

1 AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

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2. AMENDMENT/MODIFICATION NO. 0120	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY U.S. Department of Energy Brookhaven Site Office 53 Bell Avenue, Building 464 Upton, NY 11973-5000	CODE 06005	7. ADMINISTERED BY (If other than Item 6) Code	06005

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	<input checked="" type="checkbox"/>	9. A. AMENDMENT OF SOLICITATION NO.
		9. B. DATED (SEE ITEM 11)
	<input checked="" type="checkbox"/>	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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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).
<input checked="" type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Mutual agreement of the parties
<input type="checkbox"/>	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 revise Part I, Section C.4 – Statement of Work, TOC; revise Part I, Section H – Special Contract Requirements, TOC; revise H.30; revise Part II, Section I – Contract Clauses, TOC; update clause I.39; 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) Robert Gordon Contracting Officer
15B. CONTRACTOR/OFFEROR	16B. UNITED STATES OF AMERICA
15C. DATE SIGNED 6/25/18	16C. DATE SIGNED 6-26-18
 (Signature of person authorized to sign)	 (Signature of Contracting Officer)

14. Description of Amendment/Modification (continued):

1. **Part I, Section C – Description/Specs./Work Statement:** Section C.4, Statement of Work is revised to remove Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management of paragraph (d)(12) titled, “Sustainability” revoked by new EO 13693 dated March 19, 2015, and IAW Presidential Executive Order 13834 dated May 17, 2018. Replace the paragraph with the updated language provided herein.
2. **Part I, Section H – Special Contract Requirements, Table of Contents (TOC):** Section H is revised to update clause H.30.

The following clause has been revised; replace the prior version with the updated attachment provided herein:

- a. **Clause H.30 – Lobbying Restriction (Consolidated Appropriations Act, 2018):** The language in this clause is consistent IAW Policy Flash 2018-29, and remains in full force and effect.

3. **Part II, Section I – Contract Clauses, Table of Contents (TOC):** Section I TOC is revised to update clause I.39.

The following clause has been revised; replace the prior version with the updated attachment provided herein:

- a. **Clause I.39 – FAR 52.222-4, Contract Work Hours And Safety Standards -- Overtime Compensation (May 2014):** This clause is revised IAW Federal Acquisition Circular (FAC) 2005-98, and Federal Register at 83 FR 19149 dated May 1, 2018.

4. **Part III, Section J – List of Documents, Exhibits, Attachments, Table of Contents (TOC):** Section J TOC is revised to reflect the following: Replace Appendix I – DOE Directives/List B.

- a. **Appendix I – DOE Directives/List** identified as Modification No. 0114 has been revised; replace the prior version with the attached Appendix I identified as Modification No. 0120. The revisions are as follows:

SUMMARY OF DIRECTIVE CHANGES			
ORDER	TITLE	CHANGE	NOTES
O 413.3B Chg. 5 (Min.Chg.)	Program and Project Management for the Acquisition of Capital Assets	Update	O 413.3B Chg. 4 (Min.Chg.)

Attachments:

- Part I, Section C.4 – Statement of Work
 - ❖ (d)(12)
- Part I, Section H – Special Contract Requirements
 - ❖ H.30
- Part II, Section I – Contract Clauses
 - ❖ I.39
- Part III, Section J – List of Documents, Exhibits, Attachments
 - ❖ Appendix I – DOE Directives/List B

SECTION C

DESCRIPTION/SPECS./WORK STATEMENT

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C.1 INTRODUCTION.....1

C.2 IMPLEMENTATION OF DOE’S MISSION FOR BNL.....2

C.3 CORE EXPECTATIONS.....2

C.4 STATEMENT OF WORK.....4

C.5 PLANS AND REPORTS.....18

(12) Sustainability

The Contractor shall assist DOE through direct participation and other support in achieving DOE's energy efficiency goals and objectives in electricity, water, and thermal consumption, conservation, and savings, including goals and objectives contained in Executive Order 13834, Efficient Federal Operations or successor version. The Contract will support DOE's use of Energy Savings Performance Contracts (ESPC) and Utility Energy Services Contracts (UESC). The Contractor shall maintain and update, as appropriate, its Site Plan to include detailed plans and milestones for achieving site-specific energy efficiency goals and objectives.

CLAUSE H.30 – LOBBYING RESTRICTION (as per FAL 2018 - May 24, 2018)

The Contractor agrees that none of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. § 1913.

**CLAUSE I.39 – FAR 52.222-4 - CONTRACT WORK HOURS AND SAFETY
STANDARDS- OVERTIME COMPENSATION (MAY 2018)**

- (a) *Overtime requirements.* No Contractor or subcontractor employing laborers or mechanics (see Federal Acquisition Regulation 22.300) shall require or permit them to work over 40 hours in any workweek unless they are paid at least 1 and $\frac{1}{2}$ times the basic rate of pay for each hour worked over 40 hours.
- (b) *Violation; liability for unpaid wages; liquidated damages.* The responsible Contractor and subcontractor are liable for unpaid wages if they violate the terms in paragraph (a) of this clause. In addition, the Contractor and subcontractor are liable for liquidated damages payable to the Government. The Contracting Officer will assess liquidated damages at the rate specified at 29 CFR 5.5(b)(2) per affected employee for each calendar day on which the employer required or permitted the employee to work in excess of the standard workweek of 40 hours without paying overtime wages required by the Contract Work Hours and Safety Standards statute (found at 40 U.S.C. chapter 37). In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 Note), the Department of Labor adjusts this civil monetary penalty for inflation no later than January 15 each year.
- (c) *Withholding for unpaid wages and liquidated damages.* The Contracting Officer will withhold from payments due under the contract sufficient funds required to satisfy any Contractor or subcontractor liabilities for unpaid wages and liquidated damages. If amounts withheld under the contract are insufficient to satisfy Contractor or subcontractor liabilities, the Contracting Officer will withhold payments from other Federal or Federally assisted contracts held by the same Contractor that are subject to the Contract Work Hours and Safety Standards statute.
- (d) *Payrolls and basic records.*
- (1) The Contractor and its subcontractors shall maintain payrolls and basic payroll records for all laborers and mechanics working on the contract during the contract and shall make them available to the Government until 3 years after contract completion. The records shall contain the name and address of each employee, social security number, labor classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. The records need not duplicate those required for construction work by Department of Labor regulations at 29 CFR 5.5(a)(3) implementing the Construction Wage Rate Requirements statute.
- (2) The Contractor and its subcontractors shall allow authorized representatives of the Contracting Officer or the Department of Labor to inspect, copy, or transcribe records maintained under paragraph (d)(1) of this clause. The Contractor or subcontractor also shall allow authorized

representatives of the Contracting Officer or Department of Labor to interview employees in the workplace during working hours.

- (e) *Subcontracts.* The Contractor shall insert the provisions set forth in paragraphs (a) through (d) of this clause in subcontracts that may require or involve the employment of laborers and mechanics and require subcontractors to include these provisions in any such lower tier subcontracts. The Contractor shall be responsible for compliance by any subcontractor or lower-tier subcontractor with the provisions set forth in paragraphs (a) through (d) of this clause.

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	12/21/2015	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
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

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
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. 6 (Minor Chg.) 2/1/18	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	10/22/2015	Laboratory Directed Research and Development
11/29/2010	Order	413.3B	Chg. 5 (Minor Chg.) 4/12/18	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 (Minor 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 only are applicable to BNL facilities.
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 the Program Plan.
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

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
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.) 1/17/17	Safeguards and Security Program
6/2/2014	Order	470.5		Insider Threat Program
9/2/2015	Order	470.6	Chg. 1 (Minor Chg.) 1/11/17	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
1/2/2018	Order	473.3A	Chg.1 (Minor Chg.) 1/2/18	Protection Program Operations
6/27/2011	Order	474.2	Chg. 4 (Pg.Chg.) 9/13/16	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

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ISSUED	TYPE	NUMBER	THROUGH CHANGE	TITLE Includes Compliance Notes as Necessary
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
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 Chg.) 8/11/16	Official Foreign Travel