

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE 1 OF 8 PAGES
2. AMENDMENT/MODIFICATION NO. 167	3. EFFECTIVE DATE See Block 16c	4. REQUISITION/PURCHASE REQ.	5. PROJECT NO. (If applicable) NIA
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)

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).
x	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Contract Clause H.11 Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan
	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.)

The purpose of this modification is to incorporate Nuclear Waste Partnership's FY17 Small Business Subcontract Plans into Section J, Attachment B, of the contract in accordance with Contract Clause H.11 Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan. The Plans are attached to this modification.

Total contract funding remains at \$913,072,267.35. Total contract value remains at \$1,983,244,973.69. All other terms and conditions remain unchanged.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Suzanne W. Hunt, Contracting Officer	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
BY _____ (Signature of person authorized to sign)		BY (b) (6) _____ (Signature of Contracting Officer)	11/8/16

PART III – LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS

**SECTION J - LIST OF ATTACHMENTS
ATTACHMENT B**

Annual Small Business Subcontracting Plan – FY 2017

Contractor: Nuclear Waste Partnership LLC
Address: 4021 National Parks Highway
Carlsbad, NM 88220
Contract Number: DE-EM-0001971
Item/Service: Various
Amount of Contract Each Year: Estimated Cost—\$135,000,000 (approximate)
Total Amount of Contract: Estimated Cost—\$1,480,117,950
Period of Contract Performance: Basic — 10/1/12 through 9/30/17
Options (If Any): 10/1/17 through 9/30/22

Type of Plan (Check One)

- Individual Plan (All elements developed specifically for this contract and applicable for the full term of this contract.)
- Master Plan (Goals are developed for this contract; all other elements are standard and updated as necessary.) (See FAR 52.219-9(f) (1)-(3)).
- Commercial Plan (Contractor sells large quantities of off-the-shelf commercial items to many Government agencies. Plans/goals are negotiated by a lead agency on a company-wide basis rather than for individual contracts. Plan effective only during the year for which it is approved. The contractor must provide a copy of the lead agency approval). (FAR 19.704 and 52.219-9(g)).

Nuclear Waste Partnership LLC (NWP) has developed this Small Business Subcontracting Plan (SB Plan) following the criteria prescribed in FAR 52.219-9, including other applicable requirements as stated in the clause. For purposes of this SB Plan, NWP uses the term "subcontract" to mean any agreement (other than one involving an employer-employee

relationship) entered into by a government prime contractor or subcontractor which calls for supplies or services required in the performance of the subject prime contract, a contract modification thereto, or a subcontract there under. The SB Plan and the subcontracting goals cited will, unless modified and approved by the Contracting Officer, cover the prime contract period specified.

Beginning in Fiscal Year (FY) 2017, the funding for NWP is currently expected to decrease from current levels under Continuing Resolution based upon the President's Budget for FY2017. Additional funding for capital projects at the Waste Isolation Pilot Plant (WIPP), including a new permanent ventilation system for the WIPP Underground, is expected to be in addition to regular operational funding. As of the date of this plan, August 30, 2016, the FY2017 budget has not been definitized. Therefore, the projected subcontracting dollars identified herein for this period are subject to change once the FY2017 budget is established.

I. Goals

NWP intends to accomplish SB subcontracting goals for each of the specified SB categories. These goals are expressed in terms of both dollars and percentages for large business (LB), SB, VOSB, SDVOSB, HubSB, SDB, and WOSB.

- A. The following percentage goals (expressed in terms of a percentage of total planned subcontracting dollars) are applicable to the contract period for FY2017.
 1. The total estimated dollar value of all planned subcontracting (to all types of business concerns) under this contract for FY2017 is \$85M less \$10M for estimated affiliate transactions, resulting in a revised estimated total of \$75M to be used for small business determination. This total includes approximately \$30M estimated in FY2017 for capital projects including the new permanent ventilation system for the WIPP Site.
 - a. LB Concerns. Total estimated dollar value and percent of planned subcontracting with large business (all business concerns classified as "other than small"), less affiliate transactions; (% of 1. Above): \$37.5M and 50%.
 - b. SB Concerns. Total estimated dollar value and percent of planned subcontracting with small businesses (include SB, VOSB, SDVOSB, HubSB, SDB, and WOSB concerns) (% of 1. Above): \$37.5M and 50%.
 - c. VOSB Concerns. Total estimated dollar value and percent of planned subcontracting with veteran-owned small business (% of 1. Above): \$2.25M and 3%. This amount is included in the amount shown under A.1.b above as a subset.
 - d. SDVOSB Concerns. Total estimated dollar value and percent of planned subcontracting with service-disabled veteran-owned small business (% of 1. Above): \$2.25M and 3%. This amount is included in the amount shown under A.1.b above as a subset.
 - e. HubSB Concerns. Total estimated dollar value and percent of planned subcontracting with HUBZone small business (% of 1. Above): \$2.25M and 3%. This amount is included in the amount shown under A.1.b above as a subset.

- f. SDB Concerns. Total estimated dollar value and percent of planned subcontracting with small disadvantaged businesses (% of 1. Above): \$3.75M and 5%. This amount is included in the amount shown under A.1.b above as a subset.
- g. WOSB Concerns. Total estimated dollar value and percent of planned subcontracting with small women-owned businesses (% of 1. Above): \$3.75 M and 5%. This amount is included in the amount shown under A.1.b above as a subset.

I.B Description of Products/Services to Be Subcontracted

I.B.1 Principal Categories of Subcontracting

The products and/or services NWP intends to subcontract will be reviewed during the planning phases of applicable procurement actions to maximize opportunities for small businesses to participate. The principal categories of subcontracting opportunities are for CCP, Operations, Site Support, Engineering, Transportation, and Site Infrastructure. Infrastructure will be supporting refurbishment of the Waste Isolation Pilot Plant (WIPP) Site including the design, fabrication, and installation of a new permanent ventilation system for the underground mine at WIPP.

I.B.2 Method Used to Develop the Subcontracting Goals

To establish subcontracting goals and commitments, NWP considered the work to be performed and historical WIPP SB performance. Products and services to be subcontracted to small business entities were developed by reviewing and evaluating the WIPP Contract Performance Work Statement, considering local, state, and federal regulations and guidelines and using current and past experience in subcontracting to SBs at WIPP and at other DOE locations. The method and basis (in dollars) used to establish the percentage of goals and the areas to be subcontracted to SBs, including VOSB, SDVOSB, HubSB, SDB, and WOSB, involved analysis of the following:

- The contract performance work statement and expected project funding
- Data from NWP parent companies including past experience with the development and implementation of SB subcontracting programs
- Information on SBs that NWP affiliates have successfully used at other locations
- Available data on current and past NWP parent company subcontracting
- Anticipated acquisition requirements based on project objectives
- Published SB databases with accurate company size, capability and experience information in order to expand upon our list of qualified small business entities to be considered for future subcontracting opportunities

NWP will follow preference programs and implement new programs to meet our specified goals. We will make additional efforts to expand the small business supplier base to include a wider geographic area to encompass other regions of the United States, when appropriate.

I.B.3 Indirect Costs

Indirect costs are not included in the dollar and percentage subcontracting goals.

II. Program Administrator

NWP designates a representative to administer the Small Business Subcontracting Plan:

Title: Small Business Program Coordinator
Address: Nuclear Waste Partnership LLC
PO Box 2078
Carlsbad, NM 88221
Telephone: 575-234-7137

The Small Business Program Coordinator will have general overall responsibility for NWP's subcontracting program, i.e., developing, preparing, and executing individual subcontracting plans and monitoring performance relative to the requirements of the SB Plan. These duties may include, but are not limited to, the following activities:

- Developing and maintaining source lists of SB, VOSB, SDVOSB, HubSB, SDB, and WOSB concerns.
- Ensuring that procurement packages are structured to permit participation of SB, VOSB, SDVOSB, HubSB, SDB, and WOSB
- Ensuring inclusion of SB, VOSB, SDVOSB, HubSB, SDB, and WOSB concerns whose capabilities coincide with solicitations requiring their products or services.
- Reviewing solicitations to identify and remove language or requirements which may restrict or prohibit participation of SB, VOSB, SDVOSB, HubSB, SDB, and WOSB
- Ensuring that proper documentation provided by the buyer if selection not made to a SB, VOSB, SDVOSB, HubSB, SDB, and WOSB concern that provided low bid.
- Ensuring establishment and maintenance of records of solicitations and subcontract award activity.
- Attending or arranging for attendance of company representatives at Business Opportunity Workshops, Minority Business Enterprise Seminars or Trade Fairs.
- Monitoring achievement of proposed goals.
- Preparing and submitting semi-annual and annual subcontract reports.
- Coordinating NWP's activities prior to and during conduct of Federal agency compliance reviews.
- Developing a small business policy for the WIPP Contract which is endorsed annually by NWP.
- Monitoring and, as necessary, modifying procurement procedures to ensure they encourage the maximum possible participation from all SB categories

Other duties include:

- Maintaining Mentor-Protégé Program to ensure development of future technical capabilities and resources.
- Seeking SB, VOSB, SDVOSB, HubSB, SDB, and WOSB business sources from all applicable agencies such as the SBA
- Seeking out other small businesses through the use of mass media tools such as Internet bulletin boards when the number of prospective sources is not adequate
- Conducting or arranging training for procurement department personnel pursuant to the intent of the socioeconomic program.

CONTRACT NO. DE-EM-0001971

- Maintaining records of SB, VOSB, SDVOSB, HubSB, SDB, and WOSB programs and documenting performance against goals.
- Submitting electronically in the Electronic Subcontracting Reporting System (eSRS) the Individual Subcontracting Report (ISR) for subcontracting activity from October through March and an ISR for subcontracting activities from April through September of each fiscal year. Submitting electronically in the eSRS a Summary Subcontract Report (SSR) for the entire fiscal year in accordance with the prime contract and instruction provided by the Contracting Officer.
- Verifying that subcontracts contain the flow down clauses pertaining to SB concerns when required and maintaining the policies and procedures required by the prime contract
- Advising and training project management personnel on the purposes of this plan and fostering adequate support.
- Maintaining a working relationship with local minority trade associations and other disadvantage and women-owned business organizations.
- Requiring lower-tier subcontractors to submit subcontracting plans when required and assisting in the development of sub-tier small business subcontracting plans to meet overall program objectives.
- Mentoring existing small business concerns currently under subcontract and enhancing their ability to provide timely, cost-effective, and quality services.
- Maintaining a close working relationship with DOE to ensure that NWP project objectives and activities are consistent with the DOE program.

III. Equitable Opportunities and Outreach Efforts

NWP will ensure that SB, VOSB, SDVOSB, HubSB, SDB, and WOSB concerns have an equitable opportunity to compete for subcontracts.

III.A Outreach Efforts

NWP will pursue the following outreach efforts to obtain sources:

- Contacting minority and small business trade associations.
- Contacting business development organizations.
- Attending small and minority business procurement conferences and trade fairs.
- Hosting local procurement conferences for small business.
- Researching sources from the Government's System for Award Management (SAM), including the Dynamic Small Business Search which includes SBA's certifications for SDB, SDVOSB, and HubZone, and GSA Advantage/GSA supply schedules.
- Utilizing the NWP web page to encourage new sources.
- Using book references, catalogs, source lists, or other reference material to identify SB, VOSB, SDVOSB, HubSB, SDB, and WOSB sources
- Providing resources to guide and train small businesses to enhance their technical execution capabilities and achieve self-sufficiency (e.g. Mentor Protégé Program).

III.B Internal Efforts

NWP will perform the following internal efforts to guide and encourage purchasing personnel:

- Presenting training programs on requirements of this plan.

- Establishing, maintaining, and using SB, VOSB, SDVOSB, HubSB, SDB, and WOSB source lists, guides, and other data for soliciting subcontracts.
- Monitoring activities to evaluate compliance with the subcontracting plan.

IV. Subcontracting Plan Flowdown

NWP will include the provisions under FAR 52.219-8, "Utilization of Small Business Concerns," in all subcontracts that offer further subcontracting opportunities. All subcontractors, except small business concerns, that receive subcontracts in excess of FAR thresholds (\$700,000 or \$1,500,000 for construction) will adopt and comply with a plan similar to the plan required by FAR 52.219-9 "Small Business Subcontracting Plan."

V. Reports and Surveys

NWP agrees to cooperate in any studies and surveys as required by DOE or the SBA. NWP will submit reports (at least bi-annually) that show compliance with the subcontracting plan. NWP will also prepare and submit ISR and SSR (see Table 1) and will ensure that large business subcontractors submit the same forms in accordance with the instructions on the forms as provided in the agency regulations.

Table 1. ISR and SSR Reporting Frequency

Report	Reporting Period	Due Date
ISR	October 1 through March 31	April 30
	April 1 through September 30	October 30
SSR	October 1 through September 30	October 30

VI. Records and Procedures

NWP will maintain records and procedures to demonstrate compliance with the requirements and goals of the subcontracting plan, including:

- Source lists (e.g., CCR), guides, and other data identifying candidate vendors, SB, SDB, WOSB, HubSB, and VOSB, and SDVOSB concerns
- Organizations contacted to locate small, small disadvantaged, and women-owned small business sources
- On a subcontract-by-subcontract basis, records on each subcontract solicitation resulting in an award exceeding the simplified acquisition threshold of \$150,000 indicating whether SB, VOSB, SDVOSB, 8(a)SB, SDB, and WOSB concerns were solicited, and if not, why not; and if applicable, the reason that the award was not made to a small business concern
- Records to support other outreach efforts, e.g., contacts with minority and small business trade associations, attendance at small and minority business procurement conferences, trade fairs, and veteran service organizations.
- Records to support internal guidance and encouragement provided to buyers through (1) workshops, seminars, training programs and (2) monitoring subcontract award data.
- On a contract-by-contract basis, records to support subcontract award data including the name, address, and the business size of each subcontractor.

This subcontracting plan is submitted by:

Signed:

(b) (6)

Typed Name: M. A. Edwards

Title: Manager, Procurement Services

Date: August 30, 2016

Phone No.: 575-234-7137