

The purpose of this modification is to:

1. Definitize the Request for Equitable Adjustment (REA) for the Multi-Employer Pension Plan (MEPP) for Plan Year 2009;

REFERENCE: CCN 207957 - Letter from N.F. Grover to T.M. Williams, Request for Equitable Adjustment (REA), Multi-Employer Pension Plan (MEPP), dated Dec 18, 2009

2. As a result of negotiating the costs for the MEPP REA, the total estimated contract costs (TECC) less fee is increased by \$293,152.00 from \$10,446,498,000 to \$10,446,791,152. The TECC to include fee as established in A143 is increased by the same amount from \$11,066,498,000 to \$11,066,791,152;
3. As a result of item 2, Contract Section B.2 (c), *Obligation and Availability of Funds and Contract Value*, is updated to reflect the revised TECC;
4. No additional funds will be allotted to this contract for the MEPP REA. 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)*;
5. **Contractors Statement of Release:** In consideration of the modification, A163, agreed to herein as complete and equitable adjustment for the Contractor's Request for Equitable Adjustment for MEPP Plan year 2009, 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 potential schedule impacts resulting from this REA, or the cumulative impacts to schedule resulting from this and other REAs, wherein schedule was not resolved (negotiated); provided that the Contractor shall not be entitled to additional fee and any claim for cumulative schedule impacts shall be limited to the total estimated schedule impacts of those individual REAs.

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)		\$ 10,446,498,000
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	\$	11,066,498,000

To:

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
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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

2. All other terms and conditions remain unchanged.

(End of Modification)