

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT 1. CONTRACT ID CODE PAGE OF PAGES  
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2. AMENDMENT/MODIFICATION NO. 3. EFFECTIVE DATE 4. REQUISITION/PURCHASE REG. NO. 5. PROJECT NO. (If applicable)  
 0005 08/08/2011 REQ-4400-11-0019

6. ISSUED BY CODE 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) (X) 9A. AMENDMENT OF SOLICITATION NO.  
 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
 ATTN JEFFREY W GILMAN PHD  
 100 BUREAU DRIVE MS-8602  
 GAITHERSBURG MD 20899-8602

9B. DATED (SEE ITEM 11)  
 10A. MODIFICATION OF CONTRACT/ORDER NO.  
 CPSC-I-08-0017

10B. DATED (SEE ITEM 12)  
 09/11/2008

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 10, 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 CONTRACT/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 AGREEMENT BETWEEN THE PARTIES

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

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)  
 DUNS Number: \_\_\_\_\_  
 Modification No. 0004 is being issued to Interagency Agreement CPSC-I-08-0017 between CPSC and the National Institute of Standards and Technology (NIST) to extend the period of performance from September 1, 2011 to February 29, 2012. This 6-month extension will provide more time for CPSC to obtain the necessary testing materials from manufacturers.

This modification does not change the total amount of the Agreement.

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) 15A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)  
 Anthony Hamings Division Chief Robert J. Frost  
 15B. CONTRACTOR OFFICER 15C. DATE SIGNED 15B. UNITED STATES OF AMERICA 15C. DATE SIGNED  
 [Signature] 8-17-11 [Signature] 08/08/2011

**CONTINUATION SHEET**

REFERENCE NO. OF DOCUMENT BEING CONTINUED  
CPSC-I-08-0017/0005

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NAME OF OFFEROR OR CONTRACTOR  
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>Payment: CONSUMER PRODUCT SAFETY COMMISSION DIVISION OF FINANCIAL SERVICES 4330 EAST WEST HWY, ROOM 522 BETHESDA MD 20814 ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.</p>				



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

**AUG 12 2011**

MEMORANDUM FOR:

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

FROM:

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

SUBJECT:

Modification #5 to an Agreement between CPSC and NIST  
(#CPSC-I-08-0017)

This provides clearance for the attached modification #5<sup>1</sup> to an agreement between the Consumer Product Safety Commission (CPSC) and the National Institute of Standards and Technology (NIST). Pursuant to the underlying agreement, CPSC transferred \$91,000 in one-year funds, which expired on September 30, 2008, to NIST for mattress flammability tests. The underlying agreement terminates on September 11, 2013.

Modification #1 extended the period of performance for the work conducted under the underlying agreement by one year. Modification #2 added a new task to the work NIST was conducting and transferred \$110,000 in one-year funds, which expired on September 30, 2009, for the new task. Modification #3 transferred an additional \$45,000 in one-year funds, which expire on September 30, 2010, to fund what CPSC has stated is a new task of conducting mattress tickings flammability tests. Modification #4 extended the period of performance for the task issued in modification #3 from August 31, 2010 to August 31, 2011.<sup>2</sup>

The instant modification extends the period of performance to February 29, 2012. This six-month extension will provide more time for CPSC to obtain the necessary testing materials from manufacturers.

The modification is proper pursuant to 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 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.

<sup>1</sup> This office did not clear the underlying agreement or modifications #1-3, but did clear modification #4 on June 25, 2010.

<sup>2</sup> CPSC has stated that the work conducted under each task is non-severable and, as a result, the use of one-year funds past the period of availability is proper.

NIST possesses programmatic authority to conduct the requested work pursuant to 15 U.S.C. § 278f, which authorizes NIST to conduct basic and applied fire research.

If you have any questions about this matter, please contact Lydia Grunstra of my staff at (202) 482-6113.

Attachment