

Q1: Given the actions by DOE to separate and create a new EM Field Office at Los Alamos, will DOE clarify and disclose if there are or will be any actual or perceived organization conflicts of interest by a contractor selected under this EM procurement action and current or future procurements providing prime or subcontractor services at the Los Alamos to NNSA, including NNSA scope to characterize and process newly generated waste subsequently transferred to the EM-LA contractor?

A1: Potential conflicts of interest are Offeror specific (e.g., depending on contracts held and financial and other relations with other entities). As the DOE is not in a position to know the specific situations for all potential Offerors, each Offeror is required to comply with the RFP requirements at provision L.11(m), which states:

“Organizational conflicts of interest. The Offeror, including each entity participating in a joint venture, LLC, or teaming agreement thereof as defined in FAR 9.601(1), as well as any critical 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 mitigation plan. If the Department identifies an existing or potential OCI, the Offeror shall submit any information requested by the Department, including a draft mitigation plan.”

DOE does not immediately perceive that an organizational conflict of interest exists if the same contractor characterizes and processes both NNSA and EM wastes. More specific details would be required. Currently, the same company (LANS) is doing so under the NNSA M&O Contract and the EM “Bridge” Contract. It is possible for a single company under different contracts to perform similar scopes of work with two DOE organizations at the same site. However, each procurement team will address any specific OCI issues on a case by case basis. Further, the DOE is not in a position to speculate on possible conflicts of interest related to future procurements. See also RFP clause H.31, DOE-H-2035, Organizational Conflict of Interest Management Plan. Also, NNSA would be responsible for such determinations under its own procurements.

Q2: If DOE does not believe there is an organizational conflict of interest, are there any policy or programmatic concerns that might otherwise preclude offerors from bidding or performing on both EM and NNSA contracts at the site, particularly as it relates to the certification and oversight of waste transferred from NNSA to EM contractors?

A2: See the response at A1. NNSA does not certify or have oversight of wastes transferred to EM. The WIPP Central Characterization Program executed by the Nuclear Waste Partnership under a contract with the Carlsbad Field Office has the formal oversight and certification responsibilities for both EM and NNSA wastes at LANL. An Offeror should consider any relationships that it may have with such in its conflict of interest assessment as required by the RFP.