DOE F 4600.1#
(7/05)

U.S DEPARTMENT OF ENERGY

NOTICE OF FINANCIAL ASSISTANCE AWARD

Under the authority of Public Law 109-58, Energy Policy Act (2005)

1. PROJECT TITLE
Integrated Biorefinery for Conversion of Biomass to Ethanol, Synthesis Gas, and Heat

2. INSTRUMENT TYPE
☐ GRANT ☑ COOPERATIVE AGREEMENT

3. RECIPIENT (Name, address, zip code)
Abengoa Bioenergy Biomass of Kansas, LLC
1400 Elbridge Payne Rd., Suite 212
Chesterfield , MO 63017-8520

4. INSTRUMENT NO.
DE-FC36-07GO17028

5. AMENDMENT NO.
M001

6. BUDGET PERIOD
FROM: 10/1/2007 THRU: 9/30/2009

7. PROJECT PERIOD
FROM: 10/1/2007 THRU: 9/30/2009

8. RECIPIENT PROJECT DIRECTOR (Name, phone and E-mail)
Mr. Thomas Elgin Ph: 636-728-0508
E-Mail: thomas.elgin@bioenergy.abengoa.com

9. RECIPIENT BUSINESS OFFICER (Name, phone and E-mail)
Mr. Chris Roach Ph: 636-728-0508
E-Mail: christopher.roach@bioenergy.abengoa.com

10. TYPE OF AWARD
☐ NEW ☐ CONTINUATION ☐ RENEWAL
☑ REVISION ☐ INCREMENTAL FUNDING

11. DOE PROJECT OFFICER (Name, address, phone and E-mail)
Gene R. Petersen Phone: 303-275-4937
Golden Field Office
1617 Cole Blvd.
Golden CO. 80401-3305
E-Mail: gene.petersen@go.doe.gov

12. DOE AWARD ADMINISTRATOR (Name, address, phone and E-mail)
Bob Kingsley Phone: 303-275-4796
Golden Field Office
1617 Cole Blvd.
Golden CO. 80401-3305
E-Mail: bob.kingsley@go.doe.gov

13. RECIPIENT TYPE
☐ STATE GOV'T ☐ INDIAN TRIBAL GOV'T ☐ HOSPITAL ☑ FOR PROFIT ORGANIZATION ☐ INDIVIDUAL
☐ LOCAL GOV'T ☐ INSTITUTION OF HIGHER EDUCATION ☐ OTHER NONPROFIT ORGANIZATION ☑ C ☐ P ☐ SP ☐ OTHER (Specify):

14. ACCOUNTING AND APPROPRIATIONS DATA:

15. EMPLOYER I.D.
a. TIN: 20-5181119
b. DUNS: 782435874

16. BUDGET AND FUNDING INFORMATION

a. CURRENT BUDGET PERIOD INFORMATION		b. CUMULATIVE DOE OBLIGATIONS	
(1) DOE Funds Obligated This Action	$ 0.00	(1) This Budget Period *[Total of lines a.(1) and a.(3)]*	$ 15,011,992.00
(2) DOE Funds Authorized for Carry Over	$ 0.00		
(3) DOE Funds Previously Obligated in this Budget Period	$ 15,011,992.00		
(4) DOE Share of Total Approved Budget	$ 15,011,992.00	(2) Prior Budget Periods	$ 0.00
(5) Recipient Share of Total Approved Budget	$ 22,517,989.00		
(6) Total Approved Budget	$ 37,529,981.00	(3) Project Period to Date *[Total of lines b.(1) and b.(2)]*	$ 15,011,992.00

17. TOTAL ESTIMATED COST OF PROJECT, INCLUDING DOE FUNDS TO FFRDC: $ 37,529,981.00
(This is the current estimated cost of the project. It is not a promise to award nor an authorization to expend funds in this amount.)

18. AWARD/AGREEMENT TERMS AND CONDITIONS
This award/agreement consists of this form plus the following:
a. Special terms and conditions.
b. Applicable program regulations (Specify) NA *(Date)*
c. DOE Assistance Regulations, 10 CFR Part 600 at http://ecfr.gpoaccess.gov or, if the award is a grant to a Federal Demonstration Partnership (FDP) institution, the FDP Terms and Conditions and the DOE FDP Agency Specific Requirements at http://www.nsf.gov/awards/managing/fed_dem_part.jsp.
d. Application/proposal as approved by DOE.
e. National Policy Assurances to be incorporated as Award Terms in effect on date of award at http://www.management.energy.gov/business_doe/1374.htm.

19. REMARKS
See page 2 of this Notice of Financial Assistance Award (NFAA).

20. EVIDENCE OF RECIPIENT ACCEPTANCE
(Signature of Authorized Recipient Official) *(Date)*
(Name)
(Title)

21. AWARDED BY
Stephanie N. Carabajal 2/28/08
(Signature) *(Date)*
Stephanie N. Carabajal
(Name)
Contracting Officer
(Title)

A. The purpose of this amendment is to:

(1) Delete Provision 20, Availability of Funds Through Condition Subsequent, from the Special Terms and Conditions, Attachment 1 to A000;

(2) Replace the language in Provision 21, Advanced Understanding Concerning Limitation of Fringe Benefit Costs and Indirect Costs, in the Special Terms and Conditions, Attachment 1 to A000, with the following:

21. ADVANCED UNDERSTANDING CONCERNING LIMITATION OF FRINGE BENEFIT COSTS AND INDIRECT COSTS

Abengoa Bioenergy Biomass of Kansas, LLC (ABBK) and Abengoa Bioenergy New Technology (ABNT) Ex. 4 Ex. 4 To date, the detail provided is insufficient to support the proposed rates in their entirety.

ABBK must have ABNT submit an Incurred Cost Proposal for 2006 in sufficient detail for the Defense Contract Audit Agency (DCAA) to recommend provisional rates.

Until such time as DCAA determines rates acceptable to DOE, any fringe or indirect expenses for ABBK or ABNT in excess of the following rate ceilings shall not be charged to nor reimbursements requested for this project, nor shall the fringe or indirect costs from this project be allocated to any other federally sponsored project. In addition, fringe and indirect costs in excess of the ceiling rates shall not be counted as cost share unless approved by the Contracting Officer.

Type of Rate	Ceiling Rate	Base of Application
Fringe Costs		REDACTED EXEMPTION 4
Indirect Costs		

(3) Replace the language in Provision 22, Subcontract Approvals, in the Special Terms and Conditions, Attachment 1 to A000, with the following:

22. SUBCONTRACT APPROVALS

a. At Risk Notice: The Recipient must obtain written approval by the Contracting Officer for reimbursement of costs associated with subcontractors (subrecipients and/or vendors) for the activities listed in paragraph b. below. If the subcontract is

under $100,000, the Recipient must submit a Statement of Objectives, and a basis of the cost estimate. If the subcontract is for $100,000 or more, the Recipient must submit a Statement of Objectives, SF424A Budget Information – Nonconstruction Programs, and PMC 123.1 Cost Reasonableness Determination for Financial Assistance. No funds shall be expended on the subcontracts supporting the tasks identified in paragraph b. below unless DOE approval is provided. DOE does not guarantee or assume any obligation to reimburse costs incurred by the Recipient or subcontractor for these tasks, until approval is provided in writing by the Contracting Officer.

b. Contracting Officer approval as set out above is requested for the following:

Activity:	Proposed By:	Estimated Costs:
REDACTED EXEMPTION 4		REDACTED EXEMPTION 4
	REDACTED EXEMPTION 4	

The DOE Contracting Officer may require additional information concerning these tasks prior to providing written approval.

c. Upon written approval by the Contracting Officer, the Recipient may then receive payment for the tasks identified in paragraph b. above for allowable costs incurred, or DOE will recognize costs incurred toward cost share requirements, if any, in accordance with the payment provisions contained in the Special Terms and Conditions of this agreement.

(4) Replace the SF-424A Budget Information – Non Construction Programs, Attachment 3 to A000, with Attachment 3 of this Amendment, SF-424A Budget Information – Non Construction Programs; and

(5) Change the Recipient Business Officer, as reflected in Block 9 of this Notice of Financial Assistance.

B. All other terms and conditions remain unchanged.

Applicants Name: Abengoa Bioenergy Biomass of Kansas, LLC **Award Number:** DE-FC36-07 GO17028 M001 **Attachment Number:** 3

Budget Information - Non Construction Programs

OMB Approval No.0348-0044

Section A - Budget Summary						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Year 1	81.087	$0.00	$0.00	$6,020,796.00	$9,031,194.00	$15,051,990.00
2. Year 2	81.087	$0.00	$0.00	$8,991,196.00	$13,486,795.00	$22,477,991.00
3.						$0.00
4.						$0.00
5 Totals		$0.00	$0.00	$15,011,992.00	$22,517,989.00	$37,529,981.[illegible]

Section B - Budget Categories					
	Grant Program, Function or Activity				Total
6. Object Class Categories	(1) Year 1	(2) Year 2	(3)	(4)	(5)
a. Personnel					
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. Totals (sum of 6i and 6j)					$37,529,981.00
7. Program Income					

REDACTED EXEMPTION 4

REDACTED EXEMPTION 4

SF-424A (Rev.4-92)
Prescribed by OMB Circular A-102

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