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| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | | | 1. CONTRACT ID CODE | PAGE OF PAGES 1 1 | |
| 2. AMENDMENT/MODIFICATION NO. P00003 | | 3. EFFECTIVE DATE See Block 16C | 4. REQ./PURCH REQ.# | 5. PROJECT NO. (IF APPLICABLE) | |
| 6. ISSUED BY NAVAL INVENTORY CONTROL POINT 5450 CARLISLE PIKE, P.O. BOX 2020 MECHANICSBURG, PA 17055-0788 POC: TERRI BAXTER, CODE 0272.15 Email: Terri.Baxter@navy.mil | | CODE | 7. ADMINISTERED BY SAME AS BLOCK 6 T. S. BAXTER CODE: 0272.15 PHONE: (717) 605-2003 EMAIL: Terri.Baxter@navy.mil | | CODE N00104 |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) IMMIXTECHNOLOGY, INC. 8444 WEST PARK DRIVE, SUITE 200 MCLEAN, VA 22102-5112 | | | 9A. AMENDMENT OF SOLICITATION NO. | | |
| BPA POC: David J. Stewart PHONE: (703) 752-0665 EMAIL: David_Stewart@immixgroup.com | | | 9B. DATED (SEE ITEM 11) | | |
| CODE 3CA29 FACILITY CODE | | | 10a. MODIFICATION OF CONTRACT/ORDER N00104-08-A-ZF31 GS-35F-0330J | | |
| | | | X 10B. DATED (SEE ITEM 13) 15-Aug-08 | | |
| 11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS | | | | | |
| <input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of offers <input type="checkbox"/> is <input type="checkbox"/> 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 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) N/A | | | | | |
| 13. THIS ITEM APPLIES ONLY TO THE MODIFICATION OF CONTRACTS/ORDERS AS SPECIFIED ITEM 14. | | | | | |
| | | A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: CONTRACT ORDER NO. IN ITEM 10A. | | THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE | |
| X | | B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES 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 | | X is not, | | is required to sign this document and return 1 copy. | |
| 14. DESCRIPTION OF AMENDMENT/MODIFICATION (including solicitation/contract subject matter where feasible.) | | | | | |
| (X) The following administrative changes are hereby made to the subject BPA: | | | | | |
| 1. Paragraph B.2.b found on page 8 of the BPA is changed to read SPAWAR Systems Center "Pacific" in lieu of "San Diego". | | | | | |
| 2. BPA Attachment F - Fees and Payments is hereby deleted in its entirety and replace with Attachment 1 to this modification. | | | | | |
| 3. All other terms and conditions remain unchanged. | | | | | |
| DISTRIBUTION: (2) Purchase Order (1) Contractor (1) thao.vu@navy.mil (1) sandra.sirbu@navy.mil (1) NAVICP M0252 (EDA) | | | | | |
| Except as provided herein, all other terms and conditions of the contract remain 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) | | |
| | | | TERRI S. BAXTER CONTRACTING OFFICER | | |
| 15B. CONTRACTOR/OFFEROR | | 15C. DATE SIGNED | | 16B. UNITED STATES OF AMERICA | |
| (Signature of person authorized to sign) | | | | BY  (Signature of Contracting Officer) | |
| | | | | 16C. DATE SIGNED 01/07/09 | |
| NSN 7540-01-152-8070 | | 30-105 | | STANDARD FORM 30 (REV. 10-83) | |
| PREVIOUS EDITION UNUSABLE | | (SPCC OVPT) (REV 10-84) (LOCAL) | | Prescribed by GSA FAR (48 CFR) 53-243 | |

FEES AND PAYMENTS

1. **GSA Industrial Funding Fee (IFF).** The BPA unit prices include the applicable GSA IFF. The contractor shall be responsible for all required filings to GSA and for payment of this fee in accordance with applicable GSA instructions.
2. **Acquisition, Contracting, and Technical (ACT) Fee.** The cost of awarding, administering and managing this BPA is included in the prices charged to ordering activities. The ACT fee is 2%. The contractor shall remit the ACT fee on a calendar quarterly basis (i.e. January – March, April – June, July – September, and October – December) or as otherwise requested by the Software Product Manager (SPM). Payment is due thirty (30) days following approval of the Report of Sales for the completed quarter. ACT fees that have not been paid within the prescribed thirty (30) days shall be considered a debt to the United States Government under the terms of FAR 32.6. The Government may exercise all its rights under the contract, including withholding or setting off payments and interest on the debt (see contract FAR clause 52.232-17, interest). Failure of the Contractor to pay the ACT Fee in a timely manner may result in termination of the BPA.
3. **Fee Distribution.** The Army, Air Force, DLA, DISA and Navy are participating in a fee-sharing program. The Contractor shall collect the 2% ACT fee and distribute in accordance with the following procedures. Fee sharing shall be determined by the End User Agency or Service identified in the monthly Report of Sales. This field shall be notated Army, Air Force, DLA, DISA, Navy or DOD as appropriate. Fee checks shall not be issued until written approval is received for the Report of Sales.

3.1 ALL SALES:

The 2% ACT fee is split equally between the DoD Component whose customer places the order and the DoD Component that manages the ESI agreement. For example, an Air Force order issued against an ESI agreement managed by the Navy results in one half (or 1%) of the 2% fee being returned to the Air Force acquisition organization (listed under Air Force Sales). The Navy will retain the entire 2% fee under orders issued for Navy activities or those activities that do not collect a fee under the ESI agreements managed by the Navy. The contractor is responsible for distributing the ACT fee to all applicable Services in accordance with the instructions herein. The amount of ACT Fee due the Navy shall be calculated at 1% for Army sales, 1% for Air Force sales, 1% for DLA sales, 1% for DISA sales and 2% for all other sales.

The contractor shall remit ACT Fee to the address provided below by corporate or cashier's check made payable to "Treasurer of the United States". No transmittal letter is required with submission of Navy fee checks.

Checks must include the following information to ensure proper crediting of the payment:

BPA *(fill in applicable #)*

DoD *(fill in name of agreement)* Enterprise Software Agreement

ACT Fee

immixTechnology, Inc.
N00104-08-A-ZF31
GS-35F-0330J
Attachment F

If using overnight or express mail, send check to: If using regular mail, send check to:

SPAWAR Systems Center Atlantic
Attn: Elizabeth Vonasek
Norfolk Office
Code 5455, Bldg. V53
9456 Fourth Avenue
Norfolk, VA 23511-2130

SPAWAR Systems Center Atlantic
Attn: Elizabeth Vonasek
Norfolk Office
Code 5455, Bldg V53
P.O. Box 1376
Norfolk, VA 23501-1376

Email a copy of the FMO check to the SPM: Thao.Vu@navy.mil

3.2 ARMY SALES:

The amount of ACT Fee due the Army shall be calculated at 1% of all Army sales.

The contractor shall remit ACT Fee to the address provided below by corporate or cashier's check made payable to "Treasurer of the United States". Checks must be notated with the following information:

BPA (*fill in applicable #*)
SCP Fee Reimbursement

***Checks must be accompanied by a transmittal letter (format to be provided) that cites the applicable accounting data to ensure proper crediting of the payment.

Send check and transmittal letter to:
Project Director, Computer Hardware, Enterprise Software and Solutions (PD CHESS)
PEO Enterprise Information Systems
SFAE-PS-SCP (Attn: Margaret Kirsch)
Squier Hall, Bldg. 283
Fort Monmouth, NJ 07703

Email a copy of the check and letter to: MONM-EISASCPVndrRpts@Conus.army.mil

3.3 AIR FORCE SALES:

The amount of ACT Fee due the Air Force shall be calculated at 1% of all Air Force sales.

The contractor shall remit ACT Fee to the address provided below by corporate or cashier's check made payable to "3801-LI". Checks must be notated with the following information:

BPA (*fill in applicable #*)
ESI-SW Fee Sharing

***Checks must be accompanied by a transmittal letter (format to be provided) that cites the applicable accounting data to ensure proper crediting of the payment.

Send check and transmittal letter to:
Defense Finance and Accounting Service
Disbursing Operations Directorate
FOR: 3801-Limestone Field Site
8899 E 56th Street
Indianapolis, IN 46249-9339

Email a copy of the check and letter to: kabfinance@gunter.af.mil

Please include with the above documents the Customer Usage Check Report (CCR) and Delivery Order Status Report (DOSR) or the Report of Sales (per BPA requirements).

Subject Line Format of e-mail should be as follows:

Contract Number with hyphens, CCR or DOSR Month Year, Contract Name, Contractor Name [Example: FA0000-00-A-0000, CCR June 2006, ESI SW, Vendor, Inc.]

Mail is also an alternative means of submitting copies. Please forward to the address below:

HQ 754 ELSG/ESQ
Attention: Ricky Blackmon
490 East Moore Drive, Bldg 892
MAFB-Gunter Annex, AL 36114-3014

3.4 DLA SALES

The amount of ACT Fee due DLA shall be calculated at 1% of all DLA sales.

The contractor shall remit ACT Fee to the address provided below by corporate or cashier's check made payable to "Treasurer of the United States". No transmittal letter is required with submission of DLA fee checks.

Checks must include the following information to ensure proper crediting of the payment:

BPA (*fill in applicable #*)

DoD (*fill in name of agreement*) Enterprise Software Agreement

Quarterly ACT Fee

Send check to:

Defense Logistics Agency
DES Acquisition Staff Directorate
Attn: Connie House, DES-A
8725 John J. Kingman Road, Room 1145
Fort Belvoir, VA 22060-6220

Mail a copy of the check to:

Defense Logistics Agency
Attn: Susan Lizzi, J-654
8725 John J. Kingman Road
Fort Belvoir, VA 22060-6221

Or email a copy of the check to:

Email: Susan.Lizzi@dla.mil

3.5 DISA SALES

The amount of ACT Fee due DISA shall be calculated at 1% of all DISA sales.

The contractor shall remit ACT Fee to the address provided below by corporate or cashiers check made payable to "Treasurer of the United States". Checks must be notated with the following information:

BPA (*fill in applicable #*)

DoD (*fill in name of agreement*) Enterprise Software Agreement
Quarterly ACT Fee

****Checks must be accompanied by a transmittal letter (format to be provided) that cites the applicable accounting data to ensure proper crediting of the payment.

Send check and transmittal letter to:

DFAS-CO

Finance and Accounting Office

Attn: Derek Ryder

3990 East Broad St., Bldg 21

Columbus, OH 43213

Mail a copy of the check and transmittal letter to: jonnice.medley@disa.mil