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; Department of Energy Acquisition Regulation (DEAR), Part 915, Contracting by Negotiation; and the provisions of this solicitation.

(2) DOE has established a Source Evaluation Board 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 against the evaluation factors in this Section M to determine the Offeror’s ability to perform the contract.

(3) The designated source selection authority will select an Offeror for contract award whose proposal represents the best value to the Government. The source selection authority’s decision will be based on a comparative assessment of proposals against all evaluation factors in the solicitation. The source selection authority 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 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 that merely repeat or reformulate the Performance Work Statement (PWS) 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) the proposal will not be considered for further evaluation under this solicitation.

(c) Responsibility. In accordance with FAR Subpart 9.1 entitled, Responsible Prospective Contractors, and DEAR Subpart 909.1 entitled, 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 preaward 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 the Section K provision entitled, 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 contract resulting from the solicitation.

(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) DOE will evaluate the Offeror’s technical approach on the PWS elements specified in Table M-1 below for the Period of Performance Contract (base and option periods). DOE will evaluate the completeness, feasibility, and effectiveness of the Offeror’s technical approach for the specified PWS elements.

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(b) DOE will evaluate the Offeror’s technical understanding of the full PWS for the PWS elements not specified in Table M-1 for the entire Period of Performance contract (base and option periods).

(c) If the Offeror chooses not to apply the out-year cost profile factors for a static scope PWS element, DOE will evaluate the rationale and basis for not utilizing the out-year cost profile factor. If the Offeror chooses not to apply the out-year cost profile factors for a static scope PWS element, DOE will evaluate the completeness, feasibility, and effectiveness of the Offeror’s technical approach for
that static scope PWS element. DOE will evaluate the Offeror’s understanding and approach to the following Contractor Human Resource Management activities:

(1) Management and administration of pension and benefit plans as described in Section H entitled, 
   *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 part of its approach to (2) above, DOE will evaluate the Offeror’s understanding of the Service Contract Labor Standards (formerly entitled Service Contract Act), in particular Section 4(c), currently codified at 41 USC Chapter 67, and how it affects a Union represented workforce.

(d) Commitment to Small Business Utilization. DOE will evaluate the Offeror’s approach to meet the requirement to subcontract at least 50 percent of the Total Subcontracted Work to small businesses, including subcontracting of meaningful work scope (as defined in Section H clause entitled, *Subcontracted Work*).

Exclusive of the requirements of PWS Section C entitled, *DOE Small Business Procurement Pre-Award Support*, DOE will evaluate the Offeror’s approach to supporting the development of small business through outreach, participation in the Mentor Protégé Program, counseling, and market research.

M.3 Evaluation Factor 2 – Key Personnel and Organization

(a) Key Personnel. DOE will evaluate the two (2) proposed key personnel required in Section L.12 (a), and up to five (5) other proposed key personnel as allowed by Section L.12 (a), along with the Offeror’s rationale for the Offeror’s non-required proposed key personnel positions. DOE will evaluate the proposed key personnel authority level. DOE’s evaluation of the Program Manager will be the most important aspect of the evaluation of key personnel.

For each key personnel, there will be one (1) evaluation of qualifications and suitability for each proposal that will be evaluated using both the oral and written information, as detailed below.

Failure of the Offeror to propose the two (2) required key personnel positions or to confirm the availability of all key personnel as being assigned to the contract full-time and physically located on the Hanford Site or within the Tri-Cities and local surrounding areas, will adversely affect the Government’s evaluation of the proposal and may be considered a deficiency.

(b) Resume. The individuals proposed as key personnel will be evaluated on the degree they are qualified and suitable for the proposed position in relation to the work they are proposed to perform and areas of responsibility. The qualifications and suitability of the individual key personnel will be evaluated on their relevant experience in performing work scope similar to the work to be performed in their proposed position, including leadership and other accomplishments. DOE will also evaluate the qualifications and suitability of the key personnel’s education, specialized training, and certifications. DOE may contact references of key personnel and previous employers to verify the accuracy of the information contained in the resume, and further assess the qualifications and suitability of proposed key personnel.

(c) Failure of the Offeror to provide a letter of commitment as prescribed in Section L.12 (c), for each individual proposed as a key person will adversely affect the Government’s evaluation of the proposal and may be considered a deficiency.
(d) Oral Presentation – Key Personnel. The Offeror’s key personnel, both individually and as a team, will be evaluated during analysis of the problem, preparation of a response, and presentation of its response to the problem-solving exercise provided by DOE. The key personnel will be evaluated on their demonstrated leadership, teamwork, communications, and problem-solving capabilities both individually and as a team. The Program Manager will be evaluated individually also on their leadership and effective utilization of the key personnel team during the problem-solving exercise(s).

(e) Oral Interview – Program Manager. The Offeror’s Program Manager will be evaluated for qualifications and suitability, including leadership capability, for the proposed position as demonstrated during the oral interview.

(f) Organization.

(1) Organization chart. DOE will evaluate the Offeror’s proposed organization depicting the functional areas that the Offeror considers essential for the management and performance of work, including contract transition. DOE will evaluate the clarity and effectiveness of the proposed roles, responsibilities, and lines of authority, including lines of authority between the Offeror’s organizational elements or specific individuals (including proposed key personnel), its critical subcontractors, and other performing entities, as applicable.

(2) Rationale for organizational structure. DOE will evaluate the Offeror’s rationale for the proposed organizational structure in relation to the PWS in accordance with the proposed technical approach and understanding. DOE will evaluate the Offeror’s rationale for the proposed performance of work by subcontractors, as opposed to the Offeror’s own employees.


(a) Offeror. The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), 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 to assess the Offeror’s potential success in performing the work required by the contract. Similar scope, size, and complexity are defined as follows:

- Scope – type of work (e.g., work as identified in the PWS);
- Size – dollar value (approximate average annual value) and contract Period of Performance; and
- Complexity – performance challenges (e.g., rigorous safety and quality assurance requirements, providing support in 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 five (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 Team Arrangement, as defined in FAR 9.601(1), on a past performance contract, as each entity is considered to be responsible for the overall performance of the on-going 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.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.

(c) Newly Formed Entity and Predecessor Companies. The evaluation of past performance for the Offeror, and any critical subcontractors that are established 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 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 how 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(1), and any critical subcontractors, in accordance with the work each entity is proposed to perform. The recency and relevancy of the information and general trends in contractor performance will be considered in the evaluation. The higher the degree of relevance of the work, the greater the consideration that may be given. Additionally, more recent relevant past performance information may also be given greater consideration.

(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) Performance Information. The Offeror will be evaluated on challenges and problems encountered during performance of the provided reference contracts, the actions initiated by the Offeror to address these matters, and the effect the actions had on the performance of the contract. In addition, recognized accomplishments the Offeror has received on the reference contracts will be considered. The Offeror will also be evaluated on Occupational Safety and Health Administration (OSHA) safety statistics (e.g., Days Away, Restricted or Transferred [DART] cases and Total Recordable Cases), DOE enforcement actions, worker safety and health, nuclear safety, and classified information security incidents or notifications posted to the DOE Office of Enterprise Assessments website (https://energy.gov/ea/information-center/enforcement-infocenter) and corrective actions taken to resolve those problems. The Government will only evaluate past performance information for work it considers at least somewhat relevant to the acquisition in terms of similar scope, size, and complexity, as defined above in paragraph (a), and within the timeframe specified, as defined above in paragraph (a).

(g) Terminated Contracts. Contracts of the Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), and critical subcontractors that were terminated, including the reasons therefore, within the past five (5) years from the solicitation issuance date will be considered in the evaluation. The Government will only evaluate past performance information on work determined to be at least somewhat relevant to the acquisition in terms of similar scope, size, and complexity, as defined above in paragraph (a).
(h) Sources of Past Performance Information/Close at Hand 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 in the Past Performance Reference Information Form 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, Government databases, such as the Government’s Past Performance Information Retrieval System, and may also consider “close at hand” information. The Government will only evaluate past performance information for work it considers at least somewhat relevant to the acquisition in terms of similar scope, size, and complexity, as defined above in paragraph (a), and within the timeframe specified, as defined above in paragraph (a).

(i) List of DOE Contracts. The Government will consider the information provided per Attachment L-9, List of DOE Contracts, of the DOE prime contracts (including the National Nuclear Security Act) currently being performed and/or for contracts that were completed within the last five (5) years from the original solicitation issuance date. The Government will only evaluate past performance information on work determined to be at least somewhat relevant to the acquisition in terms of similar scope, size, and complexity, as defined above in paragraph (a).

M.5 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 most probable cost for the Cost Reimbursable (CLIN 0001) and Cost-Plus-Award-Fee CLINs (CLINs 0004, 1004, 2004, 0005, 1005, 2005, 0006, 1006, and 2006), and the DOE provided amounts for the Cost Reimbursable and Indefinite Delivery/Indefinite Quantity CLINs (CLINs 0002, 1002, 2002, 0003, 1003, 2003, 0007, 1007, 2007, 0008, 1008, and 2008) shown in Table B-2 entitled, Total Estimated Contract Costs and Fee By Period of Performance. The most probable cost excludes the Usage-Based Service Reimbursement from Other Hanford Contractors (Offset CLINs 0006, 1006, and 2006). The total evaluated price will be used in the best value analysis for purposes of selecting an Offeror for award of a contract.

Specifically, DOE will perform the following:

- **CLIN 0001 (Cost Reimbursable, no fee):** DOE will perform a cost realism evaluation of Offeror’s proposed cost to determine the probable cost.

- **CLINs 0002, 1002, 2002, 0003, 1003, and 2003 (Cost Reimbursable, no fee):** DOE will evaluate Offeror’s cost proposal to ensure that it includes the DOE provided amounts.

- **CLINs 0004, 1004, 2004, 0005, 1005, and 2005 (Cost-Plus-Award-Fee):** DOE will perform a cost realism evaluation of each Offeror’s proposed cost to determine the most probable cost. If the Offeror applies the DOE provided out-year cost profile factors for the identified static scope,
DOE will evaluate each Offeror’s cost proposal to ensure that it includes appropriate application of the DOE provided out-year cost profile factors.

- **CLINs 0006, 1006, and 2006 (Cost-Plus-Award-Fee):** DOE will evaluate each Offeror’s cost proposal to ensure that it includes appropriate allocation of costs according to the allocation percentages provided in the Section L, Attachment L-7, ‘Allocation Spreadsheet’ tab.

- **CLINs 0007, 1007, 2007, 0008, 1008, and 2008 (Indefinite Delivery/Indefinite Quantity):** DOE will evaluate each Offeror’s cost proposal to ensure that it includes the DOE provided amounts.

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

An unreasonable, unrealistic, or incomplete Volume III, Cost and Fee Proposal, and/or inconsistencies between the Volume III, Cost and Fee Proposal, and the Volume II, 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 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 and/or may result in adverse evaluations of the Technical Approach and Key Personnel and Organization factors. In addition, as stated above, 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. As part of the evaluation, DOE will also review information to assist in the determination of responsibility in accordance with FAR Part 9.

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

**M.6 DOE-M-2011 Relative Importance of Evaluation Factors (Oct 2015)**

(a) The evaluation factors for Volume II, Technical and Management Proposal, are listed below:

(1) Technical Approach,

(2) Key Personnel and Organization, and

(3) Past Performance.

Technical Approach is more important than Key Personnel and Organization. Technical Approach and Key Personnel and Organization, both separately and combined, are more important than Past Performance.

The evaluation factors for Volume II, Technical and Management Proposal, when combined, are 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 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.

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

Except when it is determined in accordance with FAR 17.206(b), 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.