

PART IV – REPRESENTATIONS AND INSTRUCTIONS

SECTION M

EVALUATION FACTORS FOR AWARD

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M.1 DOE-M-2001 PROPOSAL EVALUATION – GENERAL –, ALTERNATE III (OCT 2015)

(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 and subfactors 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 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 complete evaluation if the proposal is deficient as to be totally unacceptable on its face. A proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address itself to the essential 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 Contracting Officer is required to make an affirmative determination of whether a prospective contractor is responsible. The Contracting Officer 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 Contracting Officer shall 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 Contracting Officer 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 provision at Section K.8, 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. No award will be made to the apparent successful Offeror, if the Contracting Officer determines that a conflict of interest exists that cannot be avoided, neutralized, or mitigated.
- (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. Public Law 102-484 § 824 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.

M.2 EVALUATION FACTOR – TECHNICAL APPROACH

DOE will evaluate the depth, completeness and effectiveness of the Offeror's proposed technical approach to achieve the entire Performance Work Statement (PWS) requirements.

DOE will evaluate the Offeror's approach to contract transition including the process, rationale, and planned activities and milestones necessary for conducting a safe, orderly transition; minimizing impacts on continuity of operations; identifying key issues that may arise during transition and resolutions; the approach to overcoming such issues for a smooth transition; and planned interactions with DOE, the incumbent contractor, incumbent employees, and other site contractors.

(a)

DOE will evaluate the Offeror's capability, understanding, and technical approach in the following areas:

- Contract Transition

- Contact-Handled Transuranic Waste Disposition;
- Surface Water;
- Groundwater; and
- RCRA Remediation

In addition, DOE will evaluate the Offeror's technical assumptions including the facilities and equipment to be used, key interfaces with DOE, stakeholders, or other external organizations used to determine its technical approach and/or support its technical understanding.

DOE will evaluate the Offeror's general technical understanding for the following activities that fall under Program Management and General Requirements (PWS C.3) to ascertain the Offeror's comprehension of and the scope of work to be performed and how such work will be integrated into the overall effort:

- C.3.1, Program and Project Management (including C.3.1.1 through .3.1.6);
- C.3.2, Interface Management (including C.3.2.1 through C.3.2.13; with a focus on:
 - C.3.2.3, National Nuclear Security Administration Management and Operating Contractor Interfaces);
- C.3.3.1, Integrated Safety Management System;
- C.3.3.2, Environment, Safety, Health, and Quality Program;
- C.3.3.3, Environmental, Safety, and Health Reporting;
- C.3.4.1, Environmental Management System;
- C.3.4.4, Human Health and Ecological Risk Assessment Activities and ECORISK Database Maintenance;
- C.3.5, Quality Assurance Program (including C.3.5.1 through C.3.5.6; with a specific focus on:
 - C.3.5.1, Quality Assurance;
 - C.3.5.4, Document Control and Records Management;
 - C.3.5.5, Electronic Records Management System;
 - C.3.5.6, Issues Management and Tracking);
- C.3.6, Distributed Technical Management Support (including C.3.6.1 through C.3.6.8);
- C.3.7, Other Program Requirements (including C.3.7.1 through C.3.7.8; with a specific focus on:
 - C.3.7.1, Information Technology and Cyber Security, and
 - C.3.7.6, Analytical Laboratories); and
- C.3.8, Infrastructure (including C.3.8.1 through C.3.8.5).

DOE will evaluate the Offeror's technical approach for compliantly characterizing, processing, storing, transporting, and disposition of each waste type (e.g., M/LLW, LLW, CH-TRU, hazardous and universal wastes).

DOE will evaluate the Offeror's technical approach for the CH-TRU (C.4) and its associated M/LLW waste programs with an accompanying waste process flow diagram(s) identifying each step from retrieval/exhumation through processing and disposal for the waste inventory identified in Section J, Attachment J-17, Waste Stream Quantities and Details. For the CH-TRU, DOE will evaluate the flow diagram for the

specific steps for how waste will be retrieved (both intact and breached boxes/drums), characterized, repackaged, processed, sorted, and/or reduced (due to void space) to fully understand the Offeror's approach to meeting the WAC for disposition of each waste type. DOE will evaluate the Offeror's identified opportunities to optimize (e.g., re-characterize to a different waste class) waste disposition by waste type to determine the depth of the Offeror's technical understanding.

DOE will evaluate the Offeror's Integrated Schedule that provides specific schedule elements for consistency with its proposed technical approach. In addition, DOE will evaluate the key milestones, deliverables, logic ties, predecessor and successor relationships between activities, activity durations, float, and the critical activities to complete the PWS.

DOE will evaluate the Offeror's campaign approaches in terms of integrated schedules and coordination of work scope and in compliance with Appendices B and C of the DRAFT LANL 2016 Consent Order, dated March 30, 2016.

DOE will evaluate the Offeror's three most significant technical risks to successful performance of the PWS; the rationale for the identified risks and their potential impacts; and the Offeror's approach to eliminating, avoiding, or mitigating the three most significant risks.

DOE will evaluate the Offeror's process for identifying distinct and meaningful work scope that can be performance-based and performed by subcontractors competitively selected post-award and to meet the subcontracting requirements in Section H in a timely and effective manner with an emphasis on fixed price subcontracting. DOE will evaluate the Offeror's subcontracting approach including its decision process regarding use of subcontractors and approach for managing subcontractors.

DOE will evaluate the Offeror's proposed plan for applying project management and strategic planning systems and/or processes to define, plan, integrate, and administer the activities required under the contract. In addition, DOE will evaluate how these processes can be effectively used to assess performance and address performance issues including those associated with technical, cost, and schedule. DOE will evaluate the application of the Offeror's systems in the following areas: PWS elements; Critical path schedule and resource-loaded schedule; performance management baseline; baseline change control and integration with contract change control; configuration management; earned value management; variance analysis; use and control of management reserve; resource leveling; and indirect cost management.

M.3 EVALUATION FACTOR – KEY PERSONNEL AND ORGANIZATION

- (a) Key Personnel. The Offeror will be evaluated on the degree to which the key personnel positions it proposes are those which are the most essential to the successful performance of the overall contract work in relation to the method the

Offeror proposes to perform the work. The key personnel evaluated will include the following functional positions: Program Manager, Environmental Remediation Program Manager, CH-TRU Program Manager and ES&H Program Manager.

- (1) DOE will evaluate up to five other key personnel that are critical to the overall performance of the Contract. DOE will evaluate the Offeror's rationale for the designation of additional Key Personnel positions relative to how the proposed positions are essential to the successful performance of the contract and the Offeror's approach to Management and execution of the work.
- (2) DOE will evaluate the proposed Key Personnel authority level and access to corporate resources. DOE will evaluate the Offeror's approach for retention of Key Personnel.
- (3) DOE will verify that the Offeror has confirmed the availability of the key personnel as being assigned to the contract full-time and physically located on-site.

Failure of the Offeror to propose the four designated key personnel positions will adversely affect the Government's evaluation of the proposal and may make the proposal ineligible for award.

- (b) Resume. 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:
 - (1) Education. The key personnel will be evaluated on their education, training, certifications, experience, and/or licenses. Experience, in lieu of education, may be considered.
 - (2) Experience. The key personnel will be evaluated on their recent relevant experience in performing work similar in scope, size, and complexity (i.e., scope – type of work; size – dollar value and contract duration; and complexity – performance challenges and risk).
 - (3) Demonstrated performance. The key personnel will be evaluated on their recent relevant past performance, including leadership and other accomplishments, as demonstrated through the resume information and reference checks.
 - (4) DOE may contact 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. DOE may also consider information received from other sources in its evaluation of key personnel.
- (c) Failure of the Offeror to provide a letter of commitment for each key personnel may adversely affect the Government's evaluation of the proposal.

- (d) Oral presentation – key personnel. The Offeror’s key personnel, both individually and as a team, will be evaluated on their qualifications and suitability for the proposed positions as demonstrated during their preparation for and presentation of the response to the problem-solving exercise(s) provided by DOE. The key personnel will be evaluated on their demonstrated leadership, teamwork, communications, problem-solving capabilities, and the quality of the solution to the problem(s). The evaluation of the Offeror’s Program Manager will also consider leadership and effective utilization of the key personnel team.

Oral interview –Program Manager. The Offeror’s Program Manager will be evaluated for suitability for the proposed position as demonstrated during the oral interview. The evaluation of the Program Manager will consider: understanding of the work scope/mission, including challenges and problems associated with his/her position; ability to offer effective solutions to problems; ability to effectively communicate; and leadership.

- (e) Organization.

- (1) Organization chart. DOE will evaluate the Offeror’s organization chart graphically depicting the major functional areas of the proposed organization that is essential for the management and performance of work. DOE will evaluate if the Offeror’s organization aligns with and correlates to the paragraphs below.
- (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 successful accomplishment of the work in accordance with the proposed technical approach. DOE will evaluate how the organizational structure correlates to the Performance Work Statement, any applicable work breakdown structure, and the Offeror’s approach to execute the work. If critical subcontractors or other performing entities are proposed, DOE will evaluate how their performance will be integrated with the Offeror’s organization.
- (3) Roles, responsibilities and lines of authority. DOE will evaluate the clarity and effectiveness of roles, responsibilities, and lines of authority within the Offeror’s organization and between the Offeror’s organization and critical subcontractors, and other performing entities. DOE will evaluate the processes for key decision-making and for resolving problems within the Offeror’s organization and between the Offeror’s organization and subcontractors and other performing entities.
- (4) Communication and interface. DOE will evaluate the clarity and effectiveness of the Offeror’s approach to communication and interface with internal organizations, critical subcontractors, other performing entities, and 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 (LLC), joint venture or other similar entity, DOE will evaluate how the Offeror will operate its multi-member and/or shared ownership to include how that workforce will be managed.

- (6) Subcontractors and other performing entities. DOE will evaluate the effective use of critical subcontractors or other performing entities in consideration of the trade-off between subcontracting and self-performance, and the approach for integrating and controlling each performing entity within the overall work to be performed.
- (7) Corporate governance. DOE will evaluate the clarity and effectiveness of the Offeror's corporate governance approach to provide oversight of performance, to ensure successful performance of the contract, and to provide monitoring of performance and resolution of issues.
- (8) Corporate resources. DOE will evaluate the effective and beneficial use of corporate resources.
- (f) Workforce recruitment and retention. The Offeror will be evaluated on its approach to ensuring an adequate workforce is available with the appropriate skills and qualifications necessary to safely and effectively accomplish the work over the term of the contract. The evaluation will include:
 - (1) The Offeror's approaches to recruit, train, and maintain its workforce, including start-up, interim fluctuations in workload, ramp-up and ramp-down; and
 - (2) The source of personnel – Offeror's existing employees, critical subcontractors' existing employees, new hires, other sources, etc. and how such sources ensure the adequacy of the workforce.
- (g) The Offeror will be evaluated on the effective use of full-time equivalent employees by organizational element and how such is necessary to perform the services in the PWS. Also, DOE will evaluate the consistency of this data between Volume II and Volume III.

M.4 DOE-M-2007 EVALUATION FACTOR – EXPERIENCE (OCT 2015)

- (a) Offeror. The Offeror will be evaluated on its recent and relevant experience performing work similar in scope, size, and complexity to that described in the Performance Work Statement to assess the Offeror's potential success in performing the work required by the contract. Recent experience is defined as currently being performed or have been performed or completed within the last five years from the date proposals are due. Similar scope, size, and complexity are defined as follows: scope – type of work (e.g., work as identified in the PWS); size – dollar value and contract duration; and complexity – performance challenges and risk (e.g., managing hazard categorization level 2 and 3 nuclear facilities; managing a multi-disciplined work force; management of complex change control processes; various waste types (e.g., M/LLW, LLW, CH-TRU, hazardous and universal wastes) and retrievals, processing, and disposition; complex regulatory interfaces; complex intergovernmental and stakeholder interfaces; and DOE nuclear safety requirements).

- (b) Subcontractors. In addition to evaluation of the Offeror's recent, relevant experience, the Offeror's critical subcontractors will be evaluated on the degree of their relevant experience, in performing work similar in scope, size, and complexity to that proposed to be performed by that individual entity.
- (c) Newly formed entity. If the Offeror, or critical subcontractors are a newly formed entity with no relevant experience, the evaluation of relevant experience will be based on the experience of any parent organization(s) or member organizations in a joint venture, LLC, or other similar entity consistent with the methodology described in paragraphs (a) and (b) above. Relevant experience of predecessor companies resulting from mergers and acquisitions may also be considered.
- (d) Verification of experience. The evaluation of experience may consider any information obtained by DOE from any sources including, but not limited to, third-party sources, customer references, clients, and business partners.

M.5 DOE-M-2008 EVALUATION FACTOR – PAST PERFORMANCE (OCT 2015)

- (a) Offeror. The Offeror will be evaluated on the recency, relevancy, and quality of its past performance, in performing work similar in scope, size, and complexity to that described in the Performance Work Statement to assess the Offeror's potential success in performing the work required by the contract. Recent past performance is defined as currently being performed or have been performed or completed within the last five years from the date proposals are due. Similar scope, size, and complexity are defined as follows: scope – type of work (e.g., work as identified in the PWS); size – dollar value and contract duration; and complexity – performance challenges and risk (e.g., managing hazard categorization level 2 and 3 nuclear facilities; managing a multi-disciplined work force; management of complex change control processes; various waste types (e.g., M/LLW, LLW, CH-TRU, hazardous and universal wastes) and retrievals, processing, and disposition; complex regulatory interfaces; complex intergovernmental and stakeholder interfaces; and DOE nuclear safety requirements).
- (b) Subcontractors . In addition to evaluation of the Offeror's recent, relevant past performance, the Offeror's critical subcontractors will be evaluated on the quality of their recent respective past performance in performing work similar in scope, size, and complexity to that proposed to be performed by that critical subcontractor.
- (c) Newly formed entity. If the Offeror or critical subcontractors, are a newly formed entity with no record of relevant past performance, the evaluation of past performance may be based on the past performance of any parent organization(s) or member organizations in a joint venture, LLC, or other similar entity consistent with the evaluation described in paragraphs (a) and (b) above. Past performance of predecessor companies resulting from mergers and acquisitions may also be considered.
- (d) No record of past performance. If the Offeror, critical subcontractors, or other

performing entities do not have a record of relevant past performance or if information is not available, the Offeror will be evaluated neither favorably nor unfavorably.

- (e) Degree of relevance: The Offeror will be evaluated on the record of past performance provided for the Offeror, to include all members of a teaming arrangement and critical subcontractors, related to work performed that is similar to the work that is proposed to be performed by that individual entity. 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.
- (f) Performance Information. Additionally, the Offeror will be evaluated on problems encountered in performance of the provided contracts of past performance information and the corrective actions taken by the Offeror to resolve those problems. In addition, the Offeror may be evaluated on any recognized accomplishments the Offeror has received on the identified contracts.
- (g) Terminated contracts. The Offeror will be evaluated on any contracts of the Offeror, critical subcontractors, or other performing entities that were terminated, including the reasons therefore, over the preceding five years from the due date for proposals.
- (f) Sources of past performance information. The Government will evaluate 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 Contractor Performance Assessment Reporting System.

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 and Management Proposal. Based on its review, DOE will determine a most probable cost to the Government as prescribed by FAR 15.404-1(d). 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.

The total evaluated price will be calculated by combining the most probable cost for the Cost-Reimbursement and Cost-Plus-Award-Fee CLINs shown in Table B.2-2, the total available award fee proposed in Table B.2-2, and the IDIQ maximum value of \$112,000,000. The Government will not award a contract at an unreasonably high total evaluated price.

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 in the Volume III proposal, and other problem areas in the Volume III proposal.

An unreasonable, unrealistic, or incomplete Cost and Fee Proposal may be evidence of the Offeror's lack of, or poor understanding of, the requirements of the PWS and thus may adversely affect the rating of the Offeror's Technical and Management Proposal. There should be no inconsistencies between the Cost and Fee Proposal and Technical and Management Proposal. Should the Government determine that inconsistencies exist; such inconsistency 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.

DOE will compare the evaluated price to both the total anticipated contract funding and the anticipated funding by contract period. Because the funding is subject to change based on actual appropriation and actual award date of the contract, DOE may make an award to an Offeror whose evaluated price differs from the anticipated funding profile provided in Section L. However, an Offeror whose evaluated price is above the funding profile either on an annual or total basis may be determined ineligible for award.

M.7 DOE-M-2011 RELATIVE IMPORTANCE OF EVALUATION FACTORS (OCT 2015)

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

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

Within this descending order of importance, Technical Approach is significantly more important than Key Personnel and Organization which is more important than Past Performance. Experience is less important than Past Performance.

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.

- (b) The evaluation factors for the Technical and Management Proposal, when combined, are significantly more important than the evaluated price.

M.8 FAR 52.217-5, EVALUATION OF OPTIONS (JUL 1990)

Except when it is determined in accordance with FAR Subpart 17.206, *Evaluation* not to be in the Government's best interests, the Government will evaluate Offerors 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).

M.9 DOE-M-2012 BASIS FOR AWARD (OCT 2015)

The Government intends to select an Offeror for award of a contract that represents the best value to the Government. In determining the best value to the Government, the evaluation factors for the Technical and Management Proposal, when combined, are significantly more important than the evaluated price. The Government is more concerned with obtaining a superior technical and management proposal than making 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. The Government will assess what the strengths and weaknesses between or among competing technical and management proposals indicate 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. The closer or more similar in merit that Offerors' technical and management proposals are evaluated to be, the more likely the evaluated price may be the determining factor in selection for award.