

4/1/10 File copy

FORM CD-451 (REV 10/98)	U.S. DEPARTMENT OF COMMERCE	X GRANT	COOPERATIVE AGREEMENT
AMENDMENT TO FINANCIAL ASSISTANCE AWARD		ACCOUNTING CODE	
		See Attached	
		AWARD NUMBER	
		36-43-B10512	

RECIPIENT NAME NYC Dept. of Information Technology & Telecommunication	AMENDMENT NUMBER 3
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STREET ADDRESS New York City 75 Park Place	EFFECTIVE DATE AUG 17 2010
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CITY, STATE ZIP New York, NY 10007	EXTEND WORK COMPLETION TO February 28, 2013
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CFDA NO. AND PROJECT TITLE:
11.557 American Recovery and Reinvestment Act - SBA - NYC Connected Learning

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$22,162,825.00	\$0.00	\$0.00	\$22,162,825.00
RECIPIENT SHARE OF COST	\$5,864,366.00	\$0.00	\$0.00	\$5,864,366.00
TOTAL ESTIMATED COST	\$28,027,191.00	\$0.00	\$0.00	\$28,027,191.00

REASON(S) FOR AMENDMENT

This amendment is hereby amended to 1. Revised: 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 21 Davis Bacon Act Requirements. ALL PREVIOUS TERMS AND CONDITIONS REMAIN IN EFFECT.

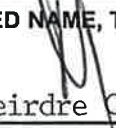
This Amendment approved by the Grants Officer is issued in triplicate and constitutes an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. 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 Joyce Brigham 	DATE 8/16/10
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TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL Deirdre C. Flynn, Exec. Dir. of Telecom. Policy & Design 	DATE 9/16/10
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Award Number: 36-43-B10512, Amendment Number 3

Federal Program Officer: William Maguire

Requisition Number: 2263

Employer Identification Number: 13-64-00434

Dun & Bradstreet No: 88-42-26288

Recipient ID: 3624435

Requestor ID: 3624435

Treasury Account Symbol (TAS): 0554

Award ACCS Information

Bureau Code	FCEY	Project/Task	Org Code	Obj Class	Obligation Amount
61	2010	4804011-300	06-10-0000-00-00-00-00	41-19-00-00	\$0.00

Award Contact Information

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**AMERICAN RECOVERY AND REINVESTMENT ACT
BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM
SPECIAL AWARD CONDITIONS
DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATION
36-43-B10512**

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/fmnotices/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

21. 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.