

2. AMENDMENT/MODIFICATION NO. 0103	3. EFFECTIVE DATE See Block 16C.	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. <i>(If applicable)</i>
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6. ISSUED BY U.S. Department of Energy National Nuclear Security Administration Sandia Field Office P.O. Box 5400, MS 0184 Albuquerque, NM 87185-5400	7. ADMINISTERED BY <i>(If other than Item 6)</i>
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8. NAME AND ADDRESS OF CONTRACTOR <i>(No., street, county, state, ZIP Code)</i> National Technology & Engineering Solutions of Sandia 1515 Eubank Blvd SE Albuquerque, New Mexico 87123-3453	9A. AMENDMENT OF SOLICITATION NO. _____ 9B. DATED <i>(SEE ITEM 11)</i> _____
CODE _____ FACILITY CODE _____	10A. MODIFICATION OF CONTRACT/ORDER NO. DE-NA0003525 10B. DATED <i>(SEE ITEM 13)</i> 12/16/2016

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 <i>(Specify authority):</i> 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 <i>(Such as changes in paying office, appropriation date, etc.)</i> 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 <i>(Specify type of modification and authority):</i> DEAR 970.5204-2 Laws, Regulations and DOE Directives (Dec 2000) (Deviation);

E. IMPORTANT: Contractor is not, is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION:
Update Section I FAR clauses, updates Appendix A, Chapter III, Section 6.4.1, and replaces Appendix D, *Key Personnel*, in its entirety (attachment 1) and Appendix E, *Small Business Plan* in its entirety (attachment 2). See page 2 for more detailed information.

15A. NAME AND TITLE OF SIGNER <i>(Type or print)</i> Kelly Westlake, Senior Manager, Prime Contract National Technology & Engineering Solutions of Sandia	16A. NAME AND TITLE OF CONTRACTING OFFICER <i>(Type or print),</i> Raymond Cruz, Contracting Officer NA-APM-131, M&O Contracting Branch
15B. CONTRACTOR/OFFEROR BY _____ <i>(Signature of person authorized to sign)</i>	15C. DATE SIGNED
16B. UNITED STATES OF AMERICA BY _____ <i>(Signature of Contracting Officer)</i>	16C. DATE SIGNED 12/7/2020

1. Add the following clause in Section I, subsection A, *FAR Clauses Incorporated by Reference*:

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause
FAR 52.242-5	Payments to Small Business Subcontractors	Jan 2017

2. Update the Date of Clause in Section I, subsection A, *FAR Clauses Incorporated by Reference* for the following FAR clauses:

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause	
		From:	To:
FAR 52.203-6	Restrictions on Subcontractor Sales to the Government	Sep 2006	June 2020
FAR 52.203-7	Anti-Kickback Procedures	May 2014	June 2020
FAR 52.203-12	Limitation on Payments to Influence Certain Federal Transactions	Oct 2010	June 2020
FAR 52.203-13	Contractor Code of Business Ethics and Conduct	Oct 2015	June 2020
FAR 52.203-17	Contractor Employee Whistleblower Rights and Requirements to Inform Employees of Whistleblower Rights	Apr 2014	June 2020
FAR 52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards	Oct 2018	June 2020
FAR 52.204-18	Commercial and Government Entity Code Maintenance	Jul 2016	Aug 2020
FAR 52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment	Aug 2019	Aug 2020
FAR 52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment	Oct 2015	June 2020
FAR 52.210-1	Market Research	Apr 2011	June 2020
FAR 52.215-2	Audit and Records – Negotiation	Oct 2010	June 2020
FAR 52.215-12	Subcontractor Certified Cost or Pricing Data	Oct 2010	June 2020
FAR 52.215-13	Subcontractor Certified Cost or Pricing Data Modifications	Oct 2010	June 2020
FAR 52.215-23	Limitations on Pass-Through Charges	Oct 2009	June 2020
FAR 52.222-35	Equal Opportunity for Veterans	Oct 2015	June 2020
FAR 52.222-36	Equal Opportunity for Workers with Disabilities	Jul 2014	June 2020
FAR 52.222-37	Employment Reports on Veterans	Feb 2016	June 2020
FAR 52.222-50	Combating Trafficking in Persons	Jan 2019	Oct 2020
FAR 52.223-15	Energy Efficiency in Energy-Consuming	Dec 2007	May 2020

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause	
		From:	To:
	Products		
FAR 52.223-18	Encouraging Contractor Policies to Text Messaging While Driving	Aug 2011	June 2020
FAR 52.227-1	Authorization and Consent Alt I (Apr 1984)	Dec 2007	June 2020
FAR 52.230-2	Cost Accounting Standards	Oct 2015	June 2020
FAR 52.246-26	Reporting Nonconforming Items <i>*this clause will be implemented IAW with an approved implementation plan</i>	Dec 2019	June 2020

3. Replace the row in Section I, subsection A, *FAR Clauses Incorporated by Reference* for FAR 52.203-14, *Display of Hotline Poster(s)*, to reflect the change in the Clause Title as well as the Date of Clause:

From:

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause
FAR 52.203-14	Display of Hotline Poster(s) <i>(b)(3) Required poster is: 'DOE Hotline Poster</i> http://energy.gov/ig/downloads/office-inspectorgeneral-hotline-poster'	Oct 2015

To:

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause
FAR 52.203-14	Display of Hotline Poster(s) <i>(b)(3) Required poster is: DOE Hotline Poster</i> https://www.energy.gov/sites/prod/files/2017/05/f34/HotlinePoster.pdf	June 2020

4. Replace the row in Section I, subsection A, *FAR Clauses Incorporated by Reference* for FAR 52.203-16, *Preventing Personal Conflicts of Interest*, to reflect the change in the Clause Title as well as the Date of Clause:

From:

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause
FAR 52.203-16	Preventing Personal Conflicts of Interest <i>*(d)(1) That exceed [\$250,000]; and</i>	Dec 2011 (NNSA Class Deviation March 2018*)

To:

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause
FAR 52.203-16	Preventing Personal Conflicts of Interest	June 2020

5. Replace the row in Section I, subsection A, *FAR Clauses Incorporated by Reference* for FAR 52.219-19, *Small Business Subcontracting Plan*, to reflect the change in the Clause Title as well as the Date of Clause:

From:

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause
FAR 52.219-9	Small Business Subcontracting Plan <i>*(d)(11)(iii) Records on each subcontract solicitation resulting in an award of more than [\$250,000], indicating--</i>	Aug 2018 (NNSA Class Deviation March 2018*)

To:

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause
FAR 52.219-9	Small Business Subcontracting Plan	June 2020

6. Incorporate the following clause in to Section I, subsection A, *FAR Clauses Incorporated by Reference* between FAR 52.227-1 and FAR 52.227-10

FAR Number	Clause Title <i>(Any insertions appear below the title in italics)</i>	Date of Clause
FAR 52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement	June 2020

7. Update the clause title in SECTION I - CONTRACT CLAUSES, TABLE OF CONTENTS as follows:

From:

I-1 FAR 52.202-1 DEFINITIONS (NOV 2013) (AS MODIFIED BY DEAR 952.202-1)

To:

I-1 FAR 52.202-1 DEFINITIONS (Jun 2020) (AS MODIFIED BY DEAR 952.202-1)

8. Replace clause I-1 FAR 52.202-1, *Definitions* in Section I, subsection C. *FAR AND DEAR CLAUSES INCORPORATED IN FULL TEXT*, with the following:

I-1 FAR 52.202-1 Definitions (JUN 2020) (Modified by DEAR 952.202-1)

When a solicitation provision or contract clause uses a word or term that is defined in the Federal Acquisition Regulation (FAR), the word or term has the same meaning as the definition in FAR 2.101 in effect at the time the solicitation was issued, unless -

- (a) The solicitation, or amended solicitation, provides a different definition;
- (b) The contracting parties agree to a different definition;
- (c) When a solicitation provision or contract clause uses a word or term that is defined in the Department of Energy Acquisition Regulation (DEAR) (48 CFR chapter 9), the word or term has the same meaning as the definition in 48 CFR 902.101 or the definition in the part, subpart, or section of 48 CFR chapter 9 where the provision or clause is prescribed in effect at the time the solicitation was issued, unless an exception in (a) applies.;
- (d) The word or term is defined in FAR part 31, for use in the cost principles and procedures; or
- (e) The word or term defines an acquisition-related threshold, and if the threshold is adjusted for inflation as set forth in FAR 1.109(a), then the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment; see FAR 1.109(d).

(End of clause)

9. Replace clause I-32 FAR 52.244-6 *Subcontracts for Commercial Items (Oct 2020) (Deviation Apr 2020)* in Section I, subsection C. **FAR AND DEAR CLAUSES INCORPORATED IN FULL TEXT**, with the following:

I-32 FAR 52.244-6 Subcontracts for Commercial Items (Oct 2020) (DEVIATION APR 2020)

- (a) *Definitions*. As used in this clause—

Commercial item and *commercially available off-the-shelf item* have the meanings contained in Federal Acquisition Regulation (FAR) [2.101](#).

Subcontract includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor at any tier.

- (b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or non-developmental items as components of items to be supplied under this contract.

(c)

(1) The Contractor shall insert the following clauses in subcontracts for commercial items:

(i) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Jun 2020) ([41 U.S.C. 3509](#)), if the subcontract exceeds the threshold specified in FAR [3.1004\(a\)](#) on the date of subcontract award, and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.

(ii) [52.203-15](#), Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5), if the subcontract is funded under the Recovery Act.

(iii) [52.203-19](#), Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017).

(iv) [52.204-21](#), Basic Safeguarding of Covered Contractor Information Systems (Jun 2016), other than subcontracts for commercially available off-the-shelf items, if flow down is required in accordance with paragraph (c) of FAR clause [52.204-21](#).

(v) [52.204-23](#), Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Jul 2018) (Section 1634 of Pub. L. 115-91).

(vi) [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Aug 2020) (Section 889(a)(1)(A) of Pub. L. 115-232).

(vii) [52.219-8](#), Utilization of Small Business Concerns (Oct 2018) ([15 U.S.C.637\(d\)\(2\)](#) and (3)), if the subcontract offers further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds the applicable threshold specified in FAR [19.702\(a\)](#) on the date of subcontract award, the subcontractor must include [52.219-8](#) in lower tier subcontracts that offer subcontracting opportunities.

(viii) [52.222-21](#), *Prohibition of Segregated Facilities* (Apr 2015).

(ix) [52.222-26](#), Equal Opportunity (*Sept* 2015) (E.O.11246).

(x) [52.222-35](#), Equal Opportunity for Veterans (Jun 2020) ([38 U.S.C.4212\(a\)](#));

(xi) [52.222-36](#), Equal Opportunity for Workers with Disabilities (Jun 2020) ([29 U.S.C.793](#)).

(xii) [52.222-37](#), Employment Reports on Veterans (Jun 2020) ([38 U.S.C.4212](#)).

(xiii) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496), if flow down is required in accordance with paragraph (f) of FAR clause [52.222-40](#).

(xiv)

(A) [52.222-50](#), Combating Trafficking in Persons (Oct 2020) ([22 U.S.C. chapter 78](#) and E.O. 13627).

(B) Alternate I (Mar 2015) of [52.222-50](#)([22 U.S.C. chapter 78](#) and E.O. 13627).

(xv) [52.222-55](#), Minimum Wages under Executive Order 13658 (Dec 2015), if flow down is required in accordance with paragraph (k) of FAR clause [52.222-55](#).

(xvi) [52.222-62](#), Paid Sick Leave Under Executive Order 13706 (Jan 2017) (E.O. 13706), if flow down is required in accordance with paragraph (m) of FAR clause [52.222-62](#).

(xvii)

(A) [52.224-3](#), Privacy Training (Jan 2017) ([5 U.S.C. 552a](#)) if flow down is required in accordance with [52.224-3\(f\)](#).

(B) Alternate I (Jan 2017) of [52.224-3](#), if flow down is required in accordance with [52.224-3\(f\)](#) and the agency specifies that only its agency-provided training is acceptable).

(xviii) [52.225-26](#), Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; [10 U.S.C. 2302 Note](#)).

(xix) [52.232-40](#), Providing Accelerated Payments to Small Business Subcontractors (Dec 2013) [(DEVIATION APR 2020)], if flow down is required in accordance with paragraph (c) of FAR clause [52.232-40](#).

(xx) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) ([46 U.S.C. App.1241](#) and [10 U.S.C.2631](#)), if flow down is required in accordance with paragraph (d) of FAR clause [52.247-64](#).

(2) While not required, the Contractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(d) The Contractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract.

(End of clause)

10. Replace Section J, Appendix A, *Statement of Work*, Chapter III Human Resources, 6.0 Benefits, 6.4 Pension Plans, 6.4.1. to clarify the retirement plan that the requirements in this paragraph applies, and update the applicable ERISA section reference.

From:

Any pension plan maintained by the Contractor, for which NNSA reimburses costs, shall be maintained as a separate pension plan distinct from any other pension plan which provides credit for service not performed under this Contract. Each Contractor pension plan shall be subjected to a limited-scope audit annually that satisfies the requirements of Employee Retirement Income Security Act (ERISA) section 103, except that every third year the Contractor shall conduct a full-scope audit satisfying ERISA section 103.

Alternately, the Contractor may conduct a full-scope audit satisfying ERISA section 13 annually. In all cases, the Contractor shall submit the audit results to the Contracting Officer within ten months of the last day of the pension plan year to which it applies. In years in which a limited-scope audit is conducted, the Contractor shall provide the Contracting Officer with a copy of the qualified Trustee or custodian's certification regarding the investment information that provides the basis for the plan sponsor to satisfy reporting requirements under ERISA section 104 along with the copy of the audit results to which they apply.

To:

Any DB plan maintained by the Contractor, for which NNSA reimburses costs, shall be maintained as a separate DB plan distinct from any other plan which provides credit for service not performed under this Contract. Each Contractor DB plan shall be subjected to an ERISA section 103(a)(3)(c) audit annually, except that every third year the Contractor shall conduct a full-scope audit satisfying ERISA section 103. Alternately, the Contractor may conduct a full-scope audit satisfying ERISA section 103 annually. In years in which a limited-scope audit is conducted, the Contractor shall provide the Contracting Officer with a copy of the qualified Trustee or custodian's certification regarding the investment information that provides the basis for the plan sponsor to satisfy reporting requirements under ERISA section 104 along with the copy of the audit results to which they apply. In all cases, the Contractor shall submit the audit results to the Contracting Officer within ten months of the last day of the DB plan year to which it applies.

11. Replace Appendix D, Key Personnel, in its entirety (attachment 1) to: add a Deputy Laboratories Director for Nuclear Deterrence; add an Associate Laboratories Director for Nuclear Deterrence Modernization and Future Systems; rename Defense Nuclear Nonproliferation to Global Security; rename Nuclear Deterrence to Nuclear Deterrence Stockpile Management Components and Production; and add the area of responsibility of "Operations" for the existing Deputy Laboratories Director.

12. Replace Appendix E, *Small Business Plan*, (attachment 2) in its entirety to update: Figure SB-2 for FY20 and FY21 Goals; Figure SB-3 with the Incentivized Categories for FY2020 and FY2021, the FY2020 and FY2021 Maximum Available Incentive Amounts; Section II: Program Administration, paragraph 17 and Section IV: Subcontracting Plan Flow Down to coincide with the threshold changes in the FAR; and removed “Field” from the NNSA Small Business Program Manager title in the individual report instructions table in SECTION V: REPORTS AND SURVEYS.

-- End of Modification --