FORM CD-450 (REV. 10/18) U.S. DEPARTMENT OF COMMERCE	X GRANT COOPERATIVE AGREEMENT
FINANCIAL ASSISTANCE AWARD	**FEDERAL AWARD ID NUMBER** 31-40-MM447
RECIPIENT NAME Omaha Tribe of Nebraska	**PERIOD OF PERFORMANCE** 07/01/2023 - 06/30/2025
STREET ADDRESS 101 Main St	**FEDERAL SHARE OF COST** $36,374,797.00
CITY, STATE ZIP Macy, NE 68039-3000	**RECIPIENT SHARE OF COST** $0.00
AUTHORITY 47 U.S.C. Sec. 1741	**TOTAL ESTIMATED COST** $36,374,797.00
CFDA NO. AND NAME 11.033 Middle Mile (Broadband) Grant Program	
PROJECT TITLE: Omaha Tribe of Nebraska Fiber-Based Middle Mile Grant	

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.

X 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

X SPECIFIC AWARD CONDITIONS

X LINE ITEM BUDGET

X 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.

X OTHER(S): GENERAL TERMS AND CONDITIONS for the NTIA MIDDLE MILE GRANT PROGRAM, April 2023

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER	DATE
Darren Olson DARREN OLSON Digitally signed by DARREN OLSON Date: 2023.06.15 08:14:28 -06'00'	
PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	DATE

Award Number: 31-40-MM447, Amendment Number 0
Federal Program Officer: Sarah Bleau
Requisition Number: MM1447
Employer Identification Number: 470459805
UEI Number: MQS9HLF9TWQ4
Recipient ID: 3101104
Requestor ID:

Award ACCS Information

Bureau	FCFY	Project-Task	Organization	Object Class	Obligation Amount
61	2023	4720001-000	06-00-0000-00-00-00-00	41-19-00-00	$36,374,797.00

Award Contact Information

Contact Type	Contact Name	Email	Phone
Administrative	Mike Grant	grant@qcbroadband.com	4028375391

NIST Grants Officer:
Andrew Rittgers
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650

NIST Grants Specialist:
Tiffany Peters
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(267) 334-6448

NIST Financial Assistance Award Number: 31-40-MM447
Amendment: NEW
Recipient: Omaha Tribe of Nebraska

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
MIDDLE MILE 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 31-40-MM447 with Omaha Tribe of Nebraska to support the work described in the proposal entitled "Omaha Tribe of Nebraska Fiber-Based Middle Mile Grant" dated September 30, 2022; April 06, 2023; and May 10, 2023, which is 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:
Mike Grant
Communications Planner
Omaha Tribe of Nebraska
101 Main Street
Macy, NE 68039-3000
Telephone: 402-837-5391
Email: grant@qcbroadband.com

3. NTIA Contact Information:

Federal Program Officer
Sarah Bleau
National Telecommunications and Information Administration
US Department of Commerce
1401 Constitution Ave., NW, Ste. 4078
Washington, DC 20230
Telephone: 303-868-9852
Email: sbleau@ntia.gov

4. NIST Contact Information:

Grants Officer:
Andrew Rittgers
National Institute of Standards and Technology
325 Broadway
Boulder, CO 80305
Telephone: 303-497-7307
Email: andrew.rittgers@nist.gov

Grants Specialist:
Tiffany Peters
National Institute of Standards and Technology
100 Bureau Drive, Mail Stop 1650
Gaithersburg, MD 20899-1650
Telephone: 301-975-2000
Email: tiffany.peters@nist.gov

5. Award Payments:

This award is hereby funded through reimbursement only 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.

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

_____ None
__X__ Agency Review required for all withdrawals (see explanation below)
_____ Agency Review required for all withdrawal requests over
$_____ (see explanation below)
__X__ Maximum Draw Amount controls (see explanation below)
$_____ each month
$_____ each quarter
$____0.00___ Max drawdown amount

Explanation:

Agency Review required for all withdrawals:
Omaha Tribe of Nebraska has been identified as a potential risk for financial viability based on a pre-award assessment, including a Debt Subject to Offset noted in SAM.gov, payable to the Department of Health and Human Services, Administration for Children and Family (Head Start). As a result, Agency Review for all withdrawals has been set to ensure the Recipient is capable of meeting NIST financial management requirements. Supporting documentation that validates all costs contained in each request for payment must be provided to the NIST Grants Office. The payment request will not be released without proper documentation. This restriction will be considered for removal by the Grants Office within 90 days of demonstrating compliance with the terms and conditions of this award, as evidenced by the reconciliation of the Debt Subject to Offset in SAM.gov, either by payment of the Debt or the establishment of a payment plan, and submission of three consecutive error-free payment requests. If issues arise however, this restriction will be reevaluated and may remain in place as necessary. Accordingly, within 45 days of the award start date, and within 45 calendar days thereafter until the Debt Subject to Offset is reconciled, the recipient must provide a written update on the status of the Debt Subject to Offset via email to UGAM@nist.gov. In the event that updates are not filed in a timely manner, as determined by the Grants Officer, NIST reserves the right to take appropriate action against the Recipient in accordance with 2 CFR 200.339.

While on Agency Review status, the Omaha Tribe of Nebraska must submit all payment requests in accordance with the instructions below. Requests will be reviewed and approved by the NIST Grants Office prior to releasing the funds through the ASAP system.

Each payment request must be submitted through the ASAP system before emailing the following documents to the Grants Specialist:

1) An accounting system report or spreadsheet that itemizes and compares the costs being claimed to the cost categories of the approved award budget. For non-Federal entities who do not have a preexisting cost spreadsheet, an optional Excel spreadsheet called the Summary Schedule of Reimbursement / Costs Claimed (SSRCC) may be requested by contacting the assigned Grants Specialist. The completed electronic spreadsheet will be emailed to the Grants Specialist simultaneously with the submission of the Request for Reimbursement in ASAP, with a copy to the Federal Program Officer for review and comments.
2) Detailed source supporting documents (e.g., cancelled checks, paid bills, payrolls, time and attendance records, contract and subrecipient documents, etc.). Please ensure that all documentation corresponds with each cost category (e.g., administrative and legal expenses; site work; equipment; etc.) being claimed in the cost spreadsheet or SSRCC referenced in the previous paragraph.

Environmental Assessment & National Historic Preservation Act Compliance Requirements Restriction:
The total amount of Federal funding is hereby withheld until the requirements identified in the National Institute of Standards and Technology General Terms and Conditions for the NTIA Middle Mile Grant Program, Term #11 – Environmental Assessment and #12 – National Historic Preservation Act (Six-Month Expenditure Plan), are satisfied.

Contingency Funds:
Federal funding in the amount of $3,306,800 will be withheld until approval of SAC #21 Contingency Costs to request drawdown of funds designed specifically for contingency costs.

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 depositary financial institution (ODFI). The Payment Requestor/Recipient Organization should notify the NIST Grants Office and provide a reason whenever return payments are made.

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

7. Period of Performance and Funding Limitations:

The period of performance and budget incorporated into this award cover a **two (2)** year period of performance and provide for a maximum total amount of **$36,374,797.00** in Federal funding. This award is being fully funded via this award action.

The maximum amount of NTIA 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.

8. Federal and Non-Federal Cost Sharing:

As directed by Section 60401(f) of the Infrastructure Act, each recipient must commit to a non-federal cost share of no less than 30 percent of the total project cost, unless exempted through a partial or complete waiver for Tribal governments and Native entities.

The recipient is a Tribal government or Native entity that has requested and been granted approval by the NTIA Assistant Secretary to waive the Non-Federal cost share requirement.

9. Notice of Funding Opportunity – Middle Mile Grant Program

The Department of Commerce, National Telecommunications Information Administration Notice of Funding Opportunity (NOFO) No. NTIA-MMG-2-2022, Middle Mile Grant Program, 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=340300. Select "Closed" or "Archived" Opportunity Status to view the NOFO.

10. 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) is incorporated by reference into this award. It is accessible at: http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf.

11. 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/oam/policy/financial-assistance-policy

12. Bi-annual Performance and Financial 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 (Closeout) must be submitted within 120 days after the expiration of the period of performance. Subrecipients are required to submit their final performance report to the pass-through entity within 90 calendar days unless an extension has been granted.

All SF-425 and Performance Progress Reports must, at minimum, comply with the reporting requirements and contain all information and certifications specified in the NOFO.

All SF-425 and Performance Progress Reports must be submitted to the NTIA Grants Portal at https://grants.ntia.gov/, with copy to the Federal Program Officer, within the prescribed timeframes identified in the terms and conditions of the award.

The Recipient organization name, NIST award number, and reporting period must be included in the submission. 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 submission.

SF-425 and Performance Progress Reports must not be sent directly to NIST/NTIA personnel, other than when copying the Federal Program Officer on submissions to the https://grants.ntia.gov/ Portal.

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 https://grants.ntia.gov/ Portal.

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

Eligible entities that receive an award shall comply with any other reasonable reporting requirements determined necessary by the NTIA Assistant Secretary.

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

NIST will reimburse the Recipient 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 Condition, dated November 12, 2020.

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

The requirements for determining the relevant cognizant agency and for developing and submitting indirect (F&A) cost rate proposals and cost allocation plans are contained in 2 C.F.R. § 200.414 and in Appendices III-VII to 2 C.F.R. Part 200. For additional guidance on preparing indirect cost proposals, please review the Department of Labor's Guide for Indirect Cost Determination at: https://www.dol.gov/oasam/boc/dcd/np-comm-guide.htm. Section I.B and I.C lists the various types of indirect cost rates and the circumstances under which such rates would apply. The guide also addresses common indirect cost problems and contains useful FAQs.

14. 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, 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.).

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 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.

15. Climate Resilience

Because retrofitted and new infrastructure for broadband might be expected to have a lifetime of 20 years or more, the Recipient must account not only for current risks but also for how the frequency, severity, and nature of these extreme events may plausibly evolve as our climate continues to change over the coming decades.

Accordingly, the recipient must develop a plan for regularly assessing the changing weather and climate risks that could impact the network. Such a plan must demonstrate that the risks are understood and characterized to account for and respond to these areas for the 20 years following deployment, utilizing at least one resource or tool at https://toolkit.climate.gov/content/understanding-climate-risk-resources-ntia-applicants. The plan should also detail how the weather and climate risks identified are addressed through avoidance and/or mitigation for the network. The plan should articulate how this process of evaluating the updated climate and weather risk and incorporating that information into the network design, maintenance, upgrades, or similar will be performed at least once during the period of performance and periodically over the life of the project.

The recipient is to report on its climate risk reanalysis in the biannual performance reports.

16. No Duplication of Federal Funding

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

17. Signage and Public Acknowledgements:

The Recipient is required to post project signage and to include public acknowledgments in published and other collateral materials (e.g., press releases, marketing materials, webpages, plaques) satisfactory in form and substance to NIST, that identifies the nature of the project and indicates that "the project is funded by the Broadband Infrastructure

Law. The Recipient employing project signage is required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide: https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf. Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs. Any construction site signage should be displayed throughout the construction phase of the project in an easily visible location directly linked to the work taking place. The Recipient is responsible to maintain the signage in good condition throughout the construction period.

18. Pre-Award Costs:

Pre-award costs in the amount of $50,000 are acceptable only to the extent of reimbursing reasonable pre-application expenses, which include expenses related to preparing an application that are incurred after the publication date of the subject NOFO and prior to the date of issuance of this grant award, except the lobbying costs and contingency fees are not reimbursable. The approved pre-award costs are a portion of, **not in addition to**, the approved total budget.

Pre-award costs are approved for the period 05/13/2022 through 06/30/2023.

19. Equipment:

A. Estimated Useful Life and Compliance with 2 C.F.R. § 200.313. For purposes of this award, the estimated useful life of the equipment to be acquired by the recipient varies from the date that such equipment is placed into service on the project. Additional useful life guidance will be forthcoming. During the estimated useful life of the equipment, the recipient must adhere to the requirements contained in the terms and conditions of the award, including adherence to the use, management, and disposition requirements set forth in 2 C.F.R. § 200.313.

B. UCC-1 Filing & Attorney's Certification. Pursuant to 2 C.F.R. § 200.316, within 30 calendar days of acquiring all or any portion of the equipment under this award, the recipient shall properly file a UCC-1 with the appropriate State office where the equipment will be located in accordance with the State's Uniform Commercial Code (UCC). The UCC filing(s) must include the below or substantively similar language providing public notice of the Federal Interest in the equipment acquired with NTIA Middle Mile funding. Also, a clear and accurate inventory of the subject equipment must be attached to and filed with the UCC-1.

The Equipment set forth at Attachment A hereto was acquired with funding under a financial assistance award (Award Number 31-40-MM447) issued by the National Institute of Standards and Technology, U.S. Department of Commerce. As such, the U.S. Department of Commerce retains an undivided equitable

reversionary interest (Federal Interest) in the Equipment for the estimated useful life thereof, from when the equipment is placed into service on the project.

In addition, within 15 calendar days following the required UCC filing(s), the recipient must be ready if requested by the Grants Officer to provide the Grants Officer with complete and certified copies of the filed UCC forms and attachments for the equipment acquired with NTIA Middle Mile funding, along with a certification from legal counsel, licensed by the State within which the filings were made (Attorney's Certification), that the UCC filing was properly executed and filed in accordance with applicable state law. The Attorney's Certification must include the below or substantively similar language:

NIST Award Number: 31-40-MM447

Pursuant to 28 U.S.C. § 1746, I hereby certify as follows:

I am legal counsel at _____.

I am licensed to practice law in the State of _____ having been a license holder of said state and in good standing since _____.

Attached hereto is a certified copy of UCC-1 form(s) reflecting that this document was filed in the _____on _____, 202x, bearing the following filing information [insert filing data, e.g., instrument number, etc.) and consists of ____ recorded pages as certified by the Secretary of State of _____.

I certify that this UCC-1 form(s) has/have been validly executed and properly recorded as noted above.

I certify under the penalty of perjury that the foregoing is true and correct.

Executed on this ____day of _____.

_____

(Attorney name and title)

(Address and phone number)

In addition, during the estimated useful life of the equipment, the recipient is hereby authorized and directed by the Grants Officer to timely file any necessary UCC-3 continuation statements (or other filings) for the subject equipment consistent with the requirements set forth in this specific award condition. If requested by the Grants Officer,

copies of all filed UCC continuation statements, together with an Attorney's Certification, must be submitted to the Grants Officer within 15 calendar days following each such filing. The UCC filing(s) and the accompanying Attorney's Certification(s) must be acceptable in form and in substance to the NIST Grants Officer. If the Grants Officer does not request the UCC filing(s) and Attorney's Certification, the recipient must continue to maintain records of the filing(s) and Attorney's Certification in compliance with 2 CFR § 200.334 Retention requirements for records.

20. Contingency Costs:

To the extent provided in the approved budget, contingency costs are generally allowable under the Middle Mile Program.

The Recipient's use of federal award funds for contingency costs must be pre-approved by the Grants Officer prior to the Recipient drawing down federal award funds for such costs. A Recipient request to draw down federal award funds for contingency costs must be made in writing to the Grants Officer, who shall approve or disapprove the Recipient's request in writing.

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

In accordance with 2 CFR § 200.316, NIST shall require the Recipient to execute a Covenant of Purpose, Use and Ownership, property management agreement, mortgage or other statement of the Federal Interest in real property acquired or improved, in whole or in part, under a DOC financial assistance award, acceptable in form and substance to NIST, which must be placed on record in accordance with local law, with continuances (for fixture filings) and amendments filed as appropriate. The Recipient may also be required to provide NIST with a written statement from a licensed attorney in the jurisdiction where the property is located certifying that the covenant, mortgage or other statement of the Federal Interest has been properly executed and duly recorded, as required under the award and in accordance with local law. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, shall be returned to the Grants Officer. The Recipient may not dispose of, modify the use of, or change the terms of the real property title, or other interest in the project site and facilities without permission and instructions from NIST. The Grants Officer may elect not to release any or a portion of the Federal award funds until the Recipient has complied with this provision and any other applicable award terms or conditions, unless other arrangements satisfactory to NIST are made. Upon request from the Recipient, the Grants Officer may provide an alternative means of providing public notice of the Federal Interest or may forego the filing of a public notice of the Federal Interest. No alternative will alter the trust relationship by which the recipient holds title (see 2 CFR § 200.316 (Property trust relationship)).

End of Specific Award Conditions