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FORM CD-450 (REV 10/98)	U.S. DEPARTMENT OF COMMERCE	<input checked="" type="checkbox"/> GRANT	<input type="checkbox"/> COOPERATIVE AGREEMENT
		<b>ACCOUNTING CODE</b> ** See Attached**	

### FINANCIAL ASSISTANCE AWARD

<b>RECIPIENT NAME</b> Colorado Board of Education	<b>AWARD NUMBER</b> 08-42-B10596
<b>STREET ADDRESS</b> 201 E Colfax Ave	<b>FEDERAL SHARE OF COST</b> \$2,275,526.00
<b>CITY, STATE ZIP</b> Denver, CO 802031704	<b>RECIPIENT SHARE OF COST</b> \$1,070,234.00
<b>AWARD PERIOD</b> 09/30/2010 - 09/29/2013	<b>TOTAL ESTIMATED COST</b> \$3,345,760.00

**AUTHORITY**  
 P.L. 111-5, Section 6001

**CFDA NO. AND PROJECT TITLE:**  
 11.557 American Recovery and Reinvestment Act - PCC Bridging Colorado's Great Digital Divide

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.

- Department of Commerce Financial Assistance Standard Terms and Conditions (March 2008)
- Special Award Conditions
- 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
- 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
- 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
- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations
- Other(s) DOC American Recovery and Reinvestment Act Award Terms attached.

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER Joyce Brigham <i>Joyce F. Brigham</i>	TITLE GRANT OFFICER	DATE 9/27/10
TYPED NAME AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL Sharon Morris <i>Sharon</i>	TITLE Director of Library Development -	DATE 10/1/10

Award Number: 08-42-B10596; Amendment Number 0

Federal Program Officer: Tim Kelly

Requisition Number: 5159

Employer Identification Number: 840644739

Dun and Bradstreet Number: 18-74-06538

Recipient ID:

Requestor ID:

Treasury Account Symbol (TAS): 0554

**Award ACCS Information**

Bureau	FCFY	Project-Task	Organization	Object Class	Obligation Amount
61	2010	4803011-300	06-10-0000-00-00-00-00	41-19-00-00	\$2,275,526.00

**Award Contact Information**

Contact Type	Contact Name	Email	Phone
Administrative	Ms. Sharon Morris	Morris_S@cde.state.co.us	(303) 866-6730

**NIST Grants Officer:**

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

**NIST Grants Specialist:**

Sandra Bearden  
100 Bureau Drive, MS 1650  
Gaithersburg, MD 20899-1650  
(301) 975-6646

**AMERICAN RECOVERY AND REINVESTMENT ACT  
BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM  
SPECIAL AWARD CONDITIONS**

1. This award number 08-42-B10596, to Colorado Board of Education, supports the work describes in the Recipient's proposal entitled: "Bridging Colorado's Great Digital Divide" dated on 15 March, 2010 and revision dated August 13, 2010, 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:**

Sharon Morris  
Director of Library Development  
Colorado Board of Education  
201 East Colfax Avenue  
Denver, CO 80203  
Morris\_S@cde.state.co.us  
(303) 866-6730

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

Tim Kelly  
National Telecommunications and Information Administration  
US Department of Commerce  
1401 Constitution Ave., NW, Ste. 4897  
Washington, DC 20230  
Phone: (202) 482-4674; Fax: (202) 501-8009  
[TKelly@ntia.doc.gov](mailto:TKelly@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](mailto:joyce.brigham@nist.gov)

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

Sandra R. Bearden  
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) 975-6646; Fax: (301) 840-5976  
E-mail: [sandra.bearden@nist.gov](mailto:sandra.bearden@nist.gov)

6. **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>

There is a 10-day deadline for the head of the organization to initiate recipient enrollment upon receipt of ASAP registration notification. Failure to comply could subject the award to a change in the method of payment to reimbursement only.

## **7. Interest-Bearing Account**

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 \$100 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 FEDWIRE 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.

**8. Guidelines for Matching Funds:**

Recipient will provide, from non-Federal sources, not 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. The recipient may be asked to provide supporting documentation upon request from the Grants Officer or NTIA.

**9. 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 contained in 73 Fed. Reg.7696 (February 11, 2008) apply to this award.

**10. Incorporation of Requirements from the Notice of Funding Availability (NOFA):**

The recipient shall comply with the requirements found in the Department of Commerce, National Telecommunications and Information Administration Broadband Technology Opportunities Program, 75 FR 3792, January 22, 2010 ([http://www.ntia.doc.gov/frnotices/2010/FR\\_BTOPNOFA\\_100115.pdf](http://www.ntia.doc.gov/frnotices/2010/FR_BTOPNOFA_100115.pdf))

**11. 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 including employees of state and local governments, contractors, subcontractors, recipients, and any other non-federal employers receiving Recovery Act fund recipients, making specified disclosures relating to possible fraud, waste, or abuse of Recovery Act funds. The act requires any nonfederal employer receiving Recovery Act funds to post a notice of the rights and remedies provided under the Act. The Recipient shall post notice of employees rights and remedies for whistleblower protections provided under section 1553 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) and shall include this notice requirement in all contracts with subrecipients, contractors, and subcontractors.

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>

**12. Post-Award Reporting Requirements**

The recipient shall submit a "Financial Status Report" (SF-425) on a quarterly basis for the periods ending March 31, June 30, September 30, and December 31 or any portion thereof. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 shall be submitted within 90 days after the expiration date of the award.

The SF-425 shall be submitted electronically as long as it reflects an electronic signature/date.

The recipient shall submit program-specific quarterly performance reports electronically to the Federal Program Officer in the same frequency as the Financial Status Report (SF- 425) unless otherwise authorized by the Grants Officer. The Federal Program Officer will provide updated instructions for accurate report completion at least 30 days prior to reporting period end date.

**13. Baseline Project Plan**

Recipients shall submit baseline project plans and details regarding key outputs and outcomes from their projects within 45 days of the close of the first quarter. Federal Program Officers will provide guidance on the format and content of these baseline plans and details for this one-time data gathering activity.

**14. Notice of Limited Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA)**

In accordance with Section 1605 of the Recovery Act, the Secretary of Commerce has granted a limited waiver of the Recovery Act's Buy American requirements with respect to certain broadband equipment that will be used in projects funded under the BTOP. A description of this equipment is included in the notice of waiver published in the Federal Register at 74 FR 31410 (July 1, 2009).

**15. Nondiscrimination and Interconnection**

The recipient shall comply with the nondiscrimination and network interconnection obligations set forth in section V.D.3.b of the NOFA and in Section 6001(j) of the Recovery Act. Recipients may be asked to provide supporting documentation upon request from the Grants Officer. Failure to comply with this provision of the award may be considered grounds for any or all of the following actions: establishment of an account receivable for affected BTOP award, withholding payments under any and all BTOP awards to the recipient, changing the method of payment from advance to reimbursement only,

or the imposition of other special award conditions, suspension of any BTOP active awards, and termination of any BTOP active awards.

**16. Davis-Bacon Act Requirement**

Consistent with U.S. Department of Commerce American Recovery and Reinvestment Act Award Term A.3., the Recipient shall obtain and maintain in its official records documentation of weekly certified payroll reports and the Statement of Compliance from itself and all subrecipients, contractors, and subcontractor(s) in accordance with Section 1606 of the American Recovery and Reinvestment Act of 2009 and the Davis-Bacon Act.

Davis-Bacon prevailing wage requirements apply to mechanics and laborers employed under federally assisted contracts or subcontracts in excess of \$2,000 for construction, alteration, or repair (including painting and decorating) of public buildings or public works, pursuant to Department of Labor regulations at 29 C.F.R. Parts 1, 3, and 5.

The Recipient is not required to submit this documentation to NIST, except in response to a request for this information from its Grants Officer. The authorized representatives and agents of NIST shall be permitted to inspect all work, materials, payrolls, personnel records, invoices of materials, and other relevant data and records.

Ten days prior to bid opening, any party soliciting a subrecipient, contractor, or subcontractor for work under this Award to which Davis-Bacon wage determinations apply must verify whether there have been any updates to the applicable Davis-Bacon wage determinations by reviewing the Department of Labor Wage Determinations OnLine website, free of charge, at [www.wdol.gov](http://www.wdol.gov). If there have been updates to the wage determinations, then these updated wage rates must be issued in a bid addendum. The Davis Bacon wage rates that are current ten days prior to the bid opening are the wage rates that will govern work performed under such solicitation.

**17. National Historic Preservation Act**

The grantee may not expend any Federal funds other than Management and Administration (M&A) funds and limited, preliminary procurement funds prior to the following:

- The completion of any required consultations, to include consultations with the State Historic Preservation Office (SHPO) and the appropriate federally recognized Native American tribes, under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) (NHPA);
- Demonstration of compliance with all other applicable federal, state, and local environmental laws and regulations.



Project implementation (site preparation, demolition, construction, ground disturbance, or any other project implementation activities) may not begin prior to the completion of the above activities. The completion of any required consultations under Section 106 of the NHPA must be completed no later than six months after the award date unless a formal request for extension is submitted and approved by the Grants Officer. The grantee must comply with all conditions placed on the project as the result of consultation processes.

The allowable use of M&A funds prior to beginning project implementation includes, but is not limited to, activities necessary for the completion of the following:

- Pre-construction project planning, including collecting environmentally-related information;
- Applications for environmental permits;
- Studies and any wetland delineations, biological assessments, archaeological surveys, or other required analyses, and;
- Required consultation activities.

The allowable use of funds for limited, preliminary procurements prior to beginning project implementation includes, but is not limited to, the initiation of activities necessary to meet the project completion requirements as specified in the award, including the following:

- Purchase or lease of equipment, or entering into binding contracts to do so;
- Purchase of applicable or conditional insurance;
- Funds used to secure land or building leases, including right-of-way easements.

The allowable use of preliminary procurement funds is limited; must not result in an irrevocable commitment of resources; and is only allowed after inclusion in and approval of a revised 6-month expenditure plan. The revised 6-month expenditure plan is due within 30 days of receipt of this Special Award Condition (SAC) and will be reviewed by the Environmental Program Officer, who will make recommendations to the Federal Program Officer and the Grants Officer (who has final approval authority) to ensure all proposed procurement funds are reasonable and necessary to ensure that the project completion deadline requirements are met. All contracts must contain early termination clauses with termination costs clearly specified. All equipment purchased or leased in advance of project implementation and before completion of applicable consultations must be stored in locations other than the proposed project site and where there will be no impact to the environment, human health, or cultural resources (in most cases, this means equipment must be stored in existing warehouses). Under no circumstances will grant funds be drawn down for

clearing or excavating land, or demolition or construction of buildings or towers, before all environmental SACs are completed and cleared. This limited, preliminary allowable use of funds for purchases and leases is designed for recipient flexibility and to streamline preparation for project implementation simultaneously during consultations; the clause, and all applicable restrictions, is lifted once the applicable consultations, and Finding of No Significant Impact (FONSI; if applicable) are complete and approved.

While this Special Award Condition is in effect, the Recipient shall submit, in advance of any draw downs from Automated Standard Application for Payments (ASAP), a revised 6-month expenditure plan that presents the proposed M&A and limited, preliminary procurement activities and costs. The revised 6-month expenditure plan will be submitted electronically to the Environmental Program Officer, who will review it and provide recommendations to the Federal Program Officer and the Grants Officer for final approval to ensure that the proposed activities and expenditures are reasonable and necessary in the context of environmental compliance. The Environmental Program Officer and Federal Program Officer must review and recommend and the Grants Officer must approve the revised 6-month expenditure plan prior to fund drawdowns through ASAP.

Once the Consultation activities have been completed, NTIA will review all documentation and determine whether the Consultation activities sufficiently address historical and/or cultural resource impacts. Projects found to have significant impacts to environmental or historic resources may face de-obligation of funding if impacts cannot be mitigated. The grantee is required to provide any information requested by NTIA to ensure both initial and ongoing compliance with environmental and historic preservation laws, regulations, and best practices. The grantee shall notify NTIA within twenty-four (24) hours upon receipt of any notices of foreclosure; notices for continuing consultation received from the SHPO, Tribal Historic Preservation Office (THPO), or other consulting party; or notices of noncompliance received from consulting authorities or regulatory agencies.

For all ground disturbing activities that occur during project implementation in the vicinity of known archaeological sites or suspected or known burials, the grant recipient must ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitors ground disturbance, and if any potential archeological resources or buried human remains are discovered, then the grantee must immediately cease construction in that area and notify NTIA and the interested State Historic Preservation Offices, Tribal Historic Preservation Offices, and tribes. Such construction activities may then only continue with the written approval of NTIA.

#### **18. No Duplication of Funding**

No federal funds may be used to duplicate services, connections, facilities, or equipment that have been authorized through another federal program. To the extent that a BTOP project is later deemed to include duplicate funding from

another federal program, the Grants Office and NTIA reserve the right to remove the costs associated with the duplication or reallocate the funds to allowable activities within the project.

**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		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. ARRA BTOP PCC	11.557	\$	\$	\$ 2,275,526.00	\$ 1,070,234.00	\$ 3,345,760.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 2,275,526.00	\$ 1,070,234.00	\$ 3,345,760.00

**SECTION B - BUDGET CATEGORIES**

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					Total (5)
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$ 377,639.00	\$ 142,956.00	\$	\$	\$	\$ 520,595.00
b. Fringe Benefits	75,528.00	28,591.00				104,119.00
c. Travel	51,625.00	13,337.00				64,962.00
d. Equipment	1,465,869.00	619,565.00				2,085,434.00
e. Supplies						0.00
f. Contractual	69,862.00	29,528.00				99,390.00
g. Construction	9,490.00	4,010.00				13,500.00
h. Other	145,032.00	211,396.00				356,428.00
i. Total Direct Charges (sum of 6a-6h)	2,195,045.00	1,049,383.00		0.00		3,244,428.00
j. Indirect Charges	80,481.00	20,851.00				101,332.00
k. TOTALS (sum of 6i and 6j)	\$ 2,275,526.00	\$ 1,070,234.00	\$	0.00	\$	\$ 3,345,760.00
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.	ARRA BTOP PCC	\$ 94,765.00	\$	\$ 975,469.00	\$ 1,070,234.00
9.					0.00
10.					0.00
11.					0.00
12.	TOTAL (sum of lines 8-11)	\$ 94,765.00	\$ 0.00	\$ 975,469.00	\$ 1,070,234.00

**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

**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.	ARRA BTOP PCC	\$	\$	\$	\$
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:
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23. Remarks:

## **Broadband Technology Opportunities Program- ARRA Reporting Cover Sheet**

The following information is required when you file your report with [FederalReporting.gov](http://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: Colorado Board of Education

Award Type: G

Award Number: 08-42-B10596

Funding Agency Code: 1335

Awarding Agency Code: 1341

Amount of Award: \$2,275,526

Catalogue of Federal Domestic Assistance (CFDA) Number: 11.557

Program Source (TAS) Code: 13-0554

DUNS Number: 18-74-06538

Congressional District: 1

Activity Code: W01