

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES
			1 13
2. AMENDMENT/MODIFICATION NO. 1116	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. 16EE002796	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)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) ALLIANCE FOR SUSTAINABLE ENERGY, LLC Attn: RONALD TOWNSEND PO BOX 4011 MAILSTOP RSF-053 GOLDEN CO 80402		(x) 9A. AMENDMENT OF SOLICITATION NO.	
CODE 805948051 FACILITY CODE		9B. DATED (SEE ITEM 11)	
		x 10A. MODIFICATION OF CONTRACT/ORDER NO. DE-AC36-08GO28308	
		10B. DATED (SEE ITEM 13) 07/29/2008	

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)

See Schedule

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.)

Administrative Modification 1116 provides the following significant revisions to Contract Number DE-AC36-08GO28308:

I. Section J, Attachment B, Key Personnel, is deleted and replaced to update key personnel information.

II. Section J, Attachment E, Applicable Laws and Regulations (List A) is deleted and replaced to add 7 CFR 330, Federal Plant Pest Regulations and to delete 40 CFR 79, Registration of Fuels and Fuel Additives, and 40 CFR 166, Exemption of Federal and State Agencies for use of Pesticides under Emergency Conditions.

Continued ...

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

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Jean M. Siekerka
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED
16B. UNITED STATES OF AMERICA Signature on File (Signature of Contracting Officer)	16C. DATE SIGNED 07/20/2016

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
DE-AC36-08GO28308/1116

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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>III. Section J, Attachment F, Operating and Administrative Requirements (List B) is deleted and replaced to add DOE O 443.1B, CRD, Change 1, Protection of Human Research Subjects.</p> <p>IV. All other terms and conditions of the contract remain the same.</p> <p>Payment: FOB: Destination Period of Performance: 07/29/2008 to 09/30/2018</p>				

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

- I. Section J, Attachment B, Key Personnel, is hereby deleted and replaced as follows:

Attachment B Key Personnel

Pursuant to the clause entitled “Key Personnel,” the following positions are considered to be essential to work being performed.

Name	Parent Organization	Title	Responsibilities	Accountabilities
Martin Keller, Ph.D.	UT Battelle (Ends 9/30/16) Alliance (Effective 10/1/16)	Laboratory Director & CEO President of Alliance for Sustainable Energy, LLC	Overall Contract Performance. Sets Laboratory vision, strategy, & standards and expectations for ES&H.	Alliance Board of Directors
Bobi A. Garrett	Battelle	Deputy Laboratory Director/Chief Operating Officer	Integrates and oversees laboratory strategy and execution and all operations for the National Renewable Energy Laboratory (NREL) regardless of where they are performed across the laboratory.	Laboratory Director
Martin Keller, Ph.D.	UT Battelle (Ends 7/31/16)	Acting Deputy Laboratory Director/ Science & Technology Officer	Provides leadership to accomplish world class research and act with the decision authority of the Director on matters involving research and innovation regardless of where they are performed across the laboratory.	Laboratory Director
Peter F. Green, Ph.D.	Alliance (Effective 8/1/16)	Deputy Laboratory Director/ Science & Technology Officer	Provides leadership to accomplish world class research and act with the decision authority of the Director on matters involving research and innovation regardless of where they are performed across the laboratory.	Laboratory Director

**Summary of Modification to Attachment B, Key Personnel
 Modification 1116**

Action	Description
Added	Martin Keller, Parent Organization: Clarification of UT Battelle as Parent Organization ending 9/30/16 and Alliance as Parent Organization effective 10/1/16.
Added	Martin Keller as the Acting Deputy Laboratory Director/Science & Technology Officer (Ends 7/31/16).
Added	Peter F. Green as the Deputy Laboratory Director/Science & Technology Officer (Effective 8/1/16).

II. Section J, Attachment E, Applicable Laws and Regulations (List A), is deleted and replaced as follows.

**Attachment E
 Applicable Laws and Regulations (List A)**

General Laws and Regulations

CODE OF FEDERAL REGULATIONS (CFR)
10 CFR 707 - Workplace Substance Abuse Programs at DOE Sites
10 CFR 719 - Contractor Legal Management Requirements
10 CFR 1008 - Records Maintained on Individuals (Privacy Act)

Environmental, Health and Safety Laws, Regulations and Other Requirements

CODE OF FEDERAL REGULATIONS (CFR)
7 CFR 330 – Federal Plant Pest Regulations
7 CFR 340-Biotechnology Permits
10 CFR 8.4 - Interpretation by the General Counsel: AEC Jurisdiction
10 CFR 835 - Occupational Radiation Protection
10 CFR 851 – Worker Safety and Health Program
10 CFR 1021 – DOE NEPA Implementing Regulations

10 CFR Part 1022 Department of Energy Floodplain and Wetland Regulations
10 CFR 1046.11 Medical and Physical Fitness Qualification Standards
14 CFR 77; Objects Affecting Navigable Airspace
27 CFR Part 19; Distilled Spirits Plants
27 CFR Part 22; Distribution and Use of Tax-Free Alcohol
33 CFR 320 - General Regulatory Policies
33 CFR 323 - Permits for Discharges of Dredged or Fill Material into Waters of the United States
33 CFR 325 - Processing of Department of the Army Permits
33 CFR 328 - Definition of Waters of the United States
33 CFR 330 - Nationwide Permits
36 CFR 63 - Determination of Eligibility for Inclusion in the National Register of Historic Places
36 CFR 65 - National Historic Landmarks Program
36 CFR 78 - Waiver of Federal agency responsibilities under section 110 of the National Historic Preservation Act
36 CFR 79 - Curation of Federally-Owned and Administered Archaeological Collections
36 CFR 800 - Protection of Historic and Cultural Properties
40 CFR 50 - National Primary and Secondary Ambient Air Quality Standards
40 CFR Parts 51, 52, 70, and 71 – Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule
40 CFR 60 – Standards of Performance for New Stationary Sources
40 CFR 61- National Emission Standards for Hazardous Air Pollutants
40 CFR 66 - Assessment and Collection of Noncompliance Penalties by EPA
40 CFR 82 - Protection of Stratospheric Ozone
40 CFR Parts 86, 87, 89, 90, 94, 98, 1033, 1039, 1042, 1045, 1051, 1054, and 1065 - Mandatory Reporting of Greenhouse Gas
40 CFR 88 - Clean-Fuel Vehicles
40 CFR 110 - Discharge of Oil
40 CFR 112 - Oil Pollution Prevention
40 CFR 113 - Liability Limits for Small Onshore Storage Facilities
40 CFR 116 - Designation of Hazardous Substances

40 CFR 117 - Determination of Reportable Quantities for Hazardous Substances
40 CFR 122 - EPA Administered Permit Programs: The National Pollutant Discharge Elimination System (NPDES)
40 CFR 131 - Water Quality Standards
40 CFR 141 - National Primary Drinking Water Regulations
40 CFR 142 - National Primary Drinking Water Regulations Implementation
40 CFR 171 - Certification of Pesticide Applicators
40 CFR 260-270 - Resource Conservation and Recovery Act (RCRA)
40 CFR 273 - Standards for Universal Waste Management
40 CFR 279 - Standards for the Management of Used Oil
40 CFR 302 - Designation, Reportable Quantities, and Notification (CERCLA)
40 CFR 355 - Emergency Planning and Notification (CERCLA)
40 CFR 370 - Hazardous Chemical Reporting: Community Right -To-Know
40 CFR 401 - General Provisions - Effluent Guideline and Standards
40 CFR 403 - General Pretreatment Regulations for Existing and New Sources of Pollution
40 CFR Parts 1500-1508 – Council on Environmental Quality Regulations for Implementing NEPA
48 CFR 970.5223 – Integration of Environment, Safety and Health into Work Planning and Execution
49 CFR 107-199 - Transportation - Hazardous Materials Regulations
49 CFR 382-399 - Transportation - Federal Motor Carrier Safety Regulations
50 CFR 17 - Endangered and Threatened Wildlife and Plants
50 CFR 402 - Interagency Cooperation - Endangered Species Act of 1973
50 CFR 450 - General Provisions - Endangered Species Exemption Process
50 CFR 451 - Application Process
UNITED STATES CODE (USC)
7 USC 136 et seq. - Environmental Pesticide Control Act
7 USC 136 et seq. - Federal Insecticide, Fungicide, and Rodenticide Act
7 USC 7701 Plant Protection Act 2000 (as amended by the Noxious Weed Control and Eradication Act 2004)
7 USC 2814 – Federal Noxious Weed Act of 1974 as amended

16 USC 431 et seq. - Antiquities Act of 1906
16 USC 470 et seq. - Archaeological Resources Protection Act of 1979 (ARPA)
16 USC 470 et seq. - National Historic Preservation Act of 1966 (NHPA)
16 USC 661 et seq. - Fish and Wildlife Coordination Act
16 USC 668 et seq. - Bald and Golden Eagle Protection Act
16 USC 703 et seq. - Migratory Bird Treaty Act
16 USC 1531 et seq. - Endangered Species Act of 1973
26 USC Chapter 51; Distilled Spirits, Wines, and Beer
33 USC 403 – Rivers and Harbors Act
33 USC 1251, et seq. - Clean Water Act
33 USC 1321 - Oil and Hazardous Substances Liability (Clean Water Act, Section 311)
42 USC Sec. 300f et seq. - Safe Drinking Water Act, and 42 USC 201 - Safe Drinking Water Act Amendments of 1996
42 USC 4321-4347 The National Environmental Policy Act of 1969, as amended
42 USC 6901 et seq. - Resource Conservation and Recovery Act (RCRA)
42 USC 7401 et seq. - Clean Air Act & Amendments
42 USC 9602 - CERCLA, Title I, Section 102 - Reportable Quantities and Additional Designations
42 USC 9603 - CERCLA, Title I, Section 103 - Notices, Penalties
42 USC 11000-11050 - Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)
42 USC 13101-13109 - Pollution Prevention Act of 1990
42 USC 17094 Sec 438 – Storm Water Runoff Requirements for Federal Development Projects
EXECUTIVE ORDER (EO)
EO 11593 - Protection and Enhancement of Cultural Environment 1971
EO 12114 - Environmental Effects Abroad of Major Federal Actions
EO 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
EO 13112 - Invasive Species 1999
EO 13186 - Responsibilities of Federal Agencies to Protect Migratory Birds
EO 13690 – Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input
EO 13693 – Planning for Federal Sustainability in the Next Decade
CODE OF COLORADO REGULATIONS (CCR)

2 CCR 402-2 - Water Well Construction
2 CCR 402-4 - Rules for Small Capacity Well Permits in Designated Ground Water Basins
2 CCR 402-10 – Geothermal Wells
2 CCR 406-8 Chapter 10, Article 2 and 3 - Non-Game Wildlife
5 CCR 1001. 1-20 - Colorado Department of Public Health & Environment, Air Quality Control Commission Regulations
5 CCR 1002-11 – Primary Drinking Water Regulations
5 CCR 1002-31 - Basic Standards and Methodologies for Surface Water
5 CCR 1002-38 – Classifications of Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin
5 CCR 1002-41 - The Basic Standards for Groundwater
5 CCR 1002-42 - Site-Specific Water Quality Classifications and Standards for Ground Water (Rocky Flats Area)
5 CCR 1002-61 - Colorado Discharge Permit System Regulations
5 CCR 1002-62 - Regulations for Effluent Limits
5 CCR 1002-63 - Pretreatment Regulations
5 CCR 1002-65 - Regulations Controlling Discharges to Storm Sewers
5 CCR 1003-6 - Guidelines on Individual Sewage Disposal Systems
6 CCR 1007-1, Part 2 - Registration of Radiation Producing Machines
6 CCR 1007-1, Part 4 – Standards for Protection Against Retaliation, Sections 4.33-4.38 Waste Disposal Requirements
6 CCR 1007-1, Part 8 - Radiation Safety Requirements for Analytical X-Ray Equipment
6 CCR 1007-1, Part 17 - Transportation of Radioactive Material
6 CCR 1007-3, Colorado Hazardous Waste Regulations
7 CCR 1101-5, Colorado Boiler and Pressure Vessel Rule
7 CCR 1101-14 – Underground Storage Tanks and Aboveground Storage Tanks
8 CCR 1507-1 – Minimum Standards for the Operation of Commercial Vehicles
8 CCR 1507-25 – Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado
COLORADO REVISED STATUTES (CRS)
8 CRS 20.5, Parts 1-3 - Petroleum Storage Tanks
9 CRS 4 – Boiler Inspection
25 CRS 7 - Air Quality Control
25 CRS 8 - Colorado Water Quality Control Act

25 CRS 10 - Individual Sewage Disposal Systems Act
25 CRS 15, Part 1, Part 3 - State Hazardous Waste Management Program
25 CRS 15, Part 1, Part 4 - Infectious Waste
29 CRS 22 - Hazardous Substances Incidents
33 CRS 2 - Nongame and Endangered Species Conservation
33 CRS 6 - Law Enforcement and Penalties
33 CRS 6-109 – Wildlife – Illegal possession
33 CRS 6-128 – Wildlife – Damage or destruction of dens or nests – harassment of wildlife
35 CRS 5 - Pest Control Districts
35 CRS 5.5 - Colorado Weed Management Act
35 CRS 9 - Pesticide Act
35 CRS 10 - Pesticide Applicators Act
37 CRS 90 - 101, et seq. - Colorado Ground Water Management Act
INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS
International Building Code (IBC) 2012
International Fire Code (IFC) 2012
INTERNATIONAL STANDARDS ORGANIZATION (ISO), OCCUPATIONAL HEALTH AND SAFETY ASSESSMENT SERIES (OHSAS)
ISO 14001:2004, Environmental Management Systems
OHSAS 18001: 2007, Occupational Health and Safety Management Systems
OTHER LOCAL STANDARDS
Jefferson County Public Health Department, Onsite Wastewater Treatment System Regulation of Jefferson County, Colorado
Jefferson County Planning and Zoning Land Development Regulation, Section 18 (Drainage) and Section 20 (Floodplain) [Note: applies to offsite locations only.]
Jefferson County Planning and Zoning Storm Drainage and Technical Criteria [Note: applies to offsite locations only.]
Metropolitan Wastewater Reclamation District Rules and Regulations
Pleasant View Water and Sanitation District Rules and Regulations
West Metro Fire Rescue Amendments to the International Fire Code
West Metro Fire Protection District Hazardous Materials Regulations
Denver Fire Department Hazardous Material Regulations

**Summary of Modifications to Attachment E
Applicable Laws and Regulations
Mod 1116**

Added	7 CFR 330 – Federal Plant Pest Regulations
Deleted	40 CFR 79 – Registration of Fuels and Fuel Additives
Deleted	40 CFR 166 – Exemption of Federal and State Agencies for use of Pesticides under Emergency Conditions

III. Section J, Attachment F, Operating and Administrative Requirements (List B), is deleted and replaced as follows.

**Attachment F
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, and are made a part of this Contract by reference and are managed through a formal change control process.

Operating and Administrative Requirements	Applicability
DOE O 130.1 CRD Budget Formulation Approved: 09/29/95	CRD applicable in whole
DOE O 142.3A CRD Unclassified Foreign Visits and Assignments Program Approved: 10/14/2010	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 CRD Information Technology Management Approved: 12/23/2008	CRD applicable in whole
DOE O 205.1B CRD Department of Energy Cyber Security Program Approved: 05/16/11	CRD applicable in part

DOE O 206.1 CRD Department of Energy Privacy Program Approved: 01/16/09	CRD applicable in whole
DOE O 206.2 CRD Identity, Credential, and Access Management (ICAM) 02/19/13	CRD applicable in part
DOE O 210.2A CRD DOE Corporate Operating Experience Program Approved: 04/08/11	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 225.1B CRD Accident Investigations Approved: 03/04/11	CRD applicable in whole
DOE O 226.1B CRD Implementation of Department of Energy Oversight Policy Approved 04/25/11	CRD applicable in whole
DOE O 227.1 CRD Independent Oversight Program Approved: 08/30/11	CRD applicable in whole
DOE O 231.1B CRD Environment, Safety and Health Reporting Approved: 06/27/11	CRD applicable in whole
DOE O 232.2 CRD Occurrence Reporting and Processing of Operations Information Approved: 08/30/11	CRD applicable in whole
DOE O 241.1B CRD Scientific and Technical Information Management Approved: 12/13/10	CRD applicable in whole
DOE O 243.1B CRD Records Management Program Approved: 03/11/13	CRD applicable in part
DOE O 350.1 CRD Change 5 Contractor Human Resource Management Programs Approved: 09/30/96 Change 5: 09/30/14	CRD applicable in whole

DOE O 350.2B CRD Use of Management and Operating or Other Facility Management Contractor Employees for Services to DOE in Washington, D.C. Area Approved: 05/31/11	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 413.3B CRD Program and Project Management for the Acquisition of Capital Assets Approved: 11/29/2010	CRD applicable in whole
DOE O 414.1D CRD Quality Assurance Approved: 04/25/11	CRD applicable in part
DOE O 430.1B CRD Change 2 Real Property Asset Management Approved: 09/24/03	CRD applicable in whole
DOE O 436.1 CRD Departmental Sustainability Approved: 05/02/11	CRD is applicable in whole
DOE O 442.1A CRD Department of Energy Employee Concerns Program Approved: 06/06/01	CRD applicable in whole
DOE O 442.2 CRD Differing Professional Opinions for Technical Issues Involving Environmental, Safety, and Health Technical Concerns Approved: 07/29/11	CRD applicable in whole
DOE O 443.1B CRD Change 1 Protection of Human Research Subjects Approved: 04/21/16	CRD applicable in part
DOE O 456.1 CRD The Safe Handling of Unbound Engineered Nanoparticles Approved: 05/31/11	CRD applicable in part
DOE O 458.1 CRD Change 2 Radiation Protection of the Public and the Environment Approved: 06/06/11	CRD applicable in part
DOE O 470.4B CRD Safeguards and Security Program Approved: 07/21/11	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
DOE O 472.2 CRD Personnel Security Approved: 07/21/11	CRD applicable in part
DOE O 473.3 CRD Protection Program Operations Approved: 06/29/11	CRD applicable in part
DOE O 475.1 CRD Counterintelligence Program Approved: 12/10/04	CRD applicable in whole
OE O 483.1A CRD DOE Cooperative Research and Development Agreements Approved: 11/06/13	CRD applicable in part
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 551.1D CRD Official Foreign Travel Approved: 04/02/12	CRD applicable in whole
DOE O 580.1A CRD Department of Energy Personal Property Management Program Approved: 03/30/12	CRD applicable in whole

**Summary of Modifications to Attachment F
Operating and Administrative Requirements
Mod 1116**

Added	DOE O 443.1B CRD Change 1 Protection of Human Research Subjects Approved: 04/21/16	CRD applicable in part
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IV. All other terms and conditions of the contract remain the same.