

## SECTION M

### EVALUATION FACTORS FOR AWARD

#### M.1 INTRODUCTION/EVALUATION OF PROPOSALS

This acquisition will be conducted pursuant to Section H.14 *EMCBC H-1005 Ordering Procedures* of the IDIQ basic contract and FAR Part 16. It is anticipated there will be one award resulting from this RTP.

The instructions set forth in Section L, Instructions, Conditions, and Notices to Contractors, are designed to provide guidance to the Contractor concerning the documentation that will be evaluated. The Contractor 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 value. 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 RTP, or if it clearly demonstrates the Contractor does not understand the requirements of the RTP. A proposal will also be eliminated from further consideration before the evaluation if the Contractor is not an EM Nationwide IDIQ Set-aside contract holder that is able to recertify they do not exceed the small business size standard of 500 employees under NAICS code 562910 "Remediation Services" at the time proposals are due.

In the event a proposal is rejected, a notice will be sent to the Contractor stating the reason(s) that the proposal will not be considered for further evaluation under this RTP.

Failure of Contractors to respond or follow the instructions regarding the organization and content of any of the proposal volumes may result in the Contractor's entire proposal, consisting of volumes I through III being eliminated from the initial evaluation; if such an offer becomes eliminated from initial evaluation, revisions to any of the proposal volumes will not be considered for evaluation.

Any exceptions or deviations to the terms and conditions of the RTP/Task Order will make the offer unacceptable for award without discussions. If a Contractor proposes exceptions to the terms and conditions of the RTP/Task Order, the Government may make an award without discussions to another Contractor that did not take exception to the terms and conditions of the RTP/Task Order.

DOE intends to evaluate proposals and award the Task Order without discussions with Contractors (except for exchanges as described in Section H.14 *EMCBC H-1005 Ordering Procedures*, paragraph (d)(2) of the IDIQ basic contract). Therefore, the Contractor's initial proposal should contain the Contractor's best terms. DOE reserves the right to conduct discussions, if the Contracting Officer later determines it is necessary.

Prior to award, a determination will be made regarding whether any possible

Organizational Conflicts of Interest (OCI) exist with respect to the apparent successful Contractor or whether there is little or no likelihood that such conflict exists. In making this determination, the Contracting Officer (CO) will consider the representation required by Section K of this RTP. An award will be made if there is no OCI or if any potential OCI can be appropriately avoided or mitigated.

If a competitive range is established pursuant to Section H.14 *EMCBC H-1005 Ordering Procedures*, paragraph (d)(3) of the IDIQ basic contract, the CO may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

## **M.2 BASIS FOR TASK ORDER AWARD**

The Government intends to make a Task Order award to the responsible Contractor whose proposal is responsive to the RTP and determined to be the best value to the Government.

Selection of the best value to the Government will be achieved through the following:

- (a) The Government will assign adjectival ratings for each of the Technical Evaluation Criteria specified in Section M.4, Evaluation Criteria, in accordance with Table M-1 and Table M-2. The assigned adjectival ratings for Criteria 1 and 2 will be based on any evaluated significant strengths, strengths, significant weaknesses, weaknesses and deficiencies identified in each Contractor's proposal for Criteria 1 and 2. The assigned adjectival rating for Criterion 3 will be based on the favorability of each Contractor's relevant past performance information.
- (b) The Technical Evaluation Criteria, including Past Performance, are more important than the evaluated price. Evaluated price is the Contractor's "Total Proposed Task Order Price" as defined in Section M.4 below. 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 the Contractors' technical proposals and relevant past performance information 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 an evaluated total proposed Task Order price premium it considers disproportionate to the benefits associated with the evaluated superiority of one Contractor's technical proposal and relevant past performance information over another.
- (c) The Government will assess whether the strengths and weaknesses and relevant past performance information between or among competing technical proposals indicates a superiority from the standpoint of: (1) what the difference might mean in terms of anticipated performance; and (2) what the evaluated price to the Government would be to take advantage of the difference.

## **M.3 OVERALL RELATIVE IMPORTANCE OF EVALUATION CRITERIA**

The proposals will be adjectivally rated using information submitted by the Contractors on the three technical evaluation criteria below. All evaluation criteria other than price, when combined, are more important than price.

(a) Technical Evaluation Criteria:

- Criterion 1, Technical Approach and Understanding;
- Criterion 2, Key Personnel and Organization Structure;
- Criterion 3, Recent and Relevant Past Performance

The criteria (Criteria 1, 2, 3) are in descending order of importance. However, Criterion 1 is only slightly more important than Criterion 2. Criterion 1 and Criterion 2 combined are significantly more important than Criterion 3.

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.

The adjectival ratings to be assigned for each of the Technical Evaluation Criteria are shown in Tables M-1 and M-2 below:

**Table M-1: Adjectival Ratings Criteria 1 and 2**

Outstanding
Good
Satisfactory
Marginal
Unsatisfactory

**Table M-2: Adjectival Ratings Criterion 3**

Substantial Confidence
Satisfactory Confidence
Limited Confidence
No Confidence
Unknown Confidence (Neutral)

(b) Price:

In determining best value to the Government, the Technical Evaluation Criteria, when combined, will be considered more important than the Evaluated Price.

## M.4 EVALUATION CRITERIA

### **Criterion 1 – Technical Approach and Understanding**

DOE will evaluate the Contractor's technical approach and understanding of the PWS activities (i.e., Transition and Site Access, Environmental Monitoring, Surveillance and Maintenance (S&M), Non-D&D Waste Management, Project Support and D&D Work) to meet performance expectations of Section C within the existing regulatory framework and considering the anticipated funding profile. Actual funding may be greater or less than the anticipated funding profile.

DOE will evaluate the Contractor's approach to planning and integrating the PWS requirements, including the Contractor's technical understanding of the site, site history and proposed approach for interfacing with any outside entities that relate to, or affect, the Contractor's performance of the work, including the DOE, other DOE prime contractors, land owner, regulatory agencies, state and local government, the public and other entities.

DOE will evaluate the Contractor's three most significant identified risks to successful performance of the PWS; the Contractor's rationale for the identified risks and impacts; and the Contractor's approach to eliminating, avoiding, or mitigating risks. DOE will evaluate only the first three risks identified by the Contractor.

DOE will evaluate the Contractor's integrated schedule (for the full scope of Task Order performance, including all options) consistent with their proposed technical approach that provides specific schedule elements.

The Contractor's technical approach will be evaluated for the flexibility that it affords DOE in exercising the D&D options under the Task Order.

### **Criterion 2- Key Personnel and Organizational Structure**

- (a) DOE will evaluate the Contractor's rationale for the selection of Key Personnel named by the Contractor. DOE will evaluate the relevant knowledge and experience of the Contractor's proposed Key Personnel for executing this Task Order. The Key Personnel will be evaluated for suitability for the proposed position(s) based on demonstrated leadership; demonstrated experience in performing work similar in size and complexity to the individual's proposed duties and responsibilities in the PWS; and qualifications (e.g. education, certifications, licenses) as presented in the resumes. In evaluating the Key Personnel, the Program Manager will be considered more important than the ESH&Q Manager.

Contractors are advised that DOE may contact references and previous employers to verify the accuracy of resume information and further assess the leadership, experience, and qualifications of Key Personnel. DOE may consider information received from any source in its evaluation of the Contractor's proposed Key Personnel.

**Failure to submit a Letter of Commitment from both the Program Manager and the ESH&Q Manager and to provide resumes in the specified format may result in a lower evaluation rating for this factor or the Contractor's proposal being eliminated from further consideration for award. Failure to propose a Program Manager and an ESH&Q Manager, will result in the Contractor's proposal being eliminated from further consideration for award.**

- (b) DOE will evaluate the Contractor's proposed organizational structure and approach to manage and execute the requirements of the PWS. DOE will evaluate the Contractor's description of the personnel and organization to be used in implementing the Task Order, including the Contractor's organizational chart. DOE will evaluate the Contractor's rationale for proposing specific work to be performed by its named subcontractors or other performing entities (including members in an LLC, joint venture, or other similar entity) and how each entity's work will be integrated and controlled within the overall work to be performed; DOE will evaluate the corporate resources from parent organizations, e.g., LLC members that will be used. DOE will evaluate the Contractor's approach for ensuring that an adequate workforce is available with the appropriate skills and qualifications necessary to safely and effectively accomplish the work over the term of the Task Order, including any start-up or ramp-down of employment; and the evaluation of the number of FTE employees by organizational elements separated by (1) management and supervision, (2) labor disciplines by skill mix, (3) CLIN, and (4) whether employed by the prime Contractor, teaming partner or subcontractor; and the rationale for the FTEs for each organizational element.

### **Criterion 3, Recent and Relevant Past Performance**

- (a) For purposes of the past performance evaluation, DOE will evaluate the recent and relevant past performance of the Contractor, each joint venture partner, and each LLC member. The past performance will be evaluated on the basis of information furnished in the Attachment L-3, Past Performance Reference Information Form, and the referenced Attachment L-4 questionnaires (where applicable for non-DOE EM work or where a PPIRS record is not available) for relevant contracts that are similar in size, scope and complexity to the work described in the PWS, and which have been completed or are in progress since the Contractor's master IDIQ award date of September 17, 2010, for the Contractor, each joint venture partner, and each LLC member. Size, scope and complexity are defined as follows:
1. Size - dollar value and contract duration
  2. Scope - type of work (e.g., work as identified in the PWS)
  3. Complexity - performance challenges and risks (e.g. rigorous safety and

quality assurance requirements, complex regulatory and stakeholder environments, NEPA requirements, changing government priorities, budget fluctuations, etc., associated with D&D of radiological facilities and environmental monitoring)

- (b) DOE will evaluate information provided on problems encountered on the contracts and the corrective actions taken by the Contractor to resolve these problems. In the case of a newly formed joint venture, limited liability partnership, or other entity formed for the purpose of competing for this Task Order, DOE will evaluate the experience and performance of the entities that comprise the newly formed entity. DOE will evaluate a Contractor without a record of recent and relevant past performance neither favorably or unfavorably.
- (c) During its evaluation, DOE may contact some or all of the references provided by the Contractor, and may obtain past performance information from other relevant available sources, including Federal Government (including DOE) customers and electronic databases.
- (d) DOE will evaluate the information provided in Attachment L-5, List of Contracts Terminated for Convenience or Default (partially or completely), since the Contractor's master IDIQ contract award date of September 10, 2010, and the provided explanations for any terminations related to the Contractor or other teaming participants.
- (e) DOE intends to take a broad interpretation in determining relevancy. It is the Contractor's responsibility to provide sufficient information to demonstrate the relevancy and similarity to the PWS of the information provided for the Past Performance evaluation in Attachment L-3. In evaluating relevancy, DOE will consider work performed under traditional (non-M&O) cost reimbursement and fixed-price contracts with an emphasis on quality of product or service, timeliness of performance and deliverables, cost control, business practices, customer satisfaction and project management (planning, monitoring, budgeting, reporting, baseline management and critical path analysis) as more consistent with the scope of the PWS, and therefore more relevant, than similar work performed under M&O contracts.

**As a clarification relating to relevancy ratings of past performance projects, please note that a reference with a higher degree of relevance may receive greater consideration.**

### **Price Evaluation**

The Contractor's price proposal will not be point scored or adjectivally rated, but will be evaluated to assess reasonableness, completeness, whether the proposed price reflects an understanding of the RTP requirements, and a Contractor's responsibility and financial capability.

The price evaluation may include the following:

- Comparison of the Contractor’s proposed firm fixed unit rates/prices to other Contractors’ proposed firm fixed unit rates/prices.
- Comparison of the Contractor’s total proposed Task Order price to other Contractors’ total proposed Task Order price.
- Comparison of the Contractor’s proposed firm fixed unit rates/prices and total proposed Task Order price with independent government cost estimates.

In accordance with FAR Part 9, the responsibility and financial capability evaluation will take into consideration whether the Contractor has adequate financial resources and the minimum insurance liability coverage per Section H.104 to perform the Task Order or has the ability to obtain them; and whether the Contractor possesses the current bonding capability per the requirements of Section I.78 to perform the Task Order or has the ability to obtain the necessary bonding requirements.

The price evaluation will be based upon the Contractor’s “Total Evaluated Task Order Price” which will be calculated by DOE using the arithmetic sum of the proposed prices for **CLINs 00001 through 00010** in Section B.2, inclusive of options, and NNSS disposal costs (if proposed) as follows:

CLIN	Description of Services	Total Firm Fixed Price
00001	Section C.1.1 – Transition	\$ _____
00002	<p>Section C.2.1.2 – Groundwater Management at Building 4024</p> <p>a. The Contractor shall perform the activities at Section C.2.1.2 for dispositioning 60,000 gallons of water over the three-year base period at the firm fixed price (FFP) specified for CLIN 00002a. The FFP for CLIN 00002 will not be renegotiated unless the quantity to be dispositioned varies from the base quantity of 60,000 gallons by more than plus or minus 10% during the three-year base period in accordance with Section I clause FAR 52.211-18, Variation in Estimated Quantity.</p> <p>b. DOE will pay the Contractor the FFP for CLIN 00002 to disposition 60,000 gallons of water plus or minus 10% over the three-year base period. Should the actual amount of water to be dispositioned over the three-year base period vary by more than plus or minus 10% from the base quantity of 60,000 gallons, DOE will renegotiate the FFP for this CLIN based on the fixed unit rate price per gallon as stated below. DOE will reimburse the Contractor on a fixed rate basis for quantities exceeding 66,000 gallons (60,000 + 10%) over the three-year period and will withhold payment from the Contractor on a fixed rate basis for quantities less than 54,000 gallons (60,000 - 10%) over the three-year period. The Contractor shall provide the fixed unit rate per gallon.</p>	<p>\$ _____</p> <p><b>(FFP for CLIN 00002)</b></p>

	Fixed Unit Rate Price per Gallon to Disposition: \$ _____	
00003	<p>Section C.2.2 – Groundwater (GW) Monitoring Activities</p> <p>a. The Contractor shall perform the GW monitoring activities at Section C.2.2 for 120 sampling events over the Task Order three-year base period at the FFP specified for CLIN 00003. The FFP for CLIN 00003 is based on both the different types of wells to be sampled and the corresponding analysis requirement activities. The FFP for CLIN 00003 will not be renegotiated unless the quantity of sampling events varies by more than plus or minus 5% during the three-year base period in accordance with Section H.105 <i>Variation in Estimated Quantity</i>.</p> <p>b. DOE will pay the Contractor the FFP for CLIN 00003 for 120 sampling events plus or minus 5% over the three-year base period. Should the actual number of sampling events over the three-year base period vary by more than plus or minus 5% from the base quantity of 120 sampling events, DOE will renegotiate the FFP for this CLIN based on the fixed unit rate price per well as stated below, depending upon which additional sampling and analysis activity is required. DOE will reimburse the Contractor on a fixed rate basis for quantities exceeding 126 sampling events (120 + 5%) over the three-year period and will withhold payment from the Contractor on a fixed rate basis for quantities fewer than 114 sampling events (120 - 5%) over the three-year period.</p> <p><b>Monitoring and Sampling Fixed Unit Rate Price</b>  <b>With VOCs/TPH sampling and analysis: \$ _____</b></p> <p><b>Monitoring and Sampling Fixed Unit Rate Price</b>  <b>With RADS sampling and analysis: \$ _____</b></p> <p><b>Monitoring and Sampling Fixed Unit Rate Price</b>  <b>With Metals sampling and analysis: \$ _____</b></p>	<p>\$ _____  <b>(FFP for CLIN 00003)</b></p>
00004	Section C.1.2; C.2.1.1; C.3; C.4; and C.5 – General Environmental Monitoring, Surveillance and Maintenance Activities, Non D&D Waste Management Activities, Project Support for the three year base period.	<p>\$ _____  <b>(FFP for CLIN 00004)</b></p>
00005	<p><b>Option:</b> Section C.2.1.2 – Groundwater Management at Building 4024</p> <p>a. The Contractor shall perform the activities at Section C.2.1.2 for dispositioning 40,000 gallons of water over the two-year option period at the FFP specified for CLIN 00005. The FFP for CLIN 00005 will not be renegotiated unless the quantity to be dispositioned varies by plus or minus 10% during the two-year option period in accordance with Section I clause FAR</p>	

	<p>52.211-18.</p> <p>b. DOE will pay the Contractor the FFP for CLIN 00005 to disposition 40,000 gallons of water plus or minus 10% over the two-year option period. Should the actual amount of water to be dispositioned over the two-year option period vary by more than plus or minus 10% from the base quantity of 40,000 gallons, DOE will renegotiate the FFP for this CLIN based on the fixed unit price per gallon as stated below. DOE will reimburse the Contractor on a fixed rate basis for quantities exceeding 44,000 gallons (40,000 + 10%) over the two-year period and will withhold payment from the Contractor on a fixed rate basis for quantities less than 36,000 gallons (40,000 - 10%) over the two-year period. The Contractor shall provide the fixed unit rate per gallon.</p> <p>Fixed Unit Rate Price per Gallon to Disposition: \$_____</p>	<p>\$_____</p> <p><b>(FFP for CLIN 00005)</b></p>
<p>00006</p>	<p><b>Option:</b> Section C.2.2 – Groundwater (GW) Monitoring Activities</p> <p>a. The Contractor shall perform GW monitoring activities at Section C.2.2 for 80 sampling events over the Task Order two-year option period at the FFP specified for this CLIN. The FFP for this CLIN is based on both the different types of wells to be sampled and the corresponding analysis requirement activities. The FFP for this CLIN will not be renegotiated unless the quantity of sampling events varies by plus or minus 5% during the two-year option period in accordance with Section H.105 <i>Variation in Estimated Quantity</i>.</p> <p>b. DOE will pay the Contractor the FFP for CLIN 00006 for 80 sampling events plus or minus 5% over the two-year option period. Should the actual number of wells to be monitored and sampled over the two-year option period vary by more than plus or minus 5% from the base quantity of 80 sampling events, DOE will renegotiate the FFP for this CLIN based on the fixed unit rate price per sampling events as stated below, depending upon which additional sampling and analysis activity is required. DOE will reimburse the Contractor on a fixed rate basis for quantities exceeding 84 sampling events (80 + 5%) over the two-year option period and will withhold payment from the Contractor on a fixed rate basis for quantities fewer than 76 sampling events (80 - 5%) over the two-year period.</p> <p><b>Monitoring and Sampling Fixed Unit Rate Price</b></p> <p><b>With VOCs/TPH sampling and analysis: \$_____</b></p> <p><b>Monitoring and Sampling Fixed Unit Rate Price</b></p>	<p>\$_____</p> <p><b>(FFP for CLIN 00006)</b></p>

	<b>With RADS sampling and analysis:</b> \$ _____	
	<b>Monitoring and Sampling Fixed Unit Rate Price</b>	
	<b>With Metals sampling and analysis:</b> \$ _____	
00007	<b>Option:</b> C.1.2; C.2.1.1; C.3; C.4; and C.5 – General Environmental Monitoring, Surveillance and Maintenance Activities, Non D&D Waste Management Activities, Project Support for the two year option period.	\$ _____ <b>(FFP for CLIN 00007)</b>
00008	<b>Option:</b> Section C.6.1, C.6.2, C.6.3, and C.6.4 for the D&D of the Hazardous Waste Management Facility (HWMF) Complex, the Sodium Pump Test Facility (SPTF), and the Former ETEC HQ and LMDL-2.	\$ _____ <b>(FFP for CLIN 00008)</b>
00009	<b>Option:</b> Section C.6.1, C.6.2, C.6.3, and C.6.4 for the D&D of the SNAP Environmental Test Facility (SETF)	\$ _____ <b>(FFP for CLIN 00009)</b>
00010	<b>Option:</b> Section C.6.1, C.6.2, C.6.3, and C.6.4 for the D&D of the Radioactive Materials Handling Facility (RMHF)	\$ _____ <b>(FFP for CLIN 00010)</b>
	<b>Total Proposed Task Order Price (CLINs 00001 through 00010)</b>	\$ _____
	<b>NNSS Disposal Costs (Per L-7 Pricing Template NNSS Disposal Cost worksheet)</b>	\$ _____
	<b>Total Evaluated Task Order Price</b>	\$ _____

The Government will use the total prices provided by the Contractor for each CLIN in Section L, Attachment L-7, Pricing Templates, for price evaluation purposes to establish the total evaluated Task Order price. If there is a discrepancy between the firm fixed prices specified by the Contractor in Section L, Attachment L-7 and the corresponding firm fixed prices specified by the Contractor in Section B.2, the firm fixed prices specified by the Contractor in Section B.2 will be used to determine the total evaluated Task Order price.

Actual funding may be greater or less than the anticipated funding profile. Therefore, the Contractor may propose to perform the PWS activities at a price greater or less than the Government’s anticipated funding profile. The Government may determine an offer is unacceptable if offered prices are significantly unbalanced. Contractors are cautioned that to the extent proposed prices appear unreasonable; the Government may infer either a lack of understanding of the requirement or an increased risk of performance.

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