

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. Contract ID Code
Firm Fixed Price

Page 1 Of 8

| | | | |
|-------------------------------------|--------------------------------|---|--------------------------------|
| 2. Amendment/Modification No. 03 | 3. Effective Date 2013AUG27 | 4. Requisition/Purchase Req No. SEE SCHEDULE | 5. Project No. (If applicable) |
|-------------------------------------|--------------------------------|---|--------------------------------|

| | | | |
|---|----------------|---|----------------|
| 6. Issued By U.S. ARMY CONTRACTING COMMAND PHIL HICKEY WARREN, MICHIGAN 48397-5000 HTTP://CONTRACTING.TACOM.ARMY.MIL EMAIL: PHILLIP.HICKEY@US.ARMY.MIL | Code W56HZV | 7. Administered By (If other than Item 6) DCMA DALLAS 600 N PEARL STREET SUITE 1630 DALLAS TX 75201-2843 | Code S4402A |
|---|----------------|---|----------------|

| | | |
|--|-------------------------------------|--|
| 8. Name And Address Of Contractor (No., Street, City, County, State and Zip Code) EFW INC. 4700 MARINE CREEK PKWY FORT WORTH, TX 76179-3598 | <input type="checkbox"/> | 9A. Amendment Of Solicitation No. |
| | <input type="checkbox"/> | 9B. Dated (See Item 11) |
| | <input checked="" type="checkbox"/> | 10A. Modification Of Contract/Order No. W52H09-07-D-0461/0035 |
| | <input type="checkbox"/> | 10B. Dated (See Item 13) 2011MAR30 |
| Code 0WEC9 | 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 amendments; (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)

ACRN: AB NET DECREASE: -\$3,421,949.42

**13. THIS ITEM ONLY APPLIES 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 Contract/Order No. In Item 10A. | The Changes Set Forth In Item 14 Are Made In |
| <input type="checkbox"/> | B. The Above Numbered Contract/Order Is Modified To Reflect The Administrative Changes (such as changes in paying office, appropriation data, etc.) Set Forth In Item 14, Pursuant To The Authority of FAR 43.103(b). | |
| <input checked="" type="checkbox"/> | C. This Supplemental Agreement Is Entered Into Pursuant To Authority Of: | |
| <input type="checkbox"/> | 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.)

SEE SECOND PAGE FOR DESCRIPTION

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 And Title Of Contracting Officer (Type or print) LAWRENCE R. ELLENA LARRY.ELLENA@US.ARMY.MIL (586)282-6952 | | |
| 15B. Contractor/Offeror (Signature of person authorized to sign) | 15C. Date Signed | 16B. United States Of America By _____ /SIGNED/ (Signature of Contracting Officer) | 16C. Date Signed 2013AUG27 |

CONTINUATION SHEET**Reference No. of Document Being Continued****Page 2 of 8**

PIIN/SIIN W52H09-07-D-0461/0035

MOD/AMD 03

Name of Offeror or Contractor: EFW INC.

SECTION A - SUPPLEMENTAL INFORMATION

Buyer Name: PHIL HICKEY
Buyer Office Symbol/Telephone Number: CCTA-ASA-C/(586)282-4288
Type of Contract: Firm Fixed Price
Kind of Contract: Supply Contracts and Priced Orders
Type of Business: Large Business Performing in U.S.
Surveillance Criticality Designator: C
Weapon System: Armament Subsystem, 30mm, XM139

*** End of Narrative A0000 ***

1) The purpose of this modification 03 to Delivery order 0035 is to execute a supplemental agreement that modifies the contract to reflect a no-cost settlement agreement with respect to the Notice of Termination dated 07 March 2013.

2) The parties agree as follows:

(a) The terminated portion of this delivery order is as follows:

| <u>CLIN</u> | <u>Item Desc.</u> | <u>Qty. Terminated</u> | <u>Unit Cost</u> | <u>Est. Value</u> |
|-------------|----------------------|------------------------|------------------|-------------------|
| 0010 | Shell, Combat Veh. | 452 | \$1,748.19 | \$790,181.88 |
| 0011 | Shell, Combat Veh. | 668 | \$1,985.35 | \$1,326,213.80 |
| 0019 | Receiver | 644 | \$132.88 | \$85,574.72 |
| 0020 | Shell, Combat Veh. | 366 | \$1,980.82 | \$724,980.12 |
| 0027 | Cover, Visor, Intgr. | 1210 | \$409.09 | \$494,998.90 |

(b) The total dollar value reduction for this no cost settlement for CLINS 0010, 0011, 0019, 0020 and 0027 is \$3,421,949.42.

3) The Contractor unconditionally waives any charges against the Government arising under the terminated portion of the contract or by reason of its termination, including, without limitation, all obligations of the Government to make further payments or to carry out any further undertakings under the terminated portion of the contract. The Government acknowledges that the Contractor has no obligation to perform further work or services or to make further deliveries under the terminated portion of the contract. Nothing in this paragraph affects any other covenants, terms, or conditions of the contract.

*** END OF NARRATIVE A0004 ***

CONTINUATION SHEET

Reference No. of Document Being Continued
 PIIN/SIIN W52H09-07-D-0461/0035 MOD/AMD 03

Name of Offeror or Contractor: EFW INC.

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|---|----------|------|--------------|---------------|
| 0019 | DOC SUPPL <u>REL CD MILSTRIP ADDR SIG CD MARK FOR TP CD</u> 001 DELETED RECEIVER,ASSEMBLY NSN: 1270-01-276-1811 FSCM: OWEC9 PART NR: 10114889-101 | | | | |
| 0019AA | <u>PRODUCTION QUANTITY</u> GENERIC NAME DESCRIPTION: RECEIVER,ASSEMBLY CLIN CONTRACT TYPE: Firm Fixed Price PRON: M111V052M1 PRON AMD: 02 ACRN: AB AMS CD: SM2B1100000 PSC: 1270 <u>Packaging and Marking</u> <u>Inspection and Acceptance</u> INSPECTION: Origin ACCEPTANCE: Origin <u>Deliveries or Performance</u> DOC SUPPL <u>REL CD MILSTRIP ADDR SIG CD MARK FOR TP CD</u> 001 W52H091038A614 W62G2T J 2 <u>DEL REL CD QUANTITY DEL DATE</u> 010 DELETED 011 DELETED 012 DELETED 013 DELETED 014 DELETED 015 DELETED 016 DELETED FOB POINT: Origin SHIP TO: (W62G2T) XU W1BG DLA DISTRIBUTION 25600 S CHRISMAN ROAD REC WHSE 57 TRACY,CA,95304-5000 <u>CONTRACT/DELIVERY ORDER NUMBER</u> W52H09-07-D-0461/0035 | 900 | EA | \$ 132.88000 | \$ 119,592.00 |
| 0020 | SHELL,COMBAT VEHICL NSN: 8470-01-283-6527 | | | | |

CONTINUATION SHEET

Reference No. of Document Being Continued
PIIN/SIIN W52H09-07-D-0461/0035 **MOD/AMD** 03

Name of Offeror or Contractor: EFW INC.

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|-------------------|----------|------|------------|--------|
| 002 | 25 12-FEB-2012 | | | | |
| 003 | 25 12-MAR-2012 | | | | |
| 004 | 25 12-APR-2012 | | | | |
| 005 | 25 12-MAY-2012 | | | | |
| 006 | 25 12-JUN-2012 | | | | |
| 007 | 25 12-JUL-2012 | | | | |
| 008 | 25 12-AUG-2012 | | | | |
| 009 | 25 12-SEP-2012 | | | | |
| 010 | 25 12-OCT-2012 | | | | |
| 011 | 25 12-NOV-2012 | | | | |
| 012 | 25 12-DEC-2012 | | | | |
| 013 | 25 12-JAN-2013 | | | | |
| 014 | 25 12-FEB-2013 | | | | |
| 015 | 25 12-MAR-2013 | | | | |
| 016 | 25 12-APR-2013 | | | | |
| 017 | 25 12-MAY-2013 | | | | |
| 018 | 25 12-JUN-2013 | | | | |
| 019 | 25 12-JUL-2013 | | | | |
| 020 | 25 12-AUG-2013 | | | | |
| 021 | 25 12-SEP-2013 | | | | |
| 022 | 25 12-OCT-2013 | | | | |
| 023 | 25 12-NOV-2013 | | | | |
| 024 | 25 12-DEC-2013 | | | | |
| 025 | DELETED | | | | |
| 026 | DELETED | | | | |
| 027 | DELETED | | | | |
| 028 | DELETED | | | | |
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| 037 | DELETED | | | | |
| 038 | DELETED | | | | |
| 039 | DELETED | | | | |
| 040 | DELETED | | | | |

CONTINUATION SHEET

Reference No. of Document Being Continued
 PIIN/SIIN W52H09-07-D-0461/0035 MOD/AMD 03

Name of Offeror or Contractor: EFW INC.

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|---|----------|------|------------|--------|
| 041 | DELETED | | | | |
| 042 | DELETED | | | | |
| 043 | DELETED | | | | |
| 044 | DELETED | | | | |
| 045 | DELETED | | | | |
| 046 | DELETED | | | | |
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| 069 | DELETED | | | | |
| 070 | DELETED | | | | |
| 071 | DELETED | | | | |
| 072 | DELETED | | | | |
| 073 | DELETED | | | | |
| | FOB POINT: Origin SHIP TO: (W62G2T) XU W1BG DLA DISTRIBUTION 25600 S CHRISMAN ROAD REC WHSE 57 TRACY, CA, 95304-5000 <u>CONTRACT/DELIVERY ORDER NUMBER</u> W52H09-07-D-0461/0035 | | | | |

CONTINUATION SHEET

Reference No. of Document Being Continued

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PIIN/SIIN W52H09-07-D-0461/0035 MOD/AMD 03

Name of Offeror or Contractor: EFW INC.

SECTION G - CONTRACT ADMINISTRATION DATA

| LINE | PRON/ AMS CD/ ITEM MIPR | OBLG STAT | JO NO/ ACCT ASSIGN | ACRN | PRIOR AMOUNT | INCREASE/ DECREASE | CUMULATIVE AMOUNT |
|--------|-------------------------------|--------------|-----------------------|-------|-----------------|-----------------------|----------------------|
| 0010AA | M111V104M1 SM2B1100000 | 2 | | AB \$ | 790,181.88 \$ | -790,181.88 \$ | 0.00 |
| 0011AA | M111V039M1 SM2B1100000 | 2 | | AB \$ | 1,326,213.80 \$ | -1,326,213.80 \$ | 0.00 |
| 0019AA | M111V052M1 SM2B1100000 | 2 | | AB \$ | 205,166.72 \$ | -85,574.72 \$ | 119,592.00 |
| 0020AA | M111V040M1 SM2B1100000 | 2 | | AB \$ | 724,980.12 \$ | -724,980.12 \$ | 0.00 |
| 0027AA | M111V054M1 SM2B1100000 | 2 | | AB \$ | 740,452.90 \$ | -494,998.90 \$ | 245,454.00 |
| | | | | | NET CHANGE \$ | -3,421,949.42 | |

| ACRN | ACCOUNTING CLASSIFICATION | INCREASE/ DECREASE |
|--------------------|---------------------------|-----------------------------|
| AB 97 X4930AC9D 6D | 26FB S20113 W56HZV | \$ -3,421,949.42 |
| | | NET CHANGE \$ -3,421,949.42 |

| | PRIOR AMOUNT OF AWARD | INCREASE/DECREASE AMOUNT | CUMULATIVE OBLIG AMT |
|-----------------------|--------------------------|-----------------------------|-------------------------|
| NET CHANGE FOR AWARD: | \$ 18,868,104.44 | \$ -3,421,949.42 | \$ 15,446,155.02 |

| LINE | ACRN | EDI/SFIS | ACCOUNTING CLASSIFICATION |
|--------|-------|--------------|--|
| 0010AA | AB 97 | 0X0X4930AC9D | S20113 6D0000SM2B110000026FB S20113 W56HZV |
| 0011AA | AB 97 | 0X0X4930AC9D | S20113 6D0000SM2B110000026FB S20113 W56HZV |
| 0019AA | AB 97 | 0X0X4930AC9D | S20113 6D0000SM2B110000026FB S20113 W56HZV |
| 0020AA | AB 97 | 0X0X4930AC9D | S20113 6D0000SM2B110000026FB S20113 W56HZV |
| 0027AA | AB 97 | 0X0X4930AC9D | S20113 6D0000SM2B110000026FB S20113 W56HZV |