

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE	PAGE OF PAGES 1   3
2. AMENDMENT/MODIFICATION NO. 178	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. 10EE004920	5. PROJECT NO. (If applicable)
6. ISSUED BY Golden Field Office U.S. Department of Energy Golden Field Office 1617 Cole Blvd. Golden CO 80401-3393	CODE 03601	7. ADMINISTERED BY (If other than Item 6) Golden Field Office U.S. Department of Energy Golden Field Office 1617 Cole Blvd. Golden CO 80401-3393	CODE 03601
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)  ALLIANCE FOR SUSTAINABLE ENERGY, LLC Attn: JAMES L. SPIGARELLI 1617 COLE BLVD GOLDEN CO 804013393		(x) 9A. AMENDMENT OF SOLICITATION NO.	
		9B. DATED (SEE ITEM 11)	
		X 10A. MODIFICATION OF CONTRACT/ORDER NO. DE-AC36-08GO28308	
		10B. DATED (SEE ITEM 13) 07/29/2008	
CODE 805948051	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 ACKNOWLEDGEMENT 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 ONLY APPLIES TO MODIFICATION 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: Clause I.149 970.5243-1 Changes (Dec. 2000)
	D. OTHER (Specify type of modification and authority)

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

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

DUNS Number: 805948051  
 LIST OF CHANGES:  
 Reason for Modification : Other Administrative Action  
 Total Amount for this Modification: \$0.00  
 New Total Amount for this Version: \$0.00  
 New Total Amount for this Award: \$1,293,743,327.69  
 Contracting Officer changed  
 from Jean M Siekerka  
 to Steven L Scott  
 CHANGES FOR LINE ITEM NUMBER: 10000

Continued ...

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.

15A. NAME AND TITLE OF SIGNER (Type or print) W. S. Glover	15B. CONTRACTOR/OFFEROR 	15C. DATE SIGNED 6/1/10	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Steven L. Scott	16B. UNITED STATES OF AMERICA Signature on File	16C. DATE SIGNED 05/19/2010
<small>(Signature of person authorized to sign)</small>			<small>(Signature of Contracting Officer)</small>		

<b>CONTINUATION SHEET</b>	REFERENCE NO. OF DOCUMENT BEING CONTINUED	PAGE	OF
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NAME OF OFFEROR OR CONTRACTOR  
 ALLIANCE FOR SUSTAINABLE ENERGY, LLC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>NEW DELIVERY LOCATION RECORD:                      Quantity: 0                      Amount: \$0.00                      Delivery date: 09/30/2013                      Shipping Address:                          Golden Field Office                      U.S. Department of Energy                      Golden Field Office                      1617 Cole Blvd.                      Golden CO 80401-3393</p> <p>Mark For Address:                          Golden Field Office                      U.S. Department of Energy                      Golden Field Office                      1617 Cole Blvd.                      Golden CO 80401-3393</p> <p>NEW ACCOUNTING CODE ADDED:                      Account code:                      NREL OPERATING (EE)                      Fund 05450                      Appr Year 2010                      Allottee 31                      Reporting Entity 200003                      Object Class 25400                      Program 1004171                      Project 0000000                      WFO 0000000                      Local Use 0000000                      TAS Agency Code 89                      TAS Account Code 0321                      TAS Subaccount Code                      Quantity: 0                      Amount: \$0.00                      Percent: 0                      Subject To Funding: N                      Payment Address:                          OR for Golden                      U.S. Department of Energy                      Oak Ridge Financial Service Center                      P.O. Box 4517                      Oak Ridge TN 37831</p> <p>Delivery Location Code: 03601                      Golden Field Office                      U.S. Department of Energy                      Golden Field Office                      1617 Cole Blvd.                      Continued ...</p>				

<b>CONTINUATION SHEET</b>	REFERENCE NO. OF DOCUMENT BEING CONTINUED	PAGE	OF
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NAME OF OFFEROR OR CONTRACTOR  
 ALLIANCE FOR SUSTAINABLE ENERGY, LLC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Golden CO 80401-3393				
	Mark For: Golden Field Office U.S. Department of Energy Golden Field Office 1617 Cole Blvd. Golden CO 80401-3393 FOB: Destination Period of Performance: 07/29/2008 to 09/30/2013  Change Item 10000 to read as follows (amount shown is the total amount):				
10000	Administrative Actions Obligated Amount: \$0.00  Delivery: 09/30/2013 Amount: \$0.00  Amount: \$0.00  Delivery: 09/30/2013 Amount: \$0.00				0.00

Contract # DE-AC36-08GO28308

Modification 178

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This Modification incorporates the following significant changes to contract DE-AC36-08GO28308:

- I. Clause H.38 Contractor's Obligations Regarding Data Furnished under DOE Cooperative Agreement Number DE-FC36-04GO14285 is added to the Contract.

**H.38 CONTRACTOR'S OBLIGATIONS REGARDING DATA FURNISHED UNDER DOE COOPERATIVE AGREEMENT NUMBER DE-FC36-04GO14285**

The Contractor agrees that it will treat any data furnished to it under DOE Cooperative Agreement Number DE-FC36-04GO14285 according to any restrictive legend contained thereon, including limited rights data, restricted computer software, or other technical business or financial data in the form of recorded information including commercially valuable data and information as defined in 10 C.F.R. 1004.3(e) (4) (Dec. 12, 1994), as long as the data and restrictive legend comply with the NREL Hydrogen Secure Data Center Procedures.

- II. Clause H.39 Applicability of I.158 52.234-4 Earned Value Management System (Jul 2006) is added to the Contract.

**Clause H.39 APPLICABILITY OF I.158 52.234-4 EARNED VALUE MANAGEMENT SYSTEM (Jul 2006)**

In applying Clause I.158 FAR 52.234-4 Earned Value Management System (Jul 2006) the dollar thresholds at which the contractor must utilize a certified Earned Value Management System are provided in DOE O413.3.

- III. Add Clause I.158 FAR 52.234-4 Earned Value Management System

**I.158 52.234-4 Earned Value Management System (Jul 2006)**

(a) The Contractor shall use an earned value management system (EVMS) that has been determined by the Cognizant Federal Agency (CFA) to be compliant with the guidelines in ANSI/EIA Standard - 748 (current version at the time of award) to manage this contract. If the Contractor's current EVMS has not been determined compliant at the time of award, see paragraph (b) of this clause. The Contractor shall submit reports in accordance with the requirements of this contract.

(b) If, at the time of award, the Contractor's EVM System has not been determined by the CFA as complying with EVMS guidelines or the Contractor does not have an existing cost/schedule control system that is compliant with the guidelines in ANSI/EIA Standard - 748 (current version at time of award), the Contractor shall--

(1) Apply the current system to the contract; and

(2) Take necessary actions to meet the milestones in the Contractor's EVMS plan approved by the Contracting Officer.

(c) The Government will conduct an Integrated Baseline Review (IBR). If a pre-award IBR has not been conducted, a post award IBR shall be conducted as early as practicable after contract award.

(d) The Contracting Officer may require an IBR at--

(1) Exercise of significant options; or

(2) Incorporation of major modifications.

(e) Unless a waiver is granted by the CFA, Contractor proposed EVMS changes require approval of the CFA prior to implementation. The CFA will advise the Contractor of the acceptability of such changes within 30 calendar days after receipt of the notice of proposed changes from the Contractor. If the advance approval requirements are waived by the CFA, the Contractor shall disclose EVMS changes to the CFA at least 14 calendar days prior to the effective date of implementation.

(f) The Contractor shall provide access to all pertinent records and data requested by the Contracting Officer or a duly authorized representative as necessary to permit Government surveillance to ensure that the EVMS conforms, and continues to conform, with the performance criteria referenced in paragraph (a) of this clause.

(g) The Contractor shall require the subcontractors specified below to comply with the requirements of this clause: None

IV. Section J, Attachment F OPERATING AND ADMINISTRATIVE REQUIREMENTS (LIST B) is deleted and replaced as follows to reflect administrative changes:

**SECTION J – LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS**

**OPERATING AND ADMINISTRATIVE REQUIREMENTS (LIST B)**

**Prime Contract No. DE-AC36-08GO28308**

The operating and administrative requirements, including the Contractor Requirements Documents of DOE directives listed below are applicable in whole or in part in accordance with clauses H-18 Application of DOE Contractor Requirements Documents and 970.5204-2, Laws, Regulations, and DOE Directives (DEC 2000). The concurrence analysis documenting applicability for each requirement below is maintained in the DOE Master File as well as any assurances as required by Clause H-18, are made a part of this Contract by reference and are managed through a formal change control process.

Operating and Administrative Requirements	Applicability
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Operating and Administrative Requirements	Applicability
DOE O 110.3A CRD Conference Management Approved: 01/25/07	CRD applicable in whole
DOE O 130.1 CRD Budget Formulation Approved: 09/29/95	CRD applicable in whole
DOE O 142.3 CRD Unclassified Foreign Visits and Assignments Program Approved: 06/18/04	CRD applicable in whole
DOE O 151.1C CRD Comprehensive Emergency Management System Approved: 11/02/05	CRD applicable in whole
DOE O 200.1A Information Technology Management Approved: 12/23/2008	CRD applicable in whole
DOE N 203.1 CRD Software Quality Assurance Approved: 10/02/00	CRD applicable in whole
DOE O 205.1A CRD Department of Energy Cyber Security Management Approved: 12/04/06	CRD applicable in whole
DOE M 205.1-6 CRD Media Sanitization Manual Approved: 12/23/2008	CRD applicable in whole
DOE N 206.3 CRD Personal Identity Verification Approved: 11/22/05 (DOE N 251.67 extends DOE N 206.3 until 03/22/07)	CRD applicable in part
DOE N 206.5 CRD Response and Notification Procedures for Data Breaches Involving Personally Identifiable Information Approved: 10/09/07	CRD applicable in whole
DOE O 210.2 CRD Corporate Operating Experience Program Approved: 06/12/06	CRD applicable in whole
DOE O 221.1A CRD Reporting Fraud, Waste, and Abuse to the Office of Inspector General Approved: 04/19/08	CRD applicable in whole
DOE O 221.2 CRD Cooperation with the Office of Inspector General Approved: 03/22/01	CRD applicable in whole
DOE O 225.1A CRD Accident Investigations Approved: 11/26/97	CRD applicable in whole
DOE O 226.1A CRD Implementation of Department of Energy Oversight Policy Approved: 07/31/07	CRD applicable in whole

Operating and Administrative Requirements	Applicability
DOE M 231.1-1A CRD Change 2 Environment, Safety and Health Reporting Manual Approved: 03/19/04 Change 2: 06/12/07	CRD applicable in whole
DOE M 231.1-2 CRD Occurrence Reporting and Processing of Operations Information Approved: 08/19/03	CRD applicable in whole
DOE O 241.1A CRD Scientific and Technical Information Management Approved: 04/09/01	CRD applicable in whole
DOE O 243.1 CRD Records Management Program Approved: 02/03/06	CRD applicable in whole
DOE O 243.2 CRD Vital Records Approved: 02/02/06	CRD applicable in whole
DOE O 251.1B CRD Departmental Directives Program Approved: 08/16/06	CRD applicable in whole
DOE O 350.1 CRD(s) Change 1 Contractor Human Resource Management Programs Approved: 09/30/96 Change 1: 05/08/98	CRD applicable in whole
DOE O 350.2A CRD Use of Management and Operating or Other Facility Management Contractor Employees for Services to DOE in the Washington, D.C., Area Approved: 10/29/03	CRD applicable in whole
DOE O 412.1 CRD Work Authorization System Approved: 04/20/99	CRD applicable in whole
DOE O 413.1A CRD Management Control Program Approved: 04/18/02	CRD applicable in whole
DOE O 413.2B CRD Laboratory Directed Research and Development Approved: 04/19/06	CRD applicable in whole
DOE O 413.3A CRD Program and Project Management for the Acquisition of Capital Assets Approved: 07/28/06	CRD applicable in whole
DOE O 414.1C CRD Quality Assurance Approved: 06/17/05	CRD applicable in part
DOE O 430.1B CRD Real Property Asset Management Approved: 09/24/03	CRD applicable in whole



Operating and Administrative Requirements	Applicability
DOE O 430.2A CRD Departmental Energy and Utilities Management Approved: 04/15/02	CRD applicable in whole
DOE O 442.1A CRD Department of Energy Employee Concerns Program Approved: 06/06/01	CRD applicable in whole
DOE O 450.1A CRD Environmental Protection Program Approved: 06/04/08	CRD applicable in whole
DOE M 450.4-1 CRD Integrated Safety Management System Manual Approved: 11/01/06	CRD applicable in whole
DOE N 456.1A CRD The Safe Handling of Unbound Engineered Nanoparticles Approved: 01/05/09	CRD applicable in part
DOE O 470.2B CRD Independent Oversight and Performance Assurance Program Approved: 10/31/02	CRD applicable in whole
DOE M 470.4-1 CRD Change 1 Safeguards and Security Program Planning and Management Approved: 08/26/05 Change 1: 03/07/06	CRD applicable in part
DOE M 470.4-2 CRD Change 1 Physical Protection Approved: 08/26/05 Change 1: 03/07/06	CRD applicable in part
DOE M 470.4-3 CRD Change 1 Protective Force Approved: 08/26/05 Change 1: 03/07/06	CRD applicable in part
DOE M 470.4-4 CRD Information Security Approved: 08/26/05	CRD applicable in part
DOE M 470.4-5 CRD Personnel Security Approved: 08/26/05	CRD applicable in part
DOE O 471.3 CRD Identifying and Protecting Official Use Only Information Approved: 04/09/03	CRD applicable in whole
DOE M 471.3-1 CRD Manual for Identifying and Protecting Official Use Only Information Approved: 04/09/03	CRD applicable in whole

Operating and Administrative Requirements	Applicability
DOE O 475.1 CRD Counterintelligence Program Approved: 12/10/04	CRD applicable in whole
DOE O 482.1 CRD DOE Facilities Technology Partnering Programs Approved: 01/12/01	CRD applicable in whole
DOE O 483.1 CRD DOE Cooperative Research and Development Agreements Approved: 01/12/01	CRD applicable in whole
DOE O 484.1 CRD Reimbursable Work for the Department of Homeland Security Approved: 08/17/06	CRD applicable in whole
DOE O 522.1 CRD Pricing of Departmental Materials and Services Approved: 11/03/04	CRD applicable in whole
DOE O 534.1B CRD Accounting Approved: 01/06/03	CRD applicable in whole
DOE O 551.1B CRD Official Foreign Travel Approved: 08/19/03	CRD applicable in whole
DOE O 580.1 CRD Department of Energy Personal Property Management Program Approved: 12/07/05	CRD applicable in whole

V. Section J, Attachment A Transition Plan is deleted in its entirety and replaced with the attached Attachment A -Personnel (Appendix A) and the attachment thereto, entitled Appendix A- Attachment -Section 11. Travel and Relocation.

VI. Section J, Attachment J <sup>FY2010</sup> Performance Evaluation and <sup>Measurement</sup> Management Plan (as submitted by the Alliance on ~~September 19, 2008~~ <sup>January 27, 2010</sup>) is hereby incorporated into this contract by reference. *all*

VII. Section J, Attachment D Special Financial Institution Account Agreement For Use With The Payments Cleared Financing Arrangement dated August 11, 2009 between the Department of Energy (DOE), The Alliance for Sustainable Energy LLC (Alliance) and U. S. Bank is hereby incorporated into this contract by reference.

VIII. All other terms and conditions remain unchanged.