

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT 1. CONTRACT ID CODE PAGE 1 OF 2 PAGES

2. AMENDMENT/MODIFICATION NO. **M390** 3. EFFECTIVE DATE **See Block 16C** 4. REQUISITION/PURCHASE REQ. NO. 5. PROJECT NO. (If applicable)

6. ISSUED BY **U.S. Department of Energy
National Nuclear Security Administration
Sandia Site Office (MS 0184)
P.O. Box 5400
Albuquerque, NM 87185-5400** CODE 7. ADMINISTERED BY (If other than Item 6) CODE

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, state, ZIP Code) **Sandia Corporation
P. O. Box 5800
Albuquerque, NM 87185** CODE FACILITY CODE 9A. AMENDMENT OF SOLICITATION NO. 9B. DATED (SEE ITEM 11) 10A. MODIFICATION OF CONTRACT/ORDER NO. **DE-AC04-94AL85000** 10B. DATED (SEE ITEM 13) **October 1, 1993**

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.

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 date, 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: **The Department of Energy Organization Act, 42 U.S.C. § 7101 et seq. and the National Nuclear Security Administration Act, 50 U.S.C. § 2401 et seq.; Clause I-49, FAR 52.250-1 Indemnification Under Public Law 85-804 (APR 1984)(Alternate I)(APR 1984)(Deviation), and DOE Secretarial Determination dated July 2, 2010, Authorizing Public Law 85-804 Indemnification for Contractors Engaged in Deepwater Horizon Activities** D. OTHER (Specify type of modification and authority):

E. IMPORTANT: Contractor is not, is required to sign this document and return 3 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION
The purpose of this modification is to add paragraph (h) of H-33, *Implementation of Section I Clauses* to incorporate the Secretarial Determination Authorizing Public Law 85-804 Indemnification for Contractors Engaged in Activities Responding to Deepwater Horizon Disaster.

15A. NAME AND TITLE OF SIGNER (Type or print) **James Eanes, Manager
Corporate Contract Management, Sandia Corp.** 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) **JoAnn Wright, Contracting Officer
Sandia Site Office**

15B. CONTRACTOR/OFFEROR BY James Eanes (Signature of person authorized to sign) 15C. DATE SIGNED 9/1/10 16B. UNITED STATES OF AMERICA BY JoAnn Wright (Signature of Contracting Officer) 16C. DATE SIGNED 9/1/2010

The contract is hereby modified as follows:

- 1) Add paragraph (h) to Section H, Special Contract Requirements Clause 33 entitled, *Implementation of Section I Clauses*, as follows:

(h) For purposes of implementation of Paragraph (j) of Contract Clause entitled I-49 FAR 52.250-1 Indemnification Under Public Law 85-804 (APR 1984) (Alternate I) (APR 1984) (Deviation) the parties agree to the following:

Sandia Corporation is indemnified under PL 85-804 for activities directed or authorized by the Department of Energy, including the National Nuclear Security Administration, on or after April 24, 2010 in response to the Deepwater Horizon disaster, per the Secretarial Determination Authorizing Public Law 85-804 Indemnification for Contractors Engaged in Activities Responding to the Deepwater Horizon Disaster, dated 2 July 2010.

(End of Clause)

- 2) All other terms and conditions remain unchanged.

- *End of Modification* -