

Section M - Evaluation Factors for Award

M.1 FAR 52.217-5 EVALUATION OF OPTIONS. (JUL 1990)

M.2 DOE-M-2001 PROPOSAL EVALUATION - GENERAL (FEB 2019)

(a) Conduct of acquisition.

(1) This acquisition will be conducted pursuant to the Federal Acquisition Regulation (FAR), Part 15, Contracting by Negotiation; Department of Energy Acquisition Regulation (DEAR), Part 915, Contracting by Negotiation; and the provisions of this solicitation.

(2) DOE has established a Technical Acceptability Committee (TEC) to evaluate the proposals submitted by offerors in response to this solicitation. Proposal evaluation is an assessment of the proposal and the offeror's ability to perform the prospective contract successfully. Proposals will be evaluated solely on the factors specified in this Section M to determine the technical acceptability of each offeror's proposal.

(3) The designated source selection authority will select an offeror for contract award whose proposal represents the lowest price technically acceptable to the Government. The source selection authority may reject all proposals received in response to this solicitation, if doing so is in the best interest of the Government.

(b) Deficiency in proposal.

(1) A deficiency, as defined at FAR 15.001, Definitions, is a material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level. No award will be made to an offeror whose proposal is determined to be deficient.

(2) A proposal will be eliminated from further consideration before complete evaluation if the proposal is so deficient as to be unacceptable on its face. Such deficiencies may include any exceptions or deviations from the terms of the solicitation. A proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address the material requirements of the solicitation, or if it does not substantially comply with the proposal preparation instructions of this solicitation. Cursory responses or responses that merely repeat or reformulate the RFP will not be considered responsive to the requirements of the solicitation. 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) Responsibility. In accordance with FAR Subpart 9.1, Responsible Prospective Contractors, and DEAR Subpart 909.1, Responsible Prospective Contractors, the Contracting Officer is required to make an affirmative determination of whether a prospective contractor is responsible. The Contracting Officer may, if necessary, conduct a preaward survey of the prospective contractor as part of the considerations in determining responsibility. In the absence of information clearly indicating that the otherwise successful offeror is responsible, the Contracting Officer shall make a determination of nonresponsibility and no award will be made to that offeror; unless, the apparent successful offeror is a

small business and the Small Business Administration issues a Certificate of Competency in accordance with FAR Part 19.6, Certificates of Competency and Determinations of Responsibility.

(d) Award without discussions. In accordance with paragraph (f)(4) of the provision at FAR 52.215-1, Instructions to Offerors - Competitive Acquisition, the Government intends to evaluate proposals and award a contract without conducting discussions with offerors. Therefore, the offeror's initial proposal shall contain the offeror's best terms from a price and technical standpoint. The Government, however, reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Government conducts discussions, the Contracting Officer may limit the competitive range for purposes of efficiency.

(End of Provision)

M.3 DOE-M-2002 EVALUATION FACTOR - TECHNICAL APPROACH (OCT 2015) (REVISED)

DOE will evaluate two criteria to determine technical acceptability for non-cost factors.

(1) Criterion 1 – Applicable Licenses

DOE will evaluate the Offeror's applicable licenses or authorizations at the proposed Storage Facility for the approved long-term management and storage of elemental mercury. DOE may independently check the status of any licenses or pending applications with the respective regulatory agency or through other means.

If the applicable licenses expire or are approved for a fixed period, DOE will evaluate the Offeror's plan to maintain the continued license for long-term management and storage of elemental mercury for the total contract period of performance.

(2) Criterion 2 – Long-Term Elemental Mercury Storage Facility

DOE will evaluate the proposed long-term elemental mercury Storage Facility for the capability to manage and store the quantities of elemental mercury as indicated in Section B.

DOE will evaluate the characteristics of the proposed long-term elemental mercury Storage Facility to meet the requirements indicated in Section C.4.

(End of Provision)

M.4 DOE-M-2010 EVALUATION FACTOR - PRICE (FIXED-PRICE) (OCT 2015) (REVISED)

The Offeror's proposed price will not be point-scored or adjectivally rated, but will be evaluated to assess price reasonableness and completeness. The Government will evaluate price based on the total proposed price, including the base year and option years included in Section B.4.

The total evaluated price will be equal to the total proposed price for the Firm-Fixed Price CLINs and the total proposed price of the IDIQ CLIN for the base year and all option years.

The Government will evaluate the options and has included the provision FAR 52.217-5, Evaluation of Options, in Section M of the solicitation. In accordance with FAR 52.217-5, Evaluation of Options, this does not obligate the Government to exercise the options.

The total evaluated price consisting of the sum of the lease CLIN, the management CLIN, the assumption receipt of 1-metric ton containers, and the assumption receipt of 3-liter containers, shall be used for the purpose of selecting the contractor for award.

(End of Provision)

M.5 DOE-M-2012 BASIS FOR AWARD (OCT 2015)

The Government intends to select an offeror for award of a contract on the basis of the lowest evaluated price of proposals meeting or exceeding the acceptability standards for non-cost factors (e.g., Lowest Price Technically Acceptable).

Selection will be achieved through a process of evaluating each Offeror's technical proposal against the evaluation criteria listed in provision *M.3 DOE-M-2002 Evaluation Factor - Technical Approach (OCT 2015) (REVISED)*. In order to be considered technically acceptable, an offeror's technical proposal must pass all technical criteria listed in provision *M.3 DOE-M-2002 Evaluation Factor - Technical Approach (OCT 2015) (REVISED)*. Failure to meet any one criterion shall make the entire proposal technically deficient and unacceptable. The possible proposal ratings are Pass (meets or exceeds requirements on all non-cost evaluation criteria) or Fail (does not meet requirements on all non-cost evaluation criteria).

(End of Provision)