



Department of Energy

**Environmental Management
Consolidated Business Center
250 East 5th Street, Suite 500
Cincinnati, Ohio 45202
(513) 246-0500**

March 22, 2018

EMCBC-00290-18

To: Prospective Offerors

REQUEST FOR PROPOSAL 89303318REM000002 FOR THE OUTFALL 200 MERCURY TREATMENT FACILITY (OF200 MTF) PROCUREMENT

This letter hereby serves as the official notice to prospective offerors that the Department of Energy (DOE) is releasing Request for Proposal (RFP) 89303318REM000002 for the OF200 MTF procurement through its Environmental Management Consolidated Business Center (EMCBC). The RFP can be found on the OF200 MTF procurement website at:

<https://www.emcbc.doe.gov/SEB/OF200MTF/index.php>.

Any questions pertaining to the RFP shall be submitted in writing to OF200MTF@emcbc.doe.gov no later than April 12, 2018, which is 25 calendar days prior to the proposal due date. Prospective offerors shall use the enclosed "Industry Comment Template" when submitting any questions in accordance with RFP Provision L.13(h), *Questions*. DOE will post any amendments issued to the RFP, responses to questions, and other official communication from the Contracting Officer on the OF200 MTF procurement website. Prospective offerors are encouraged to conduct a thorough review of the RFP and submit any questions pertaining to the RFP as early as possible, but no later than the date shown above to allow for a thorough and timely DOE response to all questions submitted.

The established due date for receipt of proposal submission is 46 calendar days from the issuance of the RFP as specified in Provision L.13(c)(2).

Background

On November 30, 2017, DOE released the Draft RFP. The Draft RFP was released to facilitate the understanding of the Government's requirements with interested parties, and to provide interested parties with the opportunity to submit comments and provide feedback pertaining to the Draft RFP. On January 3rd and 4th, 2018, DOE held a pre-solicitation conference, site tour, and one-on-one meetings with interested parties. Additionally, DOE requested written comments from interested parties regarding the Draft RFP by January 9, 2018. DOE carefully considered all comments received on the Draft RFP and made changes to the RFP that it believed were necessary. The RFP is the result of these changes and considerations, and other changes made since the Draft RFP issuance on November 30, 2017.

Notices

This cover letter provides a summary level description of the notable changes that have been made from the Draft RFP to the RFP. Additionally, a redlined copy of significant sections of the RFP is enclosed with this cover letter for informational purposes only. The RFP specifies all of the requirements for the OF200 MTF procurement, and takes precedence over this cover letter and the redlined copy of the RFP sections. Any information contained in this cover letter or the redlined copy of the RFP sections shall not be construed as being part of the RFP. Prospective offerors shall prepare their proposals based solely on the requirements specified in the RFP and in any accompanying amendments, if issued.

In order to further the Government's policy of maximizing electronic commerce, electronic media will be the primary method of communication regarding this procurement. The RFP, any amendments issued, responses to questions received from prospective offerors, and other official communications from the DOE will be posted on the OF200 MTF procurement website. Prospective offerors shall be responsible for reviewing the procurement website regularly for information, notices, and updates regarding the RFP.

Notable Changes from the Draft RFP to the RFP

Below is a brief description of notable material changes from the Draft RFP to the RFP.

Section B:

- Clause B.1, DOE-B-2006 *Firm-Fixed-Price Contract*, in addition to corresponding areas in Section C and Attachment L-5 *Price Proposal Worksheet*, updated the title for SubCLIN 0006C by removing the word "remediation" so that it reads "Treatment Plant Backfill and Rough Site Grading" for clarity.
- Clause B.3, *Execution of CLINs*, incorporated new wording to clarify that a single Notice to Proceed (NTP) may authorize one or multiple CLINs, based upon availability of funds.

Section C:

- Various minor updates were made throughout the Statement of Work (SOW) to clarify and refine the scope requirements as a result of industry feedback and further internal DOE discussions.
- Added wording to clarify that operational responsibility for the site footprint has been transferred from the National Nuclear Security Administration (NNSA) to the Oak Ridge Office of Environmental Management (OREM).
- Added wording to clarify that the Contractor is responsible for management of the facilities from mobilization through demobilization.
- Added wording to clarify that the OF200 MTF construction area is free from mercury and other hazardous constituents that reach threshold requiring controls.
- Added wording to clarify that the Contractor is required to verify site characteristics are consistent with previous characterization data.

- Added wording to clarify that the Contractor is responsible for their own internet access.
- Revised language to clarify the requirements of the Baseline Schedule, and that the Critical Path Schedule is not a separate deliverable, but is rather incorporated within the Baseline Schedule.
- Incorporated language to identify some items to be coordinated with the Construction Support Services contractor.
- Removed the entire “General Assumptions” section from the SOW, relocating it to be a newly established Section L attachment, titled Attachment L-10 *Assumptions*.
- Within C.3.1.2 *Construction, Testing, and Demobilization Project Management*, incorporated additional language and pulled over language from another section of the SOW to clarify the scope to be performed under C.3.1.2.
- Added additional clarity to C.3.20 *System Acceptance Testing (CLIN 0020)* and introduced a cross-reference to newly incorporated Section J Attachment J-12 *Outfall 200 Mercury Treatment Facility Startup Test Plan*.
- C.4.1 *Services and Information* has been updated to clarify the level of construction power and construction water, and to state that Y-12 emergency and security services are provided.

Section G:

- Revised references to Standard Form 33 (SF 33) and Standard Form 26 (SF 26) in clause G.4, DOE-G-2004 Contract Administration to instead read Standard Form 1442 (SF 1442).
- Clause G.6 DOE-G-2006 *Submission of Request for Progress Payments* has been revised to adjust the cross-reference for the clause that authorizes progress payments to FAR 52.232-5 *Payments Under Fixed-Price Construction Contracts* in lieu of FAR 52.232-16 *Progress Payments*, as FAR 52.232-16 is not applicable and has been removed from the contract.

Section H:

- Removed DOE-H-2006 *Defense Nuclear Facilities Safety Board* as it is not applicable to this procurement, and clause H.1 becomes “Reserved”.
- Revised H.7 DOE-H-2022 *Contractor Business Systems* to remove cross-references in paragraph (b) to “Earned value management system” and “Property management system” since those clauses are not included in this procurement.
- Revised H.24 DOE-H-2070 *Key Personnel* to show that it is Alternate I, and also to remove the “Site Safety Officer” and “Quality Manager” as key personnel positions.
- Revised clause H.27 *U.S. Department of Energy Office of Environmental Management Quality Assurance Program (QAP)* to add the requirement of developing a Quality Assurance Implementation Plan (QIP) for DOE review and approval in addition to the Quality Assurance Program (QAP).
- Revised clause H.31 *Subcontracted Work* to provide clarity and remove aspects not applicable to firm-fixed-price contracts.
- Incorporated a new clause H.34 *Project Management Systems and Reporting Requirements* that requires contractor development of a project management system,

provides for potential updates to the Contract Baseline Schedule, and requires a detailed Monthly Progress Performance Report as a submittal.

- Incorporated a new clause H.35 *Invoicing Estimates* that requests monthly invoice accrual balances and an annual invoicing plan as submittals for DOE budgeting purposes.
- Incorporated a new clause H.36 *Labor Standards* that emphasizes the importance of compliance with applicable labor laws.
- Incorporated a new clause H.37 *Management Responsibility Requirement* that requires, if the contractor is a joint venture, limited liability company, or other similar entity where more than one organization is involved, for one entity to have a management responsibility of 51% or greater.

Section I:

- Removed the following three (3) clauses as they are no longer valid FAR clauses and are instead “Reserved”: (1) I.56 FAR 52.222-59 *Compliance with Labor Laws (Executive Order 13673)*; (2) I.57 FAR 52.222-60 *Paycheck Transparency (Executive Order 13673)*; and (3) I.58 FAR 52.222-61 *Arbitration of Contractor Employee Claims (Executive Order 13673)*.
- Removed the following two (2) clauses and marked them as “Reserved” as they are not applicable to this procurement: (1) I.133 FAR 52.228-1 *Bid Guarantee*; and (2) I.135 FAR 52.232-16 *Progress Payments*.
- Inserted or updated the dates for the following two (2) clauses: (1) I.100 FAR 52.236-14 *Availability and Use of Utility Services*; and (2) I.107 FAR 52.244-6 *Subcontracts for Commercial Items*.
- Made a slight revision to I.134 FAR 52.228-15 *Performance and Payment Bonds – Construction* to provide clarity on the due date for executed bonds due to the removal of FAR 52.228-1 *Bid Guarantee* as noted above.

Section J:

- Section J *List of Attachments - Table of Contents*, has been updated as follows:
 - Add the words “if applicable” to Attachment J-5 *Small Business Subcontracting Plan* as such would not be applicable to a small business prime contractor.
 - Added Attachment J-12 *Outfall 200 Mercury Treatment Facility Startup Test Plan*.
 - Added Attachment J-13 *Subsurface Profiles* (note this was a document previously included in the *Documents Library* on the procurement website).
 - Added Attachment J-14 *Phase I Geotechnical Characterization Report* (note this was a document previously included in the *Documents Library* on the procurement website).
 - Added Attachment J-15 *Phase II Geotechnical Characterization Report* (note this was a document previously included in the *Documents Library* on the procurement website).
- Attachment J-3 *Master Submittal Log*, a document not provided in the Draft RFP, has been incorporated.

- Attachment J-4 *List of Applicable DOE Directives (List B)* has been updated.
- Attachment J-5 *U.S. Department of Labor Wage Determination* has been updated to the latest version.
- Attachment J-7 *Quality Assurance Project Graded Approach* has been updated to include language omitted in the Draft RFP.
- Attachment J-8 *General Conditions and Special Conditions* has been updated.
- Attachment J-9 *Storm Water Pollution Prevention Plan*, to which only a sample was provided previously in the *Documents Library*, has been incorporated.
- Attachment J-11 *Quality Assurance Surveillance Plan*, a document not provided in the Draft RFP, has been incorporated.
- Attachment J-12 *Outfall 200 Mercury Treatment Facility Startup Test Plan* has been incorporated.
- Attachment J-13 *Subsurface Profiles* has been incorporated.
- Attachment J-14 *Phase I Geotechnical Characterization Report* has been incorporated.
- Attachment J-15 *Phase II Geotechnical Characterization Report* has been incorporated.

Section K:

- Updated provision K.1 FAR 52.204-8 *Annual Representations and Certifications* to the current version.

Section L:

- Provision L.12 *Offer Acceptance Period* has been revised to 270 calendar days
- Provision L.13 DOE-L-2001 *Proposal Preparation Instructions – General* has been updated to include a definition for “Contractor Team Arrangement”, update the definition for “Major subcontractor”, corrected the Standard Form to be submitted to SF 1442, update the proposal delivery information, and allow for efficient printing of paper copies of Excel worksheets.
- Provision L.14 DOE-L-2002 *Proposal Preparation Instructions, Volume I – Offer and Other Documents* has been updated to reflect utilization of SF 1442, the requirement for an offer acceptance period of 270 calendar days, incorporate language requiring the offer to submit any information requested by DOE if an existing or potential Organizational Conflict of Interest is identified by the Contracting Officer, and replace *Bid Guarantee* as paragraph (i) with *Organizational Conflicts of Interest* (which now includes additional information).
- Provision L.16 DOE-L-2004 *Proposal Preparation Instructions, Volume II – Technical Approach* has been revised to:
 - Significantly change the requirements of paragraph (a) *General Work Execution Approach*.
 - Remove former paragraph (b) *CLIN Execution*.
 - Revise the requirements of what is now paragraph (d) *Project Schedule* and update the anticipated Notice to Proceed date.
 - Streamline the requirements of what is now paragraph (g) *Labor and Equipment Information*.

- Provision L.17 DOE-L-2005 *Proposal Preparation Instructions, Volume II – Key Personnel* has been updated to remove the “Site Safety Officer” and “Quality Manager” key personnel positions, and incorporate paragraph (d) *Oral Interview – Project Manager*.
- Provision L.18 DOE-L-2009 *Proposal Preparation Instructions, Volume II – Experience* has been removed, with L.18 now becoming “Reserved” as Experience is no longer an evaluation factor.
- Provision L.19 DOE-L-2010 *Proposal Preparation Instructions, Volume II – Past Performance* has been revised regarding language associated with parent or affiliated relevant experience, to incorporate additional instructions instead of referencing the *Experience* evaluation factor due to its removal, and to update the Past Performance Questionnaire delivery information.
- Provision L.20 DOE-L-2011 *Proposal Preparation Instructions, Volume III – Price Proposal* has been revised as follows:
 - Add language regarding where all professional, non-craft labor costs are to be proposed in paragraph (b) *CLIN Structure*.
 - Incorporate dollar values into the Funding Profile provided in paragraph (c) *Anticipated Funding*.
 - Incorporate a new paragraph (d) that requires offerors to utilize the assumptions provided in Attachment L-10 *Assumptions*.
 - Add clarification language “if applicable” to paragraph (e).
 - Update the anticipated Notice to Proceed date and indicate this is the initial NTP.
- Provision L.21 DOE-L-2014 *Date, Time, and Place Offers are Due* has been updated to reflect SF 1442.
- Provision L.24 DOE-L-2019 *Site Visit* has been significantly revised.
- Removed the words “and Experience” from the title and body of Attachment L-2 so that it now reads *Past Performance Reference Information Form*, due to the removal of *Experience* as an evaluation factor.
- Attachment L-3 *Past Performance Cover Letter and Questionnaire* has had the delivery information updated.
- Attachment L-7 *Work Performance Matrix* instructions have been revised to clarify that there shall only be one column for the offeror.
- Attachment L-8 *Full-Time Equivalents by Month* has been significantly streamlined down to a single tab, and the months adjusted to coincide with the anticipated initial Notice to Proceed date change.
- Attachment L-10 *Assumptions* has been incorporated. This listing includes assumptions previously listed in the Draft RFP’s Statement of Work, as well as additional assumptions.

Section M:

- Made revisions to align with Section L.
- Provision M.4 DOE-M-2007 *Evaluation Factor – Experience* has been removed, and M.4 is now “Reserved”.

- Provision M.6 *Evaluation Factor – Price* was revised to incorporate a new paragraph (d) that states that the government does not intend to conduct a price realism analysis, but reserves the right to do so.
- Provision M.7 DOE-M-2011 *Relative Importance of Evaluation Factors* has been updated to reflect the removal of the *Experience* evaluation factor.

In closing, DOE intends to answer any questions pertaining to the RFP as thoroughly and efficiently as possible, and looks forward to receiving your proposals in response to the RFP.

Sincerely,

Travis Marshall
Contracting Officer

Enclosures:

- (1) Industry Comment Template
- (2) Redlined Copy of RFP Changes