

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 – ALTERNATE II AND ALTERNATE III (FEB 2019)

(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 (SEB) 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 and subfactors 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 so deficient as to be unacceptable on its face. Such deficiencies may include any exceptions or deviations from the terms of the solicitation. A proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address the material requirements of the solicitation, or if it does not substantially comply with the proposal preparation instructions of this solicitation. Cursory responses or responses that 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

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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 Government conducts discussions, it will conduct them with all offerors in the competitive range.
- (e) Organizational conflicts of interest. The offeror is required by the provision at DEAR 952.209-8, Organizational Conflicts of Interest Disclosure – Advisory and Assistance Services, 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 DOE-M-2012 BASIS FOR AWARD (OCT 2015)

The Government intends to award one contract to the responsible Offeror whose proposal is determined to be 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 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.3 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) Factor 1 – Technical Approach
 - (2) Factor 2 – Key Personnel and Organization

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(3) Factor 3- Past Performance

Factors (1) Technical Approach and (2) Key Personnel and Organization are equal in importance and are each significantly more important than (3) Past Performance.

- (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 sub-factors and will not be individually rated, but will be considered in the overall evaluation for that particular evaluation factor.

M.4 EVALUATION FACTOR 1– TECHNICAL APPROACH

- (a) DOE will evaluate the Offeror's approach to transition activities, including the process and planned activities for conducting a safe, orderly transition; minimizing impacts on continuity of operations; identifying key issues that may arise during transition and resolutions; and planned interactions with DOE, the incumbent Contractor, incumbent employees, and other site contractors.
- (b) DOE will evaluate the Offeror's approach and ability to perform the following elements of the PWS: C.2.2 Environment, Safety, Health, and Quality (ESH&Q) Program; C.2.4 Project Management; C.3.2 Safeguards and Security (S&S) and C.3.12 Cyber Security, Computing, and Information Technology (IT).
- (c) DOE will evaluate the Offeror's approach to managing the workforce, including Union represented and non-represented labor as stated in Sections H.4-H.10. DOE will evaluate the Offeror's expertise; and with regard to the management of the workforce, their understanding of the Service Contract Labor Standards (as enacted in the Service Contract Act), in particular Section 4(c), currently codified at 41 USC Chapter 67, and how it affects a Union represented workforce.

M.5 EVALUATION FACTOR 2– KEY PERSONNEL AND ORGANIZATION

- (a) Key Personnel.
 - (1) DOE will evaluate the proposed Program Manager and the Security Manager, and other proposed key personnel along with the Offeror's rationale for the selection of proposed additional non-required key personnel and why they are considered critical to the successful performance of the entire PWS. The evaluation of the Offeror's rationale will include an assessment as to whether the Offeror has proposed the appropriate key

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personnel team along with the appropriate mix of key personnel positions and skills for successful contract performance.

DOE will evaluate the relevant qualifications and experience of the Offeror's proposed Key Personnel for executing this contract. The Key Personnel will be evaluated for suitability for the proposed position(s) based on demonstrated leadership; demonstrated experience in performing work similar to that described in the PWS; and qualifications (e.g. education, certifications, licenses) as presented in the resumes. In evaluating the Key Personnel, the Project Manager will be considered more important than the other Key Personnel position(s).

Failure of the Offeror to propose the required key personnel position, or to confirm the availability of all key personnel as being assigned to the contract full-time and that their permanent duty station is located in the local surrounding area will adversely affect the Government's evaluation of the proposal and may make the proposal ineligible for award. Additionally, failure of the Offeror to provide a letter of commitment for each key personnel will adversely affect the Government's evaluation of the proposal.

- (2) Resume. The qualifications and suitability of each individual key person will be evaluated on the following:
- (i) Experience. The key personnel individually will be evaluated on their relevant experience in performing work similar to the work to be performed in their proposed position, including leadership and other accomplishments, with emphasis on project and completion type work.
 - (ii) Education. The key personnel will be evaluated on their education, specialized training, certifications, and licenses.
 - (iii) DOE may contact any or all of the references, previous employers, or clients to verify the accuracy of the information contained in the resume and to further assess the qualifications and suitability of proposed key personnel.
- Failure to submit a signed letter of commitment will adversely affect the Government's evaluation of the proposal.

(b) Organization

DOE will evaluate the Offeror's staffing plan to demonstrate the ability to obtain, retain, and maintain adequate numbers of qualified personnel to safely, and effectively, perform all elements of the PWS.

DOE will evaluate the Offeror's proposed approach, including the efficiency and effectiveness of its proposed organizational breakdown structure to accomplish the PWS and the benefits of its use of subcontracting or teaming arrangements (if any). This also includes the Offeror's approach to the variability in workload and work surges; and their understanding of and approach to interfacing with other site contractors, service providers, and site-wide programs providing integrated safety management and an effective safety culture.

**M.6 DOE-M-2008 EVALUATION FACTOR 3– PAST PERFORMANCE (OCT 2015)
(REVISED)**

- (a) Offeror past performance. The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), will be evaluated on the favorability of relevant and recent past performance information obtained for the Offeror performing work similar in scope, size, and complexity to the requirements of the Section C PWS. Similar scope, size, and complexity are defined as follows: scope – type of work (e.g., work as identified in the Section C PWS); size – dollar value (approximate average annual value) and contract period of performance; and complexity – performance challenges (e.g., performing under a firm-fixed-price environment, types of road repairs, types of facilities, industrial hazards and interfaces with DOE and other government contractors). The higher the degree of relevance of the work, the greater the consideration that may be given.

DOE will evaluate recent past performance information for contracts that are currently being performed or have been completed within the last five (5) years from the original solicitation issuance date. More recent past performance information may be given greater consideration.

The Government will not apportion the favorability of past performance differently amongst the members of a Contractor's Teaming Arrangement, as defined in FAR 9.601(1), on a past performance contract, as each entity is considered to be responsible for overall performance of the ongoing or prior contract. All partner companies on past performance contracts will be equally credited (positively and negatively) for past performance with regard to favorability. However, relevancy determinations on a past performance contract may differ depending upon what scope each entity is proposed to perform.

- (b) Teaming Subcontractors. The Offeror's proposed Teaming Subcontractors as defined in Section L.10 (a)(2) will be evaluated on the favorability of the past performance information obtained for the Teaming Subcontractor performing work similar in scope, size, and complexity to that proposed to be performed by that Teaming Subcontractor. DOE will evaluate past performance information for contracts that are currently being performed or have been completed within the last five (5) years from the original solicitation issuance date.
- (c) Newly formed entity and predecessor companies. The evaluation of past performance for the Offeror and any Teaming Subcontractor(s) 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. Meaningful involvement means the parent, member, or affiliate will provide material supplies, equipment, personnel, or other tangible assets to contract performance; or that the common parent will utilize the expertise, best practices, lessons learned, or similar resources from the affiliate to affect the performance of the Offeror. Past performance information from predecessor companies that existed prior to any

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mergers or acquisitions may also be considered where the Offeror's proposal demonstrates such performance reasonably can be predictive of the Offeror's performance.

- (d) Work to be performed. DOE will evaluate the Offeror and all members of a teaming arrangement, as defined in FAR 9.601(1) and any Teaming Subcontractors, in accordance with the work each entity is proposed to perform to cover the work scope described in the Section C PWS. The resulting rating will consider whether the Offeror's team as a whole (including Teaming Subcontractors) have demonstrated relevancy to all PWS requirements.
- (e) No record of past performance. If the Offeror or Teaming Subcontractor(s) do not have a record of relevant past performance or if information is not available, the Offeror or Teaming Subcontractor(s) will be evaluated neither favorably nor unfavorably.
- (f) Performance information. The Government will only evaluate past performance information for work it considers relevant to the acquisition in terms of similar in scope, size, and complexity, as defined above in paragraph (a), and within the timeframe specified, as defined above in paragraph (a). The Offeror will also be evaluated on safety statistics (OSHA Days Away, Restricted or Transferred (DART) and Total Recordable Case (TRC)) 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>) and corrective actions taken to resolve those problems.
- (g) Terminated contracts. The Government will consider contracts of the Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), and Teaming Subcontractors that were terminated for default, including the reasons therefore, over the preceding five (5) years from the solicitation issuance date.
- (h) Sources of past performance information. The Government may 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 Contractor Performance Assessment Reporting System (CPARS). The Government may contact any or all of the references provided by the Offeror and will consider such information obtained in its evaluation. Note: DOE contracts are not necessarily evaluated with more relevance than non-DOE contracts, based on the sole fact that it was work for DOE. The evaluation of relevancy is based on the factors listed above. In addition, the Government may consider any other information determined to be reasonably predictive of the quality of the Offeror's performance under this proposed contract, such as information bearing on the Offeror's integrity and business ethics. This other information is not limited to contracts found relevant to this procurement in terms of scope, size, and complexity.
- (i) List of DOE contracts. The Government may consider the information provided per Section L, Attachment L-6, List of DOE Contracts, and evaluate past performance information on work determined to be relevant to the acquisition in terms of similar in scope, size, and complexity, as defined above in paragraph (a).

M.7 PRICE EVALUATION

The Offeror's proposed price will not be point scored or adjectivally rated, but will be evaluated to assess price reasonableness and completeness. The Government will evaluate price based on the total proposed price, including the base and option period included in Section B.3. For the Labor Hour CLIN labor categories, the proposed fully-burdened rate for each labor category will be multiplied by the estimated quantity of DPLH in the RFP to determine the total proposed price for each labor category.

The total evaluated price will be equal to the total proposed price for the Firm-Fixed Price and Labor Hour CLINs (Section B), the DOE-provided cost for the Cost Reimbursement CLINs (Section B) plus applied indirect costs, and the total price of the IDIQ CLINs (Section B) for the base period and option period.

The Government will evaluate the option and has included the provision FAR 52.217-5, Evaluation of Options, in Section M of the solicitation. In accordance with FAR 52.217-5, Evaluation of Options, this does not obligate the Government to exercise the option.

M.8 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).