

PART IV – REPRESENTATIONS AND INSTRUCTIONS

SECTION M - EVALUATION FACTORS FOR AWARD

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SECTION M

EVALUATION FACTORS FOR AWARD

M.1 DOE-M-2001 PROPOSAL EVALUATION – GENERAL (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 Technical Evaluation Team 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, significant weaknesses, weaknesses, deficiencies, and cost 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.

M.2 DOE-M-2007 EVALUATION FACTOR – EXPERIENCE (OCT 2015)

- (a) Offeror. DOE will evaluate the Offeror on its recent and relevant experience performing work similar in scope, size, and complexity to that described in the PWS. Similar scope, size, and complexity are defined as follows: Scope – description of work that is the same or similar to that identified in the PWS; size – contract dollar value and contract/task order/project duration; and complexity – performance challenges that are associated with the facilities and environmental conditions similar to those at the WVDP and WNYNSC.
- (b) Subcontractor experience. In addition to evaluation of the Offeror's relevant experience, DOE will evaluate the Offeror's proposed major/critical subcontractor(s) as defined in section L.08(a) on their relevant experience, including currency, in performing work similar in scope, size, and complexity to that proposed to be performed by the major/critical subcontractor(s).

- (c) Newly formed entity and predecessor companies. If the Offeror or major/critical subcontractor(s) are a newly formed entity with no relevant experience, DOE's 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) DOE will evaluate the experience provided for the Offeror and major/critical subcontractor(s) and its relevancy to the work that is proposed to be performed by that individual entity.
- (e) Verification of experience. DOE may verify an Offeror's or subcontractor's experience, including represented outcomes of specific work experiences, from third-party sources, including reference checks from customers, clients, and business partners.

M.3 DOE-M-2003 EVALUATION FACTOR – KEY PERSONNEL (OCT 2015)

- (a) Key personnel. The Offeror shall propose key personnel for the following positions:
 - 1) Principal Project Manager
 - 2) Senior Project Manager – Decommissioning Plan
 - 3) Senior Project Manager – Supplemental Environmental Impact Statement
 - 4) Subject Matter Expert – Decommissioning Plan

Failure of the Offeror to propose the required key personnel positions will adversely affect the Government's evaluation of the proposal and may make the proposal ineligible for award.

Qualifications and suitability. DOE will evaluate the proposed key personnel qualifications and suitability for their proposed positions 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) Education. DOE will evaluate the key personnel on their education, training, certifications, experience, and/or licenses. Experience, in lieu of education, may be considered.
- (2) Experience. DOE will evaluate the key personnel on their relevant experience in performing work similar in scope, size, and complexity to that required for their positions.
- (3) Demonstrated performance. DOE will evaluate the key personnel on their record of past success and accomplishments in performing work of similar scope, size, and

complexity to that required under the contract.

- (b) DOE may contact references of key personnel and previous employers to verify the accuracy of the information contained in the resume. DOE may also consider information received from other sources in its evaluation of key personnel.
- (c) Failure of the Offeror to provide a letter of commitment for each key personnel may adversely affect the Government’s evaluation of the proposal.

M.4 EVALUATION FACTOR – TECHNICAL APPROACH (OCT 2015)

- (a) DOE will evaluate the Offeror’s understanding, capability and approach, including technical assumptions, for performing the PWS elements listed in the table below.

PWS	Detailed Technical Approach
C.03.1	Phase 2 Decision-making for the WVDP and WNYNSC
C.03.1.1	Phase 2 Decision-making Schedule for the WVDP, WNYNSC, and SDA
C.03.1.2	Phase 2 Supplemental Environmental Impact Statement and Scoping Activities
C.03.1.3	Development of Phase 2 Alternatives
C.03.1.4	Preparation of Conceptual Engineering Design Reports
C.03.1.5	Preparation of a Supplemental Environmental Impact Statement
C.03.1.6	Preparation of a Decommissioning Plan
C.03.1.7	Preparation of Applications for Permitting or Licensing Modifications for the State-licensed Disposal Area

- (b) DOE will evaluate the three most significant risks identified by the Offeror, rationale for the identified risks, impacts to the proposed approach, and its approach to eliminate, avoid, or mitigate these risks.

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

- (a) Offeror. DOE will evaluate the Offeror on the currency, relevancy, and quality of its past performance, in performing work similar in scope, size, and complexity to that described in 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 – description of work that is the same or similar to that identified in the PWS; size – contract dollar value and contract/task order/project duration; and complexity – performance challenges that are associated with facilities and environmental

conditions similar to those at the WVDP and WNYNSC. 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.

- (b) Subcontractor past performance. In addition to evaluation of the Offeror's relevant past performance, DOE will evaluate the Offeror's proposed major/critical subcontractor(s) as defined in section L.08(a), 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 or major/critical subcontractor(s) 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 or major/critical subcontractor(s) 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) Sources of past performance information. DOE 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 DOE-M-2011 RELATIVE IMPORTANCE OF EVALUATION FACTORS (OCT 2015)

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

- Factor 1 - Experience
- Factor 2 - Key Personnel
- Factor 3 - Technical Understanding and Approach
- Factor 4 - Past Performance

Factor 1, Experience, Factor 2, Key Personnel and Factor 3, Technical Understanding and Approach are considered equal in importance, and are each

significantly more important than Factor 4, Past Performance. Each evaluation factor applicable to this solicitation is identified and described in this and other provisions of this Section M.

- (b) The evaluation factors other than Price (i.e., Experience, Key Personnel, Technical Approach, and Past Performance), when combined, are significantly more important than the evaluated Price.

M.7 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 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.

M.8 PRICE EVALUATION

The Offeror's price proposal will not be point scored or adjectivally rated, but will be evaluated for price reasonableness and mathematical accuracy. The evaluated price for each Offeror will be based on the total proposed price in Section B.2, including the base period and the option periods. The Government may use any or all price analysis techniques and procedures described in FAR Part 15.404-1(b) to determine price reasonableness. 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.

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 \$750,000, as it relates to evaluation Factor 1, Experience, and Factor 4, Past Performance. 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.

The evaluated price for each Offeror will be based on the total proposed price in Section B.2, Time and Materials Contract, including the base period and the option periods (Totals for CLINs 1-9).

M.9 FAR 52.217-5 EVALUATION OF OPTIONS (JUL 1990)

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers 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).