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February 28, 2023

The Honorable Ken Weyler, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Pursuant to RSA 14:30-a, VI, authorize the Department of Business and Economic Affairs (BEA) to accept and expend \$525,033 Broadband Digital Equity Planning Grant Funds for the purpose of hiring a contractor to write the state's broadband Digital Equity Plan as outlined in the Digital Equity Planning Grant Notice of Funding Opportunity, effective upon Fiscal Committee and Governor and Council approval through June 30, 2023. **100% Federal Funds**

Funds are to be budgeted in FY2023 in the following account:

03-22-22-22150-NEWXXXX Department of Business and Economic Affairs  
Broadband – IIJA Digital Equity

CLASS	DESCRIPTION	FY2023 CURRENT BUDGET	REQUESTED ACTION	FY2023 REVISED BUDGET
040 - 501587	Indirect Costs	\$0	\$1,650	\$1,650
041 - 500801	Audit Fund Set Aside	\$0	\$525	\$525
102 - 500731	Contracts for Program Svcs	\$0	\$522,858	\$522,858
	<b>Total Expenditures</b>	\$0	\$525,033	\$525,033
Funding				
000-400338-16	Federal Funds	\$0	\$525,033	\$525,033
	<b>Total Revenue</b>	\$0	\$525,033	\$525,033

The Honorable Ken Weyler, Chairman  
Fiscal Committee of the General Court

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and the Honorable Council

February 28, 2023

### **EXPLANATION**

Digital equity is a condition in which all individuals and communities have the information technology capacity needed for full participation in our society, democracy, and economy. Digital equity is necessary for civic and cultural participation, employment, lifelong learning, and access to essential services.

The Department of Business and Economic Affairs (BEA) seeks to accept and expend \$525,033 in Digital Equity Planning Grant Funds from the United States Department of Commerce, National Telecommunications, and Information Administration. These funds are a part of the Bipartisan Infrastructure Investment and Jobs Act of 2021. The entire Digital Equity Planning Grant is \$525,033.

The Digital Equity Planning Grant Program is a part of the larger State Digital Equity Capacity Grant Program, the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and to build capacity for efforts by the State related to adoption of broadband by residents. For New Hampshire to participate in the Digital Equity Capacity Grant Program we must first complete a State Digital Equity Plan using the Digital Equity Planning Grant funds.

As these funds are one-time funds and expire after September 2023. The Digital Equity Planning Grant funds would most effectively be used to hire a third-party contractor to write the Digital Equity Plan as opposed to hiring temporary staff to write the State's Plan. They will be required to follow the Notice of Funding Opportunity and will have the experience in writing plans and the means to conduct community outreach. The contract will be for not more than \$522,858.

Funds are being budgeted as follows:

Class 040 - All agencies receiving outside funding from any source are required by RSA 21-I:75 to recover a proportional share of the outside funding source to alleviate agency indirect costs. BEA is budgeting with a rate of 6.6% using the Modified Total Direct Cost Base (MTDC) as defined in 2 CFR 200.1.

Class 041 – Audit Fund Set Aside – to comply with RSA 124:16 which requires all agencies which receive federal funds set aside a percentage (0.1%) of federal revenue amount received to pay for financial and compliance audits.

Class 102 - Contracts for Program Services - Contractor to write the State's Digital Equity Plan.

Respectfully submitted,



Taylor Caswell  
Commissioner

**Department of Business and Economic Affairs**

**GRANTS FISCAL SITUATION FISCAL YEAR 2023**

**03-022-022-221510-NEWXXXX Broadband – IJJA**

**Digital Equity Planning Grant**

Total Federal Authorization	\$525,033.00
Less Current FY23 Budget Authorization	<u>          0</u>
Total Available for Budgeting	\$525,033.00
Available to Budget at a Later Date	<u>          0</u>
<b>REQUESTED ACTION</b>	\$525,033.00

Award Number: 33-30-DP065, Amendment Number 0

Federal Program Officer: Michell Morton

Requisition Number: DE65

Employer Identification Number: 026000618

UEI Number: VZ8GBEALT588

Recipient ID:

Requestor ID:

**Award ACCS Information**

Bureau	FCFY	Project-Task	Organization	Object Class	Obligation Amount
61	2022	4710001-000	06-00-0000-00-00-00-00	41-19-00-00	\$525,033.51

**Award Contact Information**

Contact Type	Contact Name	Email	Phone
Administrative	Mark J Laliberte	mark.j.laliberte@livefree.nh.gov	603-271-6351

**NIST Grants Officer:**

Mercedes Ernest Martinez  
100 Bureau Drive, MS 1650  
Gaithersburg, MD 20899-1650  
(301) 975-0000

**NIST Grants Specialist:**

LaJuan Howard  
100 Bureau Drive, MS 1650  
Gaithersburg, MD 20899-1650  
(301) 975-0000

FORM CD-450  
(REV. 10/18)

U.S. DEPARTMENT OF COMMERCE

GRANT

COOPERATIVE AGREEMENT

### FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER

33-30-DP065

RECIPIENT NAME

Business and Economic Affairs, New Hampshire Department of

PERIOD OF PERFORMANCE

10/01/2022 - 09/30/2023

STREET ADDRESS

100 N Main St Suite 100

FEDERAL SHARE OF COST

\$525,033.51

CITY, STATE ZIP

Concord, NH 03301-4998

RECIPIENT SHARE OF COST

\$0.00

AUTHORITY

Section 60304(c) of Public Law 117-58

TOTAL ESTIMATED COST

\$525,033.51

CFDA NO. AND NAME

11.032 State Digital Equity Planning Grants

PROJECT TITLE:

State Digital Equity Planning Grant Program

**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.**

DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS

R & D AWARD

FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE

SPECIFIC AWARD CONDITIONS

LINE ITEM BUDGET

2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101

48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES

MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.

OTHER(S):

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

Mercedes Ernest Martinez

MERCEDES ERNEST MARTINEZ

Digitally signed by MERCEDES ERNEST MARTINEZ  
Date: 2022.09.30 07:27:16 -04'00'

DATE

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

Mark LaLiberte

Mh Jcl

Broadband Program mgr.  
State of NH

DATE

8 November 22

NIST Financial Assistance Award Number: 33-30-DP065

Amendment: NEW

Recipient: Business and Economic Affairs, New Hampshire Department of

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
STATE DIGITAL EQUITY PLANNING GRANT PROGRAM  
FINANCIAL ASSISTANCE  
SPECIFIC AWARD CONDITIONS**

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**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 33-30-DP065 with Business and Economic Affairs, New Hampshire Department of to support the work described in the proposal entitled "State Digital Equity Planning Grant Program" dated 6/19/2022 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:**

**Administrative:**

Mark J Laliberte

Broadband Project Manager

Business and Economic Affairs, New Hampshire Department of

100 N Main St, Suite 100

Concord, NH 03301-4998

Telephone: 603-271-6351

Email: [mark.j.laliberte@livefree.nh.gov](mailto:mark.j.laliberte@livefree.nh.gov)

**3. NTIA Contact Information:**

**Federal Program Officer:**

Michell Morton

National Telecommunications and Information Administration

US Department of Commerce

1401 Constitution Ave., NW, Ste. 4078

Washington, DC 20230

Telephone: (202) 934-4134

Email: [MMorton@ntia.gov](mailto:MMorton@ntia.gov)

**4. NIST Contact Information:**

**Grants Officer:**

Mercedes Martinez

National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650

Gaithersburg, MD 20899-1650

Email: [mercedes.martinez@nist.gov](mailto:mercedes.martinez@nist.gov)

**Grants Specialist:**

LaJuan Howard

NIST Financial Assistance Award Number: 33-30-DP065

Amendment: NEW

Recipient: Business and Economic Affairs, New Hampshire Department of

National Institute of Standards and Technology  
100 Bureau Drive, Mail Stop 1650  
Gaithersburg, MD 20899-1650  
Email: [lajuan.howard@nist.gov](mailto: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 \$ \_\_\_\_\_
- Maximum Draw Amount controls (see explanation below)
  - \$ \_\_\_\_\_ each month
  - \$ \_\_\_\_\_ each quarter
  - \$ 2,175 Max drawdown amount

**Explanation:**

The Grants Office does not have adequate information to validate the costs requested for contracts. The amount of \$522,859 of federal funding is hereby withheld until the terms identified in Specific Award Condition #26 - Budget Narrative and 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 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.

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Amendment: NEW

Recipient: Business and Economic Affairs, New Hampshire Department of

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. Administering Entity**

By accepting this award, Business and Economic Affairs, New Hampshire Department of agrees that Business and Economic Affairs, New Hampshire Department of will serve as the Administering Entity and as co-recipient of this award in accord with Section 60304(b) of the Infrastructure Investment and Jobs Act of 2021. Incorporated by reference into this award are the written assurances pursuant to Section 60304(e) of the Infrastructure Investment and Jobs Act of 2021, which were provided to NTIA by Business and Economic Affairs, New Hampshire Department of as part of its application and which assure Business and Economic Affairs, New Hampshire Department of's programmatic and fiscal performance under this award.

Any change to the Administering Entity designated by Business and Economic Affairs, New Hampshire Department of in its application and approved under this award requires prior written approval by the Grants Officer.

## **8. Period of Performance and Funding Limitations:**

The period of performance and budget incorporated into this award cover a 1-year period of performance and provide for a maximum total amount of \$525,033.51 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 one year from the award start date. The award period may be extended by NTIA, in consultation with the NIST Grants Officer, for up to 180 days based on a written request from the recipient and prior written approval from the NIST Grants Officer.

### **Petition for Extension**

The recipient may submit a request for an extension of the one-year award period not later than ninety (90) calendar days before the end of the award period.

Recipients that wish to request an extension must submit such requests via email to [UGAM@nist.gov](mailto:UGAM@nist.gov) in accordance with specific award condition no. 20, Unfunded Grant Actions Mailbox.

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Amendment: NEW

Recipient: Business and Economic Affairs, New Hampshire Department of

**9. Notice of Funding Opportunity - State Digital Equity Planning Grant Program:**

The Department of Commerce, National Telecommunications and Information Administration Notice of Funding Opportunity (NOFO) No. NTIA-DE-PLAN-2022, dated May 13, 2022, is incorporated by reference into this award.

It is accessible at: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=340301> (under the Related Documents tab). If the application period is closed, select "Closed" or "Archived" Opportunity Status to view the NOFO.

**10. Infrastructure Investment and Jobs Act:**

The recipient must comply with the requirements of the Infrastructure Investment and Jobs Act, Public Law 117-58, 135 Stat. 429 (November 15, 2021), including Section 60304(c) thereof, which establishes the State Digital Equity Planning Grant Program.

**11. Uniform Administrative Requirements, Cost Principles and Audit requirements:**

As indicated on the Form CD-450 for this award, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 are incorporated by reference into this award. Through 2 C.F.R. § 1327.101, the Department of Commerce adopted the 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 <https://www.ecfr.gov/on/2022-01-19/title-2/subtitle-A/chapter-II/part-200> and <https://www.ecfr.gov/on/2022-01-19/title-2/subtitle-B/chapter-XIII/part-1327>. Awards issued pursuant to this program may be subject to specific award conditions as authorized by 2 C.F.R. § 200.208.

**12. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements:**

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, as published in the *Federal Register* on December 30, 2014 (79 FR 78390), are incorporated by reference into this award.

They are accessible at: <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.

**13. Department of Commerce Financial Assistance Standard Terms and Conditions:**

As indicated on the Form CD-450 for this award, the Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C), issued November 12, 2020, are incorporated by reference into this award. The Department's ST&C, as well as a link to 2 CFR Part 200, are accessible at: [https://www.commerce.gov/sites/default/files/2020-11/DOC%20Standard%20Terms%20and%20Conditions%20-%202012%20November%202020%20PDF\\_0.pdf](https://www.commerce.gov/sites/default/files/2020-11/DOC%20Standard%20Terms%20and%20Conditions%20-%202012%20November%202020%20PDF_0.pdf).

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Amendment: NEW

Recipient: Business and Economic Affairs, New Hampshire Department of

**14. Allowable Uses of State Digital Equity Planning Grant Funds:**

The purpose of the planning funds is to create the required State Digital Equity Plan and grant funds must be used only for the following purposes as set forth in Section IV.C.1 of the NOFO:

- 1) To develop the State Digital Equity Plan of the State; and
- 2) To make subgrants to any of the following entities to assist in the development of the State Digital Equity Plan of the State:
  - a. Community anchor institutions;
  - b. County and municipal governments;
  - c. Local educational agencies;
  - d. Indian Tribes, Alaska Native entities, or Native Hawaiian organizations;
  - e. Nonprofit organizations;
  - f. Organizations that represent—
    - i. Individuals with disabilities, including organizations that represent children with disabilities;
    - ii. Aging Individuals;
    - iii. Individuals with language barriers, including—
      1. Individuals who are English learners; and
      2. Individuals who have low levels of literacy;
    - iv. Veterans; and
    - v. Individuals in the State who are incarcerated in facilities other than Federal correctional facilities;
  - g. Civil rights organizations;
  - h. Entities that carry out workforce development programs;
  - i. Agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;
  - j. Public housing authorities in the State; and
  - k. A partnership between any of the entities described above.

**15. Ineligible Costs**

Profits, fees, or other incremental charges above actual cost are not allowable costs under this Program.

Additionally, grant funds awarded pursuant to this Program may not be used, whether directly or indirectly as an offset for other funds, to support or oppose collective bargaining.

**16. State Digital Equity Plan**

Within one year of the date on which a State is awarded State Digital Equity Planning Grant Program funds, that State must develop a State Digital Equity Plan that includes elements outlined in the statute, Section IV.C.1 of the NOFO, and stated herein, solicit and respond to public comments on the draft plan, and finalize that plan. The only exception is for Recipients who receive an extension of the period of performance in accordance with specific award condition no. 8, in which case the State Digital Equity Plan is due by the end of the extended period of performance. Each State's State Digital Equity Plan will be a key

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component of any application the State may later submit seeking a State Digital Equity Capacity Grant. Grantees must submit their State Digital Equity Plan in the NTIA Grants Portal, within the prescribed timeframes identified in the terms and conditions of the award.

**17. Department of Commerce Financial Assistance Standard Terms and Conditions, Section A.01 "Reporting Requirements":**

The Recipient must submit a Federal Financial Report (SF-425) and Performance Progress Report on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof.

Reports are due no later than 30 calendar days following the end of each reporting period. A final SF-425 and Performance Progress Report must be submitted within 120 days after the expiration of the period of performance.

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

The Recipient organization name, 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.

Reports must not be sent directly to NIST or 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](mailto: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.

**18. Programmatic Reporting Requirements:**

**Annual Report Requirements** – For each year during the period of performance, any entity to which a grant, including a subgrant, is awarded under this program shall be required to publicly report, in a format to be specified by the Assistant Secretary, on:

- 1) The use of State Digital Planning grant by the entity;
- 2) The progress of the entity toward fulfilling the objectives for which the grant was awarded; and
- 3) The implementation of the State Digital Equity Plan of the State.

Submit the Annual Report via email to the NTIA Federal Program Officer listed in the recipient's award documents with a copy to [GReports@nist.gov](mailto:GReports@nist.gov).

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Amendment: NEW

Recipient: Business and Economic Affairs, New Hampshire Department of

The Assistant Secretary may establish additional reporting and information requirements for any recipient of a grant as necessary to fulfil the requirements of the Infrastructure Act.

**19. 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](mailto: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 its agencies, must submit a new indirect cost rate proposal for indirect costs within six months after the end of the organization's fiscal year.

If your submission includes Personally Identifiable Information (PII) or Business Identifiable Information (BII), please send an email to [gmdaudit@nist.gov](mailto: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.

**20. Unfunded Grant Actions Mailbox (UGAM):**

Requests for unfunded award actions, which include, but are not limited to, requests for no-cost extension, change in key personnel, change in scope of work, budget revisions, award transfer, and novation, must be submitted to [UGAM@nist.gov](mailto:UGAM@nist.gov), within the prescribed timeframes identified in the terms and conditions of the 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, etc.).

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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, etc.).

Any requests sent directly to NIST personnel will be returned to the sender with instructions on how to submit through the [UGAM@nist.gov](mailto:UGAM@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.

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.

#### **21. Domestic Preference for Procurements (Buy American)**

Pursuant to 2 CFR § 200.322, as appropriate and to the extent consistent with law, the Recipient should, to the greatest extent practicable under the State Digital Equity Planning Program, 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). The requirements of this Section must be included in all subawards, including all contracts and purchase orders for work or products pursuant to this program.

#### **22. 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.

#### **23. Protection of Whistleblowers**

Section F.05 of the DOC Financial Assistance Standard 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.

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Amendment: NEW

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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.

#### **24. Supplanting of Funds**

Pursuant to Section 60304(h) of the Infrastructure Act, the Recipient agrees that federal funds that it receives under this award will be used to supplement, not supplant, other federal or State funds that have been made available to carry out activities described in Section 60304 of the Infrastructure Act and the NOFO.

#### **25. Restriction on Human Subjects Research Work and Costs Incurred**

State Digital Equity Planning Grant Program (DE) 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 August 29, 2022) (HSR) for DE is incorporated by reference into this specific award condition and identifies three HSR classification categories: Category 1 – Not Conducting Human Subjects Research, Category 2 – Exemption Request, and Category 3 – Human Subject Research Non-Exempt.

To satisfy the DE HSR requirements, recipients must submit, no later than 45 calendar days after the award start date, (via email to [UGAM@nist.gov](mailto:UGAM@nist.gov) with a copy to their DE 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 DE project activities that justify inclusion in that category.

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

If a recipient conducts human subjects research before receiving NTIA approval of an exemption or before receiving IRB approval for non-exempt research, recipients will be considered in material non-compliance with award terms and conditions, and any costs

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Amendment: NEW

Recipient: Business and Economic Affairs, New Hampshire Department of

incurred to conduct the research may be disallowed and subject to recovery by NTIA (*see* 2 C.F.R. 200.346).

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 August 29, 2022), *Guidance for Human Subjects Research Protection*.

<https://broadbandusa.ntia.doc.gov/sites/default/files/2022-08/State-Digital-Equity-Planning-Grant-HSR-Guidance-8-29-2022.pdf>

## **26. Budget Narrative and Justification**

The project budget contains costs for contracts. The contract budget information provided in the budget narrative and justification is not sufficient for NIST to evaluate the allowability of such costs. Within 45 calendar days of the award start date, Recipient must provide a detailed budget and justification for each contract to ensure such costs are allowable (*see* 2 C.F.R. §200.403). No funds associated with the contracts in the Contractual cost category shall be released by NIST until the detailed budget and justification is submitted by the recipient and approved by the NIST Grants Officer via an award amendment or administrative letter.

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**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		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. State Digital Equity F	11.032	\$	\$	\$ 525,033.51	\$	\$ 525,033.51
2.						0
3.						0
4.						0
5. Totals		\$ 0	\$ 0	\$ 525,033.51	\$ 0	\$ 525,033.51

**SECTION B - BUDGET CATEGORIES**

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) State Digital Equity Planr (2)	(3)	(4)	(5)	
a. Personnel	\$	\$	\$	\$	\$ 0
b. Fringe Benefits					0
c. Travel					0
d. Equipment					0
e. Supplies					0
f. Contractual	522,858.51				522,858.51
g. Construction					0
h. Other	525				525
i. Total Direct Charges (sum of 6a-6h)	523,383.51	0	0	0	523,383.51
j. Indirect Charges	1,650				1,650
k. TOTALS (sum of 6i and 6j)	\$ 525,033.51	\$ 0	\$ 0	\$ 0	\$ 525,033.51

7. Program Income	\$	\$	\$	\$	\$ 0
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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8. State Digital Equity Planning Grant Program	\$	\$	\$	\$	\$ 0
9.					0
10.					0
11.					0
12. TOTAL (sum of lines 8-11)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

SECTION D - FORECASTED CASH NEEDS					
Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
	\$ 525,033.51	\$ 131,259	\$ 131,258.17	\$ 131,258.17	\$ 131,258.17
14. Non-Federal	0				
15. TOTAL (sum of lines 13 and 14)	\$ 525,033.51	\$ 131,259	\$ 131,258.17	\$ 131,258.17	\$ 131,258.17

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16. State Digital Equity Planning Grant Program	\$ 522,858.51	\$	\$	\$	\$
17. Indirect Costs	1,650				
18. Audit Fee	525				
19.					
20. TOTAL (sum of lines 16-19)	\$ 525,033.51	\$ 0	\$ 0	\$ 0	\$ 0

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges: 523,383.51	22. Indirect Charges: 1,650

23. Remarks: Planning grant to be awarded to subcontractor through RFP process. Audit Fee of 0.01 percent of award incorporated into 17a. Direct cost includes all