



## **REQUEST FOR PROPOSAL**

### **For: RI Rebounds Take It Outside Small Business Assistance**

As the State continues to combat and recover from the pandemic caused by COVID-19, many Rhode Island small businesses continue to face significant challenges, including those related to variants of the novel coronavirus. To support the small businesses in the state that have been negatively impacted by the COVID-19 pandemic, the Rhode Island Commerce Corporation (“Corporation”) seeks proposals from eligible proposers (“Proposers”) to receive funding under the “Take it Outside” initiative (“TIO Initiative”), a state-wide effort designed to encourage and increase outdoor activities in an effort to reduce the transmission rate of COVID-19.

In responding to this request for proposals (“RFP”), Proposers are encouraged to create, design, and offer assistance that best meets the needs of negatively impacted small businesses in communities across Rhode Island. It is anticipated that the TIO Initiative will provide approximately \$4.5 million in total awards to intermediaries to administer in-kind or reimbursement programs to encourage outdoor activities that enable small businesses to expand their outdoor capacity or outdoor operations. Existing intermediaries are eligible to reapply and seek additional funding.

This document constitutes a Request For Proposals, in a competitive format, to Proposers. Proposers to this RFP shall provide a proposal, in accordance with the terms and conditions set forth herein, to provide all or part of recovery support activities described herein. Proposers are encouraged, but not required, to collaborate with other eligible proposers and submit joint proposals in order to increase the reach of the service area, communities, or scope of services they seek to serve or provide.

Proposers are encouraged to provide a response to this RFP, providing the Corporation with proposals on how they will either (1) directly fund Eligible Expenses associated with increasing outdoor opportunities for small businesses in response to COVID-19; or (2) act as an intermediary by using the grant to purchase items that constitute Eligible Expenses to distribute to eligible small businesses to increase those entities’ outdoor capacities and to accommodate public health measures adopted in response to COVID-19 (e.g., heat lamps to enable indoor activities to be conducted outdoors).

#### **Proposers:**

Eligible Proposers include (1) nonprofit organizations, chambers of commerce, municipalities, merchant associations, arts/cultural organizations, tourism regions (“Entities”); and (2) businesses that are registered with the Rhode Island Secretary of State that conduct operations within the State of Rhode Island and are proposing to serve as intermediaries to businesses or other entities.

## **Project Background:**

Expert agencies believe that the coronavirus may linger in the air in crowded indoor spaces, spreading from one person to the next. A Japanese study of 100 cases found that the odds of catching the coronavirus is nearly 20 times higher indoors than outdoors. Outdoor gatherings lower the risk of catching the coronavirus because wind disperses viral droplets and sunlight can kill some of the virus. The Centers for Disease Control and Prevention has stated that indoor spaces are more risky than outdoor spaces where it might be harder to keep people apart and there is less ventilation.

## **Eligible Small Businesses and Assistance Amounts:**

To be eligible to receive funding or support from a selected Proposer under the Take it Outside program, a small business must (i) have less than \$1 million in annual gross revenues in either 2020 or 2021, (ii) not be disbarred in the federal System of Account Management (SAM) and (iii) demonstrate a negative impact from the COVID-19 health pandemic by attesting to one of the following: it was forced to close or curtail its operations due to the pandemic or a government order pertaining to the pandemic; it experienced a material supply chain delay or disruption that negatively impacted its operations; it experienced increased cost as a result of the pandemic, it was forced to lay off workers as a result of the pandemic, or was impacted by the pandemic in some other way. The maximum allotment of grants or assistance a small business may receive under the TIO Initiative is \$10,000.<sup>1</sup> Twenty percent of all awards must be reserved for awards to assist women and/or minority business enterprises.

Proposers who are selected for funding will be responsible for screening small businesses to ensure eligibility, compliance with caps on individual and aggregate amounts of awards, and ensuring sufficient funds are reserved for minority business enterprises in compliance with federal requirements.

Through the implementation of this program, the Corporation seeks to respond to the public health emergency, stimulate economic activity and assist small businesses that have been negatively impacted by the COVID-19 pandemic through activities that support public health adaptation for small businesses. This may include, among others: the cost of purchasing, obtaining, delivering, or installing, or otherwise enabling the use of the following: chairs, tables, heat lamps, tents, outdoor Wi-Fi systems, masks, hand sanitizer, staffing, security, insurance costs related to specific outdoor activities, lighting, power sources, relevant signage, bike racks, and other costs for purchasing or obtaining good or services that, in the Corporation's sole discretion, are deemed necessary to increase outdoor opportunities for impacted small businesses.

---

<sup>1</sup> There is a statutory cap on the amount of assistance a small business can receive of \$10,000 per program for each of the following programs: the Small Business Direct Grant Program, the Take It Outside and Ventilation Programs (collectively), and the Technical Assistance Program. There is also a \$20,000 aggregate cap that applies to the listed programs. Accordingly, a small business may not receive more than \$20,000 in the aggregate for these programs.

The Corporation seeks to utilize available funding to engage, support, or solicit Proposers in carrying out these activities. Proposers are encouraged to describe in detail any activity that will accomplish, further, or advance assisting eligible small businesses expand their outdoor activities.

### **Funding Requirements:**

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

All proposals must be eligible uses under the **American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery Funds as well as the Corporation's program parameters for the Take it Outside Program**. More information, including the Interim and Final Rule promulgated by the U.S. Treasury Department and published at:

<https://www.federalregister.gov/documents/2021/05/17/2021-10283/coronavirus-state-and-local-fiscal-recovery-funds> and FAQs from the U.S. Treasury Department published at: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

Proposers should also be familiar with the requirements under the Uniform Guidance with respect to federal grants (2 C.F.R. Part 200) inclusive of the procurement requirements applicable to subrecipients of federal grants: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

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

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

### **Project Timeline:**

Proposers should provide a timeline of their proposed activities and demonstrate how their proposal can be accomplished, including the dissemination of any funding received, on or before June 30, 2023. The following draft timeline provides for key milestones:

- March 21, 2023 - RFP Released
- April 5, 2023 2:00 PM- RFP Responses Due

**Budget:**

Proposers to this RFP shall provide a cost structure for the proposal, which may include, as applicable, fee per transactions, hourly fees and/or other fee structures deemed appropriate by a Proposer. If the Proposer contemplates any purchases or pass-through charges during the engagement, any mark-up rate above actual cost shall be identified as a separate line item in the budget. The Corporation reserves the right to adjust both the budget and related services. Proposers may not propose Indirect Administrative Costs as defined in Exhibit B. Proposers may include reasonable Direct Administrative Costs as defined in Exhibit B. The costs must be directly identified to the advancement of any of the recovery supports, separately accounted for, and assigned to such activities relatively easily and with a high degree of accuracy. Under no circumstances will the Corporation consider any Direct Administrative costs more than 10 percent of the total cost of proposals.

The proposed activity for intermediaries of this program shall range from \$50,000 to \$200,000 per Proposer. It is anticipated that most awards will be under \$150,000. The maximum assistance per small business is \$10,000 as discussed above in more detail.

**Reporting:**

Technical assistance will be provided to selected proposers through the provision of reporting templates and one-on-one staff time to ensure reporting is streamlined and able to be performed by any funding recipients. Proposers should be prepared to submit reports at regular intervals in relation to the program.

**Proposal Requirements:**

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

1. Description of the proposed approach and work plan. Activities and timelines should be specific, measurable, achievable, realistic, and time-oriented. Include (1) a timeline of major tasks and milestones; (2) a description of activities to be accomplished; and (3) a description of how this will benefit those businesses negatively impacted by COVID-19.
2. Person who will be the primary point of contact with the Rhode Island Commerce Corporation.
3. Qualifications of the Proposer to accomplish the proposal including capability, capacity, similarly complex projects and related experience and client references. Certification of availability of individuals in proposal.
4. A listing of the staff to be assigned to this engagement and their respective qualifications, past experience on engagements of this scope including resumes, and their role in those past engagements.

5. A description of the outcome monitoring and evaluation plan including a list of tools to track process, output, and outcome measures for each component of the application, as applicable. Provide as much details and specificity for outcome metrics as possible.
6. Compliance approach. Please describe the proposed approach to tracking above-listed small business eligibility requirements for the program, including negative impact due to COVID-19 and the federal ARPA compliance requirements. This must also include explanation of how the Proposer will comply with federal procurement rules.
7. Detailed operational and fraud mitigation plan. Please describe the process the Proposer will use to operationalize the proposed programming, inclusive of efforts to detect and mitigate fraud.
8. Discussion of how proposals will support minority-business enterprises and women-owned business enterprises.
9. This program is being supported, in whole or in part, by federal award number SLFRP0136 awarded to the State of Rhode Island by the U.S. Department of the Treasury.

The Corporation reserves the right to request modifications to and/or engage in underwriting of all proposals prior to review or ultimate scoring in response to funding compliance measures or other operational concerns.

**Criteria for Selection:**

Those responsive proposals for this RFP that are determined to be responsive will be further evaluated according to the criteria outlined below.

	<b>Points</b>
<p><b>OVERALL EXPERIENCE OF ENTITY &amp; DEMONSTRATED RESULTS</b> Our evaluation will include an assessment of the history of your organization, your experience as it relates to the requirements within this RFP, evidence of past performance, quality and relevance of past work, references, and related items.</p>	15
<p><b>POTENTIAL ECONOMIC IMPACT</b> Our evaluation will include an assessment of the short and long-term potential impact of the proposed program or initiative.</p>	15
<p><b>STRATEGIC APPROACH &amp; NEED</b> Our evaluation will include an assessment of the overall approach and strategy described/outlined in the proposal, including demonstration of need for proposed effort. Our evaluation will include an assessment of the businesses and/or other entities to be supported by the Proposal. Specific consideration will be paid to proposals that support minority-business enterprises, women-business enterprises, and veteran-business enterprises, as well as those located in qualified census tracts.</p>	25

<b>ABILITY TO EXECUTE PROPOSED APPROACH</b> Our evaluation will include an assessment of the Proposer capacity to perform the engagement within the specified timeframe (prior experience of the Proposer in meeting timelines will be factored in here) as well as implementation plan of the Proposer	25
<b>BUDGET APPROACH/COST EFFECTIVENESS</b> Our evaluation will include an assessment of the Proposal’s demonstration of effective and efficient delivery of quality services is demonstrated in relation to the budget allocation. Evaluation will also examine the extent to which proposals minimize administrative costs and maximizes budget allocation to small businesses. The allocation is reasonable and appropriate and all expenses are eligible under American Rescue Plan Act. The evaluation will also look at the extent the proposal maximizes the benefits to small businesses while minimizing direct administrative costs.	20
Total	100
MBE/WBE/DisBE Participation (additional potential points)	6 pts

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

1. ISBE Participation Evaluation (see below for scoring)

- a. The Rhode Island Commerce Corporation encourages MBE/WBE/DisBE participation in this Request. In accordance with Title 37, Chapter 14.1, and Title 37, Chapter 2.2 of the Rhode Island General laws, the Corporation reserves the right to apply additional consideration to MBE/WBE/DisBE up to six (6) additional points in the scoring evaluation as provided below:
- b. Calculation of ISBE Participation Rate
  - i. ISBE Participation Rate for Non-ISBE Vendors. The ISBE participation rate for nonISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of non-ISBE vendor’s total contract price that will be subcontracted to ISBEs by the non-ISBE vendor’s total contract price. For example, if the non-ISBE’s total contract price is \$100,000.00 and it subcontracts a total of \$12,000.00 to ISBEs, the non-ISBE’s ISBE participation rate would be 12%.
  - ii. ISBE Participation Rate for ISBE Vendors. The ISBE participation rate for ISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of the ISBE vendor’s total contract price that will be subcontracted to ISBEs and the amount that will be self-performed by the ISBE vendor by the ISBE vendor’s total contract price. For example,

if the ISBE vendor's total contract price is \$100,000.00 and it subcontracts a total of \$12,000.00 to ISBEs and will perform a total of \$8,000.00 of the work itself, the ISBE vendor's ISBE participation rate would be 20%.

c. Points for ISBE Participation Rate:

- i. The vendor with the highest ISBE participation rate shall receive the maximum ISBE participation points. All other vendors shall receive ISBE participation points by applying the following formula:

(Vendor's ISBE participation rate ÷ Highest ISBE participation rate X Maximum ISBE participation points)

For example, assuming the weight given by the RFP to ISBE participation is 6 points, if Vendor A has the highest ISBE participation rate at 20% and Vendor B's ISBE participation rate is 12%, Vendor A will receive the maximum 6 points and Vendor B will receive  $(12\% \div 20\%) \times 6$  which equals 3.6 points.

See Appendix A for information and the MBE, WBE, and/or Disability Business Enterprise Participation Plan form(s). Bidders are required to complete, sign and submit these forms with their overall proposal in a sealed envelope. Please complete separate forms for each MBE, WBE and/or Disability Business Enterprise subcontractor/supplier to be utilized on the solicitation

### **Instructions and Notifications to Proposers**

1. Potential Proposers are advised to review all sections of this RFP carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.
2. Alternative approaches and/or methodologies to accomplish the desired or intended results of this procurement are solicited. However, proposals that depart from or materially alter the terms, requirements, or scope of work defined by this RFP will be rejected as being non-responsive.
3. All costs associated with developing or submitting a proposal in response to this RFP, or to provide oral or written clarification of its content, shall be borne by the proposer. The Corporation assumes no responsibility for such costs.
4. Proposals are considered to be irrevocable for a period of not less than 120 days following the date set for submission of proposals.
5. All pricing submitted will be considered to be firm and fixed unless otherwise indicated herein.
6. Proposals misdirected to other locations, or that are otherwise not present at the Rhode Island Commerce Corporation by the submission deadline for any cause will be determined to be late and will not be considered. For the purposes of this requirement, the official time

and date shall be that of the time clock in the reception area of the Rhode Island Commerce Corporation.

7. All proposals should identify the proposed team of professionals, including those employed by subcontractors, if any, along with respective areas of expertise and relevant credentials. Proposer should also provide a delineation of the portion of the scope of work for which each of these professionals will be responsible.
8. All proposals should include the proposer's FEIN or Social Security number as evidenced by a W9, downloadable from <https://www.irs.gov/pub/irs-pdf/fw9.pdf>.
9. All proposals should include a completed RFP Response Certification Cover Form, included in this document.
10. The purchase of services under an award made pursuant to this RFP will be contingent on the availability of funds and made at the discretion of the Corporation.
11. Awarding this RFP is based on the Evaluation Criteria set forth in this RFP. Proposers are advised, however, that all materials and ideas submitted as part of this proposal and during the performance of any award shall be the property of and owned by the Corporation, which may use any such materials and ideas.
12. Interested parties are instructed to peruse the Corporation's website ([www.commerceri.com](http://www.commerceri.com)) on a regular basis, as additional information relating to this solicitation may be released in the form of an addendum to this RFP. Addenda will also be posted to the Rhode Island State Division of Purchases' website at [www.purchasing.ri.gov](http://www.purchasing.ri.gov).
13. Equal Employment Opportunity (R.I. Gen. Laws § 28-5.1-1, et seq.) – § 28-5.1-1 Declaration of policy – (a) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities, and in the classified, unclassified, and non-classified services of state employment. This policy applies to all areas where State dollars are spent, in employment, public services, grants and financial assistance, and in state licensing and regulation.
14. In accordance with Title 7, Chapter 1.2 of the General Laws of Rhode Island, no corporation organized under the laws of another state or country shall have the right to transact business in Rhode Island until it shall have procured a Certificate of Authority to do so from the Rhode Island Secretary of State (401-222-3040). This is a requirement only of the successful bidder.
15. The proposer should be aware of the State's Minority Business Enterprise (MBE) requirements, which address the State's goal of ten percent (10%) participation by MBE's in all procurements. For further information, visit the website [www.mbe.ri.gov](http://www.mbe.ri.gov).

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

### **Proposal Submission**

Responses to this RFP are due no later than April 5, 2023 at 4:00 p.m. One (1) electronic (PDF) version must be emailed by that time to [Kara.Kunst@commerce.ri.gov](mailto:Kara.Kunst@commerce.ri.gov). In addition, one hard copy of the complete proposal must be received by the Corporation at the address below by 4:00 pm on April 5, 2023:

Rhode Island Commerce Corporation  
Attention: RI Rebounds Take It Outside RFP  
315 Iron Horse Way, Suite 101  
Providence, RI 02908

Questions, interpretations, or clarifications concerning this RFP should be directed by e-mail to [Kara.Kunst@commerce.ri.gov](mailto:Kara.Kunst@commerce.ri.gov) no later than 5:00 pm on March 27, 2023. All e-mails should include “Take It Outside RFP Question” in the subject line. Responses to questions, interpretations, or clarifications concerning this RFP will be posted online via addendum at [www.commerceri.com](http://www.commerceri.com) and [www.ridop.ri.gov](http://www.ridop.ri.gov) on March 29, 2023 to ensure equal awareness of important facts and details.

*The Rhode Island Commerce Corporation reserves the right to terminate this solicitation prior to entering into any agreement with any qualified firm pursuant to this Request for Proposal, and by responding hereto, no firms are vested with any rights in any way whatsoever.*

*Rhode Island Commerce Corporation reserves the right to reject any or all proposals for not complying with the terms of this RFP.*

## APPENDIX A

### **PROPOSER ISBE RESPONSIBILITIES AND MBE, WBE, AND/OR DISABILITY BUSINESS ENTERPRISE PARTICIPATION FORM**

#### **A. Proposer's ISBE Responsibilities (from 150-RICR-90-10-1.7.E)**

1. Proposal of ISBE Participation Rate. Unless otherwise indicated in the RFP, a Proposer must submit its proposed ISBE Participation Rate in a sealed envelope or via sealed electronic submission at the time it submits its proposed total contract price. The Proposer shall be responsible for completing and submitting all standard forms adopted pursuant to 105-RICR-90-10-1.9 and submitting all substantiating documentation as reasonably requested by either the Using Agency's MBE/WBE Coordinator, Division, ODEO, or Governor's Commission on Disabilities including but not limited to the names and contact information of all proposed subcontractors and the dollar amounts that correspond with each proposed subcontract.
2. Failure to Submit ISBE Participation Rate. Any Proposer that fails to submit a proposed ISBE Participation Rate or any requested substantiating documentation in a timely manner shall receive zero (0) ISBE participation points.
3. Execution of Proposed ISBE Participation Rate. Proposers shall be evaluated and scored based on the amounts and rates submitted in their proposals. If awarded the contract, Proposers shall be required to achieve their proposed ISBE Participation Rates. During the life of the contract, the Proposer shall be responsible for submitting all substantiating documentation as reasonably requested by the Using Agency's MBE/WBE Coordinator, Division, ODEO, or Governor's Commission on Disabilities including but not limited to copies of purchase orders, subcontracts, and cancelled checks.
4. Change Orders. If during the life of the contract, a change order is issued by the Division, the Proposer shall notify the ODEO of the change as soon as reasonably possible. Proposers are required to achieve their proposed ISBE Participation Rates on any change order amounts.
5. Notice of Change to Proposed ISBE Participation Rate. If during the life of the contract, the Proposer becomes aware that it will be unable to achieve its proposed ISBE Participation Rate, it must notify the Division and ODEO as soon as reasonably possible. The Division, in consultation with ODEO and Governor's Commission on Disabilities, and the Proposer may agree to a modified ISBE Participation Rate provided that the change in circumstances was beyond the control of the Proposer or the direct result of an unanticipated reduction in the overall total project cost.

#### **B. MBE, WBE, AND/OR Disability Business Enterprise Participation Plan Form:**

Attached is the MBE, WBE, and/or Disability Business Enterprise Participation Plan form. Bidders are required to complete, sign and submit with their overall proposal in a sealed envelope. Please

complete separate forms for each MBE, WBE and/or Disability Business Enterprise subcontractor/supplier to be utilized on the solicitation.

**MBE, WBE, and/or DISABILITY BUSINESS ENTERPRISE PARTICIPATION PLAN**

Bidder's Name:

Bidder's Address:

Point of Contact:

Telephone:

Email:

Solicitation No.:

Project Name:

This form is intended to capture commitments between the prime contractor/vendor and MBE/WBE and/or Disability Business Enterprise subcontractors and suppliers, including a description of the work to be performed and the percentage of the work as submitted to the prime contractor/vendor. Please note that all MBE/WBE subcontractors/suppliers must be certified by the Office of Diversity, Equity and Opportunity MBE Compliance Office and all Disability Business Enterprises must be certified by the Governor's Commission on Disabilities at time of bid, and that MBE/WBE and Disability Business Enterprise subcontractors must self-perform 100% of the work or subcontract to another RI certified MBE in order to receive participation credit. Vendors may count 60% of expenditures for materials and supplies obtained from an MBE certified as a regular dealer/supplier, and 100% of such expenditures obtained from an MBE certified as a manufacturer. This form must be completed in its entirety and submitted at time of bid. **Please complete separate forms for each MBE/WBE or Disability Business Enterprise subcontractor/supplier to be utilized on the solicitation.**

Name of Subcontractor/Supplier:

Type of RI Certification:     MBE     WBE     Disability Business Enterprise

Address:

Point of Contact:

Telephone:

Email:

Detailed Description of Work To Be Performed by Subcontractor or Materials to be Supplied by Supplier:

Total Contract Value (\$):

Subcontract Value (\$):

ISBE Participation Rate (%):

Anticipated Date of Performance:

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

**Prime Contractor/Vendor Signature**

**Title**

**Date**

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

## RFP/RFQ RESPONSE CERTIFICATION COVER FORM

**Instruction: To fulfill your RFP/RFQ response, this form must be completed, printed, signed and included with your submission.**

### SECTION 1 - RESPONDENT INFORMATION

**RFP/RFQ Number:**

**RFP/RFQ Title:**

**RFP/RFQ Respondent Name:**

**Address:**

**Telephone:**

**Fax:**

**Contact Name:**

**Contact Title:**

**Contact Email:**

### SECTION 2 —DISCLOSURES

**RFP/RFQ Respondents must respond to every statement. RFP/RFQ Responses submitted without a complete response may be deemed nonresponsive.**

*Indicate "Y" (Yes) or "N" (No) for Disclosures 1-4, and if "Yes," provide details below*

\_\_\_\_ 1. State whether the Respondent, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Respondent or any parent, subsidiary, or affiliate has been subject to suspension or debarment by any federal, state, or municipal governmental authority, or the subject of criminal prosecution, or convicted of a criminal offense within the previous 5 years. If "Yes," provide details below.

\_\_\_\_ 2. State whether the Respondent, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Respondent or any parent, subsidiary, or affiliate has had any contracts with a federal, state, or municipal governmental authority terminated for any reason within the previous 5 years. If "Yes," provide details below.

\_\_\_\_ 3. State whether the Respondent, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Respondent or any parent, subsidiary, or affiliate has been fined more than \$5000 for violation(s) of any Rhode Island environmental law(s) by the Rhode Island Department of Environmental Management within the previous 5 years. If "Yes," provide details below.

\_\_\_\_ 4. State whether any officer, director, manager, stockholder, member, partner, or other owner or principal of the Respondent is serving or has served within the past two calendar years as either an appointed or elected official of any state governmental authority or quasi-public corporation, including without limitation, any entity created as a legislative body or public or state agency by the general assembly or constitution of this state.

*Disclosure details (continue on additional sheets if necessary):*

## SECTION 3 —OWNERSHIP DISCLOSURE

**Respondents must provide all relevant information. Respondent proposals submitted without a complete response may be deemed nonresponsive.**

If the Respondent is publicly held, the Respondent may provide owner information about only those stockholders, members, partners, or other owners that hold at least 10% of the record or beneficial equity interests of the Respondent; otherwise, complete ownership disclosure is required.

List each officer, director, manager, stockholder, member, partner, or other owner or principle of the Respondent, and each intermediate parent company and the ultimate parent company of the Respondent. For each individual, provide his or her name, business address, principal occupation, position with the Respondent, and the percentage of ownership, if any, he or she holds in the Respondent, and each intermediate parent company and the ultimate parent company of the Respondent.

## SECTION 4 —CERTIFICATIONS

**Respondents must respond to every statement. Responses submitted without a complete response may be deemed nonresponsive.**

*Indicate "Y" (Yes) or "N" (No), and if "No," provide details below.*

### THE RESPONDENT CERTIFIES THAT:

\_\_\_ 1. The Respondent will immediately disclose, in writing, to the Rhode Island Commerce Corporation any potential conflict of interest which may occur during the term of any contract awarded pursuant to this solicitation.

\_\_\_ 2. The Respondent possesses all licenses and anyone who will perform any work will possess all licenses required by applicable federal, state, and local law necessary to perform the requirements of any contract awarded pursuant to this solicitation and will maintain all required licenses during the term of any contract awarded pursuant to this solicitation. In the event that any required license shall lapse or be restricted or suspended, the Respondent shall immediately notify the Rhode Island Commerce Corporation in writing.

\_\_\_ 3. The Respondent will maintain all required insurance during the term of any contract pursuant to this solicitation. In the event that any required insurance shall lapse or be canceled, the Respondent will immediately notify the Rhode Island Commerce Corporation in writing.

\_\_\_ 4. The Respondent understands that falsification of any information in its RFP/RFQ response or failure to notify the Rhode Island Commerce Corporation of any changes in any disclosures or certifications in this Respondent Certification may be grounds for suspension, debarment, and/or prosecution for fraud.

\_\_\_ 5. The Respondent has not paid and will not pay any bonus, commission, fee, gratuity, or other remuneration to any employee or official of the Rhode Island Commerce Corporation or the State of Rhode Island or any subdivision of the State of Rhode Island or other governmental authority for the purpose of obtaining an award of a contract pursuant to this solicitation. The Respondent further certifies that no bonus, commission, fee, gratuity, or other remuneration has been or will be received from any third party or paid to any third party contingent on the award of a contract pursuant to this solicitation.

\_\_\_ 6. This RFP/RFQ response is not a collusive RFP/RFQ response. Neither the Respondent, nor any of its owners, stockholders, members, partners, principals, directors, managers, officers, employees, or agents has in any way colluded, conspired, or agreed, directly or indirectly, with any other Respondent or person to submit a collusive response to the solicitation or to refrain from submitting response to the solicitation, or has in any manner, directly or indirectly, sought by agreement or collusion or other communication with any other Respondent or person to fix the price or prices in the response or the response of any other Respondent, or to fix any overhead, profit, or cost component of the price in the response or the response of any other Respondent, or to secure through any collusion, conspiracy, or unlawful agreement any advantage against the Rhode Island Commerce Corporation or the State of Rhode Island or any person with an interest in the contract awarded pursuant to this solicitation. The price in the response is fair and proper and is not tainted by any collusion, conspiracy, or unlawful agreement on the part of the Respondent, its owners, stockholders, members, partners, principals, directors, managers, officers, employees, or agents.

\_\_\_ 7. The Respondent: (i) is not identified on the General Treasurer's list created pursuant to R.I. Gen. Laws § 37-2.5-3 as a person or entity engaging in investment activities in Iran described in § 37-2.5-2(b); and (ii) is not engaging in any such investment activities in Iran.

\_\_\_ 8. The Respondent will comply with all of the laws that are incorporated into and/or applicable to any contract with the Rhode Island Commerce Corporation.

*Certification details (continue on additional sheet if necessary):*

**Submission by the Respondent of a response pursuant to this solicitation constitutes an offer to contract with the Rhode Island Commerce Corporation on the terms and conditions contained in this solicitation and the response. The Respondent certifies that: (1) the Respondent has reviewed this solicitation and agrees to comply with its terms and conditions; (2) the response is based on this solicitation; and (3) the information submitted in the response (including this Respondent Certification Cover Form) is accurate and complete. The Respondent acknowledges that the terms and conditions of this solicitation and the response will be incorporated into any contract awarded to the Respondent pursuant to this solicitation and the response. The person signing below represents, under penalty of perjury, that he or she is fully informed regarding the preparation and contents of this response and has been duly authorized to execute and submit this response on behalf of the Respondent.**

**RESPONDENT**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
Name of Respondent

\_\_\_\_\_  
Signature in ink

\_\_\_\_\_  
Printed name and title of person signing on behalf of Respondent

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

1. Use of Funds.
  - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 602(c) of the Social Security Act (the Act) and Treasury's regulations implementing that section and guidance.
  - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
  
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
  
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
  
4. Maintenance of and Access to Records
  - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 602(c), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
  - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
  - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
  
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
  
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
  
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
  
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy

is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 602 of the Act, regulations adopted by Treasury pursuant to section 602(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
  - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
  - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
  - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
  - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury’s implementing regulation at 31 C.F.R. Part 19.
  - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
  - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
  - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
  - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
  - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
  - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
  - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
  - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
  - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient’s noncompliance with section 602 of the Act, other applicable laws, Treasury’s implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 602(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 602(e) of the Act and any additional payments may be subject to withholding as provided in sections 602(b)(6)(A)(ii)(III) of the Act, as applicable.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: “This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury.”

14. Debts Owed the Federal Government.

- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to sections 602(e) and 603(b)(2)(D) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
- b. Any debts determined to be owed the federal government must be paid promptly by Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

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

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
  - i. A member of Congress or a representative of a committee of Congress;
  - ii. An Inspector General;
  - iii. The Government Accountability Office;
  - iv. A Treasury employee responsible for contract or grant oversight or management;
  - v. An authorized official of the Department of Justice or other law enforcement agency;
  - vi. A court or grand jury; or

- vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
  - c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
  
- 17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
- 18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

Exhibit B



# PANDEMIC RECOVERY OFFICE

One Capitol Hill, 4th Floor  
Providence, RI 02908-5890

Office: (401) 222-2280

*Paul L. Dion, Ph.D.*

*Director*

## **Pandemic Recovery Office: SFRF INDIRECT ADMINISTRATIVE COSTS**

Date of Last Revision: February 2022

### **1. Purpose**

The purpose of this State Fiscal Recovery Fund Indirect Administrative Costs Policy ("Policy") is to provide guidance for the application of indirect cost rates and administrative costs to State Fiscal Recovery Fund ("SFRF") Awards. The intent of the Policy is to provide program or fiscal managers guidance on the applicability of indirect administrative cost recovery.

### **2. Applicability**

This policy applies to all SFRF Awards.

### **3. Definitions**

**Direct Administrative Cost** means any expense or cost that can be specifically attributed to a particular project, program, or activity, or that can be directly and unequivocally assigned to such activities with a high degree of accuracy. SFRF Direct Costs include, but are not limited to travel, equipment, supplies, goods, and services directly benefiting the award-supported project or activity. Staff that can be directly and unequivocally assigned to a particular SFRF project, program, or activity with a high degree of accuracy may be included as a direct cost.

**Indirect Administrative Cost** means necessary costs incurred by a recipient for administration, facilitation, and/or oversight of a common or joint purpose benefiting more than one cost objective, and not readily assignable to the cost objectives specifically benefited. For example, facilities operation and maintenance costs, depreciation, and administrative overhead expenses are examples of costs that usually are treated as indirect costs.

**Indirect Cost Rate** means an administrative cost percentage applied to invoices.

**SFRF Award** means funding from the SFRF established under the American Rescue Plan Act (ARPA) that a State Agency has been authorized to spend.

**State Agency** means any state agency, office, department, division, commission, board, council, or other entity of the State.

**Subaward** means an Award of federal funds provided by a State Agency to a Subrecipient for the Subrecipient to carry out in whole or in part a SFRF funded



## PANDEMIC RECOVERY OFFICE

One Capitol Hill, 4th Floor  
Providence, RI 02908-5890

Office: (401) 222-2280

*Paul L. Dion, Ph.D.*

*Director*

program. It does not include payments to a contractor for goods and services or to an individual that is a beneficiary of a program. For further explanation of a Subaward, consult the definition in the Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2. CF.R. § 200 *et seq.*

**Subrecipient** means an entity that receives a Subaward from a State Agency to carry out in whole or in part a SFRF funded program but does not include an individual that is a beneficiary of such program.

#### 4. Policy

- A. **State Agencies.** State Agencies may not charge Indirect Administrative Costs to SFRF Awards. State Agencies may charge Direct Administrative Costs that represent an increase over previously budgeted amounts and are limited to what is necessary.
- B. **Subrecipients.** Subrecipients may not charge Indirect Administrative Costs to SFRF Awards or Subawards. However, subrecipients may request that the Pandemic Recovery Office allow Indirect Administrative Costs to be charged to SFRF projects. Such costs can only be charged with prior written approval of the Pandemic Recovery Office.

#### 5. Signature

A handwritten signature in blue ink that reads "Paul L. Dion".

**Director, Pandemic Recovery Office**

**Date:** February 7, 2022