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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------------------------------------|--|
| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT                                                                                                                                                                                       |  |                                   | 1. CONTRACT ID CODE<br>K |                                                                                                                                                             | PAGE 1 OF 6 |                                                             |  |
| 2. AMENDMENT/MODIFICATION NO.<br>P00005                                                                                                                                                                                                  |  | 3. EFFECTIVE DATE<br>See Blk. 16C |                          | 4. REQUISITION/PURCHASE REQ. NO.<br>See Block 14                                                                                                            |             | 5. PROJECT NO. (If applicable)                              |  |
| 6. ISSUED BY<br><br>DLA TROOP SUPPORT<br>DIRECTORATE OF SUBSISTENCE<br>700 ROBBINS AVENUE<br>PHILADELPHIA PA 19111-5096<br>USA<br>Initiator: Jacob Slotnick<br>PSPTPE2 Tel: 215-737-3942 FAX: 215-737-7431 Email: JACOB.SLOTNICK@DLA.MIL |  | CODE<br>SPE300                    |                          | 7. ADMINISTERED BY (If other than Item 6)<br><br>DLA TROOP SUPPORT<br>DIRECTORATE OF SUBSISTENCE<br>700 ROBBINS AVENUE<br>PHILADELPHIA PA 19111-5096<br>USA |             | CODE<br>SPE300                                              |  |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)<br><br>CHICO PRODUCE, INC.<br>DBA CHICO PRODUCE INC<br>70 PEPSI WAY<br>DURHAM CA 95938-9798<br>USA                                                           |  |                                   |                          | (X)                                                                                                                                                         |             | 9A. AMENDMENT OF SOLICITATION NO.                           |  |
|                                                                                                                                                                                                                                          |  |                                   |                          |                                                                                                                                                             |             | 9B. DATED (SEE ITEM 11)                                     |  |
|                                                                                                                                                                                                                                          |  |                                   |                          | X                                                                                                                                                           |             | 10A. MODIFICATION OF CONTRACT/ORDER NO.<br>SPE300-23-D-S763 |  |
|                                                                                                                                                                                                                                          |  |                                   |                          |                                                                                                                                                             |             | 10B. DATED (SEE ITEM 13)<br><br>2023 SEP 29                 |  |
| CODE 06HD5                                                                                                                                                                                                                               |  | 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 electronic communication 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 electronic communication or letter, provided each electronic communication 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.

|           |                                                                                                                                                                                                                          |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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). |
|           | C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:                                                                                                                                                 |
| X         | D. OTHER (Specify type of modification and authority)<br>Pursuant to Authority of FAR 52.243-1 or FAR 52.212-4(c)                                                                                                        |

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 Continuation Sheet

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)<br>Jacob Slotnick<br>JACOB.SLOTNICK@DLA.MIL<br>2025 APR 09 |                                 |
| 15B. CONTRACTOR/OFFEROR<br><br>(Signature of person authorized to sign) | 15C. DATE SIGNED | 16B. UNITED STATES OF AMERICA<br><i>Jacob Slotnick</i><br>(Signature of Contracting Officer)                          | 16C. DATE SIGNED<br>2025 APR 09 |

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| CONTINUATION SHEET                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | REFERENCE NO. OF DOCUMENT BEING CONTINUED:<br>SPE300-23-D-S763 / P00005 | PAGE 2 OF 6 PAGES |
| <p>This contract or purchase order is hereby modified in accordance with DoD Class Deviation 2025-00003, Restoring Merit-Based Opportunity in Federal Contracts, which implements Executive Order (E.O.) 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, and E.O. 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government and in accordance with Class Deviation 2025-00004, Revocation of Executive Order on Sustainability which implements section 2 (rr) of E.O. 14148, Initial Rescissions of Harmful Executive Orders and Actions, of January 20, 2025 (see 90 FR 8237), which revoked E.O. 14057, Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, of December 8, 2021. The contract or purchase order is modified as follows:</p> <p>(1.) If included in the contract or purchase order, the following solicitation provisions and contract clauses are hereby deleted:</p> <p>52.222-21, Prohibition of Segregated Facilities.<br/> 52.222-22, Previous Contracts and Compliance Reports.<br/> 52.222-23, Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity for Construction.<br/> 52.222-24, Preaward On-Site Equal Opportunity Compliance Evaluation.<br/> 52.222-25, Affirmative Action Compliance.<br/> 52.222-26, Equal Opportunity.<br/> 52.222-27, Affirmative Action Compliance Requirements for Construction.<br/> 52.222-29, Notification of Visa Denial.<br/> 52.223-19, Compliance with Environmental Management Systems.<br/> 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.</p> <p>(2.) If included in the contract or purchase order, the following contract clauses are hereby revised as follows:</p> <p>(i) 52.223-10, Waste Reduction Program (DEVIATION 2025-00004), in lieu of the clause at FAR 52.223-10:</p> <p>52.223-10 Waste Reduction Program. (DEVIATION 2025-00004)<br/> As prescribed in 23.406(c), insert the following clause:</p> <p>WASTE REDUCTION PROGRAM (MAR 2025) (DEVIATION 2025-00004)</p> <p>(a) Definitions. As used in this clause—<br/> Recycling means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of products other than fuel for producing heat or power by combustion.<br/> Waste prevention means any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.<br/> Waste reduction means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.</p> <p>(b) The Contractor shall establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract. The Contractor's programs shall comply with applicable Federal, State, and local requirements, specifically including Section 6002 of the Resource Conservation and Recovery Act (42 U.S.C. 6962, et seq.) and implementing regulations (40 CFR part 247).</p> <p>(End of clause)</p> <p>(ii) 52.223-23, Sustainable Products and Services (DEVIATION 2025-00004) in lieu of the clause at FAR 52.223-23.</p> <p>52.223-23 Sustainable Products and Services. (DEVIATION 2025-00004)<br/> As prescribed in 23.109(a), insert the following clause:<br/> SUSTAINABLE PRODUCTS AND SERVICES (MAR 2025) (DEVIATION 2025-00004)</p> <p>(a) Definitions. As used in this clause—<br/> Biobased product means a product determined by the U.S. Department of Agriculture (USDA) to be a commercial product or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials, or that is an intermediate ingredient or feedstock. The term includes, with respect to forestry materials, forest products that meet biobased content requirements, notwithstanding the market share the product holds, the age of the product, or whether the market for the product is new or emerging. (7 U.S.C. 8101) (7 CFR 3201.2).<br/> Recovered material means waste materials and by-products recovered or diverted from solid waste, but the</p> |                                                                         |                   |

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| CONTINUATION SHEET                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | REFERENCE NO. OF DOCUMENT BEING CONTINUED:<br>SPE300-23-D-S763 / P00005 | PAGE 3 OF 6 PAGES |
| <p>term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process. (42 U.S.C. 6903).<br/>Sustainable products and services means:</p> <p>(1) Products containing recovered material designated by the U.S. Environmental Protection Agency (EPA) under the Comprehensive Procurement Guidelines (42 U.S.C. 6962) (40 CFR part 247) (<a href="https://www.epa.gov/smm/c-omprehensive-procurement-guideline-cpg-program#products">https://www.epa.gov/smm/c-omprehensive-procurement-guideline-cpg-program#products</a>).</p> <p>(2) Energy- and water-efficient products that are ENERGY STAR® certified or Federal Energy Management Program (FEMP)-designated products (42 U.S.C. 8259b) (10 CFR part 436, subpart C) (<a href="https://www.energy.gov/eere/femp/p/search-energy-efficient-products">https://www.energy.gov/eere/femp/p/search-energy-efficient-products</a> and <a href="https://www.energystar.gov/products?s=mega">https://www.energystar.gov/products?s=mega</a>).</p> <p>(3) Biobased products meeting the content requirement of the USDA under the BioPreferred® program (7 U.S.C. 8102) (7 CFR part 3201) (<a href="https://www.biopreferred.gov">https://www.biopreferred.gov</a>).</p> <p>(4) Acceptable chemicals, products, and manufacturing processes listed under EPA's Significant New Alternatives Policy (SNAP) program, which ensures a safe and smooth transition away from substances that contribute to the depletion of stratospheric ozone (42 U.S.C. 76711) (40 CFR part 82, subpart G) (<a href="https://www.epa.gov/snap">https://www.epa.gov/snap</a>).</p> <p>(b) Requirements.</p> <p>(1) The sustainable products and services, including the purchasing program and type of product or service, that are applicable to this contract, and any products or services that are not subject to this clause, will be set forth in the statement of work or elsewhere in the contract.</p> <p>(2) The Contractor shall ensure that the sustainable products and services required by this contract are—</p> <p>(i) Delivered to the Government;</p> <p>(ii) Furnished for use by the Government;</p> <p>(iii) Incorporated into the construction of a public building or public work; and</p> <p>(iv) Furnished for use in performing services under this contract, where the cost of the products is a direct cost to this contract (versus costs which are normally applied to the Contractor's general and administrative expenses or indirect costs). This includes services performed by contractors performing management and operation of Government-owned facilities to the same extent that, at the time of award, an agency would be required to comply if an agency operated or supported the facility.</p> <p>(3) [Reserved]</p> <p>(c) Resource. The Green Procurement Compilation (GPC) available at <a href="https://sftool.gov/greenprocurement">https://sftool.gov/greenprocurement</a> provides a comprehensive list of sustainable products and services and sustainable acquisition guidance. The Contractor should review the GPC when determining which statutory purchasing programs apply to a specific product or service.</p> <p>(End of clause)</p> <p>(3.) If included in the contract or purchase order, the following paragraphs replace the solicitation provisions incorporated and contract clauses in effect in lieu of those paragraphs in the following provisions and clauses:</p> <p>52.204-8 Annual Representations and Certifications.</p> <p>Substitute the following paragraph (c)(1) (xiv), (xv) and (xix) for that paragraph in the provision at Federal Acquisition Regulation (FAR) 52.204-8:</p> <p>ANNUAL REPRESENTATIONS AND CERTIFICATIONS (MAR 2025) (DEVIATION 2025-00003)</p> <p>* * * * *</p> <p>ANNUAL REPRESENTATIONS AND CERTIFICATIONS (MAR 2025) (DEVIATION 2025-00004)</p> <p>* * * * *</p> <p>(c)(1) The following representations or certifications in SAM are applicable to this solicitation as indicated:</p> <p>* * * * *</p> <p>(xiv) [Reserved]</p> <p>(xv) [Reserved]</p> <p>(xix) [Reserved]</p> |                                                                         |                   |
| CONTINUED ON NEXT PAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                         |                   |

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| CONTINUATION SHEET                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | REFERENCE NO. OF DOCUMENT BEING CONTINUED:<br>SPE300-23-D-S763 / P00005 | PAGE 4 OF 6 PAGES |
| <p>* * * * *</p> <p>52.212-3 Offeror Representations and Certifications—Commercial Products and Commercial Services.</p> <p>Substitute the following paragraph (d) for that paragraph in the provision at FAR 52.212-3:<br/>OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAR 2025)<br/>(DEVIATION 2025-00003)</p> <p>* * * * *</p> <p>(d) [Reserved]</p> <p>* * * * *</p> <p>Substitute the following paragraph (t) for that paragraph in the provision at FAR 52.212-3:<br/>OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAR 2025)<br/>(DEVIATION 2025-00004)</p> <p>* * * * *</p> <p>(t) [Reserved]</p> <p>* * * * *</p> <p>52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services.</p> <p>Substitute the following paragraphs (b)(33), (34), and (e)(1)(ix) and (x) for those paragraphs in the clause at FAR 52.212-5:</p> <p>CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAR 2025) (DEVIATION 2025-00003)</p> <p>* * * * *</p> <p>(b) * * *</p> <p>* * * * *</p> <p>—(33) [Reserved]<br/>—(34) [Reserved]</p> <p>* * * * *</p> <p>(e)(1) * * *</p> <p>* * * * *</p> <p>(ix) [Reserved]<br/>(x) [Reserved]</p> <p>* * * * *</p> <p>Alternate II (MAR 2025) (DEVIATION 2025-00003). Substitute the following paragraphs (e)(1)(ii)(I) and (J) for those paragraphs in Alternate II of FAR 52.212-5:</p> <p>* * * * *</p> <p>(e)(1) * * *<br/>(ii) * * *</p> <p>* * * * *</p> <p>(I) [Reserved]<br/>(J) [Reserved]</p> <p>* * * * *</p> <p>Substitute the following paragraph (b)(46) for that paragraph in the clause at FAR 52.212-5:</p> <p>CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAR 2025) (DEVIATION 2025-00004)</p> <p>* * * * *</p> <p>CONTINUED ON NEXT PAGE</p> |                                                                         |                   |

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| CONTINUATION SHEET                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | REFERENCE NO. OF DOCUMENT BEING CONTINUED:<br>SPE300-23-D-S763 / P00005 | PAGE 5 OF 6 PAGES |
| <p>(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services: [Contracting Officer check as appropriate.]</p> <p>* * * * *</p> <p>__ (46) 52.223-23, Sustainable Products and Services (MAR 2025) (DEVIATION 202500004)) (7 U.S.C. 8102, 42 U.S.C. 6962, 42 U.S.C. 8259b, and 42 U.S.C. 76711).</p> <p>* * * * *</p> <p>52.213-4 Terms and Conditions–Simplified Acquisitions (Other Than Commercial Products and Commercial Services).</p> <p>Substitute the following paragraphs (a)(1)(vii) and (viii) for those paragraphs in the clause at Federal Acquisition Regulation 52.213-4:</p> <p>TERMS AND CONDITIONS–SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES) (MAR 2025) (DEVIATION 2025-00003)</p> <p>* * * * *</p> <p>(a) * * *</p> <p>(1) * * *</p> <p>* * * * *</p> <p>(vii) [Reserved]<br/>(viii) [Reserved]</p> <p>* * * * *</p> <p>Substitute the following paragraph (b)(1)(xvii) for that paragraph in the clause at FAR 52.213-4:</p> <p>TERMS AND CONDITIONS–SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES) (MAR 2025) (DEVIATION 2025-00004)</p> <p>* * * * *</p> <p>(b) The Contractor shall comply with the following FAR clauses, incorporated by reference, unless the circumstances do not apply:</p> <p>(1) The clauses listed below implement provisions of law or Executive order:</p> <p>* * * * *</p> <p>(xvii) 52.223-23, Sustainable Products and Services (MAR 2025) (DEVIATION 2025-00004)) (7 U.S.C. 8102, 42 U.S.C. 6962, 42 U.S.C. 8259b, and 42 U.S.C. 76711) (Applies to contracts when the agency identifies in the statement of work, or elsewhere in the contract, the sustainable products and services that apply to the acquisition).</p> <p>* * * * *</p> <p>52.222-9 Apprentices and Trainees.</p> <p>Substitute the following paragraph (c) for that paragraph in the clause at Federal Acquisition Regulation 52.222-9:</p> <p>APPRENTICES AND TRAINEES (MAR 2025) (DEVIATION 2025-00003)</p> <p>* * * * *</p> <p>(c) [Reserved]</p> <p>* * * * *</p> <p>52.244-6 Subcontracts for Commercial Products and Commercial Services.</p> <p>Substitute the following paragraphs (c)(1)(xi) and (xii) for those paragraphs in the clause at Federal Acquisition Regulation 52.244-6:</p> |                                                                         |                   |
| CONTINUED ON NEXT PAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                         |                   |

SUBCONTRACTS FOR COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAR 2025) (DEVIATION 2025-00003)

\* \* \* \* \*

(c)(1) \* \* \*

\* \* \* \* \*

(xi) [Reserved]  
(xii) [Reserved]

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IF THE CONTRACTOR DOES NOT AGREE TO THIS MODIFICATION OR IS NOT IN COMPLIANCE WITH THE CLAUSE, IT SHALL IMMEDIATELY NOTIFY THE CONTRACTING OFFICER IN WRITING. PERFORMANCE OR CONTINUED PERFORMANCE WITHOUT NOTIFICATION WILL BE CONSIDERED ACCEPTANCE OF THESE MODIFIED TERMS.