

**PART IV – REPRESENTATIONS AND INSTRUCTIONS  
SECTION M – EVALUATION FACTORS FOR AWARD**

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**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) The Small Business Administration (SBA) has exclusive authority to determine matters of small business size status pursuant to 13 CFR 121 entitled “Small Business Size Regulations.”
- (d) 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 DOE may make an award without discussions to another offeror that did not take exception to the terms and conditions of the contract.
- (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 in Section J, Attachment 10 “Certificate Pertaining to Foreign Interests” as instructed by Section K.
- (f) The DOE 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 DOE reserves the right to conduct discussions if the Contracting Officer (CO) later determines them to be necessary.

- (g) If the CO determines discussions to be necessary, the competitive range may be limited for purposes of efficiency pursuant to FAR 15.306(c)(2).
- (h) The DOE, at its option, either prior to or after receipt of proposals may elect to cancel this RFP if it is determined to be in the best interest of the DOE.

**M.2 BASIS FOR CONTRACT AWARD**

DOE anticipates to award two contracts, one for the Portsmouth Site and one for the Paducah Site, to the responsible offeror(s) whose proposal(s) is responsive to the solicitation and is determined to be the best value to the DOE. In determining the best value to DOE, the Technical Evaluation Factors/Criteria are significantly more important than the evaluated price. The technical evaluation criteria will be point scored. The cost evaluation will not be point scored. DOE is more concerned with obtaining a superior technical proposal than making an award at the lowest evaluated price. However, DOE 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. DOE will assess whether the strengths and weaknesses between or among technical and business proposals indicates a superiority from the standpoint of: (1) what the difference might mean in terms of anticipated performance; and (2) what the evaluated cost and fee to DOE would be to take advantage of the difference.

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

The proposals will be evaluated using information submitted by the offerors on the following criteria which are listed in descending order of importance: Technical Approach, Integration and Schedule; Key Personnel; Experience; Project and Risk Management; and Past Performance. Subfactors, if any, are also listed in descending order.

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

**I. TECHNICAL APPROACH, INTEGRATION AND SCHEDULE**

DOE will evaluate the offeror’s technical approach to address all SOW activities for the proposed site(s). In particular, DOE will evaluate in more detail the offeror’s work processes, methods and innovations for the following SOW activities:

Paducah SOW:	C.1.1.1	Source Control
	C.1.1.2	Plume Containment
	C.1.2.2	DOE Material Storage Areas (DMSA)
	C.1.3.1	D&D of C-410/420 Complex
	C.1.4	Soils

Portsmouth SOW:	C.2.1.1.	Quadrant II Remedial Actions
	C.2.1.3	Inactive Facilities Removal
	C.2.2	Waste Management, Storage Operations, and Facility Maintenance
	C.2.4	Gaseous Centrifuge Enrichment Plant Activities

DOE will also evaluate the offeror's approach, methods and processes for the integration and interfaces with other contactors and private corporations on site. This includes evaluating the offeror's organizational structure, strategy and understanding of respective site roles, methods of resolving disputes and addressing issues, and approach to transition including continuation of remediation activities, seamless transition of human resources, and strategy for assumption of the directed or any other subcontracts.

DOE will evaluate each offeror's integrated schedule(s) for the Portsmouth or Paducah Site to achieve completion of the SOW by September 30, 2009 within the annual funding limitations (provided in Section B) and the funding restrictions (provided in Section J- Att. 5.1 and 5.2) while achieving regulatory milestones. The level of detail for the schedule shall correspond at a minimum to one level below the WBS identified in Section J, Att. 5.1 and 5.2.

## II. KEY PERSONNEL

DOE will evaluate the offeror's proposed Key Personnels' education, leadership, relevance of experience and how it relates to the proposed position, understanding of site issues, capability to function effectively in proposed position, suitability, and capability to perform the SOW as demonstrated through resume review and oral interviews with the SEB. **Failure to submit a Letter of Commitment may result in a lower rating.**

## III. EXPERIENCE

DOE will evaluate the relevance of offeror's experience in performing projects similar in work scope and the complexity of activities, duration, and/or risk to that in the SOW. For purposes of the experience evaluation, DOE will evaluate the experience of the offeror and its major subcontractors (over \$5M in any given year). In the case of a newly formed joint venture, LLC, or other similar entity formed for the purpose of competing for this contract, DOE will evaluate experience of the entities that comprise the newly formed entity.

## IV. PROJECT AND RISK MANAGEMENT

DOE will evaluate each offeror's approach towards project and risk management, including proposed systems and processes specific to this project sufficient to effectively define, plan, integrate, and administer all the diverse activities while integrating safety and quality into the overall project.

DOE will evaluate each offeror's identification of the work scope uncertainties that, in its opinion, presents the most significant impact to project cost or schedule (not to exceed five). The DOE will evaluate the significance and relevance of the identified risks. The DOE will evaluate the offeror's proposed approach to eliminate, avoid, or mitigate, the risk for the identified uncertainties. NOTE: DOE will not evaluate any work scope uncertainties in excess of five.

## **V. PAST PERFORMANCE**

The offeror's past performance, including that of its joint venture partners, LLC members, or major subcontractors (over \$5M in any given year), will be evaluated on the basis of information furnished by the offeror's customers, using the past performance questionnaire, on contracts (including current contracts) similar to the work described in the SOW. References other than those identified by the offeror, and other sources of information, may also be used by DOE. DOE may evaluate past performance on fewer than the total number of contracts if all the completed questionnaires are not returned. If the offeror does not have a record of relevant past performance information or if such information is not available, the offeror will be evaluated neither favorably nor unfavorably. In the case of a joint venture, or LLC, formed for the purpose of competing for this contract, DOE will evaluate the past performance of the members that comprise the newly formed entity.

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

- (a) DOE will evaluate each offeror's proposed costs for realism, reasonableness and completeness. The evaluation of cost realism includes an analysis of specific elements of each offeror's proposed cost estimate to determine whether the proposed estimated cost elements are realistic for the work to be performed, reflect a clear understanding of the requirements, and are consistent with the methods of performance and materials described in the offeror's technical proposal. The evaluation of cost reasonableness includes those considerations described in FAR Subpart 31.2.
- (b) DOE will evaluate each offeror's proposed Target Fee, Maximum Fee, Minimum Fee, share ratio and the effective range of incentive.
- (c) DOE will evaluate each offeror's target cost, target fee, and share ratio to ensure total proposal costs and projected annual funding does not exceed the contract funding profile set forth in Section B.
- (d) The most probable cost will be used to determine the probable fee based on the application of the fee share identified in Section B. The probable fee will be added to the probable cost to arrive at the evaluated price.