

PART IV - REPRESENTATIONS AND INSTRUCTIONS

SECTION M

EVALUATION FACTORS FOR AWARD

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M.01 EXCEPTIONS TO AND DEVIATIONS TO TERMS AND CONDITIONS OF THE SOLICITATION

The Offeror's exceptions to and deviations from the solicitation's terms and conditions, including but not limited to Federal Acquisition Regulation (FAR), Department of Energy Acquisition Regulation (DEAR), and DOE clauses are not sought and the Government is under no obligation to enter into discussions. Any exceptions, deviations, or conditional assumption to the terms of the solicitation may make an offer ineligible for issuance of a BOA.

M.02 PROPOSAL EVALUATION - GENERAL

- (a) This acquisition will be conducted pursuant to the terms and conditions of this solicitation. DOE has established a Technical Evaluation Committee (TEC) to evaluate the proposals submitted for this acquisition. Proposals will be evaluated by the TEC members in accordance with the procedures contained in FAR Part 15, DEAR Part 915, and the Evaluation Factors hereinafter described.
- (b) The instructions set forth in Section L are designed to provide guidance to the Offeror concerning the documentation that will be evaluated by the TEC. The Offeror shall furnish adequate and specific information in its response. A proposal will be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be totally unacceptable on its face. For example, a proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address itself to the essential requirements of the Request for Proposal (RFP) (e.g. license/permit requirements), or if it clearly demonstrates that the Offeror does not understand the requirements of the RFP. 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) The Government intends to evaluate proposals and issue a BOA without discussions or exchanges with Offerors. Therefore, the Offeror's proposal shall contain the Offeror's best terms from a technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.
- (d) Prior to an issuance of a BOA, a determination shall be made by the Contracting Officer whether any possible Organizational Conflict of Interest (OCI) exists with respect to the apparent successful Offeror(s). In making this determination, DOE will consider the representation required by Section K of this solicitation. Issuance of a BOA will be made if there is no OCI or if the OCI can be appropriately avoided or mitigated.
- (e) Any exceptions or deviations by the Offeror to the terms and conditions stated in this solicitation for inclusion in the resulting BOA may make the offer unacceptable without discussions. If an Offeror proposes exceptions to the terms and conditions of the BOA, the Government may issue the BOA without discussions to another Offeror that did not take exception to the terms and conditions.

M.03 BASIS FOR AWARD

The Government intends to issue one or more BOAs from this RFP to the responsible Offeror(s) whose proposal(s) conform to the RFP. BOA(s) will be issued on the basis of best value to the government, which is defined by the lowest price technically acceptable evaluation process outlined. Technical acceptability will be determined at the RFP level. A technical evaluation will be performed in accordance with Section M.04 to determine the Offeror's ability to perform the requirements as specified in the RFP. No pricing information will be requested nor evaluated at the RFP level. Lowest price technically acceptable will be the sole basis for evaluation of all subsequent Request for Task Proposals (RTP) issued against the BOAs.

In order to be considered technically acceptable, an Offeror's technical proposal must pass all technical criteria listed below in M.04, and failure to meet any one criterion shall deem the entire proposal technically unacceptable. The possible proposal ratings are Pass (meets or exceeds requirements) or Fail (does not meet requirements).

M.04 TECHNICAL EVALUATION

DOE will evaluate the Offeror's technical acceptability and capability to successfully perform the Performance Work Statement.

Evaluation Criteria 1 through 3 constitute the Evaluation Criteria that will be used to determine technical acceptability. Corresponding proposal preparation instructions are in Section L.

Criterion 1 – Applicable Licenses, Permits or Authorizations

The Offeror shall have applicable, current, dated, and signed licenses, permits or authorizations required, for the waste types that they propose to receive, treat, and release, including BSFR, Alternative Disposition Strategies (Recycle/Reuse), Low Activity Waste, and ancillary services. DOE will evaluate and validate all existing permits and licenses with the appropriate regulatory authorities prior to issuance of the BOA. DOE will not issue a BOA to an Offeror without documentation of applicable licenses, permits and/or authorizations for the types of waste proposed to receive, treat, and release, including BSFR, Low Activity Waste (LAW) Services, Alternative Disposition Strategies (Recycle/Reuse), and ancillary services if applicable.

Criterion 2 – Treatment Facility

The Offeror shall have a treatment facility that is fully capable and ready to receive, treat, and release the waste types they proposed, including BSFR, Alternative Disposition Strategies (Recycle/Reuse), LAW services, and ancillary services. DOE will evaluate and validate all provided regulatory documentation to determine such facility is capable and ready to receive, treat, and release types of waste being proposed by the Offeror.

DOE will evaluate the detail provided by the Offeror relating to the treatment capacity of the proposed facility and how the waste types being proposed will be treated from the time of receipt at the facility to release. DOE will also evaluate the Offeror's ability to receive, handle and release the waste (e.g., by rail, intermodal or truck) for the types of waste proposed to receive, treat, and release, including BSFR, Alternative Disposition Strategies (Recycle/Reuse), LAW services, and ancillary services if applicable.

DOE will not issue a BOA to an Offeror without documentation from the appropriate regulatory authority verifying that the Offeror has a treatment facility that is fully capable and ready to receive, treat, and release the proposed waste types.

Criterion 3 – Past Performance

DOE will evaluate relevant past performance of the Offeror, including any entity comprising the teaming arrangement thereof, as defined by FAR 9.601, and subcontractor(s) that will perform major or critical aspects of the requirement for contracts, task orders, or projects currently on-going or completed within the last five (5) years and that encompasses work similar in size and scope to the requirements of the PWS. DOE will evaluate whether or not the Offeror's overall record of relevant past performance increases the likelihood of successful contract performance or increases the risk of unsuccessful contract performance.

DOE will consider past performance information submitted by the Offeror, each entity comprising the teaming arrangement, and subcontractor(s) that will perform major or critical aspects of the requirements of the PWS. DOE will use the following to assist in the past performance evaluation: the Attachment L-1, Past Performance Reference Information Form; information submitted by the Offeror's references on Attachment L-2, Past Performance Questionnaire (where applicable for non-DOE Office of Environmental Management work or where a PPIRS record is not available); and any other information obtained through the available Federal Government electronic databases (e.g. PPIRS) such as readily available Government records and sources other than those identified by the Offeror. Additionally, contract references, including those identified by the Offeror on Attachment L-1 and Attachment L-2, and those not identified by the Offeror, but listed in E-government databases, may be contacted for information to use in the past performance evaluation.

In the case of an Offeror without a record of relevant past performance, or for whom information on relevant past performance is not available, the Offeror will be evaluated neither favorably (Pass) nor unfavorably (Fail).