

**AMENDMENT TO
FINANCIAL ASSISTANCE AWARD**

AWARD NUMBER
19-20-B079

CFDA NO. AND NAME

11.035 - Broadband Equity, Access, and Deployment Program

PROJECT TITLE

Empower Rural Iowa

RECIPIENT NAME

Iowa Department Management

AMENDMENT NUMBER

3

STREET ADDRESS

State Capitol BLDG, RM G13

EFFECTIVE DATE

2/12/2025

CITY, STATE ZIP

Des Moines, IA 50319-1001

**EXTEND PERIOD OF PERFORMANCE TO
(IF APPLICABLE)**

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$415,331,313.00	\$0.00	\$0.00	\$415,331,313.00
RECIPIENT SHARE OF COST	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL ESTIMATED COST	\$415,331,313.00	\$0.00	\$0.00	\$415,331,313.00

REASON(S) FOR AMENDMENT

This award agreement is hereby amended to replace the Specific Award Conditions document to remove references to the Department of Commerce Financial Assistance General Terms and Conditions, dated October 1, 2024. As indicated on the Form CD-450 for this award, the Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C) issued November 12, 2020 are incorporated by reference into this award.

ALL OTHER PREVIOUS TERMS AND CONDITIONS REMAIN IN EFFECT

This Amendment Document (Form CD-451) signed by the Grants Officer constitutes an Amendment of the above-referenced Award, which may include an obligation of Federal funding. By signing this Form CD-451, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Amendment offer and de-obligate any associated funds.

X SPECIFIC AWARD CONDITION(S)

LINE ITEM BUDGET

OTHER(S)

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

Melissa Abdullah

DATE

TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

DATE

Award Number: 19-20-B079, Amendment Number 3

Federal Program Officer: Christopher Hall

Requisition Number: BEA79A

Employer Identification Number: 420933966

UEI Number: RYDDMCDJBYM8

Recipient ID: 1913026

Requestor ID: 1913026

Award ACCS Information

Bureau Code	FCFY	Project-Task	Org Code	Obj Class	Obligation Amount
61	2025	4700001-000	06-00-0000-00-00-00-00	41-19-00-00	\$0.00

Award Contact Information

Contact Name	Contact Type	Email	Phone
Jessica Turba	Administrative	jessica.turba@dom.iowa.gov	515-321-6404

NIST Grants Officer:

Melissa Abdullah
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650

NIST Grants Specialist:

Cynthia Romanski
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975-8480

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

Clarification on Terms used in Prior Specific Award Conditions

The specific award conditions issued for the Initial Planning Funds for the BEAD Program used the term “Recipient” to refer to the Eligible Entity that received an award, and any subawardees were referenced as “Sub-Award Recipients”. These terms are henceforth being replaced by “Grantee” and “Subgrantee” respectively to better align with language used in the NOFO.

2. Grantee Contact Information:

Administrative:

Jessica Turba
Technology Sourcing Bureau Chief, Broadband Grants Administrator
Iowa Department Management
State Capitol BLDG, RM G13
Des Moines, IA 50319-1001
Telephone: 515-321-6404
Email: jessica.turba@dom.iowa.gov

Authorized Representative:

Jake Holmes
Executive Officer 3
Iowa Department Management
State Capitol BLDG, RM G13
Des Moines, IA 50319-1001
Telephone: 515-423-4787
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3. NTIA Contact Information:

Federal Program Officer:

Chris Hall
National Telecommunications and Information Administration
1401 Constitution Avenue, NW
Washington, DC 20230
Email: chall@ntia.gov

4. NIST Award Contact Information:

Grants Officer:

Melissa Abdullah
National Institute of Standards and Technology
100 Bureau Drive, Mail Stop 1650
Gaithersburg, MD 20899-1650
Email: Melissa.Abdullah@nist.gov

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Grantee: Iowa Department Management

Grants Specialist:

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National Institute of Standards and Technology
325 Broadway, MS 670
Boulder, CO 80305
Telephone: 303-497-6828
Email: Cynthia.Romanski@nist.gov

5. REVISED—Award Payments:

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

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

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

- None
- Agency Review required for all withdrawals (see explanation below)
- Agency Review required for all withdrawal requests over \$ _____ (see explanation below)
- Maximum Draw Amount controls (see explanation below)
 - \$ _____ each month
 - \$ _____ each quarter
 - \$ 10,331,131.00 Max drawdown amount of funds awarded through this amendment (*i.e.* approved IPFR funds)

Explanation:

The grantee has requested the entire allocation amount but does not currently have budget details for costs for specific project activities. These project activities in the requested amount of \$400,000,000.00 will be detailed in the Final Proposal. The grantee may not begin work, incur costs, or draw down funding associated with the Final Proposal until the requirements in Specific Award Condition #28, Final Proposal, have been met.

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

As indicated on the Form CD-450 for this award, the Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C) issued November 12, 2020 are incorporated by reference into this award. The Department’s ST&C, as well as a link to 2 CFR Part 200, are accessible at: <https://www.commerce.gov/oam/policy/financial-assistance-policy>.

11. REVISED--Department of Commerce Financial Assistance Indirect or Facilities Expenses

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NIST will reimburse the grantee for indirect or F&A expenses in accordance with 2 CFR 200.414, Section B.06 of the Department of Commerce Financial Assistance Standard Terms and Conditions, and in alignment with allowable administrative expenses subject to the two percent cap as described in SAC #24 Administrative Expenses.

Any grantee requesting indirect costs that receives more than \$35 million in direct Federal funding must submit an indirect cost rate proposal to its cognizant agency for indirect costs and may not use the de minimis indirect cost rate.

If an indirect cost rate has not been established, and NIST is identified as the cognizant agency for indirect expenses in accordance with 2 CFR 200.1, “Cognizant agency for indirect costs,” within 90 calendar days of the award start date, the grantee must electronically submit to gmdaudit@nist.gov the documentation (indirect cost rate proposal, cost allocation plan, etc.) necessary to allow NIST to perform an indirect cost rate proposal review. Organizations that have previously established indirect cost rates with NIST must submit a new indirect cost rate proposal for indirect costs within six months after the end of the organization’s fiscal year.

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

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

13. REVISED—General Terms and Conditions for the NTIA BEAD Program Funds.

The General Terms and Conditions for the BEAD Program have been revised and are incorporated by reference into this award. This specific award condition was originally titled “General Terms and Conditions for the BEAD Initial Planning Funds” and has been renamed “General Terms and Conditions for the NTIA BEAD Program Funds” to reflect its applicability to all phases of the BEAD award.

15. REVISED—Allowable Uses of BEAD Program Funding:

This SAC was titled as “Allowable Uses of Initial Planning Funds for the BEAD Program” in the initial award and is renamed and revised to account for the next phases of the program.

The purpose and allowable uses of BEAD funding vary throughout the life of the award. Different activities are allowable following the approval of the Initial Planning Funding, the Initial Proposal and the Final Proposal respectively.

Generally, the allowable uses of funds, to include non-Federal cost share contributions, for each stage of the BEAD Program may be found in the following sections of the NOFO:

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Section IV.B.2--Initial Planning Funds

Section IV.B.8--Initial Proposal Funds

Section IV.B.7.a.ii to IV.B.7.a.iii--Final Proposal Funds

The Grantee must be aware that there may be information regarding allowability in other sections of the BEAD NOFO and the grantee shall follow all NOFO requirements.

Entities that wish to request uses of funds other than those specifically addressed in the BEAD NOFO must submit such requests via email to UGAM@nist.gov for consideration by the Assistant Secretary. Work may not begin, nor costs incurred, for requested activities unless and until written approval is provided by the NIST Grants Officer.

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

18. REVISED—Period of Performance and Funding Limitations

Due to the nature of the BEAD program and its associated phases, the approved scope of work and the associated budget of each phase will evolve over the life of the award. As a result, the period of performance and funding limitations will be amended during each phase of this program. To accommodate this overall program structure, this specific award condition is revised in this amendment and may be further revised in future amendments.

The Grantee was previously awarded \$5,000,000.00 in federal funds for the initial planning phase of this award. The allowable uses of the Initial Planning Funds are generally limited to those identified in Section IV.B.2 of the BEAD NOFO and specifically limited to the activities in the Grantee's approved Initial Planning request for funding, including any revisions made during the review of that request.

This amendment obligates an additional \$10,331,313.00 in federal funds based on the Assistant Secretary's approval of the grantee's Initial Proposal. The allowable use of these funds is generally limited to those identified in Section IV.B.5 of the BEAD NOFO, and specifically limited to the activities identified by the Grantee in their Initial Proposal, including any revisions made during the review of the Initial Proposal. The Grantee is authorized to begin work on activities identified in their Initial Proposal by way of this award action.

The Grantee has also elected to request the remainder of their BEAD allocation amount as part of their Initial Proposal Funding Request. Therefore, an additional \$400,000,000.00 of funding is also being obligated by this action, but will be withheld from the Grantee in ASAP until the submission, review and approval of the Final Proposal by the Assistant Secretary. The Grantee may not begin work, incur costs or draw-down this funding until they have received written approval by the Grant Officer, by way of an award amendment, approving such activity based upon the Assistant Secretary's approval of the Final Proposal. Instructions on the submission requirements of the Final Proposal will be provided at a later date.

The period of performance for this award has been extended in conjunction with the approval of the Initial Proposal and Initial Proposal Funding Request. The new period of performance is December 1, 2022, to June 30, 2032.

21. REVISED—Federal and Non-Federal Cost Sharing Funds:

The non-Federal Cost sharing requirements are outlined in Section III.B of the BEAD NOFO.

The amount of non-federal share committed to the award is currently listed in the CD-451 under “Recipient Share of Cost” as \$0.00 because the specific amount of non-federal share cannot be calculated until the cost of deployment projects is known. The amount of non-federal share will consequently be set upon the approval of the Final Proposal and will be documented in future amendment(s) to be consistent with the 25% cost share requirement for deployment projects. Deployment projects undertaken prior to the Final Proposal must account for the required cost share absent a waiver. Changes to the approved non-federal share amount to be provided by the grantee requires prior written approval in accordance with 2 CFR § 200.308 and must also meet non-federal share requirements in the BEAD NOFO referenced above.

Non-federal share is required to be paid out at the same general rate as the federal share for the life of the award or before federal funds are expended, unless prior written approval is provided by the NIST Grants Officer based on sufficient documentation provided by the grantee demonstrating previously determined plans for or later commitment of non-federal share. In any case, the grantee and their sub-grantees must meet their non-federal share commitments under this award and failure to do so may result in the NIST Grant Officer pursuing one or more of the remedies for noncompliance outlined in 2 CFR § 200.339.

Waivers of the non-federal share requirement may be considered by the Assistant Secretary, but will only be granted in special circumstances, as outlined in Section III.B.5 of the BEAD NOFO.

22. REVISED - Change in Funded Project Participant

Any change to the Administering Entity of this award will require a revised Letter of Intent by the Governor and requires prior written approval by NTIA and the Grants Officer.

Any change to a selected deployment project subgrantee approved under this award requires prior written approval by NTIA and the Grants Officer. Any changes to the selected deployment project subgrantees with regard to both last-mile broadband deployment projects and other eligible activities must be made in compliance with the subgrantee selection requirements in the Infrastructure Act, Section IV.B.7 of the BEAD NOFO, and the process described in the Initial Proposal. The Grantee must provide an explanation of the process by which the new subgrantee was selected (consistent with the requirements cited above) and update project specific information in the format requested by NTIA.

24. REVISED—Administrative Expenses

Administrative Expenses Subject to the Two Percent Cap

The Grantee may not use more than two percent of the award amount made available to the grantee under the BEAD Program for expenses relating (directly or indirectly) to the administration of the award, in accordance with Section 60102(d)(2)(B) of the Infrastructure Act. This requirement does not apply to the planning phase of funding (Initial Planning Funds).

The two percent cap on expenses related to the administration of the award is only applied to amounts received upon approval of the Initial and Final Proposal – non-federal cost share and BEAD Initial Planning Funds do not constitute expenses relating (directly or indirectly) to the administration of the award. Expenses associated with the administration of the BEAD award may not exceed \$8,306,626.26 for the life of the award. Grantees should reference NTIA guidance for additional details on the applicability of this statutory cap to specific costs.

The grantee is required to rigorously monitor and report on their expenses associated with the administration of the award and ensure that their administrative expenses subject to the statutory cap remain at or under the two percent ceiling imposed by the Infrastructure Act. There is no waiver of this requirement available and any expenses in excess of the cap will be considered non-compliant with the terms and conditions of the award, subject to disallowance of excess expenses and all other remedies available in 2 CFR § 200.339.

25. REVISED—Restriction on Human Subjects Research Work and Expenses Incurred

Deployment projects and activities funded as administrative expenses cannot include Human Subjects Research. The following requirements apply to non-deployment activities and to initial planning fund projects. BEAD award grantees must comply with Department of Commerce (DOC) regulations relating to the protection of human subjects for all research conducted or supported pursuant to an NTIA award. The DOC regulations related to the protection of human subjects are found in 15 C.F.R. Part 27.

The BEAD Program Human Subjects Research Guidance (dated September 29, 2022) (HSR) is incorporated by reference into this specific award condition and identifies three HSR classification categories: Category 1 – Not Conducting Human Subjects Research, Category 2 – Exemption Request, and Category 3 – Human Subject Research Non-Exempt.

For non-deployment activities, and prior to disbursement of non-deployment funding, subgrantees must satisfy BEAD HSR requirements by submitting the requisite documentation to the grantee on a per-project basis no later than 45 calendar days after subgrant date. Grantees must submit BEAD HSR Requirements satisfaction details, on a per-project basis, no later than 90 calendar days after the subgrant date (via email to UGAM@nist.gov with a copy to their BEAD FPO), a letter or memorandum addressed to the Grants Officer that provides the following information:

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

For non-deployment activities conducted by the Grantee, the Grantee must submit BEAD HSR Requirements satisfaction details, on a per-project basis, no later than 90 calendar days after the allocation of funds for this purpose, which could occur at the Initial or Final Proposal stage. The documentation must be submitted via email to UGAM@nist.gov with a copy to their BEAD FPO, and must consist of a letter or memorandum addressed to the Grants Officer that provides the following information:

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

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

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

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

Sample HSR memos are available in the Human Subjects Research Guidance (dated September 29, 2022), *Guidance for Human Subjects Research Protection*.

<https://broadbandusa.ntia.doc.gov/sites/default/files/2022-08/BEAD-Planning-Grant-HSR-Guidance-Final-9-29-2022.pdf>.

26. No Duplication of Federal Funding

No federal funds may be used to duplicate costs, services, connections, facilities, or equipment that have been authorized through another federal program. Grantees must comply with deduplication requirements and project area definitions from NOFO section IV.B.7.a.ii, with special attention to footnote 52 on page 36 of the NOFO. The NIST Grants Office and NTIA reserve the right to disallow any expenses that they determine constitute duplication of federal funds or service and/or to direct the Grantee reallocate the funds to allowable activities within the project or for another project.

27. Subgrantee Selection Monitoring Meeting with NTIA

In addition to other monitoring activities throughout the course of the grant, the Grantee must meet with NTIA to review the Grantee's subgrantee selection procedures after the completion of their subgrantee selection and no later than 14 calendar days prior to notification to any provisionally selected subgrantees. The Grantee may not post the Final Proposal for public comment until NTIA has provided a letter documenting the occurrence of this meeting as part of NTIA's award monitoring. Receipt of this letter does not constitute the Assistant Secretary's approval of the results of the subgrantee selection process.

28. Final Proposal

The Grantee is required to submit a Final Proposal no later than twelve (12) months after the date of the issuance of the administration letter documenting approval of Volume 2 of the Initial Proposal as explained in Section IV.B.9.a of the NOFO. Funds requested with the Initial Proposal funding request that the Grantee will not use during the Initial Proposal period will be held until

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the approval of the Final Proposal. Approval of the Final Proposal and subsequent draw down of funds in the Final Proposal may require agreement to additional terms and conditions.

NTIA will be providing additional guidance on submission and proposal requirements over the course of that twelve (12) month period.

29. Deployment Subgrantee Award Start Dates

The Grantee is required to award all deployment subgrantee projects no later than six (6) months after the approval of the Final Proposal by NTIA. NTIA may, at its discretion, grant an extension when extenuating circumstances demonstrate that additional time will support the overall goals of the BEAD Program.

30. Monitoring and Compliance

The Grantee must comply with all monitoring and information requests from NTIA within the timeframe specified by NTIA. If the Grantee fails to comply with monitoring and information requests, NTIA may determine that the Grantee is non-compliant with award terms and conditions.

End of Specific Award Conditions