

FORM CD-450 (REV. 10/18)	U.S. DEPARTMENT OF COMMERCE	X GRANT COOPERATIVE AGREEMENT FEDERAL AWARD ID NUMBER 13-09-C13055
FINANCIAL ASSISTANCE AWARD RECIPIENT NAME Fort Valley State University		PERIOD OF PERFORMANCE 03/01/2023 - 02/28/2025
STREET ADDRESS 1005 State University Drive		FEDERAL SHARE OF COST \$2,997,558.00
CITY, STATE ZIP Fort Valley, GA 31030-4313		RECIPIENT SHARE OF COST \$0.00
AUTHORITY Section 902(c) of Public Law 116-260		TOTAL ESTIMATED COST \$2,997,558.00
CFDA NO. AND NAME 11.028 Connecting Minority Communities Pilot Program		
PROJECT TITLE: Fort Valley State University-Communi-versity: Piloting an Ecosystem for Digital Equity		
<p>This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modifications by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.</p> <p>X DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS</p> <p>R & D AWARD</p> <p>FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE</p> <p>X SPECIFIC AWARD CONDITIONS</p> <p>X LINE ITEM BUDGET</p> <p>X 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101</p> <p>48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES</p> <p>MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.</p> <p>X OTHER(S):47 C.F.R Part 302, Connecting Minority Communities Pilot Program</p>		
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER  Yongming Qiu		DATE Digitally signed by YONGMING QIU Date: 2023.02.23 18:54:52 -05'00'
PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL Director, Office of Sponsored Programs 		DATE Digitally signed by Joyce Y. Johnson Date: 2023.04.03 16:30:29 -04'00'

Award Number: 13-09-C13055, Amendment Number 0

Federal Program Officer: Michelle Lemelle

Requisition Number: CM13055

Employer Identification Number: 586002062

UEI Number: LVDJS9UYPLD4

Recipient ID:

Requestor ID:

Award ACCS Information

Bureau	FCFY	Project-Task	Organization	Object Class	Obligation Amount
61	2023	4855001-000	06-00-0000-00-00-00-00	41-19-00-00	\$2,997,558.00

Award Contact Information

Contact Type	Contact Name	Email	Phone
Administrative	Mr. Terrence Wolfork	Wolforkt@fvsu.edu	(478) 825-6053

NIST Grants Officer:

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Gaithersburg, MD 20899-1650
(301) 975-5437

NIST Grants Specialist:

LaJuan Howard
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**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
CONNECTING MINORITY COMMUNITIES PILOT PROGRAM
FINANCIAL ASSISTANCE
SPECIFIC AWARD CONDITIONS**

1. Introduction:

The National Institute of Standards and Technology (NIST), servicing for the National Telecommunications and Information Administration (NTIA), hereby enters into this Grant, number 13-09-C13055, with Fort Valley State University to support the work described in the proposal entitled “Fort Valley State University-Communi-versity: Piloting an Ecosystem for Digital Equity” dated 12/01/2021, and any revisions received during the application review, which are hereby incorporated into this award by reference. Where the terms of this award and the proposal differ, the terms of this award shall prevail.

2. Recipient Contact Information:

Technical:

Joyce Johnson
Director of Sponsored Programs
Fort Valley State University
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Fort Valley, GA 31030-4313
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Administrative:

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3. NTIA Contact Information:

Federal Program Officer

Michelle Lemelle
Office of Internet Connectivity and Growth
National Telecommunications & Information Administration
U.S. Department of Commerce
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4. NIST Contact Information:

Grants Officer:

Yongming Qiu

National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650

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Grants Specialist:

LaJaun Howard

National Institute of Standards and Technology

325 Broadway, MS 670

Boulder, CO 80305-3337

Email: lajuan.howard@nist.gov

5. Award Payments

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

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

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

- None
- Agency Review required for all withdrawals (see explanation below)
- Agency Review required for all withdrawal requests over \$ _____ (see explanation below)
- Maximum Draw Amount controls (see explanation below)
 - \$ _____ each month
 - \$ _____ each quarter
 - \$ 0.00 Max drawdown amount

Explanation:

The total amount of Federal funding is hereby withheld until the requirements identified in Specific Award Condition #27 – Environmental Assessment & National Historic Preservation Act Compliance Requirements (Six-Month Expenditure Plan) and Specific Award Condition #28 – Budget and Budget Justification, below, are satisfied.

6. Return Payments for Funds Withdrawn through ASAP

Funds that have been withdrawn through ASAP may be returned to ASAP via the Automated Clearing House (ACH) or via FEDWIRE. The ACH or FEDWIRE transaction may only be completed by the Recipient's financial institution. Full or partial amounts of payments

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received by a Payment Requestor/Recipient Organization may be returned to ASAP. All funds returned to the ASAP system will be credited to the ASAP Suspense Account. The Suspense Account allows the Regional Financial Center to monitor returned items and ensure that funds are properly credited to the correct ASAP account. Returned funds that cannot be identified and classified to an ASAP account will be dishonored and returned to the originating depository financial institution (ODFI). The Payment Requestor/Recipient Organization should notify the NIST Grants Office and provide a reason whenever return payments are made.

It is essential that the Payment Requestor/Recipient Organization provide its financial institution with ASAP account information (ALC, Recipient ID and Account ID) to which the return is to be credited. Additional detailed information is accessible at:

<https://www.fiscal.treasury.gov/asap/>.

7. Period of Performance and Funding Limitations

The period of performance and budget incorporated into this award cover a 2-year period of performance with a total amount of **\$2,997,558** in Federal funding. This award is being fully funded via this award action.

The maximum amount of NIST funding in support of this award will not exceed the amount specified in the award documents, unless otherwise amended in writing by the NIST Grants Officer. The Department of Commerce is not liable for any obligations, expenditures, or commitments which involve any amount in excess of the Federal funds being made available pursuant to this award.

Extensions

NTIA has set the initial award period as no more than two years from the receipt of grant funds. The Assistant Secretary, however, may extend the initial award period if the eligible recipient certifies that (1) it has a plan for the use of the grant funds; (2) the execution or implementation of the project is underway; or (3) extenuating circumstances require an extension of time to allow the project to be completed (NTIA-CMCP-2021 Notice of Funding Opportunity, Page 10, B1)

Petition for Extension

The eligible recipient may submit a request for an extension of the two-year award period with its application or not later than ninety (90) calendar days before the end of the award period. (NTIA-CMCP-2021 Notice of Funding Opportunity, Page 11, B2)

Please refer to SAC #19 Prior Approvals for additional information on the process for requesting a no cost extension.

8. Notice of Funding Opportunity (NOFO) – Connecting Minority Communities Pilot Program

The Department of Commerce, National Telecommunications Information Administration Notice of Funding Opportunity No. NTIA-CMCP-2021 dated August 3, 2021 and amended November 9, 2021 is incorporated by reference into this award. It is accessible at [Grants.gov](https://www.grants.gov)

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by searching grant opportunities, selecting “Archived” opportunity status and searching by NOFO No. or in agency box, selecting “All Department of Commerce” and then, “National Telecommunications and Information Admin.”

9. 47 C.F.R Part 302 – Connecting Minority Communities Pilot Program Regulations

The Department of Commerce, National Telecommunications Information Administration, Connecting Minority Communities Pilot Program regulations located at 47 C.F.R Part 302 is incorporated by reference into this award. It is accessible at:

<https://www.ecfr.gov/current/title-47/chapter-III/part-302>.

10. Uniform Administrative Requirements, Cost Principles and Audit Requirements

Through 2 C.F.R. § 1327.101, the Department of Commerce adopted Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to <http://go.usa.gov/SBYh> and <http://go.usa.gov/SBg4>. Awards issued pursuant to this program may be subject to specific award conditions as authorized by 2 C.F.R. § 200.208.

11. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements dated December 30, 2014 (79 FR 78390), accessible at <http://go.usa.gov/hKkR>.

12. Department of Commerce Financial Assistance Standard Terms and Conditions

The Department of Commerce will apply to each award in this program, the Financial Assistance Standard Terms and Conditions in effect on the date of award. The current version, dated November 12, 2020, is accessible at [Department of Commerce Financial Assistance Standard Terms and Conditions](#).

13. Department of Commerce Financial Assistance Standard Terms and Conditions Section B.06 Indirect or Facilities and Administrative Costs

The Recipient will be reimbursed for indirect or F&A costs in accordance with 2 C.F.R. § 200.414 and Section B.06. of the Department of Commerce Financial Assistance Standard Terms and Conditions, dated November 12, 2020.

If an indirect cost rate has not been established, and the Department of Commerce is identified as the cognizant agency for indirect costs in accordance with 2 C.F.R. § 200.1, “Cognizant agency for indirect costs,” within 90 calendar days of the award start date, the Recipient must electronically submit to gmdaudit@nist.gov the documentation (indirect cost rate proposal, cost allocation plan, etc.) necessary to allow the Department of Commerce (through NIST or through another Commerce agency) to perform an indirect cost rate proposal review. Organizations that have previously established indirect cost rates with the Department of Commerce, including with one of its agencies, must submit a new indirect

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cost rate proposal for indirect costs within six months after the end of the organization's fiscal year.

If your submission includes Personally Identifiable Information (PII) or Business Identifiable Information (BII), please send an email to gmdaudit@nist.gov to request a secure link. The requirements for determining the relevant cognizant agency and for developing and submitting indirect (F&A) cost rate proposals and cost allocation plans are contained in 2 C.F.R. § 200.414 and in Appendices III-VII to 2 C.F.R. Part 200. For additional guidance on preparing indirect cost proposals, please review the Department of Labor's Guide for Indirect Cost Determination at: <https://www.dol.gov/oasam/boc/dcd/np-comm-guide.htm> Section I.B and I.C lists the various types of indirect cost rates and the circumstances under which such rates would apply. The guide also addresses common indirect cost problems and contains useful FAQs.

14. Reporting Requirements

The following reporting requirements as listed in 47 C.F.R. § 302.9 and described in Sections A.01, Reporting Requirements, of the Department of Commerce Financial Assistance Standard Terms and Conditions dated November 12, 2020, apply to awards in this program:

Financial Reports

Pursuant to 47 C.F.R. 302.9(b)(2), each award recipient will be required to submit an SF-425, Federal Financial Report on a quarterly basis for the periods ending March 31, June 30, September 30, and December 31, or any portion thereof. Reports will be due within 30 days after the end of the reporting period, except when a final financial report is required under 47 C.F.R. § 302.10. A final financial report is due within 120 days after the end of the project period.

Performance (Technical) Reports

Pursuant to 47 C.F.R. 302.9(b)(1), each award recipient will be required to submit a technical progress report on a semi-annual and annual basis for the periods ending March 31 and September 30 of each year. Semi-annual performance reports will be due within 30 days after the end of the reporting period. Annual performance reports are due within 90 calendar days after the reporting period, except when a final technical report is required under 47 C.F.R. § 302.10. Technical progress reports shall contain information as prescribed in 2 C.F.R. § 200.329 and Department of Commerce Financial Assistance Standard Terms and Conditions dated November 12, 2020, Section A.01.

All SF-425 and Performance Progress Reports must be submitted to: GReports@nist.gov, within the prescribed timeframes identified in the terms and conditions of the award.

The Recipient organization name, NIST award number, and reporting period must be included in the email subject line. The Recipient contact information should be included in the body of the message. To the greatest extent possible, SF-425 and Performance Progress Reports should be submitted together in the same email.

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SF-425 and Performance Progress Reports must not be sent directly to NIST/NTIA personnel (e.g. Grants Specialist, Grants Officer, Administrative Assistant, GMD Division Chief, Federal Program Officer, etc.).

Any SF-425 or Performance Progress Reports sent directly to NIST/NTIA personnel will be returned to the sender with instructions on how to submit through the GReports@nist.gov mailbox.

No other correspondence may be sent through this mailbox; timely responses to any other inquiries received in this mailbox are not guaranteed. The mailbox will not be used for any other purpose except for purposes identified above.

Annual Report and Certification.

Not later than one year after receiving grant funds under the Connecting Minority Communities Pilot Program, and annually thereafter until the funds have been expended, an eligible recipient shall submit to the Assistant Secretary (via email to the NTIA Federal Program Officer listed in the recipient's award documents with a copy to GReports@nist.gov) a report, with respect to the one-year period immediately preceding the report date, that:

- (a) describes how the eligible recipient expended the funds (examples include a description of services provided, equipment purchased, the number of locations on campus or in anchor communities at which broadband internet service was improved or connectivity expanded using the grant funds, and the number of students/patrons connected);
- (b) certifies that the eligible recipient complied with the requirements of the Act and the Connecting Minority Communities Pilot Program; and
- (c) identifies each subrecipient that received a subgrant from the eligible recipient and a description of the specific project for which grant funds were provided.

Further, each grant recipient shall annually submit (via email to the NTIA Federal Program Officer listed in the recipient's award documents with a copy to GReports@nist.gov), within 30 days after the end of each Fiscal year in which grant funds are available, a completed certification confirming that it is in compliance with all required statutory and programmatic conditions, as required by 47 C.F.R. § 302.8. *See* Appendix A to this NOFO: Certification regarding Compliance with Statutory and Programmatic Requirements. The Annual Reports will be publicly available on the NTIA website.

Baseline Report

No later than 45 days after receiving grant funds award under the Connecting Minority Communities Pilot Program, recipients shall submit to the Assistant Secretary (via email to the NTIA Federal Program Officer listed in the recipient's award documents with a copy to GReports@nist.gov) a one-time Baseline Report. The Baseline Report is submitted once at the beginning of the grant recipient's project start date. It provides grantees an opportunity to update baseline project information that may have changed from their original application and clarify projected milestones and key indicators from the award start date to closeout. The

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Baseline Report sets performance expectations and is used to forecast the public benefit of CMC Grant projects and the use of grant funds.

Provision of Information To FCC, NSF and ED

The Assistant Secretary will provide the information collected under Section VI.E.2 of this NOFO to the Commission, the National Science Foundation, and the Department of Education to be used when determining whether to award funds for broadband connectivity, digital inclusion, and the provision of devices and/or equipment under any program administered by those agencies. As mandated by the Act, NTIA will coordinate with the Commission, the National Science Foundation, and the Department of Education, to ensure the efficient expenditure of Federal funds, including by preventing multiple expenditures of Federal funds for the same purpose.

15. Property Trust Relationship and Public Notice Filings for Grant-Acquired Property

In accordance with 2 CFR § 200.316 (Property trust relationship), real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity (*i.e.*, Recipient or Subrecipient) as trustee for the beneficiaries of the project or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property's estimated useful life, as determined by the Grants Officer in consultation with the Program Office, during which time the Federal Government retains an undivided, equitable reversionary interest in the property (Federal Interest). The non-Federal entity must comply with all use and disposition requirements and restrictions as set forth in 2 C.F.R. §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship), as applicable, and in the terms and conditions of the Federal award.

The Grants Officer may require a non-Federal entity (*i.e.*, a Recipient or Subrecipient) to execute and to record (as applicable) a statement of interest, financing statement (Form UCC-1), lien, mortgage or other public notice of record to indicate that real or personal property acquired or improved in whole or in part pursuant to a Connecting Minority Communities Pilot Program award is subject to the Federal Interest, and that certain use and disposition requirements apply to the property. The statement of interest, financing statement (Form UCC-1), lien, mortgage or other public notice must be acceptable in form and substance to NTIA and to the NIST Grants Officer and must be placed on record in accordance with applicable State and local law, with continuances re-filed as appropriate. In such cases, the NIST Grants Officer may further require the non-Federal entity to provide NTIA and the NIST Grants Officer with a written statement from a licensed attorney in the jurisdiction where the property is located, certifying that the Federal Interest has been protected, as required under the award and in accordance with applicable State and local law. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, must be promptly returned to the Grants Officer. The non-Federal entity may use model documentation made available by NTIA.

Without releasing or excusing the non-Federal entity from these obligations, the non-Federal entity, by execution of the financial assistance award or by expending Federal financial assistance funds (in the case of a subrecipient), authorizes NTIA and/or the NIST Grants

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Officer to file such notices and continuations as it determines to be necessary or convenient to disclose and protect the Federal Interest in the property. The NIST Grants Officer may elect not to release any or a portion of the Federal award funds until the non-Federal entity has complied with this provision and any other applicable award terms or conditions, unless other arrangements satisfactory to the NIST Grants Officer are made.

16. Third Party Beneficiaries

The Connecting Minority Communities Pilot Program is a discretionary grant program that is not intended to and does not create any rights enforceable by third party beneficiaries.

17. Waiver Authority

It is the general intent of NTIA not to waive any of the provisions set forth in the Connecting Minority Communities Pilot Program NOFO. However, under extraordinary circumstances and when it is in the best interest of the federal government, NTIA, upon its own initiative or when requested, may waive the provisions in the NOFO. Waivers may only be granted for requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth the extraordinary circumstances for the request.

18. Unauthorized Use of Funds

To the extent that the Assistant Secretary or the Inspector General of the Department determines that an eligible recipient has expended grant funds received under the Connecting Minority Communities Pilot Program in violation of the requirements set forth in Section 902 of the Act, the Assistant Secretary will recover the amount of funds that were so expended.

19. Prior Approvals (Unfunded Award Actions) - Unfunded Grant Actions Mailbox (UGAM)

Requests for unfunded award actions, which include, but are not limited to:

- Requests for no-cost extensions
- Changes in key-personnel
- Changes in scope
- Budget revisions (no additional funds requested)
- Novation
- Name change
- Award transfer

shall be submitted to UGAM@nist.gov within the prescribed timeframes identified in the terms and conditions of this award.

Unfunded award action requests and related correspondence, including justification to support the request, sent to the mailbox ***must*** contain the following information in the email subject line: (1) Recipient name; (2) NIST award number; (3) Principal Investigator/Project Director; and (4) Action being requested (*e.g.*, no cost extension, change in key personnel).

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Unfunded award action requests *must not be* sent directly to NIST personnel (*e.g.*, Grants Specialist, Grants Officer, Administrative Assistant, GMD Division Chief, Federal Program Officer).

Requests that are processed will be authorized via a Form CD-451 Amendment to the Financial Assistance Award or a Non-Funded Administrative Change Letter.

20. Change in Funded Project Participant:

Any change to an approved consortium consisting of a historically Black college or university, a Tribal College or University, or a Minority-serving institution and (a) an MBE, or (b) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code requires prior written approval by the Grants Officer.

21. Construction Activities Prohibited

Construction activities are not allowable under the Connecting Minority Communities Pilot Program. The Recipient may engage in limited infrastructure activities (*e.g.*, classroom upgrades, improvements to broadband systems internal to campus networks, etc.) to the extent reflected in the Recipient's approved project narrative.

22. Build America, Buy America – Required Use of Domestic Fiber Optic Glass and Fiber Optic Cable

A. Applicability & Scope: Pursuant to the Infrastructure Investment and Jobs Act, 2021, Pub. L. No. 117-58, 135 Stat. 429 (Nov. 15, 2021) (IIJA) including the Build America, Buy America Act, Pub. L. No. 117-58, §§ 70901-52 (BABA), as well as guidance provided by Memorandum for Heads of Executive Departments and Agencies, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, Executive Office of the President, Office of Management and Budget (April 18, 2022) (OMB M-22-11), recipients of a federal financial assistance award from the U.S. Department of Commerce (DoC) are hereby notified that none of the funds provided under this award may be used for a Connecting Minority Communities (CMC) infrastructure project unless all of the fiber optic glass and fiber optic cable used in the project is produced in the United States. The Buy America domestic content procurement preference only applies to fiber optic glass and to fiber optic cable that are consumed in, incorporated into, or affixed to a CMC infrastructure project. As applicable, the requirements of this subsection must be included in all subawards and contracts, including all contracts and purchase orders for work or products pursuant to this program.

B. Waivers: When necessary, recipients may apply for, and DoC may grant, a waiver from the Buy America domestic content procurement preference applicable to CMC awards. When DoC has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America domestic content procurement preference in any case in which DoC determines that:

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- 1) applying the Buy America domestic content procurement preference to the fiber optic glass and/or fiber optic cable needed for the CMC project would be inconsistent with the public interest;
- 2) the fiber optic glass and/or fiber optic cable needed for the CMC project are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- 3) the inclusion of fiber optic glass and/or fiber optic cable needed for the CMC project and produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the Buy America domestic content procurement preference must be submitted in writing. The NTIA Federal Program Officer will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Office of Management and Budget Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver accessible at: <https://www.whitehouse.gov/omb/management/made-in-america/build-america-buy-america-act-federal-financial-assistance/>.

Please note that NTIA has waived the Buy America domestic content procurement preference requirement for all iron, steel, manufactured products, and construction materials used in CMC infrastructure projects, with the exceptions of fiber optic glass and fiber optic cable. *See National Telecommunications and Information Administration Six-Month Adjustment Period Public Interest General Applicability Waiver, Excepting Fiber Optic Glass and Fiber Optic Cable, of the Buy America Domestic Content Procurement Preference for Recipients of Connecting Minority Communities Pilot Program Awards*, which was issued by the Assistant Secretary of Commerce for Communications and Information on November 3, 2022 and is accessible at: <https://www.commerce.gov/sites/default/files/2022-11/NTIA%20Part%20%20Fiber%20Optic%20Glass%20and%20Cable%20BABA.pdf>.

Notwithstanding the NTIA waiver and excepting fiber optic glass and fiber optic cable used in a CMC project, the Recipient should, as appropriate and consistent with law and to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including, but not limited to, iron, aluminum, steel, cement, and other manufactured products). As applicable, the requirements of this subsection must be included in all subawards, including all contracts and purchase orders for work or products pursuant to this program. *See 2 CFR § 200.322, Domestic preference for procurements.*

C. Definitions:

“Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials;

aggregates such as stone, sand, or gravel; or aggregate binding agents or additives¹—that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

In the case of construction materials, all manufacturing processes for the construction material must have occurred in the United States.²

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

D. Recordkeeping and Reporting: In accord with 2 C.F.R. § 200.334, *Retention requirements for records*, the recipient is required to maintain detailed records pertinent to a CMC award, including financial records, procurement records, and real property/equipment records. In this connection, the recipient is required to maintain detailed records concerning the acquisition of all iron, steel, manufactured products, and construction materials used in CMC projects. For fiber optic glass and fiber optic cable used in a CMC project, this includes but is not limited to the: acquisition date; acquisition price; verification of domestic sourcing (unless DoC issues a waiver); how it was used in the project; and current location. Additionally, the recipient is required to maintain detailed records concerning the acquisition of iron, steel, manufactured products, and construction materials from foreign sources that are used in a CMC project, including but not limited to: acquisition date; acquisition price; efforts to source domestically; foreign source(s); how it was used in the project; and current location. NTIA may require the recipient to report such information to the Agency at a time and in the format specified by the NTIA Federal Program Officer.

¹ IIIA, § 70917(c)(1).

² *Id.* at § 70912(6)(C).

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E. Questions: Questions concerning the Buy America domestic content procurement preference requirements applicable to CMC awards should be addressed to the NTIA Federal Program Officer.

23. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

Pursuant to 2 CFR § 200.321, the Recipient and its subrecipients must take all necessary affirmative steps (as described in 2 CFR § 200.321) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

24. Protection of Whistleblowers

The Department of Commerce Financial Assistance Standard Terms and Conditions are incorporated into every NTIA grant award. Section F.05 of these Terms and Conditions states that each award is subject to the whistleblower protections afforded by 41 U.S.C. § 4712 (Enhancement of contractor protection from reprisal for disclosure of certain information).

Generally, this law provides that an employee or contractor (including subcontractors and personal services contractors) of a non-Federal entity may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal award, subaward, or a contract under a Federal award or subaward, a gross waste of Federal funds, an abuse of authority relating to a Federal award or subaward or contract under a Federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal award, subaward, or contract under a Federal award or subaward.

Non-Federal entities and contractors under Federal awards and subawards must inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.

A person that believes they have been the subject of retaliation for protected whistleblowing can contact the Department of Commerce, Office of Inspector General Hotline, as indicated at <https://www.oig.doc.gov/Pages/Hotline.aspx>, or the U.S. Office of Special Counsel, toll free at 1-800-872-9855.

25. No Duplication of Federal Funding

No federal funds may be used to duplicate costs, services, connections, facilities, or equipment that have been authorized through another federal program. To the extent that a Connecting Minority Communities Pilot Program project is later deemed to include duplicate funding from another federal program, the NIST Grants Office and NTIA reserve the right to disallow the costs associated with the duplication of federal funds or service and/or to reallocate the funds to allowable activities within the project.

26. Restriction on Human Subjects Research Work and Costs Incurred:

CMC grant recipients must comply with Department of Commerce (DOC) regulations relating to the protection of human subjects for all research conducted or supported pursuant to an NTIA grant award. The DOC regulations related to the protection of human subjects are found in 15 C.F.R. Part 27.

The [Human Subjects Research Guidance \(posted November 15, 2021\)](#) for the Connecting Minority Communities Pilot Program is incorporated by reference into this specific award condition and identifies two HSR classification categories: Category 1 – Not Conducting Human Subjects Research and Category 2 – Exemption Request.

To satisfy the CMC HSR requirements, recipients must submit, no later than 45 calendar days after receiving grant funds, (via email to UGAM@nist.gov with a copy to their CMC FPO), a letter or memorandum addressed to the Grants Officer that provides the following information:

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

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

If a recipient conducts human subjects research before receiving NTIA approval of an exemption, recipients will be considered in material non-compliance with award terms and conditions, and any costs incurred to conduct the research may be disallowed.

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

Sample HSR memos are available in the Human Subjects Research Guidance (posted November 15, 2021), *Guidance for Human Subjects Research Protection*. (<https://broadbandusa.ntia.doc.gov/sites/default/files/2021-11/CMC%20Pilot%20Program%20HSR%20Guidance%20%2811-22-2021%29.pdf>)

27. Environmental Assessment & National Historic Preservation Act Compliance Requirements

The Recipient must comply with all applicable requirements, environmental and historic preservation laws, Executive Orders, regulations, standards, and guidance, and identify to NTIA any impact a proposed Connecting Minority Communities Pilot Program (CMC) project may have on the environment or historic resources.

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Project implementation (installation activities, site preparation, etc.) may not begin prior to the completion of an assessment of potential environmental impacts, per the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et. seq.) (NEPA). The completion of NEPA compliance activities will be documented by NTIA in one of the following decision documents: a Categorical Exclusion (CE) Memo, a Record of Environmental Consideration (REC), a Finding of No Significant Impact (FONSI), or a Record of Decision (ROD). Decision documents cannot be issued until all required consultations under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470, et. seq.) and Section 7 of the Endangered Species Act (16 U.S.C. §1531, et. seq.), and any other required consultations are complete. The Recipient must also demonstrate compliance with all other applicable federal, state, and local environmental laws and regulations.

Under Section 106 of the NHPA, federal agencies, and by extension recipients of federal grant funds, must evaluate the potential effects of any proposed projects (“undertakings”) on properties listed on, or eligible for listing on, the National Register of Historic Places. Grant recipients are encouraged to initiate Section 106 consultation with relevant State Historic Preservation Offices (SHPOs) or, in the case of institutions located on tribal lands, the proper Tribal Historic Preservation Office (THPO) as directed by NTIA. NTIA will provide guidance and technical assistance as needed, or in the event of an adverse effect determination.

Completion of a draft environmental assessment and completion of any required consultations under Section 106 of the NHPA, must be completed no later than six months after the award date unless a formal request for extension is submitted and approved by the Grants Officer. The Recipient must comply with all conditions placed on the project as the result of the consultation processes. The Recipient may not expend any federal grant funds, except as authorized by the Grants Officer pursuant to approval of the 6-month expenditure plan (discussed below).

The Recipient is required to provide the following information that will enable NTIA to make a preliminary determination regarding the potential impact of the proposed project on environmental and historic resources:

- 1) A thorough description of all proposed project activities, particularly broadband installation, broadband upgrades, and/or capital improvement activities that will be conducted. These activities may include, but are not limited to, installation of access points and other network components, installation of classroom equipment, and more. Please provide a list of all locations/buildings where infrastructure upgrades/capital improvements are proposed, and a detailed description of how installation or renovation activities would take place, a description of the type of equipment that would be installed, how it would be installed, and a description of exactly where it would be located.
2. Maps of the project area and ground-level and aerial photographs with installation/renovation locations clearly marked on the buildings impacted. Free online resources, such as Google maps or similar images, are acceptable.

3. For the list of buildings, referenced in Item #1, state the year those buildings were first constructed as well as the dates of any subsequent major renovations. For buildings that are 50 years old or older, provide photos of installation sites, as well as exterior and interior photos of the building.

The Recipient must submit all initial required project information listed above in Items #1 – #3 to NTIA by emailing their assigned FPO no later than 60 calendar days after award, unless an extension has been requested in writing by the Recipient and approved by the Grants Officer. Follow-on information may be required for NTIA to determine the level of impacts of the project on environmental and historic resources. If consultation is required, grantees are encouraged to initiate consultation as referenced above and must provide NTIA with relevant documentation of the consultation process. Once appropriate and applicable consultations have been completed, and environmental review documentation has been completed, NTIA will review all documentation and determine whether the review sufficiently addresses all resource areas and whether the project may qualify for an approval decision. Projects found to have significant impacts to environmental or historic resources may face de-obligation of funding if impacts cannot be mitigated.

Once the above information is provided, NTIA will review and provide guidance on the next steps that the recipient should take regarding required consultations and/or environmental and historic preservation documentation required to make environmental determinations.

Next steps may include, but are not limited to, the submittal and completion of the following:

- a. The completion of any required consultations as described above where applicable and directed by NTIA, to include consultations with the SHPO and the appropriate federally-recognized Native American tribes (if applicable), under Section 106 of the NHPA, and/or consultations with the USFWS under Section 7 of the ESA;
- b. The completion of environmental review and issuance by NTIA of a decision document, as described above, that meets the requirements of NEPA; and
- c. Demonstration of compliance with all other applicable federal, state, and local environmental laws and regulations.

The Recipient is required to provide any information requested by NTIA in a timely and effective manner to ensure both initial and ongoing compliance with environmental and historic preservation laws, regulations, and best practices. All such information must be sent to the FPO.

The Recipient shall notify NTIA within 24 hours upon receipt of any notices of foreclosure; notices for continuing consultation received from the SHPO, THPO, the US Fish and Wildlife Service (USFWS), or other consulting party; or notices of noncompliance received from consulting authorities or regulatory agencies. These notices shall be sent to the FPO. Projects which, after consultation with appropriate agencies, are determined to be ineligible for a CE will require the development of an Environmental Assessment (EA). The Recipient may wish to coordinate with NTIA to rescope or descope the proposed project to avoid or minimize impacts to environmental and historic resources.

Any change to the approved project scope, resulting from consultations or for other reasons, that have the potential for altering the nature or extent of environmental or cultural resources

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impacts must immediately be brought to the attention of NTIA and will be re-evaluated for compliance with applicable regulatory requirements.

For all ground disturbing activities that occur during project implementation in the vicinity of known archaeological sites or suspected or known burials, the Recipient must ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitors ground disturbance, and if any potential archeological resources or buried human remains are discovered, then the Recipient must immediately cease construction in that area and notify NTIA and the interested SHPO, THPO, and tribes. Such construction activities may then only continue with the written approval of NTIA.

6-Month Expenditure Plan

While this SAC is in effect, the Recipient shall submit, in advance of any program fund drawdowns from ASAP, a 6-month expenditure plan that presents the proposed expenditure of award funds prior to the completion of the environmental review process, including any preliminary procurement activities. The Environmental Program Officer will review the plan and provide recommendations to the Federal Program Officer and the Grants Officer for final approval to ensure that the proposed activities and expenditures are reasonable and necessary in the context of environmental compliance. The Environmental Program Officer and Federal Program Officer must review and recommend, and the Grants Officer must approve, the 6-month expenditure plan prior to fund drawdowns through ASAP.

The allowable use of funds for preliminary expenditures prior to beginning project implementation includes, but is not limited to, the initiation of activities necessary to meet the project completion requirements as specified in the award including environmental and historic preservation requirements:

- a. Required environmental and historic preservation consultation activities;
- b. Purchase or lease of equipment, or entering into binding contracts to do so;
- c. Purchase of applicable or conditional insurance.

The allowable use of preliminary expenditure funds is limited; must not result in an irrevocable commitment of resources; and is only allowed after inclusion in and approval of a 6-month expenditure plan. **The 6-month expenditure plan is due within 30 calendar days of receipt of this award.** The Recipient will submit the 6-month recipient plan to the Grants Officer, via email to UGAM@nist.gov, who will consult with the Environmental Program Officer and the Federal Program Officer to ensure all proposed activities and expenditures are reasonable and necessary to ensure that the project completion deadline requirements are met and that the expenditures are reasonable and necessary in the context of environmental and historic preservation compliance. All contracts must contain early termination clauses with termination costs clearly specified. All equipment purchased or leased in advance of project implementation and before issuance of the decision document and completion of applicable consultations must be stored in locations other than the proposed project site and where there will be no impact to the environment, human health, or cultural resources (in most cases, this means equipment must be stored in existing warehouses).

The limited, preliminary allowable use of funds for purchases and leases is designed for recipient flexibility and to streamline preparation for project implementation simultaneously

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during environmental review and conducting of consultations. Under no circumstances, during this preliminary stage, will grant funds be drawn down for clearing or excavating land, or demolition or construction of buildings or towers. This limitation also applies to modification of buildings or attachment or installation of equipment on buildings.

The clause, and all applicable restrictions, will be lifted once the decision document applicable consultations are complete and approved.

28. Budget and Budget Justification

The budget provided in the SF424A, budget narrative and budget detail justification submitted on 2/20/2023 have an error in the Indirect Cost Rate application. A contract in the amount of \$56,000 was not reduced to the first \$25,000 in the calculation. Please revise the IDCR calculation and resubmit the following within 30 calendar days of the award start date, Recipient must provide, via email to both UGAM@nist.gov and the FPO, the following:

1. Revised SF424A-expenses broken out into Year 1 & Year 2, not activities
2. Revised Budget Narrative
3. Revised Budget Detail (in Excel)

The detailed SF424A, budget narrative and detailed justification will be reviewed to ensure all costs are allowable (see 2 C.F.R. §200.403). No funds associated with indirect costs shall be released by NIST until all items above are submitted by the recipient and approved by the NIST Grants Officer via an award amendment or administrative letter.

End of Specific Award Conditions

BUDGET INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Leave Blank	11.028	\$ 2,997,558.00	\$	\$	\$	\$ 2,997,558.00
2.	11.028					0.00
3.	11.028					0.00
4.	11.028					0.00
5. Totals		\$ 2,997,558.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 2,997,558.00

SECTION B - BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY			Total (5)
	(1) Year One	(2) Year Two	(3) (4)	
a. Personnel	\$ 260,164.00	\$ 370,193.00	\$	\$ 630,357.00
b. Fringe Benefits	71,723.00	71,723.00		143,446.00
c. Travel	2,072.00	6,217.00		8,289.00
d. Equipment	439,000.00			439,000.00
e. Supplies	426,200.00			426,200.00
f. Contractual	241,000.00	167,000.00		408,000.00
g. Construction		0.00	0.00	0.00
h. Other	145,807.00	194,633.00	0.00	340,440.00
i. Total Direct Charges (sum of 6a-6h)	1,585,966.00	809,766.00	0.00	2,395,732.00
j. Indirect Charges	364,309.00	237,517.00		601,826.00
k. TOTALS (sum of 6i and 6j)	\$ 1,950,275.00	\$ 1,047,283.00	\$ 0.00	\$ 2,997,558.00
7. Program Income	\$	\$	\$	\$ 0.00

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