

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE		PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. 0220		3. EFFECTIVE DATE See Block 16C		4. REQUISITION/PURCHASE REQ. NO.	
6. ISSUED BY Idaho Operations Office Idaho Operations U.S. Department of Energy Idaho Operations Idaho Falls ID 89415		CODE 892432		5. PROJECT NO. (If applicable) 00701	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) FLUOR IDAHO, LLC Attn: AMANDA JORDAN 1070 RIVERWALK DRIVE, SUITE 201 IDAHO FALLS ID 83402		(x)		9A. AMENDMENT OF SOLICITATION NO.	
				9B. DATED (SEE ITEM 11)	
		x		10A. MODIFICATION OF CONTRACT/ORDER NO. DE-EM0004083	
				10B. DATED (SEE ITEM 13) 02/04/2016	
CODE 968795604		FACILITY CODE			

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 electronic communication 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 letter or electronic communication, provided each letter or electronic communication 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)

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

CHECK ONE	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 data, 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.36 52.217-7 Option for Increased Quantity - Separately Priced Line Item (Mar 1989)

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 headings, including solicitation/contract subject matter where feasible.)

DUNS Number: 968795604

The purpose of this modification is to exercise the priced option 00001i at Section C.5.3.09 RH Waste LOT 11 FY 2021 Option Work. Please refer to the Continuation Pages incorporated as part of this modification for further detail. The Contractor is directed to continue operations in accordance with contract Section B.2.

Payment:

OR for Idaho

U.S. Department of Energy

Oak Ridge Financial Service Center

P.O. Box 6017

Oak Ridge TN 37831

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Thomas M. Williams Director Prime Contracts		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Jennifer K. Cate	
15B. CONTRACTOR/OFFEROR <u>Thomas M Williams</u> (Signature of person authorized to sign)		16B. UNITED STATES OF AMERICA JENNIFER CATE (Signature of Contracting Officer)	
15C. DATE SIGNED 9/17/2020		16C. DATE SIGNED 9/17/2020	

Previous edition unusable

CONTINUATION SHEET	REFERENCE NO. OF DOCUMENT BEING CONTINUED DE-EM0004083/0220	PAGE	OF
		2	2

NAME OF OFFEROR OR CONTRACTOR
FLUOR IDAHO, LLC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
00001	Period of Performance: 06/01/2016 to 05/31/2021				
	Change Item 00001 to read as follows (amount shown is the total amount):				
	Target ICP-Core DOE Mission Work				2,053,636,956.00
	Line item value is: \$2,053,636,956.00				
	Incrementally Funded Amount: \$1,867,179,131.00				
	This modification increases the Total Contract Value by \$2,563,192 from \$2,102,001,476 to \$2,104,564,668.				

This modification is made under the authority of contract clause I.36 52.217-7 Option for Increased Quantity – Separately Priced Line Item (Mar 1989). This bilateral modification exercises the priced option 00001i at Section C.5.3.09 RH Waste LOT 11 FY 2021 Option Work.

Per Contracting Officer email to Fluor Idaho, LLC (Jennifer Cate to Tom Williams) dated September 8, 2020, Subject: *Priced Option 00001i RH TRU Lot 11 FY 2021 Option Work*, one minor addition of scope language is included as detailed below. There is no adjustment to Target Cost or Target/Max Fee due to this minor change in scope language. In addition, the fee structure for Performance Incentive (PI)-4 is revised and included with this modification at Exhibit B-1. The indirect cost under CLIN-1 is adjusted to reflect the changes made to the POH table attached per Section B.15(g).

The following changes are hereby made to the contract:

1. **SECTION B.1 TYPE OF CONTRACT – ITEMS BEING ACQUIRED**, paragraph (b) CLIN 00001 OPTION WORK, 00001i RH TRU Lot 11 FY 2021 OPTION WORK is revised to add “*Definitized by Modification 220.*”
2. **SECTION B.1 (d) CLIN-00001 Priced Option Work Descriptions, CLIN 00001i – RH WASTE LOT 11 FY 2021 OPTION WORK** is revised to include the highlighted language as follows:

See Section C, PWS C.5.3.07. The Contractor shall operate the RH Waste program in accordance with PWS sections C.5.3.01 RH-TRU Retrieval, C.5.3.02 RH-TRU Characterization and Certification, C.5.3.03 RH-TRU Treatment, C.5.3.04 RH-TRU Storage and Movement, and C.5.3.05 RH-TRU Packaging and Transportation for a portion of Lot 11 (Legacy RH-M/LLW), under the CH-ANL-180RH waste stream ID, **and/or suspect RH TRU from AMWTP.**

3. **SECTION B.2 (c) CONTRACT COST AND FEE SCHEDULE** is revised as follows:

CLIN-1: Target ICP Core DOE Mission Work Scope (Base)

The Direct Target Cost is increased by \$12,607,309 from \$938,474,604 to \$951,081,913.

The Indirect Target Cost is increased by \$2,269,316 from \$351,160,822 to \$353,430,138.

The Total Target Cost is increased by \$14,876,625 from \$1,289,635,426 to \$1,304,512,051.

The Cost Incentive (Target) is increased by \$736,393 from \$31,269,265 to \$32,005,658.

The Cost Incentive (Maximum) is increased by \$783,670 from \$79,336,726 to \$80,120,396.

The overall CLIN-1 Max Fee, including a milestone increase of \$1,142,853 and a performance fee increase of \$783,670, is correspondingly increased by \$1,926,523 from \$153,925,588 to \$155,852,111.

Summary:

The revised Total Contract Value (Includes Options) is increased by \$2,563,192 (cost and fee adjustments under CLIN-1) from \$2,102,001,476 to \$2,104,564,668.

The following B.2(c) Fee Model has been updated to reflect the adjustments to CLIN-1.

B.2(c) Table				
CLIN 00001- TARGET ICP-CORE DOE MISSION WORK (BASE)				
	Target Cost	Max Fee	Target Fee	Total Price
Direct Target Cost w/ ID Spt (No Options Included)	951,081,913	155,852,111		1,460,364,162
Indirect Target Cost w/o ID Spt (Total Pool, PWS C.8)	353,430,138			
	1,304,512,051			
Target Fee			64,573,347	
Subtotal Milestone-Schedule & Performance Fee (B.3(d))		75,731,715		
Subtotal Incremental Cost Incentive Fee		80,120,396		
Cost Incentive Breakout				
Cost Incentive (Max)		80,120,396		12.95%
Cost Incentive (Target)			32,005,658	4.95%
CLIN 00002 - TARGET ICP CORE NNPP PPF WORK SCOPE				
	Target Cost	Max Fee	Target Fee	Total Price
Navy (Pieces, Parts and Fines - 102 Cans)	42,367,181	5,382,479	2,503,195	47,749,660
Milestone-Schedule & Performance		3,970,091	1,963,325	
Cost Incentive (Max)		1,412,388	539,870	
CLIN 00003 - NON-TARGET ICP CORE WORK SCOPE				
	Estimated Cost	Fee		Total Price
Total Non-Target Work Scope (See Contracting Officer for Breakout)	58,829,070	3,091,456		61,920,526
CLIN 00004- CONTRACT TRANSITION PERIOD				
Transition	6,811,889	0		6,811,889
CLIN 00005 - DEFINED BENEFIT PENSION PLAN COSTS				
Pension	125,000,000	0		125,000,000
CLIN 00006 INTEGRATED WASTE TREATMENT UNIT (IWTU) OPERATIONS AND TURNOVER				
	Estimated Cost	Max Fee	Fee Gal	Total Price
IWTU Ops (C.6.1) (Definitized by Modification 152)	0	-	\$ 6.53	\$ -
	Estimated Cost	Fee		
IWTU Phase 1 - Process Assessment (C.6.1.1) (Fixed Fee)	19,331,848	956,926		20,288,774
IWTU Phase 2 - Technical Issue Resolution (C.6.1.2) (Milestone Fee)	115,785,533	5,523,919		121,309,452
IWTU Phase 3/4 - Startup of Radiological Operations (C.6.1.10) (Fixed/Milestone Fee)	187,845,640	22,346,853		210,192,493
Total (Excluding C.6.1 IWTU Ops)	322,963,021	28,827,698		351,790,719
Total Contract Cost (Excluding Options)				
	Contract Cost	Max Fee	Target Fee	Total Price
	1,860,483,212	193,153,744	67,076,542	2,053,636,956
Total Contract Cost (Includes Options)				
	Target Cost	Max Fee	Target Fee	Total Price
Priced Options				
00001a - GrndWtr Monitoring Wells / CFA Landfill	773,962	100,228	38,311	874,190
00001b - GrdWtr Monitoring Wells/TAN Rem	676,966	87,667	33,510	764,633
00001c - Legacy Excess Radioactive/Haz Materials	24,747,535	3,204,806	1,225,003	27,952,341
00001d - RCRA Closure of AMWTP Facilities (Definitized by Modification 207)	-	-	-	-
00001e - Additional Temporary Storage	6,548,465	848,026	324,149	7,396,491
00001f - RH TRU Lot 11 Option Work (Definitized by Modification 050)	-	-	-	-
00001g - RH TRU Lot 12 Option Work	12,341,796	1,598,263	610,919	13,940,059
00001h - RH TRU Lot 11 GFY 2020 Option Work (Definitized by Modification 142)	-	-	-	-
00001i - RH TRU Lot 11 GFY 2021 Option Work (Definitized by Modification 220)	-	-	-	-
Total Options	45,088,724	5,838,990	2,231,892	50,927,714
Total Contract Cost (Includes Options) and Max Fee	1,905,571,936	198,992,733	69,308,433	2,104,564,668
Contract Performance Ceiling (B.6)				
Contract Performance Ceiling	1,573,754,780			
NOTE: Fixed Fee values from CLIN-3 and CLIN-6 are included in the max fee value for the total contract cost and total contract cost including options.				

No other changes to Section B.2.

- SECTION B.3 (d) Schedule Milestones, Annual Milestones, and Performance Incentive Fee for CLIN 00001 is revised to include the revised fee structure for Priced Options

00001h – RH TRU Lot 11 GFY 2020 Option Work and 00001i – RH TRU Lot 11 GFY 2021 Option Work.

Schedule Milestones (CLIN-1)	Early Date	Min Fee Date	Max Fee Amount	Min Fee Amount
SM-1 Complete the Final Design Document for the SDA Cap	12/31/2019	4/30/2020	\$ 876,093	0
SM-2 Complete CH-TRU Retrieval in TSA-RE	5/31/2017	8/31/2017	\$ 1,971,210	0
SM-3 Complete treatment of RH-TRU Lots 1 - 9	8/31/2016	9/30/2016	\$ 2,190,234	0
SM-4 Complete RCRA Closure on INTEC Tank Farm Facility	8/1/2017	1/15/2018	\$ -	0
SM-5 Complete 1648 EBR II Bottle Placements	N/A	5/31/2021	\$ 3,840,000	0
SM-6 Complete Placement of 952 ATR Elements	N/A	5/31/2021	\$ 2,190,234	0
SM-8 Complete Treatment of ISA Debris Waste + Rework	6/30/2019	9/1/2019	\$ 4,500,000	0
SM-9 Complete Treatment of ISA Non-Debris Waste	7/31/2020	10/1/2020	\$ 3,500,000	0
SM-10 Complete Treatment of ISA Non-Debris Rework	N/A	5/1/2021	\$ 1,000,000	0
SM-11 Complete Certification of ISA Waste Streams 1-10 in FY 2019	N/A	10/1/2019	\$ 350,000	0
SM-12 Complete Certification of ISA Waste Streams 1-20 in FY 2020	N/A	10/1/2020	\$ 475,000	0
SM-13 Complete Certification of ISA Waste Streams 1-31 in FY 2021	N/A	6/1/2021	\$ 600,000	0
SM-14 Complete Upgrade of IT - PCs and Licensing	12/31/2020	3/31/2021	\$ 150,000	0
Mod 145 - Peach Bottom Milestone #1 - Inspection Reports		9/30/2020	\$ 195,801	0
Mod 145 - Peach Bottom Milestone #2 - Transfer 5 Low Risk Vaults		12/20/2020	\$ 195,801	0
Mod 145 - Peach Bottom Milestone #3 - Conceptual Design		1/31/2021	\$ 195,801	0
Subtotal Schedule Milestones			\$ 22,230,174	0
Annual Milestones			Max Fee Amount	Target Fee Amount
AM-1 CH Meters3 Ready to be shipped	Total Contract Fee		\$ 13,377,945	\$ 5,113,577
Total Amount of cubic meters of ISA (CH-TRU and MLLW to be certified and shipped)				10,300
		Treatment	Certification	Shipping
Fee Per Unit		\$ 1,428.97	\$ 476.32	\$ 476.32
CED-12/31/2018 Fee Paid	\$ 5,399,291.74			
AM-2 Acres Exhumed (measured by acre)			\$ 14,893,589	\$ 5,692,916
Total acreage to be exhumed				1.55
Fee per unit at associated Annual Quantity (fee Step/Total Acres for ARP VIII)	\$ 6,726,137	\$ 2,570,994	\$ 2,337,267	\$ 1,298,482
Annual Quantity (Acres)	> than .50	.40 - .49	.25 - .39	0.0 - .24
Fee per acre for ARP IX			\$ 6,726,137	
CED-March 2019 (ARP VIII Completed) Fee Paid	\$ 1,718,338			
AM-3 MLLW and LLW Disposition		\$ 2,628,280		
AM-4 CH TRU Waste Certified Backlog		\$ 1,400,000		
Subtotal Annual Milestones		\$ 32,299,814		
Performance Incentive		No Sliding Scale		
P-1 Process and ship all CH/RH TRU out of Idaho	12/31/2018	\$ 11,389,215		
P-2 Percent complete for exhumation (max fee times the actual completed for ARP VIII plus ARP IX divided by 1.55)	5/31/2021	\$ 7,608,603		
P-3 Critical Failures	N/A	\$ 8,760,935		
P-4 RH TRU Waste Disposition (Base Fee = \$1,958,005; Option 1 & 2 Fee = \$2,874,184)		\$ 4,832,189		
Subtotal Performance Incentive		\$ 21,201,727		
Total Milestone/Performance Fees		\$ 75,731,715		

5. **SECTION B.3 (d) iv. Performance Incentives Fee Calculation, 3rd paragraph**, is revised as follows:

From:

PI-4 will be earned on a container-by-container basis as defined in Exhibit B-1, RH Replan Fee Analysis, incorporated into this contract by Modification No. 050.

To:

PI-4 will be earned on a container-by-container basis as defined in Exhibit B-1, Rev.1, RH Replan Fee Analysis, incorporated into this contract by Modification No. 220.

6. **SECTION B.6(a)(2) CONTRACT PERFORMANCE CEILING** is increased by \$16,803,148 from \$1,556,951,632 to \$1,573,754,780.

7. **SECTION B, EXHIBIT B-1 is replaced by SECTION B, EXHIBIT B-1 Rev. 1**, attached, and incorporated in the contract in its entirety.
8. **SECTION C.5.3.09 RH Waste LOT 11 FY 2021 Option Work (Priced Option)** is exercised with this modification. The first paragraph is revised to include the highlighted language as follows:

The Contractor shall operate the RH Waste program in accordance with sections C.5.3.01 RH-TRU Retrieval, C.5.3.02 RH-TRU Characterization and Certification, C.5.3.03 RH-TRU Treatment, C.5.3.04 RH-TRU Storage and Movement, and C.5.3.05 RH-TRU Packaging and Transportation for Lot 11 (Legacy RH-M/LLW) **and/or suspect RH-TRU from AMWTP**. See Exhibit C-11, *Lot 11 – Legacy RH-M/LLW*. This Option work shall be completed in FY 2021.

No other changes to Section C.5.3.09.

9. **CONTRACTOR'S STATEMENT OF RELEASE:** In consideration of the modification agreed to herein as a complete equitable adjustment for the directed change to incorporate the work scope under CLIN-1 Section *C.5.3.09 RH Waste LOT 11 FY 2021 Option Work (Priced Option)* as detailed above, and in accordance with contract Section I.100 52.243-2 Changes—Cost Reimbursement Alt II and III, the Contractor hereby releases the Government from any and all liability under this contract for further equitable adjustments attributable to such facts or circumstances giving rise to the proposal for adjustment. The total net price of the equitable adjustment for CLIN-1 is \$16,803,148.

No other changes to the terms and conditions.