

**PART IV – REPRESENTATIONS, CERTIFICATIONS, AND INSTRUCTIONS**

**SECTION M**

**EVALUATION FACTORS FOR AWARD**

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

### **SECTION M**

#### **EVALUATION FACTORS FOR AWARD**

##### **M.1 EVALUATION OF PROPOSALS**

- (a) DOE has established a Source Evaluation Board (SEB) to evaluate the proposals submitted for this procurement using the criteria in Section M. Proposals will be evaluated by the SEB in accordance with the policies and procedures contained in the Federal Acquisition Regulations (FAR) Part 15 and DEAR Part 915. The Source Selection Official (SSO) will select an Offeror for contract award using the best value analysis described in Section M.
- (b) The Offeror must furnish adequate and specific information in its response. A proposal will be eliminated from further consideration before the evaluation 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 effort to address itself to the essential requirements of the RFP, or if it clearly demonstrates that the Offeror does not understand the requirements of the RFP. In the event 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) In accordance with L-2, Instructions to Offerors-Competitive Acquisition, the Government intends to evaluate proposals and award a contract without discussions with Offerors. The Government reserves the right to conduct discussions if the CO later determines discussions to be necessary. Any exceptions or deviations by the Offeror to the terms and conditions stated in this solicitation for inclusion in the resulting contract may make the offer unacceptable for award without discussions. If an Offeror proposes exceptions to the terms and conditions of the contract, the Government may make an award without discussions to another Offeror that did not take exception to the terms and conditions of the contract.
- (d) As part of the evaluation process, a finding will be made whether any possible Organizational Conflict of Interest (OCI) exists with respect to each Offeror or whether there is little or no likelihood that such conflict exists. In making this determination, the CO will consider the Offeror's representation and disclosure statement required by the Section K provision entitled "DEAR 952.209-8 Organizational Conflicts of Interest Disclosure-Advisory and Assistance Services." Subparagraph (c)(1) of DEAR 952.209-8 requires a statement, if applicable, from the Offeror of any past, present, or currently planned financial, contractual, organizational, or other interests relating to the SOW. The Offeror should note that subparagraph (c)(1) requires that the Offeror provide enough information in the statement to allow a meaningful evaluation by the Government of the potential effect of the interest on the performance of the SOW. For any actual or significant potential organizational conflict of interest, the Offeror shall also submit a plan of actions/activities to avoid, neutralize, or mitigate such

conflict. An Offeror with no OCI or OCI which can be appropriately avoided, mitigated, or neutralized, will be considered for award.

- (e) Federal Law prohibits the award of a contract under a national security program to a company owned by an entity controlled by a foreign government unless the Secretary of Energy grants a waiver. In making this determination, the Government will consider the Offeror's certification required by the Section K provision entitled "DEAR 952.204-73 FACILITY CLEARANCE (MAY 2002)" for the use of Certificate Pertaining to Foreign Interest", Standard Form 328.

## **M.2 OVERALL RELATIVE IMPORTANCE OF EVALUATION CRITERIA**

The proposals will be adjectivally rated using information submitted by the Offerors on the four technical evaluation criteria below. As described in Sections M.2 and M.3 above, the evaluation criteria are as follows:

- (a) Technical Evaluation Criteria
  - (1) Key Personnel and Organizational Structure
  - (2) Management Approach
  - (3) Relevant Experience
  - (4) Past Performance

Key Personnel and Organizational Structure, Management Approach, Relevant Experience, and Past Performance will be considered equal in importance. Areas within an evaluation criterion are not sub-criteria and will not be individually rated but will be considered in the overall evaluation for that particular evaluation criterion.

- (b) Price

In determining best value to the Government, the adjectival ratings for the technical factors, when combined, will be considered significantly more important than price.

## **M.3 EVALUATION CRITERIA**

Each Offeror's proposal will be evaluated against the following technical evaluation criteria, equally important:

- 1) Key Personnel and Organizational Structure,
- 2) Management Approach,
- 3) Relevant Experience, and
- 4) Past Performance.

The proposed fee and proposed transition cost and fee will not be individually rated or scored, but will be evaluated with respect to cost reasonableness and realism.

- (a) Key Personnel and Organizational Structure

Written Information:

DOE will evaluate the proposed Key Personnel and its rationale for any key positions proposed by the Offeror for the successful accomplishment of the work being performed under the contract(s). The proposed Key Personnel will be evaluated for demonstrated leadership; relevant experience and qualifications in performing work similar in size, scope, and complexity to the PWS; and qualifications (e.g. education, certifications, licenses) as presented in the resumes. Failure to submit resumes, with accurate information, and Letters of Commitment in the format shown may result in a lower rating.

DOE will evaluate the Offeror's proposed Key Personnel positions relative to the approach to the management and execution of the work proposed by the Offeror as well as the approach to retention of Key Personnel.

Offerors and Key Personnel are advised that DOE may contact references and previous employers to verify the accuracy of resume information. Information found to be inaccurate may result in a lower rating.

Oral Presentation:

DOE will utilize individual key personnel interviews and a sample problem provided to the entire Key Personnel Team to evaluate the proposed Key Personnel on:

- Quality and effectiveness of the responses
- Understanding and performance in their respective positions and as members of the Offeror's management team
- Understanding of the management challenges posed by the operation of the WIPP and CCP
- Interaction and participation as an integrated management team

Organizational Structure:

DOE will evaluate the Offeror's rationale for the proposed organizational structure relative to: the organizational chart; rationale for organizational structure; roles and responsibilities and lines of authority; corporate officials and board of directors; teaming agreements; major subcontractors; features and benefits of the proposed organization; and organizational responsibilities.

Corporate Officials and Board of Directors: The Offeror shall describe its approach to providing corporate oversight, corporate assurances, and resource commitments to ensure that the proposed organizational structure and Key Personnel effectively manage and accomplish the work contemplated under the resulting contract.

(b) Management Approach

DOE will evaluate the Offeror's approach to managing and operating activities at WIPP. DOE will evaluate the depth, quality, effectiveness, and completeness of the Offeror's proposed approach to performing the work described in the PWS including the Offeror's proposed approach to planning and implementing the WIPP operations, including waste characterization, in the short term (i.e. 2 years)

and long term (i.e. contract period of performance and through the lifecycle of the WIPP operations); proposed approach to research and development initiatives that have the objective of improving the operational efficiency of the WIPP and the National TRU Program; and the Offeror's proposed approach to integrating NTP activities with the national laboratories, subcontractors, other DOE Contractors, and the generating sites.

DOE will evaluate the Offeror's proposed Transition Plan to the extent it provides for safe and orderly transition; minimizes impacts on continuity of operations; defines an effective approach for overcoming barriers; identifies key issues and resolutions, milestones, and commitments; planned interactions with DOE, the incumbent WIPP Contractor, incumbent employees, and other WIPP Contractors; and the implementation schedule identifying milestones and measurable commitments.

DOE will evaluate the Offeror's targets and approach to achieving the Small Disadvantaged Business (SDB) Participation Program Targets.

(c) Relevant Experience

DOE will evaluate the Offeror's relevant experience as follows (including each entity as defined in Section L.16):

Relevant Experience. DOE will evaluate each Offeror (including each entity as defined in Section L.16) for its relevant experience in performing work similar in size, scope and complexity to that described in the PWS. Size, scope and complexity are defined as follows: Size - dollar value and contract duration; scope - type of work; and complexity - performance challenges and risk.

DOE will also evaluate the relevant experience of each of the Offeror's proposed major subcontractors as defined in Section L.16(c) in performing work similar in size, scope, and complexity to the work that the proposed major subcontractors are proposed to perform under the Offeror's approach to the PWS.

If the Offeror is a newly formed entity, DOE will evaluate the experience of the individual entity or entities that comprise the newly formed entity. If the Offeror is a joint venture, LLC, or other similar entity, DOE will evaluate the experience of the entities comprised of joint venture, LLC, or other similar entity.

(d) Past Performance

The Offeror's and its teaming partners, as well as major subcontractors' past performance will be evaluated on the basis of information furnished by the references identified in Section L and any other available sources. The Government will evaluate the quality of performance relative to the scope, size, and complexity to the work described in the solicitation. The Government will consider in its evaluation the degree of relevance, of the Offeror's past performance information. In the case of a newly formed joint venture partners, and LLC. DOE will evaluate the past performance of each member that comprises the newly formed entity, including the past performance for the work proposed to be performed by each entity under the solicitation/PWS as well as past performance in managing and performing the overall work under the solicitation/PWS.

DOE will evaluate major subcontractor(s) past performance commensurate with the portion of the work being performed under the solicitation/PWS.

The Past Performance Reference Information Form, ESH&Q Past Performance Information Form, and Past Performance Information Questionnaire identified in Section L will be used to collect this information.

During its evaluation, the Government will review and consider all past performance information submitted by the Offeror's references, may contact some or all of the references provided by the Offeror, and may solicit past performance information from any other available sources including the Past Performance Information Retrieval System (PPIRS) containing Contractor Performance Assessment Reporting Systems (CPARS). References other than those identified by the Offeror may be contacted and their input may be considered by the Government in the evaluation of the Offeror's past performance. DOE may check readily available Government records including pertinent DOE prime contracts, or commercial references for relevant past performance information. More relevant past performance information as well as more recent past performance information may be given greater consideration.

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

#### **M.4 COST AND FEE EVALUATION**

Cost proposals will be evaluated for cost reasonableness, realism, and completeness in accordance with FAR 15.404-1(d). The evaluation will include analysis of the Offeror's proposed transition costs to determine whether the proposed cost elements are realistic for the work to be performed, reflect a clear understanding of the requirements, and are consistent with the methods of performance and materials described in the Offeror's Transition Plan. The Government will determine the most probable cost for the Offeror's proposed transition costs. The most probable cost will not be point scored or adjectively rated.

For purposes of determining the best value to the Government, the evaluated price will be the total of the proposed fee for the five year base term and the five year option, along with the most probable cost for transition. The evaluated price will be considered in accordance with M.5, Basis for Award.

An Offeror that proposes a fee amount that exceeds the maximum prescribed total available award fee of 8.0% may be considered unacceptable for award.

#### **M.5 BASIS FOR AWARD**

The Government anticipates the award of a single contract as a result of this solicitation to the responsible Offeror whose proposal is responsive to the solicitation and is determined to be the best value and most advantageous to the Government. Selection of the best value is determined through the process of evaluating strengths and weaknesses of each Offeror's Technical Proposal in accordance with the evaluation criteria stated in Section M.

In determining the best value to the Government, the Technical Evaluation Criteria are significantly more important than evaluated price. Evaluated price is the Government-determined most probable cost for transition plus the proposed total available award fee for the base and option periods. The Government is more concerned with obtaining a superior technical proposal than making an award at the lowest evaluated price. Thus, the closer or more similar in merit that the Offerors' technical proposals are evaluated to be; the more likely the evaluated price may be the determining factor in selection for award. However, the Government will not make an award at a price premium it considers disproportionate to the benefits associated with the evaluated superiority of one technical proposal over another. Evaluated price will not be point scored. The Government will assess whether the strengths and weaknesses between or among competing technical proposals indicate superiority from the standpoint of what the difference might mean in terms of anticipated performance and what the evaluated price to the Government would be to take advantage of the difference.

**M.6 FAR 52.217-5 EVALUATION OF OPTIONS (JUL 1990)**

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).