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|--|------------------------------------|---|--------------------------------|
| <b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>  |                                    | 1. CONTRACT ID CODE   | PAGE OF PAGES<br>1   3         |
| 2. AMENDMENT/MODIFICATION NO.<br>097   | 3. EFFECTIVE DATE<br>See Block 16C | 4. REQUISITION/PURCHASE REQ. NO.<br>09FE008943  | 5. PROJECT NO. (If applicable) |
| 6. ISSUED BY<br>SPRO<br>U.S. Department of Energy<br>SPRO<br>900 Commerce Road East US 492<br>New Orleans LA 70123   | CODE<br>01601                      | 7. ADMINISTERED BY (If other than Item 6)<br>SPRO<br>U.S. Department of Energy<br>SPRO<br>900 Commerce Road East US 492<br>New Orleans LA 70123 | CODE<br>01601                  |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)<br><br>DYNMCDERMOTT PETROLEUM OPERATIONS COMPANY<br>Attn: RANDY SUTTON<br>850 S CLEARVIEW PKWY<br>NEW ORLEANS LA 701233401 |                                    | (x) 9A. AMENDMENT OF SOLICITATION NO.   |                                |
|  |                                    | 9B. DATED (SEE ITEM 11)   |                                |
|  |                                    | X 10A. MODIFICATION OF CONTRACT/ORDER NO.<br>DE-AC96-03PO92207  |                                |
|  |                                    | 10B. DATED (SEE ITEM 11)<br>01/28/2003  |                                |
| CODE<br>801931486  | FACILITY CODE                      |   |                                |

**11. THIS ITEM ONLY 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 HOUR AND DATE 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 this amendment, and is received prior to the opening hour and date specified.

**12. ACCOUNTING AND APPROPRIATION DATA (If required)****13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED 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.  |
|           | B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b). |
| X         | C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:<br>Various Clauses delineated below and Mutual Agreement of the Parties  |
|           | D. OTHER (Specify type of modification and authority)   |

**E. IMPORTANT:** Contractor  is not,  is required to sign this document and return 1 copies to the issuing office.

**14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)**

Bilateral Modification pursuant to the authority of Clauses H.8 Work Authorization, I.19 FAR 52.222-2 - Payment of Overtime Premiums, I.90 DEAR 970.5204-2 - Laws, Regulations, and DOE/SPRPMO Directives, I.93 DEAR 970.5215-1 Total Available Fee, and Mutual Agreement of the Parties.

A. Reference Section B., B.5 Contract Value:  
The Contract Value is revised to incorporate the FY 2010 Estimated Costs, and the FY 2010

Continued ...

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)                               |                  | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)<br>Kelly M. Gele                  |                                |
| 15B. CONTRACTOR/OFFEROR<br><br><br>(Signature of person authorized to sign) | 15C. DATE SIGNED | 16B. UNITED STATES OF AMERICA<br>Signature on File<br><br>(Signature of Contracting Officer) | 16C. DATE SIGNED<br>09/23/2009 |

## CONTINUATION SHEET

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NAME OF OFFEROR OR CONTRACTOR

DYNMCDERMOTT PETROLEUM OPERATIONS COMPANY

| ITEM NO.<br>(A) | SUPPLIES/SERVICES<br>(B)   | QUANTITY<br>(C) | UNIT<br>(D) | UNIT PRICE<br>(E) | AMOUNT<br>(F) |
|-----------------|--|-----------------|-------------|-------------------|---------------|
|                 | <p>negotiated Performance Fee. As a result the total contract value is increased by \$1,409,788 from \$1,198,997,156 to \$1,200,406,944. (Revised page B-3 attached)</p> <p>B. Reference Section H., H.13 - Advance Understanding on Human Resources: Paragraph (b) is deleted in its entirety (this requirement is covered in contract clause H.27 (e)) and paragraph (c) is now (b). (See TOC and page H-10 attached)</p> <p>C. Reference Section H., H.21 - Payment of Overtime Premium: The Overtime Premium for Fiscal Year 2010 is \$800,000.</p> <p>D. Reference Section I Contract Clauses: Contract Clauses have been revised to incorporate changes to the Federal Acquisition Regulations through Federal Acquisition Circular 2005-36, DOE Policy Flash 2009-66 dated 08/19/09 - Technical Amendments issued to the Department of Energy Acquisition Regulations (DEAR) as published in the Federal Register July 22, 2009 (FR36358), and DOE Policy Flash 2009-72 issued 09/04/09, as delineated below: (Revised Section I Table of Content, page I-3 attached)</p> <p>Updated Clauses:</p> <p>I.65 FAR 52.244-6 - Subcontracts for Commercial Items (Aug 2009)</p> <p>I.76 DEAR 952.204-2 - Security (Aug 2009)</p> <p>I.78 DEAR 952.247-70 - Foreign Travel (Aug 2009)</p> <p>I.80 DEAR 952.209-72 - Organizational Conflicts of Interest (Aug 2009)</p> <p>I.85 DEAR 952.251-70 - Contractor Employee Travel Discounts (Aug 2009)</p> <p>I.95 DEAR 970.5215-3 - Conditional Payment of Fee, Profit, and Other Incentives-Facility Management Contracts (Aug 2009) Alternate II (Aug 2009)</p> <p>I.109 DEAR 970.5228-1 - Insurance, Litigation and Claims (Aug 2009)</p> <p>I.114 DEAR 970.5232-3 - Accounts, Records, and Inspection (Aug 2009)</p> <p>I.122 DEAR 970.5242-1 - Penalties for Unallowable Costs (Aug 2009)</p> <p>I.124 DEAR 970.5244-1 - Contractor Purchasing System (Aug 2009)</p> <p>Continued ...</p> |                 |             |                   |               |

## CONTINUATION SHEET

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3 3NAME OF OFFEROR OR CONTRACTOR  
DYNMCDERMOTT PETROLEUM OPERATIONS COMPANY

| ITEM NO.<br>(A) | SUPPLIES/SERVICES<br>(B)  | QUANTITY<br>(C) | UNIT<br>(D) | UNIT PRICE<br>(E) | AMOUNT<br>(F) |
|-----------------|---|-----------------|-------------|-------------------|---------------|
|                 | <p>Added Clause:<br/>I.138 FAR 52.222-54 - Employment Eligibility Verification (Jan 2009)</p> <p>Deleted Clause:<br/>I.83 DEAR 952.224-70 - Paperwork Reduction Act (Apr 1984)</p> <p>E. Reference Section J., Appendix D - Small Business Subcontracting Plan: The subcontracting goals for Fiscal Year 2010 are incorporated. (See Attached)</p> <p>F. Reference Section J., Appendix F - List of Applicable DOE/SPRPMO Directives: The Directives List has been revised to incorporate the previously agreed to changes delineated below:</p> <p>Added/Updated:<br/>Admin Change 1 dated 09/01/09 to DOE M 205.1-5 - Cyber Security Process Requirements Manual<br/>Admin Change 1 dated 09/01/09 to DOE M 205.1-6 - Media Sanitization Manual<br/>Admin Change 1 dated 09/01/09 to DOE M 205.1-7 - Security Controls for Unclassified Information Systems Manual<br/>Admin Change 1 dated 09/01/09 to DOE M 205.1-8 - Cyber Security Incident Management Manual<br/>DOE M 470.4-2A - Physical Protection (07/23/09)<br/>SPRPMO O 220.2D - Observation Reports (07/15/09)<br/>SPRPMO O 432.1B - SPR Facilities/Equipment Turnover and Startup Procedure (05/13/09)<br/>Correction:<br/>DOE O 470.2B title is changed to Independent Oversight and Performance Assurance Program<br/>Deleted:<br/>DOE O 441.1A - Worker Protection Management for DOE Federal and Contractor Employees (03/27/98)<br/>DOE O 470.4 - Safeguards and Security Program (08/26/05)<br/>Subj to Retent: N<br/>FOB: Destination<br/>Period of Performance: 04/01/2003 to 03/31/2013</p> |                 |             |                   |               |