

Special Award Conditions

Award Number: NT10BIX5570018

Amendment Number: 2

1) Revised Accounting System Verification SAC - NT10BIX5570018

Accounting System Verification

The recipient shall submit a signed statement from a licensed public accountant, certifying the ability of the recipient's financial management system to appropriately track and account for federal grants funds and expenditures associated with the funded project. This statement must be received within 60 days of the award start date and the recipient is not allowed to obligate, expend, or draw down any funds until this statement is received and accepted by the Grants Officer.

Satisfied Date: 06/10/2010

2) Revised For-Profit Recipient Audit Requirement SAC - NT10BIX5570018

For-Profit Recipient Audit Requirement

A for-profit organization or receiving a BTOP award exceeding \$100,000 shall have a program-specific audit performed. The auditor should follow generally accepted government auditing standards and the requirements for a program-specific audit as described in OMB Circular A-133 Section 5 235. A copy of the program-specific audit shall be submitted to the Grants Officer and to the DOC OIG at the following address:

Office of Inspector General
U. S. Department of Commerce
Atlanta Regional Office of Audits
401 West Peachtree Street, N.W., Suite 2742
Atlanta, Georgia 30308

An audit is required within 90 days after the end of the first year and within 90 days from the project expiration date including the close-out period for the award.

3) Revised Legal Requirements SAC - NT10BIX5570018

Legal Requirements

a)The recipient must review and revise, if necessary, its list of the required licenses and regulatory approvals needed for the proposed project. Based on this review, the recipient must ensure that it obtains all necessary licenses and regulatory approvals required prior to undertaking the purchase of capacity on the submarine cable. If applicable, the recipient must prepare and file with the appropriate regulatory agency any applications required under the Communications Act of 1934 and the Cable Landing License Act to secure the necessary submarine cable landing licenses and any other required authorizations, and such agency approval must be granted before the project is funded.

b) Any agreement or contract that the grantee enters into in connection or association with the grant shall be governed by the law of the United States. Further, the provision must state that any dispute or action arising from, or related in any way to an agreement or contract associated with the grant, must be brought only in a court of competent jurisdiction in the United States, and all parties to the contract or agreement must expressly consent to personal jurisdiction in that forum.

4) Revised Post Award Reporting Requirements SAC - NT10BIX5570018

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 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.

Recipients shall submit baseline project plans and details regarding key outputs and outcomes from their projects with their first quarterly performance (technical) report. Federal Program Officers will provide guidance on the format and content of these baseline plans and details for this one-time data gathering activity.

Due Date: 07/30/2010