

**PART IV – REPRESENTATIONS AND INSTRUCTIONS****SECTION M – EVALUATION FACTORS FOR AWARD****M.1 EVALUATION OF PROPOSALS**

- (a) This acquisition will be conducted pursuant to the policies and procedures in Federal Acquisition Regulation (FAR) Part 15 and Department of Energy Acquisition Regulation (DEAR) Part 915. The Department of Energy (DOE) has established a Source Evaluation Board (SEB) to evaluate the proposals submitted for this acquisition. Proposals will be evaluated by the SEB 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 SEB. The offeror must 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. For example, a proposal will be deemed unacceptable if it does not address the essential requirements of the Request for Proposal (RFP), 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) Any exceptions, deviations, or conditional assumptions to the terms of this solicitation unless specifically requested in the RFP may make the offer unacceptable for an award made without discussion. If an offeror proposes exceptions to the terms and conditions of the contract, the Government may make an award without discussions to another offeror that did not take exception to the terms and conditions of the contract.
- (d) Prior to an award, a finding shall be made by the Source Selection Official whether any possible Conflict(s) of Interest (COI), or Organizational Conflict(s) of Interest (OCI) exists with respect to the apparent successful offeror or whether there is little or no likelihood that such conflict(s) exists. In making this determination, DOE will consider the representation required by Section K of this solicitation. An award will be made if there is no conflict(s) or if it can be avoided or mitigated appropriately.
- (e) Federal Law prohibits the award of a contract under a national security program to a company owned by an entity controlled by a foreign government unless a waiver is granted by the Secretary of Energy. In making this determination, the

Government will consider the certification required by Section K, Certificate Pertaining to Foreign Interests.

- (f) A Performance Guarantee Agreement in accordance with the requirements of Section K of this solicitation will be a condition of the award of this contract.
- (g) The Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.

## **M.2 BASIS FOR CONTRACT AWARD**

The Government intends to award one contract to the responsible offeror whose proposal is responsive to the solicitation and is determined to be the best value to the Government. If the contractor proposes as a part of a consortium, joint venture, and/or other teaming arrangement, the team shall share in the contract fee structure (i.e., separate additional “subcontractor fee” for teaming partners will not be considered an allowable cost under this contract). Contractor shall make sure each teaming partner, and/or joint venture arrangement, satisfy section M.1 d. and e. Selection of the best value to the Government will be achieved through a process of evaluating the strengths and weaknesses of each offeror’s proposal in accordance with the evaluation criteria stated in the solicitation. In determining the best value to the government, the Technical Evaluation Factors/Criteria are significantly more important than the evaluated cost. The cost evaluation will not be point scored. The Government is more concerned with obtaining a superior technical proposal than making an award at the lowest evaluated cost. 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 technical proposal over another. Thus, to the extent that offerors’ technical proposals are evaluated as close or similar in merit, the evaluated cost is more likely to be a determining factor.

## **M.3 OVERALL RELATIVE IMPORTANCE OF EVALUATION FACTORS**

- (a) The proposals will be evaluated using information submitted by the offerors on the following factors: Closure Strategy, Key Personnel, Environmental, Safety and Health, and Corporate Past Performance. The relative weight of the evaluation factors are as follows:
  - (1) Closure Strategy is significantly more important than Key Personnel, Environment, Safety and Health, and Corporate Past Performance
  - (2) Key Personnel is more important than Environment, Safety and Health, and Corporate Past Performance

- (3) Environment, Safety and Health is more important than Corporate Past Performance
- (b) Sub-factors under the Closure Strategy factor are listed in descending order of importance:
  - 1. Technical Approach and Management
  - 2. Project Integration
  - 3. Risk Management
  - 4. Small Business
- (c) Technical Approach and Management is more important than Project Integration. Technical Approach and Management and Project Integration, combined, are significantly more important than the other sub-factors.
- (d) Separate sub-factors for other criteria may not be specifically stated.

#### **M.4 TECHNICAL EVALUATION FACTORS/CRITERIA**

##### **I. Closure Strategy**

##### **(a) Technical Approach and Management**

- (i) The DOE will evaluate each offeror's performance-based technical approach, major work elements and methods, including any innovations, for demolishing the MCP facilities described in Section C.2.1.1. Additionally, DOE will evaluate the offeror's approach for maintenance of facilities designated for demolition.
- (ii) The DOE will evaluate each offeror's performance-based technical approach, major work elements and methods, including any innovations, for preparing MCP facilities for transfer as described in Section C.2.1.2. Additionally, DOE will evaluate the offeror's approach for providing continuity of utilities to facilities during the facility transfer process.
- (iii) The DOE will evaluate each offeror's performance-based technical approach, major work elements and methods, including any innovations, for removing MCP above ground utility structures and components as described in the SOW, Section C.2.2. Additionally, DOE will evaluate the offeror's approach for maintaining continuity of utility services for facilities to be transferred and NE facilities identified in the SOW, Section C.2.

- (iv) The DOE will evaluate the offeror's performance-based technical approach, major work elements and methods, for including any innovations, for dispositioning PRSs as described in Section C.2.3.
- (v) The DOE will evaluate each technical approach, major work elements and methods, including any innovations, for removing waste materials from the site as described in Section C.3 on or before September 30, 2006.
- (vi) The DOE will evaluate each offeror's performance-based technical approach, major work elements and methods, including any innovations, for transferring land parcels as described in Section C.2.4 that achieves site closure on or before September 30, 2006. The DOE will also evaluate the integration of the land transfer performance schedule with the facility demolition, facility transfer and PRS performance schedule. The contractor shall identify the facilities and PRSs included in each land parcel.
- (vii) The DOE will evaluate each offeror's performance-based organization for achieving site closure on or before September 30, 2006. This will include, but not be limited to, the organization chart, organization breakdown structure, project structure relating the organization to the SOW, Work Breakdown Structure, and its approach for managing project performance.
- (viii) The DOE will evaluate each offeror's performance-based approach toward project management to achieve site closure on or before September 30, 2006.
- (ix) The DOE will evaluate each offeror's performance-based project management approach for all remaining sections of the SOW.

**(b) Project Integration**

The DOE will evaluate each offeror's approach for integrating the performance schedules of the MCP to allow site closure on or before September 30, 2006, while remaining within the annual funding limitation.

**(c) Risk Management**

- (i) The DOE will evaluate each offeror's assessment of the work scope uncertainties identified in Section H.2. For the uncertainties that present a significant risk to project cost and schedule, DOE will evaluate the offeror's proposed approach for their elimination, avoidance or mitigation.

- (ii) The DOE will evaluate each offeror's identification of additional work scope uncertainties (not listed in Section H.2) that, in its opinion, may present a significant impact to project cost and schedule. The DOE will evaluate the offeror's proposed approach to eliminate, avoid or mitigate those uncertainties.
- (iii) The DOE will evaluate each offeror's approach to eliminate, avoid or mitigate programmatic risks, and the offeror's allocation of risk responsibility to the organization best suited to manage it. This can result in the contractor assuming total responsibility, the Government assuming total responsibility, or a clearly defined method of sharing risk responsibility between the Government and the contractor.
- (iv) The DOE will evaluate each offeror's approach to identify, assess, and manage future uncertainties and their programmatic risk during the performance of this contract. This also includes the approach the offeror will use to communicate uncertainty and risk to DOE.

(d) **Small Business**

- (i) The DOE will evaluate the extent to which small business, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business, small disadvantaged business, and women-owned small business concerns are included in the offeror's proposed plan to accomplish project requirements, both in terms of the overall share of the work and the variety and complexity of the work to be performed.
- (ii) The DOE will evaluate the offeror's description of the participation of small business, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business, small disadvantaged business, and women-owned small business as part of the offeror's plan to accomplish project requirements, (i.e. team members, joint venture partners, subcontractors.)
- (iii) The DOE will evaluate the offeror's performance in meeting subcontracting goals for small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged small business, and women-owned small business.

- (iv) The DOE will evaluate information regarding past and present performance (if obtained) from independent data as was as data provided by offeror's.

Offerors without a record of relevant past performance, or for whom information on past or present performance is not available, will be evaluated neither favorably nor unfavorably on past performance.

## **II. Key Personnel**

- (a) The DOE will evaluate each offeror's project manager resume to assess his/her education, experience, and suitability to the proposed position. Failure to submit a Letter of Commitment may result in a lower rating.
- (b) The DOE will evaluate each offeror's other key personnel resume to assess their education, experience, and suitability to the proposed position. Failure to submit Letters of Commitment may result in a lower rating.
- (c) The DOE will evaluate each proposed key personnel's understanding of MCP issues and capability to function effectively in his/her proposed MCP team position, as demonstrated through oral interviews with the SEB.
- (d) The DOE will evaluate during the Oral Interviews, in addition to the above information, the key personnel's leadership and capability to: perform the SOW; improve performance; meet commitments to customers; and adapt to changing requirements.

## **III. Environment, Safety and Health (ES&H)**

The DOE will evaluate the offeror's description of how it will execute a single site-wide Integrated Safety Management System that flows down into all work activities, including subcontractors. The DOE will evaluate each offeror's approach for integrating safety throughout the entire work process from initial work identification to work execution. The DOE will also evaluate how safety deficiencies are identified and resolve and how effective corrective action will be implemented. The DOE will evaluate how the offeror will manage, monitor and control environmental emission from the site.

## **IV. Past Performance**

- (a) The DOE will evaluate each offeror's corporate past performance under existing and prior contracts regarding the execution of work similar to the SOW in type, scope, complexity, or risk, as demonstrated by responses to the Reference Information Form and the Past Performance Questionnaire.

- (b) The DOE will evaluate the information provided on problems encountered on contracts, the list of contracts terminated within the past three years, and other relevant information available to the DOE.

Offerors without a record of relevant past performance, or for whom information on past or present performance is not available, will be evaluated neither favorably nor unfavorably on past performance.

#### **M.5 COST AND FEE EVALUATION CRITERIA**

- (a) The DOE will evaluate each offeror's proposed costs for realism, reasonableness and completeness.
- (b) The DOE will evaluate each offeror's proposed Target Fee.
- (c) The DOE will evaluate each offeror's target cost and target fee proposals to ensure total contract costs and projected annual funding limitations are not exceeded.
- (d) The DOE will use probable cost as defined in FAR Part 15 to evaluate each offeror's proposal.
- (e) The DOE will evaluate each offeror's Financial Statements and other information for financial responsibility.