

## **PART IV – REPRESENTATIONS AND INSTRUCTIONS**

### **SECTION M – EVALUATION FACTORS FOR AWARD**

#### **M.1 CORPORATE GOVERNANCE EVALUATION**

This information will be evaluated in making a responsibility determination under FAR 9.104.

#### **M.2 EXCEPTIONS TO AND DEVIATIONS TO TERMS AND CONDITIONS OF THE SOLICITATION**

The Offeror's exceptions to and deviations from the solicitation's terms and conditions, including but not limited to Federal Acquisition Regulation (FAR), Department of Energy Acquisition Regulation (DEAR), and DOE clauses are not sought and the Government is under no obligation to enter into discussions. Any exceptions, deviations, or conditional assumption to the terms of the solicitation may make an offer ineligible for award.

#### **M.3 PROPOSAL EVALUATION - GENERAL**

- (a) This acquisition will be conducted pursuant to the policies and procedures in FAR Part 15 and DEAR Part 915. DOE has established a Technical Evaluation Committee (TEC) to evaluate the proposals submitted for this acquisition. Proposals will be evaluated by the TEC members in accordance with the procedures contained in FAR Part 15, DEAR Part 915, and the Evaluation Factors hereinafter described.
- (b) The instructions set forth in Section L are designed to provide guidance to the Offeror concerning the documentation that will be evaluated by the TEC. The Offeror shall furnish adequate and specific information in its response. A proposal will be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be totally unacceptable on its face. For example, a proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address itself to the essential requirements of the Request for Proposal (RFP) (e.g. license/permit requirements), or if it clearly demonstrates that the Offeror does not understand the requirements of the RFP. In the event that a proposal is rejected, a notice will be sent to the Offeror stating the reason(s) that the proposal will not be considered for further evaluation under this solicitation.
- (c) Prior to an award, a determination shall be made by the Contracting Officer whether any possible Organizational Conflict of Interest (OCI) exists with respect to the apparent successful Offeror(s). In making this determination, DOE will consider the representation required by Section K of this

solicitation. Award(s) will be made if there is no OCI or if the OCI can be appropriately avoided or mitigated.

- (d) The Government intends to evaluate proposals and award a contract without discussions or exchanges with Offerors (except clarifications as described in FAR 15.306(a)). If a competitive range is established pursuant to FAR 15.306(c), Offerors are hereby advised that only the most highly rated proposals deemed to have a reasonable chance for award of a contract may be included in the competitive range. Offerors that are not included in the competitive range will be promptly notified. Therefore, the Offeror's proposal shall contain the Offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.

#### **M.4 BASIS FOR AWARD**

The Government intends to award one or more contracts per Contract Line Item Number (CLIN) resulting from this RFP to the responsible Offeror(s) whose proposal(s) conform to the RFP. An award(s) may be made to Offeror(s) for a single CLIN, a combination of CLIN(s), or all CLIN(s). Award(s) may be made to a single and/or multiple Offeror(s) for each CLIN on the basis of best value to the government, i.e. the lowest evaluated price(s) of the proposals meeting or exceeding acceptability criteria for all non-cost criteria for the CLIN(s) proposed. An Offeror may be awarded a contract with a single CLIN, multiple CLIN(s) or all CLIN(s).

In order to be considered technically acceptable, an Offerors technical proposal must pass all technical criteria listed below, and failure to meet any one criterion shall deem the entire proposal as technically unacceptable. The possible proposal ratings are Pass (meets or exceeds requirements on all non-cost evaluation criteria) or Fail (does not meet requirements on all non-cost evaluation criteria). Past Performance will be evaluated as either Satisfactory or Unsatisfactory.

Selection of the lowest price technically acceptable Offerors will be achieved through a process of evaluating each Offeror's technical proposal against the Evaluation Criteria listed in M.5 below:

#### **M.5 TECHNICAL EVALUATION**

In accordance with FAR 15.101-2, DOE will evaluate the Offeror's technical acceptability and capability to successfully perform the Performance Work Statement.

Evaluation Criteria 1 through 3 constitute the Evaluation Criteria that will be used to determine technical acceptability. Corresponding proposal preparation instructions are in Section L.

**(1) Criterion 1 – Applicable Licenses, Permits or Authorizations**

The Offeror shall have applicable, current, valid licenses, permits or authorizations granted or issued by appropriate regulatory authorities for the CLIN(s) proposed to receive and permanent disposal of waste. DOE will validate all existing permits and licenses with the appropriate regulatory authorities for the CLIN(s) proposed.

**(2) Criterion 2 – Operating Disposal Facility**

The Offeror shall have a disposal facility that is fully capable, operational and ready to receive and permanently dispose of waste for the CLIN(s) proposed by the date of contract award. DOE anticipates contract award in June 2012.

**(3) Criterion 3 – Past Performance**

Relevant past performance information for the Offeror, any major subcontractors and if a joint venture or newly formed entity, each member, in performing relevant work completed within the last five (5) years or currently ongoing which is similar in size, scope and complexity to that described in the PWS will be evaluated.

The evaluation may include contracts similar in size, scope, and complexity to this requirement using information that is readily available to DOE, either furnished by the Offeror's customers and/or information obtained from other sources. DOE may query available Government databases, Government and Commercial references submitted by the Offeror, and questionnaires received from references sent to those references by the Offeror. Other sources may include, but are not limited to, interviews with technical personnel, Contracting Officers and other available data.

The Past Performance Reference Information Form and Past Performance Questionnaire identified in Section L will be used to collect this information. The Offeror shall identify the portion of the work (size, scope, and complexity) performed by the entity specified in the form. DOE may evaluate past performance on less than the total number of contracts if all the completed questionnaires are not returned.

In the case of an Offeror without a record of relevant past performance or for whom information on past performance is not available, the Offeror will not be evaluated favorably or unfavorably.

**M.6 PRICE EVALUATION**

The Offeror's price proposal will not be point scored, but will be evaluated for reasonableness to determine lowest price technically acceptable offer in accordance with M.5 of this solicitation. The responsibility and financial capability evaluation will consider if an Offeror has adequate financial resources to perform the Contract or has the ability to obtain them. The Offerors prices will be evaluated to assess reasonableness of the proposed prices.