AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE AC

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2. AMENDMENT/MODIFICATION M026

3. EFFECTIVE DATE See Block 16.C

4. REQUISITION/PURCHASE REQ. NO. WPAS-NOPR

5. PROJECT NO. *(If applicable)*

6. ISSUED BY CODE

U. S. Department of Energy
Oak Ridge Operations Office, AD-421
P. O. Box 2001
Oak Ridge, TN 37831-8757

7. ADMINISTERED BY *(If other than Item 6)* CODE

8. NAME AND ADDRESS OF CONTRACTOR *(No., street, county, State and ZIP Code)*

UT-Battelle, LLC
Attn: David C. Rice, Director, Contracts
Post Office Box 2008
Oak Ridge, TN 37831-6443

CODE | FACILITY CODE

(X) 9A. AMENDMENT OF SOLICITATION NO.

9B. DATED *(SEE ITEM 11)*

10A. MODIFICATION OF CONTRACT/ORDER DE-AC05-00OR22725

10B. DATED *(SEE ITEM 13)* October 18, 1999

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATION

____ 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 telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOU 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)*

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

	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).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Clause I-140; FY 2001 Energy and Water Act; Mutual Agreement and P. L. 95-91
	D. OTHER *(Specify type of modification and authority)*

E. IMPORTANT: Contractor ___ is not, _x_ 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.)*

See Page 2.

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

15A. NAME AND TITLE OF SIGNER *(Type or print)*
Greg L. Turner
Chief Financial Officer

16A. NAME AND TITLE OF CONTRACTING OFFICER *(Type or print)*
Susan G. Hiser
Contracting Officer

15B. CONTRACTOR/OFFEROR
Greg L Turner
(Signature of person authorized to sign)

15C. DATE SIGNED 2/1/01

16B. UNITED STATES OF AMERICA BY
Susan G. Hiser
(Signature of Contracting Officer)

16C. DATE SIGNED 2/6/01

The purpose of this modification is to make the following revisions:

1. Appendix E is revised by incorporating Requirements Change Notice No. OR-03 attached hereto.

2. Clause H-41 is deleted and the following is substituted:

H-41. Lobbying Restriction (Energy and Water Development Appropriations Act, 2001)

The contractor agrees that none of the funds obligated on this award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

3. Clause H-47 is deleted and the following is substituted:

H-47. Travel Restrictions (Jan 2001)

(a) For contractor travel expenses incurred on or after October 1, 2000, a ceiling limitation of $10,803,000 (of this ceiling amount, $1,629,000 will be provided by the DOE partner laboratories for the SNS Project) shall apply to all reimbursements made for contractor travel expenses funded by the Energy and Water Development Appropriations Act under this contract. Expended funds which exceed the established ceiling will be unallowable unless otherwise authorized by the contracting officer.

(b) Some travel costs are exempt from the ceiling, examples are:

1. Travel performed under work for others agreements;
(ii) Travel of subcontractors;
(iii) Travel of non-DOE users to participate in experiments at DOE user facilities
(iv) Travel costs of travel management centers;
(v) Travel costs funded by other appropriations;
(vi) Relocation costs;
(vii) Costs of workshops/seminars (other than travel costs), such as, rental of meeting rooms, public address equipment, speakers' fees;
(viii) Registration costs of training classes;

(ix) Travel expenses within the Laboratory Directed Research and Development Program; and
(x) Travel associated with recruitment.

(c) Notwithstanding any other provisions of the contract or the source of funding, the contractor further agrees that none of the funds obligated under the contract may be used to reimburse employee travel costs incurred on or after October 1, 2000, and before October 1, 2001, which exceed the rates and amounts that apply to federal employees under subchapter I of Chapter 57 of Title 5, United States Code. Costs which exceed these rates and amounts will be unallowable. This restriction is in addition to those prescribed elsewhere in statute or regulation.

(d) Costs incurred for lodging, meals, and incidental expenses are considered reasonable and allowable to the extent that they do not exceed the maximum per diem rates in effect at the time of travel as set forth in:

(i) Federal Travel Regulations (FTR) for travel within the 48 states;
(ii) Joint Travel Regulations (JTR) for travel in Alaska, Hawaii, the Commonwealth of Puerto Rico, and territories and possessions of the United States; or
(iii) Standardized Regulations (SR) for travel allowances in foreign areas.

(e) Subparagraph (c) does not incorporate the regulations cited above in their entirety. Only the coverages in the referenced regulations addressing the maximum per diem rates, the definitions of lodging, meals, and incidental expenses, and special or unusual situations are applicable to contractor travel.

(f) Airfare costs in excess of the lowest customary standard, coach, or equivalent airfare offered during normal business hours are unallowable except when such accommodations require circuitous routing, require travel during unreasonable hours, excessively prolong travel, result in increased cost that would offset transportation savings, are not reasonably adequate for the physical or medical needs of the traveler, or are not reasonably available to meet mission requirements. However, in order for airfare costs in excess of the above standard airfare to be allowable, the applicable condition(s) set forth above must be documented and justified.

4. Clause H-49 is added as follows:

H-49. Notice Regarding the Purchase of American-Made Equipment and Products - Sense of Congress

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this award should be American-Made.

5. Clause I-91 is deleted in its entirety.