

**STATE OF IOWA**

KIM REYNOLDS, GOVERNOR

ADAM GREGG, LT. GOVERNOR

Exhibit F - NOFA #008 ("NOFA")
Certifications, Authorization, and Release of Information
Alterations to this document are prohibited

Attachment F-1: Release of Information

Cloudburst 9, LLC (name of Applicant Organization) hereby authorizes any person or entity, public or private, having any information concerning the Applicant's background, including but not limited to its performance history regarding its prior rendering of services similar to those detailed in this NOFA, to release such information to the Iowa Department of Management, Office of the Chief Information Officer.

The Applicant acknowledges that it may not agree with the information and opinions given by such person or entity in response to a reference request. The Applicant acknowledges that the information and opinions given by such person or entity may hurt its chances to receive a grant award from the Office or may otherwise hurt its reputation or operations. The Applicant is willing to take that risk. The Applicant agrees to release all persons, entities, the Office, and the State of Iowa from any liability whatsoever that may be incurred in releasing this information or using this information.

CLOUDBURST 9, LLC
Printed Name of Applicant Organization

A handwritten signature in blue ink, appearing to read 'Ashley Reed', written over a horizontal line.

Signature of Authorized Representative

8/21/23
Date

Attachment F-2: Application Certifications**Applicant certifies that:**

1. All statements made in the Application are true and accurate. Applicant has not knowingly made any false statements or representations in its Application.
2. No relationship exists or will exist during the Grant Agreement period between Applicant and the Office or any other State agency that interferes with fair competition or that constitutes a conflict of interest, the appearance of a conflict of interest, or that violates Iowa Code chapter 68B.
3. The Application is predicated upon the acceptance of all terms and conditions stated in the NOFA and Exhibit E (sample Grant Agreement) without change except as otherwise expressly stated in the Application. Objections or responses shall not materially alter the NOFA. All changes to proposed Grant Agreement language, including deletions, additions, and substitutions of language, must be addressed in the Application.
4. Applicant has reviewed the Additional Certifications (Attachment F-4), which are incorporated herein by reference, and by signing below represents that Applicant agrees to be bound by the obligations included therein.
5. Applicant has reviewed all amendments to this NOFA issued by the Office, and Applicant's submission is predicated on acceptance of the NOFA as amended.
6. Except as otherwise identified in Form 22 (Exhibit G) and solely to the extent permitted by the NOFA, the Application and all information therein may be treated as public, non-confidential records subject to public disclosure. Applicant waives any claims it may have against state or state personnel related to the confidential treatment of any information or materials submitted in connection with its Application. If Applicant requests confidential treatment of any information submitted in its Application, the Applicant expressly acknowledges and agrees that the Office's evaluation documents may reference information of which the Applicant requested confidential treatment in the Application. These Office evaluation documents may then be in the public domain and be open to inspection by interested parties upon the Office's issuance of a Notice of Intent to Award. The Office will not redact information or references to information in evaluation documents even in instances which a Applicant requested confidential treatment in the Application.
7. Applicant is in sound financial condition and, if applicable, has received an unqualified audit opinion for the latest audit of its financial statements, has no outstanding liabilities, including tax and judgment liens, to the Internal Revenue Service, Iowa Department of Revenue, or any other government entity, is current in all amounts due for payments of federal and state taxes, has not, in the last three (3) years, undergone a sale or change of control of Applicant, including its business or substantially all of its assets, and is neither presently involved in, nor anticipates

being involved in the near future, any case or other proceeding seeking or involving liquidation, reorganization, or other relief with respect to itself or its debts under any bankruptcy, insolvency, or other similar law now or hereafter in effect.

8. Applicant's organization has sufficient personnel and resources available to meet the Project objectives proposed in the Application, and such resources will be available on the date the Project is to begin.
9. Applicant is currently registered to do business in Iowa or agrees to register if Applicant is awarded a Grant Agreement pursuant to this NOFA. Notwithstanding the foregoing, if Grantee is not obligated to register to do business in the state of Iowa under Applicable Law, this provision is waived.
10. Applicant is registered or will be registered with System for Award Management either has or will have prior to Agreement signing an active Unique Entity ID (UID) issued via sam.gov.
11. Applicant is either: 1) registered or will become registered with the Iowa Department of Revenue to collect and remit Iowa sales and use taxes as required by Iowa Code chapter 423; or 2) not a "retailer" of a "retailer maintaining a place of business in this state" as those terms are defined in Iowa Code subsections 423.1(42) & (43). The Applicant also acknowledges that the Office may declare the Application void if this certification is false. Applicants may register with the Department of Revenue online at: <http://www.state.ia.us/tax/business/business.html>.
12. Applicant will comply with any Davis-Bacon Act requirements if applicable to the resulting Grant Agreement.
13. The person signing this certification is the person in the Applicant's organization responsible for, or authorized to make decisions regarding the prices quoted and, Applicant guarantees the availability of the services offered and that all Application terms, including price, will remain firm until a grant agreement has been executed for the Project.
14. Applicant is authorized to provide Broadband service in the Eligible Service Areas identified in Exhibit B of the Core Application and forming the basis of the Project, and has or will obtain any necessary permits or licenses (federal, state, or local) required to do so. Upon request by the Office, Applicant shall provide further information to the Office related to its Project for which grant funds may be awarded, or other additional information as may be reasonably requested by the Office.
15. Any award of funds under this NOFA is a subaward of the Capital Project Fund (CPF), and Applicant will be, if awarded a NOFA grant, a subrecipient receiving a Fixed Amount Subaward as under 2 C.F.R. part 200 for purposes of compliance with federal regulatory requirements.
16. Applicant will participate in the Federal Communications Commission's (FCC) Affordable Connectivity Program (ACP).

17. All Eligible Service Locations included in the Application reporting facilitation at 100/20 Broadband funded by this NOFA will be scalable to 100/100 within 3 years of Project Completion.
18. The Eligible Service Locations identified within the Core Application and making up the proposed Project Area correctly reflect whether Applicant currently facilitates broadband service at 100/20 or faster.

By signing below, I certify that I have the authority to bind the Applicant to the specific terms, conditions and technical specifications required in the NOFA and offered in the Applicant's Application.



Authorized Representative's Signature

8/21/23

Date

CASEY PECK

Name (Printed)

MANAGER

Title

CLOUDBURST 9, LLC

Applicant Organization

NOFA #008

NOFA Number

Attachment F-3: Certification and Disclosure Regarding Lobbying**Instructions:**

Title 45 C.F.R., part 93 requires the Applicant to include a certification form, and a disclosure form, if required, as part of the Applicant's proposal. Award of the federally-funded contract from this NOFA is a Covered Federal action.

(1) The Applicant shall file with the Office this certification form, as set forth in Appendix A of 45 C.F.R. part 93, certifying the Applicant, including any subcontractor(s) at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) have not made, and will not make, any payment prohibited under 45 C.F.R. § 93.100.

(2) The Applicant shall file with the Office a disclosure form, set forth in Appendix B of 45 CFR Part 93, in the event the Applicant or subcontractor(s) at any tier (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) has made or has agreed to make any payment using non-appropriated funds, including profits from any covered Federal action, which would be prohibited under 45 C.F.R. § 93.100 if paid for with appropriated funds. All disclosure forms shall be forwarded from tier to tier until received by the Applicant and shall be treated as a material representation of fact upon which all receiving tiers shall rely.

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or

entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 for each such failure.

I certify that the contents of this certification are true and accurate and that the Applicant has not made any knowingly false statements in the Bid Proposal. I am checking the appropriate box below regarding disclosures required in Title 45 of the Code of Federal Regulations, Part 93.

Please check the appropriate box below (check one):

☒ The Applicant is NOT including a disclosure form as referenced in this form's instructions because the Applicant is NOT required by law to do so.

☐ The Applicant IS filing a disclosure form with the Office as referenced in this form's instructions because the Applicant IS required by law to do so. If the Applicant is filing a disclosure form, place the form immediately behind this document in the Application.



Authorized Representative's Signature

CASEY PECK

Name (Printed)

8/21/23

Date

MANAGER

Title

CLOUDBURST 9, LLC

Applicant Organization

NOFA #008

NOFA Number

Attachment F-4: Additional Certifications

(Do not return this page with the Application. This document is incorporated by reference into Attachment F-2.)

1. CERTIFICATION OF INDEPENDENCE AND NO CONFLICT OF INTEREST

By submission of an Application, the Applicant certifies (and in the case of a joint Application, each party thereto certifies) that:

1. The Application has been developed independently, without consultation, communication or agreement with any employee or consultant of the Agency who has worked on the development of this NOFA, or with any person serving as a member of the evaluation committee;
2. The Application has been developed independently, without consultation, communication or agreement with any other applicant or parties for the purpose of restricting competition;
3. Unless otherwise required by law, the information in the Application has not been knowingly disclosed by the Applicant and will not knowingly be disclosed prior to the award of the Grant Agreement, directly or indirectly, to any other applicant;
4. No attempt has been made or will be made by the Applicant to induce any other applicant to submit or not to submit an Application for the purpose of restricting competition;
5. No relationship exists or will exist during the Grant Agreement period between the Applicant and the Agency that interferes with fair competition or is a conflict of interest.
6. The Applicant and any of the applicant's proposed subcontractors have no other contractual relationships which would create an actual or perceived conflict of interest.

2. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION -- LOWER TIER COVERED TRANSACTIONS

By signing and submitting this Application, the Applicant is providing the certification set out below:

1. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the Applicant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government the Agency or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
2. The Applicant shall provide immediate written notice to the person to whom this Application is submitted if at any time the Applicant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principle, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this Application is submitted for assistance in obtaining a copy of those regulations.
4. The Applicant agrees by submitting this Application that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction

with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Agency or agency with which this transaction originated.

5. The Applicant further agrees by submitting this Application that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. A participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
7. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
8. Except for transactions authorized under paragraph 4 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the Agency or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND/OR VOLUNTARY EXCLUSION--LOWER TIER COVERED TRANSACTIONS

1. The Applicant certifies, by submission of this Application, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
2. Where the Applicant is unable to certify to any of the statements in this certification, such Applicant shall attach an explanation to this Application.

4. CERTIFICATION OF COMPLIANCE WITH PRO-CHILDREN ACT OF 1994

By signing and submitting this Application, the Applicant is providing the certification set out below:

The Applicant must comply with Public Law 103-227, Part C Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act). This Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by federal programs either directly or through State or local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds. The law does not apply to children's services provided in private

residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable federal funds is Medicare or Medicaid; or facilities (other than clinics) where WIC coupons are redeemed.

The Applicant further agrees that the above language will be included in any subawards that contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1000 per day.

5. CERTIFICATION REGARDING DRUG FREE WORKPLACE

1. **Requirements for Grantees Who are Not Individuals.** If the Applicant is not an individual, by signing and submitting this Application the Applicant agrees to provide a drug-free workplace by:
 - a. publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
 - b. establishing a drug-free awareness program to inform employees about:
 - (1) the dangers of drug abuse in the workplace;
 - (2) the person's policy of maintaining a drug-free workplace;
 - (3) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) the penalties that may be imposed upon employees for drug abuse violations;
 - c. making it a requirement that each employee to be engaged in the performance of such contract be given a copy of the statement required by subparagraph (a);
 - d. notifying the employee in the statement required by subparagraph (a), that as a condition of employment on such contract, the employee will:
 - (1) abide by the terms of the statement; and
 - (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
 - e. notifying the contracting agency within 10 days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
 - f. imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by 41 U.S.C. § 703; and
 - g. making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (a), (b), (c), (d), (e), and (f).
2. **Requirement for Individuals.** If the Applicant is an individual, by signing and submitting this Application the Applicant agrees to not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the Grant Agreement.

3. **Notification Requirement.** The Applicant shall, within 30 days after receiving notice from an employee of a conviction pursuant to 41 U.S.C. § 701(a)(1)(D)(ii) or 41 U.S.C. § 702(a)(1)(D)(ii):

- a. take appropriate personnel action against such employee up to and including termination; or
- b. require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

6. NON-DISCRIMINATION

The Applicant does not discriminate in its employment practices with regard to race, color, religion, age (except as provided by law), sex, marital status, political affiliation, national origin, or handicap.