
Department of Technology and Information

Delaware Broadband Fund

Grant Application

Instructions: This application is designed to be completed electronically, then printed, signed and notarized. Please make all efforts to complete the application electronically, although it will be accepted if completed by hand. Return one original plus six (6) copies, including exhibits, to the Department of Technology and Information, Attention: Procurement Officer, 801 Silver Lake Boulevard, Dover, DE 19904. This application is not a commitment for funds, nor does it obligate the State of Delaware or any State agency to lend any form of financial assistance.

General Information

Legal Name of Applicant (Business) Delaware Business License & Type Tax I.D. or SS# for an Individual Request

D/B/A (if applicable) Date Business Established (mm/yyyy) NAICS Code¹

Sole Proprietorship General Partnership Limited Partnership S-Corp C-Corp LLC Individual Business Request

Applicant's Billing Address Business Phone #

Applicant's Street Address (if different) Applicant's Fax #

Business Description State of Incorporation

Primary Project Contact, Email & Phone Number Title Amount of Funding Requested \$

Number of Applicant's Permanent Delaware-Based Full-time Jobs

Presently on Site To Be Maintained To Be Created To Be Relocated to Delaware TOTAL

¹ A North American Industry Classification System (NAICS) Code is a 6 digit number assigned to your business by the Delaware Department of Labor. NAICS Codes replaced SIC codes. A NAICS code is also referred to as the Principal Business Activity or Principal Product or Service code on your federal income tax return.

Project Information

Management & Ownership

(Show 100% ownership. If more space is necessary, ignore here and attach a complete list formatted like below as "Exhibit: Management & Ownership – 1")

Name	SS# or Tax ID#	% Ownership	Address (if different from applicants)	Guarantor?	Spouse Guarantor?
		%			
		%			
		%			
		%			
		%			
		%			
		%			

Has the applicant or any person listed above:

<input type="checkbox"/> Yes	<input type="checkbox"/> No	Been the subject of, or a party to, any formal or informal inspection, inquiry, investigation, administrative proceeding, criminal prosecution or civil litigation by any federal or state agency administering, or private person seeking relief under, state or federal statutes, regulations or rules governing collective bargaining, hours of labor, working conditions, industrial hygiene and safety, minimum wage standards, discrimination in wages, child labor, unemployment insurance, workers' compensation or other labor law matters?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Been the subject of or a party to any formal or informal inspection, inquiry, investigation, administrative proceedings, criminal prosecution or civil litigation by any federal or state agency administering, or private person seeking relief under, state or federal environmental statutes or regulations?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Been the subject of, or a party to, any formal or informal inspection, inquiry, investigation, administrative proceeding, criminal prosecution or civil litigation by any state or federal law enforcement, regulatory or administrative agency for the criminal or civil violation of any federal or state statute, regulation, rule or the terms of any license or permit issued by a federal or state agency, including the failure to hold such a license or permit?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Been the defendant in any civil litigation in which any type of fraud, misrepresentation, unfair or deceptive trade practices were alleged?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Been debarred or suspended from contracting with any state or federal agency or from receiving financial assistance from any state or federal agency?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Been denied any license or permit or had any license or permit revoked or suspended by any federal, state or local agency or governmental body?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Been convicted of a crime?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Filed a voluntary petition in bankruptcy or had an involuntary petition in bankruptcy filed against the Applicant, in any bankruptcy court, or been subject to any other state or federal insolvency or receivership proceedings?

If the answer to any question above is "yes," furnish details on a separate page and attach as: "Exhibit: Management & Ownership – 2"

A. Location of Proposed Project

Street Address		Municipality	Zip Code	County
<input type="checkbox"/> Yes	<input type="checkbox"/> No	If applicant is not the owner of the project site, does the applicant lease the project site or any buildings on the site? If "yes", when does the lease expire?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Is there a relationship legally or by virtue of common control between the applicant or proposed occupant of the project, and the present owner of the property? If "yes", describe briefly below:		

B. Financial Stability and Economic Sustainability

In addition to providing Exhibit C and Exhibit F as detailed in the Exhibit List on Page 7, please describe how the Project will be economically sustainable:

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C. Public Purpose

In addition to providing Exhibit E as detailed in the Exhibit List on Page 7, please provide a detailed description of how the project will serve a public purpose by enhancing the broadband access of the State. Please include how the improvements will benefit more than the State, whether the improvements will attract additional economic development to the area and/or improve critical services such as health care and public safety where the Project is being constructed, and whether the Project would have otherwise required the use of State monies to be completed. Applicants are encouraged to present innovative solutions that will assist the State gaining the greatest coverage area with the available funding. Examples include, but should not be limited to, leveraging State owned facilities for equipment co-location or exchanging conduit access for fiber. Special consideration will be given to applicants that can connect the proposed fiber paths with existing infrastructure for immediate coverage expansion. Additionally, please outline how the recipient will expand upon this infrastructure to further promote access to high speed telecommunications services:

E. Source and Use of Funds for Public Purpose

	Funded by Broadband Grant	Funded by Applicant
Construct, maintain, extend or enhance high capacity fiber optic infrastructure between Lewes, Delaware (Point A) and Georgetown, Delaware (Point B)	\$ _____	\$ _____
Construct, maintain, extend or enhance high capacity fiber optic infrastructure between Seaford, DE (Point D) and Georgetown, DE (Point B)	\$ _____	\$ _____
Construct, maintain, extend or enhance high capacity fiber optic infrastructure between Lewes, DE (Point A) and Dover, DE (Point E)	\$ _____	\$ _____
Other (Specify):	\$ _____	\$ _____
Total Project Costs	\$ _____	\$ _____

Certifications and Notarization to Applicants

CERTIFICATION -- Eligibility for financial assistance from the Delaware Broadband Fund is determined by the information presented in this application and in the required exhibits and attachments. Any change in the status of the proposed project from the facts presented herein could disqualify the project, including but not limited to, the commencement of construction or the acquisition of assets such as land or equipment. Please contact the Committee, c/o DTI, before taking any action which would change the status of the project as reported herein.

To the extent permitted by Delaware's Freedom of Information Act, 29 Del. C. Ch. 50, all information contained in this application or obtained by the Committee in investigating or considering this application will be kept confidential, except for disclosure to the Committee, to the staff and attorneys of the DTI, and except for disclosures made at the public hearing of the Committee and in any published notice of such hearing. If a grant is made for your project, confidentiality may also be affected by any information reporting and other requirements imposed on the Committee by the Internal Revenue Code. A copy of the DTI FOIA regulation is provided with this application.

I, the undersigned, being duly sworn upon my oath say:

1. The Applicant as listed in section 1-A is the recipient of the funds. The undersigned is authorized to bind the applicant and any other recipient of Grant funds pursuant to this application.
2. The Applicant hereby agrees, if this application is approved, to comply with all federal, state, and local laws affecting the grant to be issued and the operation of the proposed project. As part of this agreement, the Applicant agrees to use its best efforts in good faith to meet all employment projections set forth herein and to give the first opportunity of employment to qualified Delaware residents for all unskilled and semi-skilled workers employed by the Applicant. The Applicant agrees to report to the Authority, no later than June 30 of the year following the start of its operation of the project, the total number of its unskilled and semi-skilled employees and the number of its unskilled and semi-skilled employees who were residents of Delaware at the time of their employment.
3. The Applicant hereby acknowledges and agrees that the Committee reserves the right to and may disclose any information contained in this application and its supporting documents to the staff and attorneys of the Committee and DTI, at any public hearing held on this application, in any published notice of such hearing, and that this application is subject to the Delaware Freedom of Information Act.
4. The Applicant hereby agrees that any officers, employees, agents or attorneys of the Department of Technology and Information ("DTI") may have access to and copy any and all information in any form pertaining to Applicant, including, but not limited to, tax returns and information from tax returns as used in 30 Del. C. §368, in the custody of any State of Delaware, or other State, department, agency, instrumentality, division, office, board, bureau, council, commission, committee, panel or "public body," as that term is defined in the Delaware Freedom of Information Act, 29 Del. C. § 10002(a), including, but not limited to, the Departments of Finance, State, Labor, and Natural Resources and Environmental Control of the State of Delaware, the United States Environmental Protection Agency, the United States Department of Labor, the National Labor Relations Board or any other agency of the federal government having custody of information deemed pertinent by DTI or DTI staff or attorneys in evaluating Applicant's application for assistance.
5. This application, with all attachments & exhibits, is the product of diligent and reasonable investigation that I have either overseen or been personally involved.
6. I have carefully read this application, including all attachments and exhibits, and the information contained in this application, including all attachments and exhibits, is true, accurate and complete to the best of my information and belief. These representations are made in support of a request for government funds.
7. I understand that if I have intentionally made a false statement in this application, or someone else has made a false statement herein that I know or believe to be false, I am subject to criminal prosecution.
8. I understand the Committee may also require the following:

A. Appraisals on real property and/or machinery and equipment. (Appraisers acceptable to the Authority).	D. Accounts payable aging.
B. An environmental analysis - Phase I.	E. Bank loan exception letters.
C. Accounts receivable aging.	F. Financial information to be prepared by a CPA acceptable to the Committee.
	G. Additional information as determined by DTI or the Committee.
9. I understand that no funds will be used for refinancing existing debt.
10. I understand that no funds may be used for equipment other than that which is directly infrastructure-related.
11. I understand that no funds may be used for speculative real estate ventures.

Name of Applicant (Business)

Signature of the Representative of the Applicant

Title

Date Signed

/ /

Notary Information

State of _____

County of _____

Signed and sworn to (or affirmed) before me on: / / 20____

by _____

(Representative of Applicant, not Notary)

[SEAL]

(Name of Notary Public)

My Commission Expires: _____

EXHIBITS REQUIRED

This application will not be considered complete unless the following items are submitted with the application form.

A. "If yes" or "If Necessary" exhibits from application:

- | | | |
|-----------------------------------|-----------------------------|-------------------------------------|
| <input type="checkbox"/> Attached | <input type="checkbox"/> NA | Exhibit: Management & Ownership – 1 |
| <input type="checkbox"/> Attached | <input type="checkbox"/> NA | Exhibit: Management & Ownership – 2 |
| <input type="checkbox"/> Attached | <input type="checkbox"/> NA | Exhibit: Employment Impact |

B. Certificate of Good Standing* and Business License:

- | | | |
|-----------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Attached | <input type="checkbox"/> In Process | An original Certificate of Good Standing issued by the Division of Corporations of the Delaware Secretary of State's office within the thirty-day period before the date of the application |
| <input type="checkbox"/> Attached | <input type="checkbox"/> In Process | A copy of the business license issued by the Division of Revenue of the Delaware Department of Finance. |

* Certificate of Good Standing is not available for sole proprietorships or some general partnerships, but is for all other entities.

C. Financial information**:

- | | | |
|-----------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Attached | <input type="checkbox"/> NA | Three most recent years of financial statements and as much of the current year as is available, (but not more than three months old). Include as "Exhibit: Financial Statements" |
| | | or |
| <input type="checkbox"/> Attached | <input type="checkbox"/> NA | Three most recent years of tax returns. Include as "Exhibit: Tax Returns" |
| <input type="checkbox"/> Attached | <input type="checkbox"/> NA | Completed copy of "Project Source & Use of Funds" form |

**All requested exhibits are required unless specifically told otherwise by the Committee. If the applicant is a new entity with less than two years of financial statements, provide personal financial statements and tax returns of each principal (or the parent company) for the past three years.

D. Certificate of Incorporation, Corporate Bylaws, Certificate of Formation and Limited Liability Operating Agreement***:

- | | | |
|-----------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Attached | <input type="checkbox"/> In process | An original Certificate of Incorporation issued by the Division of Corporations of the Delaware Secretary of State's office within the thirty-day period before the date of the application. |
| <input type="checkbox"/> Attached | <input type="checkbox"/> In process | A copy of the corporation's bylaws, if applicable. |
| <input type="checkbox"/> Attached | <input type="checkbox"/> In process | An original Certificate of Formation issued by the Division of Corporation of the Delaware Secretary of State's office within the thirty-day period before the date of the application. |
| <input type="checkbox"/> Attached | <input type="checkbox"/> In process | A copy of the original signed and executed limited liability company operating agreement. |

***Certificate of Incorporation and Corporate Bylaws apply to Delaware corporations; Certificate of Formation and Limited Liability Operating Agreement apply to Delaware limited liability companies. Corporations are not required to have bylaws; in this event, please submit a copy of the Articles of Incorporation.

E. Public Sponsor Certification

- | | | |
|-----------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Attached | <input type="checkbox"/> In process | Written certification of at least one (1) Public Sponsor stating that the Project will serve a public purpose by enhancing the infrastructure needs of the State. |
|-----------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|

F. Contractual & Service Level Agreement Options

- | | | |
|-----------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Attached | <input type="checkbox"/> NA | A copy of any contractual and service level agreement options for the Project. Include as "Exhibit: Contractual and Service Level Agreement Options." |
|-----------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|