MODIFICATION NO. M109

CONTRACTOR AND ADDRESS:	Brookhaven Science Associates, LLC Brookhaven National Laboratory Upton, NY 11973
MODIFICATION FOR:	Replacement of Clause I.35, Restrictions of Certain Foreign Purchases: Recognition of previous obligation increases by Revision to Clause I.104, Obligation of Funds; Replacement of Attachment J.2, Appendix B, Critical Outcomes, Objectives, and Performance Measures for FY 2003; Replacement of Attachment J.9, Appendix I, DOE Directives

PRIOR OBLIGATION:		$ 2,597,596,983.16
INCREASE IN MODS A105 – A107	A105	66,062,897.38
	M106	-0-
	A107	241,206,235.71
	A108	14,421,985.18
INCREASE IN THIS MODIFICATION		-0-
CURRENT TOTAL OBLIGATION:		$ 2,919,288,101.43

THIS MODIFICATION, effective the 16th day of March 2004, by and between the UNITED STATES OF AMERICA (hereinafter referred to as the "Government"), as represented by the UNITED STATES DEPARTMENT OF ENERGY (hereinafter referred to as "DOE"), and BROOKHAVEN SCIENCE ASSOCIATES, LLC (hereinafter referred to as the "Contractor"),

WITNESSETH THAT:

WHEREAS, the Government and the Contractor entered into Contract No. DE-AC02-98CH10886 on the 5th day of January 1998, for the operation of the Brookhaven National Laboratory; and

WHEREAS, said contract has been modified previously, and the parties desire to modify said contract further, as hereinafter provided; and

WHEREAS, this modification is authorized by law, including 41 U.S.C. 252(c)(15), P.L. 95-91 and other applicable law;

NOW, THEREFORE, said contract, as modified previously, is hereby further modified as follows:

1. **Clause I.35** – Delete 52.225-13, RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUN 2003) in its entirety and replace with the attached updated revision of, Restrictions on Certain Foreign Purchases (Oct 2003).

2. **Clause I.104** - OBLIGATION OF FUNDS: The first sentence of paragraph (a) is revised to read as follows: "The amount presently obligated by the Government with respect to this contract is $2,919,288,101.43. "

3. **Attachment J.2, Appendix B – Critical Outcomes, Objectives, and Performance Measures 2003**, identified as Modification M094 is deleted in its entirety and replaced with the attached revised Appendix B, Performance Evaluation and Measurement Plan for FY 2004, identified as Modification M109.

4. **Attachment J.9, Appendix I – DOE Directives:** DOE Directives identified as Modification M104 is deleted in its entirety and replaced with the attached Appendix I, identified as Modification M109.

IN WITNESS WHEREOF, the parties have executed this document.

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY

BY: Robert P. Gordon
Robert P. Gordon
Contracting Officer
(Title)

DATE: 3-16-04

BROOKHAVEN SCIENCE ASSOCIATES, LLC

BY: Brian P. Sack
Brian P. Sack
Chief Financial Officer
(Title)

DATE: 3/15/04

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE	PAGE 1 OF PAGES 64

2. AMENDMENT/MODIFICAITON NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicble)
M109	03/16/04	02-04CH10886.007	

6. ISSUED BY CODE	7. ADMINISTERED BY (If other than Item 6) CODE
U.S. Department of Energy Chicago Operations Office 9800 South Cass Avenue Argonne, IL 60439	U.S. Department of Energy Brookhaven Area Office 53 Bell Avenue, Building 464 Upton, NY 11973

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)	(X)	9A. AMENDMENT OF SOLICIATION NO.
Brookhaven Science Associates, LLC 25 Brookhaven Avenue, Building 460 Upton, New York 11973		9B. DATED (SEE ITEM 11)
		10A. MODIFICATION OF CONTRACT/ORDER NO. DE-AC02-98CH10886
CODE / FACILITY CODE		10B. DATED (SEE ITEM 11) 03/16/04

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 ACKNOWLEDGMENT 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 your 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 APPROPIRATION 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).
✘	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Mutual Agreement of the Parties
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☐ is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Replacement of Clause I.35, Restrictions of Certain Foreign Purchases: Recognition of previous obligation increases by Revision to Clause I.104, Obligation of Funds; Replacement of Attachment J.2, Appendix B, Critical Outcomes, Objectives, and Performance Measures for FY 2003; Replacement of Attachment J.9, Appendix I, DOE Directives.

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)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
Brian P. Sack Asst. Laboratory Director for Finance		Robert P. Gordon Contracting Officer	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED 3/15/04	16B. UNITED STATES OF AMERICA (Signature of Contracting Officer)	16C. DATE SIGNED 3-16-04

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Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
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