

Janet

FORM CD-450 (REV 10/98)		U.S. DEPARTMENT OF COMMERCE		X GRANT COOPERATIVE AGREEMENT	
FINANCIAL ASSISTANCE AWARD				ACCOUNTING CODE	
				** See Attached**	
RECIPIENT NAME State of New Mexico, Department of Information Technology			AWARD NUMBER 35-50-M09036		
STREET ADDRESS 715 Alta Vista			FEDERAL SHARE OF COST \$1,800,000.00		
CITY, STATE ZIP Santa Fe, NM 87505			RECIPIENT SHARE OF COST \$450,000.00		
AWARD PERIOD 01/01/2010 - 12/31/2014			TOTAL ESTIMATED COST \$2,250,000.00		
AUTHORITY P.L. 110-385					
CFDA NO. AND PROJECT TITLE: 11.558 American Recovery and Reinvestment Act-SBDD-State of New Mexico, Department of Information Technology					
<p>This Award 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 Award provisions checked below and attached. Upon acceptance by the Recipient, two signed Award 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 Award.</p>					
<p>X Department of Commerce Financial Assistance Standard Terms and Conditions (March 2008)</p> <p>X Special Award Conditions</p> <p>X Line Item Budget 15 CFR Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations</p> <p>X 15 CFR Part 24, Uniform Administrative Requirements for Grants and Agreements to State and Local Governments OMB Circular A-21, Cost Principles for Educational Institutions</p> <p>X OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments OMB Circular A-122, Cost Principles for Nonprofit Organizations</p> <p>48 CFR Part 31, Contract Cost Principles and Procedures</p> <p>X OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations</p> <p>X Other(s) * Multi-year grant, see SAC #6; DoC ARRA Award Terms attached.</p>					
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER			TITLE		DATE
Joyce Brigham <i>Joyce Brigham</i>			GRANT OFFICER		1/13/2010
TYPED NAME AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL			TITLE		DATE
MARLIN MACKAY <i>Marlin Mackay</i>			CABINET SECRETARY		1-21-2010

Award Number: 35-50-M09036, Amendment Number 0

Federal Program Officer: Anne Neville

Requisition Number: M09036

Employer Identification Number: 85-6000565

Dun and Bradstreet Number: 023716181

Recipient ID:

Requestor ID:

Treasury Account Symbol (TAS): 0554

Award ACCS Information

Bureau	FCFY	Project-Task	Organization	Object Class	Obligation Amount
61	2010	4805011-300	06-10-0000-00-00-00-00	41-19-00-00	\$1,800,000.00

Award Contact Information

Contact Type	Contact Name	Email	Phone
Administrative	Mr. Marlin Mackey	MarlinL.Mackey@state.nm.us	(505) 476-3070

NIST Grants Officer:

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

NIST Grants Specialist:

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

**AMERICAN RECOVERY AND REINVESTMENT ACT
STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM
SPECIAL AWARD CONDITIONS**

1. This award number 35-50-M09036 to the State of New Mexico, Department of Information Technology, supports the work described in the proposal entitled "State Broadband Data and Development Grant Program," dated August 14, 2009 and revisions dated November 5, 2009, December 9, 28, 2009, which are incorporated into the award by reference. Where the terms of the award and proposal differ, the terms of the award shall prevail.

2. **The Recipient's Contact's name, title, address, and telephone number are:**

Marlin Mackey
Cabinet Secretary, Chief Information Officer
State of New Mexico
Department of information Technology
715 Alta Vista
Santa Fe, NM 87505

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

Anne W. Neville
National Telecommunications and Information Administration
US Department of Commerce
1401 Constitution Ave., NW, Ste. 4897
Washington, DC 20230
Phone: (202) 482 3960; Fax: (202) 501 0536
Email: aneville@ntia.doc.gov

4. **The Grants Officer's name, address, and telephone number are:**

Joyce F. Brigham
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) 975-6329; Fax: (301) 926-6458
E-mail: joyce.brigham@nist.gov

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

Husai Rahman
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) 975-4355; Fax: (301) 840-5976
E-mail: husai.rahman@nist.gov

6. Funding Clause:

The award period and budget(s) incorporated into this award cover a five (5) - year period and the budget sets forth a total Federal cost of \$4,000,000.00 in Federal funds. However, Federal funding approved and available at this time is limited to \$1,800,000.00 for the Recipient's broadband mapping and planning activities. The overall award period for this action will extend from January 1, 2010 through December 31, 2014. The funding period for this action will extend from January 1, 2010 through December 31, 2011 for broadband mapping activities and January 1, 2010 through December 31, 2014 for broadband planning activities, if any. Receipt of any future funding will be contingent upon program priorities resulting from the outcome of the Department of Commerce's analysis of the overall program, satisfactory performance and the availability of funds from Congress. Future funding will be at the sole discretion of the Department of Commerce. 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. The Recipient will be responsible for any and all termination costs it may incur should future funding not become available. No legal liability will exist or result on the part of the Federal Government for payment of any portion of the remaining funds which have not been made available under the award. Notifications affecting funding or notice of availability of additional funding for the State Broadband Data and Development Grant Program will be made only by the Grants Officer. The amendment to obligate prospective funding available shall be made on Form CD-451, "Amendment to Financial Assistance Award," prior to the expiration of each funding phase's activities.

7. Automated Standard Application for Payments system (ASAP):

Notwithstanding Section A.02 of the DoC Financial Assistance Standard Terms and Conditions, dated March 2008:

- a. The advanced method of payment shall be authorized unless otherwise

specified in a special award condition.

b. Payments will be made through electronic funds transfers, using the Department of Treasury's Automated Standard Application for Payment (ASAP) system and in accordance with the requirements of the Debt Collection Improvement Act of 1996. **The following information is required when making withdrawals for this award: (1) ASAP account identification (id) = award number found on the cover sheet of this award; (2) Agency Location Code (ALC) = 13060001; and (3) Region Code = 02.** Recipients do not need to submit a "Request for Advance or Reimbursement" (SF-270) for payments relating to this award. **All non-ASAP Recipient Organizations must enroll electronically. The ASAP system no longer accepts paper forms for enrollment. If you are not currently enrolled in the ASAP system you must provide the Federal Awarding Agency with a Point of Contact name, e-mail address, mailing address, telephone number, EIN and DUNS numbers of your organization in order for the Federal Awarding Agency Enrollment Initiator (EI) to begin the on-line enrollment. If you have questions on this requirement please contact the Grant Specialist responsible for this award. If you have questions on the electronic process step-by-step instructions you may contact your responsible Regional Finance Center.**

Advances taken through the ASAP shall be limited to the minimum amounts necessary to meet immediate disbursement needs. Advanced funds not disbursed in a timely manner must be promptly returned, via an ASAP credit, to the account from which the advanced funding was withdrawn. Advances shall be for periods not to exceed 30 days.

c. This award has the following control or withdrawal limits set in ASAP:

- None
- Agency Review required for all withdrawals (see explanation below)
- Agency review required for all withdrawal requests over \$ _____
(see explanation below)
- Maximum Draw Amount controls (see explanation below)
- \$ _____ each month
- \$ _____ each quarter
- \$ _____ each year

d. Funds that have been withdrawn through ASAP may be returned to ASAP via the Automated Clearing House (ACH) or via FEDWIRE. The ACH or FEDWIRE transaction may only be performed by the Recipient's financial institution. Full or partial payments received by a Payment Requestor/Recipient Organization may be returned to ASAP. All funds returned to the ASAP system will be credited to the ASAP Suspense Account. The Suspense Account allows the Regional Financial Center to monitor returned funds and ensure that they are credited to the correct ASAP account. Returned funds that cannot be identified

and classified to an ASAP account will not be accepted and will be returned to the originating depository financial institution (ODFI).

It is essential that the Payment Requestor/Recipient Organization provide its financial institution with ASAP account information (ALC, Recipient ID and Account ID) to which the returned funds are to be credited. Additional detailed information can be found at: <http://www.fms.treas.gov/asap/pay-return2.pdf>

8. Interest

This award is subject to 15 CFR 24.21 (i) 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 \$250 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.

9. Matching Funds

Recipient will provide, from non-Federal sources, not less than 20 percent of the amount of the grant, including approved broadband planning activities, if any, funded under this award. The matching costs proposed in the Recipient's application represents the Recipient's best estimate of actual required matching costs, and the Recipient must submit a revised documentation of matching funds reflecting the funded award to the Federal Program Officer for review and approval within 30 days of the date of this award. In addition to this document, the Applicant must also submit a revised SF-424A specifying the proposed Federal and non-Federal amounts for each project year. The final approved matching costs will not be less than 20 percent of the total project cost. Matching funds can be in the form of either cash or in-kind contributions consistent with the 15 CFR 14.23, 24.3 and 24.24 as applicable.

10. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements are contained in, 73 Fed. Reg. 7696 (February 11, 2008), apply to this notice On the form SF-424, the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be entered in item 8.c. Organizational DUNS. The DUNS number provided MUST be the DUNS number for the entity within the applying institution that will be responsible for drawing down funds from the Automated Standard Application for Payment System (ASAP). Institutions that provide incorrect DUNS numbers may experience significant delays in receiving funds.

11. Performance (Technical) Reports:

Deviation to the reporting requirements in the Department of Commerce (DoC) Financial Assistance Standard Term and Condition B.01, entitled "Performance (Technical) Report"

The Recipient shall submit performance (technical) reports to the Federal Program Officer at the end of each calendar quarter or portion thereof, and a final report within 90 days of expiration date of this award. In the case of a multi-year project, an annual performance report will be required for each year of the grant award in lieu of the final report. Annual and final reports should incorporate the results and accomplishments of all research conducted during the period specified at the award period. Due dates are:

April 30 for the calendar quarter ending March 31
July 30 for the calendar quarter ending June 30
October 30 for the calendar quarter ending September 30
January 30 for the calendar quarter ending December 31

12. FEDERAL FUNDING NOTICE – FY 2009 State Broadband Data and Development Grant Program

The Recipient shall comply with the requirements found in the Department of Commerce, National Telecommunications and Information Administration Federal Funding Opportunity Notice and the Department of Commerce, National Telecommunications and Information Administration Federal Register Notice:

- (74 FR 32545), dated July 8, 2009 and found at http://www.ntia.doc.gov/frnotices/2009/FR_BroadbandMappingNOFA_090708.pdf
- (74 FR 40569), dated August 12 and found at: http://www.ntia.doc.gov/frnotices/2009/FR_mappingclarification_090807.pdf

- (74 FR 46573), dated September 10, 2009 and found at:
http://www.ntia.doc.gov/frnotices/2009/FR_MappingProgram_090910.pdf

13. **New Federal Financial Report**

Deviation to replace the references for the reporting requirements in the Department of Commerce (DoC) Financial Assistance Standard Term and Condition A.01, entitled "Financial Reports," and Use of Approved OMB Form SF-425 as Authorized Under Uniform Administrative Requirements For Financial Reporting

New Financial Reporting Form (SF-425) - Article A.01 of the Department of Commerce (DoC) Financial Assistance Standard Terms and Conditions dated March 2008 shall apply as revised below:

The references to Financial Reporting Form SF-269 in the DoC Standard Terms & Conditions are hereby replaced with the SF-425, "Federal Financial Report," as required by OMB (73 FR 61175, October 15, 2008). As authorized under 15 CFR §§ 14.52 and 24.41, the OMB approved SF-425 shall be used in the place of the SF-269 and SF-272 under the uniform administrative requirements and elsewhere under this award where such forms are referenced.

The Recipient shall submit an SF- 425 (Federal Financial Report) on a calendar quarter basis for the periods ending March 31, June 30, September 30, and December 31, or any portion thereof, unless otherwise specified in a Special Award Condition. Reports are due no later than thirty (30) calendar days following the end of each reporting period. A final SF-425 shall be submitted within ninety (90) calendar days after the expiration date of the award.

14. **Whistleblower Protection Act Requirements**

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 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 display a poster at their job sites. 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. Contractor Scope of Work

The Recipient must submit for review and approval the Scope of Work, cost estimates and contractor qualifications for any contracts expected to be in excess of \$100,000 when such information is not fully contained in the Recipient's application. Federal funds for these contracts will be released after such information has been reviewed and approved by NTIA. The Grants Officer will provide written notification of such approval.

16. Contracts Agreements

The Recipient shall submit fully executed contract agreements to the Grants Officer within 30 days of the execution of the agreements. (Fully Executed means: the agreement must be signed by both the recipient organization and the subrecipient/or other party).

17. Mapping Vendor

Release of Federal funds for the Mapping Vendor will be approved only after the Recipient submits and NTIA approves a copy of final cost proposal, Scope of Work and list of qualification for any vendor carrying out activities necessary to the acquisition and analysis of broadband availability data. These must be provided to NTIA within 90 days from the date of the award.

18. Pre-Award Cost

Pre-agreement costs in the amount of \$10,000.00 are acceptable only to the extent of their reasonableness and relationship to the proposed activity of this award. The approved pre-agreement costs are a portion of, not in addition to, the approved total budget.

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 4040-0006
Expiration Date 07/30/2010

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. State Broadband Data and Development Grant Program: Mapping	11.558	\$ 3,500,000.00	\$ 700,000.00	\$	\$	\$ 4,200,000.00
2. State Broadband Data and Development Grant Program: Planning	11.558	500,000.00	100,000.00			600,000.00
3.						
4.						
5. Totals		\$ 4,000,000.00	\$ 800,000.00	\$	\$	\$ 4,800,000.00

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SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	State Broadband Data and Development Grant Program: Mapping	State Broadband Data and Development Grant Program: Planning			
a. Personnel	\$ 0.00	\$ 0.00	\$	\$	\$
b. Fringe Benefits	0.00	0.00			
c. Travel	25,000.00	0.00			25,000.00
d. Equipment	150,000.00	14,500.00			164,500.00
e. Supplies	25,000.00	5,000.00			30,000.00
f. Contractual	1,895,000.00	250,000.00			2,145,000.00
g. Construction	0.00	0.00			
h. Other	1,405,000.00	230,500.00			1,635,500.00
i. Total Direct Charges (sum of 6a-6h)	3,500,000.00	500,000.00			\$ 4,000,000.00
j. Indirect Charges	0.00	0.00			\$
k. TOTALS (sum of 6i and 6j)	\$ 3,500,000.00	\$ 500,000.00	\$	\$	\$ 4,000,000.00
7. Program Income	\$ 0.00	\$ 0.00	\$	\$	\$

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SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. State Broadband Data and Development Grant Program: Mapping	\$	\$ 700,000.00	\$	\$ 700,000.00
9. State Broadband Data and Development Grant Program: Planning		100,000.00		100,000.00
10.				
11.				
12. TOTAL (sum of lines 8-11)	\$	\$ 800,000.00	\$	\$ 800,000.00

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 1,063,116.00	\$ 265,779.00	\$ 265,779.00	\$ 265,779.00	\$ 265,779.00
14. Non-Federal	\$ 279,500.00	69,875.00	69,875.00	69,875.00	69,875.00
15. TOTAL (sum of lines 13 and 14)	\$ 1,342,616.00	\$ 335,654.00	\$ 335,654.00	\$ 335,654.00	\$ 335,654.00

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. State Broadband Data and Development Grant Program: Mapping	\$ 816,000.00	\$ 585,000.00	\$ 531,000.00	\$ 505,000.00
17. State Broadband Data and Development Grant Program: Planning	128,500.00	88,500.00	83,500.00	82,500.00
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	\$ 944,500.00	\$ 673,500.00	\$ 614,500.00	\$ 587,500.00

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges: 0	22. Indirect Charges: 0
23. Remarks:	

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**Combined Two Year Broadband Planning and Mapping Budget, Federal funds and Match
New Mexico**

	Applicant Share	Federal Share	Total	Notes
Personnel Salaries	\$577,850	\$991,000	\$569,850	
Personnel Fringe Benefits			\$298,400	
Travel	\$0		\$80,000	
Equipment	\$0	\$10,363	\$10,363	This should include any hardware purchases that the grantee will make
Materials/Supplies	\$0		\$243,519	In additional materials, this should include any software purchases that the grantee will make
Subcontracts		\$1,015,000	\$1,015,000	
Construction			\$0	
Other			\$139,550	
Total Direct Costs	\$471,300	\$1,885,382	\$2,356,682	
Total Indirect Costs				Mapping 1390800 Planning 543500 1934300
Total Costs	\$471,300	\$1,885,382	\$2,356,682	
	\$450,000	\$1,800,000	\$2,250,000	
	\$21,300	\$85,382	\$106,682	
	0.2	0.8		
	20.00%	80.00%		
			2,250,000	