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## SECTION L

### INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

#### L.1 Guidance for Prospective Offerors – Impact of Teaming Arrangements on Small Business Status

(a) This procurement has been set aside for small business. In order to ensure that award is made to an eligible small business, prospective offerors, in consultation with legal counsel, are encouraged to review the Small Business Administration's (SBA) size eligibility standards found at Title 13 of the Code of Federal Regulations, Section 121 (13 C.F.R. § 121). In particular, offerors proposing a joint venture, subcontracting, or another form of teaming arrangement should review 13 C.F.R. § 121.103, *What is affiliation?*, prior to submitting a proposal.

(b) The SBA is the sole authority for making determinations of small business status for small business programs. Such determinations are binding on the offeror and on the contracting officer. Accordingly, a finding by the SBA of affiliation between an offeror and its proposed team member(s) or subcontractor(s) may result in the offeror being found to be other than a small business and therefore ineligible for contract award.

(c) Business concerns are considered to be affiliates of each other if either one directly or indirectly controls or has the power to control the other, or if another concern controls both. In determining whether affiliation exists, factors such as common ownership, common management, and contractual relationships are considered. An offeror will also be found to be affiliated with its subcontractor(s) if the offeror is unusually reliant upon its subcontractors or if the subcontractor(s) will perform primary and vital requirements of a contract.

(d) The SBA has issued extensive decisions concerning its evaluation of affiliation of an offeror and its proposed subcontractor(s). The following examples set forth characteristics that the SBA has reviewed in considering the question of affiliation and may assist prospective offerors in developing any teaming arrangements and their proposals.

- (1) The SBA considers whether proposed subcontracting, partnership, joint venture, or other teaming arrangements contain discrete descriptions of the tasks or work to be performed by each party. The SBA considers whether the

offeror or, if the offeror is a joint venture or partnership, the joint venture participants or partners, perform the primary or vital portions of the Statement of Work. The SBA considers whether teaming arrangements clearly set forth the relationship between the parties, as well as the individual roles and responsibilities assigned.

- (2) The SBA considers whether there is a clear separation of facilities, employees, and management (decision-making authority) between the offeror and any entities with which it has teaming arrangements.
- (3) The SBA considers the extent to which the offeror directly employs Key Personnel (Program Manager, Project Manager, etc.).
- (4) If the offeror is an eligible small business prime contractor, the SBA considers whether the majority of the technical expertise resides with the offeror. If the offeror is an eligible joint venture (see 13 CFR 121.103(f)(3)), the SBA considers whether the majority of the technical expertise resides among the joint venture members.
- (5) The SBA considers the offeror's profit sharing arrangements with its proposed subcontractor or other entities.
- (6) In reviewing affiliation between the offeror and its proposed subcontractors or entities with which the offeror has a teaming arrangement, SBA considers the previous contractual or business relationships between the offeror and that entity.

**L.2 52.204-6 -- Data Universal Numbering System (DUNS) Number (Oct 2003)**

(a) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" or "DUNS+4" followed by the DUNS number or "DUNS+4" that identifies the offeror's name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet, Inc. The DUNS+4 is the DUNS number plus a 4-character suffix that may be assigned at the discretion of the offeror to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see Subpart 32.11) for the same parent concern.

(b) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

- (1) An offeror may obtain a DUNS number-
  - (i) If located within the United States, by calling Dun and Bradstreet at 1-866-705-5711 or via the Internet at <http://www.dnb.com> or
  - (ii) If located outside the United States, by contacting the local Dun and Bradstreet office.
  
- (2) The offeror should be prepared to provide the following information:
  - (i) Company legal business name.
  
  - (ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.
  
  - (iii) Company physical street address, city, state and Zip Code.
  
  - (iv) Company mailing address, city, state and Zip Code (if separate from physical).
  
  - (v) Company telephone number.
  
  - (vi) Date the company was started.
  
  - (vii) Number of employees at your location.
  
  - (viii) Chief executive officer/key manager.
  
  - (ix) Line of business (industry).
  
  - (x) Company Headquarters name and address (reporting relationship within your entity).

**L.3 52.215-1 Instructions to Offerors--Competitive Acquisition (May 2001)**

- (a) Definitions. As used in this provision--

"Discussions" are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer's discretion, result in the offeror being allowed to revise its proposal.

"In writing," "writing," or "written" means any worded or numbered expression that can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

"Proposal modification" is a change made to a proposal before the solicitation's closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

"Proposal revision" is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

"Time", if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

- (b) Amendments to solicitations. If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).
- (c) Submission, modification, revision, and withdrawal of proposals.
  - (1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages (i) addressed to the office specified in the solicitation, and (ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.
  - (2) The first page of the proposal must show--
    - (i) The solicitation number;
    - (ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);
    - (iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;
    - (iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to

negotiate on the offeror's behalf with the Government in connection with this solicitation; and

- (v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

(3) Submission, modification, revision, and withdrawal of proposals.

- (i) Offerors are responsible for submitting proposals, and any modifications or revisions, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal or revision is due.
- (ii) (A) Any proposal, modification, or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and--
  - (1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or
  - (2) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or
  - (3) It is the only proposal received.
- (B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

- (iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.
  - (iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.
  - (v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.
- (4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.
- (5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, Evaluation of Foreign Currency Offers, is included in the solicitation.
- (6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.
- (7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.
- (8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

- (d) Offer expiration date. Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).
- (e) Restriction on disclosure and use of data. Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall--

- (1) Mark the title page with the following legend:

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed--in whole or in part--for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of--or in connection with--the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and

- (2) Mark each sheet of data it wishes to restrict with the following legend:

Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

- (f) Contract award.

- (1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.
- (2) The Government may reject any or all proposals if such action is in the Government's interest.
- (3) The Government may waive informalities and minor irregularities in proposals received.
- (4) 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. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

- (5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.
- (6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.
- (7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.
- (8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.
- (9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.
- (10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.
- (11) The Government may disclose the following information in postaward debriefings to other offerors:
  - (i) The overall evaluated cost or price and technical rating of the successful offeror;

- (ii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection;
- (iii) A summary of the rationale for award; and
- (iv) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

**L.4 52.215-16 Facilities Capital Cost of Money (Jun 2003)**

- (a) Facilities capital cost of money will be an allowable cost under the contemplated contract, if the criteria for allowability in FAR 31.205.10(b) are met. One of the allowability criteria requires the prospective Contractor to propose facilities capital cost of money in its offer.
- (b) If the prospective Contractor does not propose this cost, the resulting contract will include the clause Waiver of Facilities Capital Cost of Money.

**L.5 52.216-1 Type of Contract (Apr 1984)**

The Government anticipates award of two cost-plus-award-fee contracts resulting from this solicitation, one contract for Portsmouth and one contract for Paducah.

**L.6 52.222-24 Preaward On-Site Equal Opportunity Compliance Evaluation (Feb 1999)**

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

**L.7 52.215-20 -- Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data (Oct 1997)**

- (a) Submission of cost or pricing data is not required.
- (b) Provide information described below:

See Section L.15 for description of information and format required. Submit the cost portion of the proposal in hardcopy, and also via the following electronic media: Any spreadsheets or mathematical computation using MICROSOFT Excel 97. Any written verbiage will be submitted using MICROSOFT Word 97.

**L.8 52.233-2 Service of Protest (Sep 1996) (As Modified by 952.233-2) (Aug 1996)**

- (a) Protests, as defined in Section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Oak Ridge Operations Office  
 U.S. Department of Energy  
 ATTN: Shirley Vogel  
 200 Administration Rd.  
 Oak Ridge, TN 37830

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.
- (c) Another copy of a protest filed with the General Accounting Office shall be furnished to the following address within the time periods described in paragraph (b) of this clause: U.S. Department of Energy, Assistant General Counsel for Procurement and Financial Assistance (GC-61), 1000 Independence Avenue, S.W., Washington, DC 20585, Fax: (202) 586-4546.

**L.9 Preproposal Conference and Site Tours**

- (a) A preproposal conference will be held as indicated below:

Time: 8:30 a.m. Eastern Time  
 Date: December 8, 2003  
 Place: The Resource Center  
 Information Age Park  
 2000 McCracken Boulevard  
 Paducah, KY 42001

Technical and contracting personnel will be available to discuss requirements. In order to allow preparation of responses and to expedite discussion, you are requested to submit your questions in

writing via [pppoinfrastructure@ohio.doe.gov](mailto:pppoinfrastructure@ohio.doe.gov) by December 1, 2003. Each question should clearly specify the RFP area (section, page, attachment, etc.) to which it refers. When possible, questions should be phrased to permit "YES" or "NO" responses.

- (b) Site tours will be conducted at the locations and dates specified below. Site tours will only be conducted for entities who actually intend to submit a proposal as indicated by submission of the information in the attachment to this section, "Intent to Propose." Site tour attendance is limited to two people per offeror. Only those individual representatives of the offeror who have submitted the required registration information in the Tour Registration Sheet (attachment to this section) will be permitted to take the site tours. Offeror personnel who are not U.S. citizens will not be allowed to take the site tours. The registration information for site tours must be submitted to the person indicated below by December 1, 2003. All attendees will be required to show photo identification, e.g. drivers license, etc. upon arrival for the site tours.

#### **Paducah, Kentucky**

Time: 8:30 a.m. Central Time  
 Date: December 9, 2003  
 Place: The Resource Center  
 Information Age Park  
 2000 McCracken Boulevard  
 Paducah, KY 42001

#### **Portsmouth, Ohio**

Time: 8:30 a.m. Eastern Time  
 Date: December 11, 2003  
 Place: (TBD)  
 Piketon, OH 45661

Shirley C. Vogel, AD-42                      Voice Mail (865) 576-9303  
 Fax No.: (865) 576-4005  
 E-Mail: [pppoinfrastructure@ohio.doe.gov](mailto:pppoinfrastructure@ohio.doe.gov)

#### **L.10 952.233-4 Notice of Protest File Availability (Sep 1996)**

- (a) If a protest of this procurement is filed with the General Accounting Office (GAO) in accordance with 4 CFR Part 21, any actual or prospective offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to FAR

33.104(a)(3)(ii), implementing section 1065 of Public Law 103-355. Such request must be in writing and addressed to the contracting officer for this procurement.

- (b) Any offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, offerors should mark any documents as to which they would assert that an exemption applies (See 10 CFR Part 1004).

#### **L.11 952.233-5 Agency Protest Review (Sep 1996)**

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters to discuss their concerns with the contracting officer prior to filing a protest.

#### **L.12 Instructions for Proposal Preparation**

##### **General Instructions**

- (a) Intention to Propose. To enable DOE to anticipate the number of submissions to be evaluated, please complete the information in the Intention to Propose form (attachment to this section L) and e-mail the completed form to the Contracting Officer address shown on the solicitation page by the earliest practical date.
- (b) Proposal Due Date. Proposals must be submitted in hardcopy and also via electronic media. Proposals must be received NO LATER THAN 04:00 PM local time on January 28, 2004, at the address noted below:

U. S. Department of Energy  
Attn: Shirley Vogel  
200 Administration Rd.  
Oak Ridge TN 37830

See FAR 52.215-1, which describes the treatment of late submission, modification, revision, and withdrawal of proposals.

If the offeror is proposing on both sites, the offeror must submit a separate proposal for each site. The following requirements apply to each proposal submitted:

Proposal Volume	Title	Copies Required	Page Limit
Volume I	Offeror & Other Documents	5	No Limitation
Volume II	Technical/Business Management	12	50 pages
Volume III	Cost	12	No limitation

- (c) Award Without Discussions. The Government intends to evaluate proposals and award a contract(s) 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. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.
- (d) Overall Arrangement of Proposal. To aid the evaluation, proposals must be clearly and concisely written as well as being neat, indexed (cross-indexed as appropriate), and logically assembled. All pages of each volume shall be appropriately numbered, and identified with the name of the offeror, the date, and the solicitation number. Electronic media versions of proposal files are to be formatted in the following applications: Adobe Acrobat 4.0 (PDF) or higher/Word 97 or higher/Excel 97 or higher/or PowerPoint 97.
- (1) Each proposal shall consist of three physically separate volumes. Multiple electronic files may be submitted for each volume; however, each file must clearly identify the volume to which it relates. Information required for proposal evaluation, which is not found in its designated section, may result in an unfavorable evaluation. With the exception of pricing information requested in the Section B, Supplies or Services and Prices/Costs, all

contractual cost and pricing information shall be addressed ONLY in the Cost Volume, unless otherwise specified. Page limitations if any for each volume are specified above.

- (2) Signed Originals. The signature of the authorized representative of the offeror shall be entered in the appropriate space shown on the Standard Form 33.
- (e) Glossaries. Each volume shall contain a glossary of all abbreviations and acronyms used, including a definition for each.
- (f) Page Description.
- (1) Page size shall be 8.5 x 11 inches for text pages and a maximum of 11x17 inches for spreadsheet, charts, tables, diagrams or design drawings. Page margins shall be a minimum of one inch at the top, bottom and each side. Pages shall be numbered sequentially by volume and by section within the volumes. The solicitation number, page number and the legend at FAR 52.215-1(e), "Restriction on Disclosure and Use of Data," as appropriate, shall be provided on each page and is the only information that can be displayed within the one inch top, bottom, and side margins. A font size smaller than that which is described in paragraph 2 below can be used for this information, however, other text reductions are unacceptable.
  - (2) With the exception of headers and footers, spreadsheet, charts, tables, diagrams or design drawings graphs, tables and spreadsheets throughout the proposal, the text shall be 12 point (or larger), single-spaced, using a Courier, Geneva, Arial or Universal font type. Single or double spacing is acceptable for those pages identified under the "Page Count Exceptions." Two columns of text per page and use of boldface type for paragraph headings are acceptable.
  - (3) Proposals will only be read and evaluated up to the page limitations, if any. Page counting will begin with the first page of each volume of the proposal. No material may be incorporated by reference as a means to circumvent the page limitation. For purposes of evaluation, the technical proposal must be a stand alone document, totally separate from the cost proposal; therefore, the offeror shall not include any reference in the technical proposal requiring review of information that is a part of the cost proposal. Such information shall not be evaluated.
- (g) Page Count Exceptions. Every page of each volume shall be

counted towards the page limitation for the respective volume, including attachments, appendices and annexes, except for the following:

- (1) Table of Contents
  - (2) Title Pages
  - (3) Glossary
  - (4) Representations and Certifications, which are to be submitted with the volume, entitled "Offer and Other Documents"
  - (5) Cross-reference Matrix
  - (6) Resumes of Key Personnel with Commitment Signature (Limit to two pages per individual)
- (h) Table of Contents. The offeror shall incorporate a table of contents into each proposal volume, which identifies the section, sub-section, paragraph titles, and page numbers. Also include a list of all tables and figures.
- (i) Cross-reference Matrix. The offeror shall complete the cross-reference matrix attached to this section and correlate the proposal by page and paragraph number to the statement of work in, Section L and Section M. The Cross-reference Matrix shall be inserted in the offeror's proposal immediately following the Table of Contents for Volume II.
- (j) Classified Information. The offeror shall not provide classified information in response to this solicitation.
- (k) Point of Contact. The Contracting Officer (CO) and the Contract Specialist (CS) are the sole points of contact during the conduct of this procurement.
- (l) Errors or Omissions. The solicitation is considered complete and accurate in every detail and adequately describes the government's requirements. If you feel any part of the solicitation contains an error or omission, contact the CO to obtain clarification. To preclude unnecessary work and to assure yourself of submitting a complete proposal, you are cautioned to resolve all questionable areas with the CO.
- (m) Changes to the Solicitation. No changes to this solicitation will be effective unless they are incorporated into the solicitation by amendment.
- (n) Information Provided. The government will evaluate offerors on the basis of information provided in the proposal. The government will

not assume that an offeror possesses any capability unless such a capability is established in the proposal.

- (o) Alternate Proposals. Alternate proposals will not be accepted.
- (p) Joint Ventures and /or LLCs. Offerors who submit a proposal as a joint venture shall provide full and complete information on each of the participating firms, as well as the proposed joint venture and/or LLC organization itself. Discuss the roles and responsibilities of each joint venture and/or LLC member.
- (q) Internet Sites. The Internet sites referenced throughout the solicitation can be found at the locations listed below:

Federal Business Opportunities (FedBizOpps):

<http://www.fedbizopps.gov/>

<http://www.ohio.doe.gov>

DOE Center--Doing Business with DOE: <http://e-center.doe.gov>

Federal Acquisition Regulation (FAR) clauses and provisions and Federal Acquisition Circulars (FACs) which contain the most recent changes to the FAR: <http://www.arnet.gov/far/>

Department of Energy Acquisition Regulation (DEAR) Clauses and Provisions: <http://professionals.pr.doe.gov/ma5/MA-5Web.nsf/Procurement/Acquisition+Regulation?OpenDocument>

DOE Orders, Notices, and Manuals <http://www.directives.doe.gov/>

Interactive Industry Procurement System (IIPS) Users Guide for Contractors by clicking on the Help page at:

<http://doe-iips.pr.doe.gov>

### **L.13 Volume I - Offer and Other Documents**

- (a) General. If the offeror is proposing on both sites, the offeror must submit a separate proposal for each site and the following requirements apply to each proposal. Volume I, Offer and Other Documents, consists of the following documentation.
  - (1) Standard Form (SF) 33, Solicitation Offer and Award
  - (2) Representations and Certifications
  - (3) Exceptions and Deviations Taken in Other Volumes

- (4) Additional Information
- (5) Subcontract Assignments

(b) Content.

- (1) Standard Form 33 (SF 33), Solicitation, Offer and Award. The SF 33 shall be fully executed by an authorized representative of the offeror. This form shall be used as the cover sheet of each copy of Volume I, Offer and Other Documents. Offerors are instructed to fully complete Section B paragraphs pertaining to price. If the offeror forms an LLC and the LLC is the offeror, the LLC must complete the SF33. The acceptance period entered on the SF 33 by the offeror shall not be less than 180 days.
- (2) Representations and Certifications. Representations, Certifications and Other Statements of Offerors (Part IV-Section K of the solicitation), shall be fully executed by an authorized representative of the offeror and all joint venture and LLC members as well as all major (over \$1 million per year) subcontractors.
- (3) Exceptions and Deviations. Exceptions and/or deviations are not sought and the Government is under no obligation to enter into discussions. Exceptions and/or deviations may be a basis for rejecting an offer. However, any exceptions and/or proposed deviations taken to the terms and conditions of the proposed contract shall be identified, and rationale to support such exceptions, proposed deviations, and potential benefits to the government shall be explained. The exceptions and proposed deviations should be listed in a logical sequence by individual sections of the solicitation. The offeror shall provide a summary with specific cross-references to the full discussion of exceptions or deviations taken in the other proposal volumes.
- (4) Additional Information. If the address shown on the Standard Form 33 (or SF 26, or other solicitation form used) is different from the remittance address, it shall be provided along with any other information the offeror needs to bring to the attention of the government. Copies or drafts of applicable joint venture and/or LLC agreements and major (over \$1 million per year) subcontracts regarding the extent and nature of the work to be performed should be provided.
- (5) Based on the list of subcontracts of incumbent subcontracts posted at <http://www.ohio.doe.gov> under this procurement action, the offeror should identify any subcontracts it may wish to have

assigned if they are available.

- (6) The acknowledgement of receipt of all amendments, if any, to this solicitation.
- (7) A statement that the offeror grants to the Source Evaluation Board or its authorized representatives, the right to examine, for purposes of verifying the information submitted, those books and records, documents, and other supporting data that will permit adequate evaluation; and that this right may be exercised in connection with any such reviews deemed necessary by DOE. This right includes the records necessary to determine that the offeror has adequate financial resources to perform the contract.

#### **L.14 Volume II – Technical/Business Management Proposal Preparation Instructions**

- (a) General. Volume II consists of the offeror's discussion addressing the technical area aspects of this procurement, the offeror's capabilities, and what the offeror will do to satisfy the requirements of the solicitation. Offerors shall submit a separate technical proposal for each for site on which the offeror is proposing. The proposal(s) will be evaluated as stated in Section M, to determine the offeror's understanding of and capability to successfully accomplish the work to be performed. In order for the proposal to be evaluated strictly on the merit of the material submitted, no contractual cost or pricing information shall be included in this volume of your proposal. Where estimated labor hours will provide clarity, they shall be quoted in labor hours only, with no indication as to the cost of these labor hours in this volume.
- (b) Content. The offeror's proposal shall address its approach to successfully accomplish the requirements of the solicitation. It should clearly address each of the evaluation criteria set forth in section M. The proposal shall describe the proposed approach in sufficient detail to demonstrate how it plans to meet the statement of work requirements. Simply repeating the statement of work requirements or merely offering to perform the work may result in a lower evaluation or the offer being determined technically unacceptable.

(1) Technical/Business Management Approach

*Work planning, management and execution:*

The offeror should describe its approach to executing, managing, and controlling the work. The proposal shall describe the proposed approach in sufficient detail to demonstrate how it plans to meet all elements of the statement of work requirements. The offeror should describe work management systems and processes for accomplishing the statement of work including the ability to plan, organize and integrate work, manage labor relations; manage internal resources and subcontractors, track, report and control contract work progress and costs, and effectively administer all diverse activities of the contract work; and to integrate quality into the overall contract work.

The offeror shall present its management organization as it relates to successful performance of the statement of work and addresses the organizational structure proposed (with organization chart detailing functional elements to the first tier supervisors), including subcontractors, the rationale for the structure, and the supervisory relationship; and the lines of management authority, responsibility, accountability and control within the organizational structure.

*Key personnel:*

The offeror shall propose three to five key personnel. The offeror may not propose the same key personnel for both sites. If the offeror proposes the same key personnel for both sites the proposals shall be evaluated negatively. For each of the proposed key personnel the offeror shall provide a resume that identifies the technical capabilities and their position in the proposed organization. Each resume shall not exceed two (2) single-spaced pages in length and should contain the names and current telephone numbers of at least three business-related references. The resumes should demonstrate the extent, depth, and quality of key personnel relevant work experience; as well as the quality and applicability of their education, technical experience and qualifications as they relate to their proposed positions in the performance of this contract.

**FAILURE TO SUBMIT COMMITMENT SIGNATURES AS STATED IN THE RESUME FORMAT IDENTIFIED IN THE ATTACHMENT TO THIS SECTION L WILL RESULT IN THE OFFEROR'S RECEIVING A LOWER RATING FOR**

**THIS CRITERION.****(2) Experience**

The offeror shall provide information on its relevant knowledge and experience to successfully accomplish the requirements of the statement of work. The offeror shall provide information for up to five contracts completed within the last three years or currently ongoing which include work similar in size, scope and complexity to that in the statement of work, for the offeror and, if any, its members in a joint venture and/or LLC and major subcontractors. The contracts may be with Federal, State, or local governments, and / or private entities. For each such contract, describe the work and how it relates to the statement of work in this solicitation. In addition, provide the contract number; issuing entity; contract cost / price; contact name, address, and phone number; duration of the contract; and innovative or unique actions employed to increase efficiency.

**(3) Transition Approach**

The offeror shall provide an overall approach and schedule for achieving a smooth and orderly transition of the ongoing site work during the transition period. The approach should place emphasis on identifying key issues and effective strategies for managing these issues while minimizing impacts on continuity of operations. The approach should address all key issues but, at a minimum, must address employee transition. The transition approach should also describe the strategy for interacting with the incumbent contractor and its subcontractors as well as other onsite contractors and entities.

**(4) Environment, Safety and Health**

The proposal shall address, as a minimum, the offeror's approach to the following:

- (i) Developing, implementing, and overseeing the ES&H program in the various functional areas represented by the statement of work, promoting ES&H as part of everyday operations and worker involvement.
- (ii) Establishing and maintaining environment, safety, and health accountability at all levels of the organization;
- (iii) Defining roles, responsibilities, authorities, and

accountability for an Integrated Safety Management System (ISMS);

- (iv) Evaluating the ISMS program including utilization of performance indicators. Describe the offeror's performance improvement process, including self-assessment and incorporating lessons learned; and
- (v) Flow-down of ES&H requirements and oversight of subcontract activities.

(5) Past Performance

- (i) The offeror shall submit completed Past Performance Questionnaires (attachment to this section) for contracts that are / were similar in type, size, scope and complexity or risk, and were completed or are in progress during the past five years for the offeror as well as any joint venture members, LLC members, and any major subcontractors (over \$1 million proposed contract value). Questionnaires should be provided for work done only by the proposing division / segment of the offeror's firm, not the firm in general. If the offeror has no past performance, past performance information from each of the teaming partners or parent corporations shall be submitted.
- (ii) The offeror is encouraged to, and may, provide information on problems encountered on the contracts identified above and corrective actions taken to resolve those problems.
- (iii) A list of contracts terminated (partially or completely) within the past three years, including the contract number, dollar amount of contract, brief description of SOW, reason for termination, sponsoring agency, and name and telephone number of the Contracting Officer.
- (iv) The offeror shall provide a Past Performance Questionnaire to its references for completion and request that completed questionnaires be returned directly to the Contracting Officer, as indicated below, no later than three weeks after issuance of the solicitation.

U.S. Department of Energy      Phone: (865) 576-9303  
 Oak Ridge Operations Office      Fax: (865) 576-4005  
 ATTN: Shirley Vogel  
 P.O. Box 2001  
 Oak Ridge, TN 37831

E-mail: [pppoinfrastructure@ohio.doe.gov](mailto:pppoinfrastructure@ohio.doe.gov)

- (v) Offerors are advised that the Government may contact any or all references in the proposal and other sources, including any electronic and other data basis, and that the information obtained will be used for both the responsibility determination and the past performance evaluation.
- (vi) The Government will only request clarification of past performance information directly with the offeror or teaming partner (subcontractor) or parent corporation that is being reviewed.
- (vii) For contracts performed within the last three years, or currently being performed, provide the following information:
  - (A) A copy of OSHA logs as described in 29 CFR 1904.2 (OSHA Form #200 or equivalent);
  - (B) The offeror's Total Reportable Case Rate (TRC) and Lost Workday Case Rate (LWC); and
  - (C) The offeror's Insurance Modifier Rate (IMR).

### **L.15 Volume III - Cost and Fee Proposal Preparation Instructions**

- (a) All cost and fee information shall be included in Volume III of the proposal. None of the information contained in this Volume should be included in any other proposal volumes unless specifically requested in this solicitation.
- (b) The offeror shall propose an estimated cost and fees as described in Section B. Section B must be completed for each site proposed by the offeror. The offeror shall clearly articulate its fee sharing arrangements, if any.
- (c) (1) The cost proposal shall include a breakdown of cost correlated with the statement of work (SOW) and consistent with the technical proposal and the Work Breakdown Structure (see Part III, Section J, Attachment "Work Breakdown Structure)." The cost proposal shall describe the methodology used to determine the cost for all requirements of the contract including all of the scope of work. The cost proposal shall be provided by major cost elements: direct labor (including labor categories, direct labor hours and direct labor rates for

each category), fringe benefits (if applicable), direct labor overhead (allocation pool and base and applicable rate), material, material handling overhead (if applicable), equipment, supplies, travel, relocation, other direct costs, subcontractors (subcontractors identified and considered part of the selection and award of this contract shall be individually estimated and provided for major cost elements as described in this paragraph), and general and administrative (G&A) costs (if applicable).

(2) The offeror's cost proposal shall identify the proposed costs of all major subcontractors to the detail required herein. The cost proposals for major subcontractors shall reconcile to the total proposed cost. Proposed costs shall correlate to the statement of work (SOW) and be consistent with the offeror's technical proposal. Cost and financial data should be fully supported. Offeror's should clearly indicate (1) what data is existing and verifiable, (2) judgmental factors applied in projecting from known source data to the estimate, (3) amount and justification of contingencies or lack thereof, (4) key assumptions (not in conflict with the SOW), and (5) the basis for each cost element. If the offeror's proposal assumptions are inconsistent with the SOW, the offeror's cost proposal will be adjusted for known deficiencies during the establishment of probable cost to the Government.

(3) The offeror shall provide a detailed estimate for each indirect rate (fringe benefit, material handling, labor overhead and G&A, if applicable) proposed by fiscal year. The detailed estimate should include cost by cost element for the allocation pool and the allocation base. The offeror shall compute all of the indirect rates by fiscal year. If the offeror is a joint venture and/or LLC or major subcontractor, this data shall be provided for each entity.

(4) All pages in the Volume III cost proposal, including forms, tables and exhibits must be numbered and identified in a volume table of contents. The cost proposal shall be sufficiently complete so that cross-referencing to other proposal volumes is not necessary. There is no page limitation on the cost proposal.

(5) DOE reserves the right to request any additional supporting information deemed necessary to properly evaluate the Volume III cost proposal. These requests will be considered clarifications pursuant to FAR 15.306

(6) Transition Cost:

(i) The cost of transition will be separately priced in Section B of

the contract and priced on a cost-reimbursement basis. No fee will be applicable to this period. The government expects most of these costs will be incurred during the transition period. The government recognizes that some costs (e.g. costs associated with the permanent relocation of management team personnel) may be incurred beyond this time period. Such costs shall be included in the transition cost estimate.

(ii) The offeror shall provide a transition cost estimate that is of sufficient detail to allow for evaluation of the reasonableness and cost realism of the proposed effort. The information submitted may be in the offeror's preferred format but shall address the cost of the transition period by major transition activity. Proposed costs shall be broken down by the following major cost elements: direct labor (including labor categories, and labor hours and labor rates in each category), fringe benefits, indirect cost allocations (by pool type and rate), relocation, travel, materials, supplies, subcontracts, and all other cost elements related to the period of transition.

(d) To allow for evaluation of the reasonableness, cost realism and completeness of the proposed effort, costs shall be provided for the major activities specified in the SOW; Portsmouth per C.1, Section V, and Paducah per C.2, Section V, of this solicitation. These activities are summarized below:

- (1) Summary of Portsmouth Site Infrastructure Statement of Work
  1. Human Resources Management
  2. Surveillance and Maintenance of Facilities
  3. Janitorial Services
  4. Grounds Maintenance
  5. Roadway / Parking Lot Maintenance
  6. Computing and Telecommunication
  7. Fleet Management
  8. Real and Personal Property Management
  9. Records Management and Document Control
  10. Site Security
  11. Environmental, Safety and Health (ES&H) Program
  12. Waste Management and Pollution Prevention
  13. Other Activities:
    - (a) Administrative Services Including Management
    - (b) Finance and budgeting including baseline development and maintenance
    - (c) Procurement
    - (d) Shipping and receiving
    - (e) Public Information

- (f) Intra-site Mail Service Including Sorting and Daily Delivery
- (h) Operate the Environmental Information Center
- (i) Provide Analytical Laboratory Services from a Certified Laboratory, on an as needed basis.
- (j) Conduct Employee Mandatory Training for Site Personnel, Other Than USEC, as Required for Visitors
- (k) Office Relocation and Temporary Storage of Office Furniture
- (l) Engineering Services
- (m) Project Control
- (n) Permits and Licenses
- 14. Support to DOE (do not propose costs for EEOICPA work)
- 15. Technical Support for Annual Report to Congress on ES&H Conditions
- 16. Operations and Maintenance of Recirculating Hot Water Boiler System

(2) Summary of Paducah Site Infrastructure Statement of Work

- 1. Human Resources Management
- 2. Surveillance and Maintenance of Facilities
- 3. Janitorial Services
- 4. Ground Maintenance
- 5. Roadway / Parking Lot Maintenance
- 6. Computing and Telecommunication
- 7. Fleet Management
- 8. Real and Personal Property Management
- 9. Records Management and Document Control
- 10. Site Security
- 11. Environmental, Safety and Health Program
- 12. Waste Management and Pollution Prevention
- 13. Other Activities:
  - (a) Administrative Services Including Management
  - (b) Finance and Budgeting Including Development and Maintenance of a Baseline
  - (c) Procurement
  - (d) Shipping and Receiving
  - (e) Public Information
  - (f) Intra-Site Mail Service Including Sorting and Daily Delivery
  - (g) Operate the Environmental Information Center
  - (h) Provide Analytical Laboratory Services from a DOE Certified Laboratory , on an as needed basis
  - (i) Conduct Employee Mandatory Training for Site Personnel, Other Than USEC, as Required for Visitors

- (j) Office Relocation and Temporary Storage of Office Furniture
  - (k) Engineering Services
  - (l) Project Control
  - (m) Permits and Licenses
  - (n) Citizen's Advisory Board Support
  - (o) Payment of Certain Residential Water Bills
  - (p) Payment of All Applicable Taxes
14. Support to DOE (do not propose costs for EEOICPA work)
15. Technical Support for the Annual Report to Congress on ES&H Conditions

- (e) Because the scope of work will primarily be performed onsite at government owned facilities, the proposed use of site specific overhead pools and allocation bases is required. The proposal should include a description of the methodology for allocating site-specific management costs to the major activities identified above. No corporate home office expenses shall be included in the proposal, other than employee fringe benefit costs and general and administrative (G&A) expenses.
- (f) Proposed costs shall be provided based on the government's fiscal year ending September 30 beginning with the year of award, which would be a partial year. The offeror shall also provide a summary of annual and total costs proposed which should reconcile to the costs proposed per the above paragraph.
- (g) The offeror shall identify the escalation factors used for each fiscal year. Guidance on escalation rates is available at the DOE Office of Engineering and Construction Management website located at [http://oeem.energy.gov/cost\\_estimating/costindex.html](http://oeem.energy.gov/cost_estimating/costindex.html). This information is provided for guidance only.
- (h) Offerors shall provide the name, address and telephone number of the cognizant Administrative Contracting Officer and the cognizant Defense Contract Audit Agency (DCAA) office, if any. Additionally, the offeror shall provide the name, address, and telephone number of person(s) authorized to provide any clarifying information regarding the Volume III cost proposal. If the offeror is a joint venture, LLC or major subcontractor (over \$1 million), this data must be provided for each entity.
- (i) The offeror shall identify by contract number, Federal agency, dollar amount, and description of work for all cost-type Government contracts currently open that exceed \$1 million. If the offeror is a joint venture and/or LLC or major subcontractor (over \$1million), this

data must be provided for each entity. If the entity is considered to be large business, the dollar threshold is increased to \$10 million.

- (j) The offeror shall submit an explanation of how costs will be recorded and tracked in its accounting system. Specifically, if the offeror's accounting system will allocate costs through the use of an indirect costing rate, an explanation is required to describe cost to be included in each of the indirect cost pools as well as a description of each allocation base. The offeror shall provide its indirect rates. If the offeror is a joint venture and/or LLC or major subcontractor (over \$1 million), this data must be provided for each entity.
- (k) The offeror shall briefly describe its accounting system and the adequacy of that system for reporting of costs against government cost type contracts. In addition, the offeror shall identify the cognizant Government audit agency or any other Government agency that has formally approved the accounting system, if applicable. If the offeror is a joint venture, LLC or major subcontractor (over \$1 million), this data must be provided for each entity.
- (l) The offeror shall provide a current balance sheet and a statement of operations (profit/loss) statement covering all quarters completed in the current fiscal year and projected data for the remainder of the fiscal year. Additionally, the offeror shall provide certified financial statements, where available, for the last three accounting periods. Certified financial statements must include, at a minimum, a balance sheet and a statement of operations (profit and loss). If the offeror is a joint venture and/or LLC or major subcontractor (over \$1 million), this data must be provided for each entity.
- (m) If the offeror is a joint venture or other business combination and these entities are covered by Cost Accounting Standards (CAS); the entities shall submit its most recent CAS Disclosure Statement. In addition, entities shall identify the cognizant Government audit agency or any other Government agency that has formally approved the Disclosure Statement. The entities shall also identify whether cognizant Government audit agency has issued any audit reports on the compliance with the CAS requirements.
- (n) In order to determine the contractor's compliance with the Limitations on Subcontracting (FAR 52.219-14), the offeror must provide the following:
  - (1) If the offeror is a joint venture or is subcontracting, the offeror must provide a copy of the joint venture agreement (if applicable) or a

copy of any agreement with the subcontractor (if no written agreement provide a breakout of each element of work to be performed as stated in paragraph (d). Indicate the percent of contract performance for personnel as defined below:

(2) The cost should be broken out as described in paragraph (d) for the prime, and/or each joint venture member, and/or each subcontractor and further by cost of cost performance incurred for personnel. Cost should include direct labor costs and any overhead which has only direct labor as its base, plus the concern's general and administrative rate multiplied by the labor costs.

See 13 CFR 125.6 for applicable definitions regarding the calculation. The offeror should provide the percentage to be performed by the small business concern and a description of the methodology used to calculate that percentage. As a minimum, the offeror should provide the cost of contract performance incurred for personnel. The cost of contract performance includes direct labor costs and any overhead having only direct labor as its base, plus the concern's general and administrative rate multiplied by the labor cost.

#### **L.16 Small Business Size Standard and Set-Aside Information**

This acquisition is set-aside for small business. The size standard for this solicitation is \$30.0 million and the Standard Industrial Classification (SIC) is 561210.

#### **L.17 DOE Federal Express Mailing Address**

Department of Energy  
Oak Ridge Operations Office  
ATTN: Shirley Vogel  
200 Administration Road  
Oak Ridge, TN 37831

#### **L.18 Number of Awards**

It is anticipated that there will be two award(s) resulting from this solicitation. It is DOE's intent to award the contract for each site to the offeror whose proposal represents the best value for the Government based on separate evaluations for each site. However, DOE reserves the right to award any number of contracts or no contract if it is considered to be in the best interests of the Government. If an offeror submits proposals for both sites, the offeror must have adequate

financial and technical resources and capability sufficient to support the work under both contracts.

### **L.19 Expenses Related to Proposal or Bid Submissions**

This solicitation does not commit the government to pay any costs incurred in the submission of any proposal or bid; in making necessary studies or designs for the preparation thereof; or to acquire or contract for any services.

### **L.20 Access to Classified Material**

Performance under the proposed contract may involve access to classified material. If access to classified material is required, the offeror shall be required to obtain necessary security clearances for personnel who will have access to classified material.

### **L.21 Responsible Prospective Contractors**

The general requirements for responsible prospective contractors set forth at FAR 9.104-1 apply.

### **L.22 52.237-1 Site Visit (Apr 1984)**

Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award.

### **L.23 Section L - List of Attachments**

<u>Attachment No.</u>	<u>No. of Pages</u>	<u>Attachment Title</u>
1	1	Intention to Propose
2	1	Resume Format
3	6	Past Performance Questionnaire
4	1	Cognizant Agency
5	1	Tour Registration