

FORM CD-450
(REV 10/98)

U.S. DEPARTMENT OF COMMERCE

X GRANT

COOPERATIVE AGREEMENT

FINANCIAL ASSISTANCE AWARD

ACCOUNTING CODE

** See Attached**

RECIPIENT NAME

NY State Office of Cyber Security & Critical Infrastructure

AWARD NUMBER

36-50-M09010

STREET ADDRESS

30 South Pearl Street, P-2

FEDERAL SHARE OF COST

\$2,548,101.00

CITY, STATE ZIP

Albany, NY 12207

RECIPIENT SHARE OF COST

\$637,025.00

AWARD PERIOD

10/01/2009 - 09/30/2014 *

TOTAL ESTIMATED COST

\$3,185,126.00

AUTHORITY

P.L. 110-385

CFDA NO. AND PROJECT TITLE:

11.557 American Recovery and Reinvestment Act - SBDD - NY State Office of Cyber Security & Critical Infrastructure

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.

X Department of Commerce Financial Assistance Standard Terms and Conditions (March 2008)

X Special Award Conditions

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

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

X OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments

OMB Circular A-122, Cost Principles for Nonprofit Organizations

48 CFR Part 31, Contract Cost Principles and Procedures

X OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

X Other(s) *multi-year award, see SAC #6; U.S.DoC ARRA Award Terms.

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

TITLE

DATE

Joyce Brigham

GRANT OFFICER

10/26/09

TYPED NAME AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

TITLE

DATE

Thomas F. Duffy

Thomas F. Duffy

Deputy Director

11/12/2009

Award Number: 36-50-M09010, Amendment Number 0

Federal Program Officer: Anne Neville

Requisition Number: M09010

Employer Identification Number: 14-601-3200

Dun and Bradstreet Number: 167372437

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	\$2,548,101.00

Award Contact Information

Contact Type	Contact Name	Email	Phone
Administrative	Thomas Duffy	thomas.duffy@cscic.state.ny.us	518-474-4755
Technical	Mr. William Johnson	william.johnson@cscic.state.ny.us	618-474-4755

NIST Grants Officer:

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

NIST Grants Specialist:

Sharon Farinholt
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975-6358

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

1. This award number 36-50-M09010 to NY State Office of Cyber Security & Critical Infrastructure, supports the work described in the proposal entitled "State Broadband Data and Development Grant Program," dated September 1, 2009, and revised dated October 8, 9, 15, and 20, 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:**

Thomas Duffy
Deputy Director
NY State Office of Cyber Security & Critical Infrastructure
30 South Pearl Street, P-2
Albany, NY 12207-3425
(518) 474-4755

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:

Sharon Farinholt
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) 975-6358; Fax: (301) 840-5976
E-mail: Sharon.farinholt@nist.gov

6. Funding Clause:

The award period and budget(s) incorporated into this award cover a two (2) - year period and the budget sets forth a total Federal cost of \$4,300,000.00 in Federal funds. However, Federal funding approved and available at this time is limited to \$2,048,101.00 for the Recipient's broadband mapping activities and \$500,000.00 for broadband planning activities, for a total amount of \$2,548,101.00. The overall award period for this phase will extend from October 1, 2009 through September 30, 2014. The funding period for this action will extend from October 1, 2009 through October 1, 2011 for broadband mapping activities and October 1, 2009 through September 30, 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. Revised Description of Planning Activities, Budget Narratives and Activities Timeline

Release of **Federal** funds for broadband planning purposes will be approved only after the Recipient submits and NTIA approves a revised description of planning activities, budget narrative for those activities, and a timeline for the expected completion of activities. This information must be provided to NTIA within 45 days from the date of the award. To be approved, this revised description, budget narrative and timeline must meet the requirements set forth in the Notice of Funds Availability for the State Broadband Data and Development Grant Program, published in the Federal Register on July 8, 2009 (74 Fed. Reg. 32545).

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. Broadband Mapping for New York State	11.558	\$	\$	\$ 3,800,000.00	\$	\$ 3,800,000.00
2. Planning in Support of Broadband Mapping	11.558			500,000.00		500,000.00
3.						
4.						
5. Totals		\$	\$	\$ 4,300,000.00	\$	\$ 4,300,000.00

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SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Broadband Mapping for New York State	Planning in Support of Broadband Mapping			
a. Personnel	\$ 1,389,003.00	\$	\$	\$	\$ 1,389,003.00
b. Fringe Benefits	125,971.00				125,971.00
c. Travel	7,000.00	7,000.00			14,000.00
d. Equipment	433,000.00				433,000.00
e. Supplies	0.00				
f. Contractual	1,152,000.00				1,152,000.00
g. Construction	0.00				
h. Other	263,026.00	493,000.00			756,026.00
i. Total Direct Charges (sum of 6a-6h)	3,370,000.00	500,000.00			\$ 3,870,000.00
j. Indirect Charges	430,000.00				\$ 430,000.00
k. TOTALS (sum of 6i and 6j)	\$ 3,800,000.00	\$ 500,000.00	\$	\$	\$ 4,300,000.00
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. Broadband Mapping for New York State	\$ 1,143,646.00	\$	\$	\$ 1,143,646.00
9. Planning in Support of Broadband Mapping	150,480.00			150,480.00
10.				
11.				
12. TOTAL (sum of lines 8-11)	\$ 1,294,126.00	\$	\$	\$ 1,294,126.00

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 1,665,344.00	\$ 637,586.00	\$ 342,586.00	\$ 342,586.00	\$ 342,586.00
14. Non-Federal	\$				
15. TOTAL (sum of lines 13 and 14)	\$ 1,665,344.00	\$ 637,586.00	\$ 342,586.00	\$ 342,586.00	\$ 342,586.00

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. Broadband Mapping for New York State	\$ 882,164.00	\$ 589,164.00	\$ 584,164.00	\$ 579,164.00
17. Planning in Support of Broadband Mapping	100,000.00	100,000.00	100,000.00	100,000.00
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	\$ 982,164.00	\$ 689,164.00	\$ 684,164.00	\$ 679,164.00

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

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