

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE 1 OF 6 PAGES
2. AMENDMENT/MODIFICATION NO. A167		3. EFFECTIVE DATE (M/D/Y) See Block 16C	4. REQUISITION/PURCHASE REQ. NO. N/A
6. ISSUED BY U.S. Department of Energy Office of River Protection P. O. Box 450, MS H6-60 Richland, WA 99352		7. ADMINISTERED BY (If other than Item 6) CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP code) Bechtel National, Inc. 2435 Stevens Center Place Richland, WA 99354		9A. AMENDMENT OF SOLICITATION NO.	
		9B. DATED (SEE ITEM 11)	
		10A. MODIFICATION OF CONTRACT/ ORDER NO. DE-AC27-01RV14136	
		10B. DATED (SEE ITEM 13) December 11, 2000	
CODE 396A5	FACILITY CODE 153392068		
11. THIS ITEM APPLIES TO AMENDMENTS OF SOLICITATIONS			
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> 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 DATE AND HOUR 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 amendment and is received prior to the opening hour and date specified.			
12. ACCOUNTING AND APPROPRIATION DATA (If required)			
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS SET FORTH 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.		
<input type="checkbox"/>			
<input type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO AUTHORITY OF FAR 43.103(b).		
<input checked="" type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO THE AUTHORITY OF: Clause I.82 FAR 52.243-2 CHANGES – COST-REIMBURSEMENT (AUG 1987) – ALTERNATE III (APR 1984)		
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)		
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>2</u> copies to the issuing office.			
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)			
See following page(s)			
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) Frank Russo Project Director		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Ronnie L. Dawson Contracting Officer	
15B. CONTRACTOR/OFFEROR ORIGINAL SIGNED BY <hr/> <i>(Signature of person authorized to sign)</i>	15C. DATE SIGNED 7-01-10	16B. UNITED STATES OF AMERICA BY ORIGINAL SIGNED BY <hr/> <i>(Signature of Contracting Officer)</i>	16C. DATE SIGNED 7/06/10

Modification Purpose:

Definitize Request for Equitable Adjustment (REA) 2009-004, REA from Oregon Iron Works a portion of *Vendor and Subcontractor Claims due to DOE Impacts* and REA 2010-009, *Pretreatment Engineering Platform (PEP) Dry Lay Up*. The total estimated contract costs (TECC) less fee is increased by \$11,832,851 from \$10,446,791,152 to \$10,458,624,003. The Total Estimated Contract Price (TECP) to include fee as established in A143 is increased by the same amount from \$11,066,791,152 to \$11,078,624,003.

REFERENCES:

- (a) CCN 207963, Letter from N.F. Grover, BNI, to T.M. Williams, ORP, "Request for Equitable Adjustment (REA) No. 2009-004 for Oregon Ironworks Subtier Impacts" dated December 31, 2009.
- (b) CCN 213007, Letter from N.F. Grover, BNI, to T.M. Williams, ORP, "Schedule and Funding Related Impacts For REA Number 2009-004 REA From Oregon Iron Works" dated February 1, 2010.
- (c) CCN 213184, Letter from N.F. Grover, BNI, to R.L. Dawson, ORP, "Certification for REA 2009-004 REA From Oregon Iron Works" dated June 7, 2010.
- (d) CCN 207970, Letter from N.F. Grover, BNI, to T.M. Williams, ORP, "Request for Equitable Adjustment No. 2010-009 for the Pretreatment Engineering Platform Dry Layup" dated Jan 28, 2010.
- (e) CCN 213181, Letter from N.F. Grover, BNI, to R.L. Dawson, ORP, "Final Estimate Total Request For Equitable Adjustment No. 2010-009 For the Pretreatment Engineering Platform Dry Layup" dated May 7, 2010.

Modification Description:

- 1. Contract Section B.2 (c), *Obligation and Availability of Funds and Contract Value*, is updated to reflect the revised TECC as follows:

From:

Cost:			
	Total Estimated Contract Cost (TECC)		\$ 10,446,791,152
Fee:			
A	Final Fee Determination - Pre-Mod No. A143	\$	102,622,325
B	Maximum Available Award Fee (See Table B-2-B-1)	\$	139,377,675
B.1	Project Management Incentive	\$	44,377,675
B.2	Cost Incentive	\$	95,000,000
C	Schedule Incentive Fee		\$ 227,000,000
C.1	Activity Milestone Completion	\$	173,000,000
C.2	Facility Milestone Completion	\$	54,000,000
D	Operational Incentive Fee		\$ 91,000,000
D.1	Cold Commissioning	\$	45,000,000
D.2	Hot Commissioning	\$	46,000,000
E	Enhancement Incentive Fee		\$ 60,000,000
E.1	Enhanced Plant Capacity	\$	15,000,000
E.2	Sodium Reduction	\$	15,000,000
E.3	Enhanced Plant Turnover	\$	15,000,000
E.4	Sustained Production Achievement	\$	15,000,000
	Total Maximum Available Fee at Modification A143		\$ 620,000,000
	Total Estimated Contract Price		\$ 11,066,791,152

To:

Cost:			
	Total Estimated Contract Cost (TECC)		\$ 10,458,624,003
Fee:			
A	Final Fee Determination - Pre-Mod No. A143	\$	102,622,325
B	Maximum Available Award Fee (See Table B-2-B-1)	\$	139,377,675
B.1	Project Management Incentive	\$	44,377,675
B.2	Cost Incentive	\$	95,000,000
C	Schedule Incentive Fee	\$	227,000,000
C.1	Activity Milestone Completion	\$	173,000,000
C.2	Facility Milestone Completion	\$	54,000,000
D	Operational Incentive Fee	\$	91,000,000
D.1	Cold Commissioning	\$	45,000,000
D.2	Hot Commissioning	\$	46,000,000
E	Enhancement Incentive Fee	\$	60,000,000
E.1	Enhanced Plant Capacity	\$	15,000,000
E.2	Sodium Reduction	\$	15,000,000
E.3	Enhanced Plant Turnover	\$	15,000,000
E.4	Sustained Production Achievement	\$	15,000,000
	Total Maximum Available Fee at Modification A143	\$	620,000,000
	Total Estimated Contract Price (A167)	\$	11,078,624,003

2. Contract Section J, Attachment J, Advance Understanding on Costs, Table 13-B Not-To-Exceeds Not Included in Modification No. A143 Definitization is updated to reflect definitization of the Direction to Implement Pretreatment Engineering Platform (PEP) dry layup (REA 2010-009) Not-To-Exceed. The change is as follows:

From:

Modification M154 TN 24590-06-04133	Direction to Implement Pretreatment Engineering Platform (PEP) dry layup (M155)	
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To:

Modification M154 TN 24590-06-04133	Direction to Implement Pretreatment Engineering Platform (PEP) dry layup (M155)	A167
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3. Contract Section J, Attachment J, Sub Atch B, List of Exclusions from Equitable Adjustment Settlement is updated to reflect definitization of REA 2009-004. The changes are as follows:

From:

Trend #	Trend Description
TN-24590-06-02279	Expansion of DWP Requirements (Permit Modifications)

TN-24590-06-02381	DOE Order 205-1A Cyber Security Management Program
TN-24590-06-02728	M-12 Engineering Scale Pretreatment System (Design, Procure, Install)
TN-24590-06-02778	Reduction of Core Bores for HPAV Active Controls
	Deleted (M158)
TN-24590-06-03109	Plant Material Bulk Steel EAC Increase
TN-24590-06-03123	EPD Funding to Support EFRT M12 PT Engineering Platform Completion
TN-24590-06-03146	EPD Funding to Support EFRT M12 PT Engineering Platform
TN-24590-06-03204	EPD Funding to Support EFRT M12 PTF Engineering Platform Completion, Part 3
TN-24590-06-03242	PEP Install, Plan Site Integrated and Shakedown Testing, & Oversight
TN-24590-06-03282	Additional HPAV Active Controls
TN-24590-06-03317	BNI and DOE HPAV Test Program
	Deleted (M158)
TN-24590-06-03394	ABAR to Implement DOE S 1066 Chpt 14 for Nuclear Filter Plenum Fire Protection
TN-24590-06-03405	PEP Site Integrated Testing and Shakedown
	Deleted (A164)
TN-24590-06-03503	PEP Phase 1 Testing, Trend 1
TN-24590-06-03527	Engineering Study and Support Scope for Standard 1066
TN-24590-06-03533	Quantity and Material Escalation for Pipe Supports Impacting Control Account 1.08 MT
TN-24590-06-03537	Increase Fuel Surcharge
	Deleted (M158)
TN-24590-06-03708	Implementation of Features Equivalent to DOE-STD-1066
TN-24590-06-03752	Safety Classification Process for the Waste Treatment and Immobilization Plant
	Deleted (A164)
TN-24590-06-03754	Increased Cost for HPAV Test Program
TN-24590-06-03781	Evaluation and Interim Report on Updated Radioactive Source Term
TN-24590-06-03820	Re-Evaluation Of HPAV Design Strain Criteria
TN-24590-06-03823	Pretreatment Engineering Platform Shakedown Testing Extension
TN-24590-06-03827	Additional Support for Material at Risk Design Basis
TN-24590-06-03859	Additional Impacts Associated with 10 CFR 851
TN-24590-06-03860	Additional Escalation Impacts Beyond May 2006 EAC Rates Through Jan 2009
TN-24590-06-03861	Received Vendor & Subcontractor Claims Due to DOE Impacts

Modification #	Modification Description
M090	Implement DOE O 205.1A, Department of Energy Cyber Security Management
M101	Maximum Available Control Technology and Destructive & Removal Efficiency Testing
M122	Process Changes for Revised Dangerous Waste Permit
M136 Item 3c	Deleted (A164)

M141 Item c	Implement New Safety Classification Process
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To:

Trend #	Trend Description	Definitized
TN-24590-06-02279	Expansion of DWP Requirements (Permit Modifications)	
TN-24590-06-02381	DOE Order 205-1A Cyber Security Management Program	
TN-24590-06-02728	M-12 Engineering Scale Pretreatment System (Design, Procure, Install)	
TN-24590-06-02778	Reduction of Core Bores for HPAV Active Controls	
	Deleted (M158)	
TN-24590-06-03109	Plant Material Bulk Steel EAC Increase	
TN-24590-06-03123	EPD Funding to Support EFRT M12 PT Engineering Platform Completion	
TN-24590-06-03146	EPD Funding to Support EFRT M12 PT Engineering Platform	
TN-24590-06-03204	EPD Funding to Support EFRT M12 PTF Engineering Platform Completion, Part 3	
TN-24590-06-03242	PEP Install, Plan Site Integrated and Shakedown Testing, & Oversight	
TN-24590-06-03282	Additional HPAV Active Controls	
TN-24590-06-03317	BNI and DOE HPAV Test Program	
	Deleted (M158)	
TN-24590-06-03394	ABAR to Implement DOE S 1066 Chpt 14 for Nuclear Filter Plenum Fire Protection	
TN-24590-06-03405	PEP Site Integrated Testing and Shakedown	
	Deleted (A164)	
TN-24590-06-03503	PEP Phase 1 Testing, Trend 1	
TN-24590-06-03527	Engineering Study and Support Scope for Standard 1066	
TN-24590-06-03533	Quantity and Material Escalation for Pipe Supports Impacting Control Account 1.08 MT	
TN-24590-06-03537	Increase Fuel Surcharge	
	Deleted (M158)	
TN-24590-06-03708	Implementation of Features Equivalent to DOE-STD-1066	
TN-24590-06-03752	Safety Classification Process for the Waste Treatment and Immobilization Plant	
	Deleted (A164)	
TN-24590-06-03754	Increased Cost for HPAV Test Program	
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TN-24590-06-03859	Additional Impacts Associated with 10 CFR 851	
TN-24590-06-03860	Additional Escalation Impacts Beyond May 2006 EAC Rates Through Jan 2009	
TN-24590-06-03861	Received Vendor & Subcontractor Claims Due to DOE Impacts	
	Vendor & Subcontract Claims Due to DOE Impacts - Oregon Iron Works, TN - 24590-06-04020 (Note: This is a portion of TN-24590-06-03861)	A167

Modification #	Modification Description	Definitized
M090	Implement DOE O 205.1A, Department of Energy Cyber Security Management	
M101	Maximum Available Control Technology and Destructive & Removal Efficiency Testing	
M122	Process Changes for Revised Dangerous Waste Permit	
M136 Item 3c	Deleted (A164)	
M141 Item c	Implement New Safety Classification Process	

4. **Funding.** No additional funds are currently being allotted to this contract for the REA 2009-004 and 2010-009. Work associated with the REA will be performed within the amount of funds

which have been allotted to the contract in accordance with I.66 – FAR 52.232-22 *Limitation of Funds (APR 1984)*.

Contractors Statement of Release: In consideration of the modification, A167, agreed to herein as complete and equitable adjustment for the Contractor's Request for Equitable Adjustments (REA) No. 2009-004 for REA from Oregon Iron Works and No. 2010-009 for Pretreatment Engineering Platform Dry Lay-up, the Contractor hereby releases the Government from any and all liability under this contract for further equitable adjustments attributable to such facts or circumstances giving rise to the changes as noted in the modification; except the Contractor does not waive any claim it may have for (i) potential schedule impacts resulting from this REA or (ii) the potential cumulative impacts to schedule and/or the total estimated contract cost (TECC) resulting from this and other REAs wherein cumulative schedule and/or TECC impacts were not resolved (negotiated); provided that the Contractor shall not be entitled to additional fee for such impacts.

5. All other terms and conditions remain unchanged.

(End of Modification)