

PART IV – REPRESENTATIONS AND INSTRUCTIONS

SECTION M

EVALUATION FACTORS FOR AWARD

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M.1 EVALUATION OF PROPOSALS

- (a) **Conduct of the Acquisition.** 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 in accordance with FAR Part 15, DEAR Part 915 and the evaluation criteria described below.
- (b) **Content of the Offer and Proposal.** The instructions in Section L of this Request for Proposal (RFP) are designed to provide guidance to Offerors concerning the content of their proposals. An Offeror may be eliminated from further consideration at any time the Government concludes the Offeror's 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 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.
- (c) **Exceptions, Deviations, or Conditional Assumptions on Eligibility for Award.** Any exceptions, deviations, or conditional assumptions to the terms and conditions of the RFP may make the offer unacceptable for award without discussions. If an Offeror proposes exceptions to the terms and conditions of the RFP, the Government may make an award without discussions to another Offeror who did not take exceptions, make deviations, or impose conditional assumptions to the terms and conditions of the RFP.
- (d) **Eligibility for Award.** An Offeror is eligible for award if it submits an acceptable offer, and it is a responsible Offeror. A responsible Offeror: (1) meets the requirements of FAR Subpart 9.1 and DEAR Subpart 909.1; (2) does not have an organizational conflict of interest (OCI) or has an OCI that can be addressed as permitted in FAR Subpart 9.5; (3) meets foreign ownership, control, or influence (FOCI) requirements of DEAR Subpart 904.70; (4) has accepted and signed the required Performance Guarantee; (5) has provided the written letter of commitment from each key person for the two-year minimum; and (6) otherwise complies with all RFP requirements.

- (e) **Award Without Discussions.** The Government intends to evaluate proposals and award a contract without discussions with Offerors (except clarifications as described in Subpart 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 determines them to be necessary.
- (f) **Number of Awards.** The Government intends to award a single contract, but reserves the right to make multiple awards if in the best interest of the Government.

M.2 BASIS FOR CONTRACT AWARD

The Government intends to award a contract to a responsible Offeror whose proposal is determined to be the best value to the Government. Best value will be determined through a process of evaluating the relative merits of competing proposals in accordance with the evaluation criteria below.

The Government is more concerned with obtaining a superior Approach and Capabilities Proposal than making an award at the lowest evaluated price. However, the Government will not make an award at an evaluated price premium it considers disproportionate to the benefits associated with the evaluated superiority of one proposal over another. The Government will assess whether the advantages and disadvantages between or among competing Approach and Capabilities Proposals indicate superiority from the standpoint of: (1) what the differences among proposals might mean in terms of anticipated performance; and (2) what the evaluated price to the Government would be to take advantage of the differences.

M.3 OVERALL RELATIVE IMPORTANCE OF EVALUATION FACTORS

Approach and Capabilities Criteria.

- (a) The Approach and Capabilities Proposal will be assigned an adjectival rating for each criterion. After doing so, an overall adjectival rating will be assigned.
- (b) The Approach and Capabilities Criteria are: Technical Approach; Key Personnel; Capabilities and Experience; Business Management; and Past Performance. Technical Approach will be considered more important than all other criteria. Key Personnel and Capabilities and Experience will be considered of equal importance, but they will both be considered less important than Technical Approach, and more important than Business Management and Past Performance. In that regard, Business Management and Past Performance will be considered of equal importance and will be considered less important than all other criteria.
- (c) As specifically described in Section M.4 below, each Approach and Capabilities Criterion is broken into certain areas that will receive emphasis during the

evaluation. Except where noted in M.4, these areas will not be separately evaluated and are not listed in order of overall importance.

Cost and Fee Criterion (Evaluated Price)

The Cost and Fee Proposal will not be point scored or receive an adjectival rating, but will be evaluated in accordance with M.5.

Overall Relative Importance of the Evaluation Criteria

In determining the best value to the Government, the Approach and Capabilities Criteria, when combined, are significantly more important than the Evaluated Price.

M.4 APPROACH AND CAPABILITIES CRITERIA

In evaluating each of the following criterion, the evaluation may also consider other areas that have a logical relationship to that specific criterion. The extent to which the proposal is internally consistent within and among evaluation factors may also have an impact on the overall evaluation.

(a) Criterion 1: Technical Approach

Each Offeror's technical approach will be evaluated for knowledge and understanding of the technical requirements, technical merit/realism, feasibility, and overall quality. Areas receiving emphasis during the evaluation include:

- (1) **Waste Processing:** Approach to retrieval, transportation, pre and post treatment characterization, treatment, storage (pre and post treatment), loading and other pre-shipment operations for all wastes identified in the Statement of Work.
- (2) **Risk Management:** Approach to identifying, analyzing, and eliminating/mitigating/managing known and unknown risks.
- (3) **Regulatory Compliance:** Approach to project regulatory compliance.
- (4) **Safety:** Approach for emphasizing and managing environment, safety and health (ES&H) aspects of contract performance, including integrated safety management (ISM), conduct of operations implementation, quality assurance, and complying with the DOE Worker Safety and Health Program final rule (10 CFR Part 851).
- (5) **Operations Continuity:** Approach to maintaining sufficient backlog and assuring continuity of operations where performance activities are temporarily slowed down or stopped during contract performance.

- (6) Maintenance and Upgrades: Approach to facility and equipment maintenance and improvements, and the approach to addressing them within funding and schedule limits and without affecting contract operations.

(b) Criterion 2: Key Personnel

The education, experience, and leadership qualities of each proposed key person, as well as the individual and collective responses to the questions and the work problem identified in Section L.4, Criterion 4, will be used to evaluate the key personnel both individually and as a team for depth, relevance, and suitability for the key positions proposed (**written materials and oral interview**).

Note: The proposed education, experience, and leadership qualities of the proposed Project Manager will be more heavily weighted than that of other Key Personnel.

(c) Criterion 3: Capabilities and Experience

The relevancy and depth of the Offeror's experience and capabilities, together with that of each team member, will be evaluated as it relates to successful Transuranic (TRU) waste and Mixed Low-Level Waste (MLLW) management, compliance with Waste Isolation Pilot Project (WIPP) Waste Acceptance Criteria (WAC), State and other regulatory requirements, including the ability to successfully operate the Advanced Mixed Waste Treatment Project (AMWTP) facilities. This includes an assessment of the likelihood that the experience and capabilities will translate into successful contract performance.

Note: Experience of predecessor companies (e.g., a name change, merger, purchase of assets, etc., in which the resources of the current company were owned by a prior company) may be considered if the Government believes that experience is relevant to the evaluation.

(d) Criterion 4: Business Management

Each Offeror's business plan will be evaluated for knowledge and understanding of the business requirements, merit/realism, feasibility, efficiency, maximizing the program impact using available funds, and overall quality. Areas receiving emphasis during the evaluation include:

- (1) Business Approach: Approach to business management, including business systems and practices and organizational structure as it relates to the work breakdown structure, and any proposed workforce restructuring actions.

- (2) Employee Incentives: Approach to incentivizing employees, and subcontractors to perform the work safely and efficiently.
 - (3) Contract Transition: Approach to contract transition, and for assuming full responsibility of the AMWTP upon completion of the transition period.
 - (4) Small Business Involvement: Approach to small business involvement in significant, complex aspects of the work; the extent of participation of small disadvantaged business concerns; adequacy of proposed small business goals; approach to mentor protégé relationships (if applicable).
- (e) Criterion 5: Past Performance

The Offeror's past performance, as well as that of each team member, will be evaluated for:

- (1) Performance in meeting cost, schedule, and scope requirements;
- (2) Performance in resolving problems and concerns of customer, regulators, and other stakeholders;
- (3) Safety and regulatory compliance record; and
- (4) Performance in successfully operating a highly mechanical and complex nuclear (hazard category 2) facility.

Notes on Past Performance Evaluation:

In addition to the information provided in the proposal, DOE may use information from other sources in its evaluation of past performance.

Offerors may be downgraded if they fail to provide Past Performance Information Forms for at least three (3) of the projects submitted under the Capabilities and Experience criterion above.

In evaluating past performance, the performance of predecessor companies (e.g., where the resources of identified team members/subcontractors were owned by a prior company that has been involved in a name change, a merger, an acquisition of assets, etc.) may be considered if that performance is deemed relevant by the Government.

If an Offeror does not have any record of relevant past performance, or if such information is not available, the Offeror will be evaluated neither favorably nor unfavorably on past performance.

M.5 COST AND FEE

- (a) DOE will evaluate each Offeror's proposed cost and fee for realism and reasonableness in accordance with FAR 15.4. As part of this realism assessment, DOE will assess the reasonableness of specific cost elements, including an assessment of whether they: are realistic based on the Offeror's approach to the work; reflect a clear understanding of the work requirements and realism of planned reinvestment in the facility; and are consistent with the Offeror's technical approach.
- (b) DOE will complete a most probable cost assessment of the Offeror's cost as prescribed by FAR 15.404-1(d) and (e).
- (c) The total evaluated price will be calculated by combining the most probable cost with the fee proposed. The evaluated price will be used to make the trade off determination of best value to the Government.
- (d) An Offeror that proposes an Estimated Cost and available fee that exceeds the limits established in Section L.5(f), Table L.1, has not submitted an acceptable offer and will be deemed ineligible for award without discussions.