AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT	1. CONTRACT ID CODE K	PAGE 1 OF 2

2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. *(If applicable)*
0021	August 30, 2002	N/A	

6. ISSUED BY	CODE SCO600	7. ADMINISTERED BY *(If other than Item 6)* CODE
DEFENSE ENERGY SUPPORT CENTER 8725 JOHN J. KINGMAN ROAD, SUITE 4950 FORT BELVOIR, VA 22060-6222 BUYER/SYMBOL – Michael White DESC-APP PHONE - (703) 767-9653 FAX 703-767-8757 mwhite@desc.dla.mil P.P. : 8.2		

8. NAME AND ADDRESS OF CONTRACTOR *(NO., street,city,county,State,and ZIP Code)*		
	X	9a. AMENDMENT OF SOLICITATION NO. SP0600-00-R-0009
		9b. DATED *(SEE ITEM 11)* January 19, 2000
		10a. MODIFICATION OF CONTRACT/ORDER NO.
BIDDER CODE: CAGE CODE:		10b. DATED *(SEE ITEM 13)*

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

[X] The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers
[ ] is extended, [X] 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 ___1___ copy 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.

	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)
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER *(Specify type of modification and authority)*

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.)*

All offerors who submitted a timely proposal on January 17, 2001, and a revised Volume IV, Price Proposal on May 3, 2001, please be advised the Air Force Right of Way has been revised as addressed in this Amendment.

See the following page.

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)*		16A. NAME OF CONTRACTING OFFICER Michael E. White	
15B. NAME OF CONTRACTOR/OFFEROR BY _____ *(Signature of person authorized to sign)*	15C.DATE SIGNED	16B. UNITED STATES OF AMERICA BY _____ *(Signature of Contracting Officer)*	16C.DATE SIGNED 30 Aug 02

SF30

The purpose of this Amendment is to incorporate applicable changes to the Air Force Right of Way document to Solicitation SP0600-00-R-0009:

1. The following changes to the Air Force Right of Way, addressed below, are hereby incorporated to the Air Force Right of Way Document:

In Condition 22, *Other Grants of Access*, paragraph 22.2, the reference to Exhibit B.2 should be to Exhibit B.3. In Condition 28, *Liability*, paragraph 28.2 should have the words "the Government" where they first appear changed to "Grantor". The term Grantor is used consistently elsewhere in the ROW and should be used here as well. Where the words "the Government" next appear, at the end of the paragraph, the words should be replaced with the following: "...Grantor or, in regard to indemnification, to the extent Grantee is prohibited from doing so by Federal or state law."

Also note, it has been rightly noted that, not unlike the Anti-Deficiency Act for Federal entities, some states prohibit their public entities from incurring obligations beyond their authorized funding or capitalization. Since we cannot reasonably demand that a state agency engage in actions that are both ultra vires and beyond their ability to change, it is appropriate to condition the requirement to indemnify the United States to that effect. Reference to local law is not included because such local law would be enacted by the same entity that either controls or owns the utility system and therefore is within its ability to change.