

# **RULES OF THE ONEGEORGIA AUTHORITY**

## **CHAPTER 413-9-1**

### **BROADBAND RURAL INITIATIVE TO DEVELOP GEORGIA'S ECONOMY Georgia Broadband Deployment Initiative Program**

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**Subject 413-9-1 BROADBAND RURAL INITIATIVE TO DEVELOP GEORGIA'S ECONOMY**  
**Georgia Broadband Deployment Initiative Program**

**Rule 413-9-1-.01 Scope of Rule**

This regulation governs the operation of the **Georgia Broadband Deployment Initiative Program (GBDI)** as established by the OneGeorgia Authority (O.C.G.A. 50-34-1 et seq.) on June 17, 2019. In said resolution, the OneGeorgia Authority was authorized as the implementing entity for purposes of the **Georgia Broadband Deployment Initiative Program** operation and administration. These rules become effective June 17, 2019.

*Authority O.C.G.A. 50-34-1 et seq.*

**Rule 413-9-1-.02 Definitions**

- 1) **'Approved broadband partner'** means broadband partner companies that are listed as approved broadband partner as a result of a state-sponsored and managed competitive procurement process that have signed a Georgia broadband partner master services agreement.
- 2) **'Broadband mapping project'** means a statewide effort being conducted to develop an address-level database for all counties in the state of Georgia, including broadband services availability by location as indicated by Georgia broadband service providers.
- 3) **'Broadband network project'** means any deployment of broadband services.
- 4) **'Broadband services'** means a wired or wireless terrestrial service that consists of the capability to transmit at a rate of not less than 25 megabits per second in the downstream direction and at least 3 megabits per second in the upstream direction to end users and in combination with such service provides:
  - (A) Access to the Internet; or
  - (B) Computer processing, information storage, or protocol conversion.
- 5) **'Broadband services provider'** means any provider of broadband services or a public utility or any other person or entity that builds or owns a broadband network project.
- 6) **'Customer participating agreement'** means a contract between an eligible applicant and a broadband partner that includes all state terms and conditions from the Broadband Partner Master Services Agreement. The Customer Participating Agreement can be customized based upon grant contract and applicant requirements.
- 7) **'Development authority'** shall have the same meaning as provided in O.C.G.A. § 36-62A-20.
- 8) **'Eligible applicants'** means any or all public bodies, designated by the Department of Community Affairs pursuant to paragraph (2) of subsection (b) of O.C.G.A. § 50-40-81, as political subdivisions qualified to apply for funds under this article.
- 9) **'Eligible expenses'** means capital expenses and other expenses directly related to the purchase or lease of property or communications services or facilities, including without limitation backhaul and transport, to facilitate the provision of broadband services.
- 10) **'Georgia broadband partner master services agreement'** means a state contract between the state agent and an Approved Broadband Partner company who has met the requirements in a competitive Request for Proposal (RFP).
- 11) **'Local authority'** shall have the same meaning as provided in O.C.G.A. § 36-82-220.
- 12) **'Location'** means any residence, dwelling, home, business, or building.
- 13) **'Political subdivision'** means a county, municipal corporation, consolidated government, or local authority.
- 14) **'Qualified broadband provider'** means an entity that is authorized to apply for or that obtains a **certificate of authority** issued pursuant to O.C.G.A. § 46-5-163 that:

- (A) (i) Has, directly or indirectly, been providing broadband services to at least 1,000 locations; and
- (ii) Has been conducting business in the state for at least three years with a demonstrated financial, technical, and operational capability to operate a broadband services network; or
- (B) Is able to demonstrate financial, technical, and operational capability to operate a broadband services network.

15) **'Qualified broadband service provider'** means the same as 'Qualified broadband provider.'

16) **'Served area'** means a census block that is not designated by the Department of Community Affairs as an unserved area.

17) **'Sub-recipient'** means the legal entity to which a sub-award is made, and which is accountable to the recipient for the use of the funds provided.

18) **'Unserved area'** means a census block in which broadband services are not available to 20 percent or more of the locations as determined by the Department of Community Affairs pursuant to O.C.G.A. § 50-40-2.

*Authority O.C.G.A. 50-34-1 et seq.*

#### **Rule 413-9-1-.03 Purpose**

The purpose of the OneGeorgia Authority Georgia Broadband Deployment Initiative Fund is to provide a program of financial assistance that includes grants, loans and other forms of assistance authorized by O.C.G.A. 50-34-1 et seq. to finance activities that lead to the installation or expansion of facilities and equipment which provide broadband services in unserved areas that are not currently served by such services.

*Authority O.C.G.A. 50-34-1 et seq.*

#### **Rule 413-9-1-.04 Fund Availability**

(1) Funding appropriated or otherwise made available to the One Georgia Authority will be made available to eligible applicants through a competitive selection process that will be announced through the Authority and/or Department's publication of notices of fund availability (**NOFAs**). Such NOFAs will be published on the Authority's and Department's websites and at the discretion of the Authority and Department, may also be mailed to eligible applicants, applicant associations and or placed in advertisements in certain local or state publications.

(2) The OneGeorgia Authority's NOFA will establish submission guidelines. Applications will be accepted during the annual competition and will be reviewed based upon the criteria provided in Section 413-9-1-.09 of these Rules.

(3) Eligible applicants must apply for assistance under this program in a format and manner prescribed by the Authority. Application documents and guidelines may be obtained from the Authority at:

The OneGeorgia Authority  
OneGeorgia GBDI Program  
60 Executive Park South, NE  
Atlanta, GA 30329-2231

(4) The application document provided will include information outlining program requirements, forms, mailing addresses, telephone numbers of contact persons and other necessary and pertinent information.

*Authority O.C.G.A. 50-34-1 et seq.*

#### **Rule 413-9-1-.05 Eligible Activities**

(1) Eligible uses of funds provided under the Georgia Broadband Deployment Initiative include those activities and the provision of facilities and services as described in O.C.G.A. 50-34-1 et seq. Such activities include, but are not limited to, the provision of such public infrastructure, services, facilities and improvements needed to implement broadband services or enhance existing broadband services in unserved areas as designated by the Department of Community Affairs (DCA).

More specifically, such activities may include, but are not limited to, the provision of planning services and technical assistance integral to the development of needed systems; the purchase of equipment and software; technology

infrastructure; public utilities; public facilities and services; real property rehabilitation; the acquisition of real property; site preparation and improvements; construction and any other necessary activities allowed under O.C.G.A. 50-34-1 et seq. that are integral and necessary for the development and deployment of a broadband system for the provisioning of broadband services. Ineligible activities include but are not limited to refinancing of existing debt, on-going administrative, operational maintenance costs, financing of customer terminal equipment (including modems) or inside wiring not owned by the recipient, and financing of operating leases and vehicles.

(2) In general, the public acquisition and/or improvement of public facilities and infrastructure can be undertaken directly by a general-purpose local government(s) or authority with Georgia Broadband Deployment Initiative Fund monies. In some situations, where a private entity may be required to provide facilities and/or equipment to allow a broadband system or facility to become fully operational, Georgia Broadband Deployment Initiative Fund monies may be expended for the public acquisition and/or improvement of financed assets and facilities that may be used and operated by private entities. In such cases, such privately used assets and facilities must generally be owned or controlled by a local government and/or authority and leased, subleased or sold to the business or enterprise in accordance with O.C.G.A. 36-62-7 and/or O.C.G.A. 50-34-6.

(3) In general, assistance for public facilities owned by local governments and/or authorities that are leased to a private sector broadband provider through the lease provisions described in Section 413-09-1-.06(2) are eligible for grants. Assistance for facilities that are to be owned exclusively by a private entity must generally take the form of a loan from the local government or authority. The exact structure and amount will be determined by the activity to be financed, the financial capacity of the private entity and the eligibility of the applicant. Loans will be structured using generally accepted public and private financing instruments and procedures. All recaptured funds must be returned to the OneGeorgia Authority. The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the Georgia Broadband Deployment Initiative Fund provides.

*Authority O.C.G.A. 50-34-1 et seq.*

#### **Rule 413-9-1-.06 Procurement of Partner**

A statewide competitive procurement will be conducted to select Approved Broadband Partners who have met the requirements in a competitive Request for Proposal (RFP) managed and issued by the state. The RFP will result in a list of Approved Broadband Partner companies that may be used by a subdivision of government to assist applicants in identifying a broadband services partner who has the expertise, experience and financing to design, develop, construct, maintain and provide retail residential and commercial broadband services for a proposed broadband network project. The state plans to enter into a master services agreement with all qualified and Approved Broadband Partners. Prior to OneGeorgia Authority Georgia Broadband Deployment Initiative Fund application submission, applicants are required to enter into a customer participating agreement with a qualified broadband provider who may be selected following their procurement process or from the list of Approved Broadband Partners. Additional competitive procurements may be conducted on an as needed basis to supplement the list of Approved Broadband Partner companies.

*Authority O.C.G.A. 50-34-1 et seq.*

#### **Rule 413-9-1-.07 Application Submission Procedures**

(1) The application procedure for the Georgia Broadband Deployment Initiative Fund includes a mandatory Pre-application phase and an Application phase. The purpose of the Pre-application is to provide:

- A) a determination of a proposed activity or activities eligibility for Georgia Broadband Deployment Initiative Funding or Financing;
- B) a determination on whether the proposed activity or activities and broader project can meet the basic Georgia Broadband Deployment Initiative Fund thresholds and be competitive under the rating and review system as outlined in Section 413-09-1-.09 and
- C) an opportunity to obtain Pre-Agreement Cost Approval (PACA) from the Authority so that projects may obtain interim financing and proceed with certain identified project activities prior to receipt of an actual Grant or Loan Agreement.

(2) Eligible applicants must submit Pre-applications and Applications for consideration in conformance with the deadlines and/or procedures outlined in the Notices of Fund Availability (NOFAs).

(3) Pre-applications and/or Applications must be submitted individually by an eligible applicant, or jointly by two (2) or more applicants. Joint submissions must contain a copy of the cooperating agreement or similar instrument entered into by the cooperating political subdivisions. The Agreement should designate the applicant that will serve as lead recipient should the project be funded.

(4) Pre-applications and Applications for the Georgia Broadband Deployment Initiative Fund must be submitted in conformance with the format and applicable instructions specified by the OneGeorgia Authority.

*Authority O.C.G.A. 50-34-1 et seq.*

#### **Rule 413-9-1-.08 Review of Applications**

(1) Upon receipt of a Pre-application under this program, staff will review the Pre-application within 4 weeks for eligibility and conformance with basic threshold criteria. Potential applicants will then be notified regarding general eligibility and perceived competitiveness based on the information they provided. Applicants will be notified as follows (a) Proceed: This project description meets the goals of the program and the State of Georgia and should proceed to the full application; (b) Needs more information: The Department is unable to make a determination about this project and/or the competitiveness based on the information received. This application may or may not be ready for review by the deadline and may need to request funding in a future round; or (c) No: This project does not meet the goals of the program and/or the State of Georgia. For assessments that indicate potentially eligible and competitive projects, the Authority and/or the Department may provide limited technical assistance to would-be applicants; however, in no event will the Authority or the Department assist in the actual writing of an application.

(2) Upon receipt of an application, the application shall be reviewed using the rating and selection factors specified in Section 413-9-1.09 of these regulations, using any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc., as may be required or requested by the Authority or DCA for purposes of evaluating, rating and selecting applicants under this program. Applicants that have submitted applications that contain insufficient information or documentation to be evaluated or rated may be contacted for further information.

(3) Staff may conduct site visits and/or hold discussions with applicants and proposed sub-recipients for the purposes of confirming and evaluating information contained in the Pre-application or Application. Staff may also consult with other appropriate government and private entities in the course of reviewing and evaluating information contained in Pre-applications and/or Applications.

(4) All complete applications received will be reviewed to determine the merit of the applications and the proposed use of funds. The OneGeorgia Authority and/or DCA will rate and review all applications that meet the Threshold Requirements and Award Criteria as outlined in Section 413-9-1.09. The maximum number of points available to an application is set at 110 points. The points received by each applicant on the rating factors will be totaled and the scores ranked accordingly. The rating criteria are outlined below.

(5) Threshold Requirements (Application must generally meet all requirements in order to be rated.):

- A) The application is from eligible applicant(s).
- B) The location to be served takes place in an eligible unserved area as designated by DCA which does not currently have broadband services.
- C) The proposed broadband system 1) is owned by a unit of local government; 2) is owned by an authority; 3) is owned by multiple jurisdiction in an intergovernmental agreement between multiple jurisdictions that include two or more counties; 4) is owned by a private entity seeking a low interest loan and will enter into a lease or lease-purchase agreement with the recipient; or 5) a public private partnership.
- D) The proposed project supports the overall objectives of the State.
- E) If the proposed project involves multiple public ownership jurisdictions, evidence of a revenue- and cost-sharing agreement among public entities must be included.
- F) If the proposed project includes the formation of a broadband public/private partnership (PPP), the formal PPP should include an agreement (such as a Memorandum of Understanding) between all parties which outlines the roles and responsibilities of the various partners (both public and private) throughout the implementation process.
- G) The method of identifying the private sector partner shall follow appropriate procurement processes as required by the public partner who is an eligible applicant for the proposed use of funds.

- H) The proposed use of funds is for eligible activities and will be carried out in a manner consistent with the state constitution, state law and in accordance with the applicants' (or sub-recipients') enabling legislation and authority.
- I) The project application must commit to a minimum 50% cash match.

Authority O.C.G.A. 50-34-1 et seq.

**Rule 413-9-1-.09 Award Criteria**

- A) The award criteria is consistent with statute described in O.C.G.A. §50-40-81 as well as other relevant factors as determined by DCA. O.C.G.A. §50-40-81 states that the department shall consider each of the following in the funding awards process:
  - (1) The effectiveness of the partnership between an eligible applicant and a qualified broadband provider;
  - (2) The benefit to the unserved area in terms of the population served and the capacity and scalability of the technology to be deployed; and
  - (3) The total project cost and the ability to leverage other available federal, local, and private funds.
- B) In addition to the criteria provided, the department may establish any other criteria for determining any funding awards that are reasonable and necessary to ensure that the funds are utilized to provide broadband services to the unserved areas. Such criteria may include, but shall not be limited to:
  - (1) Whether the qualified broadband provider in the partnership is willing to agree to service requirements established by the department that may include service offering rate, percentage of served locations in unserved census block or exceed minimum level of dependable services.
  - (2) The benefit to businesses; industrial parks; education centers; hospitals and other health care facilities and agribusiness, such as telehealth facilities and emergency care facilities; government buildings; public safety departments; or other providers of public services located within the unserved area;
  - (3) Data cap limits, signal latency, and reliability of the technology to be utilized;
  - (4) Historic service issues in other areas served by the qualified broadband provider in the partnership;
  - (5) The length of time it will take to deploy the broadband services in the unserved area; and
  - (6) Priority will be given to any unserved area certified as a broadband ready community.

C) Ratings and Selection Criteria:

Category	Description	Total Available Points
1) Social Impact	Number of unserved locations	24
2) Economic Impact	Impact deployment will have economically	12
3) Project Capital Cost	Average capital cost per location	16
4) Capital Contribution	Applicant/Provider match %	12
5) Broadband Ready	Broadband Community Designation	8
6) Broadband Partner	Broadband Partner Qualifications & Business Case	38
<b>Total Points Available</b>		<b>110</b>

**1) Social Impact: (Up To 24 Points Available)** Applications will be awarded “impact” points based on the number of unserved locations in DCA designated unserved areas. Points available are based on four tiers of unserved location counts. Each tier is defined by a range of unserved locations proposed in the application broadband network project.

Tiers	Unserved Location count range	Points
Tier 1	250-300	6
Tier 2	300-400	12
Tier 3	400-500	18
Tier 4	500+	24

An unserved area and unserved locations are determined by DCA using the Georgia broadband mapping project and the latest published FCC broadband data. Only unserved census blocks and valid residential, business or government locations designated by DCA are eligible for grant award funding. A map of the proposed project identifying unserved locations will be required.

**2) Economic Impact (Up To 12 Points Available)** The following criteria will be evaluated for economic and social impact:

- i. A quality narrative description demonstrating that the proposed deployment of broadband is based on a realistic assessment of needs.
- ii. Anticipated positive and direct benefits to the proposed service area as a result of the projected deployment.
- iii. How the proposed project will likely lead to direct and/or indirect local and regional impact by providing service to:
  - a) Industrial parks
  - b) Education centers
  - c) Health care facilities (hospitals, telehealth facilities, and emergency care facilities)
  - d) Farms (precision-agriculture)
  - e) Government buildings
  - f) Public safety departments
  - g) Other providers of public services
- iv. How the availability of broadband service will increase entrepreneur and small business owners reach and ability to compete successfully in a global economy.
- v. How the proposed project will likely result in the enhancement of the public workforce through the facilitation of online and distance learning resources to support education, job training and skill upgrades in rural Georgia.
- vi. Supporting/enhancing quality of life.

**3) Project Capital Expense (Up To 16 Points Available)** Applications will be awarded capital expense points based on the average capital cost per unserved location proposed in the application broadband network project. Points available are based on four tiers. Each tier is based on a percentage of average capital expense below a “cost baseline” established by DCA. A project with a higher average capital expense per location as compared to the model may be considered when certain factors are presented such as geography, population density, and other factors considered by DCA.

Tier	Points	Average Capital Expense Per Location Below Baseline
Tier 1	0-8	up to 15 % below baseline
Tier 2	9-12	15% - 24%
Tier 3	13-14	24% - 38%
Tier 4	15-16	38% - 50%

Eligible capital expenses are defined by statute: *§ 50-40-81 Development of Georgia Broadband Deployment Initiative; funding awards; considerations; priorities; compliance with federal provisions.*

*(a.) The funding awards of the program shall represent the state's investment in the deployment of broadband services to unserved areas and shall be used only for capital expenses and expenses directly related to the purchase or lease of property or communications services or facilities, including without limitation backhaul and transport, to facilitate the provision of broadband services.*

To determine the tier and points awarded, the Department will establish a baseline average expense per location by census block using a cost model developed by a third party. The third-party cost model is based on the FCC Connect America Fund cost model and uses the same FCC methodology for capital input assumptions. Points awarded will be based on the applications average capital expense per location as compared against cost model results. The cost model developed may consider factors such as technology, geography, population density, and construction methods.

Applicants will provide DCA with the following details in documentation for the evaluation of project total and capital costs:

- i. Identify all proposed eligible capital costs and costs directly related to the purchase or lease of property or communications services or facilities, including without limitation backhaul and transport, to facilitate the provision of broadband services.
- ii. Verify project costs through original source documents, architectural and engineering reports, or certified appraisals.
- iii. A map of the proposed service area identifying the unserved area and number of locations using the Georgia broadband mapping and the latest published FCC broadband data will be required.

**4) Capital Contribution (Up To 12 Points Available).**

Applications will be awarded capital contribution points based on the percentage of match the applicant and qualified broadband provider propose in the broadband network project. Points available are based on three tiers. Each tier is based on a percentage of match proposed above the baseline match of 50% state funding and 50% applicant funding.

Tier	Points	Applicant Capital Contribution Percentage
Tier 1	4	51-60%
Tier 2	8	61-70%
Tier 3	12	71%+

To determine the percentage of the applicants capital contribution the following criteria will be analyzed:

- i. Amount of total state assistance.
- ii. Amount of public and private investment.

**5) Broadband Ready (8 Points Available).**

Applications will be awarded Broadband Ready points if the county and communities within the proposed unserved area have been designated as a Broadband Ready Community in accordance with O.C.G.A. §50-40-40 by adopting:

- i. A Comprehensive Plan that includes a broadband element to ensure that a community adopts a strategy that demonstrates the promotion of broadband in accordance with O.C.G.A. §50-8-2, et seq.; and
- ii. A model ordinance or equivalent that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

**6) Broadband Partner (Up To 38 points available):** Applications will be awarded “Broadband Partner” points based on two sub categories: Partner Capabilities and Sustainable Business Case.

- I. Partner Capabilities (Up To 14 Points Available):** To assist in determining the effectiveness of partnership, applications will be awarded “Broadband Partner” points based on three tiers. Each tier demonstrates a level of capabilities.

Prior to application submission, applicants are required to enter into a conditional contractual relationship with a broadband services provider who has the expertise, experience and financing to design, develop, construct, maintain and provide retail residential and commercial broadband services for a proposed broadband network project.

The applicant may choose to contract with a provider from the Approved Broadband Contractor list that will be established through a competitive statewide Request for Proposals (RFP) for Broadband Partner Contractors or a chosen provider using their own competitive request for proposal process. Fully executed, conditional contracts that will exist between a broadband service provider and the eligible applicants must be included in the application. If this method is chosen, the applicant must provide details of the competitive and transparent bidding process conducted by the applicant to solicit bids from broadband providers to bring broadband connectivity to the intended unserved area and evidence that identifies the most suitable match between community needs and resources and identifies a service provider capable of delivering those services in a



sustainable manner. If the applicant chooses from the Approved Broadband Contractor list, the applicant may use the Georgia Broadband Partner Master Services Agreement to enter into a conditional contractual relationship with a qualified broadband provider.

Tier 1: 0-3 points. Partner is able to demonstrate financial, technical, and operational capability to operate a broadband services network. Partner is not on the Approved Broadband Contractor list provided to applicants by DCA.

Tier 2: 4-6 points. Partner is on the Approved Broadband Contractor list. Partner is able to demonstrate financial, technical, and operational capability to operate a broadband services network. Application includes provider documented history and ability of broadband provider to provide retail consumer and business broadband or utility services but is not contributing requested address locations or broadband availability data in the statewide mapping project to determine unserved locations and census blocks.

Tier 3: 7-14 points. Partner is on the Approved Broadband Contractor list. Partner is able to demonstrate financial, technical, and operational capability to operate a broadband services network with documented history and ability of provider to provide retail consumer and business broadband or utility services. Partner is fully participating in the statewide broadband mapping project by contributing requested address locations or broadband availability data to determine unserved locations and census blocks.

**II. Sustainable Business Case (Up To 24 Points Available):** In addition to whether the qualified broadband provider in the partnership is willing to agree to: service requirements established by the department that may include service offering rate: serve 90 percent of any locations requesting broadband services in any unserved area for which a funding award is received; or exceed minimum level of dependable services; applications will be awarded Sustainable Business Case points by demonstrating the following:

**Business Plan (Up To 8 Points Available):** Applications should include essential elements of a business plan, including description of the need for broadband, description of community(ies) to be served; any existing levels of connectivity currently available and the current cost of those services; a summary of the extent of community engagement to the proposed broadband deployment, details on potential number of users of broadband access, details on the kind of broadband-dependent services that may be provided as a result of broadband access, overview of proposed project management, the appropriateness and availability of the proposed technological solution, a plan for proposed implementation of the network including a timeline with project milestones and a commitment to adhering to a set critical path.

- a. Project costs must be reasonable, allowable, and necessary and will be verified through original source documents, architectural and engineering reports, or certified appraisals;
- b. Evidence demonstrating that the applicant has the experience and capacity to successfully implement the proposal and administer the project/grant funds; and
- c. Applicant certifies that project will comply with all applicable federal, state, and local law and regulations.

**Financial Plan (Up To 8 Points Available):** Applications should include details of market, revenue and cost projections to support the sustainability of the proposed broadband services for a period of at least five years including but not limited to breakdown of the required costs for broadband deployment; assumptions made for expected number of residents and businesses that will have access to the broadband service, revenue estimates based on the number of residents and businesses who have agreed (or projected) to subscribe to the service in the first year; assumptions made for five-year subscriber and population growth rate, average revenue per subscriber; measurability and types of services to be offered. Applications should identify potential risks that might affect implementation of the project and any strategies or solutions that you would use to mitigate or prevent these impacts.

**Technical Feasibility (Up To 8 Points Available):** Provide a detailed description of the goals and objectives of the proposed system design; functional specifications including bandwidth and how many sites and/or systems will have to be connected; performance specifications including minimum levels and broadband standards for systems requiring interoperability with other networks; appropriateness and availability of the proposed technological solution including infrastructure that will be deployed; overview of the technology and facilities

that will be used to deliver broadband services in the community(ies) including the potential for future expansion (scalability) of the proposed network. Identify capacity separately for each category of facility if application proposed interconnection between communities and/or private providers.

- a. *Maintenance and Ongoing Sustainability*: Provide details of all maintenance activities and how assistance will be provided. For example: will 24/7 maintenance support be provided; how will the service be monitored for problems; how will service growth be accommodated; what software will be used to generate utilization reports and service availability reports.
- b. As applicable, identify data cap limits, signal latency, and reliability of the technology to be utilized.
- c. Historic service issues in other areas served by the qualified broadband provider in the partnership.

D) The criteria in this rule (413-9-1-.09) are designed to assist the OneGeorgia Authority and/or Department in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals and depending on the availability of funding at the time of application. The decisions made by the OneGeorgia Authority and/or the Department shall be final and conclusive.

*Authority O.C.G.A. 50-34-1et seq.*

#### **Rule 413-9-1-.10 Awarding of Funds**

(1) Award limits will be based on final annual funding. The minimum amount of funding per award will be set at \$250,000 and the maximum will be 15% of the total funds available. These limits can be waived upon recommendation of the Commissioner of the Georgia Department of Community Affairs.

(2) Once selected for funding, awarded funds will be made available by the OneGeorgia Authority or its Department through a grant award document incorporating by reference the approved final application and adding any conditions that may be necessary or appropriate. As part of the award conditions, recipients must file a report on the impact and performance of the project, in a format and timeline prescribed by the OneGeorgia Authority or its Department.

(3) The OneGeorgia Authority or its Agent may approve an award subject to certain general or special conditions that will be incorporated into the grant award document. Because of the limited amount of funds available, the OneGeorgia Authority or its Agent may also award an amount less than the amount requested in the application. Applicants will have thirty (30) days from the date of award to accept the award and conditions and/or the reduced award amount. If the applicant fails to accept the award and conditions or lower award amount within the required period, the OneGeorgia Authority and/or the Agent with OneGeorgia Authority approval may unilaterally withdraw the award.

(4) The OneGeorgia Authority or its agent will provide recipients with specific instructions and forms to be used for drawdown of funds awarded under the grant award document.

*Authority O.C.G.A. 50-34-1et seq.*

#### **Rule 413-9-1-.11 Statement of Conditions**

In addition to the certifications made on the face of the award statement, the recipient of funds must further certify that:

(1) No applicable state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project and expending Georgia Broadband Deployment Initiative Fund monies.

(2) Recipient will adhere to applicable state and local procurement requirements and it will maintain documentation to confirm such adherence. For activities not applicable to state procurement requirements, recipient agrees to procure such services and activities through a fair and open competitive procurement process that is advertised through appropriate media and in compliance with any applicable local and state procurement laws or regulations.

(3) Recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards.

(4) If the Recipient is a development authority with powers set forth at Chapter 62 of Title 36 of the Official Code of Georgia Annotated, then the project financed in part by Georgia Broadband Deployment Initiative Fund assets shall only be leased or sold in accordance with Section 36-62-7 of the Official Code of Georgia Annotated.

(5) The recipient (in accordance with state law) shall undergo an annual financial audit conducted in accordance with government auditing standards established by the comptroller general of the United States. The recipient shall submit copies of all audits that cover all or part of the award period to the OneGeorgia Authority.

(6) No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the Georgia Broadband Deployment Initiative project.

*Authority O.C.G.A. 50-34-1 et seq.*