

**Contract DE-AC02-07CH11358 Modifications
Language Changes**

Modification 004 March 13, 2007

Part III – Section J, Attachment J.3 – Appendix C, Special Financial Institution Account Agreement
Changed reference from old contract (W-7405-ENG-82) to new contract (DE-AC02-07CH11358).

Part III – Section J, Attachment J.9 – Appendix I, DOE Directives, List B: List of Applicable Directives
Added

O 450.1	Environmental Protection Program Change 3 01/03/07
O 443.1	Protection of Human Subjects
M 483.1-1	DOE Cooperative Research and Development Agreements Manual
O 484.1	Reimbursable Work for the Department of Homeland Security
O 580.1	Department of Energy Personal Property Management Program

Cancelled/Deleted

M 470.4-3	Protective Forces
N 481.1A	Reimbursable Work for Department of Homeland Security
O 481.1C	Work for Others (Non-Department of Energy Funded Work)
O 5480.4	Environmental Protection, Safety, and Health Protection

Part III – Section J, Attachment J.11 – Appendix K, Key Personnel

Added

Chief Operations Officer	Mark Murphy
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Modification 006 May 8, 2007

Part III, Section J, Attachment J.2 – Appendix B, Performance Evaluation Measurement Plan

Added Plan for January 1, 2007 through September 30, 2007

Modification 011 October 15, 2007

Part I – Section H, Special Contract Requirements

Added

Clause H.38	CONTRACTOR'S PRIVATELY FUNDED TECHNOLOGY TRANSFER ACTIVITIES
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Part II – Section I, Contract Clauses

Revised

Clause I.94 DEAR 970.5204-3	ACCESS TO AND OWNERSHIP OF RECORDS (DEVIATION JUL 2005)
Clause I.107 DEAR 970.5227-2	RIGHTS IN DATA TECHNOLOGY TRANSFER (DEVIATION JUL 2006)
Clause I.108 dear 970.5227-3	TECHNOLOGY TRANSFER MISSION (DEVIATION JUL 2006)

Modification 018 February 22, 2008

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Part III, Section J, Attachment J.2 – Appendix B, Performance Evaluation Measurement Plan
Added Plan for FY 2008

Modification 020 December 10, 2007

Part III – Section J, Attachment J.9 – Appendix I, DOE Directives, List B: List of Applicable Directives
Added

N 206.4	Personal Identity Verification
O 110.3A	Conference Management
O 205.1A	Department of Energy Cyber Security Management
O 210.2	DOE Corporate Operating Experience Program
O 226.1A	Implementation of Department of Energy Oversight Policy
M 450.4-1	Integrated Safety Management System Manual Chg 1, 8-14-06

Cancelled/Deleted

N 206.3	Personal Identity Verification
O 110.3	Conference Management
O 205.1	Department of Energy Cyber Security Management
O 226.1	Implementation of Department of Energy Oversight Policy
O 440.1A	Worker Protection Management for DOE Federal and Contractor Employees
N 450.7	The Safe Handling, Transfer, and Receipt of Biological Etiologic Agents at Department of Energy Facilities

Modification 027 June 9, 2008

Part III – Section J, Attachment J.9 – Appendix I, DOE Directives, List B: List of Applicable Directives
Added

N 206.5	Response and Notification Procedures for Data Breaches Involving Personally Identifiable Information
O 221.2A	Cooperation with the Office of Inspector General
O 430.2B	Departmental Energy, Renewable Energy and Transportation Management
O 443.1A	Protection of Human Subjects
P 443.1A	Protection of Human Subjects
P 456.1	Secretarial Policy Statement on Nanoscale Safety

Cancelled/Deleted

O 221.2	Cooperation with the Office of Inspector General
O 430.2A	Departmental Energy and Utilities Management
O 443.1	Protection of Human Subjects
P 443.1	Protection of Human Subjects

Part III – Section J, Attachment J.11 – Appendix K, Key Personnel
Changed Key Personnel List to the following:

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Laboratory Director	Alexander King
Deputy Director	Bruce Harmon
Division Director for Science & Technology	Patricia Thiel
Chief Operations Officer	Mark Murphy
Manager – ESH&A and PD S&S	Tom Wessels

Modification 032 October 15, 2008

Part I – Section H, Special Contract Requirements

Added

Clause H.39 INFORMATION TECHNOLOGY INFORMATION

Modification 033 October 16, 2008

Part I – Section H, Special Contract Requirements

Added

Clause H.40 ADDITION AND ALTERATIONS TO IMPLEMENT EXECUTIVE ORDER 13423,
STRENGTHENING FEDERAL ENVIRONMENTAL, ENERGY, AND
TRANSPORTATION MANAGEMENT AND ITS IMPLEMENTING
INSTRUCTIONS

Part II – Section I, Contract Clauses, shall be updated and incorporated into this contract in accordance with DOE Acquisition Letter 2008-05 dated 4/03/2008.

Revised the following to change referenced EO to EO 13423

FAR 52.223-5	Pollution Prevention and Right-to-Know Information
FAR 52.223-10	Waste Reduction Program
DEAR 970.5223-2	Affirmative Procurement Program
DEAR 970.5223-5	DOE Motor Vehicle Fleet Fuel Efficiency

Part III – Section J, Attachment J.9 – Appendix I, DOE Directives, List B: List of Applicable Directives

Added

M 460.2-1A	Radioactive Material Transportation Practices
N 234.1	Reporting of Radioactive Sealed Sources
O 150.1	Continuity Programs
O 221.1A	Reporting Fraud, Waste and Abuse to the Office of Inspector General
O 450.1A	Environmental Protection Program
O 551.1C	Official Foreign Travel
O 580.1	Department of Energy Personal Property Management Program, Chg 1

Cancelled/Deleted

M 460.2-1	Radioactive Material Transportation Practices
O 221.1	Reporting Fraud, Waste and Abuse to the Office of Inspector General
O450.1	Environmental Protection Program
O 551.1B	Official Foreign Travel

Part III – Section J, Attachment J.3 – Appendix C, Special Financial Institution Account Agreement

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Added Amendment 5, dated May 21, 2008 to extend bank agreement through June 30, 2011.

Modification 035 December 9, 2008

Part II – Section I, Contract Clauses, shall be updated and incorporated into this contract in accordance with 10 CFR 707.

Revised the following to add all holders of access authorizations to those subject to drug testing.

Clause I.103 DEAR 970.5223-4 - Workplace Substance Abuse Programs At DOE Sites

Part III, Section J, Attachment J.2 – Appendix B, Performance Evaluation Measurement Plan

Added Plan for FY 2009

Modification 042 March 18, 2009

Part I – Section H, Special Contract Requirements

Added

Clause H.41 SPECIAL PROVISIONS RELATING TO WORK FUNDED UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (FEB 2009)

Modification 044 April 23, 2009

Obligates ARRA funds and modifies language regarding ARRA requirements.

Part I – Section E, Inspection and Acceptance

Added

E.2 Certification

Part I – Section G, Contract Administration Data

Added

G.4 Monthly Reporting

G.5 Indirect Charges

Part I – Section H, Special Contract Requirements

Replaces

H.41 from Mod 042 with H.41 from Mod 044

Part II – Section I, Contract Clauses

Added

Clause I.33 American Recovery and Reinvestment Act – Reporting Requirements

Clause I.51 FAR 52.225-21, Required Use of American Iron, Steel, and Other
Manufactured Goods – Buy American Act – Construction Materials

Clause I134 FAR 52.203-15, Whistleblower Protection Under the American recovery
and Reinvestment Act of 2009

Modified

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Clause I.121 DEAR 970.5232-3, Accounts, Records and Inspection (DEC 2000)

Modification 046 May 19, 2009

Part III – Section J, Attachment J.7 – Appendix G, Purchasing System Requirements

Reduced subcontract approval authority from \$500,000 to \$175,000.

Part III – Section J, Attachment J.9 – Appendix I, DOE Directives, List B: List of Applicable Directives

Added

O 200.1A	Information Technology Management
O 413.1B	Internal Control Program
O 413.3A	Program and Project Management for the Acquisition of Capital Assets
N 456.1	The Safe Handling of Unbound Engineered Nanoparticles

Cancelled/Deleted

O 200.1	Information Technology Management
O 251.1A	Directive System
O 413.1A	Management Control Program
M 413.3-1	Program and Project Management for the Acquisition of Capital Assets

Modification 056 January 7, 2010

Part III, Section J, Attachment J.2 – Appendix B, Performance Evaluation Measurement Plan

Added Plan for FY 2010

Modification 059 February 2, 2010

Part I – Section H, Special Contract Requirements

Added

Clause H.42	CONTRACTOR ASSURANCE SYSTEM
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Modification 067 May 19, 2010

Part II – Section I, Contract Clauses

Added

Clause I.26A	FAR 52.222-54 EMPLOYMENT ELIGIBILITY VERIFICATION (JAN 2009)
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Modification 076 August 24, 2010

Part II, Section I, Contract Clauses

Deleted

Clause I.33	FAR 52.204-11 – American Recovery and Reinvestment Act – Reporting Requirements (MAR 2009) previously incorporated under Modification 044
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Replace with

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Clause I.33 FAR 52.204-11 – American Recovery and Reinvestment Act – Reporting Requirements (JUL 2010)

Modification 080 October 14, 2010

Part III, Section J, Attachment J.2 – Appendix B, Performance Evaluation Measurement Plan
Added Plan for FY 2011

Part III – Section J, Attachment J.11 – Appendix K, Key Personnel
Changed Key Personnel List to the following:

Laboratory Director	Alexander King
Deputy Director	Bruce Harmon
Division Director for Science & Technology	Duane Johnson
Chief Operations Officer	Mark Murphy
Manager – ESH&A and PD S&S	Tom Wessels

Modification 093 April 7, 2011

Part I, Section H – Special Contract Requirements (replaced for FY2012)

Part II, Section I – Contract Clauses (replaced for FY2012)

Part III, Section J – List of Attachments: (replaced for FY2012)

Appendix A – Advance Understandings on Human Resources

Appendix G – Purchasing System Requirements

Appendix H -

- Small Business,
- Veteran-Owned Small Business,
- Service-Disabled Veteran-Owned Small Business,
- HubZone Small Business,
- Small Disadvantaged Business,
- Women-Owned Small business Subcontracting Plan

Appendix I – DOE Directives, List B (replaced for FY2012)

Modification 100 July 7, 2011

Part III, Section J – List of Attachments:

Appendix C – Special Financial Institution Account Agreement

Modified to include “Amendment 6 to Special Financial Institution Account Agreement for Use with the Payments Cleared Financing Arrangement” which extends terms by 3 years to June 30, 2014, with possible 3 additional years as option.

Appendix I – DOE Directives/List B (replaced for FY2012)

Modification 105 October 27, 2011

Part I, Section H – Special Contract Requirements (replaced for FY2012)

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Part II, Section I – Contract Clauses (replaced for FY2012)

Part III, Section J – List of Documents

Appendix B - Performance Evaluation and Measurement Plan (Replaced for FY2012)

Appendix I – DOE Directives, List B (replace for FY2012)

Modification 108 December 21, 2011

Part I, Section F, Deliverables or Performance

Clause F.1 – Period of Performance: Changed from Dec 31, 2011 to Dec 31, 2015

Section H, Special Contract Requirements

Deleted

Clause H.5 – Advance Understanding Regarding Additional Items of Allowable and Unallowable Costs and Other Matters

Replaced With

Clause H.5 – Advanced Understanding Regarding Additional items of Allowable and Unallowable Costs and Other Matters

Part II, Section I, Contract Clauses

Deleted

- FAR 52.204-4 Printed or Copied Double-Sided on Recycled Paper (Aug 2000)
- FAR 52.219-25 Small Disadvantaged Business Participation Program – Disadvantaged Status and Reporting (Apr 2008)
- FAR 52.223-5 Pollution Prevention and Right-to-Know Information (Aug 2003)
- FAR 52.223-10 Waste Reduction Program (Aug 2000)
- FAR 52.223-14 Toxic Chemical Release Reporting (Aug 2003)
- FAR 52.223-18 Contractor Policy to Ban Text Messaging While Driving (Sep 2010)

Replaced With

- FAR 52.204-4 Printed on Copied Double-Sided on Postconsumer Fiber Content Paper (May 2011)
- FAR 52.219-25 Small Disadvantaged Business Participation Program – Disadvantaged Status and Reporting (Dec 2010)
- FAR 52.223-5 Pollution Prevention and Right-to-Know Information (May 2011)(Alternate I)
- FAR 52.223-10 Waste Reduction Program (May 2011)
- FAR 52.223-18 Encouraging Contractor Policies to Ban Text Messaging while Driving (Aug 2011)

Added

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- FAR 52.223-19 Compliance With Environmental management Systems (May 2011)
- FAR 52.222-34 Project Labor Agreement (May 2010)

Modification 114 April 13, 2012

Part I, Section H – Special Contract Requirements (replaced entirely)

Part II, Section I – Contract Clauses (replaced entirely)

Part III, Section J, Attachment No. J.1, Appendix A – Advance Understandings on Human Resources (replaced Mod. 093).

Part III, Section J, Attachment No. J.8, Appendix H – Subcontracting Plan (replaced Mod. 093).

Part III, Section J, Attachment No. J.9, Appendix I – DOE Directives/List B (replaced Mod. 105).

Modification 115 February 21, 2012

Part I, Section H – Special Contract Requirements,

- Added Clause H.33 Non-Federal Agreements for Commercializing Technology (Pilot) to enable Agreements for Commercialization of Technology (ACT) activities, (replaced Mod. 114).

Modification 127 October 22, 2012

Part III, Section J, Attachment No J.2, Appendix B – Performance Evaluation Measurement Plan.

Part III, Section J, Attachment No J.9, Appendix I – DOE Directives, List B (replaced Mod. 114).

Part III – Section J, Attachment No J.11, Appendix K – Key Personnel (replaced Mod. 80).

Changed Key Personnel List to the following:

Laboratory Director	Alexander King
Deputy Director	Thomas Lograsso
Division Director for Science & Technology	Duane Johnson
Chief Operations Officer	Mark Murphy
Manager – ESH&A and PD S&S	Tom Wessels

Modification 133 April 8, 2013

Part I, Section E – Inspection & Acceptance

- Replaced Section E entirely (replaced Mod. 44).

Part I, Section F – Deliverables or Performance

- Replaced Section F entirely (replaced Mod. 108).

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Part I, Section G – Contract Administrative Data

- Replaced Section G entirely (replaced Mod. 44).

Part I, Section H – Special Contract Requirements

- Replaced Section H entirely (replaced Mod. 115).

Part I, Section I – Contract Clauses

- Replaced Section I entirely (replaced Mod. 114).

Part III, Section J – List of Attachments

- Appendix H – Subcontracting Plan (replaced Mod. 114).
- Appendix I – DOE Directives, List B (replaced Mod. 127).

Modification 139 July 1, 2013

Part I, Section F – Deliveries or Performance

- Replace Section F entirely (replace Mod 133).

Modification 145 October 1, 2013

Part I, Section H – Special Contract Requirements (replace Mod 133)

Part I, Section I – Contract Clauses (replaced Mod 133)

Part III, Section J – List of Attachments

- **Appendix A** – Advanced Understanding on Human Resources (replaced Mod 114)
- Appendix C – Special Financial Institution Account Agreement (replaced Mod 93)
- Appendix I – DOE Directives, List B (replaced Mod 133)
- Appendix K – Key Personnel (replaced Mod 127)

Modification 146 October 2, 2013

Part III, Section J – List of Attachments

- Appendix B – Performance Evaluation Measurement Plan (PEMP) (replaced Mod 127)

Modification 152 February 14, 2014

Part III, Section J – List of Attachments

- **Appendix H** – Small Business, Veteran-Owned Small Business, Service-Disabled Veteran-Owned Small Business, HubZone Small Business, Small Disadvantaged Business, and Women-Owned Small Business Model Subcontracting Plan, attached hereto and made a part hereof, replaces the previous incorporated under Mod 133.
- Appendix I – DOE Directives, List B, attached hereto and made a part hereof, replaces the previous version incorporated under Mod 145.

Modification 157 June 3, 2014

Part II, Section I – Contract Clauses (replaced Mod 145)

Part III, Section J – List of Attachments

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- Appendix I – DOE Directives, List B, attached hereto and made a part hereof, replaces the previous version incorporated under Mod 152.

Modification 159 July 24, 2014

Part II, Section I – Contract Clauses (replaced Mod 157)

Part III, Section J,

- Attachment No J.3, Appendix C – Special Financial Institution Account Agreement, is modified to incorporate “Amendment 8 to Special Financial Institution Account Agreement for Use with the Payments Cleared Financing Arrangement” to extend the term through August 31, 2017.
- Attachment No. J.9, Appendix I – DOE Directives, List B (replaces Mod 157).
- Attachment No J.11, Appendix K – Key Personnel (replaced Mod 145).

Changed Key Personnel List to the following:

Laboratory Director	Adam Schwartz
Deputy Director	Thomas Lograsso
Division Director for Science & Technology	Duane Johnson
Critical Materials Institute Director	Alex King
Chief Operations Officer	Mark Murphy
Manager – ESH&A and PD S&S	Tom Wessels

Modification 164 October 1, 2014

Part III, Section J – List of Attachments

- Appendix B – Performance Evaluation Measurement Plan (PEMP) (replaced Mod 146)