Part IV – Representations and Instructions

Section M
Evaluation Factors for Award
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(a) Conduct of acquisition.

(1) This acquisition will be conducted pursuant to the Federal Acquisition Regulation (FAR), Part 15 entitled, Contracting by Negotiation; Department of Energy Acquisition Regulation (DEAR), Part 915 entitled, 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 specified in the solicitation by assessing the relative significant strengths, strengths, weaknesses, significant weaknesses, deficiencies, and cost and performance risks of each Offeror’s proposal against the evaluation factors in this section 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 the evaluation factors in the solicitation. The source selection authority may reject 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 entitled, 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 may be eliminated if it fails to conform to a material aspect of the solicitation. A proposal will be deemed unacceptable if it does not represent a reasonable effort to address itself to the material 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 that merely repeat or reformulate the Performance Work Statement (PWS) 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 entitled, Responsible Prospective Contractors, and DEAR Subpart 909.1 entitled, Responsible Prospective Contractors, the Procuring Contracting Officer (PCO) is required to make an affirmative determination of whether a prospective contractor is responsible. The PCO may conduct a pre-award 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 PCO 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 entitled, 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 entitled, 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 PCO later determines discussions to be necessary and may limit the competitive range for purposes of
efficiency.

(e) Organizational conflicts of interest. The Offeror is required by Section K provision entitled, *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 Contract resulting from the solicitation. No award will be made to the apparent successful Offeror, if the PCO 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 entitled, *Facility Clearance*, to submit information related to its foreign interests. National Defense Authorization Act for Fiscal Year 1993, § Public Law 102-484 § 836 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.


Factor 1: Technical Approach

(a) DOE will evaluate the Offeror’s technical understanding of and its approach to accomplishing the Performance Work Statement (PWS) listed in Section C. DOE will evaluate the Offeror’s completeness, technical understanding, and effectiveness of the proposed technical approach to accomplishing the PWS.

(b) DOE will evaluate the Offerors’ understanding and approach to the management and administration of pension and benefit plans as described in Section H entitled, *Benefit Plans: Pension and Post Retirement Benefits*.

(c) 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 contract transition and for minimizing impacts on continuity of operations. DOE will evaluate key issues identified by the Offeror that may arise during transition and their associated resolutions and planned interactions with DOE, the Incumbent Contractor, Incumbent Workers and OHCs. DOE will evaluate the Offerors proposed transition schedule identifying the proposed transition milestones and associated activities necessary to assume full responsibility for the contract within the 90 day transition period.

(d) DOE will evaluate the Offeror’s proposed approach to occupational medical services, as identified in Section C entitled, *Firm-Fixed-Price Occupational Medical Services*, demonstrating how the proposed approach will provide safe, high quality, efficient, and timely delivery of the required services. DOE will evaluate the methods, benefits, and rationale for the Offeror’s proposed approach and quality assurance practices to accomplish the required occupational medical services. DOE will evaluate the procedures used to perform routine evaluations of worker health using medical surveillance data; the approach to present ongoing comprehensive epidemiological data and studies (to include health trending, population health analysis), and the approach to conduct ongoing quality assurance with particular emphasis on the self-assessment process to be used.

(e) DOE will evaluate the Offeror’s approach to communication and interface with internal organizations, 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.
(f) DOE will evaluate the Offeror’s approach to performing Beryllium services (e.g., blood work/analysis, physical exams and tests, and consultations). DOE will also evaluate the effectiveness of the Offeror’s approach to address the Beryllium services stated in the PWS.

(g) Subcontracting Approach and Commitment to Small Business Utilization.

1. DOE will evaluate the Offeror’s approach to meet the requirement to subcontract at least 20 percent of the Total Contract Value (exclusive of the maximum value of the IDIQ CLINs) in an effective manner. DOE will evaluate the Offeror’s approach to meet the requirement to subcontract at least half of the 20 percent (10 percent of the Total Contract Value [exclusive of the maximum value under the IDIQ CLINs]) to small businesses in an effective manner. DOE will evaluate the Offeror’s strategy and approach to identifying meaningful work (as defined in Section H entitled, Subcontracted Work) scope that can be performance-based and performed by small business subcontractors. DOE will evaluate the Offeror’s subcontracting approach including its decision process regarding use of subcontractors instead of performing the work itself, and its approach for managing subcontractors.

2. DOE will evaluate the extent of the Offeror’s commitment to utilize small business concerns and to support their development. Furthermore, DOE will evaluate the Offeror’s small business outreach, assistance, participation in the Mentor Protégé Program, counseling, market research and small business identification, and the described relevant purchasing procedures.

M.3 Evaluation Factor – Key Personnel and Organization

Factor 2: Key Personnel and Organization

(a) Key Personnel. DOE will evaluate the four proposed key personnel required in Section L entitled, Proposal Preparation Instructions, Volume II – Key Personnel and Organization, based on their qualifications and suitability for the proposed position.

The key personnel will be evaluated based on the minimum qualification described in Section H clause entitled, Qualifications of Key Personnel. Key personnel will be evaluated on the degree to which they are qualified and suitable for the proposed position.

**Failure of the Offeror to propose the four required key personnel positions or to confirm the availability of all key personnel as being assigned to the contract full time and physically located on the Hanford Site or within the local area will adversely affect the Government’s evaluation.**

(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. The qualifications and suitability will be assessed against the Section H clause entitled, Qualifications of Key Personnel.

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.

**Failure of Offeror to submit a resume for all four key personnel, resumes must be as specified in Attachment L-2, will adversely affect the Government’s evaluation of the proposal and may make the proposal ineligible for award.**

**Failure of the Offeror to submit a letter of commitment for each of the four required key personnel will adversely affect the Government’s evaluation of the proposal and may make the proposal ineligible for award.**

(c) Organization.
(1) Organization chart. DOE will evaluate the Offeror’s proposed organization depicting the major functional areas that that the Offeror considers essential for the management and performance of work, including Contract transition. DOE will evaluate the Offeror’s organization levels depicted on the Offeror’s organization chart (e.g., working and reporting lines, divisional relationships, management layers, chain of command) and how they align and correlate to the proposed rationale for the organizational structure and the proposed roles, responsibilities, and lines of authority.

(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, including subcontractors, will contribute to the successful accomplishment of the work in accordance with the proposed technical approach. If subcontractors or other performing entities are proposed, DOE will evaluate how their performance will be integrated with the Offeror’s organizational structure.

(3) Roles, Responsibilities and Lines of Authority. DOE will evaluate the clarity and effectiveness of the proposed roles, responsibilities, and lines of authority for the major functional areas identified on the organizational chart, including lines of authority between the Offeror’s organizational elements or specific individuals (including proposed key personnel) and its subcontractors and any other performing entities. DOE will evaluate the extent to which the roles/responsibilities, and line of authority clearly and effectively address the PWS elements.

(4) Offeror entity. If the Offeror is a limited liability company, joint venture or other similar entity, DOE will evaluate how the Offeror will operate its multi-member and/or shared ownership to include who will employ the Offeror’s workforce, e.g., Offeror, parent, or team member companies, and how that workforce will be managed.

(5) 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, including visibility and communication with DOE. DOE will evaluate the proposed approach to governance and how resolution of issues will be handled if multi-member, shared ownership entities are involved.


Factor 3: Experience

(a) Offeror. The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), will be evaluated on its recent and relevant experience in performing work similar in scope, size, and complexity to the requirements of the PWS. Similar scope, size, and complexity are defined as follows: scope, type of work (e.g., work as identified in the PWS); size, dollar value (including total value and approximate average annual value) and contract period of performance; and complexity, performance challenges/problems and risks (e.g., management and integration as a prime contractor at a large Government site with multiple Government contractors, volatile Government priorities and technical requirements, budget fluctuations, and integration and coordination with stakeholders and other Contractors) for contracts that are currently being performed and/or for contracts that were completed within the last three years from the solicitation issuance date. In describing relevant experience, Offerors shall describe the outcomes of specific work experiences (e.g., level the contract requirements and objectives were met).

(b) Work to be performed. The experience provided for the Offeror or other entities will be evaluated for its relevancy to the work that is proposed to be performed by that individual entity. DOE will evaluate
the completeness of the Section L Attachment L-7 entitled, *Work Performance Matrix* for the prime Offeror, and shall ensure consistency to the information provided within the Attachment L-3, *Past Performance and Experience Reference Information Form*. Experience information of a parent or affiliate company may also be considered provided the Offeror’s proposal demonstrates that the resources of the parent or affiliated company will be provided or relied upon in contract performance such that the parent or affiliate will have meaningful involvement in contract performance.

(c) Newly formed entity. If the Offeror is 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, limited liability company, or other similar entity consistent with the methodology described in paragraph (a) 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.

*Failure of the Offeror to provide consistency between the completed Attachment L-3, Past Performance and Experience Reference Information Forms and Attachment L-7, the completed Work Performance Matrix, may adversely affect the Government’s evaluation of the proposal.*


**Factor 4: Past Performance**

(a) Offeror. The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), will be evaluated on the recency, relevancy and favorability of its past performance information obtained for the Offeror performing work similar in scope, size, and complexity to the requirements of the PWS 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); size, dollar value (including total value and approximate annual value) and contract period of performance; and complexity, performance challenges/problems and risks (e.g., management and integration as a prime contractor at a large Government site with multiple Government contractors, volatile Government priorities and technical requirements, budget fluctuations, and integration and coordination with stakeholders and other Contractors). Additionally, the recency and relevancy of the information and general trends in contractor performance will be considered in the evaluation. DOE will evaluate past performance information for contracts that are currently being performed and/or for contracts that were completed within the last three years from the final solicitation issuance date. 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. All members of a Contractor’s Teaming Arrangement, as defined in FAR 9.601(1), on a past performance contract, will be evaluated the same as its partner(s) (therefore the Government will not apportion past performance differently amongst the partners), as each entity is considered to be responsible for overall performance of the on-going or prior contract. All partner companies on past performance contracts will be equally credited (positively and negatively) for past performance.

(b) Critical subcontractor. The Offeror’s proposed critical subcontractors as defined in Section L.8 (a)(2) will be evaluated on the recency, relevancy, and favorability of the past performance information obtained for the critical subcontractor performing work similar in scope, size, and complexity to that proposed to be performed by that critical subcontractor. Past performance information of a parent or affiliated company may also be considered provided the Offeror’s proposal demonstrates that the resources of the parent or affiliated company will be provided or relied upon in contract performance
such that the parent or affiliate will have meaningful involvement in contract performance.

(c) Work to be performed: The record of past performance provided by the Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), and critical subcontractors and/or other entities will be evaluated for its relevancy that is similar to the work that is proposed to be performed by that individual entity. DOE will evaluate the proposal for clear identification and definition of the portion of work to be performed by each entity (Offeror, to include members of a teaming arrangement, as defined in FAR 9.601(1), and/or teeming participants) under the Offeror’s proposed approach.

(d) Newly formed entity. The evaluation of past performance for the Offeror, and any critical subcontractors that are set up as separate corporate entities solely to perform this contract, may be based on the past performance of its parent organization(s) member organizations in a joint venture, limited liability company, or other similar or affiliated companies, provided the Offeror’s proposal demonstrates that the resources of the parent, member, or affiliated company will be provided or relied upon in contract performance such that the parent, member, or affiliate will have meaningful involvement in contract performance. Past performance information from predecessor companies that existed prior to any mergers or acquisitions may also be considered where such performance information reasonably can be considered predictive of the Offeror’s performance.

Failure of the Offeror to provide consistency between the completed Attachment L-3, Past Performance and Experience Reference Information Forms, and Attachment L-7, the completed Work Performance Matrix, may adversely affect the Government’s evaluation of the proposal.

(f) No record of past performance. If the Offeror does not have a record of relevant past performance or if information is not available, the Offeror will be evaluated neither favorably nor unfavorably.

(g) Sources of past performance information/close at hand information. The Government will consider past performance information provided by the Offeror and may consider other available information. The Government may contact any or all of the references provided by the Offeror and may 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, Government databases such as the Government’s Past Performance Information Retrieval System, and close at hand information. The Government will only evaluate past performance information on work similar in scope, size, and complexity, as defined above in paragraph (a), and within the timeframe specified, as defined above in paragraph (a).

(h) Performance information. The Offeror will be evaluated on performance challenges/problems encountered during performance of the provided reference contracts, the actions taken by the Offeror to address these matters, and the effect these actions had on the performance of the contract. In addition, the Offeror may be evaluated on any recognized accomplishments the Offeror has received on the reference contracts. Furthermore, the Offeror will be evaluated for the outcomes of specific work experience (e.g., level to which contract requirements and objectives were met).

(i) Terminated contracts. The Offeror will be evaluated on any contracts of the Offeror that were terminated, including the reasons therefore, over the preceding three years from the solicitation issuance date.

(j) List of DOE contracts. The Government will consider the information provided per Attachment L-6 of all DOE prime contracts (including the National Nuclear Security Administration) currently being performed and/or for contracts that were completed within the last five years from the final solicitation issuance date, and will only evaluate past performance information on work similar in scope, size, and complexity, as defined above in paragraph (a).
M.6 Evaluation Factor – Price

Factor 5: Price

The price proposal will be evaluated to determine whether the price is fair and reasonable in accordance with FAR 15.404. DOE will also evaluate the Offeror’s responsibility and financial capability.

The Price Proposal will not be adjectively rated, but will be evaluated in accordance with FAR 15.404-1 entitled, Proposal Analysis Techniques. The proposed total FFP for CLINs 0001, 0002, 1002, and 2002 and the CR DOE provided amounts for CLINs 0003, 1003, and 2003, and the IDIQ DOE provided amounts for CLINs 0004, 1004, and 2004 in accordance with FAR 52.217-5 entitled, Evaluation of Options, will be added together to compute the total evaluated price. This does not obligate the Government to the IDIQ provided amounts or exercise of the options.

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 (Volume II) are below:

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

Technical Approach is more important than Key Personnel and Organization; Key Personnel and Organization is more important than Experience and Past Performance combined. Experience and Past Performance are equal in importance. Technical Approach and Key Personnel and Organization combined are significantly more important than Experience and Past Performance combined.

(b) The evaluation factors for the Technical and Management Proposal (Volume II), when combined, are significantly more important than the total evaluated price (Volume III). 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 subfactors and will not be individually rated, but will be considered in the overall evaluation for that particular evaluation factor.

M.8 FAR 52.217-5, Evaluation of Options (Jul 1990)

Except when it is determined in accordance with FAR Subpart 17.206 entitled, 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 (except for the option allowed by the Section I clause, FAR 52.217-8 entitled, Option to Extend Services) 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 award one contract to the responsible Offeror whose proposal is determined to provide the best value to the Government. Selection of the best value to the Government will be achieved through a process of evaluating each Offeror’s proposal against the evaluation factors described above. The evaluation factors for the Technical and Management Proposal will be adjectively rated. The Cost/Price evaluation factor will not be rated; however, the evaluated price will be used in determining the “best value” to the Government. The Government is more concerned with obtaining a superior Technical and Management proposal than making an 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. Thus, to the extent that Offerors’ Technical and Management Proposals are evaluated as close or similar in merit, the evaluated price is more likely to be a determining factor in selection for award.