

2. Amendment/Modification No. P00001	3. Effective Date 2004MAY13	4. Requisition/Purchase Req No. SEE SCHEDULE	5. Project No. (If applicable)
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6. Issued By TACOM-ROCK ISLAND AMSTA-LC-CFA-B CINDY AHRENS (309)782-4372 ROCK ISLAND IL 61299-7630  EMAIL: AHRENSC@RIA.ARMY.MIL	Code	W52H09	7. Administered By (If other than Item 6) DCMA DENVER ORCHARD PLACE 2 5975 GREENWOOD PLAZA BLVD SUITE 200 GREENWOOD VILLAGE CO 80111-4715	Code	S0602A
			SCD C    PAS NONE    ADP PT HQ0339		

8. Name And Address Of Contractor (No., Street, City, County, State and Zip Code)  ZIYAX INC 2055 JCK PLACE LONGMONT, CO. 80504-6259  TYPE BUSINESS: Other Small Business Performing in U.S.	<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. W52H09-04-C-0081
	<input type="checkbox"/>	10B. Dated (See Item 13) 2004APR21
Code 3HHX2    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: AA NET DECREASE: -\$110,874.00

**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: FAR 33.204 and FAR 33.210	
<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

Contract Expiration Date: 2004SEP22

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) MARY DONOVAN DONOVANM@RIA.ARMY.MIL (309)782-4895		
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  2004MAY13

<b>CONTINUATION SHEET</b>	<b>Reference No. of Document Being Continued</b> <b>PIIN/SIIN</b> W52H09-04-C-0081 <b>MOD/AMD</b> P00001	<b>Page 2 of 4</b>
<b>Name of Offeror or Contractor:</b> ZIYAX INC		

SECTION A - SUPPLEMENTAL INFORMATION

MUTUAL AGREEMENT TERMINATION

On 21 April 2004, the Government awarded contract W52H09-04-C-0081 to Ziyax, Inc. On 27 April 2004, the item manager notified the Contract Specialist that the items are no longer required so a mutual termination of the contract is in the best interest of both parties. This mutual agreement termination will facilitate the withdrawal/termination of this contract from the Government's system. This is necessary in order to recover the funds that were awarded under the contract.

Therefore, the purpose of this modification is to terminate Contract W52H09-04-C-0081 by mutual agreement between the Government and the Contractor pursuant to FAR 33.204 and FAR 33.210. The termination will be at no cost to either the Government or the Contractor.

This modification constitutes a full and final settlement and disposition of all matters relating to this contract and is a full release and accord and satisfaction of any and all claims, demands, or causes of action that either the contractor or the Government may have against the other arising out of or related to the contract. Thus, the contractor hereby waives any and all rights and claims for equitable adjustment attributable to such facts and circumstances giving rise to the above termination and hereby releases the Government from any and all liability under this contract, including any interest and any claims for delay.

As a result of the termination by mutual agreement, the total contract quantity is hereby reduced by 51 kits to 0; and the total contract amount is hereby reduced by \$110,874.00 to \$0.

\*\*\* END OF NARRATIVE A 002 \*\*\*

**CONTINUATION SHEET**

**Reference No. of Document Being Continued**  
**PIIN/SIIN** W52H09-04-C-0081      **MOD/AMD** P00001

**Name of Offeror or Contractor:** ZIYAX INC

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
	SECTION B - SUPPLIES OR SERVICES AND PRICES/COSTS				
0001AA	<u>DELETED</u>				
0002	<u>DELETED</u>				

**CONTINUATION SHEET**

**Reference No. of Document Being Continued**

**PIIN/SIIN** W52H09-04-C-0081

**MOD/AMD** P00001

**Name of Offeror or Contractor:** ZIYAX INC

SECTION G - CONTRACT ADMINISTRATION DATA

LINE	PRON/ AMS CD/ <u>ITEM</u> <u>MIPR</u>	<u>ACRN</u>	<u>OBLG STAT/</u> <u>JOB ORD NO</u>	<u>PRIOR AMOUNT</u>	<u>INCREASE/DECREASE</u> <u>AMOUNT</u>	<u>CUMULATIVE</u> <u>AMOUNT</u>
0001AA	M131F433M1 07001168ATM	AA	2	\$ 110,874.00	\$ -110,874.00	\$ 0.00
				NET CHANGE	\$ -110,874.00	

<u>SERVICE</u> <u>NAME</u>	<u>NET CHANGE</u> <u>BY ACRN</u>	<u>ACCOUNTING CLASSIFICATION</u>	<u>ACCOUNTING</u> <u>STATION</u>	<u>INCREASE/DECREASE</u> <u>AMOUNT</u>
Army	AA	97 X4930AC6G 6D	26FB S11116	\$ -110,874.00
NET CHANGE				\$ -110,874.00

	<u>PRIOR AMOUNT</u> <u>OF AWARD</u>	<u>INCREASE/DECREASE</u> <u>AMOUNT</u>	<u>CUMULATIVE</u> <u>OBLIG AMT</u>
NET CHANGE FOR AWARD:	\$ 110,874.00	\$ -110,874.00	\$ 0.00