

FLUOR FERNALD

REQUEST FOR PROPOSAL

INSTRUCTIONS TO OFFERORS (Date)

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REQUEST FOR PROPOSAL

INSTRUCTIONS TO OFFERORS

1.0 INTRODUCTION

Proposals for Fluor Fernald Request for Proposal (RFP) shall be prepared in accordance with the information provided below. Specific responses to Fluor Fernald's requirements are necessary to enable Fluor Fernald to evaluate the Seller's understanding of, and capability to accomplish, the stated objectives. Throughout its proposal, the Seller shall provide sufficient detail to substantiate the validity of all stated claims, comments or positions. All proposed concepts must be shown to be technically feasible and achievable within the allotted limitations, and all performance and schedule (if any) requirements must be shown to be realistic. The Seller's response shall correspond to the requirements of this RFP, unless otherwise specified in writing by Fluor Fernald.

2.0 PREPARATION OF PROPOSAL

- A. This RFP does not commit Fluor Fernald, the U. S. Department of Energy (DOE), the Government or any representative thereof, to pay any costs incurred in the preparation or submission of any proposal or to procure or contract for services.
- B. Strict compliance with the requirements of the RFP is necessary. Special care should be exercised in the preparation of proposals. This solicitation will form the basis of the proposal and will be incorporated into any resulting subcontract. The total proposal amount is to be submitted in the Offer section of the Solicitation, Offer and Award Form FS-F-798 contained in Part 1 herein. The completed Form FS-F-798 is to be submitted with your proposal package. Accompanying the offer should be other documents contained in Part 1, including Representations and Certifications, Form FS-F-4107, M-52B (Rev. 07/19/95), and any other documents required by this RFP.
- C. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the proposers lack of cost consciousness.
- D. Proposals should be firm for a period of not less than 90 calendar days from the date of receipt by Fluor Fernald. Proposals offering less than 90 calendar days may be rejected.

3.0 PROPOSAL SUBMITTAL

- A. Proposals shall be submitted by 2:00 pm, _____, 2001, Cincinnati time and as specified in the Solicitation section of Form FS-F-798. Offers and any

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modification thereof shall be submitted in sealed envelopes or packages. The original proposal must be signed by a representative of the Offeror authorized to legally bind the company. Envelopes or packages containing proposals shall be marked "CONFIDENTIAL" with the solicitation number, date and hour specified for receipt of offers, and the name of the Subcontractor on the outer cover in the lower right hand corner.

- B. Proposals to be transmitted via regular mail, overnight delivery service, or hand carried should be addressed as follows:

VIA FEDERAL EXPRESS OR EQUIVALENT:

Fluor Fernald
7400 Willey Road
Hamilton, OH 45013-9402
Attention: _____, MS_____

VIA U.S. MAIL

Fluor Fernald
P.O. Box 538704
Cincinnati, Ohio 45253-8704
Attention: _____, MS_____

SITE DELIVERY

Proposals may be delivered in person. Contact the Fluor Fernald Contract Administrator if site delivery is preferred.

- C. Proposals and/or modifications submitted via facsimile will not be accepted for this RFP.
- D. There will be no public opening of the proposals. Offerors will be advised of the award as soon as possible after selection has been made and the consent of DOE has been received, if necessary.

4.0 REQUEST FOR PROPOSAL QUESTIONS

- A. It is Fluor Fernald's policy to maintain an equal opportunity for all qualified Offerors. Therefore, all contacts with Fluor Fernald relevant to this procurement must be with the authorized Contract Administrator. Unauthorized contacts are basis for disqualification. Formal communication such as Requests for Clarification and/or information concerning this solicitation should be submitted in writing to the following:

Fluor Fernald
P.O. Box 538704
Cincinnati, Ohio 45253-8704
ATTN: _____

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Phone: (513) 648-

Fax: (513) 648-_____

- B. Any explanation desired by prospective Offerors regarding the meaning or interpretation of the RFP, drawings, specifications, etc. shall be transmitted in writing. No information concerning this solicitation or request for clarification will be provided in response to telephone calls. All requests must be confirmed in writing. However, because of mailing time, no written or facsimile inquiries will be answered when requests are received within five (5) calendar days of the due date of offers as specified in this solicitation. The format of the questions shall follow the sequential numbering of this solicitation's sections and paragraphs and shall state the major paragraph heading.
- C. Clarifications may be in the form of an amendment to the RFP. Receipt of amendments by the Offeror must be acknowledged in the space provided on the Offer section of Form FS-F-798.

5.0 SIGNATURE TO PROPOSALS

Each proposal, including the Representations and Certifications document, must give the full business address of the offeror and be signed by the proposer with its usual signature. Proposals by partnerships must furnish the full names of all partners and must be signed with the partnership name by one of the members of the partnership or by an authorized representative followed by the designation of the person signing. Proposals by corporations must be signed in the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the president, secretary or other persons authorized to bind it in the matter.

The name of each person who affixes to his signature the word "President", "Secretary", "Agent", or other designation, without disclosing his principal, may be held to be the proposal of the individual signing. When requested by Fluor Fernald, satisfactory evidence of the authority of the officer signing on behalf of the corporation shall be furnished.

6.0 RIGHT TO REJECT PROPOSALS

- A. Fluor Fernald reserves the right to reject any and all proposals or to make an award to other than the low offeror as may be determined to be in the best interest of the Government.
- B. Proposals may be rejected if they (or any transmittal letter, attachment, form, or paper which is made a part of the proposal), contain any exception, condition, restriction or term:
 - 1. which is in conflict in any way with the terms and conditions contained in the RFP or in any addendum thereto; or

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2. which, although not in conflict with any specific condition, term or provision of the RFP, introduces a new condition, term or provision which is unacceptable to Fluor Fernald.

7.0 LATE PROPOSALS, MODIFICATION OF PROPOSALS, OR WITHDRAWAL OF PROPOSALS

- A. Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and:
 1. It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of proposals (e.g., a proposal submitted in response to a solicitation requiring receipt of proposals by the 20th of the month must have been mailed by the 15th or earlier);
 2. It was sent by mail, or, if authorized by the Solicitation, was sent by telegram or via facsimile and it is determined by Fluor Fernald or the Government that the late receipt was due solely to mishandling by Fluor Fernald or the DOE after receipt at Fluor Fernald;
 3. It was sent by U.S. Postal Service Express Mail Next Day Service - Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays; or
 4. Was transmitted through an electronic commerce method authorized by the solicitation and was received at the initial point of entry to Fluor Fernald no later than 5:00 p.m. one working day prior to the date specified for receipt of proposals.
- B. Any modification of a proposal, except a modification resulting from a Request for "Best and Final Offer," by Fluor Fernald is subject to the same conditions as in paragraph A above.
- C. A modification resulting from a Fluor Fernald request for "Best and Final Offer", received after the date and time specified in the request will not be considered unless received before award and the late receipt is due solely to the mishandling by Fluor Fernald after receipt at Fluor Fernald.
- D. The only acceptable evidence to establish:
 1. The date of mailing of a late proposal or modification sent either by U.S. Postal Service registered or certified mail is the U.S. or Canadian Postal Service postmark, both on the envelope or the wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both

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postmarks must show a legible date, or the proposal, quotation, or modification shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, offerors should request the postal clerk to place a legible hand cancellation bull's eye "postmark" on the receipt and the envelope or wrapper.

2. The time of receipt at Fluor Fernald is the time-date stamp on the proposal wrapper or other documentary evidence of receipt maintained by Fluor Fernald.
- E. The date of mailing of a late offer, modification, or withdrawal sent by Express Mail Next Day Service - Post Office to Fluor Fernald is the date entered by the post office receiving clerk on the "Express Mail Next day Service-Post Office to Fluor Fernald " label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph (D) of this provision, excluding postmarks of the Canadian Postal Service.

Therefore, offerors should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

- F. Notwithstanding paragraph A of this provision, a late modification of an otherwise successful proposal which makes its terms more favorable to Fluor Fernald and the Government will be considered at any time it is received and may be accepted.
- G. Proposals may be withdrawn by written notice or telegram (including mailgram) received at any time before award. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award. Proposals may be withdrawn in person by an offeror or an authorized representative, if the representative's identity is made known and the representative signs a receipt for the proposal before award.
- H. If an emergency or unanticipated event interrupts normal Fluor Fernald processes so that proposals cannot be received at the point designated for receipt of proposals by the exact time specified in the solicitation, and urgent Fluor Fernald requirements preclude amendment of the solicitation or other notice of an extension of the closing date, 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 Fluor Fernald processes resume. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., Eastern time.

8.0 PROPOSAL FORMAT AND CONTENTS

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- A. Proposals shall include all data and information required by this solicitation. Only one (1) technical proposal from each offeror shall be considered. The Offeror's technical proposal and any subsequent negotiated changes thereto shall be incorporated in any resultant subcontract and the commitments made therein shall be binding upon that Offeror. In cases of any conflict or ambiguity between the Offeror's technical proposal (including amendments) and Fluor Fernald 's specifications, Fluor Fernald 's shall govern.
- B. The Offeror's proposal for the requirements shall be clear, coherent, legible, and prepared in sufficient detail for effective evaluation by Fluor Fernald. Elaborate documentation, expensive binding, detailed art work, or other embellishments are unnecessary. The proposal shall be submitted in accordance with these instructions. The intent of the proposal shall be to provide sufficient information to support a decision to select a qualified Offeror(s) to award a subcontract.
- C. Volumes and Copies. In presenting material in the required volume below, the Offeror is advised that **the quality of information is significantly more important than quantity.** Each section within a volume shall start on a new page. Tabbed dividers are desirable. The proposal shall contain all pertinent information in sufficient detail to permit thorough evaluation. Information requested in the paragraphs below shall be provided in the volumes indicated. Fluor Fernald **requires that one (1) Pricing Proposal and four (4) Technical Proposals be submitted.**
- One (1) copy of each proposal shall be clearly marked "ORIGINAL". If information required for proposal evaluation is not found in the section designated for its presentation, it will be assumed to have been omitted from the proposal.
- Fluor Fernald will retain or destroy, at its discretion, all copies of proposals from unsuccessful offerors.
- D. Pricing. No pricing shall be submitted with technical proposals.
- E. Binding and Labeling. Each volume of the proposal shall be separately bound in three-ring binders so as to facilitate subsequent changes provided to Fluor Fernald during negotiation process. A cover sheet shall be on the front cover and the spine of each binder shall be affixed to each volume, clearly marked as specific pages and paragraphs contain proprietary information. Fluor Fernald will treat unidentified pages or paragraphs as nonproprietary information.
- F. Indexing. The proposal shall contain a master Table of Contents for the total proposal.

9.0 TECHNICAL PROPOSAL

The information required by the document entitled "Evaluation Criteria For Award" contained here in Part 1 of this Solicitation shall be submitted as a separate technical

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proposal. The technical proposal should be specific, detailed, and complete to demonstrate clearly and fully that the Offeror has a thorough understanding of the requirements. The technical proposal must enable Fluor Fernald personnel to make a thorough evaluation and arrive at a sound determination as to whether or not the proposal meets the requirements of the Statement of Work (SOW) and all attachments thereto. The proposal shall include interface descriptions sufficient to describe the Offeror's approach and to illustrate clearly the manner in which the Offeror shall conduct the work. Phrases such as "standard procedures will be employed" must be sufficiently defined to show how the Offeror proposes to comply with Fluor Fernald requirements, and it must include a full explanation of the techniques and procedures proposed to be followed.

Offerors shall provide a full explanation of any exceptions taken to the statement of work, or requirements, if any. If no exceptions are taken, the Offeror shall so state.

Note: Exceptions deemed not to be in compliance with the Statement of Work and all attachments thereto MAY render the proposal nonresponsive. Nonresponsive proposals and/or Best and Final Offers shall not be considered for award.

10.0 PRICE PROPOSAL

- A. The Price Proposal shall provide a separate firm fixed price for each line item of the pay item schedule contained in the Statement of Work, Exhibits "A" and "B" thereto. All pay item amounts shall be summed by the offeror to arrive at the Evaluated Total Price.

The total evaluated price shall also be entered in block No. 17 of the Solicitation, Offer and Award Form FS-F 798. The evaluated total price shall be used to determine the low proposer for the solicitation.

Note: The Price Proposal shall contain all pricing information. Any pricing information submitted in the Technical Proposal shall be disregarded by Fluor Fernald and shall not be included in the evaluation of proposals nor in any award made under this solicitation. Firm fixed prices shall include overhead and profit, and allowance for local labor taxes and labor insurance.

11.0 PROPOSAL EVALUATION

- A. Evaluation Factors

Technical proposals shall be reviewed in accordance with the evaluation criteria listed in the document titled "Evaluation Criteria for Award" contained here in Part 1 of this Solicitation, and analyzed by Fluor Fernald 's technical personnel for adherence to the scope of work and compliance with the specifications.

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Proposals, unrealistic in terms of technical content, will be deemed reflective of an inherent lack of technical competence, or indicative of failure to comprehend the complexity and risks of the agreement requirements, and may be grounds for rejection of the proposal.

Proposals which fall into the competitive range and may satisfy Fluor Fernald's requirements but are deficient in one or more areas may be given the opportunity to be clarified through discussions and the submittal of best and final offers.

B. Best and Final Offers

Offerors are cautioned to review carefully all terms and conditions and specifications of this solicitation prior to submission of proposals. This solicitation may be awarded without discussions of proposals received. Offerors should be aware that a complete understanding as to technical and all other terms and conditions of the proposed Subcontract should exist between the offeror and Fluor Fernald. Best and Final Offers will be requested upon the completion of discussions (if discussions are held).

Any revisions or nonconcurrence to negotiated agreement Terms and Conditions submitted in the BAFO may be a basis for the rejection of the Offerors BAFO response.

C. Basis For Award

Offerors are hereby notified that award may be made without discussion of proposals received; and hence, proposals should be submitted initially on the most favorable terms which the offeror can submit. Further, Fluor Fernald anticipates that only one (1) subcontract will be awarded as a result of this RFP.

After determination that an offeror's response is in accordance with the terms of this solicitation and is in compliance with the Statement of Work and all attachments thereto, award will be based on lowest Evaluated Total Price unless stated otherwise in the document entitled "Evaluation Criteria For Award" contained here in Part 1 of this solicitation.

12.0 WAGES - DAVIS BACON AND PROJECT LABOR AGREEMENT

The Project Labor Agreement between Fluor Fernald and the Greater Cincinnati Building and Construction Trades Council dated March 30, 1993, Rev. 0 including Appendix A dated 10/1/98, a copy of which accompanies this solicitation, shall be applicable to all work performed under this subcontract.

- A. Project Labor Agreement (PLA) contained in Part 5 of this solicitation is applicable to all subcontractors, at any tier, who perform work on the site.

The successful offeror must become signatory to the PLA by executing the Letter of Assent prior to the commencement of on-site work.

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- B. Wage and Fringe Determination (Applicable to On-site Work Only). The craft designations, base hourly wage rate and applicable fringe benefit package as specified in the Fluor Fernald PLA Appendix A Wage Schedule (and any future revisions thereto) shall be the minimum rates paid to laborer and mechanic classifications designated therein. In the event the Davis Bacon wage rates and fringe benefits, applicable to this subcontract, exceed the PLA Appendix A wage rates and fringe benefits the Davis Bacon wage rates and fringe benefits shall apply.
- C. The Fluor Fernald PLA hourly wage rate and fringe benefit package will be adjusted on October 1st of every year. Accordingly, it is the

Subcontractor's responsibility to ascertain what hourly wage rates and fringe benefits will be paid under the PLA for the duration of this subcontract since no adjustments will be made to the subcontract fixed price for any increase or decrease in the hourly wage rates and fringe benefits for the duration of the subcontract.

13.0 PARENT OR AFFILIATE OF FLUOR FERNALD OR FLUOR FERNALD TEAMING PARTNERS

The Offeror is cautioned that if its company is the Parent, a Division, an Affiliate, or any other Fluor Corporation controlled source or Fluor Fernald Teaming Partner, proposals will not be accepted or reviewed.

Note: The Teaming Partners are:

- 1) **Jacobs Engineering Group**
- 2) **NFS – Ecotek**
- 3) **Duratek Federal Services, Inc**

14.0 SUBMISSION OF CERTIFIED CURRENT COST OR PRICING DATA

In the event that only one proposal is received as a result of this solicitation, and a contract cannot be awarded based on competition; it will be necessary for Fluor Fernald to enter into negotiations with the firm offering the sole proposal. Therefore, offerors may be required to submit Certified Current Cost or Pricing data with their proposals. Should cost or pricing data be required, the offeror shall provide current, complete and accurate cost or pricing data in accordance with FAR 15.403.

15.0 SAFETY PERFORMANCE INFORMATION

- A. Offerors and their subcontractors shall have a record of good safety performance to be determined responsible and, therefore, eligible for any subcontract award on construction projects managed by Fluor Fernald at the Fernald Environmental Management Project in Fernald, Ohio.

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- B. In order to assist Fluor Fernald in determining responsibility, proposers shall complete the Safety History and Program Data form and submit it with their proposal. Proposers, shall also submit with their proposal a Safety History and Program Data Form for each lower tier subcontractor it intends to use on the Fluor Fernald site in performance of any subcontract resulting from this solicitation. Fluor Fernald will review the information and determine a proposer's eligibility for award.
- C. When applicable, all lower tier subcontractors, will be evaluated to ensure any prior performance of work at the FEMP has been performed in a manner that did not result in harm to safety, health or the environment. Fluor Fernald will determine if the contractor's past performance indicates they are unwilling or resistant to abating safety or environmental concerns when brought to their attention; they have experienced occurrences, related or repetitive, that are indicative of poor work practices or work planning; or if they have experienced an abnormal number of injuries during the performance of their work. Results of this determination may be used to determine responsibility of lower-tier subcontractors for future work at the FEMP. Records maintained by Fluor Fernald, assessments, injury records and occurrence reports, will be used to make this determination.
- D. To be considered responsible, an offeror must be able to demonstrate to the satisfaction of Fluor Fernald that it has a record of safe construction performance as demonstrated by current interstate workers compensation insurance experience modification rate (EMR) of less than or equal to 1.00; or the trend for the past three years is downward and none of the past three years had an interstate EMR greater than 1.15; or for subcontractors that are too small, too new or self-insured, has an OSHA recordable incident rate of less than or equal to 10 injuries and illnesses per 200,000 man hours for the past calendar year.
- E. Firms who cannot meet the safety rates or special criteria described in paragraph D above, but nevertheless desire to submit a proposal may do so on the following conditions:
 - 1. Include a narrative statement as to the reason(s) for not being able to meet the criteria and request Fluor Fernald consideration of any special circumstances that relate to its rating.
 - 2. Fluor Fernald will evaluate the firm's request for special consideration and acceptability of the proposal.
 - 3. The firm (proposer) agrees that the Fluor Fernald evaluation and decision as to acceptability and responsibility for this solicitation is final and is not subject to discussions of any type between Fluor Fernald and the proposer and is not subject to any appeal or dispute.

16.0 CONFERENCE AND TOUR

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A pre-proposal tour and/or conference will be held at the time and place designated on the RFP document, to tour the work area, review the solicitation and answer any questions with respect to the project. Directions to the Fernald Environmental Management Project (FEMP) is contained in Part 1 of this solicitation. Persons attending the pre-proposal tour/conference will be required to view a twelve (12) minute orientation film prior to visiting the project area.

The FEMP Access Request Form must be provided to the cognizant contract administrator at least twenty-four (24) hours prior to the scheduled pre-proposal tour/conference. The following information is required to be completed on the form:

- A. Name (first, middle initial, last)
- B. Social Security Number
- C. Date of Birth
- D. Company name, Address, and Telephone Number
- E. Emergency Contact and Telephone Number

Persons wishing to tour the work area must possess U.S. citizenship and a positive method of identification (i.e., drivers license with picture).

17.0 SUBCONTRACT ACCEPTANCE

The successful offeror will be required to complete Block 30A, B and C of the Solicitation, Offer and Award, Form No. FS-F-798 within ten (10) days of Fluor Fernald's verbal Notice of Award. Upon receipt of the executed document, Fluor Fernald will complete Block 31A, B and C, and return one (1) signed original copy to the subcontractor.

18.0 PRE-AWARD SURVEY

Fluor Fernald may conduct a pre-award survey of any firm under consideration to confirm any part of the information furnished by the proposer, or to require other evidence of managerial, financial, technical and other capabilities, the positive establishment of which is determined by Fluor Fernald to be necessary for the successful performance of the Subcontract.

The apparent successful proposer must affirmatively demonstrate its responsibility, and when necessary, the responsibility of its proposed lower tier subcontractors. Each proposer should be prepared to present evidence:

- A. To demonstrate proposers financial capability to undertake this award (adequate financial resources).
- B. Showing experience and abilities of people to be directly responsible for performance of this subcontract, including as applicable, lower tier subcontractor and/or affiliate personnel. Proposers should be prepared to submit resumes showing experience and abilities of such persons in setting up and directing similar work, including performing the required testing and quality assurance

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functions. Personnel should also be made available for interviews as deemed appropriate by Fluor Fernald.

- C. Relating to proposed plant and equipment (facilities and production). NOTE: Where a prospective proposer plans to use the facilities or equipment of another concern, the proposed business arrangements, firm or contingent, for the use of such facilities or equipment shall be fully detailed.
- D. Satisfactory understanding of the scope of work.
- E. Demonstrating how the proposer will meet the period of performance including milestones required by the subcontract (A preliminary schedule will be required for this criteria).
- F. Understanding of the scope of this subcontract by submitting a breakdown showing a contract value for each pay item for comparison to the Fluor Fernald Estimate.
- H. Regarding the responsibility of proposed lower tier subcontractors in the above areas to the extent that a proposer will perform Subcontract requirements by subcontracting.

The document entitled "Temporary Services Agencies" (contained in Part 1 of this solicitation) provides a partial listing of agencies that may be able to supply the experienced personnel to satisfy the requirements of the "Subcontractor Technical Responsibility Criteria."

19.0 ERRORS IN PROPOSALS

Proposers or their authorized agents are expected to examine the site, drawings, specifications, schedules and all other instructions pertaining to the work, which will be open to their inspection. Failure to do so will be at the proposer's own risk, and it cannot secure relief on the plea of error in the proposal.

20.0 STATE AND LOCAL TAXES

The contract price shall not include any amount for Ohio sales or use taxes on buildings and construction materials to be incorporated into a structure or improvement to real property owned by the Government, or any other item for which an Ohio State Sales Tax Exemption applies. A State of Ohio Department of Taxation construction contract exemption certificate will be provided by the Contract Administrator with the Notice of Award.

21.0 SUBCONTRACT AWARD AND BONDS

The proposer to whom an award is made must, when required, enter into a written contract for the work on this project as covered in drawings and specifications and associated documents, with satisfactory security in the amount required within the period specified, or if no period is specified, within ten (10) days after the prescribed forms are

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presented to him for signature. A Performance Bond and a Payment Bond, in an amount equal to the order amount shall be furnished by the successful subcontractor for contracts in excess of \$100,000.00

22.0 RETENTION OF PROPOSAL

Fluor Fernald reserves the right to retain copies of all proposals received, including those from any unsuccessful proposers.

23.0 SMALL BUSINESS SUBCONTRACTING PLAN

For details of this requirement refer to the General Provisions for Fixed Price Construction Contracts under the clause entitled such.

24.0 BID GUARANTEE

A bid guarantee shall be submitted with any proposal in excess of \$100,000.00. The amount of the bid guarantee shall be not less than 20% of the proposed price but shall not exceed \$3,000,000.00. Enclosed in Part 1 is a Bid Bond Form FS-F-678 which can be utilized to fulfill the bid guarantee requirements. Failure to furnish a bid guarantee in the proper form and amount by the time set for receipt of bids may be cause for rejection of the bids.

The bid guarantee shall be in the form of a firm commitment, such as a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit or, in accordance with Treasury Department regulations, certain bonds or notes of the United States. Bid guarantees, other than bid bonds, will be returned (a) to unsuccessful offerors as soon as practicable after the opening of proposals, and (b) to the successful offeror upon execution of such further contractual documents, and bonds (including any necessary coinsurance or reinsurance agreements) as may be required by the proposal as accepted. Corporations executing the bond as sureties must be among those appearing on the Treasury Department's list of approved sureties and must be acting within the limitations as set forth therein.

If the successful proposer, upon acceptance of its proposal by Fluor Fernald within the period specified therein for acceptance (ninety days if no period is specified in block 13.D of the Solicitation section of Form FS-F-798), fails to execute such further contractual documents, if any, and give such bond(s) (including any necessary coinsurance or reinsurance agreements) as may be required by the terms of the solicitation as accepted within the time specified, (ten days if no period is specified) its' subcontract may be terminated for default. In such event, it shall be liable for any cost of procuring the work which exceeds the amount of its' proposal, and the bid guarantee shall be available toward offsetting such difference.

25.0 SUBCONTRACTOR PROTEST

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The General Accounting Office (GAO) will not consider a protest of the award or proposed award of an agency subcontract except where the agency has requested in writing that the subcontract protest be decided by the GAO. Further, the DOE has advised Fluor Fernald that the DOE will not act upon any subcontract protest for the award resulting from the affected solicitation. Any complaints regarding award of this solicitation should be formally filed in writing with the cognizant Contract Administrator.