically proximate the Project area is to other infrastructure that provides access to 25/3 Broadband or faster; 2) any buildout that has occurred since the As of Date (the effective date of the data underlying the Broadband Availability Map); 3) any related barriers to expansion/extension; 4) how the Project will positively affect any anchor institutions in the area (e.g., key businesses, schools, universities, libraries, hospitals); and 5) any community support for the Project, including but not limited to as evidenced by testimonials or letters of support. In assessing this factor, the Office may take into consideration factual information received through the Validation Process pursuant to and in accordance with Iowa Code section 8B.11(3), Iowa Administrative Code rule 129—22.5(1)(b), and Section 1.7.6.1.2 (Validation Process) of this NOFA, or the issuance or Award of prior incentives administered by the Office. 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, that positively affect more anchor institutions, and that receive more community support will receive higher scores.
- 3.2.3. *Economic Impact* (Iowa Code § 8B.11(4)(a)(7)). 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 or that will reach the agricultural community will receive higher scores.

## SECTION 4—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 #004 (“NOFA”).
- **Broadband Grants Core Application** or **Core Application.** This is an Excel Workbook containing the central forms to be completed and submitted by an Applicant in connection this NOFA, including the following key exhibits:
  - **Exhibit B—Project Worksheet.** This is an Excel Worksheet wherein Applicant defines the Project boundaries and supplies the Office with key data elements to be utilized primarily by the Office in the quantitative aspects of reviewing, scoring, and ranking Applications.
  - **Exhibit C—Qualitative Attributes Form.** This is an Excel Worksheet wherein Applicant describes key Project attributes and anticipated Project outcomes to be primarily utilized by the Office in the qualitative aspects of reviewing, scoring, and ranking Applications.
  - **Exhibit D—Budget Plan.** This is an Excel Worksheet wherein Applicant identifies the Allowable Expenditures and Total Project Costs forming the basis of a Project. *See* Section 1.5.2 (Total Project Costs), Section 2.2.6.3 (Budget Plan) and the Budget Plan in the Core Application Excel Workbook for more detailed information on the budget process.
  - **Exhibit D.1—Outside TSA Infrastructure Worksheet.** This is also an Excel Worksheet wherein Applicant identifies Allowable Expenditures and Total Project Costs forming the basis of a Project and is part of the “**Budget Plan.**” This Exhibit is *only* applicable if an Applicant seeks to claim expenditures for Broadband Infrastructure installed outside of Targeted Service Areas forming the basis of a Project. *See* Section 1.5.2.3 (Outside TSA Infrastructure Process), Section 2.2.6.3 (Budget Plan), and the Outside TSA Infrastructure Worksheet in the Core Application Excel Workbook, for information on how to claim expenditures for Broadband Infrastructure installed outside of Targeted Service Areas forming the basis of a Project. **DO NOT complete this Exhibit if you are not seeking expenditures for Broadband Infrastructure installed outside of Targeted Service Areas.**
- **Exhibit E—Grant Agreement.** This is the standard grant agreement to be entered between the Office and an Applicant Awarded funds by the Office in connection with this NOFA. The Grant Agreement establishes the terms, conditions, and requirements governing the delivery, administration, and oversight of a Project. *See* Section 1.7.8 (Grant Agreement Execution) for terms, conditions, and requirements related to the contracting process.
- **Exhibit F—Certification, Authorization, and Release of Information.** This is a form by 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 or related to the Application or any subsequent performance should Applicant be Awarded grant funds and successfully execute a Grant Agreement with the Office, and which authorizes the Office, its officers, employees, agents, independent contractors, and the members of the Evaluation Committee to obtain information about Applicants from third parties, and which authorizes such third parties to supply such requested information to the Office.
- **Exhibit G—Request for Confidentiality** or **Form 22.** This is a form submitted as part of an Application where Applicant may request 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 the NOFA. *See* Section 7.18 (Disposition of Applications/Public Records) for specific information regarding this process and the limitations associated therewith.

- **Exhibit H—Application Checklist.** This is a checklist completed as part of an Application process and is designed to assist Applicants in ensuring they have completed and submitted all forms, materials, and information required by this NOFA. **Applicant is not expected to return this form to the Office with its Application.**
- **Exhibit I—Iowa Grants Registration and Application Instructions.** These instructions help Applicants register in and navigate the [Iowa Grants](#) system. These instructions are applicable to this specific opportunity and help the Applicant complete and navigate the online application through the [Iowa Grants](#) system, including walking Applicant through the process of uploading any required forms referenced herein.
- **Exhibit J—Project Selection and Data Export/Import Instructions.** These instructions show Applicant how to properly define their Project using the Broadband Availability Map and export the Targeted Service Area information forming the basis of their Project. This export is used to populate the “**TSA Input Tab**” located within the Core Application. The TSA Input Tab auto populates other key aspects of the Application in the Broadband Grants Core Application Excel Workbook, including the Project Worksheet, which is central to the Application process.

## SECTION 5—Links

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

- The Broadband Availability Map and related information, *available at:*  
<https://ocio.iowa.gov/broadband-availability-map-version-3>.
- Notice of Funding Availability #004 public posting, *available at:*  
<https://ocio.iowa.gov/empower-rural-iowa-broadband-grant-program-notice-funding-availability-004>

## SECTION 6—Glossary of Additional Terms

For ease of reading, in addition to any other terms defined elsewhere in the NOFA, this Glossary defines additional terms used throughout the NOFA that primarily relate to the administration of the NOFA, as opposed to key program terms and critical concepts the understanding of which are essential for an Applicant to prepare a thoughtful and responsive Application and which key program terms are defined in Section 1.2 (Key Program Definitions). The following terms as used throughout the NOFA shall be ascribed the following meaning:

- 6.1. **“Applicant(s)”** means a Communications Service Provider submitting an Application in response to this NOFA.
- 6.2. **“Application(s)”** means a Communications Service Provider’s application in response to this NOFA and which requests 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.
- 6.3. **“Authorized Contact”** or **“Authorized Official”** 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 in connection with an Application or Grant Agreement.
- 6.4. **“Award(ed)”** means an award of grant funds made available pursuant 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.
- 6.5. **“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>.
- 6.6. **“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, and which Communications Service Provider successfully executes a Grant Agreement with the Office.
- 6.7. **“Grants Management Policies and Procedures Guide”** means a policies and procedures guide to be issued by the Office, which guide will describe the financial, oversight, and administrative requirements, policies, and procedures the Office will require Grantee’s to follow in the Office’s administration of Awards issued in connection with this NOFA.
- 6.8. **“Responsible Applicant”** means an Applicant that has the capability in all material respects to successfully complete and deliver a Project in accordance with the terms, conditions, requirements, and restrictions of Iowa Code chapter 8B, Iowa Administrative Code rule 129—22, this NOFA, and the resulting Grant Agreement if Awarded grant funds. In determining whether an Applicant is a Responsible Applicant, the Office may consider various factors including, but not limited to: the Applicant’s competence and qualifications to successfully complete and deliver a Project; the Applicant’s integrity and reliability; the past performance of the Applicant, including Applicant’s past contract terminations, litigation, debarments, compliance with applicable terms, conditions, or requirements, or timely completion of past projects; Applicant’s criminal history; Applicant’s financial stability; and the best interests of the Office, the Program, and the State. An Applicant’s inability to fully certify/attest to all of the items identified in the Certification, Authorization, and Release of Information Form may result in the Office concluding an Applicant is not a Responsible Applicant.
- 6.9. **“Review Committee”** means, as required by Iowa Code section 8B.11(3), a group of representatives who review and recommend grant awards to the Office as part of its evaluation process. The members of the Review Committee, which the Office reserves the right to change or alter at any time, will minimally be comprised of individuals from the following areas:
  - 6.9.1. Education;
  - 6.9.2. Agriculture;
  - 6.9.3. Healthcare;
  - 6.9.4. Communities;
  - 6.9.5. Industry.

## SECTION 7—NOFA Administration/Terms and Conditions Governing Application Process

For ease of reading, in addition to any other terms and conditions set forth elsewhere in the NOFA, this Section 7 (NOFA Administration/Terms and Conditions Governing Application Process) sets forth standard terms and conditions that primarily relate to the administration of the NOFA, as opposed to key program terms and critical concepts the understanding of which are essential for an Applicant to prepare a thoughtful and responsive Application and which key program terms and conditions are set forth in Section 1 (Program Overview/Administrative Issues).

- 7.1. 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 posted at <https://ocio.iowa.gov/broadband>. Applicants are advised to check this website 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 Contact.
- 7.2. 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 submit an Application for the purpose of restricting competition. Doing so may result in disqualification.
- 7.3. Withdrawal of Applications.** An Application may be withdrawn by the 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.
- 7.4. Resubmission of Withdrawn Applications.** A withdrawn Application may be resubmitted by an Applicant at any time within the Application Acceptance Window in the same manner as permitted by Section 1.7.3 (Application Acceptance Window Opens) and Section 1.7.4 (Application Acceptance Window Closes/Applications Due).
- 7.5. Costs of Application Preparation.** All costs of preparing an Application are the Applicant's sole responsibility. The Office is not responsible for any costs incurred by an Applicant related to the preparation or submission of an Application or any other activities undertaken by an Applicant related in any way to this NOFA.
- 7.6. Multiple Applications.** An Applicant may submit one or more Applications for different Projects.
- 7.7. 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.
- 7.8. 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 or other interested person or party.
- 7.9. Oral Presentation.** Applicants may be requested to make an oral presentation related to their Application. The determination of any need for presentations and the location, order, and schedule of any such presentations shall be at the sole discretion of the Office. If an oral presentation is required, Applicants may clarify or elaborate on their Application, but may not substantively change, alter, or amend their original Application.
- 7.10. Restrictions on Gifts and Activities.** Iowa Code Chapter 68B contains laws that 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 that chapter to their activities, for complying with the requirements thereof, 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.
- 7.11. 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 129—22, this NOFA, and the Grant Agreement. 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 or agreed to through this NOFA process and any resulting Grant Agreement, including work performed by contractors, subcontractors, and other third parties. No contract or subcontract into which an Applicant enters and which relates to performance of any obligations hereunder and any resulting Grant Agreement will, in any way, relieve an Applicant of any responsibility for performance of



its duties or obligations with respect thereto.

- 7.12. 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 utilized or retained by an Applicant in connection with this application process or any Grant Agreement. Such information may be obtained or used in determining whether to issue a Notice of Intent to Award, including in determining whether an Applicant is a Responsible Applicant, or as a precondition to executing 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.
- 7.13. Reference Checks.** Except as otherwise prohibited by applicable law, the Office reserves the right to contact any reference(s) to verify any information contained in an Application or to discuss the Applicant's qualifications.
- 7.14. Information from Other Sources.** As part of and during the Application process, 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, or any publicly available information. Such information will be used solely as permitted by applicable law and for the purposes of judging Applications against the requirements or criteria otherwise identified in this NOFA. In addition, the Office reserves the right to consider information elicited in or supplied in response to one section of the NOFA in considering or evaluating other sections of of the NOFA or an Application, or obtained from other sources identified in or permitted by the NOFA, including but not limited to the Broadband Availability Map.
- 7.15. 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.
- 7.16. 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, the Program, 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.
- 7.17. 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 and evaluation process. Requests for clarification will be issued to the Applicant's Authorized Contact. Clarification responses shall be in 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 will be deemed part of the Application. Notwithstanding the foregoing, the Office will not consider clarifying information received from an Applicant if the information materially alters the content or substance of the Application. Failure to timely respond to or otherwise comply with a request for clarification may result in disqualification.
- 7.18. Disposition of Applications/Public Records.** All Applications 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 the public aspects of Applications to a public internet site. Further, pursuant to Iowa Code section 8B.11(3) and Iowa Administrative Code rule 129—22.5(1), following the expiration of the deadline for the receipt of Applications, the Office is required to open a period for Public Comment, including a Validation Process, in accordance with Section 1.7.6.1 (Period for Public Comment, including Validation Process). 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.

In addition, 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 Applicants' legitimate claims for confidential treatment of information or materials. As a general matter, the Office will treat all information submitted by Applicants or by other persons or parties to the Office as public, nonconfidential records unless an Applicant or other person or party requests that specific information submitted be treated as confidential at the time of submission to the Office in accordance with the following:

- 7.18.1. An Applicant or other person or party requesting confidential treatment of portions of an Application or other information submitted to the Office must:
- 7.18.1.1. Fully complete and submit to the Office a Form 22;
  - 7.18.1.2. Clearly identify in the Application the specific information within each specific section of the Application for which Applicant seeks confidential treatment;
  - 7.18.1.3. Conspicuously mark the outside of any Application and individual exhibits or attachments thereto as containing confidential information;
  - 7.18.1.4. Mark each page upon which confidential information appears; and
  - 7.18.1.5. Submit a public copy of the Application 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.
- 7.18.2. Form 22 will not be considered fully complete unless, for each confidentiality request, the Applicant or other person or party:
- 7.18.2.1. Enumerates the specific grounds in Iowa Code chapter 22 or other applicable law that support treatment of the specific information as confidential.
  - 7.18.2.2. Justifies why the specific information should be maintained in confidence;
  - 7.18.2.3. Explains why disclosure of the specific information would not be in the best interest of the public; and
  - 7.18.2.4. Sets forth the name, address, telephone number, and email 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.
- 7.18.3. Notwithstanding the foregoing, subject to applicable state, federal, and/or international laws, rules, regulations, or orders (including Iowa Code Chapter 22 and any corresponding implementing rules, regulations, or orders), the Office will treat W-9s or other tax documents provided through Iowa Grants to facilitate payment/reimbursement as confidential, and Applicants need not and **SHOULD NOT** include a request for confidential treatment for such document(s) in their Form 22.
- 7.18.4. Applicants or other persons or parties may not request confidential treatment with respect to information specifically identified by the Office in this NOFA as being non-confidential or subject to public disclosure. The Office has identified the following specific exhibits, sections, or information in this NOFA as being non-confidential and subject to public disclosure:
- 7.18.4.1. Any data or information supplied through the Project Worksheet.
  - 7.18.4.2. Any data or information supplied through the Qualitative Attributes Form.
  - 7.18.4.3. Any non-cost related data or information supplied through the Budget Plan, such as budget line-item-descriptions.
  - 7.18.4.4. Any non-cost related data or information supplied through the Outside TSA Infrastructure Worksheet.
  - 7.18.4.5. The estimated or actual Total Project Cost, including but not limited to as stated in the Budget Plan or Outside TSA Infrastructure Worksheet.
  - 7.18.4.6. Any data or information supplied in response to Section 2.2.2 (Business Organization).
- For the avoidance of doubt, Applicants may not request confidential treatment of the foregoing information.
- 7.18.5. 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. An Applicant's request for confidentiality that does not comply with the terms, conditions, or process set forth in this Section 7.18 (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.

- 7.18.6. 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 1.25 (Disposition of Applications/Public Records Law), or that otherwise result from Applicant's failure to comply with the terms, conditions, or requirements of this NOFA.
- 7.19. **Copyright.** By submitting an Application, Applicants agree and acknowledge that the Office will, subject to Section 7.18 (Disposition of Applications/Public Records Law): post the public aspects of Applications received as part of this NOFA process online as required by Iowa Code section 8B.11(3) and as is necessary to facilitate the Public Comment/Validation Processes; release, distribute, and copy Applications for the purpose of facilitating input, recommendations, and evaluation processes, or as is otherwise necessary in administering the selection and Award process; and release, distribute, and copy Applications in response to requests for public records. By submitting an Application, Applicant consents to such releases, disclosures, and copying and grants the Office and the State of Iowa a right and license to do so, warrants and represents that such release, distribution, or copying 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 ("**Indemnitee(s)**") 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 the Office, State, or any Indemnitee) directly or indirectly related to, resulting from, or arising out of any such release, distribution, or copying. In the event an Applicant copyrights or attempts to copyright its Application, the Office may reject the Application.
- 7.20. **Authority to Bind.** An individual authorized to legally bind the Applicant shall sign any and all documents requiring signature and associated with this Application process. Any such documents may be executed, scanned, and transmitted electronically. Electronic signatures shall be deemed original signatures, with such scanned and electronic signatures having the same legal effect as original signatures. Such document(s) may be accepted, executed, or agreed to through the use of an electronic signature in accordance with the Electronic Signatures in Global and National Commerce Act ("**E-Sign Act**"), Title 15, United States Code, Sections 7001 et seq., the Uniform Electronic Transaction Act, codified at Iowa Code chapter 554D ("**UETA**"), or any other applicable state law, rule, policy, standard, directive, or order. Such document(s) so accepted, executed, or agreed to in conformity with such laws, rules, policies, standards, directives, or orders will be binding on the signing party as if it were physically executed. Applicant acknowledges and agrees it will not contest the validity or enforceability of such document(s) because they were accepted, signed, or transmitted in electronic form. Applicant acknowledges and agrees that it will not contest the validity or enforceability of a signed scanned or facsimile copy of such document(s) on the basis that it lacks an original handwritten signature, or on the basis that the Parties were not signatories to the same counterpart.
- 7.21. **Waiver of Claims.** An Applicant's submission of an Application constitutes acceptance of the terms, conditions, criteria, and requirements set forth in this NOFA and operates as a waiver of any and all objections to the contents of the NOFA. By submitting an Application, an Applicant agrees that it will not bring any claim or have any cause of action against OCIO or the State of Iowa based on the terms or conditions of this NOFA or the application process.
- 7.22. **Co-signatures/Joint and Several.** In the case of a parent and a subsidiary, both the parent, and the subsidiary that will be performing the Project, will be required to co-sign any resulting Grant Agreement and shall be jointly and severally liable for

any duties, responsibilities, obligations, liabilities, or default with respect thereto.

- 7.23. Choice of Law and Forum.** All issues in any way related to this Program, 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 Program, NOFA, or any resulting Grant Agreement, including but not limited to any proceeding for judicial review commenced pursuant to Iowa Code chapter 17A, 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 Program, NOFA, or any resulting 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 or State of Iowa to serve process in any other manner permitted by law.
- 7.24. Appeal of Award Decision.** The Office will notify successful Applicants of the Office's decision by sending their Authorized Contact a copy of the NOIA, and will notify unsuccessful Applicants by posting the NOIA online at [Iowa Grants](#) and <https://ocio.iowa.gov/broadband>. 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 requirements or procedures of or in applicable law, rule, or the NOFA were not followed or were violated. In the event of an appeal, the Office will continue working with successful Applicants pending the outcome of the appeal.
- 7.25. Contingent Awards.** If, at the time an Award is made, the Office determines: (1) a particular Census Block forming the basis of a proposed Project is, in whole or in part, a Targeted Service Area subject to challenge, pursuant to procedures set forth in Iowa Administrative Code rule 129—20.5 or, (2) the Office's administration of the Award process resulting in the Award forming the basis of this Agreement is subject to challenge, pursuant to Iowa Administrative Code rule 22.5(4) and Section 7.24 (Appeal of Award Decision) of the NOFA, including any subsequent judicial review or appeal therefrom as outlined in Iowa Code sections 17A.19 and 17A.20, may, contemporaneous with the challenge process, proceed to enter into this Agreement with Grantee. Notwithstanding the foregoing or anything in this Agreement to the contrary, the aspect(s) of the Office's Award(s) that is subject to such challenge at the time of the execution of this Agreement shall be valid and enforceable only to the extent the Office's original determination or Award, as applicable, is ultimately upheld at the end of the entire appeals and contested case process once final, including judicial review and any subsequent appeal therefrom. If a Census Block is ultimately determined to not constitute a Targeted Service Area, or a portion of an Award is later deemed invalid, in whole or in part: the Grantee shall not be entitled to any grant funds or reimbursement to the extent of any such non-eligibility or invalidity; the Office may require the Grantee to amend the Agreement to reflect such result; and the Grantee will be required to reimburse the Office for any corresponding funds previously distributed by the Office.