

2. AMENDMENT/MODIFICATION NO. 131	3. EFFECTIVE DATE See Block 16c	4. REQUISITION/PURCHASE REQ. N/A No PR	5. PROJECT NO. (If applicable) N/A
6. ISSUED BY U.S. Department of Energy Carlsbad Field Office P. O. Box 3090 Carlsbad, NM 88220-3090		7. ADMINISTERED BY (If other than Item 6) CODE	

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, state, ZIP Code) Nuclear Waste Partnership, LLC Attn: Marty Gonzales Nuclear Waste Partnership 106 Newberry Street SW Aiken, SC 29801	9A. AMENDMENT OF SOLICITATION NO.
	9B. DATED (SEE ITEM 11)
	10A. MODIFICATION OF CONTRACT/ORDER NO. DE-EM0001971
	10B. DATED (SEE ITEM 13) April 20, 2012

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:
X	D. OTHER (SPECIFY TYPE OF MODIFICATION AND AUTHORITY I.166 DEAR 970.5243-1 Changes (DEC 2000))

E. IMPORTANT: Contractor is not, is required to sign this document and return 2 copies to the issuing office.

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

The purposes of this modification are to revise Section B.2.2 (b) of the contract to:

- Incorporate FY16 Program Execution Guidance into the contract per Contract Clause I.166 DEAR 970.5243-1 Changes (DEC 2000) to align the contract and baseline per CBFO Letter 16-2100 titled "Fiscal Year 2016 Program Execution Guidance and Work Authorization" issued January 6, 2016. Total increase to contract value to incorporate FY16 guidance is \$55,948,722.
- Increase FY14 CBFO anticipated funding by \$122,318 for additional security funding that was obligated in Modification 76 but the contract value was inadvertently not increased at that time.
- Revise total contract value from \$1,598,839,596.40, by \$56,071,040, to \$1,654,910,636.40 by incorporating changes to Section B.

15A. NAME AND TITLE OF SIGNER (Type or print) Kevin S. Donovan, Business Manager	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Vicki D. Snow, Contracting Officer
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15B. CONTRACTOR/OFFEROR BY Exemption 6 <i>(Signature of person authorized to sign)</i>	15C. DATE SIGNED 3/3/16	16B. UNITED STATES OF AMERICA BY Exemption 6 <i>(Signature of Contracting Officer)</i>	16C. DATE SIGNED 3/3/16
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Background for changes to Section B.2.2. (b) FY16 Anticipated Funding (contract value):

Initial Fiscal Year 2016 (FY16) program guidance of \$191,393,104.20 was provided to NWP for planning purposes on April 14, 2015. However, when the FY16 Performance Evaluation Measurement Plan (PEMP) was drafted in July 2015, the contract performance baseline in the PEMP was \$227,939,000 based on the House mark.

Section B.2.2.(b) of the contract was not modified to incorporate either the FY16 initial program guidance or the budget for the FY16 PEMP. FY16 Final Program Execution guidance of \$253,426,860 was issued to NWP on January 6, 2016, per Letter 16-2100 (Page 1 of the letter is attached to this modification). The contract is now being modified to incorporate the FY16 program executive guidance.

In Modification 129, the contractor was provided capital asset project (CAP) funding of \$8,080,069. Since the FY16 guidance had not been incorporated prior to Mod 129, the contract value for CLIN 5 for WBS 1.8 was increased from \$0 to \$8,080,069 to account for the CAP funding. The balance of the CAP program executive guidance is incorporated in Modification 131.

The FY16 anticipated funding in Section B.2.2.(b) Transition, Anticipated Funding and Available Award Fee is increased by \$55,948,722 to Section B.2.2(b) to align the contract with the baseline per the Program Execution Guidance as follows:

Contract CLIN #	FY16 Anticipated Funding through Mod 130	FY16 Anticipated Funding per Program Guidance dated 1/6/16	Net increase to FY16 anticipated funding per Program Guidance changes	Revised value of CLIN after incorporating changes
CLIN 2: Base Period – Site Operations	\$133,217,810	PBS 20: \$4,650,875 PBS 80: \$118,509,627 PBS 81: \$14,054,837 PBS 90: \$6,034,513 Total \$143,249,852	\$10,032,042	\$143,249,852
CLIN 4:WBS 1.7 for Recovery Activities	\$56,180,259	\$79,459,008	\$23,278,749	\$79,459,008
CLIN 5: WBS 1.8 15-D-411 Permanent Ventilation System	6,000,000	\$23,218,000	\$17,218,000	\$23,218,000
CLIN 5: WBS 1.8 15-D-412 Exhaust Shaft	2,080,069	7,500,000	\$5,419,931	\$7,500,000
Totals	\$197,478,138	\$253,426,860	\$55,948,722	\$253,426,860

Background for increase to FY14 anticipated funding:

Additional security funding of \$122,318 was obligated in Modification 76 (copy of Modification 76 is attached to this modification) at the end of FY14 to prefund FY15 work scope, however the contract value was not increased in the modification or in FY15. The increase to FY14 anticipated funding is made to Section B.2.2.(b) in this modification to align the baseline and contract funding as follows:

Section B.2.2.(b) is revised:

From:

October 1, 2013 through September 30, 2014

Anticipated Funding
\$139,142,722

To:

October 1, 2013 through September 30, 2014

Actual Funding
\$139,265,040

Anticipated Funding
\$139,265,040

Change to Section B.2.2.(b) to show actual funding obligated to the contract to date in addition to anticipated funding amounts:

A new column is added to the spreadsheet in Section B.2.2.(b) to document actual funding amounts obligated to each contract line item per fiscal year. The total funding from award to Modification 131 of \$688,314,501.40 is now documented in the contract.

Revise total contract value:

As a result of the revisions made to Section B.2.2.(b) in Modification 131, the contract value is increased from \$1,598,839,596.40, by \$56,071,040, to \$1,654,910,636.40, as shown below.

Increase from incorporating FY16 program guidance into CLINS 2, 4, and 5:	\$55,948,722
Increase to CLIN 2 to incorporate increase to contract in Modification 76 for additional security funding	<u>122,318</u>
Increase to contract value in Modification 131	\$56,071,040

All other terms and conditions remain unchanged.

Changes to Section B.2-2(b) Transition Cost, Anticipated Funding, and Total Available Award Fee

From: MOD 130	Actual Funding	Anticipated Funding	Annual Fee Base***
CLIN 1: Transition	\$1,553,670.00	\$1,553,670.00	
CLIN 2: Base Period – Site Operations			
October 1, 2012 through September 30, 2013	\$141,902,556.74	\$141,902,556.74	\$109,238,604.00
Funding transferred from WTS contract	\$7,995,864.65	\$7,995,864.65	
Funding from other DOE entities per H.55	\$11,373,074.35	\$11,373,074.35	
October 1, 2013 through September 30, 2014		\$139,142,722.00	\$109,238,604.00
Funding from other DOE entities per H.55		\$1,232,980.92	
October 1, 2014 through September 30, 2015		\$126,513,115.82	\$100,097,068.00
Funding from other DOE entities per H.55		\$5,551,193.66	
October 1, 2015 through September 30, 2016		\$133,217,810.00	\$109,238,604.00
Funding from other DOE entities per H.55		\$246,444.26	
October 1, 2016 through September 30, 2017		\$133,217,810.00	\$109,238,604.00
		<u>\$700,393,572.40</u>	<u>\$537,051,484.00</u>
CLIN 3: Option Period – Site Operations			
October 1, 2017 through September 30, 2018		\$133,217,810.00	\$109,238,604.00
October 1, 2018 through September 30, 2019		\$133,217,810.00	\$109,238,604.00
October 1, 2019 through September 30, 2020		\$133,217,810.00	\$109,238,604.00
October 1, 2020 through September 30, 2021		\$133,217,810.00	\$109,238,604.00
October 1, 2021 through September 30, 2022		\$133,217,810.00	\$109,238,604.00
		<u>\$666,089,050.00</u>	<u>\$546,193,020.00</u>
CLIN 4: WBS. 1.7 Performance Measurement Baseline for Recovery Activities			
FY14 WIPP Recovery Project WBS 1.7, Fee, MR		\$31,148,035.00	
FY15 WIPP Recovery Project WBS 1.7, Fee, MR		\$122,713,847.00	\$82,115,542.00
FY16 WIPP Recovery Project WBS 1.7, Fee, MR		\$56,180,259.00	
FY17 WIPP Recovery Project WBS 1.7, Fee, MR		\$12,322,628.00	
FY18 WIPP Recovery Project WBS 1.7, Fee, MR		\$358,466.00	
Total WIPP Recovery Project Interim PMB		<u>\$222,723,235.00</u>	<u>\$82,115,542.00</u>
CLIN 5: WBS 1.8 Capital Asset Project(s) for Permanent Ventilation System and Exhaust Shaft			
FY16 funding -Capital Asset Project 15-D-411		\$6,000,000.00	
FY16 funding – Capital Asset Project 15-D-412		\$2,080,069.00	
		<u>\$8,080,069.00</u>	
Total Contract Value	\$1,598,839,596.40		

Changes to Section B.2-2(b) Transition Cost, Anticipated Funding, and Total Available Award Fee

TO: Mod 131	Actual Funding	Anticipated Funding	Annual Fee Base***
CLIN 1: Transition			
July 1, 2012 - September 30, 2012	\$1,553,670.00	\$1,553,670.00	
CLIN 2: Base Period – Site Operations			
October 1, 2012 through September 30, 2013	\$141,902,556.74	\$141,902,556.74	\$109,238,604
Funding transferred from WTS contract	\$7,995,864.65	\$7,995,864.65	
Funding from other DOE entities per H.55	\$11,373,074.35	\$11,373,074.35	
October 1, 2013 through September 30, 2014	\$139,265,040.00	\$139,265,040	\$109,238,604
Funding from other DOE entities per H.55	\$1,232,980.92	\$1,232,980.92	
October 1, 2014 through September 30, 2015	\$126,513,115.82	\$126,513,115.82	\$100,097,068
Funding from other DOE entities per H.55	\$5,551,193.66	\$5,551,193.66	
October 1, 2015 through September 30, 2016	\$57,460,476.00	\$143,249,852	\$109,238,604
Funding from other DOE entities per H.55	\$246,444.26	\$246,444.26	
October 1, 2016 through September 30, 2017	\$0.00	\$133,217,810	\$109,238,604
Funding from other DOE entities per H.55	\$0.00	\$0	
TOTALS	\$491,540,746.40	\$710,547,932.40	\$537,051,484
CLIN 3: Option Period – Site Operations			
October 1, 2017 through September 30, 2018	\$0.00	\$133,217,810	\$109,238,604
October 1, 2018 through September 30, 2019	\$0.00	\$133,217,810	\$109,238,604
October 1, 2019 through September 30, 2020	\$0.00	\$133,217,810	\$109,238,604
October 1, 2020 through September 30, 2021	\$0.00	\$133,217,810	\$109,238,604
October 1, 2021 through September 30, 2022	\$0.00	\$133,217,810	\$109,238,604
TOTALS		\$666,089,050	\$546,193,020
CLIN 4: WBS. 1.7 Performance Measurement Baseline for Recovery Activities			
FY14 WIPP Recovery Project WBS 1.7, Fee, MR: (Note: FY14 funding was obligated to CLIN 2 in STRIPES before Mod 94)	\$31,148,035.00	\$31,148,035	
FY15 WIPP Recovery Project WBS 1.7, Fee, MR - (Note: FY15 funding was obligated to CLIN 2 in STRIPES before Mod 94)	\$122,713,847.00	\$122,713,847	\$82,115,542
FY16 WIPP Recovery Project WBS 1.7, Fee, MR	\$33,278,134.00	\$79,459,008	
FY17 WIPP Recovery Project WBS 1.7, Fee, MR	\$0.00	\$12,322,628	
FY18 WIPP Recovery Project WBS 1.7, Fee, MR	\$0.00	\$358,466	
TOTALS	\$187,140,016.00	\$246,001,984	\$82,115,542
CLIN 5: WBS 1.8 Capital Asset Project(s) for Permanent Ventilation System and Exhaust Shaft			
FY16 funding -Capital Asset Project 15-D-411	\$6,000,000.00	\$23,218,000.00	
FY16 funding – Capital Asset Project 15-D-412	\$2,080,069.00	\$7,500,000.00	
TOTALS	\$8,080,069.00	\$30,718,000.00	
Total Contract Funding to Date	\$688,314,501.40		
Total Contract Value		\$1,654,910,636.40	



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
JAN 6 2016

Ms. M. P. Gonzales, Manager
Prime Contract
Nuclear Waste Partnership, LLC
P. O. Box 2078
Carlsbad, New Mexico 88221-2078

Subject: Contract DE-EM0001971, Nuclear Waste Partnership LLC - Fiscal Year 2016
Program Execution Guidance and Work Authorization Directive

Reference: Letter 15:03037 from M. P. Gonzales to Vicki Diane Snow, dated December 9, 2015;
Subject: Submittal of Fiscal Year 2016 Integrated Baseline and Work Plan Under
Nuclear Waste Partnership LLC Prime Contract DE-EM0001971

Dear Ms. Gonzales:

The Department of Energy (DOE) Carlsbad Field Office (CBFO) provides you, Nuclear Waste Partnership LLC (NWP), with the following new Budget Authority, program execution guidance, and work authorization for Fiscal Year (FY) 2016. This new Budget Authority is based upon the recently passed Consolidated Appropriations Act, 2016.

The following is the new Budget Authority for NWP only, without the incorporation of FY 2015 committed carryover work scope and funding.

<u>Program Baseline Summary (PBS)</u>	<u>Amount of new Budget Authority</u>
PBS-20	\$4,650,875
PBS-80 – Base	\$118,509,627
PBS-82 – Recovery Performance Measurement Baseline	\$79,459,008
15-D-411 Safety Significant Confinement Ventilation System	\$23,218,000
14-D-412 Exhaust Shaft	<u>\$7,500,000</u>
TOTAL PBS-80, PBS-82	\$228,686,635
PBS-81- Central Characterization Program	\$14,054,837
PBS-90- Transportation	<u>\$6,034,513</u>
TOTAL NWP	\$253,426,860

2. AMENDMENT/MODIFICATION NO. 076	3. EFFECTIVE DATE See Block 16c	4. REQUISITION/PURCHASE REQ. 14EM003028	5. PROJECT NO. (If applicable) N/A
6. ISSUED BY U.S. Department of Energy Carlsbad Field Office P. O. Box 3090 Carlsbad, NM 88220-3090		7. ADMINISTERED BY (If other than Item 6)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, state, ZIP Code) Nuclear Waste Partnership, LLC Attn: Marty Gonzales Nuclear Waste Partnership 106 Newberry Street SW Aiken, SC 29801		9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 968993910	FACILITY CODE	10A. MODIFICATION OF CONTRACT/ORDER NO. DE-EM0001971	10B. DATED (SEE ITEM 13) April 20, 2012

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)

01250	2014	33	490004	0000000	25400	1110954	0000442	0000000	0000000	\$2,463,000.00+++
01250	2014	33	490004	0000000	25400	1111094	0000441	0000000	0000000	\$ 94,576.00+++
01250	2014	33	490004	0000000	25400	1111095	0000441	0000000	0000000	\$ 8,318.00+++
01250	2014	33	490004	0000000	25400	1111098	0000441	0000000	0000000	\$ 12,366.00+++
01250	2014	33	490004	0000000	25400	1111102	0000441	0000000	0000000	\$ 7,058.00+++

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:
- D. OTHER (SPECIFY TYPE OF MODIFICATION AND AUTHORITY) DEAR 970.5204-15 entitled, "Obligation of Funds" - obligate incremental funding

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 obligate funding to the contract as follows:

- (1) In accordance with Carlsbad Field Office approved Programmatic Change Request 14-046 (NWP 14-147), funding of \$2,463,000 is obligated to PBS 80 as an realignment of funds from PBS 81.
- (2) Funding of \$122,318 is obligated to PBS 20 to pre-fund FY15 security work scope.
- (3) Total contract funding is increased from \$331,885,903.66, by \$2,585,318.00, to \$334,471,221.66.

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) Vicki Diane Snow, Contracting Officer		
15B. CONTRACTOR/OFFEROR	15C. DATE SIGN	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED 9/12/14
BY _____ (Signature of person authorized to sign)	Exemption 6		