

PART IV — REPRESENTATIONS AND INSTRUCTIONS

SECTION M

EVALUATION FACTORS FOR AWARD

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**M.1 DOE-M-2001 PROPOSAL EVALUATION – GENERAL (OCT 2015) -
ALTERNATE II (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 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 and subfactors specified in the solicitation by assessing the relative significant strengths, strengths, significant weaknesses, weaknesses, deficiencies, and price 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) The MCEP Initial Evaluation Forms provided in Attachment L-7 or proof of current MCEP audit certification will also be used as part of the responsibility determination in order to determine the Offeror's future capability to pass the MCEP Audit or maintain current certification as required in Section H.7. The Offeror's most recent Department of Transportation Compliance Review, regardless of the year in which the compliance review was conducted, and the Offeror's most recent Department of Transportation Security Review, if any, that has been conducted within 5 years from the proposal due date, may be considered by DOE as part of the responsibility determination.
- (e) 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 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.
- (f) Organizational conflicts of interest. The Offeror is required by the provision at Section K.4, 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.

M.2 DOE-M-2002 EVALUATION FACTOR – TECHNICAL AND MANAGEMENT APPROACH (OCT 2015)

- (a) DOE will evaluate the Offeror's understanding, capability, and technical approach for performing the PWS, including but not limited to, the below-listed requirements of the Performance Work Statement.

- (1) Contract Transition:

DOE will evaluate the degree to which the Offeror's proposed approach for transitioning the work (and workforce) from the incumbent contractor, in accordance with the contract requirements contained in C.3.1.16.1, is comprehensive, feasible, effective, and will allow a smooth and orderly transition.

(2) Transportation Management:

DOE will evaluate the Offeror's proposed approach to successfully implement and execute the technical and management requirements of the PWS to include the methods and processes for providing CVSA level VI qualified tractor and driver services to meet task order requirements, including dispatch process and monitoring of trucks in accordance with the DOE Transportation Schedule (C.3).

(3) Tractors, Trailers, and Support Equipment – Acquisition and Maintenance:

DOE will evaluate the Offeror's technical approach for acquiring and maintaining tractors and support equipment to CVSA level VI criteria, as identified in the PWS, in order to provide qualified tractor-trailer services that will achieve a one percent or less tractor-trailer set monthly downtime rate (C.3.3 and C.3.4).

(4) Quality Assurance:

DOE will evaluate the Offeror's proposed technical approach to successfully implement and execute a quality assurance program for hazardous waste transport operations as specified in the PWS (C.4.5).

(5) Safety Program:

DOE will evaluate the Offeror's proposed technical approach for establishing and maintaining a safety/ISMS program (C.4.6) that meets the PWS requirements for providing qualified driver services (C.3.1.13).

(b) Risks: DOE will evaluate the Offeror's three most significant identified risks to successful performance of the PWS; the Offeror's rationale for the identified risks and their potential impacts; and the Offeror's approach to eliminating, avoiding, or mitigating risks. If more than three risks are identified by the Offeror, DOE will evaluate only the first three risks.

(c) DOE will evaluate the offeror's key technical inputs, assumptions, and justifications used to determine its technical approach and/or support its technical understanding.

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

(a) Key personnel. Failure of the Offeror to propose the required key personnel position or to confirm that the Project/Terminal Manager is employed by the prime contractor will adversely affect the Government's evaluation of the proposal and may make the proposal ineligible for award.

(b) Qualifications and suitability. The individual proposed as the Project/Terminal Manager will be evaluated on the degree to which he/she is qualified and suitable for

the proposed position in relation to the work for which he/she is proposed to perform and areas of responsibility.

The qualifications and suitability of the proposed Project/Terminal Manager will be evaluated on the following:

- (1) Education. The proposed Project/Terminal Manager will be evaluated on his/her education, training, certifications, experience, and licenses, including any experience in lieu of education that supports the suitability for the position.
 - (2) Experience. The Project/Terminal Manager will be evaluated on his/her past success and accomplishments, including leadership, in performing work similar in size, scope, and complexity to that required under the contract.
 - (3) Demonstrated performance. The Project/Terminal Manager will be evaluated on his/her recent relevant past performance, including leadership and other accomplishments, as demonstrated through the resume information and reference checks.
- (c) DOE may contact references of the Project/Terminal Manager and previous employers to verify the accuracy of the information contained in the resume and to further assess his/her qualifications and suitability. DOE may also consider information received from other sources in its evaluation of the Project/Terminal Manager.
- (d) Failure of the offeror to provide a letter of commitment for the proposed Project/Terminal Manager may adversely affect the Government's evaluation of the proposal.

M.4 DOE-M-2007 EVALUATION FACTOR – RELEVANT EXPERIENCE (OCT 2015)

- (a) Offeror. The offeror will be evaluated on its recent and relevant experience performing work similar in scope, size, and complexity to that described in the Performance Work Statement. Similar scope, size, and complexity are defined as follows: scope – type of work (e.g., work as identified in the PWS, including cross-country shipment of hazardous and/or radioactive waste, other hazardous or radioactive shipments, and/or other types of cross-country or long-haul shipments); size – dollar value and contract duration; and complexity – performance challenges and risk (e.g., types of waste, nuclear environment, CVSA Level VI inspection criteria, working with Federal, State, Tribal regulatory bodies and stakeholder groups, rigorous safety and quality assurance requirements, stringent driver qualification requirements, etc.).
- (b) Subcontractors. In addition to evaluation of the offeror's relevant experience, the offeror's proposed critical subcontractors (defined as any subcontractor proposed to perform driver services, tractor services, and/or tractor and trailer maintenance

- services during the life of the contract regardless of subcontract value) will be evaluated on the degree of their relevant experience, including currency, 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, critical subcontractors, or other performing entities are a newly formed entity with no relevant experience, the 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) Verification of experience. The evaluation of experience may consider any information obtained by DOE from any sources including, but not limited to, third-party sources, customer references, clients, and business partners.

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

- (a) Offeror. The offeror will be evaluated on the currency, relevancy, and quality of its past performance, in performing work similar in scope, size, and complexity to that described in the Performance Work Statement 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, including cross-country shipment of hazardous and/or radioactive waste, other hazardous or radioactive shipments, and/or other types of cross-country or long-haul shipments); size – dollar value and contract duration; and complexity – performance challenges and risk (e.g., types of waste, nuclear environment, CVSA Level VI inspection criteria, working with Federal, State, Tribal regulatory bodies and stakeholder groups, rigorous safety and quality assurance requirements, stringent driver qualification requirements, etc.). DOE will evaluate past performance information for contracts that are currently being performed and/or for contracts that were completed within the last five years from the date proposals are due. The higher the degree of relevance and the more recent the past performance information, the greater the consideration that may be given in determining the overall confidence assessment rating.
- (b) Subcontractors. In addition to evaluation of the offeror's relevant past performance, the offeror's proposed critical subcontractors (defined as any subcontractor proposed to perform driver services, tractor services, and/or tractor and trailer maintenance services during the life of the contract regardless of subcontract value) will be evaluated 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, critical subcontractors, or other performing entities 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) Performance information. The offeror will be evaluated on corrective actions taken by the offeror to resolve problems encountered in performance of the referenced contracts. DOE will consider the contracts terminated for default or convenience, as identified in Attachment L-5, List of Contracts Terminated for Default or Convenience, including the reasoning for the terminations. The information provided in Attachment L-9, Past Performance Information Form - Transportation Accidents will also be considered for evaluation.
- (e) No record of past performance. If the offeror, critical subcontractors, or other performing entities do not have a record of relevant past performance or if information is not available, the offeror will be evaluated neither favorably nor unfavorably.
- (f) Sources of past performance information. The Government 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.
- (g) The Department will also consider any information regarding accidents that pertain to the Offeror.

M.6 EVALUATION FACTOR – PRICE

- (a) The Offeror's cost/price proposal will not be point scored or adjectivally rated, but will be evaluated for completeness, price reasonableness in accordance with FAR 15.404-1, and an Offeror's responsibility and financial capability.
- (b) The responsibility and financial capability evaluation will take into consideration whether the Offeror has adequate financial resources and the minimum liability coverage per 49 CFR 387 and Section DOE-H-2049 Insurance Requirements to perform the Contract or has the ability to obtain them. In addition, DOE will 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 price of contract performance incurred for personnel shall be expended for employees of the Offeror (as demonstrated in Section L, Attachment L-10) may be considered unacceptable and may not be considered for award.

- (c) The price evaluation will be based upon the Offeror's "Total Proposed Contract Price" which will be calculated using the Offeror's Fixed-Unit Pricing included in paragraphs (a), (b) and (c) of Section B.3 entitled "Pricing Schedule" and the DOE provided cost of Cost Reimbursable items included in paragraph (d) of Section B.3. The "Total Evaluated Contract Price" will be calculated as the arithmetic sum of the following items:
- (1) The Offeror's Total Firm Fixed Price proposed for the 60-Day Contract Transition Period at B.3(a);
 - (2) The Offeror's Total Firm Fixed Price for Basic Transportation Services for Periods 1 through 5 at B.3(b);
 - (3) The sum of the Offeror's Firm-Fixed Unit Rates for Additional Transportation Services at B.3(c). The total will include the sum of the rates provided for the service of one tractor (Additional Tractor Services and Maintenance) or one trailer (Additional Trailer Maintenance Services) or one driver team (2 drivers per team) (Additional Driver Services) for Periods 1 – 5 for both the 6-month and 12-month task order periods.
 - (4) The Total Estimated Costs already specified in Section B.3(d) for Cost Reimbursable Items.
- (d) The Government will use the prices provided by the Offeror in Section L, Attachment L-6, Cost/Price Proposal Worksheets for price evaluation purposes. If there is a discrepancy between the unit prices specified by the Offeror in Section L, Attachment L-6 and the corresponding unit prices specified by the Offeror in Section B.3, the unit prices specified by the Offeror in Section B.3 will be used to determine the total evaluated price.
- (e) An unreasonable or incomplete Cost/Price Proposal may be evidence of the Contractor's lack of, or poor understanding of, the requirements of the PWS. The Government may determine an offer is unacceptable if offered prices are unreasonable, if the Cost/Price Proposal is incomplete, or if offered prices are significantly unbalanced.

M.7 DOE-M-2011 RELATIVE IMPORTANCE OF EVALUATION FACTORS (OCT 2015)

- (a) The evaluation factors for the Technical and Management Proposal are as follows.

Factor 1: Technical and Management Approach

Factor 2: Key Personnel

Factor 3: Relevant Experience

Factor 4: Past Performance

Factor 1, Technical and Management Approach, and Factor 2, Key Personnel, are considered equal in importance, and are each slightly more important than Factor 3, Relevant Experience and Factor 4, Past Performance. Factor 3, Relevant Experience and Factor 4, Past Performance are considered 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 evaluated price.

M.8 DOE-M-2012 BASIS FOR AWARD (OCT 2015)

The Government intends to select one offeror for award of one 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.