

CLARIFICATION OF ENTITIES ELGIBLE TO RESPOND TO THE RFP:

The Texas Department of Agriculture (TDA) will accept proposals from eligible entities as defined in Public Law 110-385, the Broadband Data Services Improvement Act of 2008, 47 U.S.C. §1301, et seq. (BDIA). In response to section 7.b of the Request for Proposals to Provide for Broadband Mapping for the State of Texas (RFP), respondent should indicate how it meets the definition of an eligible entity contained in section 106(i)(2) of BDIA.

To date, the U.S. Department of Commerce (Commerce) has published limited guidelines regarding the process for applying for grants under BDIA and the American Recovery and Reinvestment Act of 2009 (ARRA). Commerce has not issued any clarification regarding the differences in eligibility standards contained in section 106(i)(2) of BDIA or section 6001(e)(1) of ARRA. However, since the RFP is to select an eligible entity to apply for a broadband mapping grant under BDIA, as funded by ARRA, it is the opinion of TDA that BDIA definitions of an “eligible entity” will govern any BDIA grants awarded by the National Telecommunications and Information Administration or Commerce.

BDIA indicates the state may select one eligible entity to perform broadband mapping for that state. Section 106 (i)(2) of the statute defines an eligible entity as follows: (i) an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State; (ii) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; or (iii) an independent agency or commission in which an office of a State is a member on behalf of the State.