

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE PAGE OF PAGES  
1 3

2. AMENDMENT/MODIFICATION NO. 0117  
3. EFFECTIVE DATE See Block 16C  
4. REQUISITION/PURCHASE REQ. NO.  
5. PROJECT NO. (If applicable)

6. ISSUED BY CODE 00603  
7. ADMINISTERED BY (If other than Item 6) CODE

Office of River Protection  
U.S. Department of Energy  
Office of River Protection  
P.O. Box 450  
Richland WA 99352

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

ADVANCED TECHNOLOGIES AND LABORATORIES (ATL)  
Attn: JOU HWANG  
555 QUINCE ORCHARD ROAD, SUITE 500  
GAITHERSBURG MD 208781437

(X) 9A. AMENDMENT OF SOLICITATION NO.

9B. DATED (SEE ITEM 11)

X 10A. MODIFICATION OF CONTRACT/ORDER NO.  
DE-AC27-10RV15051

10B. DATED (SEE ITEM 13)  
11/20/2009

CODE 827013467 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 FAR 52.243-2 Changes-Cost Reimbursement (AUG 1987)
  - 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.)

The purpose of this modification is to incorporate DOE Order 350.1 Change 5. See continuation pages for further details.

Payment:  
OR for ORP  
U.S. Department of Energy  
Oak Ridge Financial Service Center  
P.O. Box 4307  
Oak Ridge TN 37831  
Period of Performance: 01/03/2010 to 04/02/2015

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)  
15B. CONTRACTOR/OFFEROR  
15C. DATE SIGNED  
16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)  
16B. UNITED STATES OF AMERICA  
16C. DATE SIGNED  
17. SIGNATURE OF CONTRACTING OFFICER

NSN 7540-01-152-8070  
Previous edition unusable

**Purpose of Modification:**

1. Update Section H.17(i)(5)(ii), Pension and Other Benefit Programs, replacing “Chamber of Commerce Annual Employee Benefits Cost Survey” with “Department of Labor’s Bureau of Labor Statistics.” The change is as follows:

**FROM:**

Separate Employee Benefits Cost Study comparisons are annually required for all plans identified in paragraph (a). An Employee Benefits Cost Study is a study which analyzes the Contractor’s employee benefits cost on a per capita per full time equivalent employee basis and as a percent of payroll and compares them with the costs reported by the U.S. Chamber of Commerce Annual Employee Benefits Cost Survey or other Contracting Officer approved, broad based, national survey.

**TO:**

Separate Employee Benefits Cost Study comparisons are annually required for all plans identified in paragraph (a). An Employee Benefits Cost Study is a study which analyzes the Contractor’s employee benefits cost on a per capita per full time equivalent employee basis and as a percent of payroll and compares them with the costs reported by the U.S. Department of Labor’s Bureau of Labor Statistics or other Contracting Officer approved, broad based, national survey.

2. Update Section H, Special Contract Requirements, to add in its entirety H.43, Risk Management and Insurance Programs.
3. Update Section J, Attachment 1, DOE Directives Applicable to the 222-S Lab, in accordance with DEAR 970.5204-2 Laws, Regulations, and DOE Directives (DEC 2000), to update DOE Order (O) 350.1 Change 4, Contractor Human Resource Management Programs, to add “CRDs contained in Chapters I, II, III;” and add DOE O 350.1, Change 5, Contractor Human Resource Management Programs, CRDs contained in Chapters VIII and IX. The change is as follows:

**FROM:**

DOE O 243.2 CRD	Vital Records
DOE O 350.1, Change 4	Contractor Human Resource Management Programs
DOE O 413.1B CRD	Internal Control Program

**TO:**

DOE O 243.2 CRD	Vital Records
DOE O 350.1, Change 4, (CRDs contained in Chapters I, II, III)	Contractor Human Resource Management Programs
DOE O 350.1, Change 5, (CRDs contained in Chapters VIII and IX)	Contractor Human Resource Management Programs
DOE O 413.1B CRD	Internal Control Program

4. All other terms and conditions remain unchanged.

**(End of Modification)**

**Attachment**

**DE-AC27-10RV15051**

**MODIFICATION 117**

**Replacement Pages**

**(Total: 7, including this Cover Page)**

- Section H.17(i)(5)(ii), Special Contract Requirements, Page H-13
- Section H.43, Risk Management and Insurance Programs, Pages H-ii, H-47-49
- Section J, Attachment 1, DOE Directives Applicable to the 222-S Lab, Page J-3

- (5) Unless otherwise stated, or as directed by the Contracting Officer, the Contractor shall submit the studies required in (i) and (ii) below. The studies shall be used by the Contractor in calculating the cost of benefits under existing benefit plans. An Employee Benefits Value (Ben-Val) Study Method using no less than 15 comparator organizations and an Employee Benefits Cost Survey comparison Method shall be used in this evaluation to establish an appropriate comparison method. In addition, the Contractor shall submit updated studies to the Contracting Officer for approval prior to the adoption of any change to a pension or other benefit plan.
- (i) Separate Ben-Val studies are required every two years for all plans identified in paragraph (a). A Ben-Val is an actuarial study of the relative value (RV) of the benefits programs offered by the Contractor measured against the RV of benefit programs offered by comparator companies approved by the Contracting Officer. To the extent that the value studies do not address post retirement benefits other than pensions, the Contractor shall provide a separate cost and plan design data comparison for the post retirement benefits other than pensions using external benchmarks derived from nationally recognized and Contracting Officer approved survey sources; and,
  - (ii) Separate Employee Benefits Cost Study comparisons are annually required for all plans identified in paragraph (a). An Employee Benefits Cost Study is a study which analyzes the Contractor's employee benefits cost on a per capita per full time equivalent employee basis and as a percent of payroll and compares them with the costs reported by the U.S. Department of Labor's Bureau of Labor Statistics or other Contracting Officer approved, broad based, national survey.
- (6) When net benefit value exceeds the comparator group by more than five (5) percent (%), the Contractor shall submit a corrective action plan to the Contracting Officer for approval, unless waived by the Contracting Officer.
- (7) When the average total benefit per capita cost or total benefit cost as a percent of payroll exceeds the comparator group by more than 5 %, and if required by the Contracting Officer, the Contractor shall submit an analysis of the specific plan costs that are above the per capita cost range or total benefit cost as a percent of payroll and a corrective action plan to achieve conformance with a Contracting Officer directed per capita cost range or total benefit cost as a percent of payroll.

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forms of identification match, just as currently required if the individual is being processed for a Homeland Security Presidential Directive (HSPD)-12 credential. Hosts or sponsors should notify their visitors in advance of their arrival that a second form of identification will be necessary if their driver's license or other identification card has been issued by a non-compliant state. Failure to produce a secondary form of identification will result in the visitor being denied access to the site.

## **H.43 RISK MANAGEMENT AND INSURANCE PROGRAMS**

### **1. BASIC REQUIREMENTS**

- a. Maintain commercial insurance or a self-insured program, (i.e., any insurance policy or coverage that protects the contractor from the risk of legal liability for adverse actions associated with its operation, including malpractice, injury, or negligence) as required by the terms of the contract. Types of insurance include automobile, general liability, and other third party liability insurance. Other forms of coverage must be justified as necessary in the operation of the Department facility and/or the performance of the contract, and approved by the DOE.
- b. Contractors shall not purchase insurance to cover public liability for nuclear incidents without DOE authorization (See DEAR 950.5070, Indemnification and DEAR 950.70, Nuclear Indemnification of DOE Contractors).
- c. Demonstrate that insurance programs and costs comply with the cost limitations and exclusions at FAR 28.307, Insurance Under Cost Reimbursement Contracts; and FAR 31.205-19, DEAR 931.205-19, and DEAR 970.3102-05-19, Insurance and Indemnification.
- d. Demonstrate that the insurance program is being conducted in the government's best interest and at reasonable cost.
- e. The contractor shall submit copies of all insurance policies or insurance arrangements to the contracting officer no later than 30 days after the purchase date.
- f. When purchasing commercial insurance, the contractor shall use a competitive process to ensure costs are reasonable.
- g. Ensure self-insurance programs include the following elements:
  - i. Compliance with criteria set forth in FAR 28.308, Self-Insurance. Approval of self-insurance is predicated upon submission of verifiable proof that the self-insurance charge does not exceed the cost of purchased insurance. This includes hybrid plans (i.e., commercially purchased insurance with self-insured retention (SIR) such as large deductible, matching deductible, retrospective rating cash flow plans, and other plans where insurance reserves are under the control of the insured). The SIR components of

such plans are self-insurance and are subject to the approval and submission requirements of FAR 28.308, as applicable.

- ii. Demonstration of full compliance with applicable state and federal regulations and related professional administration necessary for participation in alternative insurance programs.
  - iii. Safeguards to ensure third party claims and claims settlements are processed in accordance with approved procedures.
  - iv. Accounting of self-insurance charges.
  - v. Accrual of self-insurance reserve. The Contracting Officer's approval is required and predicated upon the following:
    1. The claims reserve shall be held in a special fund or interest bearing account.
    2. Submission of a formal written statement to the Contracting Officer stating that use of the reserve is exclusively for the payment of insurance claims and losses, and that DOE shall receive its equitable share of any excess funds or reserve.
    3. Annual accounting and justification as to the reasonableness of the claims reserve submitted for Contracting Officer's review.
    4. Claim reserves, not payable within the year the loss occurred, are discounted to present value based on the prevailing Treasury rate.
  - h. Separately identify and account for interest cost on a Letter of Credit used to guarantee self-insured retention, as an unallowable cost and omitted from charges to the DOE contract.
  - i. Comply with the Contracting Officer's written direction for ensuring the continuation of insurance coverage and settlement of incurred and/or open claims and payments of premiums owed or owing to the insurer for prior DOE contractors.
2. PLAN EXPERIENCE REPORTING. The Contractor shall:
- a. provide the Contracting Officer with annual experience reports for each type of insurance (e.g., automobile and general liability), listing the following for each category:
    - i. The amount paid for each claim.
    - ii. The amount reserved for each claim.
    - iii. The direct expenses related to each claim.
    - iv. A summary for the year showing total number of claims.
    - v. A total amount for claims paid.
    - vi. A total amount reserved for claims.
    - vii. The total amount of direct expenses.
  - b. provide the Contracting Officer with an annual report of insurance costs and/or self-insurance charges. When applicable, separately identify total policy expenses (e.g., commissions, premiums, and

- costs for claims servicing) and major claims during the year, including those expected to become major claims (e.g., those claims valued at \$100,000 or greater).
- c. provide additional claim financial experience data as may be requested on a case-by-case basis
3. TERMINATING OPERATIONS. The Contractor shall:
- a. ensure protection of the government's interest through proper recording of cancellation credits due to policy terminations and/or experience rating.
  - b. identify and provide continuing insurance policy administration and management requirements to a successor, other DOE contractor, or as specified by the Contracting Officer.
  - c. reach agreement with DOE on the handling and settlement of self insurance claims incurred but not reported at the time of contract termination; otherwise, the contractor shall retain this liability.
4. SUCCESSOR CONTRACTOR OR INSURANCE POLICY CANCELLATION. The Contractor shall:
- a. obtain the written approval of the Contracting Officer for any change in program direction; and
  - b. ensure insurance coverage replacement is maintained as required and/or approved by the Contracting Officer.

Order Number/Changes	Title
DOE O 151.1C CRD	Comprehensive Emergency Management System Attachment 2, CRD <ul style="list-style-type: none"> <li>· Item 2</li> <li>· Item 5</li> <li>· Item 6</li> <li>· Item 7</li> <li>· Item 9</li> <li>· Item 10</li> <li>· Item 11</li> <li>· Item 13</li> <li>· Item 14</li> <li>· Item 15</li> </ul>
DOE O 200.1A CRD	Information Technology Management
DOE O 205.1B, Change 2, CRD	Department of Energy Cyber Security Management
DOE O 206.1 CRD	Department of Energy Privacy Program
DOE O 206.2, CRD	Identity, Credential, and Access Management (ICAM)
DOE N 206.5	Response and Notification Procedures for Data Breaches Involving Personally Identifiable Information
DOE O 210.2A CRD	DOE Corporate Operating Experience Program
DOE O 221.1A CRD	Reporting Fraud, Waste, and Abuse to the Office of Inspector General
DOE O 221.2A CRD	Cooperation with the Office of Inspector General
DOE O 225.1B, CRD	Accident Investigations
DOE O 226.1B	Implementation of DOE Oversight Policy
DOE O 231.1B, Change 1, CRD	Environment, Safety, and Health Reporting Attachment 1, Step 2a Attachment 3, Steps 1 and 2
DOE O 232.2, Admin Change 1, CRD	Occurrence Reporting and Processing of Operations Information
DOE O 241.1B, CRD	Scientific and Technical Information Management
DOE O 243.1B, Change 1, CRD	Records Management Program
DOE O 243.2 CRD	Vital Records
DOE O 350.1, Change 4, (CRDs contained in Chapters I, II, III)	Contractor Human Resource Management Programs
DOE O 350.1, Change 5, (CRDs contained in Chapters VIII and IX)	Contractor Human Resource Management Programs
DOE O 413.1B CRD	Internal Control Program
DOE O 414.1C, CRD	Quality Assurance