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FORM CD-451 (REV 10/98)	U.S. DEPARTMENT OF COMMERCE	X GRANT	COOPERATIVE AGREEMENT
<b>AMENDMENT TO FINANCIAL ASSISTANCE AWARD</b>		<b>ACCOUNTING CODE</b>	
		**See Attached**	
		<b>AWARD NUMBER</b>	
		36-42-B10016	

<b>RECIPIENT NAME</b> New York State Education Department	<b>AMENDMENT NUMBER</b> 2
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<b>STREET ADDRESS</b> 89 Washington Avenue	<b>EFFECTIVE DATE</b> AUG 17 2010
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<b>CITY, STATE ZIP</b> Albany, NY 12234	<b>EXTEND WORK COMPLETION TO</b> January 31, 2013
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**CFDA NO. AND PROJECT TITLE:**  
11.557 American Recovery and Reinvestment Act - PCC - New York Computer Centers: Broadbandexpress@yourlibrary

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$9,521,150.00	\$0.00	\$0.00	\$9,521,150.00
RECIPIENT SHARE OF COST	\$5,418,370.00	\$0.00	\$0.00	\$5,418,370.00
<b>TOTAL ESTIMATED COST</b>	<b>\$14,939,520.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$14,939,520.00</b>

**REASON(S) FOR AMENDMENT**  
This amendment is hereby amended to 1. Revised: SAC 3 FPO's Contact Information, SAC 7 Interest Bearing Accounts, 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:

<b>SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER</b> Joyce Brigham <i>Joyce Brigham</i>	<b>DATE</b> AUG 16 2010
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<b>TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL</b> <i>Mary Linda Todd</i> Mary Linda Todd / NY State Library / Library Development Specialist	<b>DATE</b> 8/25/10
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Award Number: 36-42-B10016, Amendment Number 2  
 Federal Program Officer: William Maguire  
 Requisition Number: 1447  
 Employer Identification Number: 14-60-13200  
 Dun & Bradstreet No: 80-67-82173  
 Recipient ID: 3640367  
 Requestor ID: 3640367  
 Treasury Account Symbol (TAS): 0554

**Award ACCS Information**

Bureau Code	FY	Object Class	Program	Obj - Prj	Allocation Amount
61	2010	4803011-300	06-10-0000-00-00-00-00	41-19-00-00	\$0.00

**Award Contact Information**

Contact Name	Category	Email	Phone
Mary L Todd	Administrative	mtodd@mail.nysed.gov	(518) 486-4858

**NIST Grants Officer:**

Joyce Brigham  
 100 Bureau Drive, MS 1650  
 Gaithersburg, MD 20899-1650  
 (301) 975 - 6329

**NIST Grants Specialist:**

Jacqueline Roberts  
 100 Bureau Drive, MS 1650  
 Gaithersburg, MD 20899-1650  
 (301) 975 - 2005

**AMERICAN RECOVERY AND REINVESTMENT ACT  
BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM  
SPECIAL AWARD CONDITIONS  
NEW YORK STATE EDUCATION DEPARTMENT  
36-42-B10016**

**3. The Federal Program Officer's name, address, and telephone number are:**

Bart Forbes  
National Telecommunications and Information Administration  
US Department of Commerce  
1401 Constitution Ave., NW, Ste. 4897  
Washington, DC 20230  
Phone: (202) 482-1950; Fax: (202) 501-8009  
Email: BForbes@ntia.doc.gov

**7. Interest-Bearing Accounts:**

This award is subject to 15 CFR 24.21 requiring recipients of Federal financial assistance to maintain advances of Federal funds in interest bearing accounts. Interest earned on Federal advances deposited in such accounts (with the exception of \$100 per year, which may be retained for administrative expenses) shall be remitted promptly.

The complete address for remitting checks for interest earned on Federal advances is Department of Health and Human Services, Payment Management System, P.O. Box 6021, Rockville, MD 20852. Recipients that do not have electronic remittance capability should send a check to this address. In keeping with Electronic Funds Transfer rules (31 USC part 206), interest should be remitted to the HHS Payment Management System through an electronic medium such as the FEDWIR Deposit System. Electronic remittances should be in the format and should include any data that are specified by the HHS as being necessary to facilitate direct deposit in HHS' account at the Department of Treasury.

**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](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**
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](http://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.