



UNITED STATES DEPARTMENT OF COMMERCE  
Office of the General Counsel  
Washington, D.C. 20230

JUL 12 2011

MEMORANDUM FOR: Julie A. Weiblinger  
Receivables Manager, Finance Division  
National Institute of Standards and Technology

FROM: Barbara S. Fredericks   
Assistant General Counsel  
for Administration

SUBJECT: Amendment 1 to an Agreement between the National Institute of Standards and Technology (NIST) and the Consumer Product Safety Commission (CPSC) (#CPSC-I-10-0015, Mod 1; NIST Tracking # 776)

This provides clearance for the attached Amendment 1 to an agreement between NIST and CPSC.

Pursuant to an underlying agreement between the parties that was executed in August 2010, NIST agreed to evaluate for CPSC smoke alarm performance from kitchen fires under various installation locations and fire scenarios. CPSC agreed to pay NIST all of its actual costs by CPSC, estimated to be \$425,000. The end-product was to be a report based on information obtained from a minimum of 24 common cooking fire and nuisance scenarios. The agreement would terminate September 30, 2011.<sup>1</sup>

The subject amendment extends the period of performance of that agreement until December 31, 2011. All other terms remain unchanged.<sup>2</sup> Although CPSC obligated fiscal year 2010 funds through the underlying agreement, CPSC previously determined that the services in question are non-severable in nature and satisfies a fiscal year 2010 *bona fide* need of CPSC. Therefore, the funds remain available for NIST to complete the work by the end of the extended period of performance established by this amendment.

The agreement, as amended, is authorized by the Consumer Product Safety Act, 15 U.S.C. § 2078(d), which states:

The Commission shall, to the maximum extent practicable, utilize the resources and facilities of the National Institute of Standards and Technology, on a reimbursable basis, to perform research and analyses related to risks of injury associated with consumer

<sup>1</sup> The underlying agreement was cleared by this office on August 11, 2010 (Tracking # 278)

<sup>2</sup> The amendment notes that the extension is necessary because of unforeseen delays in completing the activities contemplated by the agreement.

products (including fire and flammability risks); to develop test methods, to conduct studies and investigations, and to provide technical advice and assistance in connection with the functions of the Commission.

CPSC's has "programmatic" authority to undertake the activities contemplated by this agreement under the Fire Prevention and Control Act of 1974, 15 U.S.C. § 2201 *et seq.* NIST has "programmatic" authority to conduct the requested work pursuant to 15 U.S.C. § 278f.

If you have any questions concerning the clearance of this agreement, please contact Nicholas Komegay of my staff at 202-482-3653.

Attachment

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

L. CONTRACT ID CODE

PAGE OF PAGES  
1 2

2. AMENDMENT/MODIFICATION NO. 0001  
3. EFFECTIVE DATE 06/30/2011  
4. REQUISITION/PURCHASE REQ. NO.  
5. PROJECT NO. (if applicable)

6. ISSUED BY CODE ES  
7. ADMINISTERED BY (if other than item 6) CODE EXHR  
CONSUMER PRODUCT SAFETY COMMISSION  
DIRECTORATE FOR ENGINEERING SCI  
4330 EAST WEST HIGHWAY  
ROOM 611-16  
BETHESDA MD 20814  
CONSUMER PRODUCT SAFETY COMMISSION  
OFFICE OF HAZARD ID AND REDUCTION  
4330 EAST WEST HIGHWAY  
ROOM 702  
BETHESDA MD 20814

8. NAME AND ADDRESS OF CONTRACTOR (file, street, county, State and ZIP Code)  
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
ATTN STEVEN EMMERICH  
100 BUREAU DRIVE MS-8802  
GAITHERSBURG MD 20899-8830  
9A. AMENDMENT OF SOLICITATION NO.  
9B. DATED (SEE ITEM 11)  
10A. MODIFICATION OF CONTRACT/ORDER NO.  
CPSC-I-10-0015  
10B. DATED (SEE ITEM 13)  
04/30/2010  
CODE FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers  is extended,  is not extended.  
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 16, and returning \_\_\_\_\_ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)  
See Schedule

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE  
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.  
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).  
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: .  
D. OTHER (Specify type of modification and authority)  
X BILATERAL AGREEMENT BETWEEN THE PARTIES

E. IMPORTANT: Contractor  is not.  is required to sign this document and return \_\_\_\_\_ 1 \_\_\_\_\_ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

DUNS Number:  
PROJECT OFFICER: Arthur Lee  
PHONE: (301) 987-2008  
EMAIL: alee@cpsc.gov

Modification No. 0001 extends the period of performance from September 30, 2011 through December 30, 2011.

Continued ...

Except as provided herein, all terms and conditions of the document referenced in item 8A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)  
Anthony Harris, Chief  
15B. CONTRACTOR OFFICER  
15C. DATE SIGNED  
14 Jun 2011  
16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)  
Donna Hutton  
16B. UNITED STATES OF AMERICA  
16C. DATE SIGNED  
SEE PAGE 2  
SEE PAGE 2

1. PURPOSE

The purpose of this amendment is to extend the termination date by 90 days from the expiration of the original agreement for Interagency Agreement, Number CPSC-I-10-0015. This is pertaining to the project on Smoke Alarm Performance in Kitchen Scenario Fires. Extension is needed in order to complete testing, analysis, and report preparation under Phases 4 and 5 of the project, delayed due to construction in our large-scale test facility that has required testing be transferred to an offsite location. While testing should be largely complete by the original end date, additional time is still required for analysis and report preparation.

The deliverables are non-severable for the following reasons: All tasks (phases) laid out in the description of services apply only to completion of the objective of the evaluation of smoke alarm performance from kitchen fires under various installation locations and fire scenarios and to assess the propensity for nuisance alarming based on the alarm technology and distance from the cooking appliance. CPSC obtains no benefit from the completion of any individual phase described. The final report with NIST's analysis and conclusions is the only benefit CPSC will obtain from this agreement.

2. TERMS AND CONDITIONS

All other terms and conditions remain the same as stated in the original Interagency Agreement. This amendment will become effective when signed by both parties.

3. SIGNATURES

The parties agree that if there is a change regarding the information in this section, the party making the change will notify the other party in writing of such change.



Donna Hutton  
Contracting Officer  
U.S. Consumer Product Safety Commission

6/30/11  
Date



Anthony Hamins Chief, Fire Research Division  
National Institute of Standards and Technology

19 Jun 2011  
Date