

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE
PAGE OF PAGES
1 1

2. AMENDMENT/MODIFICATION NO. 0009
3. EFFECTIVE DATE 04/21/2011
4. REQUISITION/PURCHASE REG. NO. REQ-4400-11-0005
5. PROJECT NO. (If applicable)
6. ISSUED BY CODE FMPS
7. ADMINISTERED BY (If other than Item 6) CODE

CONSUMER PRODUCT SAFETY COMMISSION
DIV OF PROCUREMENT SERVICES
4330 EAST WEST HWY
ROOM 517
BETHESDA MD 20814

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
ATTN STEVEN EMMERICH
100 BUREAU DRIVE MS-8602
GAITHERSBURG MD 20899-8830

9A. AMENDMENT OF SOLICITATION NO.

9B. DATED (SEE ITEM 11)

X 10A. MODIFICATION OF CONTRACT/ORDER NO.
CPSC-I-06-0012

10B. DATED (SEE ITEM 13)
07/26/2006

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 15, 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).
X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
MUTUAL AGREEMENT BETWEEN THE PARTIES
D. OTHER (Specify type of modification and authority)

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: _____
IAG CPSC-I-06-0012 is hereby modified to extend the period of performance for MOD #8 through December 31, 2011, at no additional cost.

The period of performance of the basic agreement extends through December 31, 2013.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)
A. Hunter Farnley, Division Chief, 732
15B. CONTRACTOR/OFFEROR
15C. DATE SIGNED 5/17/2011
15A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)
Donna Hutton
15B. UNITED STATES OF AMERICA
15C. DATE SIGNED 04/21/2011



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

MAY 13 2011

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

FROM: Barbara S. Fredericks *BSF*
Assistant General Counsel
for Administration

SUBJECT: Clearance of Modification 9 to an Existing Agreement
between NIST and the Consumer Product Safety Commission
(NIST # 682, CPSC # I-06-0012)

This provides clearance for the attached Modification 9 to an existing agreement between the National Institute of Standards and Technology (NIST) and the Consumer Product Safety Commission (CPSC).¹ Modification 8, which expires on May 15, 2011, delineates that CPSC will provide additional funds to NIST for work on additional tasks under a continuing project entitled "Modeling and Measuring the Effects of Portable Gasoline Powered Generator Exhaust on Indoor Time Course Carbon Monoxide Profiles."² CPSC transferred \$20,000.00 in FY 2010 two-year funds, which expire on September 30, 2011, for these tasks involving model validation and simulation work and associated analysis.

Modification 9 extends the period of performance for this work through December 31, 2011. All other terms and conditions remain unchanged. CPSC has advised that the services being received under this modification are non-severable in nature because in addition to the initial testing done by NIST, the analysis, validation, and simulation work must be completed in order for CPSC to receive a benefit from this research. Accordingly, CPSC's funds are available to pay NIST for this work notwithstanding that the activities will continue beyond the end of fiscal year 2011.

CPSC may request this work under 15 U.S.C. § 2076(g) (authority to enter into contracts with governmental entities to conduct its programmatic activities); and §2078(d) (authority to obtain

¹ The base agreement and Modifications 1-7 were reviewed during the course of this office's review and clearance of Modification 8 (NIST Tracking # 122; cleared June 29, 2010). To date, CPSC has transferred \$558,000.00 for activities associated with this project. The base agreement expires on December 31, 2013.

² The June 29, 2010 clearance memorandum for Modification 8 inadvertently notes the expiration date as February 28, 2011.

from any Federal department or agency such statistics, data, program reports, and other materials as it may deem necessary to carry out its functions).

This modification and the transfer of funds by CPSC to NIST are authorized by the NIST Organic Act, 15 U.S.C. §§ 273, 275a, and 278b. NIST may perform the work under 15 U.S.C. §§ 272(b)(11)(authority to advise Government and industry on scientific and technical problems) and 272(c)(8)(authority to study and develop fundamental scientific understanding and improved measurement, analysis, synthesis, processing, and fabrication methods for chemical substances and compounds).

If you have any questions, please contact Angelia Talbert-Duarte of my staff at (202) 482-8031.

Attachment