

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE _____ PAGE OF PAGES
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2. AMENDMENT/MODIFICATION NO. **A040** 3. EFFECTIVE DATE **05/01/2009** 4. REQUISITION/PURCHASE REQ. NO. _____ 5. PROJECT NO. (If applicable) _____

6. ISSUED BY CODE _____ 7. ADMINISTERED BY (If other than Item 6) Code _____
U.S. Department of Energy
Office of Science/Fermi Site Office
P.O. Box 2000, Wilson Hall – MS 118
Batavia, IL 60510
See Block 6

8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code)
Fermi Research Alliance, LLC
Fermilab
P. O. Box 500 - MS 105
Batavia, IL 60510
 DUNS 62-639-9831

9.A. AMENDMENT OF SOLICITATION NO. _____
 9.B. DATED (SEE ITEM 11) _____

10.A. MODIFICATION OF Contract/Order NO.
DE-AC02-07CH11359
 10.B. DATED (SEE ITEM 13)
November 1, 2006

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 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 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)
See Attached FY 2009 Approved Funding Plan No. 11

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

| | |
|--------------------------|---|
| <input type="checkbox"/> | A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. |
| <input type="checkbox"/> | 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: Part II, Section I, Clause I.119-DEAR 970.5232-4 |
| <input type="checkbox"/> | D. OTHER (Specify type of modification and authority) |

(merely as acknowledgement of receipt)

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

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)
As provided in paragraph (a) of Part II, Clause I.119 - DEAR 970.5232-4 – OBLIGATION OF FUNDS (DEC 2000), as initially awarded, the amount obligated hereunder is increased by \$33,613,796.42 from \$1,070,155,437.33 to \$1,103,769,233.75

END OF MODIFICATION

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

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|---|------------------|--|------------------|
| 15A. NAME AND TITLE OF SIGNER (Type or print) | | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) | |
| | | KRISTIN E. PALMER CONTRACTING OFFICER OFFICE OF SCIENCE | |
| 15B. CONTRACTOR/OFFEROR | 15C. DATE SIGNED | 16B. UNITED STATES OF AMERICA | 16C. DATE SIGNED |
| _____ (Signature of person authorized to sign) | | BY <u>Kristin E. Palmer</u> (Signature of Contracting Officer) | <u>5/26/09</u> |