

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE	PAGE OF PAGES 1   2
2. AMENDMENT/MODIFICATION NO. 0001	3. EFFECTIVE DATE 12/17/2009	4. REQUISITION/PURCHASE REQ. NO. REQ-2400-10-0024	5. PROJECT NO. (If applicable)
6. ISSUED BY CONSUMER PRODUCT SAFETY COMMISSION OFFICE OF INFORMATION & TECH SVCS. 4330 EAST WEST HIGHWAY ROOM 504 BETHESDA MD 20814	CODE EXIT	7. ADMINISTERED BY (If other than Item 6) CONSUMER PRODUCT SAFETY COMMISSION DIV OF PROCUREMENT SERVICES 4330 EAST WEST HWY ROOM 517 BETHESDA MD 20814	CODE FMPS
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) ENVIRONMENTAL PROTECTION AGENCY ATTN SANDRA WILLIAMS 1200 PENNSYLVANIA AVENUE NW WASHINGTON DC 20460-0000		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 057944910	FACILITY CODE	X 10A. MODIFICATION OF CONTRACT/ORDER NO. CPSC-I-09-0008	10B. DATED (SEE ITEM 13) 03/05/2009

**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)  
 10 CC EXIT-IT 2400 99948 257I Net Increase: \$5,000.00

**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:
X	D. OTHER (Specify type of modification and authority) UNILATERAL MODIFICATION, FAR 43.103(b)

**E. IMPORTANT:** Contractor  is not,  is required to sign this document and return \_\_\_\_\_ 0 copies to the issuing office.

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

DUNS Number: 057944910  
 Modification No. 0001 renews MOA Agreement CPSC-I-09-0008 for one year.  
 Funding is provided in the amount of \$5,000.00 for FY-2010.

Discount Terms:  
 Net 30

Continued ...

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)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Rudy M. Johnson
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED  12/17/2009
16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)	16C. DATE SIGNED

**CONTINUATION SHEET**

REFERENCE NO. OF DOCUMENT BEING CONTINUED  
 CPSC-I-09-0008/0001

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NAME OF OFFEROR OR CONTRACTOR  
 ENVIRONMENTAL PROTECTION AGENCY

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>Payment:                      CONSUMER PRODUCT SAFETY COMMISSION                      DIVISION OF FINANCIAL SERVICES                      4330 EAST WEST HWY                      ROOM 522                      BETHESDA MD 20814                      FOB: Destination                      Period of Performance: 02/21/2009 to 12/31/2010</p> <p>Change Item 0001 to read as follows (amount shown is the obligated amount):</p> <p>Renewal of eRulemaking Memorandum of Agreement with U.S. Environmental Protection Agency to support the maintenance and operation of Federal Docket management System (FDMS).</p> <p>ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.</p>	1	LO	5,000.00	5,000.00

CPSC-I-09-0008  
Memorandum of Agreement

Between  
U.S. Environmental Protection Agency (EPA)  
Managing Partner  
eRulemaking Program  
And  
U.S. Consumer Product Safety Commission (CPSC)  
Partner Agency

**I. Purpose and Statement of Work**

This Memorandum of Agreement (MOA) between the CPSC (the "Partner Agency") and the U.S. Environmental Protection Agency (the "Managing Partner") is to support the maintenance and operation of the government-wide electronic docket management system known as the Federal Docket Management System (FDMS), (publicly accessible at [www.regulations.gov](http://www.regulations.gov)). The eRulemaking Program is one of the 35 Presidential E-Government programs and lines of business. It fulfills the requirements under the E-Government Act of 2002 (Section 206), the Clinger-Cohen Act, and the Government Paperwork Elimination Act, as well as furthering the effectiveness and efficiency of government. This MOA establishes Managing Partner and Partner Agency responsibilities. Access to and use of FDMS will be granted to CPSC, along with all other Federal agencies and the general public.

**II. Authorities**

This agreement is authorized in accordance with the authority provided under:

The Economy Act (31 U.S.C. §1535, 1536)  
The Clinger-Cohen Act (40 U.S.C. §11318)  
The E-Government Act of 2002

**III. Background**

The eRulemaking Program is a collaborative, inter-agency effort, whose purpose is to establish a common, automated, and integrated repository for managing Federal rulemakings and non-rulemaking actions that follow a structured notice and comment process. The project consolidates the dockets of various departments and agencies and centrally manages them through a web-based environment offering services such as one-stop access, search capabilities, public comment submission, email notification, bookmarking, and electronic records management meeting the DOD 5015.2 standard recognized by the National Archives and Records Administration.

The E-Gov Programs strive to provide an order of magnitude of improvement in services to the constituents they serve. A Managing Partner was assigned to each program or lines of business. The EPA is the designated Program Management Office (PMO) for the eRulemaking Program. The eRulemaking Program Office was established by EPA to implement this effort. The CPSC is a partner agency under this agreement.

#### IV. Vision and Goals for the eRulemaking Program

The overall vision and goals for the eRulemaking Program are:

##### Vision

Citizens can easily access and participate in a high quality, efficient and open rulemaking process across all Federal agencies.

##### Goals

Through the use of information technology, the eRulemaking Program seeks to:

- Expand public understanding of the rulemaking process;
- Improve the quality of Federal rulemaking decisions and streamline and improve the efficiency of the rulemaking process; and
- Increase the amount, breadth, and ease of citizen access and participation in rulemaking.

The eRulemaking Program will achieve these goals by implementing a range of performance measures related to technology, processes and activities, customer results, and mission and business results:

**Technology** – The PMO will ensure FDMS/Regulations.gov is available 99.9% of the time to the public and the Federal agencies.  $Availability = \frac{\text{Hours FDMS accessible to public and Federal entities}}{\text{total hours in measurement period less scheduled maintenance} + \text{plus Network downtime}}$

**Processes and Activities** - The PMO will deploy four FDMS version updates per year.

**Customer Results** – The PMO will complete the implementation of Federal entities that request and pay for migration to FDMS.

**Mission and Business Results** - 90% of total Federal rules promulgated by Federal entities are implemented in FDMS and have associated dockets available and posted for public access via [www.regulations.gov](http://www.regulations.gov)

#### V. Roles and Responsibilities

This MOA addresses participation in and the funding of the eRulemaking Program as mandated by the 2002 eGovernment Act, Section 206 according to OMB directive M-03-18 "Implementation Guidance for the E-Government Act of 2002. The FDMS will be the central electronic docket management system for all Federal agencies.

1. Staff an eRulemaking Program Management Office in order to manage the Program, convene and participate on an inter-agency advisory board comprised of Federal representatives of partner agencies, and establish work groups to address projects and tasks essential to the successful execution of the Program.
2. Conduct meetings for the purpose of collaborating with other Federal agencies to enhance the Program.
3. Facilitate an effort under the Advisory Board to convene a budget workgroup to develop an annual budget for the eRulemaking Program, metrics for a fee for service model, and a fee for service model.
4. Manage development, migration, and operation of the FDMS/Regulations.gov and support, operate, and maintain the eRulemaking Program, FDMS, and www.regulations.gov.
5. Coordinate and ensure participating and partner members have an opportunity to review project management documentation, including the draft annual OMB Exhibit 300 (also known as the Business Case or CPIC).
6. Execute any interagency agreements (IA) prior to start of work, monitor progress, establish performance measures, and ensure reporting requirements are met.
7. Evaluate project progress, interoperability policies, practices and procedure documents and testing reports, as well as provide programmatic and technical assistance as required, and attend all meetings, reviews and conferences.
8. Convene meetings of an interagency Executive Committee on an as-needed basis and annually, at a minimum.

Each Participating or Partner Agency signing this MOA will:

1. Identify a manager or senior executive to coordinate activities and serve as the main point of contact to address any issues that may arise. The manager or senior executive and/or his/her designee will also participate in the governance structure of the eRulemaking program.
2. Identify a qualified staff person(s) to work with PMO staff on the agency's use of FDMS/Regulations.gov.
3. In using the FDMS, the agency will be required to do the following:
  - a. Make its public regulatory dockets electronically accessible and searchable using <http://www.regulations.gov>. This includes posting Federal Register proposed rules and rule documents; supporting scientific, legal economic and technical analyses; public comments; as well as other Federal Register documents the agency chooses to post;

- b. Accept electronic submissions (a.k.a. comments) to the online docket;
  - c. Include in the preamble to any regulatory action requesting public comment specific reference directing the public to [www.regulations.gov](http://www.regulations.gov);
  - d. Include in an appropriate place on its agency website homepage a link to [www.regulations.gov](http://www.regulations.gov); and
  - e. Use [www.regulations.gov](http://www.regulations.gov) to process public comments for economically significant guidance documents according to OMB Directive M-07-07 "Issuance of OMB's Final Bulletin for Agency Good Guidance Practices".
4. Include an acknowledgement of its participation in the eRulemaking Program in relevant budget program documents generated by the agency.
  5. Actively assist in developing and using the common government eRulemaking components as they become available and meet established government-wide criteria, as may be appropriate.

#### **VI. Duration of Agreement**

This MOA is valid indefinitely until terminated by either party.

#### **VII. Dispute Resolution Mechanism**

In the event the participating or partner agency determines that its ability to fulfill its financial obligations under this MOA/IA as identified in Section IX of this MOA is at risk, it shall promptly inform the eRulemaking Program Manager in writing. If the Program Manager becomes aware of like circumstances, the Program Manager shall apprise participating and partner agencies in writing.

In the event of any disagreement arising under this agreement, the parties shall, in good faith, attempt to negotiate a resolution to the disagreement. If the parties cannot negotiate a resolution, the OMB E-Government portfolio manager is authorized to resolve the dispute.

## VIII. Points of Contact

CPSC and EPA will assign the following senior manager as the key point of contact (POC) with the eRulemaking Program. The senior manager is an official representative and is authorized to act on the Agency's behalf.

### CPSC Representative

Name: Todd Stevenson  
Title: Secretary, U.S. Consumer Product Safety Commission  
Telephone: 301-504-6836  
Fax:  
Email: [tstevenson@cpsc.gov](mailto:tstevenson@cpsc.gov)

### CPSC Alternate

Name: Alberta Mills  
Title: Freedom of Information Officer  
Telephone: 301-504-7479  
Fax:  
Email: [amills@cpsc.gov](mailto:amills@cpsc.gov)

### EPA's eRulemaking Program Manager

Name: John Moses  
Title: Chief, eRulemaking Program Branch  
Telephone: 202/566-1352  
Fax: 202/566-1611  
Email: [moses.john@epa.gov](mailto:moses.john@epa.gov)

### EPA's Project Officer

Name: Jeanne Shepitka  
Telephone: 202/566-1440  
Fax: 202/566-1611  
Email: [shepitka.jeanne@epa.gov](mailto:shepitka.jeanne@epa.gov)

The budget/financial contacts for this agreement are:

### CPSC

Name: Deborah Hodge  
Telephone: 301-504-7130  
Fax:  
Email: [dhodge@cpsc.gov](mailto:dhodge@cpsc.gov)

### EPA

Name: Jeanne Shepitka  
Telephone: 202/566-1440  
Fax: 202/566-1611  
Email: [shepitka.jeanne@epa.gov](mailto:shepitka.jeanne@epa.gov)

**IX. Commencement/Amendment/Termination**

This MOA shall remain in effect from February 21, 2009 (or the latest date of signature under section XII if it is later than Feb 21) and shall remain in place indefinitely until terminated by either party. Funds will be provided through modifications to this agreement. Modifications to the MOA will be effected by the mutual consent of the parties in writing and will be incorporated into the IA.

**X. Funding**


No funds will be obligated from the first day of performance through December 31, 2009. Anticipated funding for the period January 1, 2010 through December 31, 2010, is \$5,500. Funds for that period, and any subsequent performance periods, will be provided through formal written modification to this agreement.

XI. This order is issued "Subject to Availability of Funds (SAF)." The contractor may not invoice, and the Government cannot issue payment, until a written modification provides funds. A modification will be issued by the contracting office when funds are made available.

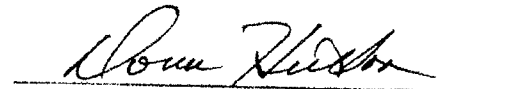
Clause 52.232-18 Availability of Funds. (Apr 1984) is hereby incorporated by reference.

**XII. Approvals**

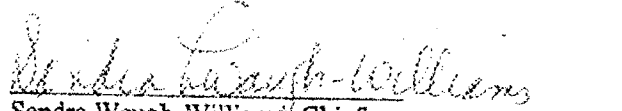
The following officials are authorized to bind their respective Department/Agency to this agreement:

  
John Moses, Director  
eRulemaking Program  
Collection Strategies Division, U.S. EPA

Date: \_\_\_\_\_

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

Date: 4/29/09

  
Sandra Waugh-Williams, Chief  
Fellowship, IA & SEE Branch  
Grants and IA Administration Management Division  
U.S. EPA

Date: 4/27/09