

1. AMENDMENT/MODIFICATION NO. **ND04** 3. EFFECTIVE DATE **2/1/2011** 4. REQUESTOR/PURCHASE REQ. NO. **CIS 11 143 dated 12-14-10** 5. PROJECT NO. (if applicable)

6. ISSUED BY **U.S. Nuclear Regulatory Commission** CODE **1100** 7. ADMINISTERED BY (if other than item 6) **U.S. Nuclear Regulatory Commission** CODE **1100**

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)
ACTIVITY, INC.
1100 PENNSYLVANIA AVE NW STE 101
WASHINGTON, KY 403043024

9. (X) 9A. AMENDMENT OF SOLICITATION NO.
 9B. DATED (SEE ITEM 11)
 10A. MODIFICATION OF CONTRACT/ORDER NO.
NRC-33-39-355
 10B. DATED (SEE ITEM 13)
 X **02-18-2009**

10. CODE **103312802** 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) **2011 10 01 16 31283 252A 31X0200.110**
PPFA 111287 Obligate \$306,229.00
NAJCS 516210 PDC 0313

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

(X) 14. 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.**

15. IF THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in copying office, appropriation date, etc.) SET FORTH IN ITEM 14 PURSUANT TO THE AUTHORITY OF FAR 43.101(e):

16. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

17. OTHER (Specify type of modification and authority): **54.217-9 Option to Extend the Term of the Contract**
Final dated 1/31/2011

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 action headings, including solicitation/contract subject matter where feasible)
The purpose of this modification is to (1) exercise option year 2, and (2) provide funding in the amount of \$306,229.00.

Please see page 2 for modification details.

This modification obligates FY 2011 funds in the amount of \$306,229.00.

NAC Contract Officer: **Jeffery Main 301-815-9845 jeffery.main@nrc.gov**

Except as provided herein, all terms and conditions of the document referenced in item 6A, if any, as hereinto a changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) **Pat Garcia, President & CEO** 15B. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) **Michael Turner, Contracting Officer**

16A. CONTRACTOR/OFFEROR **Pat Garcia** 16B. DATE SIGNED **2/1/2011** 16C. UNITED STATES OF AMERICA BY **Michael Turner** 16D. DATE SIGNED **2/1/2011**

The purpose of this modification is to (1) exercise the second option year in accordance with FAR clause 52.217.19, entitled "Option to Extend the Term of the Contract, thereby extending the contract period of performance through 2/1/2012, (2) provide funding in the amount of \$306,229.00 thereby increasing the firm fixed price amount of the agreement from \$657,149.00 to \$963,378.00.

Accordingly, the following changes are hereby made:

B.1 Period of Performance

The period of performance of this contract is February 2, 2009 through February 1, 2012 (one year) for option year 2.

Option Year 2: February 2, 2011 through February 1, 2012 is now exercised.

B.2, Consideration and Obligation, paragraph (b) is revised to read as follows:

(b). The amount presently obligated with respect to this task order is \$963,378.00.

C.2 52.232-19 AVAILABILITY OF FUNDS FOR THE NEXT FISCAL YEAR (APR 1984)

Funds are not presently available for performance under this contract beyond 2/1/2012. The Government's obligation for performance of this contract beyond that date is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise for performance under this contract beyond 2/1/2012, until funds are made available to the Contracting Officer for performance and until the Contractor receives notice of availability, to be confirmed in writing by the Contracting Officer.

A summary of obligation for this contract from award date through the date of this action is given below:

| | |
|--------------------------------|--------------|
| Total FY'09 Obligation Amount: | \$457,052.00 |
| Total FY'10 Obligation Amount: | \$200,097.00 |
| Total FY'11 Obligation Amount | \$306,229.00 |

Cumulative Total NRC Obligations: \$963,378.00

Note: This modification obligates FY11 funds in the amount of \$306,229.00 which becomes available on February 2, 2011. All other terms and conditions under this contract remain unchanged