

**Questions Generated from the Columbus Closure Project (CCP), Group 11 (July 10, 2003 – July 17, 2003)**

177. Reference RFP, Section C.1.2 – End State, pg 2:

Related to the previous question, DD-93-19 requires that a facility be free-released through an IVC as a step in the decommissioning sequence. With JN-1, JN-2, and JN-3 being demolished, does an IVC have to occur prior to demolition, or is an IVC of the soil of the building footprint after demolition a sufficient IVC release step?

Answer: Offerors are reminded that JN-1, JN-2, and JN-3 will be demolished. The waste management strategy for the waste generated as a result of the demolition is the responsibility of the offeror. Offerors are also reminded that a final IVC survey(s) of the site is required in accordance with Section C.2.5 Statement of Work. The timing of the IVC survey(s) for release of the site should occur in accordance with the offeror's proposed approach to work.

178. Reference RFP, Section H.1.1 (b), pg 1:

The RFP states that "the existing project control system may be used until such time as a replacement system is approved." The contractor shall evaluate the usefulness and cost effectiveness of the system and its relationship to the other site information systems. Please clarify what system is currently in use for project controls? What are the other information systems that must interface with the project controls system?

Answer: The contractor may elect to use the Battelle software packages until such time as a replacement system is approved. Other, current, software packages are commercially available for the replacement system. Battelle is available to assist the contractor, in the use of the existing system until such time as a replacement system is approved. The costs for the Battelle assistance, and other project control system costs are included in the contract funding profile.

The existing Battelle project control software for scheduling, resource loading and milestone performance is the DOS version of OpenPlan software, by Welcom. The license can be transferred. The cost reporting and cost performance software is the DOS and Windows versions of Microframe Project Manager (MPM) by Business Engine. The MPM license and custom reports cannot be transferred. A program necessary to transfer data between the DOS and Windows version of the software, OpenPlan Pro crosstab transfer file, is not available to the Offerors.

179. Question 1: In response to Question 160, DOE provided the following guidance: DOE acknowledges that it is not practical for offerors to obtain NRC concurrence for personnel with qualifications that are different than but similar and adequate to the requirements specified in Section 2.2.2 of the Draft Amended DP, Rev. 6, during the proposal preparation and evaluation stages of the RFP. If the successful offeror's proposed approach includes the use of personnel that have different, but

similar and adequate, qualifications, the successful offeror is still expected to pursue and obtain NRC approval in accordance with Section H.21, after contract award but prior to the date the successful offeror assumes responsibility for the operation of the site as specified in Section F of the contract. Nothing contained in this response shall be construed as a waiver of the requirements of the contract to comply with the DP and amendments thereto and the Draft Amended DP, Rev. 6, Section 2.2.2. The above language makes it clear that the offeror can use personnel that have different, but similar and adequate, qualifications. In that same response, DOE provides the following language for a change to Section M.4.I. Key Resource(s) - "If the offeror chooses to propose a key resource that will perform the responsibilities/functions of an organizational position in Section 2.2.2. of the Draft Amended DP, Rev. 6, and/or proposes the key resource in the specific organizational position identified in the Section 2.2.2., Draft Amended DP, Rev. 6, an evaluation of the extent to which the key resource has the qualification requirements specified in Section 2.2.2., Draft Amended DP, Rev. 6 shall be part of the evaluation under the criteria set forth in Section M.4.1." (emphasis added). The above DOE statements are inconsistent. In the first statement, DOE allows "the use of personnel that have different, but similar and adequate, qualifications." In the second, DOE states that proposed personnel will be evaluated based upon the qualification requirements in the DP, Revision 6, Section 2.2.2. In addition, the qualification requirements listed in Draft Amended DP, Rev. 6, are contrary to DOE's stated objective of involving new subcontractors and bringing commercial practices to DOE projects. The requirement that the individual have 10 years of DOE project management experience would imply that DOE wants the same personnel that have worked on DOE project in the past and that commercial experience is secondary. Moreover, since only four DOE reference documents apply to this procurement, it would appear that NRC and commercial experience are more applicable. Based on the above, would DOE consider evaluating position candidates based on their individual qualifications and experience? This would be done with the knowledge that, if the qualifications are adequate to assure DOE that the individual can perform the job, as evidenced by the fact that the individual has managed large-scale radiological remediation projects and NRC de-licensing projects in the past, the NRC will readily accept that candidate's qualifications in a revision to the DP.

Answer: Section M.4.1 Evaluation of Key Resources is not inconsistent with the Guidance issued in response to question #160. Offerors should not confuse Contract Clause H.21, Contractor's Organization with Section L.17, Proposal Preparation Instructions – Volume II – Technical Proposal and M.4.I, Technical Evaluation Factors/ Criteria, Key Resources which pertain to the preparation and evaluation of proposals.

Section L. 17 and Section M.4.1 – The following applies to the evaluation of Key Resources ONLY: The Department was and is intending to evaluate the three proposed key resources' individual qualifications in accordance with M.4.1. which are inclusive of more than the Draft Amended DP qualifications. Offerors are

reminded that the Draft Amended DP will be used as part of the evaluation of the key resources ONLY if the Key Resource(s) will be performing functions/responsibilities of the listed organizational positions specified in the Draft Amended DP, Section 2.2.2.” The potential offeror is misinterpreting the M.4.1 section as amended. The qualification requirements stated in the Draft Amended DP are not mandatory requirements. As previously stated, the offeror can propose a key resource that has different, but adequate and similar, qualifications, (which would include other than DOE experience) than those stated in the Draft Amended DP if the key resource will be performing the above functions/responsibilities. The Department will use the Draft Amended DP in ascertaining “adequate and similar.” The qualifications as stated in the Draft Amended DP for a number of the positions have been considered adequate by the NRC; however, personnel with different, but adequate and similar, qualifications could be adequate for the purposes of the NRC. The Department is not requiring NRC concurrence/approval during the proposal stage if an offeror elects to propose such a person as a key resource. Offerors are aware that the licensee, Battelle Memorial Institute, may be issued a Notice of Violation by the NRC if the offeror (new contractor) does not use personnel that are satisfactory to the NRC to perform these functions/responsibilities. Contract Clause H.21 is contained in the resultant contract.

Regarding Contract Clause H.21, Contractor’s Organization –The contractor is responsible for ensuring compliance with Contract Clause H.21. for all of the function/responsibilities of the organizational positions in Section 2.2.2 of the Draft Amended DP, which may include personnel proposed as a key resource. Therefore, there is no agreement that “the NRC will readily accept that candidate’s qualifications in a revision to the DP.”

180. Question 2: As specified in the original RFP, Section L.17 (c) II. (a), second paragraph, each offeror is required to “describe its technical approach, major work elements, and methods, including any innovations that address each of the elements in the SOW.” Thus, offerors’ current versions of the technical approach consume the allotted pages to describe their major work elements, methods, and innovations for “each” of the elements in the SOW. In Amendment 2, Item 7, DOE added the following requirements to the subject paragraph under Section L.17 (c) II. (a) - “The offeror shall describe its approach for providing the functions/responsibilities specified in the Amended Draft DP, Rev. 6, Section 2.2.2., Decommissioning Operations.” Thus, under the revised section, the offeror is required (in the Technical Approach) to not only describe their major work elements, methods, and innovations for “each” of the elements in the SOW, but also their approach for providing the functions/responsibilities specified in the Amended Draft DP, Rev. 6, Section 2.2.2. The first paragraph of the Amended Draft DP, Rev. 6, Section 2.2.2. provides a list of functions/responsibilities of the Closure Contractor. The list includes: Manage, integrate, perform, and subcontract the decommissioning operations, as necessary, to ensure that all activities are performed within the requirements for occupational, radiological, and industrial safety; environmental

protection; site security; cost and schedule baselines; and the technical objectives of the project, including the approved release criteria.

Answer: There is no need for additional pages due to the issuance of amendment 02. As you have correctly articulated, each of the cited items were already elements of the Statement of Work or required to be addressed by Provision L.17(c)II(a) paragraph 3. Offerors should have been addressing or in the process of addressing these elements prior to the issuance of the amendment. The Department will not delete the clarification. It is not a new requirement. The amendment was issued to clarify Section L of the RFP to ensure that offerors describe their approach for providing the functions/responsibilities of the organizational positions stated in the Draft amended DP. To clarify, offerors are required to describe their approach, however, they are not required to name the specific individuals who will perform the functions/responsibilities. The specific qualifications for these functions/responsibilities will not be evaluated in this section.

181. Please clarify the proposal submittal requirements for subcontractors. Section L.18, Part 4, Items A – F identify specific submittals for all joint ventures or subcontractors. Regardless of project participation size, must ALL subcontractors submit financial statements, cost accounting standards, etc. even though the subcontractor may have a very small role on the project? For example, in Question 66 and 89, Reqs and Certs and the Statement of Offerors are only required for team members and/or subcontractors whose work is valued at or over \$5 million. Could you define a threshold that might clarify which subcontractors are required to submit all this information or could the prime contractor take financial responsibility on any subcontractor's work that is considered limited in scope both technically and financially.

Answer: The data required by Provision L.18(4)(a)-(f) must be submitted by the offeror which includes the prime, subcontractors, team members and/or joint ventures for any work estimated to be \$1 million or greater over the life of the project.

182. Could you define the difference between a SUBCONTRACTOR and a VENDOR?

Answer: The Department considers these to be the same. However, there may be a difference as defined by the offeror.

183. The concern we have is centered around the waste generator from Section C.3 and C.I.4 in the RFP. In it, the contractor must obtain the necessary permits and sign the waste manifests, which we understand is part of the scope. It appears that the contractor is then the waste generator, which for a risk standpoint is not conducive to a small business. After checking throughout the industry, it is our understanding the common practice is for the contractor to act as agents for the DOE but not be the waste generator. Two questions have been posted to date, #67 and #147 regarding this issue but it is still not clear. Please clarify.

Answer: The contractor must obtain its own hazardous waste generator number for hazardous waste from the Ohio EPA as required by Section C.3 Statement of Work. The contractor shall also sign all manifests and land disposal restriction notifications as stated in Section C.3 Statement of Work. The requirements in the Statement of Work will not be changed.