

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

PAGE OF PAGES

1 | 2

2. AMENDMENT/MODIFICATION NO.

0103

3. EFFECTIVE DATE

See Block 16C

4. REQUISITION/PURCHASE REQ. NO.

5. PROJECT NO. (If applicable)

6. ISSUED BY

CODE

06005

7. ADMINISTERED BY (If other than Item 6)
Code

06005

U.S. Department of Energy
Brookhaven Site Office
53 Bell Avenue, Building 464
Upton, NY 11973-5000

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

Brookhaven Science Associates, LLC
Attn: Brian Boyle
Brookhaven National Laboratory
Building 460, PO Box 5000
Upton, New York 11973-5000

(✓)

9. A. AMENDMENT OF SOLICITATION NO.

9. B. DATED (SEE ITEM 11)

X

10. A. MODIFICATION OF Contract/Order NO.

DE-SC0012704

10. B. DATED (SEE ITEM 13)

12/22/2014

CODE N/A

FACILITY CODE N/A

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)

N/A

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

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:
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 1 copies to the issuing office.

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

This Modification is issued to annotate the Computation of Fee / Award term in accordance with Section B.3 - Performance Fee and Appendix B; revise Part II, Section I – Contract Clauses, TOC; update clause I.88; revise Part III, Section J – List of Documents, Exhibits, Attachments, TOC; replace Appendix I – DOE Directives/List B.

15A. NAME AND TITLE OF SIGNER (Type or print)

George Clark
Chief Financial Officer

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)

David R. Mitchell
Contracting Officer

15B. CONTRACTOR/OFFEROR

15C. DATE SIGNED

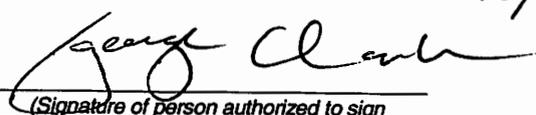
12/20/17

16B. UNITED STATES OF AMERICA

16C. DATE SIGNED

12/22/17

BY


(Signature of person authorized to sign)


(Signature of Contracting Officer)

14. Description of Amendment/Modification (continued):

1. **Computation of Fee / Award Term:** In accordance with Section B.3 of Prime Contract DE-SC0012704, and pursuant to the Performance Evaluation and Measurement Plan (Appendix B), BSA has earned a performance fee amount of \$6,486,000 for the performance period of October 1, 2016 through September 30, 2017. Additionally, BSA has been awarded a one (1) year award term in accordance with Section F.2 of the contract.
2. **Part II, Section I – Contract Clauses, Table of Contents (TOC):** Section I TOC is revised to update clause I.88.

The following clause has been updated:

- a. **Clause I.88 – FAR 52.244-6 – Subcontracts For Commercial Items (Jan 2017)** – This clause has been updated IAW 82 FR 51527, FAC 2005–96, FAR Case 2017-015 as prescribed in PF 2018-09.
3. **Part III, Section J – List of Documents, Exhibits, Attachments, Table of Contents (TOC):** Section J TOC is revised to reflect the following: Update Appendix I – DOE Directives/List B.
 - a. **Appendix I – DOE Directives/List** identified as Modification No. 0091 has been revised; replace the prior version with the attached Appendix I identified as Modification No. 0103. The revisions are as follows:

SUMMARY OF DIRECTIVE CHANGES

| ORDER | TITLE | CHANGE | NOTES |
|---------------------------|--|--------|--|
| O 413.3B Chg.4 (Min.Chg.) | Program and Project Management for the Acquisition of Capital Assets | Update | Supersedes/replaces Supersedes DOE O 413.3B Chg. 3 (Pg.Chg.) |

Attachments:

- Part I, Section H – Contract Clauses
 - ❖ Clauses: I.88
- Part III, Section J – List of Documents, Exhibits, Attachments
 - ❖ Appendix I – DOE Directives/List B

CLAUSE I.88 – FAR 52.244-6 - SUBCONTRACTS FOR COMMERCIAL ITEMS (NOV 2017)

(a) *Definitions.* As used in this clause—

“Commercial item and commercially available off-the-shelf item” have the meanings contained Federal Acquisition Regulation 2.101, Definitions.

“Subcontract” includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor at any tier.

(b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or nondevelopmental items as components of items to be supplied under this contract.

(c)

(1) The Contractor shall insert the following clauses in subcontracts for commercial items:

- (i) 52.203-13, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509), if the subcontract exceeds \$5.5 million and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.
- (ii) 52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5), if the subcontract is funded under the Recovery Act.
- (iii) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017).
- (iv) 52.204-21, Basic Safeguarding of Covered Contractor Information Systems (Jun 2016), other than subcontracts for commercially available off-the-shelf items, if flow down is required in accordance with paragraph (c) of FAR clause 52.204-21.
- (v) 52.219-8, Utilization of Small Business Concerns (Nov 2016) (15 U.S.C. 637(d)(2) and (3)), if the subcontract offers further subcontracting opportunities. If the subcontract (except

subcontracts to small business concerns) exceeds \$700,000 (\$1.5 million for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

- (vi) 52.222-21, Prohibition of Segregated Facilities (Apr 2015).
- (vii) 52.222-26, Equal Opportunity (Sep 2016) (E.O. 11246).
- (viii) 52.222-35, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212(a));
- (ix) 52.222-36, Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C. 793).
- (x) 52.222-37, Employments Reports on Veterans (Feb 2016) (38 U.S.C. 4212).
- (xi) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496), if flow down is required in accordance with paragraph (f) of FAR clause 52.222-40.
- (xii)
 - (A) 52.222-50, Combating Trafficking in Persons (Mar 2015) (22 U.S.C. chapter 78 and E.O. 13627).
 - (B) Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).
- (xiii) 52.222-55, Minimum Wages under Executive Order 13658 (Dec 2015), if flowdown is required in accordance with paragraph (k) of FAR clause 52.222-55.
- (xiv) 52.222-62, Paid Sick Leave Under Executive Order 13706 (Jan 2017) (E.O. 13706), if flow down is required in accordance with paragraph (m) of FAR clause 52.222-62.
- (xv)
 - (A) 52.224-3, Privacy Training (Jan 2017) (5 U.S.C. 552a) if flow down is required in accordance with 52.224-3(f).
 - (B) Alternate I (Jan 2017) of 52.224-3, if flow down is required in accordance with 52.224-3(f) and the agency specifies that only its agency-provided training is acceptable.

- (xvi) 52.225-26, Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
 - (xvii) 52.232-40, Providing Accelerated Payments to Small Business Subcontractors (Dec 2013), if flow down is required in accordance with paragraph (c) of FAR clause 52.232-40.
 - (xviii) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. App. 1241 and 10 U.S.C. 2631), if flow down is required in accordance with paragraph (d) of FAR clause 52.247-64.
- (2) While not required, the Contractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.
- (d) The Contractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract.

APPENDIX I

DOE Directives/List B

**Applicable to the Operations of
Brookhaven National Laboratory**

There is no List A to this Appendix.

List B to this Appendix contains the following:

Part I: "Directives List"

This section contains a list of Directives that are considered by DOE as applicable to the BNL contract.

Appendix I - Part I DOE DIRECTIVES LIST

DOE Directives may be found at the following address: <http://www.directives.doe.gov>

| ISSUED | TYPE | NUMBER | THROUGH CHANGE | TITLE Includes Compliance Notes as Necessary |
|------------|--------|---------|-----------------------------------|--|
| 9/29/1995 | Order | 130.1 | | Budget Formulation |
| 9/4/2008 | Manual | 142.2-1 | Admin Chg. 1 6/27/13 | Manual for Implementation of the Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency |
| 12/15/2006 | Order | 142.2A | Admin Chg. 1 6/27/13 | Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency |
| 10/14/2010 | Order | 142.3A | Chg.1 (Minor Chg.) 01/18/17 | Unclassified Foreign Visits and Assignments Program |
| 3/31/2014 | Order | 150.1A | | Continuity Programs |
| 8/11/2016 | Order | 151.1D | | Comprehensive Emergency Management System |
| 6/27/2007 | Order | 153.1 | | Departmental Radiological Emergency Response Assets |
| 12/23/2008 | Order | 200.1A | Chg.1 (Minor Chg.) 01/13/17 | Information Technology Management |
| 1/7/2005 | Order | 203.1 | | Limited Personal Use of Government Office Equipment Including Information Technology |
| 5/16/2011 | Order | 205.1B | Admin Chg. 3 4/29/14 | Department of Energy Cyber Security Program |
| 1/16/2009 | Order | 206.1 | | Department of Energy Privacy Program |
| 2/19/2013 | Order | 206.2 | | Identity, Credential and Access Management (ICAM) |
| 4/8/2011 | Order | 210.2A | | DOE Corporate Operating Experience Program |
| 9/27/2016 | Order | 221.1B | | Reporting Fraud, Waste, and Abuse to the Office of Inspector General |
| 2/25/2008 | Order | 221.2A | | Cooperation with the Office of Inspector General |
| 3/4/2011 | Order | 225.1B | | Accident Investigations |
| 8/30/2011 | Order | 227.1A | 12/21/15 | Independent Oversight Program |
| 6/27/2011 | Order | 231.1B | Admin Chg. 1 11/28/12 | Environment, Safety and Health Reporting |
| 1/17/2017 | Order | 232.2A | | Occurrence Reporting and Processing of Operations Information Compliance Note: Implementation will be completed by October 1, 2017 in accordance with ES&H Memo dated 6/27/2017. |
| 12/13/2010 | Order | 241.1B | Chg.1 4/26/16 | Scientific and Technical Information Management |
| 3/11/2013 | Order | 243.1B | Admin Chg.1 7/8/13 | Records Management Program |
| 2/23/2011 | Order | 252.1A | Admin Chg. 1 3/12/13 | Technical Standards Program |
| 11/19/2009 | Order | 313.1 | | Management and Funding of the Department's Overseas Presence |

**Appendix I - Part I
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|------------|--------|--|------------------------------------|--|
| 10/18/2007 | Order | 341.1A Parts: 1.(a- b) 2.a(1-3) 2.a(4)(a-h) | | Federal Employee Health Services |
| 2/23/2010 | Order | 350.1 | Chg. 5 9/30/14 | Contractor Human Resource Management Programs |
| 8/17/2009 | Order | 410.2 | Admin Chg. 1 4/10/14 | Management of Nuclear Materials |
| 1/4/2017 | Order | 411.2 | | Scientific Integrity |
| 10/28/2008 | Order | 413.1B | | Internal Control Program |
| 4/19/2006 | Order | 413.2C | 10/22/15 | Laboratory Directed Research and Development |
| 11/29/2010 | Order | 413.3B | Chg. 4 (Minor Chg.) 10/13/17 | Program and Project Management for the Acquisition of Capital Assets |
| 4/25/2011 | Order | 414.1D | Admin Chg. 1 5/8/13 | Quality Assurance |
| 12/3/2012 | Order | 415.1 | Chg.2 (Min.Chg.) 1/17/17 | Information Technology Project Management |
| 12/4/2012 | Order | 420.1C | Chg.1 2/27/15 | Facility Safety Compliance Note: Chapters 1, 3, and 5 are applicable to BNL facilities categorized as hazardous category 1, 2, or 3 nuclear facility is proposed by BNL and approved by DOE |
| 7/21/2011 | Order | 420.2C | | Safety of Accelerator Facilities |
| 6/29/2010 | Order | 422.1 | Admin Chg. 1 6/25/13 | Conduct of Operations Compliance Note: Applicable to Hazardous Category 1, 2, or 3 nuclear facilities and other facilities as defined by BSA in a Program Plan to be approved by BHSO for incorporating |
| 11/25/2016 | Policy | 434.1B | | Conduct and Approval of Select Agent and Toxin Work at Department of Energy Sites |
| 7/9/1999 | Order | 435.1 | Admin Chg. 1 8/28/01 | Radioactive Waste Management |
| 7/9/1999 | Manual | 435.1-1 | Admin Chg. 1 6/19/01 | Radioactive Waste Management Manual |
| 5/2/2011 | Order | 436.1 | | Departmental Sustainability |
| 11/27/2002 | Order | 440.2C | Admin Chg. 1 6/22/11 | Aviation Management and Safety |
| 3/7/2008 | Manual | 441.1-1 | Chg. 1 (Admin Chg.) 02/24/16 | Nuclear Material Packaging Manual |
| 6/6/2001 | Order | 442.1A | | Department of Energy Employee Concerns Program |

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|------------|--------|----------|------------------------------------|---|
| 7/29/2011 | Order | 442.2 | Chg.1 (Pg.Chg.) 10/4/16 | Differing Professional Opinions for Technical Issues Involving Environment, Safety and Health |
| 3/7/2011 | Order | 443.1B | Chg. 1 (Pg.Chg.) 4/21/16 | Protection of Human Research Subjects |
| 7/21/2011 | Order | 452.8 | | Control of Nuclear Weapon Data |
| 7/15/2016 | Order | 456.1A | | The Safe Handling of Unbound Engineered Nanoparticles |
| 2/11/2011 | Order | 458.1 | Admin Chg. 3 1/15/13 | Radiation Protection of the Public and the Environment |
| 12/20/2016 | Order | 460.1D | | Hazardous Materials Packaging and Transportation Safety |
| 12/22/2004 | Order | 460.2A | | Departmental Material Transportation and Packaging Management |
| 6/4/2008 | Manual | 460.2-1A | | Radioactive Material Transportation Practices Manual |
| 11/23/2016 | Order | 470.3C | | Design Basis Threat (DBT) Order |
| 7/21/2011 | Order | 470.4B | Chg.2 (Minor Chg.) 1/17/2017 | Safeguards and Security Program |
| 6/2/2014 | Order | 470.5 | | Insider Threat Program |
| 9/2/2015 | Order | 470.6 | | Technical Security Program |
| 3/1/2010 | Order | 471.1B | | Identification and Protection of Unclassified Controlled Nuclear Information |
| 4/9/2003 | Order | 471.3 | Admin Chg. 1 1/13/11 | Identifying and Protecting Official Use Only Information |
| 4/9/2003 | Manual | 471.3-1 | Admin Chg. 1 1/13/11 | Manual for Identifying and Protecting Official Use Only Information |
| 6/20/2011 | Order | 471.6 | Admin Chg. 2 5/15/15 | Information Security |
| 7/27/2011 | Order | 472.2 | Admin Chg. 1 10/8/13 | Personnel Security |
| 3/23/2016 | Order | 473.3A | | Protection Program Operations |
| 6/27/2011 | Order | 474.2 | Chg. 4 (Pg.Chg.) 9/13/2016 | Nuclear Material Control and Accountability |
| 12/10/2004 | Order | 475.1 | | Counterintelligence Program |
| 10/3/2014 | Order | 475.2B | | Identifying Classified Information |
| 1/3/2001 | Manual | 481.1-1A | Admin Chg. 1 9/28/01 | Reimbursable Work for Non Federal Sponsored Process Manual |
| 12/20/2016 | Order | 483.1B | | DOE Cooperative Research and Development Agreements |
| 8/17/2006 | Order | 484.1 | Admin Chg. 2 6/30/14 | Reimbursable Work for the Department of Homeland Security |
| 1/19/2017 | Policy | 485.1 | | Foreign Engagements with DOE National Laboratories |

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|-----------|-------|--------|-------------------------------------|--|
| 11/3/2004 | Order | 522.1 | | Pricing of Departmental Materials and Services |
| 1/6/2003 | Order | 534.1B | | Accounting |
| 4/2/2012 | Order | 551.1D | Chg. 2 (Minor Change) 8/11/16 | Official Foreign Travel |