



**REQUEST FOR PROPOSALS
RFP #: RFP-2339**

For: Broadband Infrastructure Projects

The Rhode Island Commerce Corporation (“Corporation”), in collaboration with the RI Department of Business Regulation, seeks proposals from Eligible Entities to receive funding to design, and build broadband infrastructure projects (“Projects”) in Project Areas in alignment with the US Department of the Treasury’s (“Treasury”) Guidance for the Coronavirus Capital Projects Fund (“CPF”) and Rhode Island’s Broadband Infrastructure Projects Program Plan (“Plan”). Proposers should familiarize themselves with the Plan. The CPF funds for Projects augment the BEAD program. Combined, CPF and BEAD funds seek to establish universal, affordable, last-mile broadband availability for all Rhode Island residences and businesses.

This document constitutes an RFP, in a competitive format, from Proposers. This request is an offer by the Corporation to underwrite, in accordance with the terms and conditions of this RFP, the Broadband Infrastructure Project(s) proposed by the successful Proposer(s), by contract.

1. Definitions:

The terms below, as used throughout this RFP, have the meanings prescribed to them as follows:

- a. “ARPA” means the American Rescue Plan Act.
- b. “BAC” means the State’s Broadband Advisory Council.
- c. “BEAD” means Broadband, Equity, Access and Deployment program.
- d. “Broadband Serviceable Location” means a business or residential location in the United States at which fixed broadband Internet access service is, or can be, installed.
- e. “BSLs” means Broadband Serviceable Locations.
- f. “ConnectRI Program” means the combined CPF Broadband Infrastructure Projects Program, BEAD Broadband Infrastructure Projects and the NTIA’s Digital Equity Act Projects.
- g. “Corporation” means the Rhode Island Commerce Corporation.
- h. “CPF” means Coronavirus Capital Projects Fund.
- i. “CPF Guidance” means Treasury’s Guidance for the CPF for States, Territories and Freely Associated States, available [here](#).
- j. “Eligible Entities” means the entities set forth in Section 3(a) of this RFP.
- k. “Eligible Locations” are applicable BSLs as identified in **Exhibit B**.
- l. “End-to-end Fiber” means a network of telecommunications infrastructure that delivers broadband connectivity using optical fiber cables (and related active and passive equipment) exclusively for the entire communication pathway, from the originating point (headend or central office) to the Broadband Serviceable Location, without

- intermediate conversions to other transmission mediums like copper, coaxial cable, or wireless technologies.
- m. “FATC” means the Federal Award Terms and Conditions, attached hereto as **Exhibit A**.
 - n. “Final Rule” means the final rule promulgated by Treasury for APRA, available [here](#).
 - o. “Gbps” means gigabits-per-second.
 - p. “Mbps” means megabits-per-second.
 - q. “NTIA” means the National Telecommunications and Information Administration.
 - r. “Plan” means the CPF Broadband Infrastructure Projects Program Plan, a copy of which is attached to this RFP as **Exhibit C**.
 - s. “Program” means the CPF Broadband Infrastructure Projects Program.
 - t. “Projects” means broadband infrastructure projects that are eligible under CPF.
 - u. “Project Areas” means a specific geographical region set forth in Section 5 and the Eligible Locations set forth in **Exhibit B**.
 - v. “Proposer(s)” means Eligible Entities that submit a proposal to this RFP.
 - w. “RFP” means request for proposals.
 - x. “State” means the State of Rhode Island.
 - y. “Treasury” means the United States Department of the Treasury.
 - z. “Uniform Guidance” means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), inclusive of the procurement requirements applicable to subrecipients of federal grants, available [here](#).

2. Funding Requirements:

This project is being supported, in whole or in part, by federal award number CPFFN00169 awarded to the State of Rhode Island by Treasury.

All proposals must be eligible uses under the ARPA, Capital Projects Funds, the CPF Guidance, CPF Supplemental Guidance, and the Corporation’s Plan.

FAQs from Treasury are published [here](#).

Proposers should also be familiar with the requirements under the Uniform Guidance.

Proposers must comply with the FATC, the Final Rule, and the Uniform Guidance, among other requirements.

Any proposal to promote, accomplish, carry out, or fulfill the Plan is limited by eligible uses under the ARPA. 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 ARPA requirements as well as requirements imposed by the State and/or the Corporation. Under ARPA Final Rule effective April 1, 2022, 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)) (<https://www.sam.gov>) as well as a UEI number.

3. Eligible Entities, Eligible Costs and Ineligible Costs.

a. Eligible Entities.

Eligible Entities include private entities, local governments, co-operatives, multiparty entities comprised of a combination of public entity members or private entity members including collaborative public private partnerships; all as set forth below.

- A. Eligible private entities include: 1) Corporations, limited liability companies, general partnerships, or limited partnerships; or 2) Co-operatives, non-profits, internet service providers, electric utilities, and other entities that build or operate broadband networks.
- B. Local governments include: All parties owned, operated by, or affiliated with local governments in Rhode Island. If the local government is also acting as a network operator, the Corporation expects Proposers to have the appropriate financial, technical, and operational resources and expertise to operate broadband networks on a long-term, sustainable basis.
- C. Partnership proposals: Proposer(s) can be partnerships between private entities, public entities, or public private partnerships. Partnerships should be clearly described in the Proposer's Project narrative and include detailed roles and responsibilities of each partner.

b. Eligible Costs.

The Corporation will reimburse all eligible costs incurred after the execution of a Subaward up to the maximum project cost described therein. The selected Proposer(s) will be responsible for any cost-over-runs for any Project. Costs must be directly related to the upfront investment associated with installing and/or upgrading existing broadband facilities in the proposed Project Area(s) on a one-time, capital improvement basis. Eligible costs include:

- Make ready
- Design and engineering
- Permitting and regulatory compliance, including environmental, historical, and cultural reviews, building, and electrical
- Network equipment, fiber/cabling, facilities and materials
- Construction and installation
- Qualifying Long Drop, Non-Standard Customer Installation costs
- Qualifying Overbuild costs
- Leases for terms longer than one year of facilities required to provide eligible broadband service, including IRU agreements and capital leases
- Personnel costs including salaries and fringe benefits for staff required for carrying out the project
- Costs associated with monitoring and reporting requirements in compliance with Rhode Island and Treasury reporting requirements, including award closeout costs

c. Ineligible Costs.

Ineligible costs include, but are not limited to:

- Acquisition of spectrum licenses

- Operating expenses (including salaries of staff operating the capital project once completed)
- Short-term operation leases
- Payment of interest or principal on outstanding debt instruments
- Fees associated with the issuance of new debt
- Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding
- Support or opposition of collective bargaining
- Program grant application preparation costs
- Expenses incurred prior to the execution of the grant agreement
- Facilities that are needed to deliver last-mile broadband service to Eligible Locations and incidentally pass ineligible locations are reimbursable, but expenditures solely to benefit ineligible locations are not reimbursable
- Customer drops, installations, and equipment at ineligible locations are not eligible for reimbursement
- Indirect costs, including program administrators and grants management

Costs that appear excessive and/or without justification and costs not considered eligible will not be reimbursed.

4. Project Overview

The State has the opportunity to capitalize on its small geographic size, population density, flat terrain, and middle-mile fiber infrastructure to expand broadband access to its unserved locations, underserved locations, and covered populations.¹ Along with the CPF funds, the State anticipates receiving \$108.7 million from the BEAD program for investments in last-mile broadband infrastructure and gigabit access for Community Anchor Institutions. The Corporation seeks to use CPF and BEAD funds to provide access to affordable, high-speed internet for all Rhode Islanders through the combined ConnectRI Program. This Program is expected to encourage job creation, capital investment, and the strengthening and diversification of local economies. Project Areas for the Program were determined in accordance with the Plan and described in more detail in the Scope of Work and Exhibit B below.

Treasury awarded the State \$112.3 million as part of the American Rescue Plan Act’s CPF (“ARPA CPF”). The State’s General Assembly allocated \$24,956,500 from the ARPA CPF award to administer the Program, to be led by the Corporation as part of its ConnectRI Program. On May 21, Treasury approved Rhode Island’s Plan to support Projects in 3 Project Areas.

As adopted by the BAC, the State has set a goal for broadband access of:

Leverage a best-in-class, resilient, sustainable, and scalable
broadband infrastructure to propel the state’s 21st century

¹ Unserved refers to locations without reliable access to 25/3 Mbps; underserved refers to locations without reliable access to 100/20 Mbps; and covered populations refers to those who are one of the following groups: low-income households, racial and ethnic minorities, aging populations, people with disabilities, English language learners, incarcerated individuals, people who live in rural areas, and veterans.

economic, education, healthcare, civic and social engagement, as well as quality of life, by ensuring all Rhode Islanders have access to affordable, accessible high-speed internet in their homes, at their places of employment, and at public facilities by December 31, 2027.²

CPF funds will be used to support Projects in Project Areas and will achieve the following outcomes:

1. Improve speed, resilience, and latency of current last-mile networks by ensuring such networks can support 100/100 Mbps average real speeds for all users, and is scalable to 1/1 Gbps, with a latency equal to or less than 100 milliseconds. If it is determined to be impracticable for a Project to deliver services at 100/100 Mbps due to geography, topography, or excessive cost, the proposed Project must be designed so that it reliably meets or exceeds 100/20 Mbps and is scalable to meet a minimum of 100/100 Mbps in the future, and
2. Provide affordable broadband access to homes and businesses.

The majority of CPF Program funding (\$23,870,765, or 92.5%) will provide subgrants for last-mile Projects to Project Areas, which are not currently served by a reliable wireline connection that delivers at least 100 Mbps of download speed and 20 Mbps of upload speed and latency equal to or less than 100 milliseconds. The Corporation anticipates the subrecipient selection process will commence in June of 2024, and full deployment of projects funded by the Program will be completed by December 31, 2026.

5. Scope of Work

Following the criteria in the Plan, the Corporation has selected three Project Areas, defined as “Newport” (4621 Eligible Locations), “Jamestown” (1626 Eligible Locations), and “Westerly” (454 Eligible Locations), as detailed further in **Exhibit B**. These Project Areas have a demonstrated need for affordable, high-speed broadband based on listening sessions, workshops, survey responses, speed test submissions, and other forums.

The Corporation seeks proposals to design and build a last-mile, End-to-End Fiber optic broadband infrastructure for each of the three Project Areas described above and in Exhibit B. As such, the Corporation seeks to engage with one or more selected Proposer(s) to deliver a network of End-to-End Fiber that improves speed, resilience, and latency of current last-mile networks for each of the three Project Areas. A Proposer may respond to one, two, or all three of the Project Areas but the selected Proposer(s) must serve all BSLs within each Project Area for which they are selected. The Project must be designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps and latency of less than 100 Milliseconds. The deployment must be completed and services activated by December 31, 2026.

² This goal aligns with CPF’s stated program objective to “address many challenges laid bare by the pandemic, especially in rural America, tribal communities and low- and moderate-income communities, helping to ensure that all communities have access to the high-quality modern infrastructure, including broadband, needed to access critical services.” <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Best-Practices-vF.pdf>

Proposals may be for one or more of the Project Areas, and each such proposal must be submitted separately. The Corporation expects that Proposer(s) may need to sub-contract with specialized organizations for technical components of the services consistent with Treasury guidelines. Proposer(s) must indicate in their proposal if they are proposing to use subcontracted services for additional resources.

The Corporation has entered into a Tier 1 Subaward with the Executive Office of Commerce to manage and oversee all aspects of the Plan. A true and accurate copy of that Tier 1 Subaward is attached as **Exhibit D**. The successful Proposer(s) will enter into a Tier 2 Subaward with the Corporation. All of the terms and conditions of the Tier 1 Subaward will be incorporated into the Tier 2 Subaward. The Corporation reserves the right to modify the Tier 2 Subaward and additional terms and conditions may be included. The duration of the Tier 2 Subaward between the Corporation and the successful Proposer(s) is expected to begin upon the date of Subaward approval and continue through completion, which shall be no later than December 31, 2026.

The Corporation reserves the right to not make an award. Any and all awards are subject to the enactment of State appropriations legislation. As applicable, the Corporation expects the selected Proposer (s) to be able to work with the Corporation’s other contracted broadband consultants and vendors as needed.

6. RFP Schedule

The Corporation currently estimates the following schedule relating to the RFP:

Milestone	Date
RFP Posted	July 2, 2024
Pre-Bid Webinar	July 8, 2024
Final day to Submit any Questions or Comments	July 16, 2024
Answers to Questions & Other Addenda, as applicable	July 24, 2024
Proposal Submittal Deadline	August 1, 2024
Proposal Evaluation (45 days)	September 16, 2024
Selection and Announcement of Preferred Proposer/s	September 23, 2024
Negotiations/Finalization of Award (60 days)	November 22, 2024

The Corporation reserves the right to modify or amend this timeline as it deems, in its sole discretion, convenient or necessary.

7. Evaluation Process

The Corporation will proceed to review the Proposals pursuant to the evaluation procedures and criteria set forth below. The selection and award of the most advantageous Proposal will be based upon Proposal scores determined in accordance with the evaluation procedures and criteria stated in the RFP, and by a selection committee formed of Corporation employees. The selection committee may seek input and advice from consultants or other industry experts as needed in its sole discretion.

The Corporation will first evaluate Proposals to determine whether they are responsive based on the Minimum Requirements described in this RFP (Minimum Requirements and Proposal Responsive Review). Following the responsiveness review, all responsive Proposals will be evaluated in the manner described in Proposal Scoring Criteria section of this RFP, and the Selection Committee will assign an overall ranking to each Proposal based on each Proposal's overall score. The Corporation will not select any Proposer that the Corporation determines has submitted a non-responsive Proposal.

8. Request for clarification and additional information

To facilitate the examination and scoring of Proposals, the Corporation may, at any time during the Proposal evaluation, issue one or more requests for clarification to one or more Proposers, seeking additional information or clarification from a Proposer. Proposers shall respond to any such request by such time as is specified by the Corporation in such request. The scope, length and topics to be addressed in requests for clarification shall be prescribed by, and subject to the absolute discretion of the Corporation. Upon receipt of any requested additional information or clarification, the applicable Proposal or Proposals may be re-evaluated by the Corporation to consider such additional information or clarification.

Any additional information or clarification submitted by a Proposer pursuant to a request for clarification shall become a part of the Proposer's Proposal.

9. Contract negotiation

Upon the selection of Successful Proposer(s), the Corporation may proceed with certain negotiations in an attempt to finalize a Subaward with the Successful Proposer/s. Any modifications or clarifications agreed to with the Successful Proposer/s during contract negotiations shall also be incorporated into the final Subaward. If an Agreement cannot be successfully negotiated within a reasonable period of time, negotiations will be terminated, and negotiations with the next highest-ranking Proposer may commence. The process may continue until an Agreement is signed.

10. Potential Expansion of Fourth, To-Be-Determined Project Area.

In this solicitation, the Corporation has identified three Project Areas ("Three Project Areas"). If, after making awards for the Three Project Areas, the Corporation has remaining funds, then—with the appropriate federal and State approvals—the Corporation may expand this solicitation to a fourth, to-be-determined Project Area ("Fourth Project Area").

If the Corporation proceeds with the Fourth Project Area, it will contact the Proposer(s) to this solicitation and request that each Proposer provide a response, consistent with the

requirements of this solicitation, to fulfill the Scope of Work for the Fourth Project Area. Those responses will be evaluated consistent with the terms and conditions of this solicitation.

TO BE ELIGIBLE TO BE CONSIDERED FOR AN AWARD FOR THE POTENTIAL FOURTH PROJECT AREA, PROPOSERS MUST RESPOND TO THIS SOLICITATION AND OFFER TO PROVIDE THE SCOPE OF WORK FOR AT LEAST ONE OF THE THREE PROJECT AREAS.

11. Minimum Requirements and Proposal Responsiveness Review

Prior to scoring Proposals, the Corporation will undertake an initial review to determine whether the minimum requirements identified in table below are met. These requirements describe the minimum qualifications or representations/certifications that must be included in a Proposal for it to be complete and therefore eligible to be evaluated. The Corporation will review submitted materials to establish whether a Proposal meets the following minimum requirements:

A. Organizational Minimum Requirements

Minimum Requirements Category	Minimum Requirements Submittal
A. Technical and Managerial Capability	Project Management Plan
	Managerial Credentials
	Administrative Submittals
	Workforce Credential Plan
B. Financial Capability	Financial Certifications
	Audited Financial Statements
	Business Plan
	Disclosure of Existing and Future Publicly Funded Projects
	Detailed Information for Existing and Future Publicly Funded Projects
C. Operational Capability	Operational Qualifications
	Number of Years of Operation
	Compliance with FCC Data Reporting Rules and Regulations
	Operating and Financial Reports for Electric Transmission of Distribution Services
	Operational Capabilities of New Entrants
D. Compliance Evaluation	Compliance with Federal, State, and Local Laws

Minimum Requirements Category	Minimum Requirements Submittal
	Compliance with Fair Labor Standards

A. Technical and Managerial Capability

(i) Project Management Plan

Proposers are required to submit a project management plan which must include, but not be limited to, the following contents:

1. Project network design
 - a. High-level network architecture and design;
 - b. Technology specifications that indicate expected uptime/availability and download/upload speeds & latency for end users;
 - c. Preliminary network route map (both as PDF and spatial data e.g., Shapefile or KMZ/KML), which details an approach to deploy fiber optic infrastructure to all locations within the Project Area, including the number of fiber/route miles, and the existing network assets leveraged; and
 - d. Description of any non-network resources and/or assets contributed to Project.
2. Project delivery schedule
 - a. Build-out timeline including key milestones for Project preparation and implementation demonstrating that the Project will reach substantial completion by December 31, 2026 (key milestones shall include, but are not limited to network design and engineering, aerial or buried rights of way licensing and permitting, construction and providing service to subscribers);
 - b. Narrative detailing schedule risk factors, Proposer’s plan to manage these risk factors, and Proposer’s approach for managing any time overruns and/or delays due to unforeseen factors; and
 - c. Narrative detailing key procurement (materials and equipment) and labor risks that may delay Project completion, and Proposer’s plan to manages these risks.
3. Project budget – Provide a Project budget that includes:
 - a. Total Project costs and cost per passing;
 - b. Engineering and design;
 - c. Environmental and construction permitting;
 - d. Other pre-construction costs, including right of way, leases, easements, and similar costs for access to develop infrastructure as well as equipment shelter, land, site preparation, and site restoration costs;
 - e. Construction costs, including materials (e.g., fiber, poles, hardware, conduit, splitters), labor, and construction management;

- i. For materials, please provide total costs, unit costs, and number of units required.
 - f. Testing, commissioning;
 - g. Customer connection costs (e.g., customer premise equipment, drops); and
 - h. Other costs.
4. Operations plan - To demonstrate operational capabilities, Proposers must submit an operations plan that details how the Proposer will safely operate and maintain the constructed network *after* deployment is completed. The operations plan must contain a high-level description of expected operational and maintenance approaches and must detail the Proposer's expected approach and standards for responding to network performance issues and outages in order to ensure required speed and latency thresholds are maintained.
 5. Risk management approach - Proposers must submit identification and assessment of all potential technical and financial risks to the design and construction of the Project. This must include details about how Proposers intend to manage and mitigate these risks. Please note that Proposer is accepting risk for cost overruns.
 6. Project health, safety, security, and environmental management - In accordance with the relevant laws, provide a narrative on how Proposers will implement and manage health, safety, security, and environmental practices on their Project.
 7. Environmental and other generally applicable requirements- The Project must (1) comply with applicable federal, state, and local law including environmental and permitting laws and regulations; and (2) be technically sound to meet or exceed engineering and construction industry standards and associated best practices. Provide a narrative to describe this how this requirement will be undertaken.
 8. Cybersecurity Plan - The Proposer will be required to have a cybersecurity risk management plan in place that is either: (a) operational, if the Proposer is providing service prior to the award of the grant; or (b) ready to be operationalized upon commencement of service, if the Proposer is not yet providing service prior to the grant award;
 - a. The cybersecurity risk management plan will reflect the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and will specify the security and privacy controls being implemented and will include a timeline for reevaluation and update.

(ii) Managerial Credentials

Proposers shall be required to provide the following information on Managerial Credentials.

1. Team Structure and Organization

- a. Project organizational chart(s) explaining the structure of the Proposer's team and the role of each key entity (both prime contractors and key subcontractors)

including parent companies, subsidiaries, affiliates, public/private partners, joint venture partners, consultants, and contractors.

- b. Resumes for all key management personnel.
 - c. A Project team roles/responsibility matrix illustrating how the skills of key staff align with Project activities and deliverables.
 - d. A staffing plan for key personnel who are required for carrying out the Project indicating their proposed level of commitment to manage and implement the Project; this should include all staff associated with the Project, not just those potentially paid through this award.
 - e. A narrative describing the relevant qualifications of key personnel based on their role and responsibilities.
2. Project Experience and Qualifications
- a. Details of the Proposer's experience and qualifications in designing and constructing Projects of a similar size, complexity, and timeline in the last ten years, to demonstrate their overall technical proficiency. In describing similar Projects completed by the Proposer, the Corporation will consider any Projects completed for the Corporation, the State of Rhode Island, any local government agency of Rhode Island or any Projects completed for other public sector or private sector owners, including any Projects have been implemented in other unserved and underserved areas of the country.
 - b. For a Proposer who is a current telecommunications service provider, the Corporation will require details on the products and services, operations, number and types (business/residential) of customers, current and planned presence in the region and other markets served including demonstrating any similar agreements with states, municipalities, electric utilities or other public-private partnerships.
3. Readiness to Manage Proposed Project
- a. A narrative describing the Proposer's readiness and capability to manage the proposed Project and ongoing services to be provided. This narrative should include at a minimum the Proposer's ability and experience to manage a broadband services network; and proof that the Proposer has the capacity to complete the Project given their other Projects and workload.

(iii) Administrative Submittals

1. Documentation of current registration to conduct business in Rhode Island for private entities.
2. An active SAM.gov Unique Entity Identifier.
3. Attestation of current Rhode Island licensing for any engineers who certify network design, diagrams, Project costs, etc.

4. Supporting Ownership Information - Proposers will be required to submit the relevant ownership information listed below as required by 47 C.F.R. § 1.2112(a)(1)-(7):
 - a. List the real party or parties in interest in the Proposer or Proposal, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the Proposer;
 - b. List the name, address, and citizenship of any party holding 10 percent or more of stock in the Proposer, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;
 - c. List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the Proposer is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);
 - d. List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;
 - e. List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the Proposer is 10 percent or greater;
 - f. List all parties holding indirect ownership interests in the Proposer as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the Proposer, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest; and
 - g. List any FCC-regulated entity or Proposer for an FCC license, in which the Proposer or any of the parties identified in paragraphs (1) through (5) above, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the Proposer (e.g. Company A owns 10 percent of Company B (the Proposer) and 10 percent of Company C, then Companies A and C must be listed on Company B's Proposal, where C is an FCC licensee and/or license Proposer).

(iv) Workforce Credential Plan

Proposers shall be required to submit a Workforce Credential Plan to ensure that the Project workforce will be appropriately skilled and credentialed (including by the Proposer and each of its contractors and subcontractors). The Workforce Credential Plan will detail the following:

1. The ways in which the Proposer will ensure the use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers);
 - a. Proposers must commit that they will require their contractors and subcontractors to provide apprenticeships and pre-apprenticeships through a

Registered Apprenticeship, joint labor management partnership, or other high-quality, on-the-job training opportunity as a part of the Workforce Development scoring criterion, these measures may be included in the Workforce Credential Plan. The Proposals must also include a commitment to use an appropriately skilled and credentialed workforce.

2. The steps that will be taken to ensure that all members of the Project workforce (design, construction, and operations) will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
 - a. Proposers must submit a narrative describing their procedures for ensuring workforce credentials.
 - b. Proposers should discuss policies around providing training for, certification of, or licensure of their workforce. Proposers should discuss which training programs are required, whether they perform the training in-house or outsource to third parties, and whether they provide additional training or apprenticeships beyond what is required.
 - c. Proposers should discuss procurement procedures for contractors or subcontractors with proof of credentials, how those credentials are verified, and whether ongoing training or certifications will be required for contractors or subcontractors.
 - d. Proposers should include information about the procedures to ensure that licenses and certifications are up-to-date.
3. Whether the Project workforce is unionized;
 - a. If the workforce is unionized, Proposers should include which unions they will be working with and for which roles.
 - b. Proposers should include the credentials, training programs, apprenticeships, or other opportunities provided by the union to its members.
4. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
 - a. Proposers must elaborate on hiring and training policies for directly employed and contracted workforces, respectively. For example, the Proposer may train, certify and/or license directly employed workers but would not provide those resources to subcontractors, who will be hired with those credentials.
 - b. Proposers must provide the names of contractors and subcontractors, the work those companies will perform, the number of contracted or subcontracted employees by job title, and the relevant credentials required to perform that work.
 - c. Proposers must certify that all workers, whether they are directly employed or employed by subcontracted companies, will have the necessary credentials to undertake Project work.

5. If the Project workforce for the Proposer, or any contractor or subcontractor is not unionized, the Proposer will also need to provide with respect to the non-unionized workforce:
 - a. The job titles and size of the workforce (Full-Time Equivalent positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the Project and the entity that will employ each portion of the workforce;
 - b. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is in compliance with federal and state laws.

B. Financial Capability

(i) Financial Certifications

Proposers must certify that they:

- a. Are qualified to meet the financial obligations associated with their Project, including resources to cover eligible costs incurred until the Corporation authorizes milestone disbursements/payments; and
- b. Will have available funds for all Project costs that exceed the amount of their award.
- c. The certification will cover fund availability over the implementation period.

(ii) Audited Financial Statements

Proposers shall include in their Proposal financial statements from the prior year that are audited by an independent certified public accountant. The Corporation will review typical financial health indicators including liquidity, solvency, and profitability ratios.

If the Proposer has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior year and provide a statement that it will provide financial statements from the prior year that are audited by an independent certified public accountant prior to execution of the Subgrant Agreement.

(iii) Business Plan

Proposers shall submit a business plan and related pro forma cash flow analysis that substantiates the financial sustainability of the proposed Project for at least five years. The business plan and related pro forma cash flow analyses should include detailed, justifiable assumptions in each category of input. The financial analysis should include at least five years of revenue, operating cost, and free cash flow projections after the targeted completion of the Project.

The business plan should include, but not be limited to, the following:

- a. Executive Summary,
- b. Project Description,
- c. Capital Costs,
- d. Operating and Maintenance Costs (with detailed breakdown and assumptions),
- e. User Revenue (revenue sources, projected customer numbers, penetration defined as subscribers divided by number of premises passed, and average revenues per user),
- f. Requested CPF funding/subsidy,
- g. Other non-federal sources of capital (if applicable), and
- h. Free cash flows.

C. Operational Capability

(i) Number of Years in Operation

Proposer shall describe whether they have provided a broadband, voice, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of their Proposal submission, or that it is a wholly owned subsidiary of such an entity. The information provided by the Proposer must specify the number of years that Proposer or its parent company has been operating. Proposer shall also provide evidence of the total years of operational experience.

In the case of public-private partnerships, only one entity needs to provide this certification.

Entities with less than two years of operation can demonstrate operational capability based on the guidelines enumerated below in “Operational Capabilities of New Entrants.”

(ii) Operational Qualifications

Proposers shall provide a statement that that they possess the operational capability to qualify to complete and operate the Project by providing operational details including, but not limited to:

- a. Years providing broadband and/or data connectivity service;
- b. Types of broadband and/or data connectivity service provided;
- c. Number of current subscribers, including households, businesses, and community anchor institutions;
- d. Description of previous experience in operating and managing a utility-based infrastructure network including details of households and population served;
- e. Description of industry experience with broadband and telecommunications infrastructure operation and management;

- f. Experience of working with municipal agencies to develop affordable pricing or packages for key community stakeholders and populations;
- g. Details of key business entities/partners/subcontractors used in operating and management of the network;
- h. Completed federally funded deployment Projects, including their sources of funding and timeframes for completion (or non-completion);
- i. Penalties for failing to meet contractual or regulatory requirements paid by the Proposer, any subsidiary or affiliate of the Proposer or the holding company of the Proposer relative to deployment Projects;
- j. Whether a Proposer has ever defaulted on a federal or state obligation to deploy broadband infrastructure and if so, to provide details; and
- k. The number of times Proposer has ever been a defendant in the State of Rhode Island for a criminal proceeding or civil litigation related to the deployment or operation of a broadband infrastructure.

(iii) Compliance with FCC Data Reporting Rules and Regulations

For Proposers that are currently providing voice and/or broadband service, the Proposer shall confirm timely filing with the Federal Communication Commission’s Broadband Data Collection program, Form 477, and the Broadband DATA Act submission, if applicable during its operating timeframe.

(iv) Operational Capabilities of New Entrants

For new entrants to the broadband market, Proposers shall provide sufficient evidence to demonstrate that the newly formed entity has sufficient operational capabilities that it has developed or obtained through internal or external resources. This evidence may include, but not be limited to:

- a. Resumes from key personnel who will be part of the new entity;
- b. Project descriptions and narratives from contractors, subcontractors or other partners with relevant operational experience who will be part of the new entity;
- c. Experience of operating non-broadband networks and infrastructure;
- d. Capabilities transferable from non-broadband networks to broadband networks;
- e. Any other comparable data or evidence; and
- f. Certify that the evidence provided is true and accurate and that the Proposer commits to retain those operational capabilities for the duration of the Project.

D. Compliance Evaluation

(i) Compliance with Federal, State and Local Laws

Proposers shall demonstrate they are capable of carrying out funded activities in a competent manner in compliance with all applicable Federal, State and local laws. Proposers shall provide a detailed history of compliance with all applicable federal, state, and local laws for previous broadband Projects funded by federal and state

programs, including disclosure of any default on any federal or state obligation associated with grants for broadband deployment. Proposers shall provide evidence of current compliance policies and procedures for applicable federal, state, and local laws.

(ii) Compliance with Fair Labor Standards

Proposers to provide the following information:

- a. Submit documentation to prove past compliance with Federal labor and employment laws for the below:
 - (i) Certification from an Officer/Director-level employee (or equivalent) of the Proposer, as well as from its contractors and subcontractors, evidencing consistent past compliance with Federal labor and employment laws for the preceding three years.
 - (ii) A narrative description of the Proposer’s historical use of contracting and subcontracting arrangements, including staffing plans.
 - (iii) At least one example of each contractor and subcontractor’s compliance with Federal labor and employment laws in the context of broadband deployment or a similar Project in the last three years.
- b. Submit written disclosure from the Proposer of any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act (OSHA), the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years;
- c. New entrant service providers without a record of labor and employment law compliance will be required to include in their proposal a statement of specific, forward-looking commitment to comply with Federal labor and employment laws, including arrangements with contractors and subcontractors, with respect to CPF-funded Projects; and
- d. Submit a plan for ensuring compliance with Federal labor and employment laws in the delivery of deployment from Proposers, including its contractors and subcontractors. This plan should include:
 - (i) Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network, and
 - (ii) Information on how the Proposer will ensure the implementation of workplace safety protocols, including but not limited to the use of safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment Projects. These protocols should comply with OSHA and the Fair Labor Standards Act.

B. Project Minimum Requirements

Minimum Requirements Category	Minimum Requirements Submittal
A. Technical Requirements	Provide End-to-End Fiber

Minimum Requirements Category	Minimum Requirements Submittal
	<p>Improve speed, resilience, and latency of current last-mile networks to ensure these networks can support 100/100 Mbps average real speeds for all users, and is scalable to 1/1 Gbps. If it is determined to be impracticable for a Project to deliver services at 100/100 Mbps due to geography, topography, or excessive cost, the proposed Project must be designed so that it reliably meets or exceeds 100/20 Mbps and is scalable to meet a minimum of 100/100 Mbps in the future.</p> <p>Latency must be less than 100ms.</p> <p>Deployment and service activation must be achieved by December 31, 2026.</p>
B. Affordability Requirements	<p>Evidence of participation in the Affordable Connectivity Program (“ACP”) to the extent it continues to exist, and commitment to participation in the ACP or its successor program if awarded funding.</p> <p>Evidence that the non-promotional price of the lowest cost broadband service plan made available that delivers at least 100/100 Mbps (inclusive of all taxes, fees, and charges) does not exceed \$53.09 per month.</p>

12. Proposal Scoring Criteria

After the Corporation has established that a Proposal meets the minimum requirements and can be considered responsive, the Corporation will evaluate and rank Proposals using the Scoring Criteria summarized below:

#	Criteria	Points
1	Affordability	30
2	Funding Request	25
3	Local Network Provider or Public-Private Partnership	15
4	Workforce Development	15
6	Community Impact	15
	Subtotal	100
7	ISBE Participation	6

	Total points	106
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Criterion #1 – Affordability (30 points)

Description: For construction and deployment of Projects, Proposers will be able to earn points by showing their commitment to provide the most affordable total cost to the subscriber for broadband services with a minimum speed of 100 Mbps for download and 20 Mbps for upload, scalable to 100/100 Mbps, for the Project Area/s being proposed by the Proposer.

Submittal Requirements: The Corporation will require Proposers to submit the following requirements for Affordability:

1. Provide a binding commitment to a non-promotional price for the lowest speed tier (100/100 Mbps), as specified by the Proposer, for a period of no less than five (5) years;
2. Proposers are permitted to include annual inflation adjustments based on the annual Personal Consumption Expenditures (PCE) Price Index for services excluding energy and housing, as published by U.S. Commerce Bureau of Economic Analysis;
3. Proposers must commit that the non-promotional price of the lowest cost broadband service plan that delivers at least 100/100 Mbps (inclusive of all taxes, fees, and charges) must not exceed \$53.09 per month, which is 2 percent of the lower limit of the second quintile of monthly Rhode Island Household Income, as reported by the Census Bureau. In addition, the service provider must certify that it will participate in the CPF-mandated ACP to the extent it continues to exist or, if ACP no longer exists, the ACP’s successor program;
4. The service costs must be inclusive of all taxes, fees, and charges, with no additional non-recurring costs or fees to the consumer (i.e., no installation or equipment costs);
5. The service must provide typical latency measurements of no more than 100 milliseconds;
6. The service may not be subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband access service plans offered to home subscribers by the participating subrecipient must adhere;
7. In the event the Proposer later offers a lower cost plan and/or a plan with higher speeds at the same price, it will permit subscribers that are subscribed to the service option to upgrade to the new offering at no additional cost; and
8. Proposers must submit a Business Plan and related pro forma or cash flow analyses to substantiate the sustainability of the proposed Project, as detailed in Minimum Requirements. This criterion will be reviewed in conjunction with such documentation.

Evaluation and Scoring: The Corporation will review for reasonableness all the revenue and cost components of the business plan and cash flow projections. If the Corporation is not satisfied with the Proposer’s submittals, it may assign a score of zero points to this evaluation criterion, or request one-time clarification from Proposers in case of lack of

sufficient detail. If the clarifications provided are not sufficient, the Corporation may assign a score of zero points for Affordability.

The Corporation will assign points for affordability based on the following approach:

Description	Awarded Points
Proposer(s) with lowest monthly subscription price below \$53.09	30
Proposer(s) with monthly subscription price greater than \$53.09	0
All other Proposers with monthly subscription price less than or equal to \$53.09 are awarded points proportionally to the Proposal with the lowest monthly subscription price. For example, a Proposal with monthly price X% higher than the lowest price Proposal will earn points based on following formula: $\text{Awarded Points} = (1-X\%) \times 30$	Formula-based

Criterion #2 – Funding Request (25 points)

Description: For construction and deployment of Projects, Proposers will be able to earn points in this section based on their ability to build and serve all BSLs for each Project Area being proposed by the Proposer, at the absolute lowest dollar value of CPF funding requested. This funding will be provided as a Fixed Amount Subaward and paid on a reimbursement basis. The selected Proposer(s) will be reimbursed for eligible costs that are incurred up to the amount of the subaward, using agreed upon milestones. The selected Proposer(s) will be responsible for any cost over-runs.

For construction and deployment of Broadband Infrastructure Projects, Proposers will be able to earn points in this section based on their ability to build and serve all Eligible Locations in the Project Area with the lowest total outlay, inclusive of CPF funding and any matching funds. Proposers with the lowest proposed outlay, inclusive of the proposed CPF funds and any proposed match, will earn 25 points. All other Proposers will be awarded points proportionally to the proposal with the lowest outlay. For example, a proposal with outlays X% higher than the lowest proposal will earn points based on following formula: $\text{Awarded Points} = (1-X\%) \times 25$. Proposers with total outlays greater than or equal to twice the lowest proposal will receive zero points.

Submittal Requirements: The Corporation will require Proposers to submit the following requirements as part of their Proposal:

1. The total projected cost (identifying all major expenditure categories and the total sums for those categories) as described in Minimum Requirements (Technical and Managerial Capability – Project Budget) to connect all locations within the Project Area(s) included in the Proposer’s proposal, and the dollar amount of the CPF funding requested;
2. If given an award, Proposers will be required to build the network all the way to the customer’s premises (e.g., there will be no additional funding for long driveways). Proposers will be responsible for the cost of all drops and customer premise

telecommunications equipment as a condition of receiving funding and will not be allowed to charge residents of locations subsidized by CPF funding for drops or customer premise equipment;

3. Certify that the cost commitment is binding, and that the Proposer understands that the Corporation will not award any additional funds for unexpected costs and
4. A narrative description of the Proposer’s approach to the efficient deployment of broadband, including elements such as use of or leveraging existing infrastructure, access to poles, conduits, easements, or right of ways, existing or planned relationships with contractors and trade partners, and its approach to network design, scalability, and resiliency. This narrative should be consistent with information provided for Minimum Requirements in Project Management Plan and Managerial Credentials.

Evaluation and Scoring: The Corporation will review for reasonableness the projected cost to complete the Project in conjunction with the Project Budget in the Project Management Plan and Business Plan and Financial Analysis from Financial Analysis sections as described in the Minimum Requirements. The Corporation may assign a score of zero points to this evaluation criterion or request one-time clarifications from Proposers in case of lack of sufficient detail. If the clarifications provided are not sufficient, the Corporation may assign a score of zero points to this evaluation criterion, CPF Funding Request.

The Corporation will assign points based on the following approach:

Description	Awarded Points
Proposer(s) with lowest CPF funding request	25
All other Proposers are awarded points proportionally to the Proposal with the lowest CPF funding request. For example, a Proposal with Project costs/funding request X% higher than the lowest Proposal will earn points based on following formula: Awarded Points = (1-X%) x 25	Formula-Based

Criterion #3 – Local Network Provider or Public-Private Partnerships (15 points)

Description: For construction and deployment of Projects, Proposers will be able to earn points by demonstrating a proven ability to form substantive public-private collaborative partnerships with nonprofits, community organizations, local governments, tribal governments, and/or local network providers, as well as proof of support from nonprofits, community organizations, local governments, tribal governments, and/or local network providers in the proposed Project Area(s). Areas of collaboration for public-private partnerships may include, but are not limited to, planning and delivery of broadband infrastructure, financing deployment of broadband infrastructure, maintenance and operations of broadband infrastructure, knowledge transfer, development of technical or managerial skills, and/or improvements to the community.

Submittal Requirements: The Corporation will require Proposers to submit the following requirements for Local Network Provider or Public-Private Partnerships:

1. Submit narrative describing Proposer’s experience forming substantive public-private partnerships with nonprofits, community organizations, local governments and/or local network providers, and at least one example of a recent partnership;
2. Submit letters of support from nonprofits, community organizations, local governments and/or local network providers with organizations in the proposed Project Area; and
3. Submit a narrative outlining the partnership plan and how the Proposer will keep the partnering nonprofits, community organizations, local governments and/or local network providers engaged and involved in this Project

Evaluation and Scoring: The Corporation will assign points based on the following approach:

Description	Maximum Points
Evaluation of narrative that describes (1) ability to form public-private partnerships, with at least one example of a recent partnership, and (2) partnership and stakeholder engagement plan	5
Evaluation of letters of support for this Project from nonprofits, community organization, local governments and/or local network providers	10

Criterion #4 – Workforce Development (15 points)

Description: For construction and deployment of Projects, Proposers will be able to earn points by demonstrating and proving their commitment to advancing workforce development. Examples of workforce development may include, but are not limited to: local workforce, current training/safety programs, utilization of full-time employees, demonstration of internal promotions, family-sustaining pay and benefits.

Submittal Requirements: The Corporation will require Proposers to submit the following requirements for Workforce Development:

1. Submit narrative supporting Proposer’s commitment to offering quality jobs. Proposers will be scored based in part on the extent to which they will deliver on the quality jobs standard.
2. A “quality job” is defined as a job that exceeds the local prevailing wage for an industry in the region, includes basic benefits (e.g., paid leave, health insurance, retirement/savings plan), and/or is unionized, and helps the employee develop the skills and experiences necessary to advance along a career path. “Prevailing wage” is defined by the Department of Labor as “the average wage paid to similarly employed workers in a specific occupation in the area of intended employment.” See Economic Development Administration, ARPA Good Jobs Challenge NOFO, EDAHDQ-ARPGJ-

2021-2006964, at n. 1, available at <https://www.grants.gov/web/grants/viewopportunity.html?oppId=334720>

3. Submit documentation supporting Proposers’ commitment to prioritize hiring local workers. This documentation should include hiring plans highlighting how the Proposer will recruit and ensure access to historically underrepresented populations facing labor market barriers. (covered populations include communities of color, women, and other groups such as persons with disabilities, LGBTQI+ people, disconnected youth, individuals in recovery, individuals with past criminal records, including justice-impacted and reentry participants, serving trainees participating in the SNAP, TANF, and WIC, and veterans and military spouses.)
4. Submit documentation demonstrating no recent violations of federal and state labor and employment laws.

Evaluation and Scoring: The Corporation will assign points based on the following approach:

Description	Maximum Points
Evaluation of narrative supporting a commitment to offering quality jobs, defined as one which “exceeds the local prevailing wage, includes basic benefits (e.g., paid leave, health insurance, retirement/savings plan), and/or is unionized, and helps the employee develop the skills and experiences necessary to advance along a career path	5
Evaluation of narrative detailing approach to prioritize local hiring, as evidenced by documentation such as hiring plans to recruit local workers as well as support career access for historically underrepresented populations	10

Criterion #5 – Community Impact (15 points)

Description: For construction and deployment of Projects, Proposers will be able to earn points by demonstrating their commitment to delivering long-term benefits to the communities they serve. In addition to the deployment of broadband infrastructure, the Corporation will evaluate Proposers’ plans and commitments to provide non-cash contributions to the community for the life of the network. Examples of such contributions are: activities/initiatives to improve the digital literacy of community members; provision of facilities or infrastructure to assist community members with employment search and related activities; provision of facilities or infrastructure to assist community members with online education and related activities; and health monitoring adoption for individuals.

Submittal Requirements: The Corporation will require Proposers to submit a narrative with the details of a community impact plan that will describe the Proposer’s approach to providing contributions to the community for the life of the network, including a rationale for their proposed activities/initiatives, and a letter of commitment to deliver them.

Evaluation and Scoring: The Corporation will assign points based on the following approach:

Description	Maximum Points
Evaluation of narrative supporting detailed community impact and letter of commitment plan	15

Criterion #6 – ISBE Participation (6 points)

See Appendix A.

1. ISBE Participation Evaluation (see below for scoring)
 - a. The Rhode Island Commerce Corporation encourages MBE/WBE/DisBE participation in this Request. In accordance with Title 37, Chapter 14.1, and Title 37, Chapter 2.2 of the Rhode Island General laws, the Corporation reserves the right to apply additional consideration to MBE/WBE/DisBE up to six (6) additional points in the scoring evaluation as provided below:
 - b. Calculation of ISBE Participation Rate
 - i. ISBE Participation Rate for Non-ISBE Vendors. The ISBE participation rate for non ISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of non-ISBE vendor’s total contract price that will be subcontracted to ISBEs by the non-ISBE vendor’s total contract price. For example, if the non-ISBE’s total contract price is \$100,000.00 and it subcontracts a total of \$12,000.00 to ISBEs, the non-ISBE’s ISBE participation rate would be 12%.
 - ii. ISBE Participation Rate for ISBE Vendors. The ISBE participation rate for ISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of the ISBE vendor’s total contract price that will be subcontracted to ISBEs and the amount that will be self-performed by the ISBE vendor by the ISBE vendor’s total contract price. For example, if the ISBE vendor’s total contract price is \$100,000.00 and it subcontracts a total of \$12,000.00 to ISBEs and will perform a total of \$8,000.00 of the work itself, the ISBE vendor’s ISBE participation rate would be 20%.
 - c. Points for ISBE Participation Rate:
 - i. The vendor with the highest ISBE participation rate shall receive the maximum ISBE participation points. All other vendors shall receive ISBE participation points by applying the following formula:

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

For example, assuming the weight given by the RFP to ISBE participation is 6 points, if Vendor A has the highest ISBE participation rate at 20% and Vendor B’s ISBE participation rate is 12%, Vendor A will receive the maximum 6 points and Vendor B will receive (12% ÷ 20%) x 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.

13. 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. 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 submitted by the submission deadline for any cause will be determined to be late and will not be considered.
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 and available here: <https://commerceri.com/wp-content/uploads/2022/08/RFP-RESPONSE-CERTIFICATION-COVER-FORM.pdf>
10. Any award made pursuant to this RFP will be contingent on the availability of funds and made at the discretion of the Corporation.
11. Awarding this RFP is based on the Evaluation Criteria set forth in this RFP. Vendors are advised, however, that all materials and ideas submitted as part of this proposal and during the performance of any award shall be the property of and owned by the Corporation, which may use any such materials and ideas.

12. Interested parties are instructed to peruse the Corporation’s website (www.commerceri.com) 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.ridop.ri.gov.

13. Equal Employment Opportunity (R.I. Gen. Laws § 28-5.1-1, et seq.) – § 28- 5.1-1 Declaration of policy – (a) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities, and in the classified, unclassified, and non-classified services of state employment. This policy applies to all areas where State dollars are spent, in employment, public services, grants and financial assistance, and in state licensing and regulation.

14. In accordance with Title 7, Chapter 1.2 of the General Laws of Rhode Island, no corporation organized under the laws of another state or country shall have the right to transact business in Rhode Island until it shall have procured a Certificate of Authority to do so from the Rhode Island Secretary of State (401-222-3040). This is a requirement only of the successful bidder.

15. The Proposer should be aware of the State’s Minority Business Enterprise (MBE) requirements, which address the State’s goal of fifteen percent (15%) participation by MBEs in all procurements, including a minimum of 7.5% participation by minority business enterprises owned and controlled by a minority owner, as defined in Section 37-14.1-3, and a minimum of 7.5% participation by minority business enterprises owned and controlled by a woman. For further information, visit the website www.mbe.ri.gov.

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

14. Proposal Submission

Responses to this RFP must be received as follows:

One (1) electronic (PDF) version must be provided by email to RFP@commerceri.com by **11:59 pm on August 1, 2024**. Submissions that are late, misdirected or sent to the wrong email address will not be accepted.

Note: To ensure transparency, no phone calls pertaining to this RFP will be accepted.

15. Pre-Bid Webinar

The Corporation will offer a Pre-Bid RFP webinar (“Pre-Bid Webinar”) for interested parties and prospective Proposers. The meeting will take place via Zoom at 10:00 am July 8, 2024 and at the following link: <https://us06web.zoom.us/j/89964288104>. The intent of the Pre-Bid Webinar is to provide a brief overview of the Project and RFP document prior to the submission of Proposals. The material set forth in the RFP document is intended to take precedence, in its entirety, over any discussions or materials issued pursuant to the Pre-Bid Webinar. Proposers’ participation in the Pre-Bid Webinar is not mandatory but is recommended.

16. Questions and Clarifications

Questions, interpretations, or clarifications concerning this RFP should be directed by e-mail to RFP@commerceri.com no later than 11:59 pm on July 16, 2024. Responses to questions, interpretations, or clarifications concerning this RFP will be posted online via addendum at www.commerceri.com and www.ridop.ri.gov on July 24, 2024 to ensure equal awareness of important facts and details.

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

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

APPENDIX A

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

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

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

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

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

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

Bidder's Name:

Bidder's Address:

Point of Contact:

Telephone:

Email:

Solicitation No.:

Project Name:

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

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

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

Prime Contractor/Vendor Signature		Title	Date
Subcontractor/Supplier Signature		Title	Date



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
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
 - vi. 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.

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: ELIGIBLE LOCATIONS

<https://commerceri.com/wp-content/uploads/2024/07/Newport-Eligible-BSLs-address.csv>

<https://commerceri.com/wp-content/uploads/2024/07/Jamestown-Eligible-BSLs-address.csv>

<https://commerceri.com/wp-content/uploads/2024/07/Westerly-Eligible-BSLs-address.csv>

EXHIBIT C: CPF PROGRAM PLAN

CPF Broadband Infrastructure Projects Program Plan

May 2, 2024

Summary

The U.S. Department of the Treasury (“Treasury”) awarded the State of Rhode Island (“State” or “Rhode Island”) \$112.3 million as part of the American Rescue Plan Act’s (“ARPA”) Coronavirus Capital Projects Fund (“CPF”). The State’s General Assembly allocated \$24,956,500 from the ARPA award to administer the CPF Broadband Infrastructure Projects Program, to be led by the Rhode Island Commerce Corporation (“Corporation”) as part of the Corporation’s overarching ConnectRI Program. The Grant Plan for the CPF Broadband Infrastructure Projects Program (previously referred to as the ConnectRI Last Mile Grant Program) was approved by Treasury in July 2023. This CPF Broadband Infrastructure Projects Program Plan (“CPF Program”) is filed in addition to the Grant Plan and describes in greater detail the Corporation’s proposed CPF Program, including the communities it has selected for CPF funding and how the CPF Program complies with Treasury’s requirements³.

The funds allocated to the CPF Program will be used to support broadband infrastructure projects (“Broadband Infrastructure Projects”) likely in three communities in the State (Jamestown, Newport, and Westerly) and will achieve the following outcomes:

3. Improve speed, resilience, and latency of current last-mile networks by ensuring that such networks can support 100/100 megabits-per-second (“Mbps”) average real speeds and
4. Provide affordable broadband access to homes and businesses.

The majority of CPF Program funding (\$23,870,765) will provide subgrants for last-mile broadband infrastructure projects to qualified subrecipients in the three communities listed above.⁴ Subrecipients will be selected through a competitive Request for Proposals (RFP) process. The Corporation anticipates the subrecipient selection process June or July of 2024, and full deployment of projects funded by the CPF Program will be completed by December 31, 2026.

The Corporation seeks formal approval for its CPF Program. While the CPF Program is expected to serve Jamestown, Newport, and Westerly, it may serve other locations based on final approval of the Broadband Serviceable Location Classification Methodology by the National Telecommunications and Information Administration (NTIA).

³ These project areas have been selected based on classification methodology described herein but may be modified slightly depending on final approval of the classification methodology from the NTIA.

⁴ \$23,870,765 represents 92.5% of the CPF funds; remaining funds are used for program administration and broadband mapping work.

Background – ConnectRI Program

Broadband is essential infrastructure for the 21st century. It enables economic development; allows for access to education and employment; supports ease of telehealth; and connects individuals to news, entertainment, family, and friends. Access to high-quality broadband is necessary for meaningful participation in society. Yet, high-quality, affordable broadband is not universally accessible in Rhode Island. At a time when access to the internet is increasing in its daily importance, this disparate access creates digital inequity in the state.

As adopted by the State’s Broadband Advisory Council, Rhode Island has set a goal for broadband internet access of:

Leverage a best-in-class, resilient, sustainable, and scalable broadband infrastructure to propel the State’s 21st century economic, education, healthcare, civic and social engagement, as well as quality of life, by ensuring all Rhode Islanders have access to affordable, accessible high-speed internet in their homes, at their places of employment, and at public facilities by December 31, 2026.⁵

Through President Biden’s Investing in America Agenda, Rhode Island has an opportunity to address this digital divide and improve broadband services in the State. Treasury’s CPF funding is one element of a suite of funds being deployed by the Corporation to improve broadband infrastructure and enhance digital equity in the State. Other Federal funding streams include National Telecommunications and Information Administration’s (“NTIA”) Broadband Equity, Access, and Deployment (“BEAD”) and Digital Equity Act (“DEA”) programs. Table 1 below shows CPF funds’ position in the State’s full deployment of federal funding for broadband and digital equity efforts. The Corporation seeks to best leverage the multiple federal broadband funding streams to maximize overall economic impact.

Table 1: Summary of funding allocations and priorities through the ConnectRI Broadband and Digital Equity Program

<i>Federal Program</i>	<i>Primary Focus</i>	<i>Funding</i>
CPF	Expanding access and affordability of high-quality broadband infrastructure	\$24,956,500
BEAD	Expanding access and affordability of high-quality broadband infrastructure	\$108,718,821

⁵ This aligns with CPF’s stated program objective to “address many challenges laid bare by the pandemic, especially in rural America, tribal communities and low- and moderate-income communities, helping to ensure that all communities have access to the high-quality modern infrastructure, including broadband, needed to access critical services.” <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Best-Practices-vF.pdf>

<i>Federal Program</i>	<i>Primary Focus</i>	<i>Funding</i>
DEA ⁶	Digital literacy and digital resources	\$506,100

The Corporation is the State’s official broadband entity and is charged with implementing the CPF as well as the BEAD and the DEA Programs (which are both administered by NTIA) for Rhode Island. The Corporation has established the ConnectRI program to allocate federal broadband dollars from these three programs. The CPF Program is the component of this work that leverages CPF funding and will be administered prior to running two rounds of funding leveraging BEAD dollars, as explained below.

<i>Phase</i>	<i>Federal Funding</i>	<i>Funding amount</i>	<i>Procurement Timeframe</i>
Phase I	CPF Funding - Fiber	\$23,870,765	Q3 and Q4 2024
Phase II	BEAD Funding Round 1 - Fiber	\$108,518,925	Q3 and Q4 2024
Phase III	BEAD Funding Round 2 - Fiber & other last mile broadband		Q1 and Q2 2025

Alignment of CPF Program to Treasury Guidance

The Corporation has designed its CPF Program to align with Treasury’s established requirements, guidelines, and preferences:

- **Preference for Last-Mile Projects.** Treasury encourages States to focus on projects that will achieve last-mile connections.⁷

There is already a robust middle-mile infrastructure in Rhode Island; the CPF Program will fund the deployment of last-mile infrastructure.

⁶ Planning grant only. More funds will become available in later phases of DEA.

⁷ See, Department of Treasury, Guidance for the Coronavirus Capital Projects Fund for States, Territories, and Freely Associated States at 3 (“CPF Guidance”) available at <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf>. (“Treasury encourages Recipients to focus on projects that will achieve last-mile connections”).

- **Preference for End-to-End Fiber.** Treasury encourages states to prioritize investments in End-to-End Fiber-optic infrastructure where feasible, as such advanced technology better supports future needs.⁸

The CPF Program will require build outs of End-to-End Fiber.

- **Speed Requirement.** Treasury requires that states prioritize investment in broadband networks that deliver 100/100 Mbps. Where deployment of such networks is impracticable because of geography, topography, or excessive cost, CPF funds may be used by states to deploy networks that reliably deliver at least 100/20 Mbps and are scalable to a minimum of 100 Mbps symmetrical in the future.⁹

The CPF Program requires build out of End-to-End Fiber to ensure infrastructure deployments are able to reach 100/100Mbps.

- **Prioritize Affordability.** Treasury encourages Recipients to address affordability as a barrier to full use of the internet when developing their Program Plans for Broadband Infrastructure Projects.¹⁰ States are required to consider whether the broadband service options proposed in Request for Proposals (RFP) responses will be affordable to their target markets in the proposed service area.¹¹ States are encouraged to consult with the community as part of the process they undertake to consider affordability and are required to publish the description of their process for considering affordability in their project selection process.¹² In addition, services provided by a CPF-funded Broadband Infrastructure Project must include at least one low-cost option that is offered at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning, and the service provider must participate in federal programs that provide low-income consumers with subsidies on broadband internet access services.¹³

The CPF Program will ensure that options proposed in response to the RFP are affordable to Rhode Islanders. To do so, the Corporation will require that the non-promotional price of the lowest cost broadband service plan that delivers at least 100/100 Mbps (inclusive of all taxes, fees, and charges) must not exceed \$53.09, which is 2 percent of the lower limit of the second quintile of monthly Rhode Island Household Income, as reported by the Census Bureau. In addition, the service provider must participate in the CPF-mandated

⁸ See *id.* (“Recipients are encouraged to prioritize investments in fiber-optic infrastructure where feasible, as such advanced technology better supports future needs.”)

⁹ See *id.*

¹⁰ See *id.* at 4.

¹¹ See *id.*

¹² See *id.*

¹³ See *id.*

Affordable Connectivity Program (“ACP”) to the extent it continues to exist or, if ACP no longer exists, the ACP’s successor program.

- **Prioritizing projects with broadband networks owned or operated by or in partnership with local governments, non-profits, and co-operatives.** Treasury encourages states to prioritize infrastructure projects with mission-driven providers that are committed to serving entire communities, with a focus on access to underserved communities.¹⁴

The Corporation continues to conduct stakeholder outreach and is engaging with local governments and non-profits that have expressed interest in developing a mission-driven broadband network. The CPF Program elevates public-private partnerships in the selection criteria, providing a proposed 15 points for local coordination.

- **Project Area Selection.** Treasury encourages targeting funding towards disadvantaged communities with the goal of, among other things, improving opportunity in communities lacking access to affordable, reliable, high-quality broadband internet. Treasury requires that states provide an evidentiary basis for their selection of communities to be served and the communities’ critical need for these broadband projects relative to access, affordability, reliability, and/or consistency.¹⁵ Treasury does not specify communities or locations for CPF funding and permits states to identify the communities best supported by CPF funds based on a wide range of potential evidentiary sources.

The CPF Program selected project areas based on number of locations served, cost per location, median household income, and percentage of residents who report not having in-home broadband access according to the American Community Survey. Further detail on the Project Area Selection is provided below.

Rhode Island CPF Program Parameters

Timeline

The proposed timeline for the CPF funding round is summarized below:

<i>Phase</i>	<i>Start</i>	<i>Duration</i>	<i>End</i>
Pre-Solicitation Planning	Day 1		Day 30

¹⁴ See *id.* 3.

¹⁵ See *id.* 4.

Finalize list of Communities/ Project Areas	Day 1	30 days	Day 30
CPF RFP Process	Day 30		Day 60
RFP Issued	Day 30	30 days	Day 60
RFP Webinar or Information Session	Day 35		
RFP Submissions Due	Day 60		
RFP Review	Day 60	45 days	Day 105
Project/Selection of Preferred Bidder/s	Day 105		
Negotiation/Finalization of Award	Day 105	60 days	Day 165

Broadband Serviceable Location Classification Methodology

Treasury has given states discretion when determining the locations to be served by Broadband Infrastructure Projects. Accordingly, “[the Corporation] may choose to consider any available data including but not limited to documentation of existing broadband internet service performance, federal and/or state collected broadband data, user speed test results, interviews with community members and business owners, reports from community organizations, and any other information they deem relevant.”¹⁶

In evaluating such data, [the Corporation] may take into account a variety of factors, including whether users actually receive internet service at or above speed thresholds at all hours of the day, whether factors other than speed such as latency or jitter, or deterioration of the service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology... and other factors related to services to be provided by Broadband Infrastructure Projects. [The Corporation] may consider the actual experience of current broadband customers when making their determinations; and whether there is a provider serving the area that otherwise advertises or claims to offer broadband at a given speed is not dispositive.”¹⁷

Rhode Islanders in some parts of the State have reported to the Corporation that they lack access to affordable, high-speed broadband. In listening sessions, workshops, round table discussions, survey responses, speed test submissions, and other forums, some Rhode Islanders report that they are unable to access broadband with download speeds greater than or equal to 100 Mbps

¹⁶ See *id.* 5.

¹⁷ *Id.*

and/or upload speeds greater than or equal to 20 Mbps and latency equal to or below 100 milliseconds. These reports appear to be inconsistent with the National Broadband Map, which classifies ~99.3 percent of locations as served (the National Broadband Map classifies only 2,895k locations in Rhode Island, ~0.7 percent of all locations, as either underserved or unserved).

To address the differences between the experiences of some Rhode Islanders and the data within the National Broadband Map and to ensure that the most accurate broadband data maps inform CPF investment, the Corporation is creating the Rhode Island Broadband Map. The Rhode Island Broadband Map does not add or remove locations from the set of broadband serviceable locations that the Federal Communications Commission has identified on the National Broadband Map. The Rhode Island Broadband Map classifies a location as served, underserved, or unserved using the following approach:

1. National Broadband Map: First, the Corporation’s identification of unserved and underserved locations started with the latest version of the National Broadband Map. Unserved locations are defined as those locations with access to download/upload speeds less than 25/3 Mbps. Underserved locations are defined as those locations with access to download/upload speeds greater than or equal to 25/3 Mbps and less than 100/20 Mbps.
2. DSL Modifications: Second, the Corporation treats locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via DSL as “underserved.” This modification will better reflect the locations eligible for CPF funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of “future-proof” broadband service.
3. Area Speed Test Reclassification: Third, the Corporation uses the results of hundreds of thousands of Ookla speed tests (collected between April 2023 and April 2024) (collectively “Ookla Broadband Performance Dataset”) to identify those BSLs in Rhode Island that are classified as “served” in the National Broadband Map, but which the available evidence shows speeds that are materially below 100/20 Mbps (download/upload) or latency that is materially above 100 milliseconds. Accordingly, Rhode Island reclassified BSLs located in census block groups that speed tests show as lacking access to reliable, high-speed broadband service (download speeds of 100 Mbps or greater, upload speeds of 20 Mbps or greater, and latency equal to or less than 100 milliseconds) as unserved or underserved.
 - a. *Details regarding the Ookla Broadband Performance Dataset*: The Broadband Performance Dataset is a raw dataset that includes attributes related to the speed tests captured. These attributes include, but are not limited

to, date and time, unique test ID, ISP common name, upload and download speed, latency measurements, longitude and latitude, connection type (fixed or mobile), and a GPS reading indicator flag. The Ookla data does not include the address of the BSLs subject to Ookla speed tests, the name of the end user associated with each BSL, or the speed tier the customer subscribes to. The absence of the address of the BSLs does not undermine the reliability or usefulness of the tests. The speed tests contain latitude and longitude location information that identifies the location of the device subject to the test within a margin for error of 110 meters. While this margin for error means that Ookla speed tests cannot be associated with specific BSLs in many cases, the latitude and longitude information allow for checks to ensure that speed tests have been conducted in distinct geographic locations. These checks will ensure that this Area Speed Test Reclassification will not be based on a small subset of the locations within a census block group.

While the Ookla speed tests do not contain information regarding the speed tier to which the customer subscribes, the Corporation believes the absence of such information does not undermine the reliability or usefulness of the tests.

Download: The Corporation understands that all fiber and cable broadband service plans currently offered by ISPs in Rhode Island are advertised to provide download speeds of 100 Mbps or more; the Corporation, therefore, reasonably understands that all Ookla speed tests have been conducted by Rhode Islanders that subscribe to a download speed tier of at least 100 Mbps.

Upload: One ISP in Rhode Island offers several broadband service plans with advertised upload speeds below 20 Mbps; the Corporation, therefore, will forego the use of upload speed tests for the purposes of this Area Speed Test Reclassification.

Latency: As all fiber and cable broadband service plans currently offered by ISPs in Rhode Island are advertised (within their published Broadband Consumer Labels) to provide typical latencies less than 100 milliseconds, the Corporation understands that all Ookla speed tests have been conducted by Rhode Islanders that have a subscription which provides latency less than 100 milliseconds.

b. *Methodology for Area Speed Test Reclassification:* The Corporation used speed test data, as described below, to determine the level of service provided by each

ISP within each census block group. Then, the Corporation evaluated the maximum level of service provided across all ISPs within the census block group; if no ISP within the census block group provides service that meets or exceeds the standard for determining that a BSL is “served” (download speeds of 100 Mbps or greater and latency equal to or less than 100 milliseconds – as described above, the Corporation will not consider Upload speed tests for the purposes of the Area Speed Test Reclassification), the Corporation will reclassify all BSLs within the census block group as underserved. The following parameters apply:

- c. *Ookla Speed Tests included within the Area Speed Test Reclassification:*
 - i. Each Ookla speed test measurement includes:
 - 1. The time and date the test was conducted,
 - 2. The ISP-assigned internet protocol (IP) address,
 - 3. The ISP’s common name, and
 - 4. The device type.
 - ii. The Corporation used “Fixed” speed test data, thereby removing all speed tests taken on mobile networks (the data set categorizes speed tests into “Attribute Portal Categories,” which will be filtered to exclude “Mobile Broadband” and include “All Fixed” categories, which constitutes laptops or desktops). The Corporation discarded any speed test without a GSP location or with a location accuracy greater than 100 meters. The Corporation otherwise used all speed test data in the Broadband Performance Dataset; speed test data will not be “cherry picked” or culled in any way.
 - iii. The Corporation excluded tests that indicate poor Wi-Fi connectivity, indicated by high first-hop latency, and tests where the speed test server was chosen manually.

- d. *Methodology for Area Speed Test Reclassification:* The Corporation used speed test data, as described below, to determine the level of service provided by each ISP within each census block group. Then, the Corporation evaluated the maximum level of service provided across all ISPs within the census block group; if no ISP within the census block group provides service that meets or exceeds the standard for determining that a BSL is “served” (download speeds of 100 Mbps or greater and latency equal to or less than 100 milliseconds – as described above, the Corporation will not consider Upload speed tests for the purposes of the Area Speed Test Reclassification), the Corporation reclassified all BSLs within the census block group as underserved.
 - i. First, the Corporation evaluated the level of service provided by each ISP:
 - 1. The Corporation only evaluated the level of service of an ISP in census block groups where there are speed tests in at least 12 unique locations for that ISP. This will ensure that speed tests are conducted in a variety of locations throughout a census block group, and not solely in a small area within the

census block group. As the precise location of devices subject to Ookla speed tests can be identified only within a margin of error of approximately 110 meters, the Corporation will group speed tests into “tiles” (polygons each with a radius of approximately 110 meters); a census block group must have at least 12 of these so-called “tiles” with speed tests to be considered.

2. The Corporation only evaluated the level of service of an ISP in census block groups where there are 54 or more unique speed tests for that ISP.

3. The Corporation did not evaluate the level of service of an ISP in a census block group if it provides service via multiple technologies, as the Corporation can only attribute speed tests to a location and provider, but not to a specific technology.

4. The Corporation evaluated an ISP’s level of service for all BSLs within a census block group to be Underserved if 80 percent or more of the unique speed tests for that ISP within that census block group do not experience download speeds of at least 80% of 100 Mbps (i.e., 80 Mbps) (this is the “80/80 test”).

5. The Corporation evaluated an ISP’s level of service for all BSLs within a census block group to be Underserved if 95 percent or more of the unique speed tests for that ISP within the census block group do not experience latency below 100 milliseconds (this is the “95 percent rule” for latency test results).

ii. Second, the Corporation evaluated the maximum level of service provided across all ISPs within the census block group:

The Corporation first assessed the level of service for each ISP serving the census block group, as described above. The Corporation will then reclassify BSLs in the census block group based on the maximum level of service available by any ISP. For example, if one ISP’s level of service in the census block group is evaluated as Unserved, and the only other present ISP’s level of service in the census block group is evaluated as Underserved, then the BSLs in the census block group would all be reclassified to the maximum level of service, “Underserved”.

Alternatively, if one ISP’s level of service is evaluated as either Unserved or Underserved, but another present ISP’s level of service is evaluated as Served, then the BSLs in this census block group would not be reclassified because the maximum level of service would be “Served”.

4. Location Speed Test Modifications: The Corporation reclassified individual BSLs that the National Broadband Map shows to be “served” if the median of three or more unique speed tests – as described in the detailed methodology below – demonstrate that there is not at least one provider capable of providing service of at

least 100 Mbps downstream, 20 Mbps upstream, or latency less than or equal to 100 milliseconds. This modification will better reflect the locations eligible for BEAD funding because it will consider the actual speeds and latency at these locations, as described below.

- a. *Speed Tests Used:* Like the Area Speed Test Reclassification, the Corporation used the Ookla Broadband Performance Dataset to perform speed test modifications. Please refer to discussion above regarding the Ookla Broadband Performance Dataset for further information.
- b. *Methodology for Location Speed Test Reclassification:* The following parameters will apply:
 - i. Each Ookla speed test measurement includes:
 1. The time and date the test was conducted,
 2. The ISP-assigned internet protocol (IP) address,
 3. The ISP's common name, and
 4. The device type.
 - ii. The Corporation only used "Fixed" speed test data, thereby removing all speed tests taken on mobile networks (the data set categorizes speed tests into "Attribute Portal Categories," which will be filtered to exclude "Mobile Broadband" and include "All Fixed" categories, which constitutes laptops or desktops). The Corporation discarded any speed test without a GSP location or with a location accuracy greater than 100 meters. The Corporation otherwise used all speed test data in the Broadband Performance Dataset; speed test data will not be "cherry picked" or culled in any way. Only one speed test per location is required.
 - iii. The Corporation excluded tests that indicate poor Wi-Fi connectivity, indicated by high first-hop latency, and tests where the speed test server was chosen manually.
 - iv. The Corporation considered each technology and ISP separately. The Corporation excluded speed tests at locations where an ISP offers broadband service utilizing multiple technologies, as it cannot reliably attribute such tests to one technology or another. A BSL will only be reclassified as "Unserved" if it lacks access to at least one ISP capable of providing service with download/upload speeds of between 25/3 Mbps and 100/20 Mbps, and latency less than or equal to 100 milliseconds. A BSL was only reclassified as "Underserved" if it lacks access to at least one ISP capable of providing service with download/upload speeds of at least 100/20 Mbps, and latency less than or equal to 100 milliseconds.
 - v. The Corporation only considered speed tests that it can confidently associate with a single BSL. As the precise location of devices subject to Ookla speed tests can be identified only within a margin of error of approximately 110 meters, the Corporation only considered

speed tests in “tiles” (polygons with a radius of approximately 110 meters) with a single BSL, as these speed tests can be attributable to no other location. If there is more than one BSL within the so-called “tile,” the Corporation did not consider this speed test and did not attempt to reclassify these BSLs within the Location Speed Test Modification methodology.

- vi. The Corporation only sought to reclassify BSLs if at least one of its speed tests demonstrate upload speeds of 20 Mbps or greater, as this indicates that the BSL’s subscription tier is likely above 20Mbps, but the performance is below 20 Mbps.
- vii. The Corporation reclassified a BSL as unserved if the median of three or more unique speed tests demonstrates download speeds less than 25 Mbps and/or upload speeds less than 3 Mbps, and the BSL lacks access to any ISP that may provide service with download/upload of at least 25/3 Mbps.
- viii. The Corporation reclassified a BSL as underserved if the median of three or more unique speed tests demonstrates download speeds greater than or equal to 25 Mbps and less than 100 Mbps and/or upload speeds greater than or equal to 3 Mbps and less than 20 Mbps, and the BSL lacks access to any ISP that may provide service with download/upload of at least 100/20 Mbps.
- ix. The Corporation reclassified a BSL as underserved if the median of three or more unique speed tests demonstrates download or upload latency above 100 milliseconds, and the BSL lacks access to any ISP that may provide service with download or upload latency of less than or equal to 100 milliseconds.

Locations addressable via the CPF Program are un/underserved BSLs, as identified by the Rhode Island Broadband Map at the time of issuance of the CPF Program RFP. CAIs may also be served through the program.

Project Area Selection Process

The Corporation’s key considerations for selecting Project Areas that are eligible for investment under the CPF Program are:

Treasury Priorities: Treasury prioritizes fiber projects in higher-cost, high-demand areas; low- and moderate-income areas; rural areas; and/or historically disadvantaged communities. Treasury also prioritizes innovative, community-based network deployment approaches.

RI’s Strategic Priorities: Rhode Island is seeking to ensure CPF funds are best leveraged along with BEAD dollars for fiber deployment as much as possible. Therefore, as possible, within and aligned to, the Treasury priorities, the CPF Program will service

areas that may be difficult to serve with fiber via BEAD (e.g., areas with higher estimated cost per location)

Total Number of Locations Served: Rhode Island sought to maximize CPF funding to ensure as close to 7,000 locations as possible are served by the program.

The Corporation determined potential project areas using wire center boundaries, as these are geographic units familiar to ISPs and can be used to establish potential project areas large enough to ensure ISP interest/economic feasibility.

The Corporation then finalized project area selection through a prioritization matrix approach that accounted for:

1. Total Number of Unserved/Underserved Locations within a Region: The Corporation first culled the list of potential project areas to include only those areas with at least 500 Broadband Serviceable Locations through CPF funding and provided weighting for those areas with larger numbers of potential build-out locations with CPF funding.
2. Areas of Broadband Need: The Corporation weighted areas based on the percentage of households that report not having a fixed in-home wireline broadband connection, as provided through the 2022 American Community Survey. These quantitative data were corroborated by the Corporation's local coordination efforts, which identified communities with larger need.
3. Disadvantaged Communities: The Corporation additionally weighted areas based on the median household income in the region, prioritizing lower median incomes higher.
4. Cost to Build: Finally, the Corporation weighted areas based on the total capital expenditure that we anticipate needing to complete the build outs of each of the potential project areas using a proprietary software hosted by our consultant. (The range of potential capital required assumes a low-end using existing fiber without build out to Community Anchor Institutions (CAIs) and a high-end assuming no existing fiber with a build out to CAIs.)

These four criteria were weighted equally to rank potential project areas and were overlaid with Treasury prioritization of innovative, community-based network deployment approaches. This approach to project area selection ensures a targeted support for areas of high need based on demographic characteristics and access to broadband service while balancing economic attractiveness to ISPs and total number of locations served. It further ensures efficient use of funds given estimated capital costs.

1. As a result of this project area selection process, utilizing the Broadband Serviceable Location Classification Methodology described above, the eligible Project Areas for CPF funding will be an estimated 2,900 locations in Newport, 1,900 locations in Westerly, and 1,900 locations in Jamestown.

<i>Estimated Project Areas</i>	<i>BSLs (k)</i>
Newport	2.9
Westerly	1.9
Jamestown	1.9

The Corporation will make available to potential bidders a full list of location IDs associated with each location at time of release of the CPF RFP and can provide a draft to Treasury as required prior to that time.

Proposer(s) Selection Process

As noted above, the Corporation will issue an RFP to solicit proposals for Broadband Infrastructure Project under the in the CPF Program. As required by state statute, this RFP will be issued in cooperation with the Department of Business Regulation (“DBR”). Eligible Entities to respond to the RFP will include certain for-profit entities (Corporations, limited liability companies, general partnerships, or limited partnerships), cooperatives, non-profit entities, electrical utilities, local and Tribal governments, and public-private partnerships. The Corporation has designed the selection process to follow applicable state procurement process set forth in the State Purchase Act, R.I. Gen. Laws section 37-2-1, et seq. (the “Act”) as well as CPF Guidance. The process will follow the following steps:

- **Pre-solicitation Planning.** The Corporation will finalize the CPF Program Plan with Treasury as well as the final Project Areas.
- **RFP package development.** The Corporation is developing an RFP that will include at a minimum: (i) project overview and background, (ii) scope of work, (iii) list of eligible deployment activities, (iv) Eligible Locations, (v) qualifications and eligibility criteria, (vi) submission instructions and timeline, (vii) evaluation criteria, (viii) evaluation process, (ix) budget parameters, and (x) applicable Federal and State award guidelines.
- **Launch of RFP.** The RFP will be posted on the Corporation’s website and the website for the Rhode Island Division of Purchasing. The Corporation will also make public announcements of the RFP publication through its website, monthly ConnectRI newsletter, email distribution lists, press release, social media public postings, and through partner channels. Efforts will be made to ensure that municipalities; internet service providers registered with the Rhode Island Public Utilities Commission (as applicable); and nonprofit organizations, are made aware of the opportunity. The Corporation may also promote the RFP in newspaper ads or other advertisements.
- **Evaluation and scoring.** The Corporation will establish an evaluation committee, which will evaluate and score proposals that in its discretion meet the minimum requirements, in accordance with scoring criteria articulated below and clarified in the RFP. Members of

the evaluation committee will be asked to certify, amongst other things, compliance with conflict-of-interest standards and confidentiality. Membership in the evaluation committee may be comprised of Corporation representatives, DBR representative(s), subject matter experts, community stakeholders or other relevant roles as determined by the Corporation.

- **Selection and notice.** The Corporation will select winning proposals based on requirements listed below. The Corporation will publish the list of selected proposer(s) on its website.

CPF Minimum Requirements

Prior to scoring proposals, the Corporation will review the minimum requirements identified in table below. These requirements describe the minimum qualifications or representations/certificates a proposer must meet to have their proposal evaluated by the Corporation. All proposals must meet minimum requirements of the Corporation in order to be deemed “complete” and be scored by the evaluation committee based on the Scoring Criteria below.

Organizational Minimum Requirements

Minimum Requirements Category	Minimum Requirements Submittal
C. Technical and Managerial Capability	Project Management Plan
	Managerial Credentials
	Administrative Submittals
	Workforce Credential Plan
D. Financial Capability	Financial Certifications
	Audited Financial Statements
	Business Plan
	Disclosure of Existing and Future Publicly Funded Projects
	Detailed Information for Existing and Future Publicly Funded Projects
E. Operational Capability	Operational Qualifications
	Number of Years of Operation/Operational Capabilities of New Entrants
	Compliance with FCC Data Reporting Rules and Regulations
	Operating and Financial Reports for Electric Transmission of Distribution Services

Minimum Requirements Category	Minimum Requirements Submittal
F. Compliance Evaluation	Compliance with Federal, State, and Local Laws
	Compliance with Fair Labor Standards

Project Minimum Requirements

Minimum Requirements Category	Minimum Requirements Submittal
G. Technical Requirements	End-to-End Fiber
	Improve speed, resilience, and latency of current last-mile networks to ensure these networks can support 100/100 Mbps average real speeds for all users, and is scalable to 1/1 Gbps. If it is determined to be impracticable for a Project to deliver services at 100/100 Mbps due to geography, topography, or excessive cost, the proposed Project must be designed so that it reliably meets or exceeds 100/20 Mbps with a minimum of 100/100 Mbps
	Latency must be less than 100ms
	Deployment and service activation must be achieved by Dec 31 2026
H. Affordability Requirements	Evidence of participation in the Affordable Connectivity Program (ACP)/commitment to participation in the ACP or its successor program if awarded funding through the CPF Project
	Upon completion of the network, at least one subscription tier will be affordable to middle-class residents in Rhode Island, as defined by being no more than 2 percent of monthly income of the lower-end of the second quartile of household incomes in state.

Scoring Criteria

The potential scoring criteria for the CPF Program are summarized below:

#	Criteria	Points
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1	Affordability	30
2	Funding Request	25
3	Local Coordination	15
4	Workforce Development	15
6	Community Impact	15
	Subtotal	100
7	ISBE Participation	6
	Total points	106

Note: Each of the Project Areas will be scored separately.

Criterion 1 – Affordability (30 points)

For construction and deployment of Broadband Infrastructure Projects, Proposers will be able to earn points by showing their commitment to provide the most affordable total cost to the customer for broadband services with a minimum speed of 100Mbps for download and 100 Mbps for upload.

Criterion 2 – Funding Request (25 points)

For construction and deployment of Broadband Infrastructure Projects, Proposers will be able to earn points in this section based on their ability to build and serve all Eligible Locations in the Project Areas with the lowest total outlay, inclusive of CPF funding and any matching funds. Proposers with the lowest proposed outlay, inclusive of the proposed CPF funds and any proposed match, will earn 25 points. All other Proposers will be awarded points proportionally to the proposal with the lowest outlay. For example, a proposal with outlays X% higher than the lowest proposal will earn points based on following formula: Awarded Points = (1-X%) x 25. Proposers with total outlays greater than or equal to twice the lowest proposal will receive zero points.

Criterion 3 – Local Coordination (15 points)

For construction and deployment of Broadband Infrastructure Projects, Proposers will be able to earn points by demonstrating a proven ability to form substantive public-private collaborative partnerships with local nonprofits or community organizations, local governments, tribal governments, and/or local network providers, as well as proof of support from nonprofits, community organizations, local governments, tribal governments, and/or local network providers in the proposed project area. Areas of collaboration for public-private partnerships may include but are not limited to: planning and delivery of broadband infrastructure, maintenance and

operations of broadband infrastructure, knowledge transfer, development of technical or managerial skills, and/or locally driven improvements to the community.

Criterion 4 – Workforce Development (15 points)

For construction and deployment of Broadband Infrastructure Projects, Proposers will be able to earn points by demonstrating and proving their commitment to advancing workforce development. Examples of workforce development may include, but are not limited to: local workforce, current training/safety programs, utilization of full-time employees, demonstration of internal promotions, family-sustaining pay and benefits.

Criterion 5 – Community Impact (15 points)

For construction and deployment of Broadband Infrastructure Projects, Proposers will be able to earn points by demonstrating their commitment to delivering long-term benefits to the communities they serve. In addition to the deployment of broadband infrastructure, the Corporation will evaluate proposer’s plans and commitments to provide non-cash contributions to the community for the life of the network. Examples of such contributions are, but not limited to: activities/initiatives to improve the digital literacy of community members; provision of facilities or infrastructure to assist community members with employment search and related activities; provision of facilities or infrastructure to assist community members with online education and related activities; and health monitoring adoption for individuals.

Criterion 6 – ISBE Participation (6 points)

This scoring element is required by the Rhode Island State Legislature. For construction and deployment of Broadband Infrastructure Projects, Proposers will be able to earn points by committing to the participation of firms owned and controlled by minorities (MBEs), women (WBEs), and small disadvantaged businesses owned and controlled by persons with disabilities (Disability Business Enterprises a/k/a “DisBE”) (collectively, MBEs, WBEs, and DisBEs are referred to herein as ISBEs) in the performance of deployment activities associated to the CPF program.

**EXHIBIT D: TIER ONE SUBAWARD AGREEMENT BETWEEN THE
RI COMMERCE CORPORATION AND EXECUTIVE OFFICE OF
COMMERCE**