

FORM CD-451
(REV 10/98)

U.S. DEPARTMENT OF COMMERCE

GRANT COOPERATIVE AGREEMENT

AMENDMENT TO FINANCIAL ASSISTANCE AWARD

ACCOUNTING CODE

See Attached

AWARD NUMBER

78-50-M09055

RECIPIENT NAME

Virgin Islands Public Finance Authority

AMENDMENT NUMBER

5

STREET ADDRESS

32-33 Kongens Gade

EFFECTIVE DATE

CITY, STATE ZIP

St. Thomas, VI 00802-0000

EXTEND WORK COMPLETION TO

December 31, 2014

CFDA NO. AND PROJECT TITLE:

11.558 American Recovery and Reinvestment Act-SBDD-Virgin Islands Public Finance Authority

NT

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$3,009,506.00	\$0.00	\$0.00	\$3,009,506.00
RECIPIENT SHARE OF COST	\$818,714.00	\$0.00	\$0.00	\$818,714.00
TOTAL ESTIMATED COST	\$3,828,220.00	\$0.00	\$0.00	\$3,828,220.00

REASON(S) FOR AMENDMENT

This grant is hereby amended to designate the recipient as "high risk," pursuant to 15 C.F.R. § 24.12 and to issue a notification of intent to suspend the award on October 14, 2011 due to deficient financial and procurement management systems and severely inadequate or non-existent internal controls. In order to prevent suspension of the award, a Corrective Action Plan (CAP) based on the attached SAC document must be submitted by the recipient to the Program Officer for approval by October 3, 2011. It is anticipated that a final determination of approval of the CAP will be issued on or before October 14, 2011. In the absence of an approval of the CAP, further enforcement action will be taken on October 14, 2011 including the possibility of award suspension. All project work must cease immediately. Only expenditures related to the development and implementation of the CAP will be subject to review and approval on a reimbursement basis only by the NIST Grants Officer. 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

DATE

Joyce Brigham

Joyce T. Brigham

11/4/11

TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

DATE

Angel E. Dawson, Jr., Executive Director

Angel E. Dawson, Jr.

11/4/11

Award Number: 78-50-M09055, Amendment Number 5
Federal Program Officer: Phillip English
Requisition Number: M09055A
Employer Identification Number: 660450278
Dun & Bradstreet No: 789438293
Recipient ID: 7809540
Requestor ID: 7809540
Treasury Account Symbol (TAS): 0554

Award ACCS Information

Bureau Code	FCFY	Project-Task	Org Code	Obj Class	Obligation Amount
61	2010	4805011-300	06-10-0000-00-00-00-00	41-19-00-00	\$0.00

Award Contact Information

Contact Name	Contact Type	Email	Phone
Mr. Julito Francis	Administrative	jafrancis@usvipfa.com	(340) 714-1635

NIST Grants Officer:

Usha Ganti
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975 - 8,006

NIST Grants Specialist:

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

**AMERICAN RECOVERY AND REINVESTMENT ACT
STATE BROADBAND INITIATIVE
SPECIAL AWARD CONDITIONS
78-50-M09055**

The Recipient, the U.S. Virgin Islands Public Finance Authority (VIPFA), must satisfactorily address the following special award conditions by no later than October 3, 2011. Pursuant to 15 C.F.R. §24.43, Enforcement, failure to provide adequate documentation to NTIA and to the NIST Grants Office to support these conditions will result in the suspension of this award on October 14, 2011.

24. Accounting System Verification: The VIPFA, whether receiving Federal Funds or only providing matching funds, must have a functioning financial management system that meets the provisions of 15 C.F.R. § 14.21 and 15 C.F.R. § 24.20 to ensure proper accountability of funds. The VIPFA must submit an accounting system certification issued by an independent Certified Public Accountant (CPA) to the NIST Grants Officer by October 3, 2011. Attached is a template that should be used to satisfy this condition.

(b) (5) 25. Organizational Structure: The VIPFA must provide a more detailed organizational chart outlining the roles and responsibilities of all current and projected viNGN and VIPFA staff associated with this award, including 3P Consulting support, showing which organization all current and projected employees are employed and whether their position is or will be funded by Federal funds for this grant award. The response should also explain viNGN's role as sub-recipient and VIPFA's oversight.

(b) (5) 26. Authorized Award Representative (AOR): The VIPFA must submit an Award Action Request (AAR) changing the AOR designation from Mr. Francis to Mr. Dawson. In conjunction with this change, the VIPFA must ensure that only Mr. Dawson and his designee, Joy Wheatley, will have access to ASAP.

(b) (5) 27. Provide a list of staff in the VIPFA who are authorized to make draw down requests through ASAP.

(b) (5) 28. The VIPFA must provide copies of its policies and procedures that address timesheet approval for Program Director time, whether funded by Federal funds or supplied as match. The VIPFA must provide completed timesheets demonstrating that it has implemented these policies.

29. Match Valuation: The VIPFA must demonstrate proof that it has ensured that all match valuation documentation is in the Grants File.

30. The VIPFA must submit copies of the executed sub-recipient agreement between VIPFA and viNGN to NTIA and NIST Grants Office.

31. The VIPFA must develop a subrecipient monitoring plan to monitor the activities of viNGN. A copy of this plan must be submitted to NTIA and the NIST Grants Office.

(b) (5) 32. The VIPFA must submit a copy of the executed contract agreement between viNGN and the Atlantic Engineering Group (AEG). It should contain a task order for each project to facilitate the submission of invoices. Invoices should be unique to grant 78-50-M09055.

33. The VIPFA must submit to the Federal Audit Clearinghouse with a copy to the NTIA and the NIST Grants Office the overdue annual A-133 Audit for the VIPFA.

(b) (5) 34. Sub-recipient / Vendor Designation: The VIPFA must explain why 3P is designated as a vendor and not a subrecipient for the NTIA grant awards, specifically given Ms. Marion Prescod's role in the award. If the VIPFA determines that 3P as a sub-recipient, it should obtain a subrecipient agreement, modify its budgets accordingly, and prepare a sub-recipient monitoring plan.

(b) (5) 35. Property Management: The VIPFA must develop, document, and implement Asset/Property Management Policy and Procedures. The VIPFA must submit a copy of these policies and procedures to NTIA and the NIST Grants Office.

(b) (5) 36. The VIPFA must provide a copy of meeting notes demonstrating when the VIPFA board adopted its Procurement Policy addendum to the U.S. Virgin Islands Territory Procurement Policy.

(b) (5) 37. The VIPFA must submit copies of all executed contract agreements over \$100,000.

38. Third Party Relationship Management: The VIPFA must provide an overview of the VIPFA's processes, procedures, and systems used to manage third-party contributor and contractor relations.

(b) (5) 39. Equipment Recordkeeping: The VIPFA must provide an overview of how the VIPFA complies with the requirement to document and maintain a property record of property acquired or improved with Federal funds per the requirements set forth in 15C.F.R. § 24.32, entitled "Equipment."

40. Reporting: The VIPFA must provide a process flow, identifying the individual responsible for each step of reporting for the VIPFA quarterly Performance Progress Report (PPR), FFR, and American Recovery and Reinvestment Act reporting.

41. Mapping Data: The VIPFA must send to NTIA their current data submission as of August 29, 2011 for the data submission that would be due October 1, 2011 absent the stop work amendment. Under Special Award Condition #6 of the original grant award 78-50-M09055 U.S. Virgin Islands mapping and data collection activity is funded through December 31, 2011.
42. The VIPFA must submit an AAR that documents the increased match budget for ESRI software/hardware and non-Federal PFA funds to pay for Year 2 of data collection activities. The VIPFA must include information in the budget narrative that fully justifies these changes, including why the original contract appears to be over budget.
43. Project Plan: The VIPFA must submit a revised Detailed Project Plan (DPP), including timeline and cost estimates, to support the approved activity funded by 78-50-M09055. The VIPFA must conform to the terms of SAC 21 by September 30, 2011 including the submission for approval by the State Broadband Initiative of the required DPP, any Scope of Work (including cost estimates and contractor qualifications) for any contract in excess of \$100,000, and any job descriptions for new employees expected to be paid \$100,000 or more per year.