
PART IV – REPRESENTATIONS AND INSTRUCTIONS

SECTION M

EVALUATION FACTORS FOR AWARD

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

(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 specified 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 clearly demonstrates that the offeror does not understand the requirements of the 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.7 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

- (a) DOE will evaluate the offeror's technical approach to perform the PWS (for the full period of contract performance including the option periods) in each of the areas listed below:
- Protective Force (PF) Operations
 - Training
 - Personnel Security
 - Program Management
- (b) Protective Force (PF) Operations. DOE will evaluate the offeror's technical approach to Protective Force Operations in accordance with the contract requirements in the PWS section C.1 – Protective Force in each of the areas below:
- Perimeter Protection
 - Communications, Command and Alarm Centers
 - Law Enforcement, Canine Operations and Criminal Investigations
 - Facilities Protection - Protection up to Category I Special Nuclear Material (SNM)
 - Special Operations – Special Response Team (SRT) and Aviation Operations

- Material Transportation Security and Coordination

DOE will evaluate the offeror's proposed approach to:

- Any technical risks associated with performing these requirements and the proposed approach to mitigate or minimize those technical risks
- The scheduling methodology and shift configurations, including Line Supervision, for meeting all duty requirements/assignments
- How management of on-duty PF Personnel will be accomplished to ensure effective performance.
- How workforce integration between the various PF tactical elements will be achieved.

(c) Training. DOE will evaluate the offeror's technical approach to training in accordance with the contract requirements in the PWS section C.1.7 – Training. DOE will evaluate the offeror's approach to ensure PF personnel and supervision are trained to a level of competency that ensures they are qualified to perform assigned tasks and/or responsibilities. DOE will evaluate the offeror's approach to how perishable skills, tactical, technical and professional competencies will be addressed to maintain job proficiencies.

(d) Personnel Security. DOE will evaluate the offeror's technical approach to Personnel Security in accordance with the contract requirements in the PWS section C.2 – Personnel Security in each of the areas below

- Security Clearances/Site Access Authorization
- HSPD-12 Program Support
- Human Reliability Program (HRP) Program Support
- Foreign Ownership, Control and Influence (FOCI)/Facility Clearance Level (FCL)
- Operations Security & Safeguard Security and Awareness Program Support
- Foreign Visits and Assignments Program Support

DOE will evaluate the offeror's proposed technical risks associated with performing these requirements and the proposed approach to mitigate or minimize those technical risks

(e) Program Management. DOE will evaluate the offeror's technical approach to Program Management in accordance with the contract requirements in the PWS section C.4 – Program Management in each of the areas below:

- Environmental, Safety, Health & Quality Assurance
- Performance Assurance
- Equipment Maintenance
- Logistical Support
- Planning and Analysis Program Support
- Interfaces with Site Users

DOE will evaluate the offeror's proposed approach to:

- The management self-assessment process and corrective actions.
- How performance tests, and data analysis are conducted and related to various DOE threat levels associated with protection of DOE Category I and II facilities.

M.3 EVALUATION FACTOR – KEY PERSONNEL AND ORGANIZATION

- (a) Organization. DOE will evaluate the offeror's organizational chart described in Section L.20(a).
- (1) 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, the work breakdown structure (See Section J, Attachment J-4), and the offeror's approach to execute the work.
 - (2) Roles, responsibilities, and lines of authority. DOE will evaluate the offeror's proposed processes for effectiveness and efficiency in key decision making and for resolving problems within the offeror's organization and between the offeror's organization and subcontractors and other performing entities.
 - (3) Communication and interface. DOE will evaluate the offeror's approach to communication and interface with internal organizations, subcontractors and other performing entities, and outside entities, including DOE, other DOE contractors and subcontractors, regulatory agencies, state and local governments, the public, and other entities.
 - (4) 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 who will employ the offeror's general workforce and how that workforce will be managed.
 - (5) Subcontractors and other performing entities. DOE will evaluate any proposed major subcontractor(s) or other entities that will perform a portion of the work, including members in an LLC, joint venture, or other similar entity, and the specific work proposed to be performed by each. DOE will evaluate the rationale for the proposed performance of work by the identified subcontractors or other entities, as opposed to performance by the offeror's own employees. DOE will evaluate how the identified subcontractor's or other entities' work will be integrated and controlled within the overall work to be performed.
 - (6) Corporate governance. DOE will evaluate the offeror's proposed approach to how corporate organizations, to which the offeror has reporting relationships (e.g., LLC members, board of directors), will provide oversight of the offeror's performance of the contract work and help ensure successful performance of the

contract. DOE will evaluate the offeror's proposed approach to how performance will be monitored and issues resolved. DOE will evaluate the offeror's proposed approach to how governance and resolution of issues will be handled when multi-member, shared ownership entities are involved.

(7) Workforce recruitment and retention. DOE will evaluate the offeror's approach for ensuring that 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. DOE will evaluate:

(i) The offeror's approaches to recruit, train, and maintain its workforce, including interim fluctuations in workload (eg. Overtime)

(ii) The source of personnel – offeror's existing employees, subcontractors' existing employees, new hires, other sources, etc.

(8) Full-time equivalent employees. DOE will evaluate the number of proposed full-time equivalent (FTE) employees, by organizational elements, separated by (1) management and supervision and (2) labor disciplines by skill mix. DOE will evaluate the offeror's proposed rationale for the FTEs for each organizational element.

(b) Key Personnel. DOE will evaluate the offeror's proposed personnel for the key personnel functional positions of Program Manager, Operations Manager, Training Manager, and ESHQ Manager. 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) Relevant experience in performing work scope similar to the work to be performed in their proposed position including leadership and other accomplishments. DOE will also evaluate the qualifications and suitability of the key personnel's education, specialized training, certifications, and security clearance (level and status) as appropriate.

(2) 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.

(3) Failure of the offeror to propose individuals for the four designated key personnel functional positions, to provide a letter of commitment for each, and to confirm that they will be physically located in the SRS commuting area will adversely affect the Government's evaluation of the proposal and may make the proposal ineligible for award

M.4 DOE-M-2008 EVALUATION FACTOR – PAST PERFORMANCE (OCT 2015)

- (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 the 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 (approximate average annual value) and contract duration; and complexity – performance challenges and risk (e.g., managing a multi-disciplined work force, labor disputes and actions; changes in the technology available for contract performance; scarcity of qualified labor; changes in the security threat profile). 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. All members of a Contractor Team Arrangement as defined in FAR 9.601(1) on a past performance contract will be equally credited (positively or negatively). The Government will not apportion past performance differently amongst the team members, as each entity is considered to be responsible for overall performance.
- (b) Major subcontractor past performance. In addition to evaluation of the offeror's relevant past performance, the offeror's proposed major subcontractors as defined in Section L.16(a)(2) will be evaluated on the recency, relevancy and favorability of the past performance information obtained for the major subcontractor performing work similar in scope, size, and complexity to that proposed to be performed by that major subcontractor.
- (c) Newly formed entity. If the offeror or major subcontractor is a newly formed entity with no record of relevant past performance, DOE will evaluate past performance information for its parent organization(s) or member organizations in a joint venture, LLC, or other similar or affiliated companies, provided the offeror's proposal demonstrates that the resources of the parent, member, or affiliated company will be relied upon in contract performance such that the parent or affiliate will have meaningful involvement in contract performance. Meaningful involvement means the parent, member or affiliate will provide material, supplies, equipment, personnel or other tangible assets to contract performance. If a common parent company is used to establish the nexus between the Offeror and an affiliated company, the Offeror must demonstrate how the affiliate and Offeror rely on, for example, similar assets, resources, policies, and procedures of the common parent company. The offeror or major subcontractor, whether or not they are a newly formed entity, may also provide past performance information on predecessor companies that existed prior to any mergers or acquisitions where the Offeror's proposal demonstrates such performance reasonably can be predictive of the Offeror's performance.
- (d) Work Performance Matrix: Failure of the Offeror to provide consistency between the completed Attachment L-3, *Offeror Past Performance Reference Information Forms* and the completed Attachment L-12, *Work Performance Matrix* may adversely affect DOE's evaluation of the proposal.
- (e) No record of past performance. If the offeror or major subcontractor(s) do not have a

record of relevant past performance or if information is not available, the offeror or major subcontractor(s) will be evaluated neither favorably nor unfavorably.

- (f) Sources of past performance information/close at hand information. DOE will consider past performance information provided by the offeror. DOE may contact any or all of the references provided by the offeror and will consider such information obtained in its evaluation. DOE 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, and close at hand information (i.e., information relating to the same or similar services with the same procuring activity, or information personally known to the evaluators). DOE will only evaluate past performance information for work it considers at least somewhat relevant to the acquisition in terms of its similarity in scope, size, and complexity, as defined above in paragraph (a), and within the timeframe specified, as defined above in paragraph (a).
- (g) Performance information: The offeror will be evaluated on performance challenges and the information provided on problems encountered during performance of the provided reference contracts, the actions taken by the offeror to address these matters, and the effect actions had on the performance of the contract. In addition, any recognized accomplishments the offeror has received on the reference contracts will be considered. The offeror will also be evaluated on safety statistics (OSHA Days Away, Restricted or Transferred (DART) and Total Recordable Case (TRC) rates) and DOE enforcement actions and/or worker safety and health, nuclear safety, and/or classified information security incidents or notifications posted to the DOE Office of Enterprise Assessments website (<https://energy.gov/ea/information-center/enforcement-infocenter>). Additionally, the offeror will be evaluated on the corrective actions taken to resolve those problems and the effect the actions taken had on the performance of the contract.
- (h) Terminated contracts: Contracts of the offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), and major subcontractors that were terminated, including the reasons therefore, over the preceding three years from the final solicitation issuance date may be considered in the evaluation.
- (i) List of DOE Contracts: DOE will consider the information provided per Attachment L-13, *List of DOE Contracts*, of all DOE prime contracts (including NNSA) currently being performed and/or for contracts that were completed within the last three years from the final solicitation issuance date. DOE will only evaluate past performance information on work determined to be at least somewhat relevant to the acquisition in terms of its similarity in scope, size, and complexity, as defined above in paragraph (a).

M.5 EVALUATION FACTOR – COST AND FEE

The Cost and Fee Proposal will be evaluated for price reasonableness in accordance with one or more of the analytical techniques contained in FAR 15.404, Proposal Analysis. 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 total evaluated price will be calculated by combining: (1) the most probable cost for the Cost-Reimbursement and Cost-Plus-Award-Fee CLINs shown in Table B.3-2, (2) the total available award fee proposed in Table B.3-2, and (3) the IDIQ maximum value of \$10,000,000. The total evaluated price will be used in the best value analysis for purposes of selecting an Offeror for award of a contract.

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 consistency 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, and/or inconsistencies between the Volume III, Cost and Fee Proposal, and the Volume II, Technical and Management Proposal, may indicate a poor understanding of the PWS requirements and may negatively impact an offeror's evaluation and appropriate criterion rating of the offeror's Technical and Management Proposal. Should the Government determine that inconsistencies exist or the offeror appears to lack an understanding of the requirements; such inconsistency or apparent lack of understanding may result in an adjustment for evaluation purposes only 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.

The offeror has the responsibility to fully document its cost proposal and provide clear traceability to the PWS elements.. For evaluation purposes only, 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. As part of the evaluation, DOE will also review information to assist in the determination of responsibility in accordance with FAR Part 9.

M.6 DOE-M-2011 RELATIVE IMPORTANCE OF EVALUATION FACTORS (OCT 2015)

(a) The relative importance of the evaluation factors for the Technical and Management Proposal is as follows:

Key Personnel and Organization is more important than Technical Approach and

Past Performance, both separately and combined. Technical Approach and Past Performance are equal in importance.

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 total evaluated price.

M.7 DOE-M-2012 BASIS FOR AWARD (OCT 2015)

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 adjectivally 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.

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).