

Purpose of Modification:

The purpose of this modification is to:

- Definitize Change Proposal 2019-008, Rev. 0, Updated Natural Phenomena Hazards Criteria for DFLAW Facilities.
- Revise Contract Section B, Supplies or Services and Prices/Costs:
 - To reflect the negotiated amount of Change Proposal 2019-008, Rev. 0.

Description of Modification:

1. Definitize Change Proposal 2019-008, Rev. 0, Updated Natural Phenomena Hazards Criteria for DFLAW Facilities, to reflect the following negotiated settlement:

CLIN	DESCRIPTION	DEFINITIZED CHANGE PROPOSAL 2019-008, Rev. 0 VALUE
CLIN 1.0	Design, Construct, and Commission LBL in the DFLAW Configuration	\$490,930
TECC		\$490,930
FEE – CLIN 1.0	Design, Construct, and Commission LBL in the DFLAW Configuration	\$34,080
TECP		\$525,010

2. As a result of negotiations and definitizing REA 2019-008, Rev. 0, 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:

- The Cost Category (A) Total Estimated Contract Cost (TECC) in the amount of \$14,084,256,935 is carried forward from Contract Modification 486.
- The Cost Category (B.1) CLIN 1.0: Design, Construct, and Commission LBL in the DFLAW Configuration, Increased by Mod No. 487, is \$490,930.
- The Cost Category (B.1) CLIN 1.0: Design, Construct, and Commission LBL in the DFLAW Configuration, Total CLIN Estimated Cost, is increased by \$490,930 from \$6,389,677,781 to \$6,390,168,711.
- The Revised Total Estimated Contract Cost (TECC) is increased by \$490,930 from \$14,084,256,935 to \$14,084,747,865.
- The Cost Category E5: REA Fee Post Mod 384, Earned Fee, is increased by \$34,080 from \$658,165 to \$692,245.

- The Total Fee Earned is increased by \$34,080 from \$341,086,819 to \$341,120,899.
- The Total Estimated Contract Price (TECP) (Total Maximum Available Fee + Total Earned Fee + TECC) is increased by \$525,010 from \$14,669,084,168 to \$14,669,609,178.

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. 486				\$14,084,256,935
Total Estimated Contract Cost (487)		CLIN Estimated Cost	Increased/ Decreased by Mod 487	Total CLIN Estimated Cost
B.1	CLIN 1.0: Design, Construct, and Commission LBL in the DFLAW Configuration	\$6,389,677,781	\$490,930	\$6,390,168,711
B.2	CLIN 2.0: WTP Facility Modifications Necessary to Support DFLAW			
	Sub-CLIN 2.1: DFLAW Design (Target Cost)	\$76,359,283		\$76,359,283
	Sub-CLINs 2.2 /2.3 DFLAW Procurement/ Construction	\$481,157,678 <small>(Previous NTE Values)</small>		\$481,157,678
B.3	CLIN 3.0 HLW Facility	\$2,741,179,982		\$2,741,179,982
B.4	CLIN 4.0: PT Facility	\$4,395,882,211		\$4,395,882,211
Revised Total Estimated Contract Cost (TECC) through Mod No. 487				\$14,084,747,865
		Fee		
		Available		Earned
				Total
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)		\$31,490,414		\$14,815,776
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)	\$152,950,000		\$6,650,000
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 Negotiated After Mod 384 (487)		\$34,080	\$692,245
CLIN 2.1: Performance-Based Incentive for DFLAW Design Completion (Attachment B-2-H)		\$8,000,000		\$1,000,000

		Cost		
	Total Maximum Available Fee****	\$243,740,414		
	Total Fee Earned (487)			\$341,120,899
	Total Estimated Contract Price (TECP) (Total Maximum Available Fee + Total Earned Fee + TECC) (487)			\$14,669,609,178

** 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. The table in Attachment B-1 in Section B, *Supplies or Services and Prices/Costs*, 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.		
			CY2016	\$0	\$7,242,000
			CY2017	\$0	\$3,805,961
			CY2018	\$0	\$3,767,815
			CY2019	\$7,872,603	
			CY2020	\$7,872,603	
			CY2021	\$7,872,603	
			CY2022	\$7,872,605	
			TOTAL B-2-D	\$31,490,014	\$14,815,776
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	\$0	\$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	\$152,950,000	\$6,650,000

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 as defined in Attachment B-2-G	+/- \$50,000,000	
	REA Fee Negotiated After Mod 384 (487)	FF	Fixed Fee payment for REAs Negotiated After Mod 384		\$692,245
			TOTAL B-2-G		\$692,245
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 above or below the Target Cost as defined in Table B-2-H-1.	\$8,000,000	
			TOTAL B-2-H	\$8,000,000	\$1,000,000
			TOTAL FEE AVAILABLE	\$243,740,414	
			TOTAL FEE EARNED (487)		\$341,120,899

*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).

5. Table B-2-G-1: Negotiated Changes after Contract Modification #384, is deleted in its entirety and replaced in full as follows:

REA #	Mod #	Negotiated value	CLIN 1	CLIN 2	CLIN 3	CLIN 4	Fee	Notes
2016-003	403	\$400,000	\$379,978		\$7,008	\$13,014		NTE in 381; Split fixed in 417
EMF Cable Drops	417	\$85,000		\$85,000				
National Security Trng	417	\$107,823	\$92,728		\$11,860	\$3,235		
2017-002	420	\$1,144,081		\$1,103,559			\$40,522	
2017-003	426	\$385,114	\$385,114					NTE in 385 & 411
2016-002	429	\$1,517,007	\$1,013,787		\$203,052	\$214,541	\$85,627	NTE in 375, 388, & 412; Split fixed in 417
2017-006	433	\$229,718	\$229,718					NTE in 389 & 428
2016-001	441	\$2,465,871			\$2,327,428		\$138,443	NTE in 371 & 396; Split fixed in 417 & 486
2017-004	443	\$1,194,000	\$931,661	\$110,809	\$119,059	\$32,471		NTE in 415 & 428; Split fixed in 417
2017-008	445	\$728,305	\$662,136	\$9,381			\$56,788	
2018-004	448	\$77,360	\$74,858	\$2,502				

2018-005	448	\$33,610	\$31,360	\$2,250				
2018-006	448	\$117,398	\$115,085	\$2,313				
2018-011	453	\$559,961	\$208,568	\$310,315			\$41,078	NTE in 432; Correction in 454
2015-005, Rev. 1	454	\$2,369,663	\$1,481,074	\$412,327	\$157,163	\$130,784	\$188,315	NTE in 349
2017-012	455	\$2,280,231	\$2,248,656	\$20,330	\$4,064	\$7,181		NTE in 397 & 438
2019-003	465	(\$4,839,620)	(\$4,839,620)					
2018-016	469	(\$1,005,495)		(\$1,005,495)				
2018-009	475	\$866,337	\$620,767	\$126,444	\$28,982	\$36,247	\$53,897	Split fixed in 486
2019-002	479	\$1,033,352	\$680,768	\$247,870	\$41,186	\$63,528		
2019-006	481	\$722,444	\$668,949				\$53,495	
2019-008	487	\$525,010	\$490,930				\$34,080	
Total		\$10,997,170	\$5,476,517	\$1,427,605	\$2,899,802	\$501,001	\$692,245	

6. Table B-2-G-2 CLIN Breakdown of REA Fees after Contract Modification #384, is deleted in its entirety and replaced in full as follows:

REA #	Mod #	Fee Total	CLIN 1	CLIN 2*	CLIN 3	CLIN 4
2017-002	420	\$40,522		\$40,522		
2016-002	429	\$85,627	\$73,532		\$3,939	\$8,156
2016-001	441	\$138,443			\$138,443	
2017-008	445	\$56,788	\$52,284		\$2,625	\$1,879
2018-011	453	\$41,078		\$41,078		
2015-005, Rev. 1	454	\$188,315	\$173,375		\$9,279	\$5,660
2018-009	475	\$53,897	\$49,570		\$1,923	\$2,405
2019-006	481	\$53,495	\$53,495			
2019-008	487	\$34,080	\$34,080			
Total		\$692,245	\$436,336	\$81,600	\$156,209	\$18,100

*CLIN 2 Fee is included in CLIN 1 Control Point Funding for BOF Fee.

7. **Contractor's Statement of Release:** In consideration of the Modification 487, agreed to herein as complete equitable adjustment for the Contractor's Request for Equitable Adjustments (REA) for 2019-008, Rev. 0, 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)