



Ohio Administrative Code

Rule 122:30-1-05 Grant agreement; changes to projects; reporting.

Effective: December 16, 2021

(A) Each applicant awarded program funds by the authority in a fiscal year will enter into a grant agreement with the authority setting forth the terms and the conditions of the program grant. In addition to the grant agreement, the authority may require a performance bond, letter of credit, or other financial assurance if the authority determines the completion of the project requires additional security based on its assessment of the complete application. The authority may rescind an award of funds to a broadband provider for failure to execute a program grant agreement within ninety days of the determination of the authority to approve the provider's complete application.

(B) The grant agreement will incorporate the eligible project as set forth in the applicant's complete application. Expansion to the scope of a project by a broadband provider from what was included in its complete application is only eligible for additional funding if submitted as a new project in a future application period. The applicant may not change the scope of the project to reduce the residential addresses served or type or speed of service to be provided.

(C) Development will set forth in the grant agreement conditions for disbursement of grant funds and amounts to be disbursed at completion of each condition. In accordance with section 122.4045 of the Revised Code, development will set forth the amount of disbursement of grant funds within the following parameters:

(1) A portion of grant funds not to exceed thirty per cent of total grant funds awarded for the project will be disbursed prior to the commencement of project construction.

(2) A portion of grant funds not to exceed sixty per cent of total grant funds awarded to the project will be disbursed by periodic payments, to be based on measurable project construction progression milestones prior to project completion as determined by development from the application materials. Development will include the progress reporting required to be submitted to development for the applicant to receive a periodic disbursement in the program grant agreement.



(3) At least ten per cent of grant funds will be disbursed upon proof of project completion by submission of a project completion report to the authority within sixty days of project completion. A project is considered complete when the grantee is able to provide service to the approved addresses without extraordinary cost or time to the end user.

(D) Annual progress report. Each broadband provider that enters into a grant agreement will submit the annual progress report required by division (A) of section 122.4070 of the Revised Code to development in the manner set forth in the agreement. The broadband provider will include all information required by division (B) of section 122.4071 of the Revised Code and any additional information required under the program grant agreement in the form and manner required by development. Each broadband provider will submit its annual progress report by the date indicated in the grant agreement by the first annual progress report due date following the date it enters into a program grant agreement through the annual progress report due date prior to project completion.

(E) Project completion report. Each broadband provider entering into a program grant agreement will promptly upon completion of its project provide notice to development and the authority that the project is complete in the manner and form set forth in the program grant agreement. Within sixty days following completion of the project, the broadband provider will submit a project completion report to development containing all information required by division (B) of section 122.4071 of the Revised Code, all information required in the program grant agreement, and any other information development may request in the form and manner required by development. The project completion report is also the broadband provider's first operational report required under division (B) of section 122.4070 of the Revised Code.

(F) Operational report. On or before the date that is sixty days from the project completion date, as indicated in the project completion notification, and for four years following the year the broadband provider submits its project completion report, the broadband provider will submit an operational report to development. The broadband provider will include in its operational report all information required under division (B) of section 122.4071 of the Revised Code, the program grant agreement, and any other information requested by development in the form and manner required by development.