Ex. 5 AC/DP

-----Original Message-----
From: John Bierschenk [mailto:jbierschenk@terratherm.com]
Sent: Friday, December 09, 2016 2:43 PM
To: Davis, Eva <Davis.Eva@epa.gov>
Subject: FW: FA8903-09-D-8572, Task Order No. 0002 Williams Air Force Base PBR

Hi Eva,

FYI -are you aware of any progress to release TerraTherm's equipment from the site?

Have a great weekend.

John

-----Original Message-----
From: SAENZ, DIANNA G NH-03 USAF AFICA 772 ESS/PKC [mailto:dianna.saenz@us.af.mil]
Sent: Friday, December 09, 2016 3:05 PM
To: John Bierschenk
Cc: ALVARADO, NAOMI NH-04 USAF AFMC 772 ESS/PKC
Subject: FA8903-09-D-8572, Task Order No. 0002 Williams Air Force Base PBR

Attn: TeeraTherm

Reference your letter dated 30 November 2016 addressed to Naomi Alvarado/Contracting Officer. The Air Force has reviewed your request and has reached out to AMEC for resolution. It is my understanding by discussing this concern with AMEC, that TerraTherm has a design-build subcontract with AMEC Foster Wheeler to perform Steam Enhanced Extraction work at Williams AFB. The EPA has questioned the adequacy of that work. Therefore, although AMEC Foster Wheeler maybe challenging the EPA's contentions, nevertheless AMEC believes they have a legal right to withhold payments to TerraTherm until there has been a disposition of those contentions. This concern is being handled between the respective counsels. I am attaching a copy of the AMEC Payment & Performance bond for your action as necessary. If you have any further questions, let me know. Thank you.

//SIGNED//
DIANNA G. SAENZ, DAF, NH-03
CONTRACTING OFFICER
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