

SECTION M - EVALUATION FACTORS FOR AWARD

M.1 COMPLIANCE WITH THE REQUEST FOR PROPOSAL

The Offeror's compliance with the proposal instructions as outlined in OFFER AND OTHER DOCUMENTS (such as format and content) will be reviewed.

M.2 PROPOSAL EVALUATION - GENERAL

- (a) This acquisition will be conducted pursuant to the policies and procedures in FAR Part 15, and DEAR Part 915. DOE has established a Technical Evaluation Committee (TEC) to evaluate the proposals submitted for this acquisition. Proposals will be evaluated by the TEC members in accordance with the procedures contained in FAR Part 15, DEAR Part 915, and the Evaluation Factors hereinafter described. The Source Selection Official (SSO) will select an Offeror for contract award using the best value analysis described in this section.
- (b) The instructions set forth in Section L are designed to provide guidance to the Offeror concerning the documentation that will be evaluated by the TEC. The Offeror must furnish adequate and specific information in its proposal response. cursory proposal responses that merely repeat or reformulate the Performance Work Statement are not acceptable. Further, a proposal will be eliminated from 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) The Government intends to evaluate proposals and award a contract without discussions or exchanges with Offerors (except clarifications as described in FAR 15.306(a)). If a competitive range is established pursuant to FAR 15.306(c), Offerors are hereby advised that only the most highly rated proposals deemed to have a reasonable chance for award of a contract may be included in the competitive range. Offerors that are not included in the competitive range will be promptly notified. Therefore, the Offeror's proposal shall contain the Offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.

- (d) Prior to award, a determination will be made regarding whether any possible Organizational Conflicts of Interest (OCI) exist with respect to the apparent successful Offeror 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 solicitation. An award will be made if there is no OCI or if any potential OCI can be appropriately avoided or mitigated.
- (e) 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.

M.3 EMCBC-M-1003 BASIS FOR AWARD

DOE intends to award one (1) contract to the responsible Offeror whose proposal is responsive to the solicitation and determined to be the best value to the Government. However, the Government reserves the right to make any number of awards, or no award, if considered to be in the Government's best interest to do so. Selection of the best value to the Government will be achieved through a process of evaluating the strengths, weaknesses, and deficiencies for Criteria 1, 2, and 3 and the favorability of the relevant Past Performance information for Criterion 4 of each Offeror's technical proposal against the Evaluation Criteria described in Section M.4.

In determining the best value to the Government, the technical evaluation criteria, when combined, are significantly more important than the total evaluated price as described below. The Government is more concerned with obtaining a proposal with superior technical merit 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 will be the determining factor in selection for award. However, the Government will not make an award at a price premium that it considers disproportionate to the benefits associated with the evaluated superiority of one proposal over another.

The relative importance of the criteria are as follows: Criterion 1, Criterion 2 and Criterion 3 are of equal importance. Criterion 4 is of less importance than Criterion 1, Criterion 2 or Criterion 3. Criterion 1, Criterion 2 and Criterion 3 combined are significantly more important than Criterion 4.

M.4 EMCBC-M-1004 TECHNICAL EVALUATION

Evaluation Criteria 1 through 4 constitute the Evaluation Criteria for the Technical Proposal. Corresponding proposal preparation instructions are in

Section L. The technical proposal will not be point scored, but will be adjectivally rated and evaluated in accordance with the following criteria:

(1) Criterion 1 - Technical Approach to Sample Task

DOE will evaluate the Offeror's approach to meet the requirements stated in the Sample Task found in Section L, Attachment L-1. DOE will evaluate the intended method for accomplishment of the work and how the work will be performed to maintain quality results and enhance the objectives of the LANL NRDA. DOE will evaluate the Offeror's summarized contents of each of the deliverables/reports identified in the Sample Task as well as a listing and summarized contents of other documents/reports that the Offeror proposes in its approach as necessary to meet the requirements identified in the Sample Task.

DOE will evaluate each Offeror's understanding and approach to the following activities for the Sample Task found in Section L, Attachment L-1:

- Technical Approach to execute Sample Task Requirements

DOE will evaluate the Offeror's technical approach to planning and executing a compliant Type B Natural Resources Damages Assessment for groundwater at LANL, as well as the technical approach to identifying and quantifying groundwater natural resource injuries in the assessment area.

DOE will evaluate the Offeror's approach and capability to evaluate existing data, developing and executing plans required to resolve data gaps, establishing baseline conditions, and quantifying service losses (including tribal services losses) and quantification of damages resulting in the development and approval of a Report of Assessment and Restoration Compensation Determination Plan.

DOE will evaluate the Offeror's decision-making strategies that will be used to guide the Los Alamos National Laboratory Trustee Council (LANLTC) during the course of the sample task activities with any innovative suggestions to optimize the work and reduce the overall timeframe required to perform the assessment of groundwater and meet schedule deliverables with the constraint obtaining approval by the multiple governmental entities comprising the LANLTC.

DOE will evaluate the Offeror's approach to interfacing with LANLTC Members individually and in group settings, Los Alamos National Security LLC., and other LANL site contractors in the performance of the sample task.

- DOE will evaluate the Offeror's detailed staffing plan for the sample task.
- Approach to management and analysis of large amounts of environmental data

DOE will evaluate the Offeror's approach for managing and analyzing 11+ million environmental data sets contained in Intellus, as well as evaluation of existing reports on natural resources and environmental cleanup.

- Approach to Quality Assurance Requirements

DOE will evaluate the Offeror's approach to meeting the quality assurance requirements applicable to the sample task, as well as developing an approach to dealing with data quality assurance flags and non-detects contained in Intellus.

- Approach to meeting schedule commitments, sequence of activities and milestones, including integration of the LANL Trustee Council internal approval and public review and comment prior to final release of deliverables for sample task.

DOE will evaluate the Offeror's plan to optimize schedule to meet milestones with the constraint of gaining approval from federal, state, and tribal governments that comprise the LANLTC.

- Technical approach to achieving groundwater assessment requirements under control of tribal governments.

DOE will evaluate the Offeror's approach to accomplish sample task requirements for conducting NRD assessment activities for tribal governments comprising the LANLTC.

(2) Criterion 2 – Key Personnel, Management Approach, Organization and Staffing

DOE will evaluate the offeror's plan to staff the teams for Task Orders including the resources and expertise to assist in resolution of technical issues/problems and the integration of subcontractors and, if a joint venture or a newly formed entity each member, into a cohesive organization. DOE will evaluate the offeror's organizational chart with the types and number of people and rationale for the organizational structure and the portion of work to be performed by each entity (Offeror, subcontractors, and/or members of joint ventures or LLC) under the Offeror's proposed approach to complete the work identified in the PWS for this solicitation:

- DOE will evaluate any innovations in relation to the Offeror's management approach or organizational structure that will enhance the work or optimize the assessment schedule and cost of assessment and any innovative approaches to handling the complex nature of the Assessment in relation to LANLTC and points of view represented by each member.

- DOE will evaluate the Offeror's management approach to performing PWS requirements for resource areas not within trust and control of the current Trustee Council entities.
- DOE will evaluate the Offeror's management approach to performing NRDA for lost tribal human services of injured resources.
- DOE will evaluate the Offeror's management approach to assure protection of sensitive and confidential tribal cultural information.
- DOE will evaluate the Offeror's rationale for the selection of Key Personnel named by the Offeror.
- DOE will evaluate the suitability of the Program Manager and the Lead Environmental Scientist for their respective positions based on demonstrated leadership; demonstrated experience in performing work similar in size, scope and complexity to their 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 Lead Environmental Scientist.

Offerors are advised that DOE may contact references and previous employers to verify the accuracy of resume information.

Failure to submit a Letter of Commitment from both the Program Manager and the Lead Environmental Scientist and to provide resumes in the specified format may result in a lower evaluation rating for this factor or the Offeror's proposal being eliminated from further consideration for award. Failure to propose a Program Manager and a Lead Environmental Scientist will result in the Offeror's proposal being eliminated from further consideration for award.

(3) Criterion 3 – Relevant Experience

DOE will evaluate the corporate experience of the Offeror, including each entity comprising the contractor team arrangement thereof as defined by FAR 9.601, in performing work which is similar in size, scope and complexity to the functions the entity is proposed to perform. Size is defined as dollar value and duration. Scope is defined as the type of work that is the same or similar to that identified in the PWS. Complexity is defined as performance challenges (planning and conducting assessment phase activities in natural resources damage assessments and injury quantifications at large sites and surrounding environments, planning and conducting natural resources damage assessments at sites that involve chemical and radionuclide contamination, managing and disseminating large amounts of field-collected environmental and natural resource data within very tight schedule constraints, and working on behalf of a natural resource trustee

council consisting of federal, state, and tribal governments in their respective capacities as CERCLA natural resource trustees).

(4) Criterion 4 – Relevant Past Performance

DOE will evaluate the past performance of the Offeror, including each entity comprising the contractor teaming arrangement thereof as defined by FAR 9.601, on the basis of information furnished by the customers and other sources on relevant contracts (including current contracts) that are similar in size, scope and complexity to the work that each entity is proposed to perform. The Government will consider in its evaluation the relevance and similarity of each entity's past performance information to the work the entity is proposed to perform.

Past Performance questionnaires will be evaluated only for contracts, projects, and task orders that are not with DOE's Office of Environmental Management (EM) and for which Past Performance information does not exist in PPIRS.

DOE will also consider the Offeror's written discussion of past performance problems and the corrective actions taken to resolve those problems.

DOE may solicit past performance information from all available sources, including references and clients identified by the Offeror, and will consider such information in its evaluation. References other than those identified by the Offeror may be contacted and be considered by the Government in the evaluation of the Offeror's past performance. DOE will check Federal Government electronic databases and readily available Government records including pertinent DOE prime contracts for relevant past performance information. DOE may check readily available Government records including pertinent DOE prime contracts, or from commercial references for relevant past performance information. DOE will review all information submitted, may contact some or all of the contract references provided by the Offeror, and may contact references other than those identified by the Offeror.

The higher the degree of relevance of the work described to the PWS, the greater the consideration that may be given. Additionally, more recent relevant past performance information may also be given greater consideration. Offerors without a record of relevant past performance on contracts that are similar in size, scope and complexity, or for whom past performance is not available, will be evaluated neither favorably nor unfavorably on past performance.

M.5 EMCBC-M-1005 PRICE EVALUATION

The Offeror's proposed price will not be point scored or adjectivally rated. DOE will evaluate each Offeror's total proposed price for the sample task, as well as, evaluating the proposed fully burdened labor rates to assess price reasonableness, price realism and

completeness. The price reasonableness evaluation may include the following:

- Comparison of the Offeror's proposed fully burdened labor rates to other Offeror's proposed fully burdened labor rates.
- Comparison of the Offeror's proposed total price to other Offeror's total proposed price.
- Comparison of the proposed fully burdened labor rates and total price with independent government cost estimates.

The price realism analysis will be utilized to determine if the proposed fully burdened labor rates and total proposed price are realistic and consistent with the Technical Approach to the Sample Task with regard to the nature, scope and duration of the work to be performed. The price realism analysis may include an analysis of the individual cost elements used to develop the fully burdened labor rates and proposed total price to determine if the proposed fully burdened labor rates and the proposed total price is significantly over or understated. Inconsistencies between the Price Proposal and other portions of the proposal could raise concerns regarding the Offeror's understanding of the requirements and ability to perform the work for the proposed fully burdened labor rates and the proposed total price.

An unreasonable, unrealistic or incomplete Price Proposal may be evidence of the contractor's lack of, or poor understanding of, the requirements of the PWS and thus may adversely affect the rating of the Offeror's Technical Approach to the Sample Task Proposal. The Offeror has the responsibility to fully document its cost proposal and provide clear traceability to the PWS.

DOE will review the financial condition of the Offeror to ensure the Offeror has the financial resources to perform the awarded activity or the ability to obtain them.