

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE	PAGE 1 OF 1 PAGES
2. AMENDMENT/MODIFICATION NO. <b>M018</b>	3. EFFECTIVE DATE <b>See Block 16C</b>	4. REQUISITION/PURCHASE REQ. NO. NOPR	5. PROJECT NO. (If applicable)		
6. ISSUED BY <b>U.S. Department of Energy Idaho Operations Office Procurement Services Division 850 Energy Drive, MS 1221 Idaho Falls, ID 83401-1563</b>		CODE	7. ADMINISTERED BY (If other than Item 6) <b>Janet K. Surrusco Tel: (208) 526-5477 Fax: (208) 526-5548 E-mail: <a href="mailto:surrusik@id.doe.gov">surrusik@id.doe.gov</a></b>		CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, state, ZIP Code) <b>BNFL Inc. 10306 Eaton Place, Suite 450 Fairfax, VA 22030</b>			9A. AMENDMENT OF SOLICITATION NO.		
			9B. DATED (SEE ITEM 11)		
			10A. MODIFICATION OF CONTRACT/ORDER NO. <b>DE-AC07-97ID13481</b>		
			10B. DATED (SEE ITEM 13) <b>December 20, 1996</b>		
CODE	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 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)**

**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):	
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 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:	
<b>X</b>	D. OTHER (Specify type of modification and authority): <b>Contract Clause H.4</b>
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>3</u> 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 M018 is to replace Section J, Appendix E with the current Subcontract Plan for Small Business and Small Disadvantaged Business Concerns for Phase II.

Replace Section J, Appendix E, in its entirety, with the attached "Section J – Appendix E, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan."

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) <b>FREDERICK P. HUGHES, GM</b>		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) <b>Michael L. Adams Contracting Officer</b>	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
BY <u><i>Frederick P. Hughes</i></u> (Signature of person authorized to sign)	<u>12/2/02</u>	BY <u><i>Michael L. Adams</i></u> (Signature of Contracting Officer)	<u>12/2/02</u>

**Contract No. DE-AC07-97ID13481**

**SECTION J - APPENDIX E**

**SMALL, SMALL DISADVANTAGED AND WOMEN-OWNED SMALL  
BUSINESS SUBCONTRACTING PLAN**

**SUBCONTRACT PLAN FOR SMALL BUSINESS  
AND SMALL DISADVANTAGED BUSINESS CONCERNS  
Advanced Mixed Waste Treatment Project**

**Phase II**

**BNFL Inc.**

**SUBCONTRACT PLAN FOR SMALL BUSINESS  
AND SMALL DISADVANTAGED BUSINESS CONCERNS**

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**BNFL INC.**

**SUBCONTRACT PLAN FOR SMALL BUSINESS  
AND SMALL DISADVANTAGED BUSINESS CONCERNS**

**INTRODUCTION**

It is the policy of BNFL Inc. to support the U.S. Government and the Department of Energy's efforts to maximize the utilization of small business and small disadvantaged business concerns in purchasing goods and subcontracting for services under government funded contracts, insofar as it is consistent with the efficient performance of contract activities.

**I. Goals**

BNFL Inc.'s proposed Small Business (SB), Small Disadvantaged Business (SDB) and Women Owned Business (WOB) goals will be reviewed annually with the results submitted to the Contracting Officer by September 1 of each year during the term of the contract or by such later dates as the Contracting Officer may authorize in writing. If this review results in a proposed revision to the Plan, it shall be accomplished as indicated in Clause H.4 of the contract.

This Phase II subcontract plan represents the goals for the period beginning October 1, 2002, and ending upon modification of this contract with the approved Phase III "Subcontract Plan for Small Business and Small Disadvantaged Business Concerns." Goals for Phase III will be submitted no later than 30 days after the date of issuance of the authorization to proceed, as stated in Clause C.3.

BNFL Inc. has identified approximately \$208,000,000 of potential subcontract dollars for Phase II of the AMWTP. The subcontract dollars available will consist of materials, supplies, and subcontracts. Phase II of the AMWTP is focused on construction, design and engineering activities for the privatized waste treatment facility to support Project milestones. Because of this specific scope of work and associated dollar value, a large percentage of the project will remain internal to the AMWTP teaming partners who are large business entities. BNFL Inc. selected our core team because of their expertise and unique abilities in all areas. During Phase II, the ratio of BNFL Inc. as prime contractor to first tier subcontractor is approximately 30% BNFL Inc. to 70% first tier subcontractors. Of these subcontractors, Morrison Knudsen is the majority first tier subcontractor. Morrison Knudsen has committed contractually to utilize small business to the fullest extent possible during the construction phase.

During Phase II, BNFL Inc. will execute a viable Small Business Plan for work directly procured by BNFL Inc.; one that benefits the local area.

The goals set forth in this plan are realistic for the scope of Phase II. BNFL Inc. is committed to small business subcontracting without compromising performance, and will make every effort to ensure all established goals in Phase II and future phases are met or exceeded.

BNFL Inc. proposes the following Small Business (SB), Small Disadvantaged Business (SDB), and Woman Owned Business (WOB) goals for FY 2002.

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- A. Goals may be changed with the approval of the Contracting Officer, if deemed necessary as the work elements of the Advanced Mixed Waste Treatment Project (AMWTP) are further refined. Goals for the utilization of SB, SDB, and WOB are submitted as follows:

Total Estimated Contract Value of Phase II: \$408,249,000

- Total estimated dollar value of all planned subcontracting (to all types of business concerns) under this contract for Phase II is approximately \$208,000,000:
- Total dollars planned to be subcontracted to SB is estimated at \$6,240,000 (3% of total planned subcontracting dollars).
- Total dollars planned to be subcontracted to SDB is estimated at \$1,664,000 (.8% of total planned subcontracting dollars).
- Total dollars planned to be subcontracted to WOB is estimated at \$2,080,000 (1% of total planned subcontracting dollars).

### ***1. Basis for Subcontracting Goals***

The proposed goals were determined using the following methods:

- a. Based on historic knowledge of work elements of similar projects, as well as a thorough review of the work scope associated with this contract, BNFL Inc. established a listing of potential materials and services which could be subcontracted and allocated a total dollar figure for the combined value of the subcontracts.
- b. From the total estimate of potential subcontract value/items, a list of those items that were candidates for small businesses was established and a dollar value computed.
- c. From the total of this estimate a list was developed of those items that could be subcontracted to SB, SDB, and WOBs and a percentage of the total subcontract value and dollar value was calculated for each.

### ***2. Supplier Identification***

In order to comprehensively identify SB, SDB, and WOB suppliers, with a conscious effort towards supporting Southeastern Idaho entities, BNFL Inc. will develop its bidders lists and subcontracting goals using the following resources:

- Small Business Administration's computer-based Procurement Automated Source System (PASS) and regional SBA references.
- Historical data; i.e. what products and services have been procured by BNFL and teaming partners from SB, SDB, and WOB in the past.
- Directories, source lists, and approved supplier lists published by other companies, M&O contractors and Government agencies such as:
  - Try Us, published by the National Minority Business Campaign.
  - National Directory of Minority-Owned Business Firms, published by Business Research Services.

- Disadvantaged Business Enterprise Directory, published by the Idaho Transportation Department.
  - INEEL's vendor data base.
  - Idaho Supplier's Directory, published by SD Publishing.
  - The Promethean, published by the Minority-Owned Business Technology Transfer Consortium.
  - National Indian Business Directory, published by the United Indian Development Association.
  - Buy Idaho, published by Buy Idaho, Inc.
  - Membership Directory, published by the American Indian Council of Architects and Engineers.
  - The National Center Procurement Directory, published by the National Center for American Indian Enterprise Development.
  - Eastern Idaho Association of General Contractors.
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- Regional Purchasing councils of the National Minority Purchasing Council
  - Chamber of Commerce.
  - INEEL's Outplacement Center.
  - The cognizant Federal government office through which the prime contract was placed to identify additional sources.
  - Participation in various, local, regional, and national minority and small business trade fairs and conferences (as noted in section III Outreach efforts).
  - Coordination, cooperation, and membership with small business and small disadvantaged business development organizations and associations on local, state, and national levels.

BNFL Inc. fully endorses and currently has small and disadvantaged business concerns as subcontractors.

### **3. *Achieving Our Goals***

It is recognized that the substantial differences in both type and volume of work may well result in varying levels of small business participation being achievable. It is expected that the goals will be achieved in an "across-the-board" effort.

In order to assure that small business and small disadvantaged business concerns will have an equitable opportunity to compete for subcontracts, the following steps will be taken:

- a. Identify known potential sources as large concerns, small concerns, or small disadvantaged concerns.
- b. Include small business concerns and small disadvantaged business concerns in Requests for Quotes where such concerns are known to exist and are qualified to supply the item or service being procured.
- c. Assist small concerns and small disadvantaged concerns providing management counseling on request.
- d. Arrange bid solicitation, time for preparation of proposals, quantities, specifications and delivery schedules to facilitate participation.

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- e. Record progress of the program and submit all required reports.
- f. Implement an effective outreach strategy.
- g. Endeavor to develop a comprehensive database of known SB, SDB, and WOB entities, which can provide the products/services identified in the table below.
- h. The table below identifies both principal products and/or services that will be subcontracted under this contract, and highlights how the subcontracts may be distributed among SB, SDB, and WOB concerns:

Anticipated Project Products/Services	Small Business	Small Disadvantaged Business	Woman Owned Business
Office Equipment/Supplies	X	X	X
Computer Equipment/ Software/Support	X		
Electrical & Electronic Supplies	X	X	
Lab Equipment/ Instrumentation	X	X	X
Maintenance Services		X	X
Technical & Personnel Services	X	X	X
Material Testing	X	X	
Moving Companies		X	
Safety Supplies	X		X
Temporary Administrative Services	X		X
Publishing/Printing Services	X		X
Trucking/Hauling Services	X	X	
Certified Industrial Hygiene		X	X
Vehicle Leasing/Purchasing	X		X
Misc. Construction Subcontracts	X	X	X
Miscellaneous Commodities			X

**4. Indirect or overhead**

No indirect or overhead costs are included as part of this subcontract plan.

**II. Administrator**

- A. The following individual has been designated as BNFL Inc.'s representative to administer this subcontract plan:

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Eric Anderson  
Senior Subcontracts Administrator  
765 Lindsay Boulevard  
Idaho Falls, ID 83404-1821

- B. Mr. Anderson will, in the performance of his responsibilities, under this plan:
1. Ensure that source lists of potential subcontracts for which goals are established herein are maintained.
  2. Seek out other sources when the number of prospective sources is not adequate.
  3. Ensure that small business and small disadvantaged business concerns are given adequate consideration in any make-or-buy decisions.
  4. Advise other BNFL Inc. personnel of the purposes of this program and insure adequate support by all concerned.
  5. Keep records showing BNFL Inc.'s performance compared with the goals established herein.
  6. Maintain records and submit information on the forms specified in the contract in a timely manner.
  7. Establish liaison with Small Business Administration representatives to obtain assistance in finding competent small and small disadvantaged business concerns for this and future work.

### **III. Outreach Effort**

- A. BNFL Inc.'s outreach effort will be conducted in good faith to ensure 1) qualified SB, SDB, and WOBs are identified and utilized, and 2) the continual development of our SB, SDB, and WOB resource network. The following activities will be included in BNFL's outreach effort:
1. Participate in appropriate procurement conferences and trade fairs. These efforts include but are not limited to:
    - Idaho Governor's Business Opportunity Conference
    - Utah Governor's Business Opportunity Conference
    - Small Business Administration National Conference
    - DOE Small and Small Disadvantaged Business Utilization National Conference
  2. Attend locally sponsored procurement conferences and trade fairs, such as the INEEL Business Forums
  3. Become a member of local entities that provide an introduction to regional SB, SDB, and WOBs, such as the Idaho Falls Chamber of Commerce and the Eastern Idaho Economic Development Council.

### **IV. Subcontracting Plan Flowdown Requirement**

BNFL Inc. will include the clause, as required by the contract, FAR 52.219 (AUG 1996) in all subcontracts which offer further subcontracting opportunities for SB, SDB, and WOB entities. BNFL Inc. will require all subcontractors (except small business concerns) who receive subcontracts exceeding \$1,000,000 in the case of subcontracts for construction of public facilities, or exceeding \$500,000 in the case of all other subcontracts, to adopt a plan similar to this one. The acceptability of percentage and dollar goals shall be determined on a case-by-case basis depending on the supplies/services involved, the availability of potential SB, SDB, and WOB subcontractors, and prior experience applicable to the AMWTP project.

**V. Reports and Surveys**

BNFL Inc. will submit semi-annual reports on Standard Form 294 and annual reports on Standard Form 295 to DOE-ID within 30 days after the end of the reporting period. BNFL Inc. ensure that its subcontractors agree to submit Standard Forms 294 and 295.

BNFL will cooperate in any studies or surveys as may be required by the U.S. Department of Energy or the Small Business Administration in order to determine the extent of compliance with this plan.

**VI. Records and Procedures**

A. Records will be maintained to show the following subcontract information:

- Commitments to large concerns, small concerns, small concerns owned and controlled by socially and economically disadvantaged individuals.
- Awards to small concerns of less than \$10,000 and awards to small concerns of \$10,000 or more.
- Awards to large concerns of less than \$10,000 and awards to small concerns of \$10,000 or more broken down into various analytical groupings.

B. Records will be maintained in the procurement file to demonstrate a documented determination that compliance with the requirements and goals in this plan have been met. Records will also be maintained on a Project-wide basis in accordance with BNFL company procedures with the following information specifically identified in Section I.2 of this Plan:

- Source lists, guides, and other data that will used to identify small, small disadvantaged and women-owned small business concerns.
- Organizations contacted in an attempt to locate sources that are small, small disadvantaged or women-owned small business concerns.
- All subcontract solicitations over \$100,000 indicating on each solicitation (a) whether small business was solicited, and if not, why not; (b) whether small disadvantaged business was solicited, and if not, why not; (c) reasons for the failure of solicited small business or small disadvantaged business to receive the subcontract award.
- Outreach efforts.
- Internal guidance and encouragement provided to buyers through (A) workshops, seminars, training, etc., and (B) monitoring performance to evaluate compliance with the program's requirements.

C. All supplier and potential supplier records will indicate the concern's status as large, small or small concern owned and controlled by socially and economically disadvantaged individual(s) and labor surplus area.