PART IV – REPRESENTATIONS AND INSTRUCTIONS

SECTION M

EVALUATION FACTORS FOR AWARD
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(a) Conduct of acquisition.

(1) This acquisition will be conducted pursuant to the Federal Acquisition Regulation (FAR), Part 15, Contracting by Negotiation; U.S. Department of Energy (DOE) Acquisition Regulation (DEAR), Part 915, Contracting by Negotiation; and the provisions of this solicitation.

(2) DOE has established a Source Evaluation Board (SEB) to evaluate the proposals submitted by Offerors in response to this solicitation. Proposal evaluation is an assessment of the proposal and the Offeror’s ability to perform the prospective contract successfully. Proposals will be evaluated solely on the factors specified in the solicitation by assessing the relative significant strengths, strengths, significant weaknesses, weaknesses, deficiencies, and cost and performance risks of each Offeror’s proposal against the evaluation factors in this Section M to determine the Offeror’s ability to perform the contract.

(3) The designated Source Selection Authority (SSA) will select an Offeror for contract award whose proposal represents the best value to the Government. The SSA’s decision will be based on a comparative assessment of proposals against all evaluation factors in the solicitation. The SSA may reject all proposals received in response to this solicitation, if doing so is in the best interest of the Government.

(b) Deficiency in proposal.

(1) A deficiency, as defined at FAR 15.001, Definitions, is a material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level. No award will be made to an Offeror whose proposal is determined to be deficient.

(2) A proposal will be eliminated from further consideration before completing the Government’s evaluation if the proposal is deficient as to be unacceptable on its face. Deficiencies may include any exceptions or deviations to the terms of the solicitation. A proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address itself to the material requirements of the solicitation, or if it does not substantially and materially comply with the proposal preparation instructions of this solicitation. Cursory responses or responses which merely repeat or reformulate the Performance Work Statement will not be considered responsive to the requirements of the solicitation. 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) Responsibility.

In accordance with FAR Subpart 9.1, Responsible Prospective Contractors, and DEAR Subpart 909.1, Responsible Prospective Contractors, the Procuring Contracting Officer (PCO) is required to make an affirmative determination of whether a prospective contractor is responsible. The PCO may, if necessary, conduct a pre-award survey of the prospective contractor as part of the considerations in determining responsibility. In the absence of information clearly indicating that the otherwise successful Offeror is responsible, the PCO will make a determination of nonresponsibility and no award will be made to that Offeror unless the apparent successful Offeror is a small business and the Small Business Administration issues a Certificate of Competency in accordance with FAR Part 19.6, Certificates of Competency and Determinations of Responsibility.
(d) Award without discussions.

In accordance with paragraph (f)(4) of the provision at FAR 52.215-1, Instructions to Offerors – Competitive Acquisition, the Government intends to evaluate proposals and award a contract without conducting discussions with Offerors. Therefore, the Offeror’s initial proposal shall contain the Offeror’s best terms from a cost or price and technical standpoint. The Government, however, reserves the right to conduct discussions if the PCO later determines them to be necessary and may limit the competitive range for purposes of efficiency.

(e) Organizational conflicts of interest.

The Offeror is required by Section K, Organizational Conflicts of Interest Disclosure, to provide a statement of any past, present, or currently planned interests related to the performance of the work and a statement that an actual or potential conflict of interest or unfair competitive advantage does or does not exist in connection with the instant contract.

(f) Facility Clearance. The Offeror is required by the provision at DEAR 952.204-73, Facility Clearance, to submit information related to its foreign interests. National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484 § 836, prohibits the award of a DOE contract under a national security program to an entity controlled by a foreign government, unless a waiver is granted by the Secretary of Energy.


(a) The evaluation for the Technical and Management Proposal (Volume II) are listed in descending order of importance below.

   (1) Technical Approach
   (2) Key Personnel and Organization
   (3) Past Performance

Technical Approach is more important than Key Personnel and Organization; Key Personnel and Organization is more important than Past Performance.

The evaluation factors for the Technical and Management Proposal (Volume II), when combined, are significantly more important than the total evaluated price (Volume III). Each evaluation factor applicable to this solicitation is identified and described in this and other provisions of this Section M. The descriptive elements of each evaluation factor will be considered collectively in arriving at the evaluated rating of the Offeror’s proposal for that evaluation factor. Areas within an evaluation factor are not sub-factors and will not be individually rated, but will be considered in the overall evaluation for that particular evaluation factor.


DOE will evaluate the Offeror’s technical approach to paragraphs (a) – (e) below for the period of contract performance (base and option periods).

(a) Analytical operations described in Section C.2.1 and C.5.1, with an emphasis in: maintaining quality laboratory results, effective and efficient data review, timely reporting of analytical results, development of new analytical methods, addressing problematic samples, and performing analytical work in hot cells.
(b) Facility operations described in Section C.2.2 and C.5.2, with an emphasis in: work planning, scheduling, risk mitigation strategies, procurement logistics, updating and maintaining drawings; and maintaining aging facilities through strategic planning and integrating new systems or equipment into the facilities.

(c) Interface management (see Section C.3.5, Interface Management) with contractors, DOE, and regulatory agencies, required to maintain uninterrupted analytical and facility operations.

(d) Contract transition (see Section C.1, Transition), including identification of key issues that may arise during transition and potential resolution and establishing laboratory procedures.

(e) Contractor Human Resource Management activities:

1. Management and administration of pension and benefit plans as described in Section H, Clause H.5, DOE-H-2001 Employee Compensation: Pay and Benefits (Oct. 2014); and
2. Management of a large workforce, including Union represented and non-represented labor.

As a part of its approach to M.3 (e)(2) above, DOE will evaluate the Offeror’s understanding of the Contract Labor Standards (formerly entitled Service Contract Act)—in particular Section 4(c)—currently codified in 41 USC Chapter 67, and how it affects a Union-represented workforce.

DOE will evaluate the Offeror’s technical understanding of the PWS elements not specified in paragraphs (a) - (e) for the period of contract performance (base and option periods).

**M.4 Evaluation Factor – Key Personnel and Organization**

(a) Key Personnel. DOE will evaluate:

1. The three proposed key personnel required in Section L, Provision L.13, paragraph (a), and up to two other proposed key personnel as allowed by Section L.13 (a) along with the Offeror’s rationale for the other proposed key personnel and why they are essential to the successful performance of the contract.
2. The proposed key personnel authority level and the extent to which each key personnel position will have access to corporate resources.
3. Suitability and qualifications, as detailed below.
4. Key personnel team requirements as defined in Section H, Clause H.37, DOE-H-2070, Key Personnel, paragraph (b).

Failure to propose the three required key personnel positions will adversely affect the Government’s evaluation of the proposal.

(b) Resume.

1. The individuals proposed as key personnel will be evaluated on the degree to which they are qualified and suitable for the proposed position in relation to the work for which they are proposed to perform and areas of responsibility. The qualifications and suitability of the individual key personnel will be evaluated on the following:

   i. Experience. Relevant experience in performing work similar in scope, size, and complexity to that required for their proposed positions (e.g., scope – type of work; size – dollar value and contract duration; and complexity – performance challenges and leadership roles).
Qualifications. Training, certifications, formal education, and licenses that support the suitability for the proposed position; and

(2) DOE may contact any references of key personnel and previous employers to verify the accuracy of the information contained in the resume and to further assess the qualifications and suitability of proposed key personnel.

Failure of the Offeror to provide a letter of commitment for each key personnel may adversely affect the Government’s evaluation of the proposal.

(c) Organization:

(1) Organization chart. DOE will evaluate the Offeror’s proposed organization depicting the major functional areas that the Offeror considers essential for the management and performance of work. DOE will evaluate the Offeror’s organization levels depicted on the Offeror’s organization chart (e.g., working and reporting lines, divisional relationships, management layers, chain of command) and how they align with, and correlate to, the information provided by the Offeror in response to paragraphs (2) and (3) below. DOE will evaluate the linkage(s) between the Offeror, including its teaming members, and the parent organization(s).

(2) Rationale for organizational structure. DOE will evaluate the Offeror’s rationale for the proposed organizational structure in relation to the work to be performed and how the organizational structure will contribute to the safe and successful accomplishment of the work in accordance with the proposed technical approach. DOE will evaluate how the organizational structure correlates to the PWS, the PWS WBS, and the Offeror’s approach to execute the work.

(3) Roles, responsibilities, and lines of authority. DOE will evaluate the proposed roles, responsibilities, and lines of authority for the major functional areas identified on the organizational chart, including lines of authority between the Offeror’s organizational elements or specific individuals (including proposed key personnel), and its critical subcontractors, teaming members, and any other performing entities, as applicable.

(4) Communication and interface. DOE will evaluate the Offeror’s approach to communication and interface with internal organizations, critical subcontractors, teaming members, other performing entities, and its approach to communication and interface with outside entities, including DOE, other DOE Contractors and subcontractors, regulatory agencies, state and local governments, the public, and other entities.

(5) Offeror entity. If the Offeror is a limited liability company, joint venture, or other similar entity, DOE will evaluate how the Offeror will operate its multi-member and/or shared ownership entity, including who will employ the Offeror’s workforce, (e.g., Offeror, parent, or team member companies) and how that workforce will be managed.

(6) Critical Subcontractors. If the Offeror proposes critical subcontractors, DOE will evaluate the rationale between subcontracting and self-performance, and the approach for integrating and controlling each critical subcontractor within the overall work to be performed.

(7) Corporate Governance. DOE will evaluate the Offeror’s corporate governance approach to provide oversight of performance to ensure successful performance of the contract, including corporate reachback, and to provide monitoring of performance and resolution of issues.

(a) Offeror. The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601, will be evaluated on the recency, relevancy, and favorability of the past performance information obtained for the Offeror performing work similar in scope, size, and complexity to the requirements of the PWS. For the purposes of this evaluation, the following definitions apply: (1) scope is defined as the type of work identified in the PWS, (2) size is defined as dollar value, including total value and approximate average annual value) and contract period of performance; and (3) complexity is defined as performance challenges and risk (e.g., rigorous safety and quality assurance requirements, operating within a complex nuclear and regulatory environment, management and integration as a prime contractor at a large government site with multiple government contractors, management of a multi-disciplined workforce that includes unions performing various aspects of a contract, volatile government priorities and technical requirements, budget fluctuations, and integration and coordination with stakeholders). DOE will evaluate past performance information for contracts that are currently being performed and/or for contracts that were completed within the last 5 years from the original solicitation issuance date. The Government will not apportion the favorability of past performance differently amongst the members of a Contractor’s Teaming Arrangement, as defined in FAR 9.601, on a past performance contract, as each entity is considered to be responsible for overall performance of the ongoing or prior contract. All partner companies on past performance contracts will be equally credited (positively and negatively) for past performance. However, relevancy determinations on a past performance contract may differ depending upon what scope each entity is proposed to perform.

(b) Critical subcontractors. The Offeror’s proposed critical subcontractors as defined in Section L, L.8 (a) (2) will be evaluated on the recency, relevancy, and favorability of the past performance information obtained for the critical subcontractor performing work similar in scope, size, and complexity to that proposed to be performed by that critical subcontractor. DOE will evaluate past performance information for contracts that are currently being performed or have been completed within the last 5 years from the original solicitation issuance date.

(c) Newly formed entity and predecessor companies. The evaluation of past performance for the Offeror, and any critical subcontractors that are set up as separate corporate entities solely to perform this contract, may be based on the past performance of its parent organization(s), member organizations in a joint venture, LLC, or other similar or affiliated companies, provided the Offeror’s proposal demonstrates that the resources of the parent, member, or affiliated company will be provided or relied upon in contract performance such that the parent, member, or affiliate will have meaningful involvement in contract performance. Meaningful involvement means the parent, member, or affiliate will provide material supplies, equipment, personnel, or other tangible assets to contract performance; or that the common parent will utilize the expertise, best practices, lessons learned, or similar resources from the affiliate to affect the performance of the Offeror. Past performance information from predecessor companies that existed prior to any mergers or acquisitions may also be considered where the Offeror’s proposal demonstrates such performance reasonably can be predictive of the Offeror’s performance.

(d) Work to be performed. DOE will evaluate the Offeror and all members of a teaming arrangement, as defined in FAR 9.601, in accordance with the work each member is proposed to perform and the entire PWS, as the Offeror will be responsible for performance of the entire PWS. Critical subcontractors will be evaluated in relation to the work they are proposed to perform.
(e) No record of past performance. If the Offeror or critical subcontractor(s) do not have a record of relevant past performance or if information is not available, the Offeror or critical subcontractor(s) will be evaluated neither favorably nor unfavorably.

(f) Sources of past performance information. The Government will consider past performance information provided by the Offeror and other available information. The Government may contact any or all of the references provided by the Offeror and will consider such information obtained in its evaluation. The Government may also consider past performance information from sources other than those provided by the Offeror, such as commercial and government clients, government records, regulatory agencies, and government databases such as the Government’s Past Performance Information Retrieval System.

(g) Performance information. The Offeror will be evaluated on challenges and problems encountered during performance of the provided reference contracts, the actions taken by the Offeror to address these matters, and the effect actions had on the performance of the contract. The Offeror will also be evaluated on safety statistics (Occupational Safety and Health Administration Days Away, Restricted, or Transferred Cases and Total Recordable Cases) and DOE enforcement actions and/or worker safety and health, nuclear safety, and/or classified information security incidents or notifications posted to the DOE Office of Enterprise Assessments website (https://www.energy.gov/ea/information-center/enforcement-infocenter) and corrective actions taken to resolve those problems.

(h) Terminated contracts. Contracts of the Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601, and critical subcontractors that were terminated, including the reasons heretofore, over the preceding 5 years from the solicitation issuance date will be considered in the evaluation.

(i) List of DOE Contracts. The Government will consider the information provided per Section L, Attachment L-10, List of DOE Contracts, of all DOE Prime Contracts (including National Nuclear Security Administration) currently being performed and/or for contracts that were completed within the last 5 years from the original solicitation issuance date.

(j) The Government will only evaluate past performance information on work determined to be at least somewhat relevant to the acquisition in terms of similar in scope, size, and complexity, as defined above in paragraph (a).

**M.6 Evaluation Factor – Cost and Fee**

The Cost and Fee Proposal will not be adjectivally rated or point scored, but it will be considered in the overall evaluation of proposals in determining the best value to the Government.

DOE will evaluate the Offeror’s cost proposal for realism. The evaluation of cost realism includes an analysis of specific elements of the Offeror’s proposed cost to determine whether the proposed estimated 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 Technical Proposal. Based on its review, DOE will determine a probable cost to the Government as prescribed by FAR 15.404-1(d).

The total evaluated price will be calculated by combining the probable cost for the Cost Reimbursement CLINs, the total available award fee proposed, and the DOE provided amounts. The total evaluated price will be used in the best value analysis for purposes of determining the best value to the Government.
The Usage-Based Services (UBS) Reimbursement from Other Hanford Contractors (OHC), offset CLINs 0040, 1040, 2040, will not be a part of the evaluated price.

**CLIN 0010 (Cost Reimbursable, no fee):** DOE will perform a cost realism evaluation of each Offeror’s proposed cost to determine the probable cost.

**CLINs 0020, 1020, 2020, 0021, 1021, 2021, 0040, 1040, 2040 (Cost Plus Award Fee):** DOE will perform a cost realism evaluation of each Offeror’s proposed cost to determine the probable cost.

**CLINs 0030, 1030, 2030, 0041, 1041, 2041 (Cost Reimbursable, no fee):** DOE will evaluate each Offeror’s cost proposal to ensure that it includes the DOE provided amounts.

DOE will also perform a technical analysis of the Cost and Fee Proposal, and consider this analysis in the evaluation of Volume II, Technical and Management Proposal, and as part of the evaluation of Volume III, Cost and Fee Proposal. As part of the technical analysis of the Cost and Fee Proposal, DOE will evaluate traceability between proposal volumes, errors and omissions and other problem areas in the Volume III proposal.

An unreasonable, unrealistic, inconsistent, or incomplete Cost and Fee Proposal may be evidence of the Offeror’s poor understanding of the requirements of the PWS and thus may adversely affect the rating under the appropriate criterion of the Offeror’s Volume II, Technical and Management Proposal. Inconsistencies between the Cost and Fee Proposal and the Technical and Management Proposal may indicate a poor understanding of the PWS requirements and may negatively impact an Offeror’s evaluation and appropriate criterion rating of the Offeror’s Volume II, Technical and Management Proposal. Should the Government determine that inconsistencies exist or that the Offeror appears to lack an understanding of the requirements, such inconsistency or apparent lack of understanding may result in an adjustment to the Offeror’s proposed costs. In addition, a proposal may be deemed unacceptable if it does not substantially and materially comply with the proposal preparation instructions.

The Offeror has the responsibility to fully document its cost proposal and provide clear traceability to the PWS elements. DOE may adjust an Offeror’s proposed cost as part of its cost realism analysis if the Offeror does not adequately provide this documentation and traceability.

Offerors that propose a Total Available Fee outside the fee range specified in the Section L Provision entitled, *Proposal Preparation Instructions – Volume III, Cost and Fee Proposal*, will be deemed ineligible for award.

**M.7  FAR 52.217-5 Evaluation of Options (Jul 1990)**

Except when it is determined in accordance with FAR 17.206(b) entitled, *Evaluation* (evaluation not in the Government’s best interests), the Government will evaluate Offerors for award purposes by adding the total price for all options (except for the option allowed by the Section I, Clause FAR 52.217-8, *Option to Extend Services*) to the total price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).

**M.8  DOE-M-2012 Basis for Award (Oct 2015)**

The Government intends to award one contract to the responsible Offeror whose proposal is determined to be the best value to the Government. Selection of the best value to the Government will be achieved through a process of evaluating each Offeror’s proposal against the evaluation factors described above. The evaluation factors for the Technical and Management Proposal will be adjectivally rated.
The Cost/Price evaluation factor will not be rated; however, the evaluated price will be used in determining the “best value” to the Government. The Government is more concerned with obtaining a superior Technical and Management Proposal than making an award at the lowest evaluated price. 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 Offeror’s Technical and Management Proposal over another. Thus, to the extent that Offerors’ Technical and Management Proposals are evaluated as close or similar in merit, the evaluated price is more likely to be a determining factor in selection for award.