

Section M - Evaluation Factors for Award

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M.1 DOE-M-2001 Proposal Evaluation - General -- Alternate III (Feb 2019)

(a) Conduct of acquisition.

- (1) This acquisition will be conducted pursuant to the Federal Acquisition Regulation (FAR), Part 15 entitled, *Contracting by Negotiation*; Department of Energy Acquisition Regulation (DEAR), Part 915 entitled, *Contracting by Negotiation*; and the provisions of this solicitation.
- (2) DOE has established a Source Evaluation Board (SEB) 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 the solicitation against the evaluation factors in this Section M to determine the Offeror's ability to perform the contract.
- (3) The designated source selection authority will select an Offeror for contract award whose proposal represents the best value to the Government. The source selection authority's decision will be based on a comparative assessment of proposals against all evaluation factors in the solicitation. 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 entitled, *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 completing the Government's evaluation if the proposal is deficient as to be unacceptable on its face. Deficiencies may include any exceptions or deviations to the terms of the solicitation. A proposal will be deemed unacceptable if it does not substantially address itself to the material requirements of the solicitation, or if it does not substantially and materially comply with the proposal preparation instructions of this solicitation. Cursory responses or responses which merely repeat or reformulate the solicitation, including the Performance Work Statement (PWS) are considered non-responsive to the requirements of the solicitation and therefore result in rejection of the proposal or otherwise be negatively evaluated. In the event that a proposal is rejected, a notice may 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 entitled, *Responsible Prospective Contractors*, the Procuring Contracting Officer (PCO) is required to make an affirmative determination of whether a prospective contractor is responsible. The PCO may, if necessary, conduct a pre-award 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 PCO will make a determination of non-responsibility 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 Subpart 19.6 entitled, *Certificates of Competency and Determinations of Responsibility*. The responsibility determination includes a finding that award of the contract to the Offeror will not pose an undue risk to the common defense and security as a result of its access to classified information or special nuclear material in the performance of the contract, as prescribed in Section L provision, DEAR 952.204-73, entitled Facility Clearance (Aug 2016) (DEVIATION) (Issued by DOE Policy Flash 2021-14), which requires submission of specific information by the Offeror related to foreign interests.

- (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 cost or price and technical standpoint. The Government, however, reserves the right to conduct discussions if the PCO later determines them to be necessary and may limit the competitive range for purposes of efficiency.
- (e) Organizational conflicts of interest. The Offeror is required by the Section K provision entitled, *Organizational Conflicts of Interest Certification*, to provide a statement of any past, present, or currently planned interests related to the performance of the work and a statement that an actual or potential conflict of interest or unfair competitive advantage does or does not exist in connection with the contract resulting from the solicitation.

M.2 Evaluation Factor – Key Personnel

- (a) Key Personnel. DOE will evaluate the proposed Program Manager, Security Manager, and Project Integration Manager. DOE’s evaluation of the Program Manager will be the most important aspect of the evaluation of key personnel. The Security Manager and Project Integration Manager are equal in importance with each other.

Failure of the Offeror to propose the required key personnel position(s), or to confirm the availability of all key personnel as being assigned to the contract full-time and that their permanent duty station is located within the local surrounding area of the PAD site as identified in Table H-1 of clause DOE-H-2070, *Key Personnel* will adversely affect the Government’s evaluation of the proposal and may make the proposal ineligible for award. Additionally, failure of the Offeror to provide a letter of commitment for each key personnel will adversely affect the Government’s evaluation of the proposal.

- (b) Resume. The individuals proposed as key personnel will be evaluated on the degree to which they are qualified and suitable for the proposed position in relation to the work for which they are proposed to perform and areas of responsibility. The qualifications and suitability of the individual key personnel will be evaluated on the following:
 - (1) Experience. The key personnel individually will be evaluated on their DOE, commercial, and/or other Government experience in performing work similar to the work to be performed in their proposed position with emphasis on project and completion type work, including leadership and other accomplishments. DOE will evaluate whether the experience was primarily the performance of field-based work at the work site location or was performed to support the work site location by an individual primarily based at an

offsite location such as regional, corporate, headquarters, or as a consultant for each period of employment. DOE's evaluation of the Program Manager's resume will include consideration of demonstrated experience in managing a project/work performance measurement baseline, including schedule management, completing work within or under budget, and the ability to recover schedule variance. DOE's evaluation of the Security Manager's resume will include consideration of demonstrated experience managing security requirements at a highly regulated facility, including working with or being designated as the FSO and /or ODSA. DOE's evaluation of the Project Integration Manager's resume will include consideration of demonstrated experience managing daily onsite operations, executing project management functions, and performing senior management tasks in a highly regulated work environment. More recent experience may be given greater consideration.

- (2) Education. The key personnel will be evaluated on their education, specialized training, active certifications, and licenses that support the suitability for their proposed position.
- (3) Professional References. DOE may contact any or all of the references, current or previous employers, clients, and other sources of information not provided by the Offeror, to verify the accuracy of the information contained in the resume and to further assess the qualifications and suitability of proposed key personnel.

Note: DOE experience is not necessarily evaluated with more similarity than non-DOE experience, based on the sole fact that it was work for DOE. The key personnel evaluation is based on the criteria listed above.

M.3 Evaluation Factor – Organization and Management Approach

- a) Organization. The evaluation of the Offeror's proposed Organization will consider the following:
 - (1) Organization chart. DOE will evaluate the Offeror's organizational chart graphically depicting the functional areas of the proposed organization that the Offeror considers essential for the management and performance of the PAD ISS PWS. DOE will evaluate whether the organizational chart shows the names of proposed key personnel, and any other known personnel who are heads of organizational elements. DOE will evaluate whether the number of organization levels (e.g., working and reporting lines, divisional relationships, management layers, chain of command) depicted on the Offeror's organization chart aligns with, and correlates to, the information provided by the Offeror in response to paragraphs (2) and (3) below.
 - (2) Rationale for organizational structure. DOE will evaluate how the organizational structure will contribute to the successful accomplishment of the work and how the organizational structure correlates to the PWS. If functional areas are proposed to be performed by Teaming Subcontractors, including members in an LLC, joint venture, or other similar entity, DOE will evaluate how these functions will be integrated and controlled with the Offeror's organization.
 - (3) Roles, responsibilities, and lines of authority. DOE will evaluate the clarity and effectiveness of roles, responsibilities, and lines of authority for the functional areas identified on the organizational chart, including lines of authority between the Offeror's

organizational elements or specific individuals, as applicable, and its Teaming Subcontractors including members in an LLC, joint venture, or other similar entity.

- b) Management Approach. The evaluation of the Offeror’s proposed Management Approach will consider the following:
- (1) Contract Transition. DOE will evaluate the Offeror’s proposed approach to achieve the Contract Transition requirements listed in Section C, including the implementation of the CHRM requirements of the applicable Section H CHRM clauses for the safe, effective, and efficient transfer of responsibility for execution of the Contract with little or no disruption to ongoing operations.
 - (2) Management. DOE will evaluate the Offeror’s proposed approach for Management to effectively execute and meet the requirements of the PWS. DOE will evaluate the Offeror’s proposed approach to plan and schedule for operations and maintenance, shift operations, manpower projections and consideration for maintenance and scheduled facility outages; and to interface and collaborate with other site contractors and to partner with DOE.
 - (3) Workforce recruitment and retention. DOE will evaluate the Offeror’s approach for ensuring that a workforce is available with the appropriate skills and qualifications necessary to safely and effectively accomplish the Paducah ISS PWS over the period of performance of the contract. DOE will evaluate the Offeror’s approach to recruit, train, and relocate personnel as needed, and maintain the workforce, including start-up, interim fluctuations in workload (e.g. overtime), and ramp-down.

M.4 DOE-M-2008 Evaluation Factor - Past Performance (Oct 2015) (Revised)

- (a) Offeror. The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), will be evaluated on the Government’s assessment of relevant and recent past performance information obtained for the Offeror performing work similar in scope, size, and complexity to the portion of the PWS that each entity is proposed to perform. The information will be evaluated in order to assess the Offeror’s potential success in performing the work required by the contract. The evaluation will be based on the portion of work that each entity is proposed to perform, and may consider the following: (1) Scope – type of work (e.g., work as identified in the PWS; (2) Size – dollar value (approximate average annual value in relation to the proposed work; annual contract value of approximately \$25M for evaluation purposes); and (3) Complexity – performance challenges (e.g., performing contracts developing and/or implementing environmental, safety, health, quality assurance, and security plans and programs in compliance with environmental and regulatory guidelines, including but not limited to 10 CFR Part 830, 10 CFR Part 835, 10 CFR Part 851, and the DOE S&S 400 series Orders; project management, budget and baseline management (Federal site lifecycle estimate (FSLE)); cost efficiencies; subcontractor management; work performance improvements; management of complex CHRM requirements; interfaces with multiple contractors and federal entities; and successful partnerships with the Government, Client, and Regulators). The higher the degree of relevance of the work, the greater the consideration that may be given. DOE will evaluate recent past performance information for contracts that are currently being performed or have a period of performance end date within the last five (5) years from the original solicitation issuance date. To the extent that

performance evaluations are divisible, the Government will only evaluate performance information within the five (5) year period preceding the original solicitation issuance date. More recent past performance information may be given greater consideration.

The Government will not apportion the assessment of past performance differently amongst the members of a Contractor's Teaming Arrangement, as defined in FAR 9.601(1), on a past performance contract, as each entity is considered to be responsible for overall performance of the ongoing or prior contract. All partner companies on past performance contracts will be equally credited (positively and negatively) for past performance information. However, relevancy determinations on a past performance contract may differ depending upon what scope each entity is proposed to perform.

- (b) Teaming Subcontractors. The Offeror's proposed Teaming Subcontractors as defined in DOE-L-2001, Proposal Preparation Instructions – General, paragraph (a)(2) will be evaluated on the assessment of the past performance information obtained for the Teaming Subcontractor performing work similar in scope, size, and complexity to that proposed to be performed by that Teaming Subcontractor. DOE will evaluate past performance information for contracts that are currently being performed or have been completed within the last five (5) years from the original solicitation issuance date.
- (c) Newly formed entity and predecessor companies. The evaluation of past performance for the Offeror and any Teaming Subcontractor(s) may be based on the past performance of its parent organization(s), member organizations in a joint venture, limited liability company, or other similar or affiliated companies, provided the Offeror's proposal demonstrates that the resources of the parent, member, or affiliated company will be provided or relied upon in contract performance such that the parent, member, or affiliate will have meaningful involvement in contract performance. Meaningful involvement means the parent, member, or affiliate will provide material supplies, equipment, personnel, or other tangible assets to contract performance; or that the common parent will utilize the expertise, best practices, lessons learned, or similar resources from the affiliate to affect the performance of the Offeror/Teaming Subcontractor. Past performance information from predecessor companies that existed prior to any mergers or acquisitions may also be considered where the Offeror's/Teaming Subcontractor's proposal demonstrates such performance reasonably can be predictive of the Offeror's performance.
- (d) Work to be performed. DOE will evaluate the Offeror and all members of a teaming arrangement, as defined in FAR 9.601(1) and any Teaming Subcontractors, in accordance with the work each entity is proposed to perform to cover the work scope described in the PWS. Each reference contract will be evaluated for relevancy in terms of scope, size, and complexity. The resulting rating may consider whether the Offeror's team as a whole (including Teaming Subcontractors) have demonstrated relevancy to all PWS requirements.
- (e) No record of past performance. If the Offeror or Teaming Subcontractor(s) do not have a record of relevant past performance or if information is not available, the Offeror or Teaming Subcontractor(s) will be evaluated neither favorably nor unfavorably.
- (f) Performance information. The Government will only evaluate past performance information for work it considers relevant to the acquisition in terms of similar in scope, size, and complexity, as defined above in paragraph (a), and within the timeframe specified, as defined above in paragraph (a). The Offeror may also be evaluated on safety statistics (OSHA Days

Away, Restricted or Transferred (DART) and Total Recordable Case (TRC)) and DOE enforcement actions and/or worker safety and health, nuclear safety, and/or classified information security incidents or notifications posted to the DOE Office of Enterprise Assessments website (<https://www.energy.gov/ea/listings/enforcement-documents>) and corrective actions taken to resolve those problems.

- (g) Terminated contracts, cure notices, and conditional payment of fee/profit/other incentive actions. The Government may consider contracts of the Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), and Teaming Subcontractors, that: (1) were terminated for default; (2) included a cure notice(s) in accordance with FAR 49 Termination of Contracts; and/or (3) included a conditional payment of fee/profit/other incentive action(s) as described in the DEAR over the preceding five (5) years from the original solicitation issuance date, including the reasoning for the aforementioned actions.
- (h) Sources of past performance information. The Government may consider past performance information from sources other than those provided by the Offeror, such as commercial and government clients, government records, regulatory agencies, and government databases such as the Government's Contractor Performance Assessment Reporting System (CPARS) and award fee determinations. The Government may contact any or all of the references provided by the Offeror and will consider such information obtained in its evaluation. Note: DOE contracts are not necessarily evaluated with more relevance than non-DOE contracts, based on the sole fact that it was work for DOE. The evaluation of relevancy is based on the factors listed above. Scope, size, and complexity determinations will be made solely based on the relationship of past work to current requirements, without any preference or benefit given based on the entity for which the work was performed.
- (i) List of DOE contracts. The Government may consider the information provided per Section L, Attachment L-8, List of DOE Contracts, and evaluate past performance information on work determined to be relevant to the acquisition in terms of similar in scope, size, and complexity, as defined above in paragraph (a).

M.5 Evaluation Factor – Cost and Fee

The Cost and Fee Proposal will not be adjectivally rated or point scored but will be considered in the overall evaluation of proposals in determining the best value to the Government.

The Cost and Fee Proposal will be evaluated for cost realism and price reasonableness using one or more of the techniques defined in FAR 15.404 and FAR 15.402(a). Price reasonableness will be performed on the proposed price. A cost realism analysis will be performed on the Offeror's proposed labor costs, including indirect costs (i.e., fringe benefits, overhead, and G&A) to ensure the proposed costs are realistic for the work to be performed.

Based on its review, DOE will determine the most probable cost to the Government as prescribed by FAR 15.404-1(d). For purposes of determining best value, the total evaluated price will be calculated by combining: (1) the proposed Contract Transition price (CLIN 0001); (2) the most probable cost for CLINs 0101, 0102, and 0103, as well as Option CLINs 0201, 0202, and 0203 (3) the total proposed award fee (CLINs 0101, 0102, 0201 and 0202) proposed in Table B.3-2 (not to exceed the maximum award fee limitation of seven percent specified in Section L); and

(4) the IDIQ maximum value of \$50M. The total evaluated price will be used in the best value analysis for the purpose of selecting an Offeror for award of a contract.

The Cost and Fee Proposal will include a separate assessment of the proposed key personnel compensation based on each proposed individual's qualifications and position description which may significantly differ from the compensation cap established by Section 702 of the Bipartisan Budget Act of 2013.

The Offeror has the responsibility to fully document its cost and fee proposal and provide traceability and consistency. DOE may adjust an Offeror's proposed cost as part of its cost realism analysis in accordance with FAR 15.404-1(d) if the Offeror does not adequately provide documentation and traceability. Failure by the offeror or its subcontractor to submit the required information or documentation in the format (including formatting requirements of Volume III—Cost and Fee Proposal) specified may render the offeror's proposal unevaluatable and the proposal ineligible for award without further consideration.

An unrealistic cost proposal and/or inconsistencies between the Cost and Fee Proposal, and the Technical and Management Proposal may indicate a poor understanding of the PWS requirements therefore may adversely impact the evaluation of the Offeror's Technical and Management proposal.

DOE will compare the total evaluated price to both the total anticipated contract funding and the anticipated funding by Government Fiscal Year. Because the funding is subject to change based on actual appropriation and actual award date of the contract, DOE may make an award to an Offeror whose proposed price differs from the funding profile provided in Section B. Offerors may propose to carry funds over from one year to the next. However, a total proposed price that significantly exceeds the funding profile as set forth in Section B, either by a contract period or total contract basis, may be considered unacceptable for award.

M.6 DOE-M-2011 Relative Importance of Evaluation Factors (Oct 2015)

(a) The evaluation factors for the Technical and Management Proposal (Volume II) are as follows:

Factor 1: Key Personnel;
Factor 2: Organization and Management Approach; and
Factor 3: Past Performance.

Factor 1, Key Personnel is considered greater in importance than Factor 2, Organization and Management Approach. Factor 2, Organization and Management Approach is considered greater in importance than Factor 3, Past Performance.

(b) The evaluation factors for the Technical and Management Proposal (Volume II), when combined, are significantly more important than the total evaluated price (Volume III). Each evaluation factor applicable to this solicitation is identified and described in this and other provisions of this Section M. The descriptive elements of each evaluation factor will be considered collectively in arriving at the evaluated rating of the Offeror's proposal for that

evaluation factor. Areas within an evaluation factor are not sub-factors and will not be individually rated, but will be considered in the overall evaluation for that particular evaluation factor.

M.7 DOE-M-2012 Basis for Award (Oct 2015)

The Government intends to award one contract to the responsible Offeror whose proposal is determined to be the best value to the Government. Selection of the best value to the Government will be achieved through a process of evaluating each Offeror's proposal against the evaluation factors described above. The evaluation factors for the Technical and Management Proposal will be adjectivally rated. The Cost/Price evaluation factor will not be rated, however the evaluated price will be used in determining the "best value" to the Government. The Government is more concerned with obtaining a superior Technical and Management Proposal than making an award at the lowest evaluated price. However, the Government will not make an award at a price premium it considers disproportionate to the benefits associated with the evaluated superiority of one Offeror's Technical and Management Proposal over another. Thus, to the extent that Offerors' Technical and Management Proposals are evaluated as close or similar in merit, the evaluated price is more likely to be a determining factor in selection for award.