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FORM CD-451 (REV 10/98)	U.S. DEPARTMENT OF COMMERCE	X GRANT COOPERATIVE AGREEMENT
		ACCOUNTING CODE **See Attached**
		AWARD NUMBER 54-50-M09012

AMENDMENT TO FINANCIAL ASSISTANCE AWARD

RECIPIENT NAME West Virginia Geological and Economic Survey	AMENDMENT NUMBER 5
STREET ADDRESS 1 Mont Chateau Road	EFFECTIVE DATE SEP 28 2010
CITY, STATE ZIP Morgantown, WV 26508-8079	EXTEND WORK COMPLETION TO September 30, 2014

CFDA NO. AND PROJECT TITLE:
 11.558 American Recovery and Reinvestment Act - SBDD - West Virginia Geological and Economic Survey

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$1,404,674.00	\$3,344,507.00	\$0.00	\$4,749,181.00
RECIPIENT SHARE OF COST	\$351,169.00	\$836,126.00	\$0.00	\$1,187,295.00
TOTAL ESTIMATED COST	\$1,755,843.00	\$4,180,633.00	\$0.00	\$5,936,476.00

REASON(S) FOR AMENDMENT

This Grant is hereby amended to provide additional Federal funding in the amount of \$3,344,507.00 to complete the project to map broadband availability for two (2) years and engage in broadband planning activities for two (2) for the state of West Virginia, pursuant to the American Recovery and Reinvestment Act of 2009 and the Broadband Data Improvement Act. Awards made pursuant to the State Broadband Data and Development Grant Program are available only to the single eligible entity designated by each State. Revised SAC #3 Federal Program Officer Contact Information.

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 <i>Joyce F. Brigham</i>	DATE 9/27/10
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TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>Michael Ed. Hohn</i> Michael Ed. Hohn, Director & State Geologist	DATE 9/30/10
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Award Number: 54-50-M09012, Amendment Number 5
 Federal Program Officer: Phillip English
 Requisition Number: M09012B
 Employer Identification Number: 55-6000936
 Dun & Bradstreet No: 623608598
 Recipient ID: 5425614
 Requestor ID: 5425614
 Treasury Account Symbol (TAS): 0554

Award ACCS Information

Budget Code	FY	Project-Task	Org Code	Obj Class	Obligation Amount
61	2010	4805011-300	06-10-0000-00-00-00-00	41-19-00-00	\$3,344,507.00

Award Contact Information

Contact Name	Contact Type	Email	Phone
John May	Administrative	may@geosrv.wvnet.edu	304-594-2331
Mr. Tony Simental	Technical	tony.a.simental@wv.gov	304 558-4218

NIST Grants Officer:

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

NIST Grants Specialist:

Thomas Murphy
 100 Bureau Drive, MS 1650
 Gaithersburg, MD 20899-1650
 (301) 975 - 8180

**AMERICAN RECOVERY AND REINVESTMENT ACT
STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM
SPECIAL AWARD CONDITIONS
GEOLOGICAL & ECONOMIC SURVEY
54-50-M09012**

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

Phillip English
National Telecommunications and Information Administration
US Department of Commerce
1401 Constitution Ave., NW, Ste. 4897
Washington, DC 20230
Phone: (202) 482-2038; Fax: (202) 501 0536
Email: PEnglish@ntia.doc.gov

6. Funding Clause

This amendment provides \$3,344,507.00 in additional Federal funds for the continued funding of this multi-year award for a total of \$4,749,181.00, for the Recipient's implementation of the State Broadband Data and Development Program activities described in the Recipient's application and proposal dated July 1, 2010 and revision dated August 13, 2010. The overall award period for this action will extend from October 1, 2009 through September 30, 2014. The Department of Commerce is not liable for any obligations, expenditures, or commitments which involve any amount in excess of the Federal amount presently available.

17. The Recipient shall be required to adhere to guidelines issued by NTIA regarding state broadband maps, associated content and websites or other publicly distributed materials, and provide notifications to NTIA before making substantial changes to any of the above materials.
18. In the event that program objectives in regard to data collection can no longer be achieved, the recipient may be allowed to modify its project proposal or terminate the project.
19. The Recipient has agreed to utilize a methodology that has been reviewed by external subject matter experts for the purpose of calculating households served by broadband within a given geography, and, where appropriate, to use the related questions found in the American Community Survey conducted by the Bureau of the Census.
20. Federal fund in excess of \$50,000 will not be released for all projects approved under this Amendment until NTIA has reviewed and approved a revised and detailed project plan, timeline and cost estimates, Awardees must submit these items within 120 days from the date of this Amendment, but may do so earlier. Revised budgets for data collection and related activities must include no more than a ten percent of the total five-year mapping

budget costs as a line-item to support the implementation of future, and currently unidentified, leading practices. Federal funds for this line item will not be released until NTIA has reviewed and approved the use of the funds. Notwithstanding the above, federal funds for all contracts expected to be in excess of \$100,000 will not be released until the Scope of Work, cost estimates and contractor qualifications are reviewed and approved by NTIA. Additionally, Awardee must provide to NTIA for review and approval job descriptions for new employees expected to be paid \$100,000 per year or more before Federal funding supporting these positions is released.

21. The awarding agency has the right to: 1) obtain, reproduce, publish or otherwise use data first produced under an award; and 2) authorize others to received reproduce, publish or otherwise use such data for federal purposes. (Before authorizing others to use the material, a determination must be made that the use for a federal purpose) except as otherwise specifically provided under an award, authors may copyright any work that is subject to copyright and was developed under an award. When claim is made to copyright, the applicable copyright notice of 17 U.S.C. 401 or 402 and acknowledgment of Federal government, is published, or is deposited for registration as a published work in the U.S. Copyright office. The copyright owner shall grant to the Federal government, and others acting on its behalf, a paid up, nonexclusive, irrevocable, worldwide license for all such works to reproduce, publish, or otherwise use the work of Federal government purposes. See 15 CFR 14.36, 24.34.
22. Awardees also receiving Broadband Technology Opportunities Program (BTOP) awards shall not utilize funds BTOP and SBDD funds for the identical activity.

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. SBDD		\$	\$	\$ 3,344,507.00	\$ 836,126.00	\$ 4,180,633.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 3,344,507.00	\$ 836,126.00	\$ 4,180,633.00
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					Total (5)
	(1)	(2)	(3)			
a. Personnel	\$ 446,258.00	\$ 28,108.00	\$	\$	\$ 474,366.00	
b. Fringe Benefits	154,532.00	9,780.00			164,312.00	
c. Travel	21,664.00				21,664.00	
d. Equipment	76,000.00	3,560.00			79,560.00	
e. Supplies	80,550.00				80,550.00	
f. Contractual	914,000.00				914,000.00	
g. Construction	0.00				0.00	
h. Other	1,585,000.00	789,634.00			2,374,634.00	
i. Total Direct Charges (sum of 6a-6h)	3,278,004.00	831,082.00	0.00	0.00	4,109,086.00	
j. Indirect Charges	66,503.00	5,044.00			71,547.00	
k. TOTALS (sum of 6i and 6j)	\$ 3,344,507.00	\$ 836,126.00	\$ 0.00	\$ 0.00	\$ 4,180,633.00	
7. Program Income	\$	\$	\$	\$	\$ 0.00	

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SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. SBDD	\$ 836,126.00	\$	\$	\$ 836,126.00
9.				0.00
10.				0.00
11.				0.00
12. TOTAL (sum of lines 8-11)	\$ 836,126.00	\$ 0.00	\$ 0.00	\$ 836,126.00

SECTION D - FORECASTED CASH NEEDS					
13. Federal	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
		\$ 0.00	\$	\$	\$
14. Non-Federal	0.00				
15. TOTAL (sum of lines 13 and 14)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.SBDD	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	