

File copy

FORM CD-451 (REV 10/98)	U.S. DEPARTMENT OF COMMERCE	<input checked="" type="checkbox"/> GRANT	<input type="checkbox"/> COOPERATIVE AGREEMENT
		ACCOUNTING CODE **See Attached**	
		AWARD NUMBER 06-43-B10013	

AMENDMENT TO FINANCIAL ASSISTANCE AWARD

RECIPIENT NAME California Emerging Technology Fund	AMENDMENT NUMBER 1
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STREET ADDRESS The Hearst Building 5 Third Street, Suite 520	EFFECTIVE DATE AUG 18 2010
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CITY, STATE ZIP San Francisco, CA 94103-3206	EXTEND WORK COMPLETION TO January 31, 2013
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CFDA NO. AND PROJECT TITLE:
 11.557 American Recovery and Reinvestment Act - SBA - Broadband Awareness and Adoption

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$7,251,295.00	\$0.00	\$0.00	\$7,251,295.00
RECIPIENT SHARE OF COST	\$2,109,377.00	\$0.00	\$0.00	\$2,109,377.00
TOTAL ESTIMATED COST	\$9,360,672.00	\$0.00	\$0.00	\$9,360,672.00

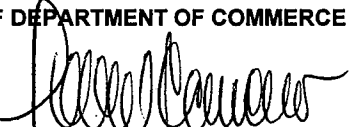
REASON(S) FOR AMENDMENT


This amendment is hereby amended to 1. Revised: SAC 5 Grants Specialist Contact Information, SAC 11 Incorporation of Requirements from the Notice of Funding Availability (NOFA), SAC 13 Whistleblower Protection Act Requirements; 2. Delete: SAC 15 Under-Served and Unserved Service Area, SAC 16 Security Interest in Real Property including Broadband Facilities and Equipment and SAC 17 Sale or Lease of Real Property Purchased with Award Funds; 3. Incorporate new SAC 20 Davis Bacon Act Requirements.

ALL PREVIOUS TERMS AND CONDITIONS REMAIN IN EFFECT.

This Amendment approved by the Grants Officer is issued in triplicate and constitutes an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. Upon acceptance by the Recipient, two signed Amendment documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Amendment.

Special Award Conditions
 Line Item Budget
 Other:

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER Jannet Cancino 	DATE AUG 17 2010
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TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL  Susan E Walters	DATE 24 Aug 2010
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Award Number: 06-43-B10013, Amendment Number 1
 Federal Program Officer: William Maguire
 Requisition Number: 308
 Employer Identification Number: 20-51-84429
 Dun & Bradstreet No: 83-03-70800
 Recipient ID: 0645734
 Requestor ID: 0645734
 Treasury Account Symbol (TAS): 0554

Award ACCS Information

Award Code	FY	Program Code	Activity Code	Obj Code	Performance Agreement
61	2010	4804011-300	06-10-0000-00-00-00-00	41-19-00-00	\$0.00

Award Contact Information

Name	Position	Email	Phone
Ms. Susan Walters	Administrative	susan.walters@cetfund.org	(415) 744-2385

NIST Grants Officer:

Jannet Cancino
 100 Bureau Drive, MS 1650
 Gaithersburg, MD 20899-1650
 (301) 975 - 6544

NIST Grants Specialist:

Sandra Bearden
 100 Bureau Drive, MS 1650
 Gaithersburg, MD 20899-1650
 (301) 975 - 6646

**AMERICAN RECOVERY AND REINVESTMENT ACT
BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM
SPECIAL AWARD CONDITIONS
CALIFORNIA EMERGING TECHNOLOGY FUNDS
06-43-B10013**

5. The Grant Specialist's name, address, telephone and fax number and email address:

Sandra Berden
National Institute of Standards and Technology
Grants and Agreements Management Division
Bldg. 411, Room B-100
100 Bureau Drive, Mail Stop 1650
Gaithersburg, Maryland 20899-1650
Phone: (301) 975-6646; Fax: (301) 840-5976
Email: Sandra.bearden@nist.gov

11. Incorporation of Requirements from the Notice of Funding Availability (NOFA):

The recipient shall comply with the requirements found in the Department of Commerce, National Telecommunications and Information Administration Broadband Technology Opportunities Program, 74 FR 33104, July 9, 2009

http://www.ntia.doc.gov/frnotices/2009/FR_BBNOFA_090709.pdf

13. Whistleblower Protection Act Requirement:

The Recipient shall comply with the Whistleblower Protection requirements of the American Recovery and Reinvestment Act (Recovery Act), Section 553 of Division A, Title XV, Public Law 111-5 which provides protection for employees of non-federal employers including employees of state and local governments, contractors, subcontractors, recipients, and any other non-federal employers receiving Recovery Act fund recipients, making specified disclosures relating to possible fraud, waste, or abuse of Recovery Act funds. The act requires any non-federal employer receiving Recovery Act funds to post a notice of the rights and remedies provided under the Act. The Recipient shall post notice of employees rights and remedies for whistleblower protections provided under section 1553 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) and shall include this notice requirement in all contracts with subrecipients, contractors, and subcontractors.

Recipients are reminded that the Office of Inspector General will verify the appropriate place of this poster as part of any field work conducted. Failure to display the poster may result in an audit finding. The poster can be downloaded from the following web site:

<http://www.oig.doc.gov/recovery/whistleblower.html>

15. **Delete: Under-Served and Unserved Service Areas**
16. **Delete: Security Interest in Real Property including Broadband Facilities and Equipment**
17. **Delete: Sale or Lease of Real Property Purchased with Award Funds**
20. **Davis-Bacon Act Requirement**

Consistent with U.S. Department of Commerce American Recovery and Reinvestment Act Award Term A.3., the Recipient shall obtain and maintain in its official records documentation of weekly certified payroll reports and the Statement of Compliance from itself and all subrecipients, contractors, and subcontractor(s) in accordance with Section 1606 of the American Recovery and Reinvestment Act of 2009 and the Davis-Bacon Act.

Davis-Bacon prevailing wage requirements apply to mechanics and laborers employed under federally assisted contracts or subcontracts in excess of \$2,000 for construction, alteration, or repair (including painting and decorating) of public buildings or public works, pursuant to Department of Labor regulations at 29 C.F.R. Parts 1, 3, and 5.

The Recipient is not required to submit this documentation to NIST, except in response to a request for this information from its Grants Officer. The authorized representatives and agents of NIST shall be permitted to inspect all work, materials, payrolls, personnel records, invoices of materials, and other relevant data and records.

Ten days prior to bid opening, any party soliciting a subrecipient, contractor, or subcontractor for work under this Award to which Davis-Bacon wage determinations apply must verify whether there have been any updates to the applicable Davis-Bacon wage determinations by reviewing the Department of Labor Wage Determinations OnLine website, free of charge, at www.wdol.gov. If there have been updates to the wage determinations, then these updated wage rates must be issued in a bid addendum.

The Davis Bacon wage rates that are current ten days prior to the bid opening are the wage rates that will govern work performed under such solicitation.