

**PART IV — REPRESENTATIONS AND INSTRUCTIONS**

**SECTION M**

**EVALUATION FACTORS FOR AWARD**

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**M.1 DOE-M-2001 PROPOSAL EVALUATION – GENERAL (OCT 2015) -  
ALTERNATE II (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 price 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.4, 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.

## **M.2 DOE-M-2003 EVALUATION FACTOR – KEY PERSONNEL (OCT 2015)**

- (a) Key personnel. Failure of the Offeror to propose the required key personnel position will adversely affect the Government's evaluation of the proposal and may make the proposal ineligible for award.
- (b) Qualifications and suitability. The individual proposed as the Program Manager will be evaluated on the degree to which he/she is qualified and suitable for the proposed position in relation to the work for which he/she is proposed to perform and areas of responsibility.

The qualifications and suitability of the proposed Program Manager will be evaluated on the following:

- (1) Education. The proposed Program Manager will be evaluated on his/her education, training, certifications, and licenses, including any experience in lieu of education that supports the suitability for the position.

- (2) Experience. The Program Manager will be evaluated on his/her relevant experience, in performing work similar in size, scope, and complexity to that required under the contract.
- (3) Demonstrated performance. The Program Manager will be evaluated on his/her record of past success and accomplishments, including leadership, in performing work similar in size, scope, and complexity to that required under the contract.
- (c) DOE may contact references of the Program Manager and previous employers to verify the accuracy of the information provided in the resume and to further assess his/her suitability. DOE may also consider information received from other sources in its evaluation of the Program Manager.
- (d) Failure of the offeror to provide a letter of commitment for the proposed Program Manager or to propose him/her full-time may adversely affect the Government's evaluation of the proposal.

### **M.3 DOE-M-2007 EVALUATION FACTOR – RELEVANT EXPERIENCE (OCT 2015)**

- (a) Offeror. The offeror will be evaluated on its relevant experience performing work similar in scope, size, and complexity to that described in the Performance Work Statement. Similar scope, size, and complexity are defined as follows: scope – type of work (e.g., work as identified in the PWS, including records management; training; information technology and telecommunication infrastructure; safeguards and security; public affairs/community relations; property management (real and personal); documentation support, graphics, reproduction and project integration; change control administration and performance; ground water interim action; quality assurance; environment, safety, and health support; regulatory compliance; vicinity property inclusion surveys; independent verification and revegetation); size – dollar value and contract duration; and complexity – performance challenges (The TAC must balance the oversight role in the context of maintaining open communication with the RAC; balancing trust and open communication while still monitoring and reporting on all aspects of contract and regulatory compliance) and risk. DOE will also evaluate the outcomes of specific work experiences, e.g., level to which contract requirements and objectives were met.
- (b) Subcontractors and other entities. In addition to evaluation of the Offeror's relevant experience, the Offeror's proposed major subcontractors (as defined in L.7 (b)) and any other entities (as defined in L.7 (b)) that are proposed to perform work under the contract 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. DOE will also evaluate the outcomes of specific work experiences, e.g., level to which contract requirements and objectives were met.

- (c) Newly formed entity. If the offeror, major subcontractors, or other performing entities are newly formed entities 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 verification 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.4 DOE-M-2004 EVALUATION FACTOR – STAFFING APPROACH, ORGANIZATION, AND TRANSITION (OCT 2015)**

The Offeror will be evaluated on the degree to which its proposed staffing approach, organization, and transition will effectively contribute to the successful management and execution of the work as follows:

- (a) Alignment of the organization chart, including the number of organizational levels (e.g., working and reporting lines, divisional relationships, management layers, chain of command) to the work to be performed.

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

- (b) Clarity and effectiveness of roles, responsibilities, and lines of authority within the Offeror's organization and between the Offeror's organization and major subcontractor's and other performing entities.
- (c) Clarity and effectiveness of the Offeror's approach to communication and interface with internal organizations, major subcontractors and other performing entities, and outside entities including DOE, other DOE contractors and subcontractors, regulatory agencies, state and local government, the public, and other entities.
- (d) Effectiveness of corporate approach to safety including, as applicable, utilization of corporate resources from parent and affiliate organizations and the benefit of such to the performance of the contract .
- (e) Effective use of major subcontractors and other entities including the rationale for their proposed performance of the work as opposed to performance by the Offeror's own employees, and how the work performed by major subcontractors and other entities will be integrated and controlled within the overall work to be performed.
- (f) Ability for the Offeror to ensure 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 consider the Offeror's approaches to recruit, train, and maintain its workforce, including start-up, interim fluctuations in workload, and ramp-down, and the source of personnel, e.g., current incumbent contractor employees performing under DE-EM0002067, Offeror's existing employees, major subcontractors' existing employees, new hires, other sources, etc.

(g) The degree to which the Offeror's proposed approach for transitioning the work from the incumbent contractor will ensure a smooth and orderly transition that meets the requirements contained in Section C.3.1, Transition. The evaluation will consider the important activities and their associated schedule, key challenges and issues that have the potential to pose significant risks to the orderly and timely transition of the work, and the Offeror's approach to eliminate or mitigate these risks.

(h) Extent that corporate organizations to which the Offeror has reporting relationships will provide effective oversight of the Offeror's performance of the contract work to help ensure successful performance of the contract. The evaluation will consider how performance will be monitored and issues resolved, including when multi-member, shared ownership entities are involved.

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

- (a) Offeror. The offeror will be evaluated on the currency, 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. Similar scope, size, and complexity are defined as follows: scope – type of work (e.g., work as identified in the PWS, including, including records management; training; information technology and telecommunication infrastructure; safeguards and security; public affairs/community relations; property management (real and personal); documentation support, graphics, reproduction and project integration; change control administration and performance; ground water interim action; quality assurance; environment, safety, and health support; regulatory compliance; vicinity property inclusion surveys; independent verification and revegetation); size – dollar value and contract duration; and complexity – performance challenges (The TAC must balance the oversight role in the context of maintaining open communication with the RAC; balancing trust and open communication while still monitoring and reporting on all aspects of contract and regulatory compliance) and risk..
- (b) Subcontractors and other entities. In addition to evaluation of the offeror's relevant past performance, the offeror's proposed major subcontractors (A "major subcontractor" is a subcontractor, at any tier, with an estimated value more than \$5 million over the life of the contract) and any other entities (as defined in L.7(b) that are proposed to perform work under the contract. 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 individual entity.

- (c) (Newly formed entity. If the Offeror, subcontractors, or other performing entities 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, major 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 major subcontractors and other entities, 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 that proposed to be performed by the entity, 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. The Offeror's provided Experience Modification Rate (EMR), Days Away, Restricted, or Transferred (DART), and Occupational Safety and Health Administration (OSHA) Recordable Rate will also be considered for evaluation.
- (g) Terminated contracts. The Offeror will be evaluated on any contracts of the Offeror, major subcontractors, or other performing entities that were terminated, including the reasons therefore, over the preceding five years from the due date for proposals.
- (h) 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 Past Performance Information Retrieval System (PPIRS).

## **M.6 EVALUATION FACTOR – PRICE**

The Offeror's price proposal will not be point scored or adjectivally rated, but will be evaluated for price reasonableness and mathematical accuracy. The Government also may use any or all of the price analysis techniques and procedures described in FAR 15.404-1(b) to determine price reasonableness. The evaluated price will be used in the best value analysis for purposes of selecting an Offeror for award of a contract.

The evaluated price for each Offeror will be based on the calculated arithmetic sum of the total labor cost proposed, DOE provided amounts for Materials, Travel, and Other Direct Costs, and the proposed indirect cost rate applied to Materials, Travel and Other Direct Costs in each Offeror's L-6 Price Proposal Worksheet. For labor categories, the proposed labor rate for each labor category will be multiplied by the estimated quantity of DPLH to determine the total proposed price for each labor category. In the event of a conflict between the proposed labor category price and the extended price specified by the Offeror, the labor rate will be used to determine the total proposed price for that labor category.

DOE will also evaluate the Offeror's demonstration of compliance with the Limitations on Subcontracting, as well as the Offeror's documentation provided to ensure an adequate accounting system and adequate financial capability to complete the contract. Any proposal that does not meet the requirement in FAR 52.219-14 that at least 50% of the cost of contract performance incurred for personnel be expended for employees of the Offeror may be considered unacceptable and may not be considered for award.

Proposal information contained in Volume III-Price Proposal may be considered as part of the evaluation of Volume II-Technical Proposal in order for the DOE to verify that the estimated values for the proposed major subcontractors are more than \$5 Million as it relates to Evaluation Factor 2, Relevant Experience, and Evaluation Factor 4, Past Performance.

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

(a) The evaluation factors for the Technical and Management Proposal are as follows.

- Factor 1: Key Personnel
- Factor 2: Relevant Experience
- Factor 3: Staffing Approach, Organization, and Transition
- Factor 4: Past Performance

Factor 1, Key Personnel, Factor 2, Relevant Experience, and Factor 3, Staffing Approach, Organization, and Transition are considered equal in importance, and are each more important than Factor 4, Past Performance.

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 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 and the relevant Past Performance information 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.