

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE 1 OF 5 PAGES
2. AMENDMENT/MODIFICATION NO. 420	3. EFFECTIVE DATE (M/D/Y) See Block 16C	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY U.S. Department of Energy Office of River Protection P. O. Box 450, MS H6-60 Richland, WA 99352	CODE	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		<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. DE-AC27-01RV14136
		<input checked="" type="checkbox"/>	10B. DATED (SEE ITEM 13) December 11, 2000
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 type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO THE AUTHORITY OF:
<input checked="" type="checkbox"/>	D. OTHER (Specify type of modification and authority) FAR 43.103 Types of Contract Modifications (a) Bilateral - Mutual Agreement of the Parties

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) Brian Reilly, Project Director		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Ronald E. Cone Jr. Contracting Officer	
15B. CONTRACTOR/OFFICER  (Signature of person authorized to sign)	15C. DATE SIGNED 28 MAR 2018	16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	16C. DATE SIGNED 3-28-2018

Purpose of Modification:

The purpose of this modification is to definitize Request for Equitable Adjustment (REA) 2017-002, *Effluent Management Facility Differing Subsurface Conditions* and update Section B, *Supplies or Services and Prices/Costs* as follows:

- Update Section B, *Supplies or Services and Prices/Costs*, to reflect the negotiated amount of \$1,103,559 for CLIN 2.2 and 2.3.
- Update Section B, *Supplies or Services and Prices/Costs*, to reflect the negotiated amount of \$40,522 for REA Fixed Fee.
- Update Section B, *Supplies or Services and Prices/Costs*, to add Attachment B-2-I that will track all Fixed Fee REA negotiated amounts for mods post 384.

Description of Modification:

1. Contract Section B is revised to reflect the following negotiated settlement resulting from REA 2017-002, *Effluent Management Facility Differing Subsurface Conditions*:

Estimated Contract Cost (B.1, CLIN 2.2 and 2.3):	\$1,103,559
REA Settlement Fee:	<u>\$40,522</u>
Revised Total Estimated Contract Price (TECP):	\$1,144,081

2. As a result of negotiations and settlement, the table in Section B, *Supplies or Services and Prices/Costs*, Contract Section B.3 *Obligation and Availability of Funds and Contract Value*, paragraph (c) is revised as follows:
 - Increase the Total Estimated Contract Cost (TECC) by \$1,103,559, from \$14,082,960,228 to \$14,084,063,787.
 - REA 2017-002 had a negotiated fee amount of \$40,522. Total Fee Earned is increased from \$326,204,878 to \$326,245,400
 - Increase the Total Estimated Contract Price (TECP) by \$1,144,081, from \$14,675,300,726 to \$14,676,444,807.
3. The table in Section B, *Supplies or Services and Prices/Costs*, Contract Section B.3 *Obligation and Availability of Funds and Contract Value*, paragraph (c), is deleted in its entirety and replaced in full as follows:

Table B.1 – Total Estimated Contract Price

		Cost		
Total Estimated Contract Cost (TECC) through Mod No. 417				\$14,082,960,228
Total Estimated Contract Cost (420)		CLIN Estimated Cost	Increased by Mod No. 420	Total CLIN Estimated Cost
B.1	CLIN 1.0: Design, Construct, and Commission LBL in the DFLAW Configuration	\$6,507,013,841		\$6,507,013,841
B.2	CLIN 2.0: WTP Facility Modifications Necessary to Support DFLAW			
	Sub-CLIN 2.1: DFLAW Design (Target Cost)	\$75,000,000		\$75,000,000
	Sub-CLINs 2.2 /2.3 DFLAW Procurement/ Construction	\$362,685,000 <small>(Previous NTE Values)</small>	\$1,103,559	\$363,788,559 \$1,103,559
B.3	CLIN 3.0 HLW Facility	\$2,741,633,838		\$2,741,633,838
B.4	CLIN 4.0: PT Facility	\$4,396,627,549		\$4,396,627,549
Revised Total Estimated Contract Cost (TECC) through Mod No. 420				\$14,084,063,787
Fee				
		Available		Earned
Earned before Mod No. 384				
A1	Final Fee Determination – Pre-Mod No. A143			\$102,622,325
A2	Final Fee Earned Mod No. A143 – Mod No. 384			\$131,573,553
	Fixed Fee Payment (Attachment B-2-C)***	\$0		\$60,000,000
	Pending Activity Milestones (Attachment B-2-B)	\$0		\$6,667,000
	Maximum Available Award Fee (CY 2016–2022) (Attachment B-2-D)	\$47,235,620		\$7,242,000
CLIN 1.0: Design, Construct, and Commission LBL in the DFLAW Configuration				
E1	LBL Construction Complete Performance Based Incentives (Attachment B-2-E)	\$51,300,000		\$17,100,000
E2	Commission LBL in the DFLAW Configuration Performance Based Incentive (Attachment B-2-F)	\$159,600,000		
E3	Schedule Incentive Hot Commissioning (Attachment B-2-F)	+/- \$60,000,000 (Max)		
E4	Cost Share Incentive (Attachment B-2-G)	+/- \$50,000,000 (Max)		
E5	REA Fee Post Mod 384			\$40,522
CLIN 2.1: Performance-Based Incentive for DFLAW Design Completion (Attachment B-2-H)		\$8,000,000		\$1,000,000
Total Maximum Available Fee****		\$266,135,620		
Total Fee Earned				\$326,245,400
Total Estimated Contract Price (TECP) (Total Maximum Available Fee + Total Earned Fee + TECC) 420				\$14,676,444,807

** Estimated cost for interim work plans within the agreed funding profile for CLINs 3.0 and 4.0 is included in Total Estimated Contract Cost (TECC).

*** Payment is in satisfaction of all fee entitlement for work accomplished under the Contract from contract Modification No. A143 through the date of this modification (384) that is not included in A2 above.

**** Exclusive of Cost Share and Schedule Incentives.

4. In Section B.5, *Incentive Fee Structure*, a title is added for the new attachment listed as “Attachment B-2-I, “REA Fee Post Mod 384” ”.
5. In Section B.12, *Attachments*, a title is added under B-2, “*Incentive Fee Details*”, as “B-2-I, “REA Fee Post Mod 384” ”.
6. The table in Section B, *Supplies or Services and Prices/Costs*, Contract Section B.12, Attachment B-1, *Incentive Fee Summary Table*, is deleted in its entirety and replaced in full as follows:

Incentive Element	Title	Fee type	Performance Measure	Amount of Fee Available	Amount Paid
B-2-A	Final Fee Determination for work prior to Mod No. A 143	Fixed	Determined by Contracting Officer		\$102,622,325
B-2-B	Earned Activity Milestone Completion Incentive Fees, REA Settlement Fees, Enhanced Incentive Fee, Earned Facility Milestone Completion Schedule Fee, and Award Fee earned before mod (384)	Fixed	Determined by Contracting Officer		* \$131,573,553
	Pending Activity Milestones	Fixed	Determined by Contracting Officer	\$0	\$6,667,000
B-2-C	Fixed Fee Payment	Fixed		\$0	\$60,000,000
			TOTAL B-2-C	\$0	\$300,862,878
B-2-D	Award Fee (From Mod (384) to December 2022).	Award Fee	To be established prior to each calendar year. Will be based upon DOE goals set for HLW and PT and Project Management.		
			CY 2016	\$0	\$7,242,000
			CY2017	\$7,872,603	
			CY 2018	\$7,872,603	
			CY2019	\$7,872,603	
			CY 2020	\$7,872,603	
			CY2021	\$7,872,603	
			CY 2022	\$7,872,605	
			Total B-2-D	\$47,235,620	\$7,242,000
B-2-E	LBL Physical Plant Complete Performance Based Incentives		Interim Milestones		
		PBI	Install Caustic Scrubber Vessel Milestone	\$0	\$4,275,000
		PBI	Complete Final Assembly of Melter Lid #1 Milestone	\$0	\$4,275,000
		PBI	Complete Final Assembly of Melter Lid #2 Milestone	\$0	\$4,275,000
		PBI	Complete LAW Bulk Cable EL+ 48 Milestone	\$0	\$4,275,000
			Final Milestone		
	PBI	Final LBL Physical Plant Complete Milestone	\$51,300,000		
			TOTAL B-2-E	\$51,300,000	\$17,100,000
B-2-F	Commission LBL in the DFLAW Configuration Performance Based Incentive		Interim Milestones		
		PBI	Approval of LAW DSA	\$6,650,000	
		PBI	LAB Startup Testing Complete	\$6,650,000	
		PBI	LAW Startup Testing Complete	\$6,650,000	
		PBI	EMF Startup Testing Complete	\$6,650,000	
		PBI	LAB Readiness to Operate	\$6,650,000	
		PBI	LAW DOE HQ ORR Complete	\$6,650,000	
			Final Milestone		
	PBI	Successful Demonstration of Hot Commissioning	\$119,700,000		
	Commission LBL in the DFLAW Configuration Performance Based Schedule Incentive/disincentive		Based upon actual completion date of Successful Demonstration of Hot Commissioning	+/- \$60,000,000	
			TOTAL B-2-F	\$159,600,000	
B-2-G	CLIN 1.0 Cost Share Incentives	IF	Cost sharing incentive/disincentive based on final CLIN 1 cost above or below the Target cost of \$3,640,400,000	+/- \$50,000,000	
B-2-H	DFLAW design completion	PBI	Complete the constructability review milestone	\$0	\$500,000
		PBI	Prepare and issue DFLAW EMF safety basis change package	\$0	\$500,000

	Cost Share incentive for CLIN 2.1	IF	DOE and the contractor will share cost on CLIN 2.1 final total cost at above or below the Target Cost of \$75M in the ratio of 80% DOE and 20% Contractor. Subject to the maximum combined fee limitation of \$9,000,000.	\$8,000,000	
			TOTAL B-2-H	\$8,000,000	\$1,000,000
B-2-I	REa Fee Post Mod 384	FF	Fixed Fee payment for REAs Negotiated	\$0	\$40,522
			TOTAL FEE AVAILABLE	\$266,135,620	
			TOTAL FEE EARNED		\$326,245,400

*This total will be adjusted to reflect pending milestones listed in Attachment B-2-B, Incentive Fee B that are currently under evaluation. (The total of the three milestones is \$6,667,000).

Note: TOTAL FEE AVAILABLE does not include cost share and schedule incentives. These incentives will be determined based up completion of CLINs 1.0 and 2.1 performance.

7. In Section B.12, Attachment B-2-I, *REa Fee Post Mod 384*, is added as follows:

Attachment B-2-I, REa Fee Post Mod 384

This section will recognize fee negotiated to Requests for Equitable Adjustments (REAs) Post modification No. 384. REAs and their associated fees are listed individually below.

REa Number and REa Title	Contract Mod Recognizing Definitization	Dollar Value of Fee Negotiated
REa 2017-002 EMF Differing Subsurface Conditions	420	\$40,522
Total		\$40,522

8. **Contractor’s Statement of Release:** In consideration of the Modification 420, agreed to herein as complete equitable adjustment for the Contractor’s Request for Equitable Adjustment (REa) for 2017-002, *Effluent Management Facility Differing Subsurface Conditions*, 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.

All other terms and conditions remain unchanged.

(End of Modification)