

2. AMENDMENT/MODIFICATION NO. <b>0209</b>	3. EFFECTIVE DATE See Block 16c	4. REQUISITION/PURCHASE REQ. N/A NO PR	5. PROJECT NO. (If applicable) N/A
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6. ISSUED BY <b>U.S. Department of Energy Carlsbad Field Office P. O. Box 3090 Carlsbad, NM 88220-3090</b>	CODE <b>03003</b>	7. ADMINISTERED BY (If other than Item 6) CODE
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8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, state, ZIP Code) <b>Nuclear Waste Partnership, LLC Attn: Marty Gonzales Nuclear Waste Partnership 106 Newberry Street SW Aiken, SC 29801</b>  CODE <b>968993910</b> FACILITY CODE	9A. AMENDMENT OF SOLICITATION NO.  9B. DATED (SEE ITEM 11)  10A. MODIFICATION OF CONTRACT/ORDER NO. <b>DE-EM0001971</b> 10B. DATED (SEE ITEM 13) <b>April 20, 2012</b>
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**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 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 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)**  
 NOT A FUNDING ACTION

**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):
	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:
<b>X</b>	D. OTHER (SPECIFY TYPE OF MODIFICATION AND AUTHORITY <b>I. 137 DEAR 970.5215-1 – Fee Determination for FY17</b> )

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.)**

The purpose of this modification is to incorporate the Fee Determination Official's final determination of performance fee earned by the contractor for the period October 1, 2016 through September 30, 2017. For Fiscal Year 2017, the contractor has earned fee of \$10,744,708.20 out of available fee of \$11,948,286.00. See page 2.

Except as provided herein, all terms and conditions of the document referenced in Items 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) <b>Suzanne Willes Hunt, Contracting Officer</b>
15B. CONTRACTOR/OFFEROR	16B. UNITED STATES OF AMERICA
BY _____ (Signature of person authorized to sign)	BY <b>(b) (6)</b> _____ (Signature of Contracting Officer)
15C. DATE SIGNED	16C. DATE SIGNED
	<b>6/5/18</b>

In Section B.2-2 (a) of the contract, fee of \$11,948,286.00 is available for FY17 for the contractor to earn through the completion of performance-based objectives and subjective award fee criteria as described in the FY17 Performance Evaluation and Measurement Plan (PEMP). In accordance with the requirements in the PEMP, the Fee Determination Official determined that the contractor earned award fee and fee for performance-based incentives (PBIs) as follows:

**Available Award Fee for subjective criteria in this period: \$2,987,071.50 Earned: \$2,658,493.20**

Table 1: Subjective (Award Fee) Criteria Summary Table

Criteria	Maximum Available Fee	Adjectival Rating	Fee Determined from Adjectival Ratings	
			Percentage	Fee Amount
1.0 Mission Performance	\$597,414.20	Excellent	98%	\$585,465.92
2.0 Regulatory Compliance	\$597,414.20	Very Good	89%	\$531,698.64
3.0 Management Performance	\$597,414.20	Very Good	87%	\$519,750.35
4.0 Safety & Health Performance	\$597,414.20	Very Good	83%	\$495,853.79
5.0 Cost Control	\$597,414.20	Very Good	88%	\$525,724.50
<b>Total</b>	<b>\$2,987,071.00</b>			<b>\$2,658,493.20</b>

**Available Fee for Performance-Based Incentives for this period: \$8,961,215 Earned: \$8,086,215**

Table 2: Performance-Based Incentives

Metric	Title	Maximum Available Fee	Fee Earned
1	For commencing on-site surface stored TRU waste emplacement and resumption of TRU waste shipments to WIPP.	\$4,200,000	\$4,130,000
2	For completing Panel 7 contamination mitigation activities.	\$425,000	\$367,500
3	For completing specific ground control activities.	\$580,000	\$580,000
4	For completing activities to resume Panel 8 mining operations.	\$1,195,000	\$677,500
5	For completing line item capital asset project work scope scheduled for FY2017.	\$1,200,000	\$1,200,000
6	For completing mutually agreed Generator Site Technical Reviews (GSTRs) and enhanced Acceptable Knowledge (AK) reviews.	\$400,000	\$400,000
7	For submission of the WIPP Triennial Review Scope to the New Mexico Environment Department (NMED) by January 10, 2017.	\$100,000	\$100,000
8	For completing select work scopes associated with infrastructure recapitalization and strategic planning.	\$460,000	\$255,000
9	For preparing regulatory documents associated with the Above Ground Storage Capability (AGSC).	\$100,000	\$100,000
10	For timely submittal of complete subcontract consent packages and affiliate agreements.	\$301,215	\$276,215
<b>Totals</b>		<b>\$8,961,215</b>	<b>\$8,086,215</b>

Summary of fee earned:

PEMP Fee Type	Maximum Available Fee	Fee Amount	Percentage of Maximum Available Fee
Objective Criteria (PBI) Fee Earned	\$8,961,215.00	\$8,086,215.00	90.1%
Subjective Criteria (Award Fee)	\$2,987,071.00	\$2,658,493.20	89%
<b>TOTAL FEE</b>	<b>\$ 11,948,286.00</b>	<b>\$10,744,708.20</b>	<b>89.55%</b>

Fee of \$1,203,577.80 unearned during the period shall not be returned to the fee pool nor carried over to additional performance periods and will be forfeited.

All other contract terms and conditions remain unchanged.