

NOTICE TYPE: SOURCES SOUGHT SYNOPSIS/REQUEST FOR INFORMATION

Solicitation: 89303320REM000081

Title: Environmental Management (EM) Elemental Mercury Long-Term Management and Storage

Date: October 14, 2020

THIS IS NOT A REQUEST FOR QUOTATIONS OR PROPOSALS. THIS IS A REQUEST FOR INFORMATION (RFI) ONLY.

No solicitation is available. This RFI is released pursuant to Federal Acquisition Regulation (FAR) 15.201(e) “Exchanges with Industry before Receipt of Proposals,” and is issued for the purpose of conducting market research in accordance with FAR Part 10.

The U.S. Department of Energy (DOE), Environmental Management Consolidated Business Center (EMCBC) is currently in the acquisition planning stage for the procurement of a leased facility and services related to the long-term management and storage of elemental mercury waste. This acquisition planning supports DOE’s efforts to implement the requirements of the Mercury Export Ban Act of 2008 (Public Law 110-414), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, (Pub. L. 114-182), hereafter referred to as “MEBA.”

The purpose of this RFI is to identify offerors capable of providing (1) leased space for the long-term management and storage of elemental mercury waste generated in the United States and (2) the associated services necessary for the long-term management and storage of elemental mercury waste. To that end, this RFI solicits input via capability statements from potential offerors that have specialized facilities and capabilities necessary to accomplish these goals in a manner that provides the best value to the U.S. taxpayer. Key market research goals include identifying and minimizing barriers to competition, evaluating small-business capabilities, and identifying risks. The contract type, period of performance, and small-business set-aside possibilities will be determined through the acquisition planning process.

Additionally, this RFI is seeking information from industry to assist DOE in the acquisition planning process of evaluating potential alternatives for the designated storage facility. DOE has prepared the RFI to address a scenario in which the potential offeror would provide both a facility to be leased to DOE and the management and storage services for elemental mercury waste at the leased facility. DOE is also interested in learning from potential offerors interested in (1) providing only a facility to be leased by DOE for elemental mercury storage, or (2) providing only elemental mercury management and storage services at either (a) a DOE-leased facility, or (b) a DOE-owned facility.

This RFI solicits input via capability statements from potential offerors that have specialized capabilities necessary to meet the major elements of scope for the upcoming competitive

procurement. A preliminary draft Performance Work Statement (PWS) is attached to this document at Attachment 1 for use in the preparation of a capability statement. Within these capability statements, DOE is seeking feedback from offerors and other interested parties regarding possible alternative approaches for the performance of the draft PWS, as well as insight into potential contracting alternatives.

The DOE EMCBC has created a procurement website where additional information will be provided; it can be viewed at <https://www.emcbc.doe.gov/seb/MercuryStorage>. It will be updated as additional information becomes available; therefore, interested parties should continuously monitor the website. DOE will not respond to or post on the EMCBC website any verbal or written questions or comments pertaining to this RFI package. However, the responses received from this RFI will help inform what is ultimately included in DOE's acquisition plan and any requests for proposal that may be issued for this requirement.

DOE will determine if all or part of the requirement can be performed by a small business, 8(a) small business, HUBZone small business, small disadvantaged business, woman-owned small business, service-disabled veteran-owned small business, or large business. Small businesses believing that they have the capability to perform all or a portion of the draft PWS, are welcome to demonstrate such capabilities by submitting a capability statement in accordance with the instructions below. Information provided in response to this RFI will also help shape small-business subcontracting incentives if a small-business set-aside is not feasible. DOE has identified two North American Industry Classification System (NAICS) codes that are applicable to this requirement: 562112, *Hazardous Waste Collection*, and 562211, *Hazardous Waste Treatment and Disposal*. The small-business size standard for both NAICS codes is \$41.5 million in average annual receipts. Based on the information received, DOE shall make a determination during the acquisition planning process to select only one of these NAICS codes for the solicitation and award of the ensuing contract.

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All interested parties are hereby invited to electronically submit a capability statement of no more than 15 pages, no smaller than 12-point font and no more than 20 megabytes in file size. The government will evaluate each capability statement based on the interested parties' (and that of teaming partners when applicable) demonstrated qualifications, capabilities, expertise, and past performance. More specifically, capability statements should include the following information as appropriate and as applicable:

- 1) Describe your ability to perform all or part of the work as identified in Attachment 1, Performance Work Statement. Identify no more than five (5) examples of DOE, other government, and/or other commercial work relevant to this RFI within the last five (5) years. Include contract number, role in the effort (i.e., prime contractor or subcontractor), period of performance, dollar value, scope, client, and contracting agency contact information, if applicable.

- 2) Identify any performance and/or technical challenges and risks in meeting the requirements discussed in the draft PWS. Identify how your organization would minimize any risks to maximize the probability of successful performance.
- 3) Describe your experience storing hazardous materials and hazardous waste, including elemental mercury as a material and as a waste.
- 4) Describe your regulatory status with respect to the long-term management and storage of elemental mercury. If you do not have existing permits for long term storage, how would you obtain such authorization and how long would it take? Would you begin this process prior to award or upon award of the resulting contract?
- 5) Identify the amount of storage that is currently available. If existing capability is not sufficient to meet storage requirements listed in the Attachment 1 for at least the first 5 years of the elemental mercury storage project, how do you anticipate meeting the storage requirements for the resulting contract?
- 6) Identify any organizational conflicts of interest concerns and/or potential organizational conflicts of interest that you or your teaming partners may have pertaining to the work described in this RFI and attachments.
- 7) Provide input and rationale to DOE on the optimal period of performance and contracting approach for the prospective procurement, including contract type, fee structure, timelines, key assumptions, and any risks and/or challenges that should be considered in the solicitation. Identify and describe any areas listed in the draft PWS believed to be missing or in need of clarification.
- 8) Please provide input with respect to separate contract line (or pay) items. Should elemental mercury be paid per weight per unit of time, or by standard container/containers per unit of time? If by container, by which standard size container/containers? What about non-standard containers? What other contract line (or pay) items are needed? Which requirements should be included as part of the various contract line (or pay) items?
- 9) Please provide input with respect to identifying and evaluating potential alternatives to the designated storage facility. If submitting a response solely to provide a facility, please provide any requirements or other information necessary to a servicer responsible for the management and storage of elemental mercury. If submitting a response solely to perform the elemental mercury management and storage services, please provide information of known or available facilities, either commercial or government owned, where such services may be provided.
- 10) Identify which of the NAICS codes – 562112, *Hazardous Waste Collection* or 562211, *Hazardous Waste Treatment and Disposal* – would be most appropriate based on the tasks identified in Attachment 1 – Performance Work Statement. In the response, consider the impact of differences in RCRA and other regulations that apply to treatment and disposal facilities compared to regulations that apply to transporters.

Interested parties are requested to provide the name of the firm (or firms if a teaming arrangement is being contemplated), socioeconomic status, point of contact, phone number, address of firm, DUNS number, and/or CAGE code used over the past five years for the prime and each contemplated teaming partner. All teaming arrangements or joint ventures shall identify the socio-economic status of each member and shall provide the capabilities of each member, as well as a description of the work that each member would perform under a contract, keeping in mind the requirements of FAR Clause 52.219-14, "Limitations on Subcontracting" (if any portion of the effort is to be set aside for small businesses).

Identify as one or more of the following under NAICS codes 562112, *Hazardous Waste Collection* or 562211, *Hazardous Waste Treatment and Disposal*: 1) small business; 2) 8(a) small business (including graduation date); 3) HUBZone small business; 4) small disadvantaged business; 5) woman-owned small business; 6) service-disabled, veteran-owned small business; or 7) large business. Based on the information received, DOE shall make a determination during the acquisition planning process to select only one of these NAICS codes for the solicitation and award of the ensuing contract.

DOE reserves the right to use any and all information submitted by, or obtained from, an interested party in any manner DOE determines is appropriate, including, but not limited to, the creation of a competitive solicitation. An interested party shall not include any classified, business confidential, and/or proprietary information in its response.

The government will not pay for any information that is provided in response to this announcement, nor will it compensate any respondents for the development of such information. All capability statements and questions pertaining to this announcement shall be submitted electronically to MercuryStorage@emcbc.doe.gov no later than 5:00 p.m. Eastern Time on November 4, 2020. DOE will not respond to or post on the EMCBC website any verbal or written questions or comments pertaining to this RFI. DOE personnel may contact firms responding to this announcement to clarify a responder's capabilities and other matters as part of this market research process.

Point of Contact:

Jose E. Ortiz
Department of Energy - EMCBC
Office of Contracting
(513) 310-2361
Jose.Ortiz@emcbc.doe.gov