Rules and Regulations of the State of Georgia

Department 413 GRANTS OF THE ONEGEORGIA AUTHORITY

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule give the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. -- filed

eff. -- effective

R. -- Rule (Abbreviated only at the beginning of the control number)

Ch. -- Chapter (Abbreviated only at the beginning of the control number)

ER. -- Emergency Rule

Rev. -- Revised

Grant Chapter 413-1 entitled "Equity Fund" and Grant Chapter 413-2 entitled "Edge Fund" submitted November 1, 2000.

Grant Chapter 413-3 entitled "Business Growth Fund" submitted August 30, 2001.

Grant Chapter 413-4 entitled "The One Georgia Authority's Regional E-9-1-1 Fund Program" submitted August 22, 2002.

Grant Chapters 413-5-1 entitled "Strategic Industries Loan Fund" and 413-6-1 entitled "Entrepreneur and Small Business Development Loan Guarantee Program" submitted June 27, 2005.

Grant Chapter 413-7-1 entitled "Broadband Rural Initiative to Develop Georgia's Economy" submitted April 28, 2006.

Grants 413-5-1-.01, .02, and .05 submitted September 12, 2006. Rule Chapter 413-8-1 entitled "AIR Georgia, Airport Initiative in Rural Georgia" submitted October 19, 2006.

Grant Chapter 413-1 submitted February 12, 2007.

Grant 413-1-.10 submitted February 28, 2007.

Grants 413-1-.10, 413-6-1-.03, .09, and .10 submitted March 18, 2008.

Grant Chapter 413-9-1 entitled "Broadband Rural Initiative to Develop Georgia's Economy Georgia Broadband Deployment Initiative Program" submitted June 27, 2019.

Grant Chapter 413-10-1 entitled "OneGeorgia Authority Rural Innovation Fund" submitted May 16, 2022.

Grant Chapter 413-9-1 amended and title changed to "OneGeorgia Authority Broadband Program" submitted May 23, 2022.

Grants 413-1-.05 through .10 amended, submitted July 11, 2023.

Cite as Ga. Comp. R. & Regs. R. dept. 413, ADMINISTRATIVE HISTORY

Chapter 413-1. EQUITY FUND.

Rule 413-1-.01. Scope of Rule.

This regulation governs the operation of the OneGeorgia Equity Fund Program as established by the OneGeorgia Authority (O.C.G.A. 50-34-1) through its resolution adopted on October 6, 2000. In said resolution, the One Georgia Authority authorized the Department of Community Affairs (hereinafter referred to as "agent") as the implementing entity for purposes of the Equity Fund Program's operation and administration. Authority O.C.G.A. 50-34-1*et seq.*

Cite as Ga. Comp. R. & Regs. R. 413-1-.01
Authority: O.C.G.A. Secs. 50-34-1*et seq.*
History. Original grant description entitled "Scope of Rule" submitted November 1, 2000.
Submitted: Feb. 12, 2007.

Rule 413-1-.02. Definitions.

(1) The definitions for purposes of this regulation are identical in all respects to the terms defined in O.C.G.A. 50-34-2.

(2) "Rural County", which is not defined in O.C.G.A. 50-34-2, shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 50,000 where 10% or more of the population lives in poverty.

Cite as Ga. Comp. R. & Regs. R. 413-1-.02
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Definitions" submitted November 1, 2000.
Submitted: Feb. 12, 2007.

Rule 413-1-.03. Purpose.

The purpose of the OneGeorgia Equity Fund is to provide a program of financial investments that includes grants, loans, grant/loan combinations and any other forms of assistance authorized by (O.C.G.A. 50-34-1*et seq.*) to finance activities that will assist applicants in promoting the economic security and creation and retention of economic opportunities for the citizens of the state through the development and retention of employment opportunities in rural areas of the state. In carrying out the purposes of the Equity Program, proposals that invoke cooperation, collaboration and regional partnerships between local governments and public and private-sector partners shall always receive the greatest consideration for assistance.

Cite as Ga. Comp. R. & Regs. R. 413-1-.03
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Purpose" submitted November 1, 2000.
Submitted: Feb. 12, 2007.

Rule 413-1-.04. Eligible Applicants.

Eligible applicants and recipients of grant and loan funds awarded under this program shall include, but not be limited to, general-purpose local governments (municipalities and counties), local government authorities and joint or multicounty development authorities. All local government units that are party to an application must be in compliance, where applicable, with the requirements regarding comprehensive planning (O.C.G.A. 50-8-1*et seq.*), report of local government finances (O.C.G.A. 36-81-8 [b]), local service delivery strategies (O.C.G.A. 36-70-1*et seq.*), government management indicators survey (O.C.G.A. 36-81-8 [h]) and local government authorities' registration (O.C.G.A. 36-80-8*et seq.*).

Cite as Ga. Comp. R. & Regs. R. 413-1-.04
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Applicants" submitted November 1, 2000.
Submitted: Feb. 12, 2007.

Rule 413-1-.05. Eligible Activities.

(1) Eligible uses of funds provided under the Equity Fund include those activities and the provision of facilities and services as described in O.C.G.A. 50-34-1*et seq*. Such activities include, but are not limited to, the provision of such public infrastructure, services, facilities and improvements as: rail access, road improvements, water and sewer improvements, technology infrastructure, drainage improvements, other public utilities, public facilities and services specifically designed to increase economic opportunities through job training, workforce development, education, workforce housing, and other employment support services, the acquisition, clearance and disposition of real property, site preparation, site improvements, real property rehabilitation, and the provision of planning services and technical assistance.

(2) In addition, the Equity Fund may provide assistance to eligible applicants to finance facilities, projects and project costs for use by businesses and enterprises, purchase or lease of equipment or other assets or any other community or economic development and business assistance activity or purpose identified in O.C.G.A. 50-34-1*et seq*. It is important to note that the proposed use of Equity Fund monies will dictate whether the funds can be provided to the applicant to undertake an activity, or whether they will be provided to the applicant but require a loan, lease or other agreement between the applicant and participating business or enterprise.

(3) In general, public acquisition or improvements of public facilities and infrastructure can be undertaken directly by the applicant with Equity Fund monies. Where Equity Fund monies are expended for the public acquisition and/or improvements of privately used land, buildings, machinery and equipment, or other private assets, the financed assets must generally be owned or controlled by the applicant and leased, subleased or sold to the business or enterprise in accordance with O.C.G.A. 36-62-7 and /or O.C.G.A. 50-34-6. In order to maximize their competitiveness for public water, wastewater, and solid-waste management projects, applicants are encouraged to discuss their project with the

Georgia Environmental Facilities Authority (GEFA) before submitting a proposal to the Authority.

(4) The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the Equity Fund provides. In general, assistance will take the form of grants, low-interest loans or loan/grant combinations. The exact structure and amount will be determined by the activity to be financed, the financial capacity of the applicant, business and/or enterprise. Loans will be structured using generally accepted public and private financing instruments and procedures. All recaptured funds must be returned to the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-1-.05
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original grant description entitled "Fund Availability" submitted November 1, 2000.
Submitted: Grant entitled "Eligible Activities" received Feb. 12, 2007.
Amended: Submitted July 30, 2023.

Rule 413-1-.06. Fund Availability.

(1) When program funds are available, the OneGeorgia Authority will publish notices of funding availability (NOFA) to make eligible applicants aware of the funding criteria and application process. NOFA's will be published on the OneGeorgia Authority's website and at the discretion of the Authority, may also be made available to eligible applicants through other means, such as associations, advertisements, or other publications.

(2) The OneGeorgia Authority's NOFA will establish application submission guidelines and deadlines. Generally, applications will be accepted throughout the submission period and will be reviewed based upon the criteria provided in Section 413-1 .09 and the NOFA.

(3) Eligible applicants must apply for assistance under this program in a format and manner prescribed by the OneGeorgia Authority. Application guides and guidelines may be obtained from the OneGeorgia Authority website.

Cite as Ga. Comp. R. & Regs. R. 413-1-.06
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original grant description entitled "Eligible Activities" submitted November 1, 2000.
Submitted: Grant entitled "Fund Availability" received Feb. 12, 2007.
Amended: Submitted July 30, 2023.

Rule 413-1-.07. Application Submission Procedures.

(1) The application process for the Equity Program includes an Initial Project Assessment and a separate Application. The purpose of the Initial Project Assessment is:

A) To determine whether a proposed activity or activities is eligible for Equity Program funds;

B) To determine whether the proposed activity or activities meet the basic Equity Program thresholds, and the project meets the competitive objectives of the NOFA. The proposed project must be competitive under the rating and review system as outlined in section 413-1-.09;

C) To enable eligible and conditionally eligible applicants, as referenced in the OneGeorgia Authority eligibility map, to obtain Pre-Agreement Cost Approval (PACA) from the Authority so that projects can pursue interim financing and proceed with necessary project activities prior to the Authority's application determination;

D) To afford adequate time for the Authority to offer technical assistance and applicants to make necessary application revisions in advance of the deadline.

(2) Eligible applicants may submit Initial Project Assessments and/or Applications for consideration at any time prior to the Application deadline. The OneGeorgia Authority requires potential applicants to contact the Authority or DCA to arrange a technical assistance review prior to submitting an Initial Project Assessment or Application.

(3) Initial Project Assessments and/or applications may be submitted individually by an eligible applicant, or jointly, by two or more applicants. Joint submission must contain a copy of the Cooperating Agreement entered into by the cooperating units of government. The agreement should designate the applicant that will serve as lead recipient should the project be funded.

(4) Initial Project Assessments and Applications for the Equity Program must be submitted in conformance with the format and applicable instructions specified by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-1-.07
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original grant description entitled "Review of Applications" submitted November 1, 2000.
Submitted: Grant entitled "Application Submission Procedures" received Feb. 12, 2007.
Amended: Submitted July 30, 2023.

Rule 413-1-.08. Review of Applications.

(1) Upon receipt of the Initial Project Assessment, Authority staff will conduct a timely review to determine eligibility and conformance with basic threshold criteria. Potential applicants will then be notified to proceed, with general guidance about perceived competitiveness and limited technical assistance based on the preliminary information

provided. Such assistance may involve DCA regional representatives; however, in no case will the Authority or DCA assist in the writing of the application.

(2) Upon receipt of a completed Application, the Application will be reviewed using the rating and selection factors specified in Section 413-1-.09 of these regulations, as well as any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc. as may be required or requested by the Authority or DCA. Applications that contain insufficient information or documentation may be returned to the applicant for further information.

(3) Staff may conduct site visits and hold discussions with applicants and proposed sub-recipients for the purposes of confirmation and evaluating information contained in the Initial Project Assessment of Application. Staff may also consult with other appropriate government and private entities in the course of reviewing and evaluating information contained in the Initial Project Assessments and/or Applications.

(4) The scores obtained for the various selection factors will be totaled and applicants with scores of at least 300 points that meet all appropriate funding criteria that conform to the objectives of O.C.G.A. 50-34, as amended, and that can be carried out in compliance with all applicable state or local law, regulations or requirements will be recommended to the Authority for funding consideration.

Cite as Ga. Comp. R. & Regs. R. 413-1-.08
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original grant description entitled "Awarding of Funds" submitted November 1, 2000.
Submitted: Grant entitled "Review of Applications" received Feb. 12, 2007.
Amended: Submitted July 30, 2023.

Rule 413-1-.09. Rating and Selection Criteria.

Criteria	Points
Threshold Requirements	0
Demographics	100
Feasibility	120
Impact	120
Strategy	100
Regional Bonus	60
Total Available Points	500

(1) Threshold Requirements (In order to be rated and reviewed, an application must meet all threshold requirements identified below):

A) The application is from an eligible applicant;

B) The project takes place within a rural county or a conditionally eligible county, in which case the project must demonstrate significant regional benefit with tacit support from a bordering rural county.

C) The proposed use of funds are for eligible activities and will be carried out in a manner consistent with the state constitution, state law, program rules and objectives and in accordance with the applicant's (or sub-recipient's) enabling legislation and authority; and

D) The proposed activities are consistent with local and regional plans developed under the provisions of the Georgia Planning Act and the Service Delivery Strategies developed in accordance with O.C.G.A. 36-70-1*et seq.*

(2) Demographics (100 points maximum): On an annual basis, demographic scores will be calculated for each county in the state. For purposes of assigning a demographic score for applications submitted by multiple applicants or an authority made up of multiple entities, the highest score from the group of counties which has endorsed the project or are members of the regional authority will be used. Applications will be rated and scored against each of the following demographic factors as calculated by the Department of Community Affairs using the most recent population, poverty and income estimates:

A) Demographic Need - total population of the Applicant County (joint applications will consider the county with the lowest population): Counties will be compared in terms of their total population level. Counties with a population less than 10,000 will receive 50 points; populations of 10,000 and 19,999 will receive 40 points; populations of 20,000 and 29,999 will receive 35 points; populations of 30,000 and 39,999 will receive 30 points; and populations greater than 40,000 will receive 25 points.

B) Demographic Need - percent of people in poverty: Counties will be compared in terms of the percentage of population below the poverty level. Counties with an overall poverty rate of 20% or greater shall receive 50 points. For counties with a poverty rate between 19.99% to 15%, the applicant will receive 40 points. For counties with a poverty rate between 14.99% to 10%, the applicant will receive 30 points. For counties with a poverty rate less than 10%, the applicant will receive 20 points. For joint applications, OGA or DCA will review and rank order each county's percentage of poverty.

(3) Project Feasibility (120 point Maximum) Applications will be awarded "feasibility" points according to specifics, that are included but not limited to, clearly defined in the NOFA.

(4) Project Impact (120 Points Maximum) Applicants will be awarded "impact" points according to specifics, that are included but not limited to, clearly defined in the NOFA.

(5) Program Strategy (100 Points Maximum) Applicants will be awarded "strategy" points according to specifics, that are included but not limited to, clearly defined in the NOFA.

(6) Regional Bonus (60 Points Maximum) Applicants will be awarded regional bonus points and can receive larger grant amounts as described in section 413-1-.10(1) based upon a project's demonstration of significant and quantifiable regional cooperation or impact using the criteria outlined below:

A) "Regional Cooperation" (60 points)- the proposed project is a regional initiative that evidences significant and quantifiable regional cooperation or impact.

(7) The criteria in this rule (413-1-.07) are designed to assist the OneGeorgia Authority and/or its agent in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals and depending on the availability of funding at the time of application. The decisions made by the OneGeorgia Authority shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-1-.09
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original grant description entitled "Statement of Conditions" submitted November 1, 2000.
Submitted: Grant entitled "Rating and Selection Criteria" received Feb. 12, 2007.
Amended: Submitted July 30, 2023.

Rule 413-1-.10. Awarding of Funds.

(1) Award limits under the Equity's Program are typically set at $500,000 per project; however, specific limits will be published in a NOFA for a defined application period. Generally speaking, alternative funding limits will be applicable for funding specifically set-aside to accomplish objectives by the Authority.

(2) Limits may be waived upon recommendations of DCA Commissioner and approval of the OneGeorgia Authority's Board of Directors or upon recommendation and approval of the OneGeorgia Authority's Board of Directors.

Cite as Ga. Comp. R. & Regs. R. 413-1-.10
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original grant description entitled "Awarding of Funds" submitted February 12, 2007.
Submitted: Feb. 28, 2007.
Submitted: Mar. 18, 2008.
Amended: Submitted July 30, 2023.

Chapter 413-2. EDGE FUND.

Rule 413-2-.01. Scope of Rule.

This regulation governs the operation of the OneGeorgia Edge Fund Program as established by the OneGeorgia Authority (O.C.G.A. 50-34-1) through legislation signed by the Governor on April 21, 2000. The OneGeorgia Authority authorizes the Department of Community Affairs (herein after referred to as "agent") as the implementing entity for purposes of the Edge Fund Program's operation and administration.

Cite as Ga. Comp. R. & Regs. R. 413-2-.01
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Scope of Rule" submitted November 1, 2000.

Rule 413-2-.02. Definitions.

The definitions for purposes of this regulation are identical in all respects to the terms defined in O.C.G.A. 50- 34 *et seq.*

Competitive Project. Competitive Project generally describes a situation where business enterprise is considering no less than two communities as a site for relocation or expansion, where at least one community is outside this state, and at least one, but not more than one, is in this state. A project is *not* considered a competitive project when the competition involves only the relocation of an existing company from OneGeorgia community to another Georgia community.

Cite as Ga. Comp. R. & Regs. R. 413-2-.02
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Definitions" submitted November 1, 2000.

Rule 413-2-.03. Purpose.

The purpose of the OneGeorgia Edge Fund Program is to provide financial assistance to eligible applicants that are being considered as a relocation or expansion site in a competitive project; and, where the Edge Fund is used when the health, welfare, safety and economic security of the citizens of the state are promoted through the development and/or retention of employment opportunities.

Cite as Ga. Comp. R. & Regs. R. 413-2-.03
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Purpose" submitted November 1, 2000.

Rule 413-2-.04. Eligible Applicants.

(1) Eligible applicants and recipients of grant funds awarded under this program shall include, but are not limited to, general-purpose local governments (municipalities and counties), local government authorities, joint or multi-county development authorities, state authorities or any combination of the above. All local government units that are party to an application must be in compliance, where applicable, with the requirements regarding comprehensive planning (O.C.G.A. 50-8-1*et seq.*), report of local government finances (O.C.G.A. 36-81-8 [b]), local service delivery strategies (O.C.G.A. 36-70-1*et seq.*), and local government authorities registration (O.C.G.A. 36-80-8*et seq.*)

Cite as Ga. Comp. R. & Regs. R. 413-2-.04
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Eligible Applicants" submitted November 1, 2000.

Rule 413-2-.05. Fund Availability.

(1) Grant funds appropriated or otherwise made available to the Authority will be made available to eligible applicants for projects when a *competitive project* cannot locate or expand without special financial assistance.

(2) The Authority will establish and announce funding availability. Applications will be accepted throughout the fiscal year and will be reviewed based upon the criteria provided in Rule 413-2-.07.

(3) Eligible applicants must apply for assistance under this program in a format and manner described by the OneGeorgia Authority. Application manuals and guidelines may be obtained from the Authority:

OneGeorgia Authority

1200-B Hillcrest Parkway

Dublin, Georgia 31021

(478) 274-7734

www.One Georgia.org

(4) The application manual provided will include information outlining program requirements, forms, mailing addresses, telephone numbers of contact persons and other necessary and pertinent information.

Cite as Ga. Comp. R. & Regs. R. 413-2-.05
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Fund Availability" submitted November 1, 2000.

Rule 413-2-.06. Eligible Activities.

Eligible uses of funds provided under the Edge Fund include those activities and the provision of facilities and services as described in O.C.G.A. 50-34. Eligible uses of funds for this category shall include, but are not limited to:

1. Public Land Acquisition/Site Development.
   a) For siting and/or improving publicly owned infrastructure.
   b) For publicly owned industrial, technology parks, and airports.
   c) For publicly owned improvements for tourism developments.

2. Public Infrastructure Improvements.
   a) Publicly owned water and/or sewer facilities and improvements.
   b) Publicly owned improvements for pollution control.
   c) Publicly owned railroad spurs.
   d) Publicly owned road improvements.
   e) Drainage improvements on public rights of way.
   f) Site preparation on publicly owned land.
   g) Publicly owned telecommunications assets.

3. Publicly Owned Machinery and Equipment.

4. Publicly Owned/Privately Leased Fixed Assets (sites and buildings) and/or Machinery and Equipment.

   It is important to note that the proposed use of Edge Fund monies will dictate whether the funds can simply be granted to the applicant, or whether they will be granted to the applicant but require a lease agreement between the applicant and participating subrecipient. In general, public acquisition or improvements of public facilities and infrastructure can be paid for by the applicant with Edge Fund monies and do not have to be leased to a subrecipient through a development authority. Where Edge Fund monies are expended for the public acquisition and/or improvement of privately used land, buildings, machinery and equipment, or other private assets, the assets must be owned or controlled by the applicant and leased or subleased to the private user.

The Authority may also require the applicant to recapture some or all of the Edge Fund assistance if ownership of project assets is transferred to an entity other than the applicant. The

Authority also reserves the right to establish criteria for the recapture of grant funds upon transfer of project assets to an entity other than the applicant or upon any event that violates state law, the public purpose of the grant program, or any of the grant conditions. All recaptured funds must be returned to the Authority, unless otherwise specified by the Authority.

Cite as Ga. Comp. R. & Regs. R. 413-2-.06
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Eligible Activities" submitted November 1, 2000.

Rule 413-2-.07. Review of Grant Applications.

All applications received from eligible applicants will be reviewed in a timely manner to determine the merit of the applications and the proposed use of funds. The criteria in the following sections will be used to determine the merit of each application.

1. Applications will be reviewed based upon enhancement of community or economic development opportunites. Applicable criteria include, but are not limited to:

   * Numbers and types of jobs retained and/or created;

   * Total private capital investment;

   * Impact on the state, regional and community economy and tax base;

   * Degree of local financial commitment;

   * Consistency with local and regional development goals and objectives;

   * Project readiness;

   * Project feasibility;

   * Wage levels compared with average wages of industry in the impacted area;

   * Reasonableness of cost estimates;

   * Tier status.

2. All applications for funding from this program must provide written certification from the applicant, addressed to the OneGeorgia Authority, to the effect that the applicant is authorized under the laws of the State to carry out the project and activities that are the subject of the application, and that the proposed expenditure of funds is in accordance with all applicable legal requirements.

3. In its review of applications, the Authority may, at its discretion, consult with other individuals or agencies as appropriate for receiving advice.

4. The criteria in this Rule (413-2-.07) are designed to assist the Authority in making its decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals, and depending on the availability of funding at the time of application.

5. The decision that the Authority makes shall be final and conclusive.

6. Projects documenting that public benefits exceed public costs will receive greatest consideration under the program's rating criteria.

Cite as Ga. Comp. R. & Regs. R. 413-2-.07
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Review of Grant Applications" submitted November 1, 2000.

Rule 413-2-.08. Awarding of Grant Funds.

Edge Fund grants are not limited in amount. Grant amounts may be recommended by the Georgia Department of Community Affairs, and approved by the Authority. Final approval of grant amounts is at the discretion of the Authority.

1. Applications will be considered for funding when the project takes place in a Tier 1 or Tier 2 county.

2. Applications from Tier 3 applicants will also be considered where those counties:

   * Share a border with a Tier 1 or Tier 2 county; and

   * Are part of a project that has been endorsed in writing by a neighboring Tier 1 or Tier 2 county; and

   * Can demonstrate a significant economic benefit to a neighboring Tier 1 or Tier 2 county through regional impact, revenue sharing or other evidence of regionalism.

3. Once selected for funding, grant funds will be made available by the Authority through an award contract incorporating by reference the approved final application and adding any special conditions that may be necessary or appropriate. As part of the award conditions, recipients must file a report on the impact and performance of the project, in a format prescribed by the Authority.

4. The authority may approve a grant subject to certain general or special conditions that will be incorporated into the grant award document. Because of the limited amount of funds

available, the Authority may also approve and/or award an amount less than the amount requested in the application. Applicants will be notified immediately if the grant request amount and the approved amount will be different. The applicant will have thirty (30) days from the date of award to accept any special conditions and/or the reduced grant amount. If the applicant fails to accept the special conditions or lower grant amount within the required period, the Authority may unilaterally withdraw the grant award.

5. Grant approvals will be issued with an expiration date. If an applicant fails to request a drawdown of funds prior to the expiration date, the application approval will expire and funds will not be issued.

6. Awards will be committed to competitive, time-sensitive projects when location decisions are pending. The Authority may deny approval of an application when the application is received *after* the company/project has, verbally or in writing, selected a location or made a location commitment to a community.

Cite as Ga. Comp. R. & Regs. R. 413-2-.08
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Awarding of Grant Funds" submitted November 1, 2000.

Rule 413-2-.09. Statement of Conditions.

In addition to the certifications made on the face of the award statement, the recipient must further certify that:

(1) No applicable state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project and expending Edge Fund monies.

(2) Recipient's internally adopted procurement procedures meet applicable state requirements and will be adhered to and documentation shall be maintained to document such adherence.

(3) Recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards.

(4) If the Recipient is a development authority, then the project financed in part by Equity Fund monies shall only be leased or sold or administered as provided by Section 36-62-7 of the Official Code of Georgia Annotated, local constitutional amendment, local law passed by the legislature, or other general enabling legislation, as applicable.

(5) The recipient shall undergo an annual financial audit conducted in accordance with government auditing standards established by the comptroller general of the United States. The recipient shall submit to the Authority copies of all audits that cover all or part of the grant period.

(6) No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the Edge Fund project.

Cite as Ga. Comp. R. & Regs. R. 413-2-.09
Authority: O.C.G.A. Sec. 50-34*et seq.*
History. Original grant description entitled "Statement of Conditions" submitted November 1, 2000.

Chapter 413-3. BUSINESS GROWTH FUND.

Rule 413-3-.01. Scope of Rule.

This regulation governs the operation of the OneGeorgia Business Growth Fund Program as established by the OneGeorgia Authority (O.C.G.A. § 50-34-1). The OneGeorgia Authority authorizes the Department of Community Affairs (herein after referred to as "agent") as the implementing entity for purposes of the Business Growth Fund Program's operation and administration.

Cite as Ga. Comp. R. & Regs. R. 413-3-.01
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Scope of Rule" submitted August 30, 2001.

Rule 413-3-.02. Definitions.

The definitions for purposes of this regulation are identical in all respects to the terms defined in O.C.G.A. §50-34*et seq.*

Business Enterprise: A business engaged in manufacturing, producing, processing, assembling, repairing, extracting, warehousing, handling, or distributing any agricultural, manufactured, mining, or industrial product or any combination of the foregoing; a business engaged in furnishing or facilitating communications, computer services, research, or transportation; a business engaged in tourism; a business engaged in commercial or retail sales or service; a business engaged in construction; and corporate and management offices and services provided in connection with any of the foregoing, in isolation or in any combination that involves, in each case, either the creation of new or additional employment, the retention of existing employment or payroll, or the increase of average payroll for employees of such enterprise.

Project: Project generally describes a situation where:

a) a business enterprise is considering or planning an expansion of employment;

b) a business enterprise is considering or planning to modernize or enhance their equipment or processes in order to increase the competitiveness of the business enterprise or to enhance the average payroll for employees of such enterprise, or

c) an individual, group of individuals, or consortium of business enterprises seeks to form a new business venture, has raised significant private investment and has thoroughly explored other public and private financing options.

Time-Sensitive: Time-sensitive generally describes a situation where:

a) the applicant can demonstrate the project requires financial assistance in a time-frame not provided for in the OneGeorgia Equity Fund competition cycle (see Equity Fund Rules at 413-1), or

b) the project involves intensive communication with the business enterprise for the purposes of financial analysis or underwriting, as deemed necessary by the Authority, and thus does not lend itself to the competition cycle provided by the Equity Fund cycle (see Equity Fund Rules at 413-1).

Cite as Ga. Comp. R. & Regs. R. 413-3-.02
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Definitions" submitted August 30, 2001.

Rule 413-3-.03. Purpose.

The purpose of the OneGeorgia Business Growth Fund Program is to provide financial assistance to eligible applicants that are attempting to facilitate a time-sensitive project with an existing business or new business venture where other local, state, and federal financing sources are not available and, where the Business Growth Fund is sought to promote the health, welfare, safety and economic security of the citizens of the state through the development and/or retention of employment opportunities.

Cite as Ga. Comp. R. & Regs. R. 413-3-.03
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Purpose" submitted August 30, 2001.

Rule 413-3-.04. Eligible Applicants.

Eligible applicants and recipients of grant or loan funds awarded under this program shall include, but are not limited to, general-purpose local governments (municipalities and counties), local government authorities, joint or multicounty development authorities, or any combination of the above. All local government units that are party to an application must be in compliance, where applicable, with the requirements regarding

* comprehensive planning (O.C.G.A. § 50-8-1*et seq.*),

* report of local government finances (O.C.G.A. § 36-81-8(b)),

* local service delivery strategies (O.C.G.A. § 36-70-1*et seq.*), and

* local government authorities registration (O.C.G.A. § 36-80-16*et seq.*).

Cite as Ga. Comp. R. & Regs. R. 413-3-.04
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Applicants" submitted August 30, 2001.

Rule 413-3-.05. Fund Availability.

1. Grant and loan funds appropriated or otherwise made available to the Authority will be made available to eligible applicants for eligible projects when the applicant demonstrates a time-sensitive business need and meets the criteria established by the Authority.

2. The Authority will establish and announce funding availability. Applications will be accepted throughout the fiscal year and will be reviewed based upon the criteria provided in Rule 413-3-.07.

3. Eligible applicants must apply for assistance under this program in a format and manner described by the OneGeorgia Authority. Application guidelines may be obtained from the Authority:

   OneGeorgia Authority

   1202-B Hillcrest Parkway

   Dublin, Georgia 31021

   (478) 274-7734

   www.One Georgia.org

4. The application manual provided will include information outlining program requirements, forms, mailing addresses, telephone numbers of contact persons and other necessary and pertinent information.

Cite as Ga. Comp. R. & Regs. R. 413-3-.05
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Fund Availability" submitted August 30, 2001.

Rule 413-3-.06. Eligible Activities.

Eligible uses of funds provided under the Business Growth Fund include those activities and the provision of facilities and services as described in O.C.G.A. § 50-34-1*et seq.*

Eligible uses of funds for this category shall include, but are not limited to:

1. Public Land and Building Acquisition, Site Development, Construction, Improvement or Modification;
   a) For siting and/or improving publicly owned infrastructure,
   b) For publicly owned industrial and technology parks, and airports,
   c) For publicly owned improvements for tourism development.

2. Public Infrastructure Improvements;
   a) Publicly owned water and/or sewer facilities and improvements,
   b) Publicly owned improvements for pollution control,
   c) Publicly owned railroad spurs,
   d) Publicly owned road improvements,
   e) Drainage improvements on public rights of way,
   f) Site preparation on publicly owned land,
   g) Publicly owned telecommunications assets.

3. Acquisition, Improvement or Modification of Publicly Owned Machinery and Equipment, including plans and specifications for such machinery and equipment. 4. Acquisition, Improvement or Modification of Publicly Owned/ Privately Leased Fixed Assets (sites and buildings) and/or Machinery and Equipment, including plans and specifications for such machinery and equipment.

It is important to note that the proposed use of Business Growth Fund monies will dictate whether the funds can simply be granted to the applicant, or whether they will be granted to the applicant but require a lease agreement. In general, public acquisition or improvements of public facilities and infrastructure can be paid for by the applicant with Business Growth Fund monies and do not have to be leased to a subrecipient through a development authority. Where Business Growth Fund monies are expended for the public acquisition and/or improvement of privately used land, buildings, machinery and equipment, or other private assets, the assets must be owned or controlled by the applicant and leased or subleased to the private user.

The Authority may also require the applicant to recapture some or all of the Business Growth Fund assistance if ownership of project assets is transferred to an entity other than the applicant. The Authority also reserves the right to establish criteria for the recapture of grant funds upon transfer of project assets to an entity other than the applicant or upon any event that violates state law, the public purpose of the grant program, or any of the grant conditions. All recaptured funds must be returned to the Authority, unless otherwise specified by the Authority.

Cite as Ga. Comp. R. & Regs. R. 413-3-.06
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Activities" submitted August 30, 2001.

Rule 413-3-.07. Review of Grant Applications.

All applications received from eligible applicants will be reviewed in a timely manner to determine the merit of the applications and the proposed use of funds.

1. Applications will be reviewed based upon enhancement of economic development opportunites. Projects will be judged by the extent to which they address the Authority's objectives which include but are not limited to:

   * Increase in the numbers and/or types of jobs,

   * Retention of quality jobs,

   * Improvement in quality of jobs,

   * Diversification of local or regional economy,

   * Strengthening regional industry clusters,

   * Increase in private capital investment and new investment opportunities,

   * Increase in new business starts and entrepreneurial opportunities. Projects will be rated by criteria including but not limited to:

   * Project readiness,

   * Project feasibility,

   * Degree of private investment or support,

   * Degree of local financial commitment,

   * Reasonableness of cost estimates,

* Strength of business plan,

* Rationale for equipment or process improvements,

* Impact on the state, regional and community economy and tax base,

* Value of property enhancements relative to state's economic development strategy,

* Consistency with local and regional development goals and objectives,

* Financing need (applicant demonstration that no other funds available to complete the project),

* Tier status.

2. All applications for funding from this program must provide written certification from the applicant, addressed to the OneGeorgia Authority, to the effect that the applicant is authorized under the laws of the State to carry out the project and activities that are the subject of the application, and that the proposed expenditure of funds is in accordance with all applicable legal requirements.

3. In its review of applications, the Authority may, at its discretion, consult with other individuals or agencies as appropriate for receiving advice.

4. The criteria in this rule are designed to assist the Authority in making its decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals, and depending on the availability of funding at the time of application.

5. The decision that the Authority makes shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-3-.07
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Review of Grant Applications" submitted August 30, 2001.

Rule 413-3-.08. Awarding of Grant Funds.

1. Business Growth Fund grants are limited to $500,000 per project. The Executive Director of the Authority may waive this limit under exceptional circumstances.

2. Applications will be considered for funding when the project takes place in a Tier 1 or Tier 2 county.

3. Applications from Tier 3 applicants will also be considered where those counties:

a) Share a border with a Tier 1 or Tier 2 county; **and**

b) Are part of a project that has been endorsed in writing by a neighboring Tier 1 or Tier 2 county; **and**

c) Can demonstrate a significant economic benefit to a neighboring Tier 1 or Tier 2 county through regional impact, revenue sharing or other evidence of regionalism.

4. Once selected for funding, grant funds will be made available by the Authority through an award contract incorporating by reference the approved final application and adding any special conditions that may be necessary or appropriate. As part of the award conditions, recipients must file a report on the impact and performance of the project, in a format prescribed by the Authority.

5. The authority may approve a grant subject to certain general or special conditions that will be incorporated into the grant award document. Because of the limited amount of funds available, the Authority may also approve and/or award an amount less than the amount requested in the application. The applicant will have thirty (30) days from the date of award to accept any special conditions and/or the reduced grant amount. If the applicant fails to accept the special conditions or lower grant amount within the required period, the Authority may unilaterally withdraw the grant award.

6. Grant or loan approvals will be issued with an expiration date. If an applicant fails to request a drawdown of funds prior to the expiration date, the application approval will expire and funds will not be issued. Extensions may be granted by the Authority under exceptional circumstances.

7. Awards will be committed to competitive, time-sensitive projects. The Authority may deny approval of an application when the application is received after the company/project has initiated or completed the proposed activities.

Cite as Ga. Comp. R. & Regs. R. 413-3-.08
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Awarding of Grant Funds" submitted August 30, 2001.

Rule 413-3-.09. Statement of Conditions.

In addition to the certifications made on the fact of the award statement, the recipient must further certify that:

1. No applicable state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project and expending Business Growth Fund monies.

2. Recipient's internally adopted procurement procedures meet applicable state requirements and will be adhered to and documentation shall be maintained to document such adherence.

3. Recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards.

4. If the Recipient is a development authority, then the project financed in part by Business Growth Fund monies shall only be leased or sold or administered as provided by Section 36-62-7 of the Official Code of Georgia Annotated, local constitutional amendment, local law passed by the legislature, or other general enabling legislation, as applicable.

5. The recipient shall undergo an annual financial audit conducted in accordance with government auditing standards established by the comptroller general of the United States. The recipient shall submit to the Authority copies of all audits that cover all or part of the grant period.

6. No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the Business Growth Fund project.

Cite as Ga. Comp. R. & Regs. R. 413-3-.09
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Statement of Conditions" submitted August 30, 2001.

Chapter 413-4. THE ONEGEORGIA AUTHORITYS REGIONAL E-9-1-1 FUND PROGRAM.

Rule 413-4-.01. Scope of Rule.

This regulation governs the operation of the Regional E-9-1-1 Fund Program as established by the OneGeorgia Authority (O.C.G.A. 50-34-1*et seq.*) through a resolution adopted by the OneGeorgia Authority Board on August 13, 2002. In said resolution, the OneGeorgia Authority authorized the Department of Community Affairs (hereinafter referred to as "Agent") as the implementing entity for purposes of the Regional E-9-1-1 Fund Program's operation and administration.

Cite as Ga. Comp. R. & Regs. R. 413-4-.01
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Scope of Rule" submitted August 22, 2002.

Rule 413-4-.02. Definitions.

The definitions for purposes of this regulation are identical in all respects to the terms defined in O.C.G.A. 50-34-2, O.C.G.A. 46-5-120(Georgia Emergency Telephone Number '9-1-1-' Service Act of 1977), and GEMA's "9-1-1 Emergency Telephone Number Plan."

Cite as Ga. Comp. R. & Regs. R. 413-4-.02
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Definitions" submitted August 22, 2002.

Rule 413-4-.03. Purpose.

The purpose of the OneGeorgia Authority Regional E-9-1-1 Fund is to provide a program of financial assistance that includes grants and other forms of assistance authorized by O.C.G.A. 50-34-1*et seq.* to finance activities that will assist applicants in providing enhanced 9-1-1 emergency telephone services ("E-9-1-1") on a regional (i.e., multi-county) basis in counties that are not currently served by 9-1-1, thereby promoting the health, welfare, safety, and economic security of the citizens of the state. Any system funded in part with monies from the Regional E-9-1-1 Fund must meet the standards and requirements for E-9-1-1 systems as set forth in GEMA's "9-1-1 Emergency Telephone Number Plan."

Cite as Ga. Comp. R. & Regs. R. 413-4-.03
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Purpose" submitted August 22, 2002.

Rule 413-4-.04. Eligible Applicants.

(1) Eligible applicants and recipients of grant and loan funds awarded under this program shall include, but not be limited to, general-purpose local governments (municipalities and counties), local government authorities, and joint or multi-county development authorities. Note that in order to be eligible for funding consideration, a proposed E-9-1-1 system must be "regional" in nature and also meet the Threshold Requirements described at 413-04.07(2). One Georgia Authority defines "regional" as an E-9-1-1 system that is:

a) jointly owned by two or more counties;

b) owned by an authority that contains at least two counties; or

c) involves an intergovernmental service agreement between multiple public jurisdictions containing two or more counties.

Cite as Ga. Comp. R. & Regs. R. 413-4-.04
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Applicants" submitted August 22, 2002.

Rule 413-4-.05. Fund Availability.

(1) Funding appropriated or otherwise made available to the One Georgia Authority will be made available to eligible applicants on an as-needed basis through a selection process that will be announced through the Authority and/or Agent's publication of notices of fund availability (NOFAs). Such NOFAs will be published on the Authority's (www.OneGeorgia.org) and Agent's (www.dca.state.ga.us) websites and at the discretion of the Authority and Agent, may also be mailed to eligible applicants, applicant associations and/or placed in advertisements in certain local or state publications.

(2) The OneGeorgia Authority's NOFA will establish submission guidelines. Applications will be accepted at any time an eligible applicant has an eligible project and will be reviewed based upon the criteria provided in Section 413-04-.07 of these Rules.

(3) Eligible applicants must apply for assistance under this program in a format and manner prescribed by Agency. Application manuals and guidelines may be obtained from the Authority or Agent at:

The Georgia Department of Community Affairs

Regional E-9-1-1 Fund Program

c/o Office of Economic Development

60 Executive Park South, N.E.

Atlanta, Georgia 30329-2231

(4) The application manual provided will include information outlining program requirements, forms, mailing addresses, telephone numbers of contact persons and other necessary and pertinent information.

Cite as Ga. Comp. R. & Regs. R. 413-4-.05
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Fund Availability" submitted August 22, 2002.

Rule 413-4-.06. Eligible Activities.

(1) Eligible uses of funds provided under the Regional E-9-1-1 Fund include those activities and the provision of facilities and services as described in O.C.G.A. 50-34-1*et seq.* Such activities include, but are not limited to, the provision of such public infrastructure, services, facilities and improvements needed to implement enhanced 9-1-1 emergency telephone services. More specifically, such activities include, but are not limited to, the provision of planning services and technical assistance integral to the development of needed addressing systems, databases and other informational and technology systems; the purchase of machinery, equipment and software; technology infrastructure; public

utilities; public facilities and services; real property rehabilitation; the acquisition of real property; site preparation and improvements; construction; and any other necessary activities allowed under O.C.G.A. 50-34-1 eq seq. that are integral and necessary for the development and deployment of enhanced 9-1-1 emergency telephone services. On-going administrative and maintenance costs are not eligible. Any activities funded with monies from OneGeorgia's Regional E-9-1-1 Fund must meet GEMA's standards for E-9-1-1 systems as set forth in GEMA's "9-1-1 Emergency Telephone Number Plan."

(2) In general, the public acquisition and/or improvement of public facilities and infrastructure can be undertaken directly by a general- purpose local government(s) or authority with Regional E-9-1-1 Fund monies. In some situations, a private entity may be required to provide facilities and/or equipment to allow an E-9-1-1 system or facility to become fully operational. In such situations, Regional E-9-1-1 Fund monies may be expended for the public acquisition and/or improvement of financed assets and facilities that may be used and operated by private entities. In such cases, such privately used assets and facilities must generally be owned or controlled by a local government and/or authority and leased, subleased or sold to the business or enterprise in accordance with O.C.G.A. 36-62-7 and /or O.C.G.A. 50-34-6.

(3) The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the Regional E-9-1-1 Fund provides. In general, assistance for "public" facilities owned by local governments and/or authorities will take the form of grants. Facilities that are to be used exclusively by a private entity through the arrangements described in Section 413- 04-.06(2) will generally take the form of low-interest loans or loan/ grant combinations. The exact structure and amount will be determined by the activity to be financed, the financial capacity of the private entity, and the tier status of the applicant. Loans will be structured using generally accepted public and private financing instruments and procedures. All recaptured funds must be returned to the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-4-.06
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Activities" submitted August 22, 2002.

Rule 413-4-.07. Review of Applications.

(1) All applications received from applicants will be reviewed to determine the merits of the applications and the proposed use of funds. The One Georgia Authority and/or DCA will rate and review all applications that meet the Threshold Requirements outlined in Section 413-04-.07(2). Applications will be rated according to a point system with the maximum number of points available to an application is set at 400 points. In order to be fundable, an application must receive a minimum score of 275 points. The rating criteria are outlined below.

(2) Threshold Requirements (Application must generally meet all requirements in order to be rated.):

(a) The application is from eligible applicants;

(b) The project takes place within two or more counties, at least one of which does not currently have 9-1-1 emergency telephone service;

(c) The proposed E-9-1-1 facility would be:

a) jointly owned by two or more counties;

b) owned by an authority that contains at least two counties; or

c) involve an intergovernmental service agreement between multiple jurisdictions that include two or more counties.

(d) The proposed project evidences a revenue- and cost-sharing agreement between multiple jurisdictions that include two or more counties;

(e) Applications must include a Cooperating Agreement entered into by the cooperating units of government. This agreement should designate the unit of local government or authority that will serve as lead applicant. (A sample cooperating agreement is included in this Application Packet.)

(f) The proposed use of funds are for eligible activities and will be carried out in a manner consistent with the state constitution, state law and in accordance with the applicants' (or sub-recipients') enabling legislation and authority; and

(g) (Reserved.)

(3) Tier Status (60 Points Possible). Applications will be awarded points based upon the Tier Designation of the "lowest" County (pursuant to O.C.G.A. 48-7-40) participating in a particular intergovernmental agreement or project. Greatest consideration will be given to tiers of greater need. Points will be allocated as follows: Tier 4 and/ or 3 - 20.0 points; Tier 2 - 40.0 points; and Tier 1 - 60.0 points. In order to participate in a project, Tier 4 and 3 counties must meet the criteria for regional projects in 413-04-.07(2). Applications will be awarded points based upon the Tier Status of the lowest Tier county in a qualified application per section 413-04-.07(2) of these regulations.

(4) Project Feasibility (120 Points Possible). Applications will be awarded "feasibility" points according to the following scale: poor - 0.0 points; below average - 30.0 points; average - 60.0 points; good - 90.0 points; excellent - 120 points. The criteria detailed below (413-10-.07 (4) A-K) will determine where on the "Feasibility" Scale an application ranks:

(a) The description of the proposed project and activities are clearly described and documented;

(b) The project demonstrates financial and economic viability for initial capital costs and ongoing operations through the economies of scale available in a multi-county project.

(c) Each participating government has demonstrated favorable public support for the proposed project through public hearings, referendums, or other means;

(d) The responsibilities for carrying out each activity are clearly ascribed to a participating entity and each entity has firmly committed in writing to carry out its part;

(e) Project readiness concerns are addressed (as applicable):

i) engineering/ architectural/environmental,

ii) infrastructure/utility/network access issues, including submission by each applicant of supporting documentation from local phone company(ies) that they are currently or will be capable of providing E-9-1-1 service within the proposed project timeline;

iii) the development of an address and street-name database with geographic locations for each address coordinated with the private carrier;

iv) commitments to fund ongoing operations/maintenance, etc.;

v) other public and private sector investors are committed and ready to invest,

vi) all needed real property is acquired or under option,

vii) any needed regulatory approvals obtained (GEMA approval of plans, government permits, etc.),

viii) administrative capacity is adequate, and

ix) (soft projects) professional service providers have adequate credentials and work history, etc.

(f) Provisions are in place for joint ownership and revenue- or cost-sharing and/or a draft or executed contract for services between two or more counties is in place;

(g) Each participating local political jurisdiction has endorsed the project in writing and has pledged the required revenues to maintain the project;

(h) Each participating "private carrier" has endorsed the project and pledged its cooperation;

(i) Underwriting analysis (as applicable) is adequate;

(j) Project costs are verified through original source documents, architectural and engineering reports, or certified appraisals; and

(k) Applicant certifies that project complies (or will comply) with all applicable federal, state, and local law and regulations.

(5) Project Impact (110 Points Possible). Applications will be awarded "Impact" points according to the following scale: poor - 0.0 points; below average - 27.5 points; average - 55.0 points; good - 82.5 points; excellent - 110.0 points. In order to determine where on the "impact" scale a project ranks, the following criteria will be analyzed:

(a) The amount of total state assistance per person served;

(b) Amount of private leverage per person served;

(c) The amount of public leverage per person served;

(d) Cost savings (per capita) of regional system as compared to a single-government system;

(e) Improved regional competitiveness;

(f) Impact on regional emergency response efficiencies for various public safety departments;

(g) Budget savings for each county involved in the regional system; and

(h) The removal of impediments to regional cooperation.

(6) Program Strategy (110 Points Possible). Applications will be awarded "Strategy" points according to the following scale: poor - 0.0 points; below average - 27.5 points; average - 55.0 points; good - 82.5 points; excellent - 110.0 points. In order to determine where on the "strategy" scale a project ranks the following criteria will be analyzed:

(a) The project represents an innovative approach to the provision of public safety and E-9-1-1 services in rural Georgia, for example through the establishment of centralized dispatching for the public safety entities served by the E-9-1-1 system;

(b) The proposed strategy complies with the standards set forth in GEMA's "9-1-1 Emergency Telephone Number Plan";

(c) The proposed project will result in the enhancement of the public safety workforce through job training, skill upgrades, education, etc.;

(d) The proposed project will likely lead to indirect local and regional impact by:

i) attracting development/investment;

ii) supporting/ enhancing local or regional development strategies and priorities; and

iii) supporting/enhancing local or regional institutions and quality of life.

(e) Financial and programmatic alternatives have been considered for the proposed project and eliminated;

(f) The proposed project supports the overall objectives of the State, DCA, GEMA and the OneGeorgia Authority and supports the State's development strategy for rural development and regional cooperation; and

(g) For non-construction portions of a project, no similar studies, plans or documents have been produced in the last five years, and if they have, they have been used to the extent possible and/or are in need of updating or expanding.

(7) The criteria in this rule (413-04-.07) are designed to assist DCA in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of a particular project and its relative merit compared to competing proposals and the availability of funding at the time of application. The decision made by the OneGeorgia Authority shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-4-.07
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Review of Applications" submitted August 22, 2002.

Rule 413-4-.08. Awarding of Funds.

(1) Award limits will be based on the number of counties participating within a particular project as follows:

a) two counties - maximum of $400,000 per project;

b) three counties - maximum of $500,000 per project;

c) four counties - maximum of $600,000 per project; and

d) five or more counties - maximum of $700,000. These limits can be waived upon recommendation of the Director of the OneGeorgia Authority.

(2) Once selected for funding, awarded funds will be made available by the OneGeorgia Authority or its Agent through an award contract incorporating by reference the approved final application and adding any special conditions that may be necessary or appropriate. As part of the award conditions, recipients must file a report on the impact and

performance of the project, in a format pressscribed by the OneGeorgia Authority or its Agent.

(3) The OneGeorgia Authority or its Agent may approve an award subject to certain general or special conditions that will be incorporated into the award document. Because of the limited amount of funds available, the One Georgia Authority or its Agent may also award an amount less than the amount requested in the application. Applicants will have thirty (30) days from the date of award to accept any special conditions and/or the reduced award amount. If the applicant fails to accept the special conditions or lower award amount within the required period, the OneGeorgia Authority and/ or the Agent with OneGeorgia Authority approval my unilaterally withdraw the award.

(4) The OneGeorgia Authority or its agent will provide recipients with specific instructions and forms to be used for drawdown of funds awarded under the award contract.

Cite as Ga. Comp. R. & Regs. R. 413-4-.08
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Awarding of Funds" submitted August 22, 2002.

Rule 413-4-.09. Statement of Conditions.

In addition to the certifications made on the face of the award statement, the recipient of funds must further certify that:

(1) No applicable state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project and expending Regional E-9-1-1 Fund monies.

(2) Recipient will adhere to applicable state and local procurement requirements and it will maintain documentation to confirm such adherence. For activities not applicable to state procurement requirements, recipient agrees to procure such services and activities through a fair and open competitive procurement process that is openly advertised through appropriate media and in compliance with any applicable local procurement laws or regulations.

(3) Recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards.

(4) If the recipient is a development authority with powers set forth at Chapter 62 of Title 36 of the Official Code of Georgia Annotated, then the project financed in part by Regional E-9-1-1 Fund monies shall only be leased or sold as provided by Section 36-62-7 of the Official Code of Georgia Annotated.

(5) The recipient (in accordance with state law) shall undergo an annual financial audit conducted in accordance with government auditing standards established by the

comptroller general of the United States. The recipient shall submit copies of all audits that cover all or part of the award period to the agency.

(6) No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the Regional E-9-1-1 Fund project.

Guidelines for Applicant Submission. The following guidelines are designed to assist applicants in submitting complete Regional E- 9-1-1 Fund applications that meet the intent of the program. For further information about program intent, eligible activities, and the rating and selection process, please read the Regional E-9-1-1 Fund regulations and the application forms included with this application manual. Note that these guidelines are not meant to duplicate in their entirety the Regional E-9-1-1 Fund regulations; rather, these guidelines are designed to highlight important program requirements and emphasize critical steps in the application process.

Guidelines for All Regional E-9-1-1 Fund Applicants.

1. Please follow all application instructions and fill out all forms as completely as possible. The rating and review criteria provided in this manual are **not** to be filled out by the applicant. These criteria are provided as a guide to the kinds of projects that may be competitive under the Regional E-9-1-1 Fund, and applicants should include any information that would enhance their application based on the criteria. Note that the rating and review system is used only as a guide for the OneGeorgia Authority and/or its Agent in making its funding decisions. Other factors unique to a specific application may also be considered.

2. Note that the application manual includes an application checklist for needed forms and supporting documentation. This checklist will assist the applicant in preparing as complete an application as possible. For any item requested in the application, supporting documentation will strengthen the application, and, if not provided, may be requested by the reviewer if deemed necessary to arrive at a recommendation. For example, if a public infrastructure project were being proposed, a preliminary engineering report would strengthen the application.

3. The Regional E-9-1-1 Fund is designed to be a flexible community and economic development tool to assist in providing enhanced 9-1-1 emergency telephone services to Georgia's counties not currently covered by such service; however, resources for the program are limited. **All potential applicants should seek the advice of the OneGeorgia Authority and/or DCA and the Georgia Emergency Management Agency (GEMA) prior to submitting a Regional E-9-1-1 Fund application.**

4. All applicants should carefully read the Regional E-9-1-1 Fund Regulations and the Statement of General Conditions. In addition to the Statement of General

Conditions, an award may be subject to additional special conditions at the discretion of the OneGeorgia Authority or its Agent. All award recipients are subject to audit by the Department of Audits and to monitoring by the Authority or its Agent. In addition, Regional E-9-1-1 Fund monies are required to be included in recipient's annual independent financial audit or report of agreed upon procedures.

5. The initiation of project activities prior to an award could endanger Regional E-9-1-1 Fund funding. While the Regional E-9-1-1 Fund is flexible, initiation of project activities prior to award may indicate that Regional E-9-1-1 Fund monies are not needed. **Please check with the One Georgia Authority or its Agent as soon as it appears that such a situation may occur.** Under certain circumstances and with the advanced written approval of the OneGeorgia Authority or its Agent, other funds may be used on an interim basis to finance a project for which Regional E-9-1-1 Fund monies are being sought. regional E-9-1-1 Fund monies, if approved, may then be used to fund the project on a permanent basis. Nonetheless, all Regional E-9-1-1 Fund requirements must be met, and the applicant must demonstrate that Regional E-9-1-1 Fund monies are necessary to the project. In addition, the recipient will be required to document the source and use of all funds used in the project, including interim funds. All Regional E-9-1-1 Fund applications must include information about any interim financing to allow the OneGeorgia Authority or its Agent to determine the eligibility of the proposed interim financing arrangements.

6. All attached budget forms identify source and use of funds. The specific use of Regional E-9-1-1 Fund monies should be clearly identified as well as the use of all other funds. All sources of funds should be identified. Sources of funds must equal uses. Prior to drawdown of funds or upon audit or monitoring of the Regional E-9-1-1 Fund project, documentation will be required showing how Regional E-9-1-1 Fund and other project funds have been spent.

7. Eligible activities are listed in the Regional E-9-1-1 Fund Regulations that are part of this manual. Generally, activities are eligible if they are listed in the regulations and if they assist an eligible applicant in carrying out its responsibilities under state law, specifically, in the provision of enhanced 9-1-1 emergency telephone service. Nonetheless, if activities other than public facilities or infrastructure are being planned, please contact the OneGeorgia Authority and/or DCA to verify that proposed activities are eligible. **Note that private ownership of project assets is generally not eligible under the Regional E-9-1-1 Fund.**

8. (A) Conflicts of Interest - In general, no person who is an elected or appointed official, employee, agent, consultant, officer or any person serving in a similar capacity with any participating public agency, that exercise or have exercised any functions or responsibilities with respect to any Regional E-9-1-1 Fund activities can benefit from a Regional E-9-1-1 Fund project.

Those persons who are in a position to participate in a decision-making process or gain inside information regarding Regional E-9-1-1 Fund proposed or related activities, who may obtain a personal, financial interest, or benefit from the project, or have any interest in any contract, subcontract or agreement with respect to any Regional E-9-1-1 Fund project are also prohibited from benefiting from the project. The prohibitions against benefiting from a Regional E-9-1-1 Fund project would apply to the covered individuals or those with whom they have family or business ties, for one (1) year following their tenure in the covered position.

(B) Exceptions - Upon written request, the OneGeorgia Authority may grant an exception to the provisions of paragraph A above, on a case-by-case basis, before funds are expended. Exceptions can only be granted when the One Georgia Authority determines that the exception will serve to further the purposes of the Regional E-9-1-1 Fund Program. To seek an exception, a written request for an exception must be submitted by the applicant to the OneGeorgia Authority or its Agent which:

1) fully discloses the conflict or potential conflict of interest, prior to the applicant undertaking any action which results or may result in any conflict of interest, real or apparent; and

2) describes how the conflict of interest was publicly disclosed; and

3) includes a written opinion of the applicant's attorney that the interest for which the exception is sought would not violate state or local law.

9. Other guidelines or requirements may be established by the One Georgia Authority in order to further the purposes of the Regional E-9-1-1 Fund.

Cite as Ga. Comp. R. & Regs. R. 413-4-.09
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Statement of Conditions" submitted August 22, 2002.

Chapter 413-5. .

Subject 413-5-1. STRATEGIC INDUSTRIES LOAN FUND.

Rule 413-5-1-.01. Scope of Rule.

This regulation governs the operation of the OneGeorgia Strategic Industries Loan Fund ("Loan Fund") as established by the OneGeorgia Authority (O.C.G.A. 50-34-1) through its resolution adopted on January 8, 2005 and revised on July 24, 2006. In said resolution, the OneGeorgia

Authority authorized the Georgia Department of Community affairs (hereinafter referred to as "agent") as the implementing entity for purposes of the Strategic Industries Loan Fund's operation and administration.

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.01
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Scope of Rule" submitted June 27, 2005.
Submitted: Sept. 12, 2006.

Rule 413-5-1-.02. Definitions.

The definitions for purposes of this regulation are identical in all respects to the terms defined in O.C.G.A. 50-34-2.

(1) **Rural County**, which is not defined in O.C.G.A. 50-34-2, shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 50,000 where 10% or more of the population lives in poverty.

(2) **Strategic Industries.** Identified strategic industry sectors in Georgia include but are not limited to: aerospace, agribusiness, energy and environmental, healthcare, eldercare, life sciences, logistics and transportation. In addition, supporting industry clusters may include, but are not limited to: advanced telecommunications, business and financial services, homeland security, multimedia and software development. Individual companies within a strategic industry will typically demonstrate one or more of the following criteria:

a) high potential for commercialization;

b) the creation of "quality jobs" that demonstrate full benefits (including health insurance and retirement) and pay above average wages for the subject county;

c) successful experience in a Georgia incubator or Center of Innovation; or

d) existence of a unique partnership with one of the State's research universities and state colleges.

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.02
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Definitions" submitted June 27, 2005.
Submitted: Sept. 12, 2006.

Rule 413-5-1-.03. Purpose.

The purpose of the Strategic Industries Loan Fund (the "Loan Fund") is to provide loan assistance for the purchase of fixed assets to eligible applicants that are being considered as a

relocation or expansion site for a emerging or development-stage company in a strategic industry targeted by Georgia. The Loan Fund is intended to be used only when needed to fill a financing gap that is unmet by the private sector (including venture capital, angel or institutional investors, traditional commercial financing, developer financing, etc.) and when the health, welfare and economic security of the citizens of the state are promoted through the recruitment, development and retention of emerging and development-stage companies in strategic industries that are creating higher quality jobs. (O.C.G.A. 50-34-1*et seq.*)

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.03
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Purpose" submitted June 27, 2005.

Rule 413-5-1-.04. Eligible Applicants.

Eligible applicants and recipients of funds awarded under this program shall include, but not be limited to, general-purpose local governments (municipalities and counties), local government authorities and joint or multi-county development authorities. All local government units that are party to an application must be in compliance, where applicable, with the requirements regarding comprehensive planning (O.C.G.A. 50-8-1*et seq.*), report of local government finances (O.C.G.A. 36-81-8 [b]), local service delivery strategies (O.C.G.A. 36-70-1*et seq.*), government management indicators survey (O.C.G.A. 36-81-8 [h]), report of registered authority finances and local government authorities registration (O.C.G.A. 36-80-8*et seq.*).

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.04
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Applicants" submitted June 27, 2005.

Rule 413-5-1-.05. Fund Availability.

(1) Funds appropriated or otherwise made available to the Authority will be made available to eligible applicants for projects when a strategic industry cannot locate or expand without special financial assistance because the private or venture markets do not offer sufficient financing to meet the company's needs.

(2) Loans are not limited in amount. A recommended loan amount should be included in a letter of support from a state agency or organization whose statutory powers and duties include community and economic development or the enhancement of Georgia's strategic industry sectors. (See section 413-5-1-.08(4) below.) Final approval of loan amounts is at the discretion of the Authority. Loan amounts generally should not exceed 20% of the asset needs of the company's Georgia location.

(3) The criteria in this rule (413-5-1)are designed to assist the Authority in making its decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to

competing proposals and depending on the availability of funding at the time of application.

(4) The Authority will establish and announce funding availability. Applications will be accepted throughout the fiscal year and will be reviewed based upon the criteria provided in Rule 413-5-1-.09.

(5) Eligible applicants must apply for assistance under this program in a format and manner described by the OneGeorgia Authority. Application manuals and guidelines may be obtained from the Authority and are on this website:

The OneGeorgia Authority

Strategic Industries Loan Fund

1200-B Hillcrest Parkway

Dublin, Georgia 31021

(478) 274-7734

www.One Georgia.org

(6) The application guide provided will include information outlining program requirements, forms, mailing addresses and other necessary information.

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.05
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Fund Availability" submitted June 27, 2005.
Submitted: Sept. 12, 2006.

Rule 413-5-1-.06. Eligible Activities.

Loan funds may be used only for privately owned or publicly owned/privately leased fixed assets (i.e., land, buildings, leasehold improvements or machinery and equipment).

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.06
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Activities" submitted June 27, 2005.

Rule 413-5-1-.07. Loan Terms.

(1) Terms for the Loans will be determined during the underwriting process based upon the nature of the assets financed, the needs of the sub-recipient business and the risk

associated with the project. In general, funds will be granted to recipient local governments or authorities with conditions that determine the terms and covenants required in the loan to the sub-recipient business, including eligible uses, collateral requirements, and private-investment and job-creation commitments.

(2) Loans will be secured, at a minimum, by the assets to be financed and with other security as needed on a case-by-case basis.

(3) The recipient local government or authority shall reimburse the total amount of the loan funds to OneGeorgia; provided, however, that the recipient's reimbursement obligation shall be limited to payments made by the Company under the loan. Reimbursement by the recipient shall be made in quarterly payments in amounts equivalent to payments made by the Company under the loan, less any fees that might be agreed upon in writing between the recipient and One Georgia. The recipient may satisfy this condition by requiring the Company to repay the loan amount to OneGeorgia for the account of the recipient.

(4) Generally, the terms of the loan shall contain at least one "triggering event" that will require the acceleration of the term of the loan. For example, a loan with a term of ten years may be accelerated to a three-year term in the event that the sub-recipient Company is acquired, has an initial public offering, or receives regulatory approval from a governing agency (e.g., the FDA or USDA).

(5) As consideration for the Loan, sub-recipient companies may be required to issue an equity interest to the State in the form of warrants, stock or stock options.

(6) Immediate and full repayment of the Loan will be required if the company moves its operations out of Georgia within five years of the award date. The Authority also reserves the right to establish criteria for the recapture of loan funds upon transfer of project assets to an entity other than the sub-recipient business or upon any event that violates state law, the public purpose of the loan program, or any of the loan conditions. All recaptured funds must be returned to the Authority, unless otherwise specified by the Authority.

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.07
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Loan Terms" submitted June 27, 2005.

Rule 413-5-1-.08. Threshold Requirements.

(Application must meet all threshold requirements in order to be rated):

(1) The application is from an eligible applicant;

(2) The project takes place within a rural county or a county with less than 500,000 total population that shares a border with a rural county which has endorsed the project and

also demonstrates sufficient quantifiable public benefit (as defined in Section 413-5-1-.09(7)) to the rural county to qualify as a regional application;

(3) The proposed sub-recipient business is an emerging or development-stage company in a strategic industry;

(4) Each loan application must include a letter of support and recommendation from a state agency or organization whose statutory powers and duties include community and economic development or the enhancement of Georgia's technology sectors, stating that the proposed project needs the Loan Fund's loan assistance and will (if funded) develop, promote, and/or retain trade, commerce, industry and employment opportunities within the state's strategic industries and promote the general welfare of the state.

(5) The proposed use of funds are for eligible activities and will be carried out in a manner consistent with the state constitution, state law and in accordance with the applicant's (or sub-recipient's) enabling legislation and authority; and

(6) The proposed activities are consistent with local and regional plans developed under the provisions of the Georgia Planning Act and the Service Delivery Strategies developed in accordance with O.C.G.A. 36-70-1*et seq.*

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.08
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Threshold Requirements" submitted June 27, 2005.

Rule 413-5-1-.09. Review of Applications.

(1) All applications received from applicants will be reviewed to determine the merit of the applications and the proposed use of funds. One Georgia Authority's agent will rate and review all applications that meet the Threshold Requirements outlined in Section 413-5-1-.08. Applications will be rated according to a point system with the maximum number of points available to an application being set at 500. In order to be fundable, an application must receive a minimum score of 300 points. For all applications, the rating criteria may award up to 100 bonus points for projects that meet the bonus criteria outlined in Section 413-5-1-.09(7). The rating criteria are outlined below.

(2) **Proprietary information:**

Georgia Law requires that "All public records of an agency as defined in subsection (a) of this Code section, except those which by order of a court of this state or by law are prohibited or specifically exempted from being open to inspection by the general public, shall be open for a personal inspection by any citizen of this state at a reasonable time and place; and those in charge of such records shall not refuse this privilege to any citizen" (O.C.G.A. § 50-18-70(b)). This means that past and current records on Loan Fund projects and applications are required to be open for public inspection.

However, certain proprietary information which is required to be included in an application and must be supplied by a business or developer in order to receive funds and which by law are prohibited or specifically exempted from being open to inspection by the general public (for example, information that constitutes a "trade secret" (O.C.G.A. § 10-1-740*et seq.*; 16-8-13(a)(4)) is exempt from disclosure under O.C.G.A. Section 50-18-70. Any information an applicant or sub-recipient business believes is exempt from disclosure must be clearly identified as such.

(3) Applications will be reviewed based upon enhancement of economic development opportunities and the project's contribution to the development of the State's strategic industries. Applicable criteria include, but are not limited to:

The soundness of the company's scientific and technical base

The development and commercialization strategy of the company

Market opportunities and commercial potential

The sustainability of the company as evidenced by access to capital, cash position, burn rate, etc.

Demonstration of need for the funds and lack of available funding in the marketplace

Contribution to the State's strategic industry clusters and innovation economy

Experience and expertise of key management and scientific personnel

Numbers and types of jobs created or retained

Total private capital investment

Impact on the state, regional and community economy and tax base

Degree of local financial commitment

Consistency with local and regional development goals and objectives

Project readiness, including, if applicable, the company's timeline for producing a marketable product

Project feasibility

Wage levels compared with average wages of industry in the impacted area

Reasonableness of cost estimates

(4) **Project Feasibility** (*160 Points Maximum).*

Applications will be awarded "feasibility" points according to the following scale: poor: 0.0 points; below average: 30.0 points; average: 60.0 points; good: 90.0 points; excellent: 120 points. The criteria outline detailed below will determine where on the "Feasibility" Scale an application ranks:

A) The description of the proposed project and activities are clearly described and documented, and the responsibilities for carrying out each activity are clearly ascribed to a participating entity and each entity has firmly committed in writing to carry out its part. Project narrative should describe:

i) the company's background, history and mission, including how long the principals have been involved, how the work has been funded thus far, and what has been accomplished in the last twelve months;

ii) the need or problem that the company's product addresses and the current state of available options to meet that need or problem (i.e., the market for the company's product);

iii) the company's proposed technology or product and the specific aims;

iv) the competitive advantage of the company's technology or product;

v) the technical, scientific and commercial milestones for the company, at least through commercialization of a product;

vi) the status of the company's intellectual property and whether the company has an established intellectual-property policy;

vii) any regulatory approvals that the company must obtain;

viii) qualifications of key management and scientific personnel;

ix) the proposed costs for the project and the status of all funding sources;

B) Underwriting analysis has determined that:

i) the company's capitalization plan is sound and sufficient to sustain the company at least through commercialization of its product;

ii) the near-term commercialization potential is good and reasonably estimated;

iii) the company's performance and standing is secure in the following areas: capital management, debt capacity, management character/experience, collateral value, economic and market conditions;

iv) the company's development team (principals, officers, production and scientific leaders, developers, contractors, etc.) is committed and has a successful record in the proposed or a similar industry;

v) the proposed business plan, marketing strategy and proforma are realistic; and

vi) the company will be able to repay the Loan Fund loan.

C) Scientific vetting has determined that:

i) the company has a sound scientific and technical base;

ii) the company has a competitive edge in the marketplace;

iii) the company's regulatory strategy is sound;

iv) the intellectual property of the company is strong;

v) the company has a reasonable timeline for research and development, raising capital, applicable regulatory approvals, commercialization of products, etc.;

vi) the company has plans for manufacturing and marketing its product, whether in-house or with a partner; and

vii) the company has a reasonable likelihood of obtaining regulatory approval (e.g., FDA, USDA) of its products (as applicable);

D) Project costs are verified through original source documents, architectural and engineering reports, or certified appraisals; and

E) Project readiness concerns are addressed (as applicable):

i) engineering/architectural/environmental reports are complete;

ii) infrastructure/utility access issues;

iii) specific job and investment commitments have been made;

iv) commitments to fund operations/maintenance, etc.;

v) other public and private sector investors are committed and ready to invest;

vi) all needed real property is acquired or under option;

vii) environmental, regulatory and liability concerns addressed (phase 1, government permits, etc.);

viii) administrative capacity is adequate;

F) Applicant certifies that project complies (or will comply) with all applicable federal, state, and local law and regulations.

G) For regional projects, provisions are in place for joint ownership and revenue- or cost-sharing.

H) The project will generate positive net public benefits as quantified by an acceptable public cost-benefit analysis, model or methodology.

(5) **Program Strategy** (*120 Points Maximum).*

Applications will be awarded "Strategy" points according to the following scale: poor: 0.0 points; below average: 30 points; average: 60 points; good: 90 points; excellent: 120 points. In order to determine where on the "strategy" scale a project ranks the following criteria will be analyzed:

A) The proposed project will result in the enhancement of Georgia's strategic industries and the State's innovation economy;

B) The proposed project will benefit from and enhance the state's research institutions;

C) The proposed project is likely to lead to indirect local, regional or statewide impact by:

i) attracting related development/investment;

ii) supporting/enhancing local or regional development strategies and priorities; and

iii) fostering partnerships between the private sub-recipient and Georgia's research universities and state colleges;

D) Financial and programmatic alternatives have been considered for the proposed project and eliminated;

E) The proposed project supports the overall objectives of the OneGeorgia Authority and supports the state's development strategy for:

i) targeted industries and sectors;

ii) rural development; or

iii) regional impact;

F) The project represents an innovative approach to the development and retention of employment opportunities in Georgia's strategic-industry sectors.

(6) **Project Impact** (*120 Points Maximum).*

Applications will be awarded "Impact" points according to the following scale: poor: 0.0 points; below average: 30.0 points; average: 60.0 points; good: 90 points; excellent: 120 points. In order to determine where on the impact scale a project ranks the following criteria will be analyzed:

A) The number and quality of jobs to be created or retained including workforce enhancement through higher-than-average wages, job training, skill upgrades, education, etc.;

B) The amount of OneGeorgia and total state assistance per job created or retained;

C) Amount of private leverage represents at least a 3-to-1 match of the Strategic Industries Loan Fund amount (any investments made in the company more than three months prior to the Loan Fund application may not be counted toward the 3-to-1 match requirement);

D) The amount of public leverage;

E) New/retained taxes;

F) Improved regional or state competitiveness;

G) Impact on regional poverty and unemployment rates;

H) Potential secondary benefits;

I) The diversification of local, regional or state economies through support of targeted industries.

(7) **Bonus Points** (*100 Points Maximum*). Applications will be awarded bonus points based upon a project's demonstration of exceptional benefits or partnerships such as:

a) significant new job creation for an eligible rural county;

b) exceptional public benefits and economic development potential for an eligible rural county;

c) significant and quantifiable regional cooperation or impact as evidenced by multi-jurisdictional cooperation through project ownership or a revenue- and cost-sharing agreement or other intergovernmental agreement that evidences significant cooperation between two or more counties.

(8) The criteria in this rule (413-5-1) are designed to assist the OneGeorgia Authority and its agent in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals and depending on the availability of funding at the time of application. The decisions made by the OneGeorgia Authority shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.09
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Review of Applications" submitted June 27, 2005.

Rule 413-5-1-.10. Awarding of Funds.

(1) Once selected for funding, awarded funds will be made available by the OneGeorgia Authority through an award agreement incorporating by reference the approved final application and adding general conditions plus special conditions as necessary. Such special conditions shall include the terms and conditions of the loan to the sub-recipient business. As part of the award conditions, recipients must file a report on the impact and performance of the project, in a format prescribed by the OneGeorgia Authority.

(2) Because of the limited amount of funds available, the agency may also award an amount less than the amount requested in the application. Applicants will have thirty (30) days from the date of award to accept any special conditions and/or the reduced award amount. If the applicant fails to accept the special conditions or lower award amount within the required period, the OneGeorgia Authority may unilaterally withdraw the award.

(3) The OneGeorgia Authority will prepare loan documents in conjunction with the recipient's local attorney.

(4) As part of the award conditions, the recipient must provide progress reports regarding the project as required by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.10
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Awarding of Funds" submitted June 27, 2005.

Rule 413-5-1-.11. Statement of Conditions.

In addition to the certifications made on the face of the award statement, the recipient of funds must further certify that:

(1) No applicable state laws, rules, regulations or applicable local ordinances shall be violated in carrying out this project and expending One Georgia Authority Loan Fund monies.

(2) Recipient's internally adopted procurement procedures meet applicable state requirements and will be adhered to and documentation shall be maintained to document such adherence.

(3) Recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards and the Uniform Chart of Accounts established by the Department of Community Affairs (O.C.G.A. 36-81-3).

(4) If the Recipient is a development authority, then the project financed in part by Loan Fund monies shall only be leased or sold or administered as provided by Section 36-62-7 of the Official Code of Georgia Annotated, local constitutional amendment, local law passed by the legislature, or other general enabling legislation, as applicable.

(5) The recipient (in accordance with state law) shall undergo an annual financial audit conducted in accordance with government auditing standards established by the comptroller general of the United States. The recipient shall submit copies of all audits that cover all or part of the award period to the agency.

(6) No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the Loan Fund project. In general, no person who is an elected or appointed official, employee, agent, consultant, officer or any person serving in a similar capacity with any participating public agency that exercises or has exercised any functions or responsibilities with respect to any Loan Fund activities can benefit from a Loan Fund project. Those persons who are in a position to participate in a decision-making process or gain inside information regarding Loan Fund proposed or related activities, who may obtain a personal, financial interest, or benefit from the project, or have any interest in any contract, subcontract or agreement with respect to any Loan Fund project are also prohibited from benefiting from the project. The prohibitions against benefiting from a Loan Fund project would apply to the covered individuals or those with whom they have family or business ties, for one year following their tenure in the covered position.

Exceptions -Upon written request, the agent may grant an exception to the provisions of the above paragraph, on a case-by-case basis, before funds are expended. Exceptions can only be granted when the agent determines that the exception will serve to further the purposes of the Loan Fund Program. To seek an exception, a written request for an exception must be submitted by the applicant to the agent which:

1) Fully discloses the conflict or potential conflict of interest, prior to the applicant undertaking any action which results or may result in a conflict of interest, real or apparent; and

2) Describes how the conflict of interest was publicly disclosed; and

3) Includes a written opinion of the applicant's attorney that the interest for which the exception is sought would not violate state or local law.

Cite as Ga. Comp. R. & Regs. R. 413-5-1-.11
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Statement of Conditions" submitted June 27, 2005.

Chapter 413-6. .

Subject 413-6-1. ENTREPRENEUR AND SMALL BUSINESS DEVELOPMENT.

Rule 413-6-1-.01. Scope of Rule.

This regulation governs the operation of the Entrepreneur and Small Business Development (ESBD) Loan Guarantee Program as established by the OneGeorgia Authority (O.C.G.A. 50-34-15*et seq.*) through a resolution adopted by the OneGeorgia Authority Board on June 15, 2005. In said resolution, the OneGeorgia Authority Board authorized the OneGeorgia Authority to market and promote the ESBD Loan Guarantee Program and further authorized the Department of Community Affairs (hereinafter referred to as "Agent") as the implementing entity for administrative and policy purposes. *(*O.C.G.A. 50-34-15*et seq.)*

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.01
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Scope of Rule" submitted June 27, 2005.

Rule 413-6-1-.02. Outcomes.

The ESBD Loan Guarantee Program will provide partial guarantees to banks for loans to small businesses that cannot otherwise obtain all of their financing needs. The ESBD Loan Guarantee Program objective will be to fund viable ESBD loans that leverages private investment while creating new or expanding existing businesses that will create employment opportunities for rural Georgia.

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.02
Authority: O.C.G.A. Sec. 50-34-1*et seq.*

History. Original grant description entitled "Outcomes" submitted June 27, 2005.

Rule 413-6-1-.03. Definitions and Eligibility.

(1) The definitions for purposes of this regulation are identical in all respects to the terms defined in (O.C.G.A. 50-34-2.);

(2) "Rural County", which is not defined in (O.C.G.A. 50-34-2), shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 50,000 where 10% or more of the population lives in poverty.

(3) "Conditionally Eligible County", which is not defined in (O.C.G.A. 50-32-2), shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 500,000 that shares a border with a Rural County.

(4) "Lender" (Lender, Recipient and eligible Applicant are used interchangeably throughout these regulations) means a state or federally charted bank or lending institution in good standing with the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund as well as the Georgia Department of Banking and Finance. The lender must have an established and demonstrated successful lending track record as documented by financial records and/or statements. Any organization meeting the above referenced definition is eligible to participate in the ESBD Loan Guarantee Program. The lending institution must have a physical location in Georgia.

(5) "Sub-Recipient." Eligible sub-recipients under this program shall include for-profit business enterprises that are properly organized which are located in an eligible rural county or other eligible county as defined above of the State of Georgia with financing needs for eligible activities of $35,000 to $250,000. Businesses engaged in whole or part in the activities listed under Section 413-6-1-.08 of these regulations or those that have outstanding state or federal tax liens outstanding at the time of application are not eligible for participation in the program.

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.03
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Definitions and Eligibility" submitted June 27, 2005.
Submitted: Mar. 18, 2008.

Rule 413-6-1-.04. Purpose.

The purpose of the OneGeorgia Authority ESBD Loan Guarantee Program is to provide financial assistance through loan guarantees to lenders as authorized by O.C.G.A. 50-34-1*et seq.*) to back loans that assist in small business development in the rural counties of the State. Loan guarantees

are available to assist small businesses that would be unable to obtain suitable or adequate financing on their own.

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.04
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Purpose" submitted June 27, 2005.

Rule 413-6-1-.05. Availability of Loan Guarantees.

(1) Funds made available to the OneGeorgia Authority and authorized by the OneGeorgia Authority Board to back loan guarantees will be made available to lenders through the selection process outlined in this regulation. In addition, marketing material, regulations and application materials and formats will be made available through the Authority and/or Agent's web site(s). Materials will be published on the Authority's site at www.OneGeorgia.org and/or Agent's site at www.dca.state.ga.us at the discretion of the Authority and/or Agent. Materials may also be mailed to eligible lenders, lender associations and/or placed in advertisements in certain local or state publications.

(2) The OneGeorgia Authority's website will contain submission guidelines. Applications will be accepted at any time an eligible lender has an eligible project and will be reviewed based upon the criteria provided in Section 413-6-1-.09 of these Rules.

(3) Lenders must apply for assistance under this program in a format and manner prescribed by the Authority. For Lenders who do not wish to download application manuals and guidelines from the web site(s), materials may be obtained from the Authority or Agent by sending a written request to:

The OneGeorgia Authority

OneGeorgia ESBD Loan Guarantee Program

1202-B Hillcrest Parkway

Dublin, Georgia 31021

or

The Georgia Department of Community Affairs

ESBD Loan Guarantee Program

c/o Office of Economic Development

60 Executive Park South, N.E.

Atlanta, Georgia 30329-2231

The application manual provided will include information outlining program requirements, forms, mailing addresses, telephone numbers of contact persons and other necessary and pertinent information.

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.05
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Availability of Loan Guarantees" submitted June 27, 2005.

Rule 413-6-1-.06. Forms, Means of Assistance, Fees and Methodology.

(1) Loan Guarantees to Lenders: OneGeorgia will guarantee up to 50% of the original principal amount of the lender's loan, or up to $112,500, whichever is less, with the sub-recipient business providing no less than 10% cash equity in the project. OneGeorgia's loan guarantee will not cover outstanding or capitalized interest charges. Lenders will provide a 1% loan guarantee fee of the guarantee amount to the OneGeorgia Authority at the loan closing. In addition, OneGeorgia will require an on-going annual fee of 0.5% of the outstanding loan balance guaranteed by OneGeorgia. This fee will be collected on an annual basis by the OneGeorgia Authority upon a schedule that shall be described within an approved project's award documents.

(2) Sample Project: Total project cost $250,000

Private cash equity $25,000 (or 10% of $250,000)

Bank loan (5 yr term at 6%) $225,000 (financing need)

The ESBD Loan Guarantee Program will guarantee up to 50% of the $225,000, or $112,500 loan amount ($225,000 multiplied by 50%).

A 1% loan guarantee fee will be paid to the OneGeorgia Authority by the Lender, or $1,125 ($112,500 multiplied by 1%).

On an annual basis, the Lender will remit to the OneGeorgia Authority a 0.5% fee on the outstanding loan guarantee balance. In this example, assuming a straight-line amortization schedule, at the end of year one, that fee will be $463. ($225,000 plus 6% interest, or $12,418 minus an annual debt service payment of $52,199 is equal to a remaining loan balance of $185,219. OneGeorgia will guarantee $92,609, or 50% of the remaining loan balance. The fee is calculated by multiplying remaining guaranteed amount of $92,609 by 0.5%). This is further demonstrated in the table below.

Year	Principal Balance	Qualified Guarantee Amount	OneGeorgia Fees

0	$225,000	$112,500	$1,125
1	$185,219	$92,609	$ 463
2	$142,984	$71,492	$ 357
3	$ 98,146	$49,073	$ 245
4	$ 50,541	$25,270	$ 126
5	$ 0		
Total OneGeorgia Fees			$2,316

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.06
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Forms, Means of Assistance, Fees and Methodology" submitted June 27, 2005.

Rule 413-6-1-.07. Eligible Activities.

An eligible lender shall use the ESBD Loan Guarantee Program to partially guarantee a new loan made to an eligible sub-recipient business who then must use the lender's funds for sound business purposes which may include, but not be limited to the following:

A. acquisition of land (by purchase or lease);

B. improvement of a site (e.g., grading, streets, parking lots, landscaping);

C. acquisition of one or more existing buildings;

D. conversion, expansion or renovation of one or more existing buildings;

E. construction of one or more new buildings; acquisition (by purchase or lease);

F. installation of fixed assets and working capital.

(2) A working capital loan must be adequately secured by accounts receivable or inventory of the sub-recipient business properly margined according to the lender's normal collateral guidelines. Working capital can also be secured by tangible assets owned by the principals of the business.

(3) An ESBD guaranteed loan cannot exceed 90% of the value of the underlying collateral. Proper collateral documents must be executed and recorded as necessary including security agreements, deeds to secure debt, and UCC financing statements.

(4) Tangible assets financed with an ESBD guaranteed loan must be supported with proper cost documentation including equipment invoices or a real estate settlement statement.

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.07
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Activities" submitted June 27, 2005.

Rule 413-6-1-.08. Ineligible Activities and Businesses.

Refinancing of existing debt is not an eligible activity of the ESBD Loan Guarantee Program. Unless waived by the OneGeorgia Authority for good cause, the following types of sub-recipient businesses are ineligible for ESBD loan guarantees: Non-profit businesses (for-profit subsidiaries are eligible); Financial businesses primarily engaged in the business of lending, such as banks, finance companies, and factors (e.g., pawn shops); Passive businesses owned by developers and landlords that do not actively use or occupy the assets acquired or improved with the loan proceeds; Life insurance companies; Businesses whose financed activity will be located outside the State of Georgia; Pyramid sale distribution plans; Businesses deriving revenue from legal gambling activities or games of chance (excluding the Georgia Lottery); Businesses engaged in any illegal activity; Private clubs and businesses which limit the number of memberships for reasons other than capacity; Businesses principally engaged in teaching, instructing, counseling or indoctrinating religion or religious beliefs, whether in a religious or secular setting; Consumer and marketing cooperatives (producer cooperatives are eligible); Loan packagers; Businesses with a Principal who is incarcerated, on probation, on parole, or has been indicted for a felony or a crime of moral turpitude; Businesses in which the Lender, or any of Lender's Associates owns an equity interest; Businesses which: Present live performances of a prurient sexual nature; or derive directly or indirectly more than de minimis gross revenue through the sale of products or services, or the presentation of any depictions or displays, of a prurient sexual nature; businesses that have previously defaulted on a State or Federal loan or State or Federally assisted financing, resulting in the State or Federal government or any of its agencies or Departments sustaining a loss in any of its programs, and businesses owned or controlled by an applicant or any of its Associates which previously owned, operated, or controlled a business which defaulted on a State or Federal loan (or guaranteed a loan which was defaulted) and caused the State or Federal government or any of its agencies or Departments to sustain a loss in any of its programs; Businesses primarily engaged in political or lobbying activities; and businesses that receive more than 25% of their gross revenue from the sale of alcoholic beverages.

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.08
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Ineligible Activities and Businesses" submitted June 27, 2005.

Rule 413-6-1-.09. Review of Applications.

(1) All applications received from lenders will be reviewed in accordance with applicable requirements of this regulation, OneGeorgia guidelines and applicable law.

(2) Threshold Requirements (Application must generally meet all requirements in order to be rated.):

A) The application is from an eligible lender who has certified to its good standing and the fact that lender is in compliance with all applicable state, federal and local laws, regulations and its corporate charter;

B) The application supports an eligible sub-recipient. The owner or majority principal of the sub-recipient business must reside in a rural county as defined in section 413-6-1-.03.

C) The project takes place in a "rural" county or a "conditionally eligible" county with a population of less than 150,000.

D) The proposed terms of assistance meet applicable requirements as described in 413-6-1-.06 and 413-6-1-.10;

E) The proposed use of funds are for eligible activities and will be carried out in a manner consistent with the state constitution, state law and in accordance with the applicants' (or sub-recipients') policies and procedures;

F) The application contains a letter of certification from the Lender stating that but for the ESBD Loan Guarantee Program, the proposed loan would not otherwise be considered for funding;

G) (Reserved.)

(3) The OneGeorgia Authority relies on the Lender's credit analysis of the sub-recipient business and project; however, the Lender must certify that proper due diligence has been met and upon request, provide appropriate documentation to the OneGeorgia Authority demonstrating that the ESBD guaranteed loan meets the following minimum financial viability thresholds:

A) A minimum cash equity injection of 10% is required for the ESBD project.

B) Guaranteed loans must be secured under the Lender's existing collateral policy.

C) Working capital loans guaranteed by the ESBD Program must be adequately secured. Collateral can include business assets or personal assets outside of the business.

D) Cash flow projections must indicate the company's ability to service the ESBD guaranteed loan and other company debts.

E) Owners of the company with a greater than 20% ownership must provide personal guarantees on the ESBD guaranteed loan.

F) The company must be solvent as indicated on its most recent balance sheet.

G) Entrepreneurs starting new businesses must provide an adequate business plan (such assistance is provided by Small Business Development Centers) documenting the strengths of the management team and a sound marketing plan. The business plan must support the financial projections presented that indicate loans can be repaid.

(4) The criteria in this rule (413-6-1-.09) are designed to assist the OneGeorgia Authority or its Agent in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of a particular project and its relative merit compared to competing proposals and the availability of funding at the time of application. The decision made by the OneGeorgia Authority shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.09
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Review of Applications" submitted June 27, 2005.
Submitted: Mar. 18, 2008.

Rule 413-6-1-.10. Awarding of Guarantees and Subsequent Funds.

ESBD loan guarantees to the Lender will be made in the form of an agreement and shall generally carry the following terms:

(1) ESBD limits loan guarantees from $15,750 to $112,500 based on a total project cost of $35,000 to $250,000. These limits can be waived upon recommendation of the Executive Director of the OneGeorgia Authority.

(2) The exact terms of the loan will be negotiated between the Lender and the sub-recipient business; however, the interest rate shall not exceed prime +2%.

(3) Once approved, the guarantee agreement made available by the OneGeorgia Authority or its Agent constitutes a legal agreement incorporating by reference the approved final application and adding any conditions that may be necessary or appropriate.

(4) As part of the guarantee conditions, lenders must file a final report on the impact and performance of the project, in a format prescribed by the OneGeorgia Authority or its Agent.

(5) The OneGeorgia Authority or its Agent may approve a guarantee subject to certain conditions that will be incorporated into the guarantee agreement. Because of the limited amount of funds available, the One Georgia Authority or its Agent may also guarantee an amount less than the amount requested in the application. Lenders will have thirty (30) days from the date of the guarantee agreement to accept any conditions and/or the reduced guarantee amount. If the applicant fails to accept the conditions or lower guarantee amount within the required period, the OneGeorgia Authority and/or the Agent with One Georgia Authority approval may unilaterally withdraw the guarantee.

(6) The OneGeorgia Authority or its Agent will provide lenders with specific instructions and forms to be used under the guarantee agreement.

(7) The term of the guarantee shall not exceed the lesser of ten years from the date of issuance of the guarantee OR the amortized useful life of the financed asset.

(8) The Lender's right to exercise the guarantee shall be enumerated in the ESBD Loan Guarantee Agreement; however, the following minimum stipulations must exist or be satisfied before a Lender may exercise the guarantee:

A) The Sub-Recipient must have defaulted on the Lender's loan pursuant to applicable requirements, covenants and terms contained within properly recorded loan and security documents;

B) The Lender must have exhausted all collateral foreclosure and recapture actions available to it pursuant to properly recorded loan and security documents; and

C) The maximum amount of the Lender's reimbursement under the Guarantee will be 50% of the original principal amount of the loan not collected through the sub-recipient's regular amortization of the approved loan or amounts collected under items A and B above.

Cite as Ga. Comp. R. & Regs. R. 413-6-1-.10
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Awarding of Guarantees and Subsequent Funds" submitted June 27, 2005.
Submitted: Mar. 18, 2008.

Chapter 413-7. .

Subject 413-7-1. BROADBAND RURAL INITIATIVE TO DEVELOP GEORGIA'S ECONOMY.

Rule 413-7-1-.01. Scope of Rule.

This regulation governs the operation of the BRIDGE Fund Program as established by the OneGeorgia Authority (O.C.G.A. 50-34-1*et seq.*) through a resolution adopted by the OneGeorgia Authority Board on March 10, 2006. In said resolution, the OneGeorgia Authority was authorized as the implementing entity for purposes of the BRIDGE Fund Program's operation and administration.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.01
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Scope of Rule" submitted April 28, 2006.

Rule 413-7-1-.02. Definitions.

The definitions for purposes of this regulation are identical in all respects to the terms defined in O.C.G.A. 50-34-2.

Broadband Service: A descriptive term for evolving digital technologies that provide consumers a signal-switched facility offering integrated access to voice, high-speed data service, video-demand services and interactive delivery services at a transmit and receive rate of no less than 200 kilobit per second.

"Rural County", which is not defined in O.C.G.A. 50-34-2, shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 50,000 where 10% or more of the population lives in poverty.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.02
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Definitions" submitted April 28, 2006.

Rule 413-7-1-.03. Purpose.

The purpose of the OneGeorgia Authority BRIDGE Fund is to provide a program of financial assistance that includes grants, loans and other forms of assistance authorized by O.C.G.A. 50-34-1*et seq.* to finance activities that lead to the installation or expansion of facilities and equipment which provide broadband services in counties that are not currently served or underserved by such services.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.03
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Purpose" submitted April 28, 2006.

Rule 413-7-1-.04. Eligible Applicants.

Eligible applicants under this program shall include, but not be limited to, general-purpose local governments (municipalities and counties), local government authorities, and joint or multi-

county development authorities. Eligible sub-recipients include private for-profit companies that provide broadband services over the following types of networks: "landline" telephone networks; cellular telephone networks; cable television networks and/or wireless networks which connect to such networks.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.04
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Applicants" submitted April 28, 2006.

Rule 413-7-1-.05. Fund Availability.

(1) Funding appropriated or otherwise made available to the One Georgia Authority will be made available to eligible applicants on an as-needed basis through a selection process that will be announced through the Authority and/or Agent's publication of notices of fund availability (NOFAs). Such NOFAs will be published on the Authority's (www.One Georgia.org) and Agent's (www.dca.state.ga.us) websites and at the discretion of the Authority and Agent, may also be mailed to eligible applicants, applicant associations and or placed in advertisements in certain local or state publications.

(2) The OneGeorgia Authority's NOFA will establish submission guidelines. Applications will be accepted at any time an eligible applicant has an eligible project and will be reviewed based upon the criteria provided in Section 413-07-1-.08 of these Rules.

(3) Eligible applicants must apply for assistance under this program in a format and manner prescribed by Agency. Application documents and guidelines may be obtained from the Authority at:

The OneGeorgia Authority

OneGeorgia BRIDGE Program

1202-B Hillcrest Parkway

Dublin, Georgia 31021

(4) The application document provided will include information outlining program requirements, forms, mailing addresses, telephone numbers of contact persons and other necessary and pertinent information.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.05
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Fund Availability" submitted April 28, 2006.

Rule 413-7-1-.06. Eligible Activities.

(1) Eligible uses of funds provided under the BRIDGE Fund include those activities and the provision of facilities and services as described in O.C.G.A. 50-34-1*et seq.* Such activities include, but are not limited to, the provision of such public infrastructure, services, facilities and improvements needed to implement new broadband services or enhance existing broadband services. More specifically, such activities may include, but are not limited to, the provision of planning services and technical assistance integral to the development of needed systems, the aggregation of demand, the establishment of databases and other informational and technology systems; the purchase of machinery, equipment and software; technology infrastructure; public utilities; public facilities and services; real property rehabilitation; the acquisition of real property; site preparation and improvements; construction and any other necessary activities allowed under O.C.G.A. 50-34-1*et seq.* that are integral and necessary for the development and deployment of a broadband system. Ineligible activities include refinancing of existing debt, on-going administrative, operating and maintenance costs, financing of customer terminal equipment (including modems) or inside wiring not owned by the recipient, financing of operating leases and vehicles.

(2) In general, the public acquisition and/or improvement of public facilities and infrastructure can be undertaken directly by a general-purpose local government(s) or authority with BRIDGE Fund monies. In some situations, where a private entity may be required to provide facilities and/or equipment to allow a broadband system or facility to become fully operational, BRIDGE Fund monies may be expended for the public acquisition and/or improvement of financed assets and facilities that may be used and operated by private entities. In such cases, such privately used assets and facilities must generally be owned or controlled by a local government and/or authority and leased, subleased or sold to the business or enterprise in accordance with O.C.G.A. 36-62-7 and /or O.C.G.A. 50-34-6.

(3) In general, assistance for "public" facilities owned by local governments and/or authorities that are leased to a private sector broadband provider through the lease provisions described in Section 413-07-1-.06(2) are eligible for grants. Assistance for facilities that are to be owned exclusively by a private entity must generally take the form of low or zero interest loans from the local government or authority. The exact structure and amount will be determined by the activity to be financed, the financial capacity of the private entity and the eligibility of the applicant. Loans will be structured using generally accepted public and private financing instruments and procedures. All recaptured funds must be returned to the OneGeorgia Authority. The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the BRIDGE Fund provides.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.06
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Eligible Activities" submitted April 28, 2006.

Rule 413-7-1-.07. Application Submission Procedures.

(1) The application procedure for the BRIDGE Fund includes an optional Preapplication phase and an Application phase. The purpose of the Preapplication is to provide:

A) a determination of a proposed activity or activities eligibility for BRIDGE Fund financing;

B) a determination on whether the proposed activity or activities and broader project can meet the basic BRIDGE Fund thresholds and be competitive under the rating and review system as outlined in Section 413-07-1-.08(6) and

C) an opportunity to obtain Pre-Agreement Cost Approval (PACA) from the Authority so that projects may obtain interim financing and proceed with certain identified project activities prior to receipt of an actual Grant or Loan Agreement.

(2) Eligible applicants may submit Preapplications and/or Applications for consideration at any time. The OneGeorgia Authority strongly encourages potential applicants to contact the Authority or DCA to arrange a Preapplication review prior to submitting an Application.

(3) Preapplications and/or Applications may be submitted individually by an eligible applicant, or jointly by two (2) or more applicants. Joint submissions must contain a copy of the Cooperating Agreement entered into by the cooperating units of government. The Agreement should designate the applicant that will serve as lead recipient should the project be funded.

(4) Preapplications and Applications for the BRIDGE Fund must be submitted in conformance with the format and applicable instructions specified by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.07
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Application Submission Procedures" submitted April 28, 2006.

Rule 413-7-1-.08. Review of Applications.

(1) Upon receipt of a Preapplication under this program, staff will review the Preapplication for eligibility and conformance with basic threshold criteria. Potential applicants will then be notified regarding general eligibility and perceived competitiveness based on the information they provided. For assessments that indicate potentially eligible and competitive projects, the Authority and/or DCA may provide limited technical assistance to would-be applicants; however, in no event will the Authority or DCA assist in the actual writing of an application.

(2) Upon receipt of an application, the application shall be reviewed using the rating and selection factors specified in Section 413-07-1-.08(6) of these regulations, using any

additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc., as may be required or requested by the Authority or DCA for purposes of evaluating, rating and selecting applicants under this program. Applications that contain insufficient information or documentation to be evaluated and rated may be returned to the applicant for further information.

(3) Staff may conduct site visits and hold discussions with applicants and proposed sub-recipients for the purposes of confirming and evaluating information contained in the Preapplication or Application. Staff may also consult with other appropriate government and private entities in the course of reviewing and evaluating information contained in Preapplications and/or Applications.

(4) All applications received from applicants will be reviewed to determine the merit of the applications and the proposed use of funds. The One Georgia Authority and/or DCA will rate and review all applications that meet the Threshold Requirements outlined in Section 413-07-1-.08(5). Applications will be rated according to a point system. The maximum number of points available to an application is set at 540 points. In order to be fundable, an application must receive a minimum score of 325 points. The rating criteria are outlined below.

(5) Threshold Requirements (Application must generally meet all requirements in order to be rated.):

A) The application is from eligible applicant(s).

B) The project takes place in an eligible county which does not currently have adequate broadband services.

C) The proposed broadband system a) is owned by a unit of local government; b) is owned by an authority; c) involves an intergovernmental service agreement between multiple jurisdictions that include two or more counties; or (d) is owned by a private entity seeking a low interest loan and will enter into a lease or lease-purchase agreement with the recipient.

D) If the proposed project involves multiple public ownership jurisdictions, evidence of a revenue- and cost-sharing agreement must be included.

E) If the proposed project includes the formation of a broadband public/private partnership (PPP), the formal PPP should include an agreement (such as a Memorandum of Understanding) between all parties which outlines the roles and responsibilities of the various partners (both public and private) throughout the implementation process.

F) The method of identifying the private sector partner may be addressed through a formal RFP (Request for Proposal) process established by the public partner who is an eligible applicant for the proposed use of funds.

G) The proposed use of funds is for eligible activities and will be carried out in a manner consistent with the state constitution, state law and in accordance with the applicants' (or sub-recipients') enabling legislation and authority; and

H) (Reserved.)

(6) Rating and Selection Criteria.

Criteria	Points
Threshold Requirements	0
Demographics	100
Feasibility	120
Impact	110
Strategy	110
Regional Bonus	100
Total Available Points	540

A) Demographics (100 Points Maximum): On an annual basis, demographic scores will be calculated for each county in the state. For purposes of assigning a demographic score for applications submitted by multiple applicants or an authority made up of multiple entities, the highest score from the group of counties which has endorsed the project or are members of the regional authority will be used. Applications will be rated and scored against each of the following demographic factors as calculated by the Department of Community Affairs using the most recent population, poverty and income estimates:

i) Demographic Need - total population: Counties will be compared in terms of their total population level. Counties with a population less than 10,000 will receive 45 points. Counties with a population between 10,000 and 19,999 will receive 35 points. Counties with a population between 20,000 and 29,999 will receive 30 points. Counties with a population between 30,000 and 39,999 will receive 25 points and counties over 40,000 in population will receive 20 points.

ii) Demographic Need - percent of people in poverty: Counties will be compared in terms of the percentage of population below the poverty level. Counties with an overall poverty rate of 20% or greater shall receive 40 points. For counties with a poverty rate less than 20%, scores will be obtained by dividing each county's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant in the group and multiplying by 40.

iii) Demographic Need - per capita income: Counties will be compared in terms of their per capita income. Scores will be obtained by dividing each

County's per capita income into the lowest per capita income of any county in the group and multiplying by 15.

B) Project Feasibility (120 Points Possible).

Applications will be awarded "feasibility" points according to the following scale: poor - 0.0 points; below average - 30.0 points; average - 60.0 points; good - 90.0 points; excellent - 120 points. The criteria detailed below (413-07-1-.08(6)(B) i)-xi)) will determine where on the "Feasibility" Scale an application ranks:

i) The description of the proposed project and activities are clearly described and documented.

ii) The responsibilities for carrying out each activity are clearly ascribed to a participating entity and each entity has firmly committed in writing to carry out its part; Project readiness concerns are addressed (as applicable):

i) engineering/architectural/ environmental,

ii) infrastructure/utility/network access issues, including submission by each applicant of supporting documentation from local phone company(ies) that they are currently or will be capable of providing broadband service within the proposed project timeline;

iii) the development of an address and street-name database with geographic locations for each address coordinated with the private carrier;

iv) commitments to fund ongoing operations/maintenance, etc.;

v) other public and private sector investors are committed and ready to invest,

vi) all needed real property is acquired or under option,

vii) any needed regulatory approvals obtained (approval of plans, government permits, etc.),

viii) administrative capacity is adequate, and

ix) (soft projects) professional service providers have adequate credentials and work history, etc.

iii) Each participating local political jurisdiction has endorsed the project in writing and has pledged the required revenues to maintain the project.

iv) **Public Private Partnerships**: Applications demonstrating creation of a broadband public-private partnership, should generally demonstrate that the methodology for selection of the private partner was done through an RFP (request for proposal) or other similar inclusive and open access platform. Proposed contracts that will exist between a private sector broadband service provider and the public entity must be included in the application.

v) **Bidding Process**: Applicant should provide details of the competitive and transparent bidding process conducted by the community to solicit bids from the private sector to bring broadband connectivity to the intended unserved area; evidence that identifies the most suitable match between community needs and resources and identifies a service provider capable of delivering those services in a sustainable manner.

vi) **Business Plan**: Applications should include essential elements of a business plan, including description of the need for broadband, description of community(ies) to be served; any existing levels of connectivity currently available and the current cost of those services; a summary of the extent of community engagement to the proposed broadband deployment, details on potential number of users of broadband access, details on the kind of broadband-dependent services that may be provided as a result of broadband access, overview of proposed project management, the appropriateness and availability of the proposed technological solution, a plan for proposed implementation of the network including a time line with project milestones and a commitment to adhering to a set critical path.

vii) **Financial Plan**: Applications should include details of market, revenue and cost projections to support the sustainability of the proposed broadband services for a period of at least five years including but not limited to breakdown of the required costs for broadband deployment; assumptions made for expected number of residents and businesses that will have access to the broadband service, revenue estimates based on the number of residents and businesses who have agreed (or projected) to subscribe to the service in the first year; assumptions made for five-year subscriber and population growth rate, average revenue per subscriber; measurability and types of services to be offered. Applications should identify potential risks that might affect implementation of the project and any strategies or solutions that you would use to mitigate or prevent these impacts.

viii) **System Design, Technology and Capacity:** Provide a detailed description of the goals and objectives of the proposed system design; functional specifications including bandwidth and how many sites and/or systems will have to be connected; performance specifications including

minimum levels and broadband standards for systems requiring inter-operability with other networks; appropriateness and availability of the proposed technological solution including infrastructure that will be deployed; overview of the technology and facilities that will be used to deliver broadband services in the community(ies) including the potential for future expansion (scalability) of the proposed network. Identify capacity separately for each category of facility if application proposed interconnection between communities and/or private providers.

ix) **Maintenance and Ongoing Sustainability:** Provide details of all maintenance activities and how assistance will be provided. For example: will 24/7 maintenance support be provided; how will the service be monitored for problems; how will service growth be accommodated; what software will be used to generate utilization reports and service availability reports.

x) Project costs are verified through original source documents, architectural and engineering reports, or certified appraisals; and

xi) Applicant certifies that project complies (or will comply) with all applicable federal, state, and local law and regulations.

C) Project Impact (110 Points Possible).

Applications will be awarded "Impact" points according to the following scale: poor - 0.0 points; below average - 27.5 points; average - 55.0 points; good - 82.5 points; excellent - 110.0 points. In order to determine where on the "impact" scale a project ranks the following criteria will be analyzed:

i) Amount of total state assistance per person served.

ii) Amount of private leverage per person served.

iii) Amount of public leverage per person served.

iv) Evidence that the proposed deployment of broadband is based on a realistic assessment of needs.

v) Anticipated positive and direct benefits to at least one directly eligible rural county as a result of the proposed deployment.

vi) Map of the community(ies) indicating the areas to be covered by the proposed broadband services.

vii) Project supports and relates to the overall planning, vision and future growth of the participating community(ies).

viii) Benefits of collaboration between the public sector and private sector, if applicable, to bring about broadband deployment to unserved or underserved areas.

ix) Existing technology assets have been leveraged to enhance success and sustainability of this project.

x) If the project represents a multi-county or regional initiative, benefits and cost savings available through regional collaboration.

D) Program Strategy (110 Points Possible).

Applications will be awarded "Strategy" points according to the following scale: poor - 0.0 points; below average - 27.5 points; average - 55.0 points; good - 82.5 points; excellent - 110.0 points. In order to determine where on the "strategy" scale a project ranks the following criteria will be analyzed:

i) The project represents an innovative approach to providing broadband services in rural Georgia.

ii) The availability of broadband service will increase entrepreneur and small business owners reach and ability to compete successfully in a global economy.

iii) The proposed project will likely result in the enhancement of the public workforce through the facilitation of online and distance learning resources to support education, job training and skill upgrades in rural Georgia.

iv) The proposed project will likely lead to direct and/or indirect local and regional impact by:

  i) expanding and encouraging e-business with new broadband applications and services;

  ii) e-commerce through selling of products and service on the internet and sharing of best practices;

  iii) attracting new development/investment;

v) Supporting/enhancing local or regional development strategies and priorities; and v) supporting/enhancing local or regional institutions and quality of life.

vi) Financial and programmatic alternatives have been considered for the proposed project and eliminated.

vii) The proposed project supports the overall objectives of the State, GTA and the OneGeorgia Authority and supports the State's development strategy for rural development and regional cooperation.

viii) For non-construction portions of a project, no similar studies, plans, documents or technical assistance have been produced or delivered in the last two years, and if they have, they have been used to the extent possible and/or are in need of updating or expanding.

ix) Evidence demonstrating that the applicant has the experience and capacity to successfully implement the proposal.

E) Regional Bonus (Maximum of 100 Points): Applications will be awarded regional bonus points and can receive larger grant amounts as described in Section 413-07-1-.09(1) based upon a project's demonstration of significant and quantifiable regional cooperation or impact using the criteria outlined below:

i) "Regional Cooperation" (60 Points): The proposed project is a regional initiative that evidences either:

a) significant multi-jurisdictional cooperation through ownership by a development authority comprised of multiple jurisdictions or two or more counties; or

b) a revenue and cost sharing agreement or other intergovernmental agreement by two or more counties; or

c) a revenue and cost sharing agreement or other intergovernmental agreement by multiple jurisdictions that results in regional impacts, benefits, or service delivery; and/or

ii) "Regional Impact" (40 Points): The proposed project will result in significant and quantifiable public benefit and impact in multiple rural counties. The benefits must meet or exceed one of the following thresholds:

a) significant increase in the service quality, reliability and/or a reduction in costs for rural broadband customers;

b) a substantial net increase in employment or employment opportunities (with BEST qualified jobs);

c) a substantial net increase in the tax-base or opportunities for public revenue generation; or

d) a substantial increase in educational opportunities, job training programs, workforce development or business incubation and development opportunities.

The criteria in this rule (413-7-1-.08) are designed to assist OneGeorgia Authority in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of a particular project and its relative merit compared to competing proposals and the availability of funding at the time of application. The decision made by the One Georgia Authority shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.08
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Review of Applications" submitted April 28, 2006.

Rule 413-7-1-.09. Awarding of Funds.

(1) Award limits will be based on the number of counties that receive new or enhanced broadband services through a particular project as follows:

a) one county - maximum of $200,000 per project;

b) two counties - maximum of $400,000 per project;

c) three or more counties - there will be no maximum. These limits can be waived upon recommendation of the Director of the OneGeorgia Authority.

(2) Once selected for funding, awarded funds will be made available by the OneGeorgia Authority or its Agent through an award contract incorporating by reference the approved final application and adding any special conditions that may be necessary or appropriate. As part of the award conditions, recipients must file a report on the impact and performance of the project, in a format prescribed by the OneGeorgia Authority or its Agent.

(3) The OneGeorgia Authority or its Agent may approve an award subject to certain general or special conditions that will be incorporated into the award document. Because of the

limited amount of funds available, the One Georgia Authority or its Agent may also award an amount less than the amount requested in the application. Applicants will have thirty (30) days from the date of award to accept any special conditions and/or the reduced award amount. If the applicant fails to accept the special conditions or lower award amount within the required period, the OneGeorgia Authority and/or the Agent with OneGeorgia Authority approval may unilaterally withdraw the award.

(4) The OneGeorgia Authority or its agent will provide recipients with specific instructions and forms to be used for drawdown of funds awarded under the award contract.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.09
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Awarding of Funds" submitted April 28, 2006.

Rule 413-7-1-.10. Statement of Conditions.

In addition to the certifications made on the face of the award statement, the recipient of funds must further certify that:

(1) No applicable state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project and expending BRIDGE Fund monies.

(2) Recipient will adhere to applicable state and local procurement requirements and it will maintain documentation to confirm such adherence. For activities not applicable to state procurement requirements, recipient agrees to procure such services and activities through a fair and open competitive procurement process that is openly advertised through appropriate media and in compliance with any applicable local procurement laws or regulations.

(3) Recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards.

(4) If the Recipient is a development authority with powers set forth at Chapter 62 of Title 36 of the Official Code of Georgia Annotated, then the project financed in part by BRIDGE Fund monies shall only be leased or sold as provided by Section 36-62-7 of the Official Code of Georgia Annotated.

(5) The recipient (in accordance with state law) shall undergo an annual financial audit conducted in accordance with government auditing standards established by the comptroller general of the United States. The recipient shall submit copies of all audits that cover all or part of the award period to the agency.

(6) No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the BRIDGE Fund project.

Cite as Ga. Comp. R. & Regs. R. 413-7-1-.10
Authority: O.C.G.A. Sec. 50-34-1*et seq.*
History. Original grant description entitled "Statement of Conditions" submitted April 28, 2006.

Chapter 413-8. .

Subject 413-8-1. AIR GEORGIA, AIRPORT INITIATIVE IN RURAL.

Rule 413-8-1-.01. Scope of Rule.

This regulation governs the operation of the OneGeorgia AIR Georgia Program as established by the OneGeorgia Authority (O.C.G.A. 50-34-08) and adopted on July 24, 2006. The OneGeorgia Authority is hereby authorized to enter into an agreement with the Department of Transportation (hereinafter referred to as "advisor") for the provision of technical assistance, review assistance and advice on the approval of drawdowns for certain airport assets and costs. The OneGeorgia Authority will retain all decision-making and grants management authority using its standard protocols and systems as provided under its agreement with the Georgia Department of Community Affairs (hereinafter referred to as "agent").

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.01
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Scope of Rule" submitted October 19, 2006.

Rule 413-8-1-.02. Definitions.

(1) The definitions for purposes of this regulation are identical in all respects to the terms defined in O.C.G.A. 50-34-2.

(2) "Rural County", which is not defined in O.C.G.A. 50-34-2, shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 50,000 where 10% or more of the population lives in poverty.

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.02
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Definitions" submitted October 19, 2006.

Rule 413-8-1-.03. Purpose.

The purpose of the OneGeorgia AIR Georgia program is to provide a program of financial investments that includes grants, loans, grant/loan combinations and any other forms of assistance authorized by (O.C.G.A. 50-34-08*et seq.*) to finance activities that will assist applicants in promoting the economic security and creation and retention of economic opportunities for the citizens of the state through the development and enhancement of publicly

owned airports in rural areas of the state.In carrying out the purposes of the AIR Georgia program, proposals that invoke cooperation, collaboration and regional partnerships between local governments and public and private-sector partners shall always receive the greatest consideration for assistance.

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.03
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Purpose" submitted October 19, 2006.

Rule 413-8-1-.04. Eligible Applicants.

(1) Eligible applicants and recipients of grant and loan funds awarded under this program shall include, but not be limited to, general-purpose local governments (municipalities and counties), local government authorities and joint or multi-county development authorities. Eligible applicants should also be recognized as an official Airport Sponsor by the Georgia Department of Transportation and/or Federal Aviation Administration. All local government units that are party to an application must be in compliance, where applicable, with the requirements regarding comprehensive planning (O.C.G.A. 50-8-08*et seq.*), report of local government finances (O.C.G.A. 36-81-8 [b]), local service delivery strategies (O.C.G.A. 36-70-08*et seq.*), government management indicators survey (O.C.G.A. 36-81-8 [h]) and local government authorities' registration (O.C.G.A. 36-80-8*et seq.*).

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.04
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Eligible Applicants" submitted October 19, 2006.

Rule 413-8-1-.05. Eligible Activities.

(1) Eligible uses of funds provided under the AIR Georgia program include those activities and the provision of facilities and services as described in O.C.G.A. 50-34*et seq.* Eligible uses of funds for this category shall include, but are not limited to: airport runway extensions; installation of navigational aids; installation of automated weather observing stations; acquisition of real property to facilitate expansion of airport infrastructure; and limited planning, environmental studies; and technical assistance. Other airport projects and uses which are not mentioned above but are specifically designed to increase economic opportunities may also be considered on a case by case basis.

(2) In addition, the AIR Georgia program may provide assistance to eligible applicants to finance facilities, projects and project costs for use by sub-recipient businesses and enterprises. Such sub-recipient uses may include the purchase of equipment or other assets or any other community or economic development and business assistance activity or purpose identified in O.C.G.A. 50-34-08*et seq.* It is important to note that the proposed

use of AIR Georgia monies will dictate whether the funds can be provided as a grant to the applicant to undertake an activity, or whether they will be provided to the applicant but require a loan, lease or other agreement between the applicant and sub-recipient business or enterprise. The applicant, by accepting AIR Georgia funding, agrees to maintain the project and operate the airport as an open to the public facility for no less than 20 years or any other period which may be required within the award documents.

(3) In general, public acquisition or improvements of public facilities and infrastructure can be undertaken directly by the eligible applicant with AIR Georgia monies. Such acquisitions or improvements that are not restricted in use to certain enterprises do not generally require the use of a development authority as the applicant or party to the application. In order to maximize their competitiveness for airport infrastructure projects, applicants are encouraged to discuss their project with the Georgia Department of Transportation Aviation Programs office before submitting a proposal to the Authority.

(4) The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the AIR Georgia program provides. In general, assistance will take the form of grants, but could include low-interest loans or loan/grant combinations. The exact structure and amount will be determined by the activity to be financed and the financial capacity of the applicant. Loans will be structured using generally accepted public and private financing instruments and procedures. All recaptured funds must be returned to the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.05
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Eligible Activities" submitted October 19, 2006.

Rule 413-8-1-.06. Fund Availability.

(1) Funding appropriated or otherwise made available to the One Georgia Authority will be made available to eligible applicants through an application process that will be announced through the OneGeorgia Authority's, advisor's and agent's publication of notices of fund availability (NOFA's). Such NOFA's will be published on the Authority and/or its agent's advisor's web-sites and at the discretion of the OneGeorgia Authority and agent or advisor, may also be mailed to eligible applicants, applicant associations and/or placed in advertisements in certain local or state publications.

(2) The OneGeorgia Authority's NOFA will establish application submission guidelines. Applications will be accepted throughout the submission period and will be reviewed based upon the criteria provided in Section 413-8-1-.09.

(3) Eligible applicants must apply for assistance under this program in a format and manner prescribed by the OneGeorgia Authority. Application guides and guidelines may be obtained from the OneGeorgia Authority or:

The Georgia Department of Transportation

OneGeorgia AIR Georgia Program

c/o Aviation Programs Office

276 Memorial Drive

Atlanta, Georgia 30303

(404) 651-9221

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.06
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Fund Availability" submitted October 19, 2006.

Rule 413-8-1-.07. Application Submission Procedures.

(1) The application procedure for the AIR Georgia Program includes an optional Pre-Application phase and an Application phase. The purpose of the Pre-Application is to provide:

A) a determination of a proposed activity or activities eligibility for AIR Georgia program financing;

B) a determination on whether the proposed activity or activities and broader project can meet the basic AIR Georgia Program thresholds and be competitive under the rating and review system as outlined in Section 413-08.09 and

C) an opportunity to obtain Pre-Agreement Cost Approval (PACA) from the Authority so that projects may obtain interim financing and proceed with certain identified project activities prior to receipt of an actual Grant or Loan Agreement.

(2) Eligible applicants may submit Pre-Applications and/or Applications for consideration in conformance with the deadlines and/or procedures outlined in the Notices of Fund Availability (NOFAs) that will be published on OneGeorgia's website at www.OneGeorgia.org. The OneGeorgia Authority strongly encourages potential applicants to contact the Authority or GDOT-Aviation Programs to arrange an Initial Project Assessment review prior to submitting Pre-Applications or Applications.

(3) Pre-Applications and/or Applications may be submitted individually by an eligible applicant, or jointly, by two or more applicants. Joint submissions must contain a copy of the Cooperating Agreement entered into by the cooperating units of government. The

Agreement should designate the applicant that will serve as lead recipient should the project be funded.

(4) Pre-Applications and Applications for the AIR Georgia program must be submitted in conformance with the format and applicable instructions specified by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.07
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Application Submission Procedures" submitted October 19, 2006.

Rule 413-8-1-.08. Review of Applications.

(1) Upon receipt of a Pre-Application under this program, staff will review the same for eligibility and conformance with basic threshold criteria. Potential applicants will then be notified regarding general eligibility and perceived competitiveness based on the information they provided. For Pre-Applications that indicate potentially eligible and competitive projects, the Authority and/or GDOT may provide limited technical assistance to would be applicants; however, in no event will the Authority or GDOT actually assist in the actual writing of an application.

(2) Upon receipt of an application, the application shall be reviewed using the rating and selection factors specified in Section 413-08-.09 of these regulations, using any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc. as may be required or requested by the Authority, DCA or GDOT for purposes of evaluating, rating, and selecting applicants under this program. Applications that contain insufficient information or documentation to be evaluated and rated may be returned to the applicant for further information.

(3) Staff may conduct site visits and hold discussions with applicants and proposed sub-recipients for the purposes of confirming and evaluating information contained in the Initial Project Assessment or Application. Staff may also consult with other appropriate government entities in the course of reviewing and evaluating information contained in Project Assessments and/or Applications.

(4) The scores obtained for the various selection factors will be totaled and applicants with scores of at least 325 points that meet all appropriate funding criteria that conform to the objectives of O.C.G.A. 50-34, as amended, and that can be carried out in compliance with all applicable state or local law, regulations or requirements will be funded until funds are exhausted.

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.08
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Review of Applications" submitted October 19, 2006.

Rule 413-8-1-.09. Rating and Selection Criteria.

Criteria	Points
Threshold Requirements	0
Demographics	100
Feasibility	120
Impact	110
Strategy	110
Regional Bonus	100
Total Available Points	540

(1) Threshold Requirements (In order to be rated and reviewed, an application must meet all threshold requirements identified below):

a. The application is from an eligible applicant;

b. The project takes place within a rural county OR a county with a population of less than 500,000 that shares a border with a rural county which has endorsed the project and also demonstrates sufficient quantifiable public benefit (as defined in Section 413-08.07(7)) to the rural county to qualify as a regional application;

c. (Reserved);

d. The proposed use of funds are for eligible projects and will be carried out in a manner consistent with the state constitution, state law and in accordance with the applicant's (or sub-recipient's) enabling legislation and authority; and

e. The proposed projects are consistent with local and regional plans developed under the provisions of the Georgia Planning Act and the Service Delivery Strategies developed in accordance with O.C.G.A. 36-70-08*et seq.*

f. The proposed projects are consistent with the minimum recommendations for the applicant's airport as contained in the 2001 Georgia State Aviation System Plan, and meet all applicable state and federal aviation regulations.

(2) Demographics (100 Points Maximum): On an annual basis, demographic scores will be calculated for each county in the state. For purposes of assigning a demographic score for applications submitted by multiple applicants or an authority made up of multiple entities, the highest score from the group of counties which has endorsed the project or are members of the regional authority will be used. Applications will be rated and scored against each of the following demographic factors as calculated by the Department of Community Affairs using the most recent population, poverty and income estimates:

a. Demographic Need - total population: Counties will be compared in terms of their total population level. Counties with a population less than 10,000 will receive 45

points. Counties with a population between 10,000 and 19,999 will receive 35 points. Counties with a population between 20,000 and 29,999 will receive 30 points. Counties with a population between 30,000 and 39,999 will receive 25 points and counties over 40,000 in population will receive 20 points.

b. Demographic Need - percent of people in poverty: Counties will be compared in terms of the percentage of population below the poverty level. Counties with an overall poverty rate of 20% or greater shall receive 40 points. For counties with a poverty rate less than 20%, scores will be obtained by dividing each county's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant in the group and multiplying by 40.

c. Demographic Need - per capita income: Counties will be compared in terms of their per capita income. Scores will be obtained by dividing each County's per capita income into the lowest per capita income of any county in the group and multiplying by 15.

(3) Project Feasibility (120 Points Maximum) Applications will be awarded "feasibility" points according to the following scale: poor: 0.0 points; below average: 30.0 points; average: 60.0 points; good: 90.0 points; excellent: 120 points. The criteria outlined detailed in 413-08.09(3) a.-h. will determine where on the "Feasibility" Scale an application ranks:

a. The description of the proposed project and activities are clearly described and documented;

b. The project will generate positive net public benefits as quantified by an acceptable public cost-benefit analysis, model or methodology; or a minimum of five letters of intent from potential users of the airport that represent entities which are significant employers and investors within the area.

c. The responsibilities for carrying out each activity are clearly ascribed to a participating entity and each entity has firmly committed in writing to carry out its part;

d. Project readiness concerns are addressed as applicable:

i) engineering/architectural/environmental,

ii) infrastructure/utility access issues,

iii) specific investment commitments,

iv) commitments to fund operations/maintenance, etc.;

v) other public and private sector investors are committed and ready to invest,

vi) all needed real property is acquired or under option,

vii) environmental, regulatory and liability concerns addressed (phase 1, government permits, etc.),

viii) administrative capacity is adequate, and

ix) (soft projects) professional service providers have adequate credentials and work history, etc.;

e. For regional projects, provisions are in place for joint ownership and revenue or cost sharing;

f. Underwriting analysis (as applicable) has determined that the:

i) organizational status of benefiting entity is documented and reputable;

ii) development entity's performance and standing is secure in the following areas: capital management, debt capacity, management character and experience, collateral value, economic and market conditions;

iii) development entity's proposed development or business plan uses reasonable assumptions;

iv) development entity's proposed development team (developer, contractor, property managers, syndicator, etc.) has a successful record of accomplishment; and

v) proposed business plan, marketing strategy and proforma are realistic; and

vi) the development entity will be able to repay the OneGeorgia assistance (as applicable);

g. Project costs are verified through original source documents, architectural and engineering reports, or certified appraisals; and

h. Applicant certifies that project complies (or will comply) with all applicable federal, state, and local law and regulations.

(4) Project Impact (110 Points Maximum) Applications will be awarded "Impact" points according to the following scale: poor: 0.0 points; below average: 27.5 points; average: 55.0 points; good: 82.5 points; excellent: 110.0 points. In order to determine where on the "impact" scale a project ranks the following criteria will be analyzed:

a. The number and quality of jobs to be created or retained;

b. The percent increase in corporate flight operations, based aircraft and sale of aviation goods and services at the project airport.

c. The amount of new private leverage and/or investment;

d. The amount of new and/or retained taxes to be generated; and

e. The improvement of regional competitiveness through the project's implementation;

(5) Program Strategy (110 Points Maximum) Applications will be awarded "Strategy" points according to the following scale: poor: 0.0 points; below average: 27.5 points; average: 55.0 points; good: 82.5 points; excellent: 110.0 points. In order to determine where on the "strategy" scale a project ranks the following criteria will be analyzed:

a. The proposed project will increase the accessibility of the community by developing new capacity for the area's corporate and general aviation fleet. In general, the proposed project should serve at least 85% of the area's corporate aircraft fleet.

b. The proposed project is likely to lead to indirect local and regional impact by:

i) attracting related development/investment;

ii) supporting/enhancing local or regional development strategies and priorities; and

iii) supporting/enhancing local or regional institutions and quality of life;

c. Financial and programmatic alternatives have been considered for the proposed project and eliminated or leveraged;

d. The proposed project supports the overall objectives of the OneGeorgia Authority and supports the state's development strategy for:

i) rural development;

ii) targeted industries and sectors;

iii) tourism development;

iv) environmental preservation; and

v) regional impact;

e. For non-construction projects, no similar studies, plans or documents have been produced in the last ten years, and if they have, they have been used to the extent possible and/or are in need of updating or expanding; and

f. The project represents an innovative approach to the development and retention of employment opportunities in rural Georgia.

(6) Regional Bonus (Maximum of 100 Points): Applications will be awarded regional bonus points and can receive larger grant amounts as described in section 413-08-.10(1) based upon a project's demonstration of significant and quantifiable regional cooperation or impact using the criteria outlined below:

a. "Regional Cooperation" (60 Points)-The proposed project is a regional initiative that evidences either:

a) significant multi-jurisdictional cooperation through ownership by a development authority comprised of multiple jurisdictions or two or more counties; or

b) a revenue and cost sharing agreement or other intergovernmental agreement by two or more counties; or

c) a revenue and cost sharing agreement or other intergovernmental agreement by multiple jurisdictions that results in regional impacts, benefits, or service delivery and/or;

b. "Regional Impact" (40 points)-The proposed project will result in significant and quantifiable public benefits and impacts in multiple rural counties. The benefits must meet or exceed one of the following thresholds:

a) a substantial net increase in employment or employment opportunities (with BEST qualified jobs);

b) a substantial net increase in the tax-base or opportunities for public revenue generation;

c) a substantial increase in business incubation and development opportunities.

(7) The criteria in this rule (413-08.07) are designed to assist the OneGeorgia Authority and/or its agent in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals and depending on the availability of funding at the time of application. The decisions made by the OneGeorgia Authority shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.09
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Rating and Selection Criteria" submitted October 19, 2006.

Rule 413-8-1-.10. Awarding of Funds.

(1) AIR Georgia grants or loans are not limited in amount. Assistance amounts will be determined following consultation with the Georgia Department of Transportation and approved by the Authority. Generally, AIR Georgia funds awarded will be limited to 75% of the eligible project cost. However, the Authority will consider funding at a higher percentage of the eligible project cost for extreme economic hardship cases. Adequate documentation should be contained in the application to support hardship pleas. Final approval of assistance amounts is at the discretion of the Authority.

(2) Once selected for funding, awarded funds will be made available by the OneGeorgia Authority through an award contract incorporating by reference the approved final application and adding any special conditions that may be necessary or appropriate. As part of the award conditions, recipients must file a report on the impact and performance of the project, in a format prescribed by the OneGeorgia Authority.

(3) The Authority may approve a grant subject to certain general or special conditions that will be incorporated into the award document. Because of the limited amount of funds available, the Authority may also award an amount less than the amount requested in the application. Applicants will have thirty (30) days from the date of award to accept any special conditions and/or the reduced award amount. If the applicant fails to accept the special conditions or lower award amount within the required period, the OneGeorgia Authority may unilaterally withdraw the award.

(4) The OneGeorgia Authority will provide recipients with specific instructions and forms to be used for drawdown of funds awarded under the award contract.

Cite as Ga. Comp. R. & Regs. R. 413-8-1-.10
Authority: O.C.G.A. Sec. 50-34-8*et seq.*
History. Original grant description entitled "Awarding of Funds" submitted October 19, 2006.

Chapter 413-9. .

Subject 413-9-1. ONEGEORGIA AUTHORITY BROADBAND PROGRAM.

Rule 413-9-1-.01. Scope of Rule.

This regulation governs the operation of the Broadband Program as established by the OneGeorgia Authority (O.C.G.A. 50-34-1 et seq.).

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.01
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Scope of Rule" submitted June 27, 2019.
Submitted: May 23, 2022.

Rule 413-9-1-.02. Definitions.

(1) ***'Broadband services'*** means a wired or wireless terrestrial service that consists of the capability to transmit at a rate of not less than 25 megabits per second in the downstream direction and at least 3 megabits per second in the upstream direction to end users and in combination with such service provides:

(A) Access to the Internet; or

(B) Computer processing, information storage, or protocol conversion.

(2) ***'Eligible expenses'*** means capital expenses and other expenses directly related to the purchase or lease of property or communications services or facilities, including without limitation backhaul and transport, to facilitate the provision of broadband services.

(3) ***'Location'****means* any residence, dwelling, home, business, or building.

(4) ***'Qualified broadband provider'*** means an entity that is authorized to apply for or that obtains a certificate of authority issued pursuant to O.C.G.A. § 46-5-163 that:

(A) (i) Has, directly or indirectly, been providing broadband services to at least 1,000 locations; and (ii) Has been conducting business in the state for at least three years with a demonstrated financial, technical, and operational capability to operate a broadband services network; or

(B) Is able to demonstrate financial, technical, and operational capability to operate a broadband services network.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.02
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Definitions" submitted June 27, 2019.
Submitted: May 23, 2022.

Rule 413-9-1-.03. Purpose.

The purpose of the Broadband Grant Program is to provide financial assistance as authorized by O.C.G.A. 50-34-1 et seq. in order to finance activities that lead to the installation or expansion of facilities and equipment which provide broadband services to areas not already served by such services.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.03
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Purpose" submitted June 27, 2019.
Submitted: May 23, 2022.

Rule 413-9-1-.04. Fund Availability.

(1) Funding appropriated or otherwise made available to the One Georgia Authority will be made available through a process that will be announced through the notices of fund availability (NOFAs). Such NOFAs will be published on the Authority's website and the Department of Community Affairs' website and at the discretion of the Authority, may also be mailed to eligible applicants, or applicant associations and/or advertised in certain local or state publications.

(2) The OneGeorgia Authority's NOFA will establish submission guidelines. Applications will be evaluated based on NOFA guidelines and criteria provided in Section 413-9-1-.09 of these Rules.

(3) Eligible applicants must apply for assistance under this program in a format and manner prescribed by the Authority. Application documents and guidelines may be obtained from the Authority at:

The OneGeorgia Authority

OneGeorgia GBDI Program

60 Executive Park South, NE

Atlanta, GA 30329-2231

(4) The application document provided will include information outlining program requirements, forms, mailing addresses, telephone numbers of contact persons and other necessary and pertinent information.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.04
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Fund Availability" submitted June 27, 2019.
Submitted: May 23, 2022.

Rule 413-9-1-.05. Eligible Activities.

(1) Eligible uses of funds include those activities and the provision of facilities and services as described in O.C.G.A. 50-34-1 et seq. Such activities include, but are not limited to,

the provision of such public infrastructure, services, facilities and improvements needed to implement broadband services or enhance existing broadband services.

More specifically, such activities may include, but are not limited to, the provision of planning services and technical assistance integral to the development of needed systems; the purchase of equipment and software; technology infrastructure; public utilities; public facilities and services; real property rehabilitation; the acquisition of real property; site preparation and improvements; construction and any other necessary activities allowed under O.C.G.A. 50-34-1 et seq. that are integral and necessary for the development and deployment of a broadband system for the provisioning of broadband services. Ineligible activities include but are not limited to refinancing of existing debt, on-going administrative, operational maintenance costs, financing of customer terminal equipment (including modems) or inside wiring not owned by the recipient, and financing of operating leases and vehicles.

(2) In general, the public acquisition and/or improvement of public facilities and infrastructure can be undertaken directly by a general-purpose local government(s) or authority. In some situations, where a private entity may be required to provide facilities and/or equipment to allow a broadband system or facility to become fully operational, OneGeorgia monies may be expended for the public acquisition and/or improvement of financed assets and facilities that may be used and operated by private entities. In such cases, such privately used assets and facilities must generally be owned and controlled by a local government and/or authority and leased, subleased or sold to the business or enterprise in accordance with O.C.G.A. 36-62-7 and /or O.C.G.A. 50-34-6.

(3) In general, assistance for public facilities owned by local governments and/or authorities that are leased to a private sector broadband provider through the lease provisions described in Section 413-09-1-.06(2) are eligible for grants. Assistance for facilities that are to be owned exclusively by a private entity must take the form of a loan from the local government or authority. The exact structure and amount will be determined by the activity to be financed, the financial capacity of the private entity and the eligibility of the applicant. Loans will be structured using generally accepted public and private financing instruments and procedures. Any recaptured funds must be returned to the OneGeorgia Authority. The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the Georgia Broadband Deployment Initiative Fund provides.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.05
Authority: O.C.G.A. § 50-34-1 et seq.
History. Original Grant Description entitled "Eligible Activities" submitted June 27, 2019.
Submitted: May 23, 2022.

Rule 413-9-1-.06. Repealed and Reserved.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.06
Authority: O.C.G.A. § 50-34-1*et seq*.

History. Original Grant Description entitled "Procurement of Partner" submitted June 27, 2019.
Repealed: May 23, 2022.

Rule 413-9-1-.07. Application Submission Procedures.

(1) The application procedure may include a pre-application phase. The purpose of the pre-application is to provide:

A) Determine an applicant's eligibility for OneGeorgia funding;

B) Determine if proposed broadband services are eligible for OneGeorgia funding;

C) Provide an opportunity to obtain Pre-Agreement Cost Approval (PACA) from the Authority so that proposed projects may proceed with certain project activities with interim financing prior to receipt of an actual Grant or Loan Agreement.

(2) Eligible applicants must submit pre-applications, if required, and applications in conformance with the deadlines and/or procedures outlined in the Notices of Fund Availability (NOFAs).

(3) Pre-applications and/or Applications must be submitted individually by an eligible applicant, or jointly by two (2) or more applicants. Joint submissions must contain a copy of the cooperating agreement or similar instrument entered into by the cooperating political subdivisions. The Agreement should designate the applicant that will serve as lead recipient should the project be funded.

(4) Pre-applications and applications must be submitted in conformance with the format and applicable instructions specified by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.07
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original Grant Description entitled "Application Submission Procedures" submitted June 27, 2019.
Note: Correction of typographical error in Rule History only, "**History.** Original Grant Description entitled "Procurement of Partner" submitted June 27, 2019." corrected to "**History.** Original Grant Description entitled "Application Submission Procedures" submitted June 27, 2019." Effective May 23, 2022.
Submitted: May 23, 2022.

Rule 413-9-1-.08. Review of Applications.

(1) Application shall be reviewed using the criteria outlined in the NOFAs, as well as in accordance with factors specified in Section 413-9-1.09. Applicants are expected to provide any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc., as may be required or requested by the Authority for purposes of evaluating, rating and awarding funding under this program. Applicants that

have submitted applications that contain insufficient information or documentation to be evaluated or rated may be contacted for further information.

(2) Staff may conduct site visits and/or hold discussions with applicants and proposed broadband providers for the purposes of confirming and evaluating information contained in the application. Staff may also consult with other appropriate government and private entities in the course of reviewing and evaluating information contained in applications.

(3) All applications that are submitted and complete will first be reviewed to determine if they meet threshold requirements:

A) The application is from eligible applicant(s);

B) The proposed locations are eligible to receive OneGeorgia Broadband Program funding;

C) The proposed services will be provided by a qualified broadband provider, in partnership with an eligible applicant for funding;

D) The proposed project supports the overall objectives of the State;

E) The proposed use of funds is for eligible activities and will be carried out in a manner consistent with the state constitution, state law and in accordance with the applicants' (or sub-recipients') enabling legislation and authority; and

F) The applicant proposes a matching amount of local funds commensurate with the project.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.08
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original Grant Description entitled "Review of Applications" submitted June 27, 2019.
Submitted: May 23, 2022.

Rule 413-9-1-.09. Award Criteria.

A) The award criteria is consistent with statute described in O.C.G.A. § 50-40-81, which states that the Authority shall consider each of the following in the funding awards process:

(1) The effectiveness of the partnership between an eligible applicant and a qualified broadband provider;

(2) The benefit to the unserved area in terms of the population served and the capacity and scalability of the technology to be deployed; and

(3) The total project cost and the ability to leverage other available federal, local, and private funds.

B) Ratings and Selection Criteria:

Category	Total Available Points
A) Social Impact	24
B) Economic Impact	12
C) Project Capital	28
D) Broadband Ready	8
E) Broadband Partner	38
Total Points Available	110

A) **Social Impact: (Up To 24 Points Available)** Applications will be awarded "impact" points based on factors intended to demonstrate the societal impact of such project. Factors include, but are not limited to, the number of unserved locations to be served, the overall "served" vs. "unserved" nature of the county/counties included in the project, and the most recent tier status (based on job tax tiers published annually by DCA) of the county/counties include in the project area. A map of the proposed project identifying unserved locations will be required.

B) **Economic Impact (Up To 12 Points Available)** Applications will also be awarded "impact" points based on a quality and realistic narrative describing the following economic impact criteria:

i. Assessment of needs;

ii. Anticipated benefits, direct and indirect, to the proposed service area as a result of the proposed project;

iii. Specific impact to local and regional facilities, such as:

a) Industrial parks

b) Education centers

c) Health care facilities

d) Farms

e) Government buildings

f) Public safety departments

g) Other providers of public services

iv. How the availability of broadband service will enhance small business owners' and entrepreneurs' ability to compete in a global economy; and

v. How the proposed project will likely result in the enhancement of the public workforce through the facilitation of online and distance learning resources to support education, job training and skill upgrades in rural Georgia.

C) **Project Capital (Up To 28 Points Available)** Applications will be awarded points based on financial and capital-related evaluations as compared to baselines established by the Authority, as well as the project's general capital structure. Evaluation of projects will include analysis of the amount of capital investment requested of OneGeorgia (requests for more than 50% of total capital will be considered on an exceptional basis), the amount of other state or federal funding that has been committed to or being pursued by the applicant for the project, the financial commitment from the provider and local community, and the average capital cost per unserved location in the proposed project area, where such information is available.

Applicants must provide the Authority with the following details in documentation for the evaluation of project total and capital costs:

i. Identify all proposed eligible capital costs and costs directly related to the purchase or lease of property or communications services or facilities, including without limitation backhaul and transport, to facilitate the provision of broadband services.

ii. Verify project costs through original source documents, architectural and engineering reports, or certified appraisals.

iii. A map of the proposed service area identifying the unserved area and number of locations using the Georgia broadband mapping and the latest published FCC broadband data will be required.

D) **Broadband Ready (8 Points Available).**

Applications will be awarded Broadband Ready points if the communities within the proposed unserved area have been designated as a Broadband Ready Community in accordance with O.C.G.A. § 50-40-40 by adopting:

i. A Comprehensive Plan that includes a broadband element to ensure that a community adopts a strategy that demonstrates the promotion of broadband in accordance with O.C.G.A. § 50-8-2, et seq.; and

ii. A model ordinance or equivalent that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

E) **Broadband Partner (Up To 38 points available):** Applications will be awarded points based on two sub-categories related to qualified broadband providers: Partner Capabilities and Sustainable Business Case.

I. Partner Capabilities (Up To 14 Points Available): Prior to application submission, applicants are required to demonstrate an effective partnership with a qualified broadband provider who has the expertise, experience and financing to design, develop, construct, maintain and provide retail broadband services (both residential and commercial) for the proposed project.

Applications will be evaluated based upon the provider selection process, the partnership between the community and the provider, the provider's history of supporting the Georgia Broadband Deployment Initiative and broadband mapping program, and the provider's demonstration of financial, technical, and operational capacity to operate the proposed broadband network.

II. Sustainable Business Case (Up To 24 Points Available): In addition to the qualified broadband provider's capabilities, the application will receive points based on the provider's willingness to commit to certain service requirements and standards.

Business Plan (Up To 8 Points Available): Applications should include essential elements of a business plan, including description of the need for broadband, description of community(ies) to be served; existing levels of connectivity and the costs of those services; a summary of the extent of community engagement to the proposed broadband deployment, details on potential number of users of broadband access, details on the kind of broadband-dependent services that may be provided as a result of broadband access, overview of proposed project management, the appropriateness and availability of the proposed technological solution, a plan for proposed implementation of the network including a timeline with project milestones and a commitment to adhering to a set critical path.

Financial Plan (Up To 8 Points Available): Applications should include detailed cost and revenue projections that are sufficient to sustain the proposed broadband services for a period of at least five years. This should

include breakdown of the costs for broadband deployment; assumptions for the number of residents and businesses that will access the broadband service, revenue estimates based on the number of residents and businesses who have or are projected to subscribe to service in the first year; assumptions made for five-year subscriber and population growth rate, average revenue per subscriber; measurability and types of services to be offered. Applications should identify potential risks that might affect implementation of the project and any strategies or solutions that you would use to mitigate or prevent these impacts.

Technical Feasibility (Up To 8 Points Available): Provide a detailed description of the goals and objectives of the proposed system design; functional specifications including bandwidth and how many sites and/or systems will have to be connected; performance specifications including minimum levels and broadband standards for systems requiring interoperability with other networks; appropriateness and availability of the proposed technological solution including infrastructure that will be deployed; overview of the technology and facilities that will be used to deliver broadband services in the community(ies) including the potential for future expansion (scalability) of the proposed network. Identify capacity separately for each category of facility if application proposed interconnection between communities and/or private providers.

a. *Maintenance and Ongoing Sustainability*: Provide details of all maintenance activities and how assistance will be provided. For example: will 24/7 maintenance support be provided; how will the service be monitored for problems; how will service growth be accommodated; what software will be used to generate utilization reports and service availability reports.

b. As applicable, identify data cap limits, signal latency, and reliability of the technology to be utilized.

c. Historic service issues in other areas served by the qualified broadband provider in the partnership.

F) The criteria in this rule (413-9-1-.09) are designed to assist the OneGeorgia Authority and/or Department in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals and depending on the availability of funding at the time of application. The decisions made by the OneGeorgia Authority and/or the Department shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.09
Authority: O.C.G.A. § 50-34-1 et seq.
History. Original Grant Description entitled "Award Criteria" submitted June 27, 2019.
Submitted: May 23, 2022.

Rule 413-9-1-.10. Awarding of Funds.

(1) Award limits will be based on available funding.

(2) Awardees will be required to file a regular report on the impact and performance of the funded project, in a format and timeline prescribed by the OneGeorgia Authority.

(3) The OneGeorgia Authority reserves the right to utilize up to fifteen percent (15%) of available funding for innovative broadband projects. These funds will not be subjected to the same scoring process but must instead demonstrate a high level of innovation and/or public benefit as determined by the review panel.

(4) The OneGeorgia Authority or its Agent may approve an award subject to certain general or special conditions that will be incorporated into the grant award document. Because of the limited amount of funds available, the OneGeorgia Authority or its Agent may also award an amount less than the amount requested in the application. Applicants will have thirty (30) days from the date of award to accept the award and conditions and/or the reduced award amount. If the applicant fails to accept the award and conditions or lower award amount within the required period, the OneGeorgia Authority and/or the Agent with OneGeorgia Authority approval may unilaterally withdraw the award.

(5) The OneGeorgia Authority or its agent will provide recipients with specific instructions and forms to be used for drawdown of funds awarded under the grant award document.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.10
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Awarding of Funds" submitted June 27, 2019.
Submitted: May 23, 2022.

Rule 413-9-1-.11. Statement of Conditions.

In addition to the certifications made on the face of the award statement, the recipient of funds must further certify that:

(1) No applicable state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project and expending Georgia Broadband Deployment Initiative Fund monies.

(2) Recipient will adhere to applicable state and local procurement requirements, and it will maintain documentation to confirm such adherence. For activities not applicable to state procurement requirements, recipient agrees to procure such services and activities through a fair and open competitive procurement process that is advertised through appropriate media and in compliance with any applicable local and state procurement laws or regulations.

(3) Recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards.

(4) If the Recipient is a development authority with powers set forth at Chapter 62 of Title 36 of the Official Code of Georgia Annotated, then the project financed in part by Georgia Broadband Deployment Initiative Fund assets shall only be leased or sold in accordance with Section 36-62-7 of the Official Code of Georgia Annotated.

(5) The recipient (in accordance with state law) shall undergo an annual financial audit conducted in accordance with government auditing standards established by the comptroller general of the United States. The recipient shall submit copies of all audits that cover all or part of the award period to the OneGeorgia Authority.

(6) No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the Georgia Broadband Deployment Initiative project.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.11
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Statement of Conditions" submitted June 27, 2019.
Submitted: May 23, 2022.

Chapter 413-10. .

Subject 413-10-1. ONEGEORGIA AUTHORITY RURAL INNOVATION FUND.

Rule 413-10-1-.01. Scope of Rule.

This regulation governs the Rural Innovation Fund as established by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.01
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Scope of Rule" submitted May 16, 2022.

Rule 413-10-1-.02. Definitions.

(1) The definitions for purposes of these rules are identical to the terms in O.C.G.A. 50-34-1, *et seq*.

(2) "Rural County" shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 50,000 where 10% or more of the population lives in poverty.

(3) "Conditionally Eligible County" shall be defined as a county with a population of 500,000 or less that shares a geographic border with a Rural County.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.02
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Definitions" submitted May 16, 2022.

Rule 413-10-1-.03. Purpose.

The Rural Innovation Fund will provide financial assistance to eligible applicants when the health, welfare, safety, and economic security of the citizens of the state are promoted through the development or retention of economic and employment opportunities.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.03
Authority: O.C.G.A. § 50-34-1*et seq*.
History. Original Grant Description entitled "Purpose" submitted May 16, 2022.

Rule 413-10-1-.04. Eligible Applicants and Recipients.

(1) Eligible applicants and recipients of grant funds awarded under this program shall include, but are not limited to, general purpose local governments; local government authorities; joint or multi-county development authorities; state entities; or any combination of the above.

(2) All local government units which are party to an application must comply, where applicable, with the requirements regarding comprehensive planning (O.C.G.A. 50-8-1, *et seq*), report of local government finances (O.C.G.A. 36-81-8(b)), local service delivery strategies (O.C.G.A. 36-70-1, *et seq*), and local government authority registration (O.C.G.A. 36-80-8, *et seq*).

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.04
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Eligible Applicants and Recipients" submitted May 16, 2022.

Rule 413-10-1-.05. Fund Availability.

(1) The OneGeorgia Authority will establish and announce funding availability. Applications will be accepted throughout the fiscal year.

(2) Eligible applicants must complete a mandatory initial project assessment in a format and manner required by the OneGeorgia Authority to determine the proposed activity's eligibility for the Rural Innovation Fund.

(3) If the OneGeorgia Authority approves the initial project assessment, eligible applicants must apply for loan or grant funding in a format and manner required by the Authority.

(4) In consultation with the Executive Director of the OneGeorgia Authority, the Governor, Chairman of the State House Appropriations Committee, Chairman of the State Senate Appropriations Committee, and Director of the Governor's Office of Planning and Budget will review each application to determine whether the project should receive loan or grant funding.

(5) Grants or loan awards are not limited in amount.

(6) Specific terms and conditions of any funding will be detailed in an award agreement between the OneGeorgia Authority and the grant or loan recipient. As a condition of receiving assistance, a recipient will be required to acknowledge terms and conditions for funding, which may include repayment, recapture, or deobligation of part or all of the funding if:

a. The project does not materialize as certified by the recipient;

b. The recipient violates the terms of the award agreement; or

c. The recipient fails to comply with federal or state law.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.05
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Fund Availability" submitted May 16, 2022.

Rule 413-10-1-.06. Eligible Activities.

Eligible uses of funding include those activities, provision of facilities, and services authorized in the OneGeorgia Authority Act, O.C.G.A. 50-34-1, *et seq*.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.06
Authority: O.C.G.A. § 50-34-1 et seq.
History. Original Grant Description entitled "Eligible Activities" submitted May 16, 2022.

Rule 413-10-1-.07. Project Evaluation.

(1) An application will be reviewed based on whether the project will result in rural innovation.

(2) An application for Rural Innovation funds must provide written certification from the applicant that the applicant is authorized to carry out the project and that the proposed expenditure of funds complies with all applicable legal requirements.

(3) An application which contains insufficient information or documentation to be evaluated may be returned to the applicant without having been scored.

(4) Members of the Authority may conduct site visits and hold discussions with applicants and related entities to evaluate information in the application.

(5) In evaluating whether an applicant's proposal will result in rural innovation, the Authority must consider the following factors:

a. As applicable, underwriting analysis has determined that the organizational status of the applicant is documented and reputable;

b. The applicant, recipient, or subrecipient's performance and standing are secure in the following areas: capital management, debt capacity, management character and experience, collateral value, and economic and market conditions;

c. The applicant's development or business plan uses reasonable assumptions;

d. The applicant's proposed development team has a successful record of accomplishments;

e. The proposed business plan, marketing strategy, and proforma are realistic;

f. Financial and programmatic alternatives have been considered and eliminated;

g. Project costs are verified through original source documents and appear reasonable; and

h. The need for Rural Innovation Fund assistance is demonstrated.

(6) The Authority shall consider the proposed project's impact on the state, regional, and local economies and tax base.

(7) The Authority may evaluate the proposed project's impact on economic or job creation by considering the following factors:

a. The number and quality of jobs to be created or retained;

b. The amount of total state and local assistance per job created or retained;

c. The amount of new private leverage; and

d. The improvement of regional competitiveness or economic viability due to the project's implementation.

(8) The Authority may evaluate project readiness using the following factors:

a. Infrastructure or utility access issues;

b. Specific job and investment commitments;

c. Commitments to fund operations or maintenance;

d. Whether other public and private sector investors are committed and ready to invest; and

e. Whether all needed real property is acquired or under option; and

f. Whether environmental, regulatory, or liability concerns have been addressed.

(9) Additional factors may be considered depending on the nature of a project and its merit compared to competing proposals and depending on the availability of funding at the time of application.

(10) The Authority shall determine the amounts of funding awards, which may differ from the applicant's requested amount.

(11) If the OneGeorgia Authority approves the project, funds will be made available through an award agreement incorporating by reference the approved final application and adding any terms and conditions as necessary or appropriate.

(12) A recipient must file a report on the impact and performance of the project in a format prescribed by the Executive Director of the OneGeorgia Authority.

(13) If an applicant fails to agree to the terms and conditions of the award agreement within a designated amount of time, the OneGeorgia Authority may terminate consideration of the project.

(14) Award agreements will be issued with an expiration date. If an applicant fails to request a drawdown of funds by the expiration date, the application's approval may expire, and funds may not be issued.

(15) In addition to complying with the terms and conditions of the award agreement, the recipient must attest to the following:

a. No applicable federal or state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project;

b. The recipient's internally adopted procurement procedures meet applicable state requirements and will be followed, and documentation shall be maintained to demonstrate such adherence;

c. The recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards; and

d. If the recipient is a development authority, a project financed in whole or in part by the Rural Innovation Fund shall comply with O.C.G.A. 36-62-7.

e. The recipient shall undergo an annual financial audit conducted in accordance with government auditing standards. This audit shall contain documentation of the dates, amounts, drawdowns, and expenditures of funding from the Rural Innovation Fund for each applicable fiscal year. The recipient shall submit to the Executive Director of the OneGeorgia Authority copies of all audits that cover all or part of the grant period.

f. No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the project.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.07
Authority: O.C.G.A. § 50-34-1*et seq.*
History. Original Grant Description entitled "Project Evaluation" submitted May 16, 2022.