

2. AMENDMENT/MODIFICATION NO. 133	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.88 FAR 52.243-2 Changes – Cost Reimbursement (Aug 1987), Alt II (Apr 1984) and 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:

1. Revise Section H of the contract by incorporating changes to Contract Clause H.5 titled Employee Compensation and Benefits in accordance with DOE Acquisition Letter 2016-01, dated January 15, 2016.
2. Revise Section H by adding a new H. Clause titled H.59 Management and Operating Contractor Subcontract Reporting (SEP 2015) in accordance with DOE Acquisition Letter 2015-08, dated August 24, 2015.
3. Increase the FY16 anticipated funding in Section B.2.2.(b) by \$183,636 as approved in Programmatic Change Request 16-006 (NWP 16-011) on February 17, 2016 to implement requirements under new contract Clause H.59. Total contract value is increased from \$1,654,910,636.40, by \$183,636, to \$1,655,094,272.40.

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) Kevin S. Donovan, Business Manager	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Vicki Diane Snow, Contracting Officer
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15B. CONTRACTOR/OFFEROR BY Exemption 6 <i>(Signature of person authorized to sign)</i>	15C. DATE SIGNED 3/7/16	16B. UNITED STATES OF AMERICA BY Exemption 6 <i>(Signature of Contracting Officer)</i>	16C. DATE SIGNED 3/8/2016
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Section H of the contract is revised in Modification 133 under the authority of the two changes clauses in the NWP contract found at I.88 FAR 52.243-2 Changes – Cost Reimbursement (Aug 1987), Alt II (Apr 1984) and I.166 DEAR 970.5243-1 Changes (Dec 2000) as follows:

1. In accordance with DOE Acquisition Letter 2016-01 "Streamlining DOE's Oversight of Compensation and Benefits" issued on January 15, 2016, DOE Contracting Officers are to bilaterally modify existing contracts to incorporate changes to Special H Clause "Employee Compensation: Pay and Benefits." The changes will move DOE's traditional transactional approach for approving costs relating to compensation and benefits to a risk-based approach that removes a requirement for DOE approval where risk reducing conditions are met.

NWP was notified of the upcoming changes to Special Contract Clause H.5 on January 19, 2016 and was asked to submit an impact assessment identifying any impacts to cost or schedule for incorporating the changes. NWP provided the impact assessment on February 11, 2016 with \$0 impacts to manpower, equipment, and cost.

The changes to the clause required the contracting officer provide the percentage for the ceiling for promotion/adjustment funds. Since the promotion/adjustment funding has been approved at 1% in the Compensation Increase Plans for FY15 and FY16, the ceiling for promotion/adjustment in the revised Clause H.5 also incorporates the 1% ceiling as reasonable based on current staffing challenges at WIPP.

The changes to Clause H.5 are incorporated into the contract in Modification 133 at no additional cost through supplemental agreement via bilateral signature and approval.

2. In accordance with DOE Acquisition Letter 2015-08 "Implementation of the Management and Operating Subcontract Reporting Capability (MOSRC) and Special H. Clause" issued on August 24, 2015, DOE Contracting Officers shall bilaterally modify their M&O contracts to include the clause "Management and Operating Contractor (M&O) Subcontract Reporting" to implement reporting of first-tier small business subcontract transactions under the contract. The clause provides the necessary language to require M&O contractors to report data to support the Small Business Administration's (SBA) business analysis, prime goal setting and reporting needs. The data to be submitted is a subset of that which is required by the existing Federal Procurement Data System – Next Generation. DOE is developing MOSRC that will accept monthly submissions from the M&O contractors and provide the consolidated reports to the SBA.

NWP was notified of the upcoming changes on September 17, 2015 and was requested to provide an impact assessment identifying any impacts to cost or schedule for incorporating the changes. NWP submitted the impact assessment on November 9, 2015 and identified the impacts to manpower as one additional full-time equivalent to support reporting requirements and additional subcontract support to establish the interface for reporting the data. Subsequently, NWP submitted Programmatic Change Request (PCR) CBFO16-006 (NWP 16-011) on January 15, 2019 requesting additional budget of \$183,636 in FY16 to implement the subcontract reporting changes. The PCR was approved by the Carlsbad Field Office on February 17, 2016.

As a result, contract Clause H.59 Management and Operating Subcontract Reporting (Dec 2015) is incorporated into the contract in Modification 133 as a supplemental agreement via bilateral signature and approval.

3. Section B.2.2.(b) of the contract is revised to increase the FY16 anticipated funding level by \$183,636 in accordance with PCR16-006 M&O Subcontract Reporting approved on February 17, 2016. With the increase, the contract value is increased from \$1,654,910,636.40, by \$183,636, to \$1,655,094,272.40.

Attached to this modification are:

- Revised Section H with changes to Clause H.5 and addition of Clause H.59.
- Revised Section B.2.2(b)

All other contract terms and conditions remain unchanged.

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

FROM: 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	

	Actual Funding	Anticipated Funding	Annual Fee Base***
TO: Mod 133			
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	\$66,801,306.00	\$143,433,488.00	\$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	\$500,881,576.40	\$710,731,568.40	\$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	\$42,778,134.00	\$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	\$196,640,016.00	\$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	\$707,155,331.40		
Total Contract Value		\$1,655,094,272.40	