

2. AMENDMENT/MODIFICATION NO. <b>M158</b>	3. EFFECTIVE DATE (M/D/Y) <b>See Block 16C</b>	4. REQUISITION/PURCHASE REQ. NO. <b>N/A</b>	5. PROJECT NO. (If applicable)
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6. ISSUED BY <b>U.S. Department of Energy Office of River Protection P. O. Box 450, MS H6-60 Richland, WA 99352</b>	7. ADMINISTERED BY (If other than Item 6)
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8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP code) <b>Bechtel National, Inc. 2435 Stevens Center Place Richland, WA 99354</b>	<input type="checkbox"/>	9A. AMENDMENT OF SOLICITATION NO.
	<input type="checkbox"/>	9B. DATED (SEE ITEM 11)
	<input checked="" type="checkbox"/>	10A. MODIFICATION OF CONTRACT/ORDER NO. <b>DE-AC27-01RV14136</b>
	<input checked="" type="checkbox"/>	10B. DATED (SEE ITEM 13) <b>December 11, 2000</b>
CODE 396A5	FACILITY CODE 153392068	

**11. THIS ITEM 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 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  is not,  is required to sign this document and return 2 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) <b>Ted Feigenbaum Project Director</b>	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) <b>Thomas M. Williams Contracting Officer</b>
15B. CONTRACTOR/OFFEROR  ORIGINAL SIGNED BY <hr/> <i>(Signature of person authorized to sign)</i>	15C. DATE SIGNED <b>12/17/09</b>
16B. UNITED STATES OF AMERICA BY ORIGINAL SIGNED BY <hr/> <i>(Signature of Contracting Officer)</i>	16C. DATE SIGNED <b>12/17/09</b>

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**Purpose of Modification:**

The purpose of this modification is to do the following:

1. Update Section B, Attachment B-1, Table B-1, *WTP Incentive Fee Structure* to add reference to Net Remaining Available Fee.
2. Update Section B, Attachment B-2-B, to replace Table B-2-B-1, *Incentive Fee B-Maximum Available Award Fee*, in full.
3. Update Section B, replace in full the table in Section B.2(c) to incorporate reference to table in B-2-B-1 and reflect total Award Fee available at modification A143.
4. Update Section I, replace in full I.34 FAR 52.222-8 PAYROLLS AND BASIC RECORDS (Feb 1988) with Class Deviation November 2009.

Reference:

- Policy Flash 2010-10, Class Deviation FAR 52.222-8 Payrolls and Basic Records, dated November 2, 2009
5. Update Section J, Attachment F, Key Personnel to remove term appointment of Rick Bradford and include Prime Contracts Manager, Tony Veirup.

References:

- 09-AMD-300 (CCN 207801), Approval for R. Bradford as Key Personnel, dated Oct 14, 2009;
  - 09-AMD-309 (CCN 208461), Addition of New Key Personnel Positions, Prime Contracts Manager and Manager Procurement and Subcontracts, dated November 2, 2009; and
  - CCN 197825, Response to Addition of New Key Personnel Position, Prime Contracts Manager, dated November 17, 2009
6. Update Section J, Attachment J, Sub-Attachment B, to delete three Trends in entirety from the list of exclusions.

**Description of Modification**

1. Update Section B, Attachment B-1, Table B-1, WTP Incentive Fee Structure, adding reference to the Net Remaining Available Fee of \$617,820,881.

**From:**

**ATTACHMENT B-1 INCENTIVE FEE SUMMARY TABLE  
Table B-1 - WTP Incentive Fee Structure**

<u>Description</u>	<u>Reference</u>	<u>Amount</u>
<b>A Final Fee Determination Prior to Modification No. A143</b>	Attachment B-2-A	<b><u>\$102,622,325</u></b>
<b>B Maximum Available Award Fee:</b>		
<b>B.1</b> Project Management Incentive	Attachment B-2-B	\$44,377,675
<b>B.2</b> Cost Incentive	Attachment B-2-B	<u>\$95,000,000</u>
<b>Total Award Fee</b>		<b><u>\$139,377,675</u></b>
<b>C Schedule Incentive Fee:</b>		
<b>C.1.X</b> Activity Milestone Completion:	Attachment B-2-C	\$173,000,000
<b>C.2</b> Facility Milestones Completion:		
<b>C.2.1</b> LAB Construction Substantially Complete	Attachment B-2-C	\$4,000,000
<b>C.2.2</b> LAW Construction Substantially Complete	Attachment B-2-C	\$4,000,000
<b>C.2.3</b> LBL Start Cold Commissioning (SCC)	Attachment B-2-C	\$4,000,000
<b>C.2.4</b> LBL Complete Hot Commissioning (CHC)	Attachment B-2-C	\$4,000,000
<b>C.2.5</b> HLW Start Cold Commissioning	Attachment B-2-C	\$9,500,000
<b>C.2.6</b> PT Start Cold Commissioning	Attachment B-2-C	\$9,500,000
<b>C.2.7</b> HLW Complete Hot Commissioning	Attachment B-2-C	\$9,500,000
<b>C.2.8</b> PT Complete Hot Commissioning	Attachment B-2-C	\$9,500,000
<b>Total - Facility Schedule Incentive</b>		<b><u>\$54,000,000</u></b>
<b>Total Schedule Incentive Fee</b>		<b><u>\$227,000,000</u></b>
<b>D Operational Incentive Fee:</b>		
<b>D.1</b> Cold Commissioning:		
<b>D.1.1</b> PT High Level Waste	Attachment B-2-D	\$10,000,000
<b>D.1.2</b> PT Low Level Waste	Attachment B-2-D	\$10,000,000
<b>D.1.3</b> HLW Vitrification	Attachment B-2-D	\$13,000,000
<b>D.1.4</b> LAW Vitrification	Attachment B-2-D	<u>\$12,000,000</u>
<b>Subtotal-Cold Commissioning</b>		<b><u>\$45,000,000</u></b>
<b>D.2</b> Hot Commissioning:		
<b>D.2.1</b> PT High Level Waste	Attachment B-2-D	\$10,000,000
<b>D.2.2</b> PT Low Level Waste	Attachment B-2-D	\$10,000,000
<b>D.2.3</b> HLW Vitrification	Attachment B-2-D	\$13,000,000
<b>D.2.4</b> LAW Vitrification	Attachment B-2-D	<u>\$13,000,000</u>
<b>Subtotal-Hot Commissioning</b>		<b><u>\$46,000,000</u></b>
<b>Total Operational Incentive Fee</b>		<b><u>\$91,000,000</u></b>
<b>E Enhancement Incentive Fee:</b>		
<b>E.1</b> Enhanced Plant Capacity	Attachment B-2-E	\$15,000,000
<b>E.2</b> Sodium Reduction	Attachment B-2-E	\$15,000,000
<b>E.3</b> Enhanced Plant Turnover	Attachment B-2-E	\$15,000,000
<b>E.4</b> Sustained Production Achievement	Attachment B-2-E	<u>\$15,000,000</u>
<b>Total Enhancement Incentive Fee</b>		<b><u>\$60,000,000</u></b>
<b>TOTAL MAXIMUM AVAILABLE FEE (A+B+C+D+E)</b>		<b><u>\$620,000,000</u></b>

To:

**ATTACHMENT B-1 INCENTIVE FEE SUMMARY TABLE**

**Table B-1 - WTP Incentive Fee Structure**

<u>Description</u>	<u>Reference</u>	<u>Amount</u>
<b>A Final Fee Determination Prior to Modification No. A143</b>	Attachment B-2-A	<b><u>\$102,622,325</u></b>
<b>B Maximum Available Award Fee:</b>		
<b>B.1</b> Project Management Incentive	Attachment B-2-B	\$44,377,675
<b>B.2</b> Cost Incentive	Attachment B-2-B	<u>\$95,000,000</u>
*See Table B-2-B-1		
<b>Total Award Fee</b>		<b><u>\$139,377,675</u></b>
<b>C Schedule Incentive Fee:</b>		
<b>C.1.X</b> Activity Milestone Completion:	Attachment B-2-C	\$173,000,000
<b>C.2</b> Facility Milestones Completion:		
<b>C.2.1</b> LAB Construction Substantially Complete	Attachment B-2-C	\$4,000,000
<b>C.2.2</b> LAW Construction Substantially Complete	Attachment B-2-C	\$4,000,000
<b>C.2.3</b> LBL Start Cold Commissioning (SCC)	Attachment B-2-C	\$4,000,000
<b>C.2.4</b> LBL Complete Hot Commissioning (CHC)	Attachment B-2-C	\$4,000,000
<b>C.2.5</b> HLW Start Cold Commissioning	Attachment B-2-C	\$9,500,000
<b>C.2.6</b> PT Start Cold Commissioning	Attachment B-2-C	\$9,500,000
<b>C.2.7</b> HLW Complete Hot Commissioning	Attachment B-2-C	\$9,500,000
<b>C.2.8</b> PT Complete Hot Commissioning	Attachment B-2-C	\$9,500,000
Total - Facility Schedule Incentive		<u>\$54,000,000</u>
<b>Total Schedule Incentive Fee</b>		<b><u>\$227,000,000</u></b>
<b>D Operational Incentive Fee:</b>		
<b>D.1</b> Cold Commissioning:		
<b>D.1.1</b> PT High Level Waste	Attachment B-2-D	\$10,000,000
<b>D.1.2</b> PT Low Level Waste	Attachment B-2-D	\$10,000,000
<b>D.1.3</b> HLW Vitrification	Attachment B-2-D	\$13,000,000
<b>D.1.4</b> LAW Vitrification	Attachment B-2-D	<u>\$12,000,000</u>
Subtotal-Cold Commissioning		<u>\$45,000,000</u>
<b>D.2</b> Hot Commissioning:		
<b>D.2.1</b> PT High Level Waste	Attachment B-2-D	\$10,000,000
<b>D.2.2</b> PT Low Level Waste	Attachment B-2-D	\$10,000,000
<b>D.2.3</b> HLW Vitrification	Attachment B-2-D	\$13,000,000
<b>D.2.4</b> LAW Vitrification	Attachment B-2-D	<u>\$13,000,000</u>
Subtotal-Hot Commissioning		<u>\$46,000,000</u>
<b>Total Operational Incentive Fee</b>		<b><u>\$91,000,000</u></b>
<b>E Enhancement Incentive Fee:</b>		
<b>E.1</b> Enhanced Plant Capacity	Attachment B-2-E	\$15,000,000
<b>E.2</b> Sodium Reduction	Attachment B-2-E	\$15,000,000
<b>E.3</b> Enhanced Plant Turnover	Attachment B-2-E	\$15,000,000
<b>E.4</b> Sustained Production Achievement	Attachment B-2-E	<u>\$15,000,000</u>
<b>Total Enhancement Incentive Fee</b>		<b><u>\$60,000,000</u></b>
<b>TOTAL MAXIMUM AVAILABLE FEE (A+B+C+D+E)*</b>		<b><u>\$620,000,000</u></b>

\*Net remaining Available Fee as of A156 is \$617,820,881(M158)

2. Update Section B, Attachment B-2-B, to replace Table B-2-B-1, *Incentive Fee B-Maximum Available Award Fee*, in full.

From:

**Table B-2-B-1 Incentive Fee B-Maximum Available Award Fee**

Calendar Year (CY)	Award Fee Period	Maximum Available Award Fee - Cost Incentive	Maximum Available Award Fee - Project Management Incentive	Total Maximum Available Award Fee
2009	2009-A	\$ 4,500,000	\$ 2,188,838	\$ 6,688,838
	2009-B	\$ 4,500,000	\$ 2,188,837	\$ 6,688,837
2010	2010-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2010-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2011	2011-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2011-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2012	2012-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2012-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2013	2013-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2013-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2014	2014-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2014-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2015	2015-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2015-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2016	2016-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2016-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2017	2017-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2017-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2018	2018-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2018-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
2019	2019-A	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	2019-B	\$ 4,300,000	\$ 2,000,000	\$ 6,300,000
	<b>Totals</b>	<b>\$ 95,000,000</b>	<b>\$ 44,377,675</b>	<b>\$ 139,377,675</b>

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To:  
**Table B-2-B-1. Incentive Fee B-Schedule of Maximum Available Award Fee and Award Fee Earned (M158)**

Cal. Year (CY)	Award Fee Period	B.1 Award Fee - Project Mgmt Incentive		B.2 Award Fee - Cost Incentive		Total Award Fee	
		Available	Earned*	Available	Earned*	Available	Earned*
2009	2009-A	\$ 2,188,838	\$ 1,584,719	\$ 4,500,000	\$ 2,925,000	\$ 6,688,838	\$ 4,509,719
	2009-B	2,188,837	TBD	\$ 4,500,000	TBD	\$ 6,688,837	TBD
2010	2010-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2010-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2011	2011-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2011-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2012	2012-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2012-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2013	2013-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2013-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2014	2014-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2014-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2015	2015-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2015-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2016	2016-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2016-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2017	2017-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2017-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2018	2018-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2018-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
2019	2019-A	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
	2019-B	2,000,000	TBD	\$ 4,300,000	TBD	\$ 6,300,000	TBD
<b>Totals</b>		<b>\$ 44,377,675</b>	<b>\$ 1,584,719</b>	<b>\$ 95,000,000</b>	<b>\$ 2,925,000</b>	<b>\$ 139,377,675</b>	<b>\$ 4,509,719</b>

\*Unearned Award Fee is not earnable for the remainder of the Contract (M158)

3. Update Section B, to replace the following table from Section B.2(c) in full:  
**From:**

<b>Cost:</b>			
	<b>Total Estimated Contract Cost (TECC)</b>		<b>\$ 10,446,498,000</b>
<b>Fee:</b>			
A	Final Fee Determination - Pre-Mod No. A143		\$ 102,622,325
B	Maximum Available Award Fee		\$ 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	
	<b>Total Maximum Available Fee</b>		<b>\$ 620,000,000</b>
	<b>Total Estimated Contract Price</b>		<b>\$ 11,066,498,000</b>

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To:

<b>Cost:</b>			
	<b>Total Estimated Contract Cost (TECC)</b>		<b>\$ 10,446,498,000</b>
<b>Fee:</b>			
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
	<b>Total Maximum Available Fee at Modification A143</b>	<b>\$</b>	<b>620,000,000</b>
	<b>Total Estimated Contract Price</b>	<b>\$</b>	<b>11,066,498,000</b>

4. Update Section I, replace in full I.34 FAR 52.222-8 PAYROLLS AND BASIC RECORDS (Feb 1988) with Class Deviation November 2009 as follows:

**I.34 FAR 52.222-8 PAYROLLS AND BASIC RECORDS (DEVIATION NOVEMBER 2009)**

(a) Payrolls and basic records relating thereto shall be maintained by the Contractor during the course of the work and preserved for a period of 3 years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found, under paragraph (d) of the clause entitled Davis-Bacon Act, that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the

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registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

- (b) (1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the Contracting Officer. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the Department of Energy if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit them to the applicant, sponsor, or owner, as the case may be, for transmission to the Department of Energy, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the sponsoring government agency (or the applicant, sponsor, or owner).
- (2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the Contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify—
- (i) That the payroll for the payroll period contains the information required to be maintained under paragraph (a) of this clause and that such information is correct and complete;
  - (ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR Part 3; and
  - (iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.
- (3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (b)(2) of this clause.
- (4) The falsification of any of the certifications in this clause may subject the Contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 3729 of Title 31 of the United States Code.
- (c) The Contractor or subcontractor shall make the records required under paragraph (a) of this clause available for inspection, copying, or transcription by the Contracting Officer or authorized representatives of the Contracting Officer or the Department of Labor. The Contractor or subcontractor shall permit the Contracting Officer or representatives of the Contracting Officer or



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the Department of Labor to interview employees during working hours on the job. If the Contractor or subcontractor fails to submit required records or to make them available, the Contracting Officer may, after written notice to the Contractor, take such action as may be necessary to cause the suspension of any further payment. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(End of clause)

- Update Section J, Attachment F, Key Personnel to remove term appointment of Rick Bradford and include Prime Contracts Manager, Tony Veirup. The changes are as follows:

SECTION J - LIST OF ATTACHMENT S  
ATTACHMENT F - KEY PERSONNEL

<u>Name</u>	<u>Position</u> (M110) (M130) (M133) (M147) (M152) (M158)
Ted C. Eigenbaum Richard (Rick) Bradford  (Approved for duration NTE 23 November 2009)	Project Director Project Manager
William (Bill) Gay III	Assistant Project Director (Engineering, Quality & Safety Assurance & Plant Operations)
Tyrone Troutman, Jr. Leon Lamm William T. Clements	Area Project Manager (High-Level Waste) Area Project Manager (Pretreatment) Area Project Manager (Low Activity Waste/Balance of Facilities/Analytical Laboratory)
Donna Busche David J. Jantosik	E&HS Manager Quality and Performance Assurance Manager
Dennis Hayes Barbara Rusincko David F. Leeth Nikki Grover	Plant Operations Manager Manager of Engineering Manager of Construction Assistant Project Director (Business Services)
Greg Ashley Anton R. (Tony) Veirup	Project Technical Director Prime Contracts Manager

- Update Section J, Attachment J, Sub-Attachment B, to delete three Trends from the list of exclusions.

The three trends deleted from this list are as follows:

TN-24590-06-02874	Increased Cost of LAW/LAB Partition Walls Subcontract
TN-24590-06-03329	Increased Cost of Carbon Media Testing
TN-24590-06-03563	IHLW Analysis Program Implementation Phase I

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The list of exclusions is replaced in full as follows:

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
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
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
TN-24590-06-03487	Implement Directed PSAR Update Process
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
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
TN-24590-06-03753	Justification for Continued Design, Procurement, and Installation
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

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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	Implement New Preliminary Safety Analysis Report (PSAR) Updates
M141 Item c	Implement New Safety Classification Process

7. **Contractor's Statement of Release:** In consideration of the Modification agreed to herein as complete equitable adjustments, 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.
  
8. **All other terms and conditions remain unchanged.**

**(End of Modification)**