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|---|--|--|----------------------------------|-------------------------|
| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | | 1. CONTRACT ID CODE | PAGE 1 | OF PAGES 4 |
| 2. AMENDMENT/MODIFICATION NO. 251 | | 3. EFFECTIVE DATE (M.D.Y) See Block 16C | 4. REQUISITION/PURCHASE REQ. NO. | |
| 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. | | |
| CODE 396A5 | | 9B. DATED (SEE ITEM 11) | | |
| FACILITY CODE 153392068 | | 10A. MODIFICATION OF CONTRACT/ ORDER NO. DE-AC27-01RV14136 | | |
| | | 10B. DATED (SEE ITEM 13) December 11, 2000 | | |

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)" Clause B.2, "Obligation and Availability of Funds," and Clause I.66 "Limitation of Funds" (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.)
Reference Continuation Page(s)
Period of Performance: 12/11/2000 to 8/15/2019

| | | | |
|---|-------------------------------------|--|-------------------------------------|
| 15A. NAME AND TITLE OF SIGNER (Type or print) Frank M. Russo Project Director | | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Ashley T. Morris Contracting Officer | |
| 15B. CONTRACTOR/OFFEROR ORIGINAL SIGNED BY <hr/> <i>(Signature of person authorized to sign)</i> | 15C. DATE SIGNED 12/21/11 | 16B. UNITED STATES OF AMERICA BY ORIGINAL SIGNED BY <hr/> <i>(Signature of Contracting Officer)</i> | 16C. DATE SIGNED 1/4/2012 |

Purpose of Modification:

The purpose of this modification is to update Section B, *Supplies or Services and Prices/Costs*. This modification definitizes Request for Equitable Adjustment (REA) REA 2010-016, *Environmental Management System (Executive Orders 13423 and 13514; DOE Orders 430.2B and 450.1A)*.

Description of Modification:

1. The table in Section B, *Supplies or Services and Prices/Costs*, Contract Section B.2 *Obligation and Availability of Funds and Contract Value*, paragraph (c) is deleted in its entirety and replaced with the following table, which revises the TECC, Fee, and TECP.
 - a. Increase the TECC from \$10,556,589,429 to \$10,556,960,684, an increase of \$371,255;
 - b. Increase the Maximum Available Award Fee from \$127,510,377 to \$127,540,983;
 - c. Increase the REA Settlement from \$54,640 to \$85,246 an increase of \$30,606;
 - d. Increase Total Maximum Available Fee from \$608,132,702 to \$608,163,308; and
 - e. Increase the TECP from \$11,164,722,131 to \$11,165,123,992, an increase of \$401,861.

Cost:

| | |
|---|---------------------------------|
| Total Estimated Contract Cost (TECC) | \$ <u>10,556,960,684</u> |
|---|---------------------------------|

Fee:

| | | | |
|---|--|-----------|------------------------------|
| A | Final Fee Determination - Pre-Mod No. A143 | \$ | 102,622,325 |
| B | Maximum Available Award Fee (See Table B-2-B-1) | \$ | 127,540,983 |
| | B.1 Project Management Incentive | \$ | 41,182,737 |
| | B.2 Cost Incentive | \$ | 86,273,000 |
| | B.3 REA Settlement | \$ | 85,246 |
| 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 (251) | \$ | <u>608,163,308</u> |
| | Total Estimated Contract Price (TECP) (251) | \$ | <u>11,165,123,992</u> |

2. Update Section B as noted in the below table to reflect the addition of Post A143 Fee for REA 2010-016.

- a. Delete and replace in its entirety Attachment B-1 Incentive Fee Summary Table:

Table B-1 - WTP Incentive Fee Structure

| <u>Description</u> | <u>Reference</u> | <u>Amount</u> |
|---|------------------|-----------------------------|
| A Final Fee Determination Prior to Modification No. A143 | Attachment B-2-A | <u>\$102,622,325</u> |
| B Maximum Available Award Fee: | | |
| B.1 Project Management Incentive | Attachment B-2-B | \$41,182,737 |
| B.2 Cost Incentive | Attachment B-2-B | <u>\$86,273,000</u> |
| *See Table B-2-B-1 | | |
| B.3 REA Settlement Fee | Attachment B-3 | <u>\$85,246</u> |
| Total Award Fee | | <u>\$127,540,983</u> |
| C Schedule Incentive Fee: | | |
| C.1.X Activity Milestone Completion: | Attachment B-2-C | \$173,000,000 |
| C.2 Facility Milestones Completion: | | |
| C.2.1 LAB Construction Substantially Complete | Attachment B-2-C | \$4,000,000 |
| C.2.2 LAW Construction Substantially Complete | Attachment B-2-C | \$4,000,000 |
| C.2.3 LBL Start Cold Commissioning (SCC) | Attachment B-2-C | \$4,000,000 |
| C.2.4 LBL Complete Hot Commissioning (CHC) | Attachment B-2-C | \$4,000,000 |
| C.2.5 HLW Start Cold Commissioning | Attachment B-2-C | \$9,500,000 |
| C.2.6 PT Start Cold Commissioning | Attachment B-2-C | \$9,500,000 |
| C.2.7 HLW Complete Hot Commissioning | Attachment B-2-C | \$9,500,000 |
| C.2.8 PT Complete Hot Commissioning | Attachment B-2-C | \$9,500,000 |
| Total - Facility Schedule Incentive | | <u>\$54,000,000</u> |
| Total Schedule Incentive Fee | | <u>\$227,000,000</u> |
| D Operational Incentive Fee: | | |
| D.1 Cold Commissioning: | | |
| D.1.1 PT High Level Waste | Attachment B-2-D | \$10,000,000 |
| D.1.2 PT Low Level Waste | Attachment B-2-D | \$10,000,000 |
| D.1.3 HLW Vitrification | Attachment B-2-D | \$13,000,000 |
| D.1.4 LAW Vitrification | Attachment B-2-D | <u>\$12,000,000</u> |
| Subtotal-Cold Commissioning | | <u>\$45,000,000</u> |
| D.2 Hot Commissioning: | | |
| D.2.1 PT High Level Waste | Attachment B-2-D | \$10,000,000 |
| D.2.2 PT Low Level Waste | Attachment B-2-D | \$10,000,000 |
| D.2.3 HLW Vitrification | Attachment B-2-D | \$13,000,000 |
| D.2.4 LAW Vitrification | Attachment B-2-D | <u>\$13,000,000</u> |
| Subtotal-Hot Commissioning | | <u>\$46,000,000</u> |
| Total Operational Incentive Fee | | <u>\$91,000,000</u> |
| E Enhancement Incentive Fee: | | |
| E.1 Enhanced Plant Capacity | Attachment B-2-E | \$15,000,000 |
| E.2 Sodium Reduction | Attachment B-2-E | \$15,000,000 |
| E.3 Enhanced Plant Turnover | Attachment B-2-E | \$15,000,000 |
| E.4 Sustained Production Achievement | Attachment B-2-E | <u>\$15,000,000</u> |
| Total Enhancement Incentive Fee | | <u>\$60,000,000</u> |

TOTAL MAXIMUM AVAILABLE FEE (A+B+C+D+E)* \$608,163,308

*Reflects Unearnable Award Fee

b. Delete and replace in its entirety Attachment B-3 – REA SETTLEMENT FEE as follows:

ATTACHMENT B-3 –REA SETTLEMENT FEE

The following Table reflects settlement of fee-bearing Requests for Equitable Adjustment (REA).

Table B-3-A. Fixed Fee

| REA Number | REA Title | Contract Modification # | Fee Amount |
|------------|--|-------------------------|-----------------|
| 2010-011 | E-Verify | 200 | \$9,661 |
| 2010-015 | LBL 2015 | 203 | \$44,979 |
| 2010-016 | Environmental Management System (Executive Orders 13423 and 13514; DOE Orders 430.2B and 450.1A) | 251 | \$30,606 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | Total | \$85,246 |

For REA settlements in which costs have been fully incurred, BNI is authorized to invoice for the entire fee amount upon receipt of a fully executed contract modification.

- No additional funds are currently being allotted to this contract for REA 2010-016. Work associated with the REA will be performed within the amount of funds which have been allotted to the contract in accordance with 1.66 – FAR 52.232-22 *Limitation of Funds (APR 1984)*.

4. Contractor’s Statement of Release:

In consideration of the Modification, 251, agreed to herein as complete equitable adjustment for the Contractor’s Requests for Equitable Adjustment (REA) 2010-016, *Environmental Management System (Executive Orders 13423 and 13514; DOE Orders 430.2B and 450.1A)*, 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 this modification.

- All other terms and conditions remain unchanged.**

(End of Modification)