

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE	PAGE <b>1</b> OF <b>7</b> PAGES
2. AMENDMENT/MODIFICATION NO. <b>200</b>	3. EFFECTIVE DATE (M/D/Y) <b>See Block 16C</b>	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
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)	CODE	
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>		9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE <b>396A5</b>	FACILITY CODE <b>153392068</b>	10A. MODIFICATION OF CONTRACT/ ORDER NO. <b>DE-AC27-01RV14136</b>	10B. DATED (SEE ITEM 13) <b>December 11, 2000</b>

**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.)

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>Frank M. Russo Project Director</b>	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) <b>Ashley T. Morris Contracting Officer</b>
15B. CONTRACTOR/OFFEROR <b>ORIGINAL SIGNED BY</b> <i>(Signature of person authorized to sign)</i>	15C. DATE SIGNED <b>1/10/11</b>
16B. UNITED STATES OF AMERICA <b>BY ORIGINAL SIGNED BY</b> <i>(Signature of Contracting Officer)</i>	16C. DATE SIGNED <b>10 Jan 2010</b>

**Purpose of Modification:**

The purpose of this modification is to update Section B, *Supplies or Services and Prices/Costs*. The subject modification definitizes Request for Equitable Adjustment (REA) 2010-011, *Implementation of Federal Acquisition Regulation Clause 52.222-54, Employment Eligibility Verification* and REA 2010-024, *Multiple-Employer Pension Plan Contribution for Plan Year 2010*.

**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 \$10,466,805,316 to \$10,467,286,089 by \$480,773;
  - b. Add Total Maximum Available Fee Post Modification A143 in the amount of \$9,665; and
  - c. Increase the TECP from \$11,086,805,316 to \$11,087,295,754 by \$490,438.

**Cost:**

<b>Total Estimated Contract Cost (TECC)</b>	<b><u>\$10,467,286,089</u></b>
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**Fee:**

A	Final Fee Determination - Pre-Mod No. A143	\$	102,622,325
B	Maximum Available Award Fee (See Table B-2-B-1)	\$	139,387,340
	B.1 Project Management Incentive	\$	44,377,675
	B.2 Cost Incentive	\$	95,000,000
	B.3 REA Settlement	\$	9,665
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 (200)</b>			<b><u>\$ 620,009,665</u></b>
<b>Total Estimated Contract Price (TECP)</b>			<b><u>\$11,087,295,754</u></b>

2. Update Section B as noted in the below to reflect the addition of Post A143 Fee reflective with inclusion of new Incentive Fee element B.3 – REA Settlement Fee.
- a. Delete and replace in its entirety B.4 Incentive Fee Structure, WTP Incentive Fee Structure Table:

**WTP Incentive Fee Structure**

No.	Title	Fee Type	Performance Measure(s)	Fee Administration Terms and Conditions Reference
<b>A</b>	<b>Final Fee Determination for Work Prior to Mod. No. A143</b>	Fixed	Determined by Contracting Officer	Clause B.6, Attachment B-2-A
<b>B</b>	<b>Award Fee:</b>			
B.1	Award Fee - Project Mgmt Incentive	Award	Performance Measures in PEMP	Clause B.7, Atch B-2-B & PEMP
B.2	Award Fee - Cost Incentive	Award	Performance Measures in PEMP	Clause B.7, Atch B-2-B & PEMP
B.3	Award Fee - REA Settlement	Fixed / Award	Completion of Specified Milestones	Clause B.6, Atch B-3
<b>C</b>	<b>Schedule Incentive Fee:</b>			
C.1	Activity Milestone Completion	PBI	Completion of Specified Milestones	Clause B.6, Atch B-2-C & PEMP
C.2	Facility Milestone Completion	PBI	Completion of Specified Milestones	Clause B.6, Atch B-2-C & PEMP
<b>D</b>	<b>Operational Incentive Fee:</b>			
D.1	Cold Commissioning	PBI	Capacity	Clause B.6; Atch B-2-D; Section C, Standard 5, Table C.6-5.1
D.2	Hot Commissioning	PBI	Capacity	Clause B.6, Atch B-2-D; Section C, Standard 5, Table C.6-5.2
<b>E</b>	<b>Enhancement Incentive Fee:</b>			
E.1	Enhanced Plant Capacity	PBI	Plant Capacity Exceeding Treatment Capacity	Clause B.6, Atch B-2-E
E.2	Sodium Reduction	PBI	Metric Tons Sodium Reduced	Clause B.6, Atch B-2-E
E.3	Enhanced Plant Turnover	PBI	Reduced Plant Turnover Period	Clause B.6, Atch B-2-E
E.4	Sustained Production Achievement	PBI	Post-Turnover Operations Capacity	Clause B.6, Atch B-2-E

- b. Update B.11 Attachments:

FROM:

ATTACHMENT B-1 – INCENTIVE FEE SUMMARY TABLE

ATTACHMENT B-2 – INCENTIVE FEE DETAILS

ATTACHMENT B-2-A – INCENTIVE FEE A – Final Fee Determination for Work Prior to Modification No. A143.

ATTACHMENT B-2-B – INCENTIVE FEE B – Maximum Available Award Fee

ATTACHMENT B-2-C – INCENTIVE FEE C – Schedule Incentive Fee

ATTACHMENT B-2-D – INCENTIVE FEE D – Operational Incentive Fee

ATTACHMENT B-2-E – INCENTIVE FEE E – Enhancement Incentive Fee

TO:

ATTACHMENT B-1 – INCENTIVE FEE SUMMARY TABLE

ATTACHMENT B-2 – INCENTIVE FEE DETAILS

ATTACHMENT B-2-A – INCENTIVE FEE A – Final Fee Determination for Work  
Prior to Modification No. A143.

ATTACHMENT B-2-B – INCENTIVE FEE B – Maximum Available Award Fee

ATTACHMENT B-2-C – INCENTIVE FEE C – Schedule Incentive Fee

ATTACHMENT B-2-D – INCENTIVE FEE D – Operational Incentive Fee

ATTACHMENT B-2-E – INCENTIVE FEE E – Enhancement Incentive Fee

ATTACHMENT B-3 – REA SETTLEMENT FEE

ATTACHMENT B-3-A – FIXED FEE

ATTACHMENT B-3-B – INCENTIVE FEE

c. 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>
<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.1 Project Management Incentive	Attachment B-2-B	\$44,377,675
B.2 Cost Incentive	Attachment B-2-B	<u>\$95,000,000</u>
*See Table B-2-B-1		
B.3 REA Settlement Fee	Attachment B-3	<u>\$9,665</u>
<b>Total Award Fee</b>		<b><u>\$139,387,340</u></b>
<b>C Schedule Incentive Fee:</b>		
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>
<b>Total Schedule Incentive Fee</b>		<b><u>\$227,000,000</u></b>
<b>D Operational Incentive Fee:</b>		
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>
<b>Total Operational Incentive Fee</b>		<b><u>\$91,000,000</u></b>
<b>E Enhancement Incentive Fee:</b>		
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>
<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>\$620,009,665</u></b>

\*Net remaining Available Fee as of 200 is \$612,400,127\*\* (200)

\*\* Net remaining Available Fee = Total Maximum Available Fee – Unearned Award Fee

- d. Update and add Attachment B-3 – REA SETTLEMENT FEE which is hereby included after Attachment B-2-C – INCENTIVE FEE C – SCHEDULE INCENTIVE FEE and before C.1 ACTIVITY MILESTONE COMPLETION. Attachment B-3 is 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**

<b>REA Number</b>	<b>REA Title</b>	<b>Contract Modification #</b>	<b>Fee Amount</b>
2010-11	E-Verify	200	\$9,665.00
		<b>Total</b>	<b>\$9,665.00</b>

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.

**Table B-3-B. Incentive Fee**

REA Number	REA Title	Contract Modification #	Designation	Fee Amount	Completion Date
			<b>Total</b>	<b>\$</b>	

For REAs in which costs have not been fully incurred at the time of settlement, BNI is authorized to invoice for the incentive fee as specified in the applicable contract modification.

- 3. No additional funds are currently being allotted to this contract for the REA 2010-011 and the REA 2010-024. 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)*.

**4. Contractor’s Statement of Release:**

In consideration of the Modification, 200, agreed to herein as complete equitable adjustment for the Contractor’s Request for Equitable Adjustment for *Implementation of Federal Acquisition Regulation Clause 52.222-54, Employment Eligibility Verification*, REA 2010-011 and *Multi-Employer Plan Contribution for Plan Year 2010*, REA 2010-024, 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)**