



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-

SEP 28 2010

Dr. Lisa Feldner
Chief Information Officer
State of North Dakota, Information Technology Department
600 East Boulevard Avenue
Bismarck, ND. 58505-0100

Reference: American Recovery and Reinvestment Act (ARRA)- CFDA: 11.558 – State Broadband Data and Development Grant Program - Grant No38-50-M09050, Amendment 2

Dear Dr. Feldner:

Enclosed please find two (2) copies of the above referenced Award. Please note that while there is a reference to three (3) copies of the award on page one of the enclosed documents, NIST only needs ONE (1) signed copy returned. Therefore, if this award meets with your approval, please sign, date, and return one copy within 30 days of receipt of this transmittal letter to the address below:

National Institute of Standards and Technology
Grants Office 100 Bureau Drive, STOP 1650
Gaithersburg, MD 20899-1650
Attention: Jacqueline Roberts

Reminder: **All funded awards must be signed, dated and returned to this office before the federal funds will be released.** A .pdf attachment to an email or fax will be acceptable, however, the original signed documents must still be returned.

Please retain one signed copy of the award for your records.

If you have questions about this award, please contact me at 301-975-2005.

Sincerely,

Joyce F. Brigham
for Jacqueline Roberts
Grant Specialist

Enclosures

NIST

Broadband Technology Opportunities Program- ARRA Reporting Cover Sheet

The following information is required when you file your report with FederalReporting.gov.

It is important that you include this information exactly as it is indicated below, as this will expedite the review of your materials.

Recipient Name: State of North Dakota, Information Technology Department

Award Type: G

Award Number: 38-50-M09050

Funding Agency Code: 1335

Awarding Agency Code: 1341

Amount of Award: \$3,664,087

Catalogue of Federal Domestic Assistance (CFDA) Number: 11.558

Program Source (TAS) Code: 13-0554

DUNS Number: 073131823

Congressional District: 0

Activity Code: U03

AMENDMENT TO FINANCIAL ASSISTANCE AWARD

ACCOUNTING CODE

See Attached

AWARD NUMBER

38-50-M09050

AMENDMENT NUMBER

2

EFFECTIVE DATE

SEP 28 2010

EXTEND WORK COMPLETION TO

December 19, 2014

RECIPIENT NAME

State of North Dakota, Information Technology Department

STREET ADDRESS

600 East Boulevard Avenue

CITY, STATE ZIP

Bismarck, ND 58505-0100

CFDA NO. AND PROJECT TITLE:

11.558 American Recovery and Reinvestment Act-SBDD-North Dakota Information Technology Department

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$1,613,754.00	\$2,050,333.00	\$0.00	\$3,664,087.00
RECIPIENT SHARE OF COST	\$439,399.00	\$543,928.00	\$0.00	\$983,327.00
TOTAL ESTIMATED COST	\$2,053,153.00	\$2,594,261.00	\$0.00	\$4,647,414.00

REASON(S) FOR AMENDMENT

This Grant is hereby amended to provide additional Federal funding in the amount of \$2,050,333.00 to complete the project to map broadband availability for five (5) years and engage in broadband planning activities for five(5) years for the state of North Dakota, 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. Revise 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



DATE

SEP 27 2010

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

DATE

fr

Award Number: 38-50-M09050, Amendment Number 2
 Federal Program Officer: Andrew MacRae
 Requisition Number: M09050A
 Employer Identification Number: 45-0309764
 Dun & Bradstreet No: 073131823
 Recipient ID: 3813218
 Requestor ID: 3813218
 Treasury Account Symbol (TAS): 0554

Award ACCS Information

Division	FY	Agency Code	Activity Code	Obj. Code	Allocation Amount
61	2010	4805011-300	06-10-0000-00-00-00-00	41-19-00-00	\$2,050,333.00

Award Contact Information

Name	Job Title	Email	Phone
Dr. Lisa M Feldner	Administrative	lfeldner@nd.gov	(701) 328-3190

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
STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM
SPECIAL AWARD CONDITIONS
STATE OF NORTH DAKOTA, INFORMATION TECHNOLOGY DEPARTMENT
38-50-M09050**

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

Andrew MacRae
National Telecommunications and Information Administration
US Department of Commerce
1401 Constitution Ave., NW, Ste. 4897
Washington, DC 20230
Phone: (202) 482-5174; Fax: (202) 501 0536
Email: Amacrae@ntia.doc.gov

6. Funding Clause

This amendment provides \$2,050,333.00 in additional Federal funds for the continued funding of this multi-year award for a total of \$ 3,664,087.00, 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 12, 2010. The overall award period for this action will extend from December 20, 2009 through December 19, 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

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. SBDD	11.558	\$	\$	\$	\$	\$ 2,594,261.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 2,050,333.00	\$ 543,928.00	\$ 2,594,261.00
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					
	(1)	(2)	(3)			Total (5)
a. Personnel	\$ 120,393.00	\$ 150,381.00	\$	\$	\$	\$ 270,774.00
b. Fringe Benefits	51,597.00	64,449.00				116,046.00
c. Travel	40,000.00					40,000.00
d. Equipment						0.00
e. Supplies						0.00
f. Contractual	1,341,500.00					1,341,500.00
g. Construction						0.00
h. Other	310,449.00	329,098.00				639,547.00
i. Total Direct Charges (sum of 6a-6h)	1,863,939.00	543,928.00		0.00		2,407,867.00
j. Indirect Charges	186,394.00					186,394.00
k. TOTALS (sum of 6i and 6j)	\$ 2,050,333.00	\$ 543,928.00	\$	\$ 0.00	\$	\$ 2,594,261.00
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	\$	543,928.00	\$	543,928.00
9.				0.00
10.				0.00
11.				0.00
12. TOTAL (sum of lines 8-11)	\$	543,928.00	\$	543,928.00

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	13. Federal	\$ 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

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	
\$1,863,939	22. Indirect Charges:
	\$186,394

23. Remarks: