

**United States Department of Energy, Office of Environmental Management  
Procurement Special Notice, February 6, 2024**

**Portsmouth Paducah Project Office (PPPO) Technical Support Services (TSS)  
Solicitation No. 89303324REM000120**

The Department of Energy (DOE) held a pre-solicitation briefing for the Portsmouth Paducah Project Office (PPPO) Technical Support Services (TSS) procurement on January 9, 2024. Based on the written feedback provided by industry, DOE is hereby providing notification regarding changes to the Draft Request For Proposal (RFP) that are anticipated to be included in the Final RFP. There may be other changes included in the Final RFP; however, DOE is providing these changes as advance notification to assist industry with pre-proposal preparation.

1. H.52 Organizational Conflict of Interest Between PPPO Site Contracts and L.12(k) Organizational Conflicts of Interest (OCI):
  - a. The performance restriction cited in H.52 and L.12(k) will be revised to clarify that the performance restriction will not extend to subcontractor(s) who are performing work under specific PWS elements where the impaired objectivity OCI does not exist. Notwithstanding, the K.8 and L.12(k) provisions and instructions will remain regarding OCI disclosures, statements, and any necessary mitigation plan(s), including subcontractors.
  - b. The L.12(k) instructions will be revised to clarify that entities are not conflicted out completely from bidding on the PPPO TSS procurement due to their involvement in other PPPO contracts or active procurements at the time of proposal submission. If the Offeror, including subcontractors, have any potential conflicts at the time of proposal submission (e.g., other PPPO contracts or active procurements), the Offeror shall submit an OCI mitigation plan per the instructions of L.12(k) demonstrating how the Offeror, including subcontractors, will achieve compliance by the initial PPPO TSS Contract NTP.
  - c. See Attachment 1 for the redlined changes to H.52 and L.12(k).
2. DOE continues to anticipate the release of the PPPO TSS Final RFP in Spring 2024. Should an entity be involved in other PPPO contracts and/or active PPPO procurements that may be impacted by the OCI determination, the Offeror shall submit an OCI mitigation plan per the instructions of L.12(k) demonstrating how the Offeror, including subcontractors, will achieve compliance by the initial PPPO TSS Contract NTP. This does not preclude an entity from submitting a proposal for the PPPO TSS procurement.
3. Section L.15 Proposal Preparation Instructions, Volume II – Organization and Management Approach: The page limitation will be revised from 10 pages to 15 pages.
4. M.4 DOE-M-2008 Evaluation Factor – Past Performance (Oct 2015) (Revised): DOE is considering revising the Section M.4 evaluation criteria to indicate that Scope and Complexity may be considered more important than Size when determining relevancy. However, the definition for size as it relates to an Offeror's past performance will not be revised.

Offerors are encouraged to review Section M.4(a), *“The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), will be evaluated on the Government’s assessment of relevant and recent past performance information obtained for the Offeror performing work similar in scope, size, and complexity to the portion of the PWS that each entity is proposed to perform,”* and Section L, Attachment L-3, Box 14.

## Attachment 1

### **H.52 Organizational Conflict of Interest Between PPPO Site Contracts**

Performance of the PPPO TSS Contract will be restricted throughout the Contract period of performance to a Contractor that is not concurrently performing the Portsmouth Decontamination and Decommissioning (D&D) contract, the Paducah Deactivation and Remediation (D&R) contract, the DUF6 contract, the Operations and Site Mission Support (OSMS) contract, the Portsmouth Infrastructure Support Services contract, the Paducah Infrastructure Support Services contract, or other future PPPO contracts with those work scopes.

This PPPO TSS Contract restriction applies to ~~any teaming member(s) of a contractor team arrangement as described in FAR 9.601(1), Contractor Team Arrangements, and any parents, affiliates, or subsidiaries of the teaming member(s) as described in FAR 9.6, Contractor Team Arrangements, pre-selected subcontractor(s), parent companies or affiliates of the teaming member(s), or pre-selected contractor(s),~~ concurrently performing, either as a prime contractor or a subcontractor, the Portsmouth D&D contract, the Paducah D&R contract, the DUF6 contract, the OSMS contract, the Portsmouth Infrastructure Support Services contract, the Paducah Infrastructure Support Services contract, or other future PPPO contracts with those work scopes.

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This PPPO TSS Contract restriction also applies to PPPO TSS subcontractor(s) performing work under the C.2 Environmental Safety and Health and Quality (ESH&Q), C.3 General Oversight, C.4 Nuclear Material Management, C.5 Nuclear Safety Basis Oversight and Safety Management Program Support, C.6 Environmental Risk Assessments, C.8 IT and Cyber Security Oversight, C.9 Safeguards and Security Oversight, C.10.4 Records Management, C.11 Project Management & Integration, and C.12 Contract Management Support and Oversight work scopes who are concurrently performing the Portsmouth D&D contract, the Paducah D&R contract, the DUF6 contract, the OSMS contract, the Portsmouth Infrastructure Support Services contract, the Paducah Infrastructure Support Services contract, or other future PPPO contracts with those work scopes.

**L.12 DOE-L-2002 Proposal Preparation Instructions, Volume I – Offer and Other Documents – Alternate II, Alternate III, Alternate IV, Alternate V, and Alternate VI (Nov 2021)**

(k) Organizational Conflicts of Interest (OCI).

The Offeror, including each entity participating in a joint venture, limited liability company (LLC), or teaming agreement thereof as defined in FAR 9.601(1), as well as any Teaming Subcontractor(s), shall provide a fully executed Section K.8, *Organizational Conflicts of Interest Disclosure*, and any necessary statements required by the provision. If the Offeror believes there is an existing or potential OCI, the Offeror shall submit an appropriate draft OCI mitigation plan with its proposal. If the Department identifies an existing or potential OCI in addition to the OCI described below, the Offeror shall submit any information requested by the Department, including a draft OCI mitigation plan. If the Department requires additional explanation or interpretation regarding the proposed mitigation plan for evaluation purposes, this would be handled as clarifications or communications with Offerors, in accordance with subsections (a) and (b) of FAR 15.306, *Exchanges with Offerors After Receipt of Proposals*. Note: This proposal requirement is separate and distinct from the Contract requirement stated at *DOE-H-2035, Organizational Conflict of Interest Management Plan*, which applies throughout the full period of performance.

Pursuant to FAR 9.504, *Contracting officer responsibilities*, DOE has evaluated the PPPO TSS acquisition for potential OCIs and has determined the PPPO TSS PWS will create an actual impaired objectivity OCI between the contractors/subcontractors performing the PPPO TSS PWS and other current and future Portsmouth or Paducah contractors/subcontractors (i.e., PORTS D&D, Paducah D&R, DUF6, OSMS, PORTS ISS, or Paducah ISS). Refer to Section H.52 clause entitled “Organizational Conflict of Interest Between PPPO Site Contracts.” DOE has further determined that the OCIs cannot be avoided, neutralized, or mitigated. This includes the PORTS D&D, Paducah D&R, OSMS, and Portsmouth and Paducah ISS contractors for all PWS activity.

It will be the responsibility of the Offeror, including subcontractors, to adequately demonstrate compliance within the proposal submission to the OCI requirements and certifications. If the Offeror, including subcontractors, have any potential conflicts at the time of proposal submission (e.g., other PPPO contracts or active procurements), the Offeror shall submit an OCI mitigation plan per the

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instructions of this paragraph (k) demonstrating how the Offeror, including subcontractors, will achieve compliance by the initial PPPO TSS Contract NTP.