



**Purpose of Modification:**

The purpose of this modification is to:

- Revise Contract Section B, Supplies or Services and Prices/Costs:
  - Correction to CLIN fee apportionments from Modifications 441 and 475 where B&O Tax was improperly included in the REA Fee.
  - Revise language in Attachment B-1.
  - Revise CLIN 1 CPIF curve from all NTEs and definitized REAs released since Modification 384 to the effective date of this modification.
  - Remove the individual section for REA Fees post Modification 384 and include with new tables showing all definitized REAs and associated CLIN fee apportionments.

**Description of Modification:**

1. 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. 481				<b><u>\$14,084,256,025</u></b>	
Total Estimated Contract Cost (486)		CLIN Estimated Cost	Increased/Decreased by Mod 486	Total CLIN Estimated Cost	
B.1	CLIN 1.0: Design, Construct, and Commission LBL in the DFLAW Configuration	\$6,389,677,546	\$235	\$6,389,677,781	
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	\$2,741,179,318	\$664	\$2,741,179,982	
B.4	CLIN 4.0: PT Facility	\$4,395,882,200	\$11	\$4,395,882,211	
Revised Total Estimated Contract Cost (TECC) through Mod No. 486				<b><u>\$14,084,256,935</u></b>	
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	

		Cost		
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 (486)		(\$910)	\$658,165
CLIN 2.1: Performance-Based Incentive for DFLAW Design Completion (Attachment B-2-H)		\$8,000,000		\$1,000,000
Total Maximum Available Fee****		<b>\$243,740,414</b>		
Total Fee Earned (486)				<b>\$341,086,819</b>
Total Estimated Contract Price (TECP) (Total Maximum Available Fee + Total Earned Fee + TECC) (486)				<b>\$14,669,084,168</b>

\*\* 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.

- 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 to move the REA Fee after Modification 384 to B-2-G, revise the language in B-2-H, and remove the REA Fee post Modification 384 section:

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
<b>TOTAL B-2-C</b>				<b>\$0</b>	<b>\$300,862,878</b>
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.		
				\$0	\$7,242,000
				\$0	\$3,805,961
				\$0	\$3,767,815
				\$7,872,603	
				\$7,872,603	
				\$7,872,603	
<b>Total B-2-D</b>				<b>\$31,490,014</b>	<b>\$14,815,776</b>
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

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		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
			<b>Final Milestone</b>		
		PBI	Final LBL Physical Plant Complete Milestone	\$51,300,000	
			<b>TOTAL B-2-E</b>	<b>\$51,300,000</b>	<b>\$17,100,000</b>
			Interim Milestones		
B-2-F	Commission LBL in the DFLAW Configuration Performance Based Incentive	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	
			<b>Final Milestone</b>		
		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	
			<b>TOTAL B-2-F</b>	<b>\$152,950,000</b>	<b>\$6,650,000</b>
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 (486)	FF	Fixed Fee payment for REAs Negotiated After Mod 384		\$658,165
			<b>TOTAL B-2-G</b>		<b>\$658,165</b>
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	
			<b>TOTAL B-2-H</b>	<b>\$8,000,000</b>	<b>\$1,000,000</b>
B-2-I	REA Fee Post Mod 384 (484)	FF	Fixed Fee payment for REAs Negotiated	\$0	\$658,155
			<b>TOTAL FEE AVAILABLE</b>	<b>\$243,740,414</b>	
			<b>TOTAL FEE EARNED (486)</b>		<b>\$341,086,819</b>

3. Section B, Table B-2-F-1, Configuration Performance Based Incentive Fee, item B) Successful Demonstration of Hot Commissioning Final Milestone PBI Description - is revised to decrease the number in the third paragraph from \$3,486,895,996 by \$9,824,972 to \$3,477,071,024 as follows:



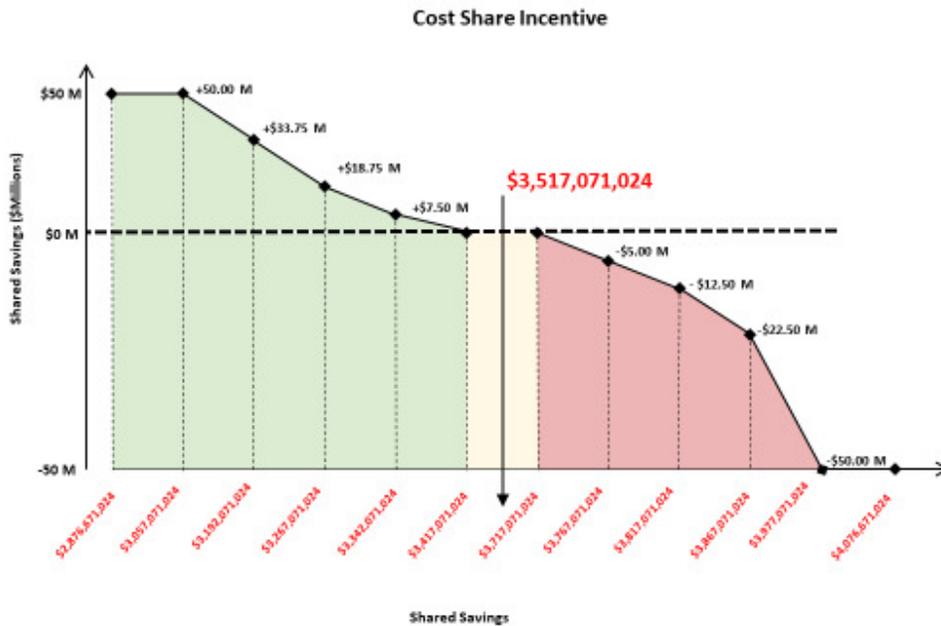
455		\$3,648,274,745
464	(\$118,489,356)	\$3,521,910,644
465	(\$4,839,620)	\$3,517,071,024
475		\$3,525,227,047
479		\$3,526,227,047
481		\$3,526,895,996

The Government and BNI will share cost increases/decreases above or below the target cost of \$3,517,071,024. The final increase/decrease to earned fee will be based on the actual final cost incurred to complete CLIN 1.0 from January 1, 2014. The increase/decrease will be cumulative and the final amount will be prorated for any final cost falling between the high and low points of any of the final cost bands reflected herein.

Cost Share Incentives	Description	Maximum Incremental Fee Reduction	Maximum Cumulative Fee Reduction
	CLIN 1.0 Cost share incentive will include a +\$200M fee neutral cost band above the price of \$3,517,071,024 and a -\$100M fee neutral band below \$3,517,071,024.		
Decreases to earned fee will start after the total cost for CLIN 1.0 exceeds \$3,717,071,024 as follows:	Total cost for CLIN 1.0 between \$3,717,071,024 to \$3,767,071,024, the cost increase will be shared in a ratio of 90% Government and 10% BNI.	-\$5,000,000.00	-\$5,000,000.00
	Total cost for CLIN 1.0 between \$3,767,071,024 to \$3,817,071,024, the cost increase will be shared in a ratio of 85% Government and 15% BNI.	-\$7,500,000.00	-\$12,500,000.00
	Total cost for CLIN 1.0 between \$3,817,071,024 to \$3,867,071,024, the cost increase will be shared in a ratio of 80% Government and 20% BNI.	-\$10,000,000.00	-\$22,500,000.00
	Total cost for CLIN 1.0 between \$3,867,071,024 to \$3,977,071,024, the cost increase will be shared in a ratio of 75% Government and 25% BNI.	-\$27,500,000.00	-\$50,000,000.00
	<b>Total Decrement for \$460,000,000 cost increase to price (\$3,977,071,024)</b>	<b>-\$50,000,000.00</b>	
Increases to earned fee will start when costs are below \$3,417,071,024		Maximum Incremental Fee Increase	Maximum Cumulative Fee Increase
	Total cost for CLIN 1.0 equal to \$3,417,071,024 to \$3,342,071,024, the cost savings will be shared in a ratio of 90% Government and 10% BNI.	\$7,500,000.00	\$7,500,000
	Total cost for CLIN 1.0 between \$3,342,071,024 to \$3,267,071,024, the cost savings will be shared in a ratio of 85% Government and 15% BNI.	\$11,250,000.00	\$18,750,000
	Total cost for CLIN 1.0 between \$3,267,071,024 to \$3,192,071,024, the cost savings will be shared in a ratio of 80% Government and 20% BNI.	\$15,000,000.00	\$33,750,000

	Total cost for CLIN 1.0 between \$3,192,071,024, to \$3,057,071,024, the cost savings will be shared in a ratio of 75% Government and 25% BNI.	\$16,250,000.00	\$50,000,000
	<b>Total Incentive for cost savings</b>	<b>\$50,000,000.00</b>	

5. In Section B, Figure B-2-G-1. Graph Cost Share Incentive Fee CLIN 1.0 is revised to reflect the \$9,824,972 decrease to the Cost Share Incentive Curve as follows:



6. In Section B, Table B-2-G-1 is added. This table reflects all negotiated changes after Modification 384 and the fee apportioned between each CLIN, REA Fee, and what modifications contain changes to those REAs. The table is added as follows:

Table B-2-G-1. Negotiated Changes after Contract Modification # 384

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		

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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	
<b>Total</b>		<b>\$10,472,160</b>					<b>\$658,165</b>	

7. In Section B, Table B-2-G-2 is added. This table reflects all REA Fees broken down by CLIN amounts that occurred after Modification 384. The table is added as follows:

Table B-2-G-2 CLIN Breakdown of REA Fees after Contract Modification # 384

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			
<b>Total</b>		<b>\$658,165</b>	<b>\$402,256</b>	<b>\$81,600</b>	<b>\$156,209</b>	<b>\$18,100</b>

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

8. Attachment B-2-I, REA Fee Post Mod 384, is replaced by the new table B-2-G-2 which reflects all of the REA fees and makes this section redundant. The section and table are fully removed.
9. This agreement is applicable to post modification 384 REAs settled to the effective date of this modification. Inclusion or exclusion of future changes to CLIN 1 Target Cost adjustment will be determined on a case-by-case basis.
10. **Contractor’s Statement of Release:** In consideration of Modification 486, 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)**