

PART IV — REPRESENTATIONS AND INSTRUCTIONS

SECTION L

INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

TABLE OF CONTENTS

L.1 FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)	1
L.2 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)	2
L.3 FAR 52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS (NOV 2020)	2
L.4 DEAR 952.219-70 DOE MENTOR-PROTÉGÉ PROGRAM (MAY 2000) (DEVEIATION)(ISSUED BY DOE POLICY FLASH 2019-15)	2
L.5 DOE-L-2001 PROPOSAL PREPARATION INSTRUCTIONS – GENERAL (OCT 2015) ALTERNATE II (OCT 2015) (REVISED)	2
L.6 DOE-L-2002 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME I – OFFER AND OTHER DOCUMENTS (NOV 2016)– ALTERNATE II, ALTERNATE III, ALTERNATE IV, , AND ALTERNATE VI (OCT 2015)	7
L.7 DEAR 952.204-73 FACILITY CLEARANCE (AUG 2016) (DEVIATION) (Issued by DOE Policy Flash 2021-14)	13
L.8 DOE-L-2003 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME II – TECHNICAL AND MANAGEMENT PROPOSAL – GENERAL (NOV 2016) (REVISED)	16
L.9 DOE-L-2005 EVALUATION FACTOR – KEY PERSONNEL (OCT 2015)	17
L.10 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME II – ORGANIZATION AND STAFFING APPROACH	19
L.11 DOE-L-2010 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME II – PAST PERFORMANCE (OCT 2015) (REVISED)	19
L.12 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME III –PRICE PROPOSAL	24
L.13 DOE-L-2014 DATE, TIME, AND PLACE OFFERS ARE DUE (OCT 2015)	25
L.14 DOE-L-2015 OFFER ACCEPTANCE PERIOD (OCT 2015)	25
L.15 DOE-L-2016 NUMBER OF AWARDS (OCT 2015)	25

**L.16 DOE-L-2017 EXPENSES RELATED TO OFFEROR SUBMISSIONS (OCT 2015) .
..... 25**

**L.17 INSTRUCTIONS REGARDING NON-PUBLIC GOVERNMENT
INFORMATION/SOURCE SELECTION INFORMATION..... 25**

**L.18 DOE-L-2021 GUIDANCE FOR PROSPECTIVE OFFERORS - IMPACT OF
TEAMING ARRANGEMENTS ON SMALL BUSINESS STATUS (OCT 2015)..... 26**

**L.19 DOE-L-2022 ALTERNATE BID/PROPOSAL INFORMATION – NONE
(OCT 2015) 26**

**L.20 DOE-L-2024 NOTICE OF INTENT – USE OF NON-FEDERAL EVALUATORS
AND ADVISORS (OCT 2015)..... 26**

L.21 DOE-L-2025 INTENTION TO BID/PROPOSE (OCT 2015) 26

**L.22 DOE-L-2026 SERVICE OF PROTEST (OCT 2015) / 52.233-2 SERVICE OF
PROTEST (SEP 2006) (AS MODIFIED BY DEAR 952.233-2 SERVICE OF PROTEST) 27**

L.23 DOE-L-2027 NOTICE OF PROTEST FILE AVAILABILITY (OCT 2015)..... 27

L.24 DOE-L-2028 AGENCY PROTEST REVIEW (OCT 2015)..... 28

L.25 CONTACTS REGARDING FUTURE EMPLOYMENT 28

L.26 SMALL BUSINESS SIZE STANDARD AND SET-ASIDE INFORMATION 28

SECTION L ATTACHMENTS

- ATTACHMENT L-1 – PERFORMANCE GUARANTEE AGREEMENT**
- ATTACHMENT L-2 – KEY PERSONNEL STANDARD RESUME FORMAT**
- ATTACHMENT L-3 – PAST PERFORMANCE REFERENCE INFORMATION
FORM**
- ATTACHMENT L-4 – PAST PERFORMANCE COVER LETTER AND
QUESTIONNAIRE**
- ATTACHMENT L-5 – LIST OF CONTRACTS TERMINATED FOR DEFAULT,
CURE NOTICES, AND CONDITIONAL PAYMENT OF
FEE/PROFIT/OTHER INCENTIVE ACTIONS**
- ATTACHMENT L-6 – OFFEROR’S PROPOSED ACCOUNTING SYSTEM
INFORMATION**
- ATTACHMENT L-7 – LIST OF DOE CONTRACTS**
- ATTACHMENT L-8 – TASK ORDER 1 – ETEC**

L.1 FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The Offeror is cautioned that the listed provisions may include blocks that must be completed by the Offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the Offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these addresses:

<https://www.acquisition.gov/far/>
<http://energy.gov/management/downloads/searchable-electronic-department-energy-acquisition-regulation>

PROVISION NUMBER	FAR/DEAR REFERENCE	PROVISION TITLE (DATE)	Fill-In Information See FAR 52.104(d)
L.1.1	FAR 52.204-7	System For Award Management (OCT 2018)	
L.1.2	FAR 52.204-16	Commercial and Government Entity Code Reporting (AUG 2020)	
L.1.3	FAR 52.214-34	Submission of Offers in the English Language (APR 1991)	
L.1.4	FAR 52.214-35	Submission of Offers in U.S. Currency (APR 1991)	
L.1.5	FAR 52.215-1	Instructions To Offerors - Competitive Acquisition (NOV 2021)	
L.1.6	FAR 52.215-16	Facilities Capital Cost of Money (JUN 2003)	
L.1.7	FAR 52.215-20	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost of Pricing Data (NOV 2021) – Alternate III (OCT 1997) and Alternate IV (OCT 2010)	Alt III, (c) As specified in Section L Alt IV, (b) As specified in Section L
L.1.8	FAR 52.215-22	Limitations on Pass-Through Charges Identification of Subcontract Effort (OCT 2009)	
L.1.9	FAR 52.216-27	Single or Multiple Awards (OCT 1995)	
L.1.10	FAR 52.222-5	Construction Wage Rate Requirements – Secondary Site of the Work (MAY 2014)	
L.1.11	FAR 52.222-23	Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction (FEB 1999)	

L.1.12	FAR 52.222-24	Preaward On-Site Equal Opportunity Compliance Evaluation (FEB 1999)	
L.1.13	FAR 52.222-46	Evaluation of Compensation for Professional Employees (FEB 1993)	
L.1.14	FAR 52.237-1	Site Visit (APR 1984)	
L.1.15	DEAR 952.233-4	Notice of Protest File Availability (AUG 2009)	
L.1.16	DEAR 952.233-5	Agency Protest Review (SEP 1996)	

L.2 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of multiple Indefinite-Delivery/Indefinite-Quantity (IDIQ) contracts under which Firm-Fixed-Price (FFP) or Cost Reimbursable may be issued resulting from this solicitation.

L.3 FAR 52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS (NOV 2020)

(a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of “(DEVIATION)” after the date of the provision.

(b) The use in this solicitation of any Department of Energy Acquisition Regulation (48 CFR Chapter 9) provision with an authorized deviation is indicated by the addition of “(DEVIATION)” after the name of the regulation.

L.4 DEAR 952.219-70 DOE MENTOR-PROTÉGÉ PROGRAM (MAY 2000) (DEVEIATION)(ISSUED BY DOE POLICY FLASH 2019-15)

The Department of Energy has established a Mentor-Protégé Program to encourage its prime contractors to assist small business concerns, Historically Black Colleges and Universities and Minority Institutions, and other minority institutions of higher learning in enhancing their capabilities to perform contracts and subcontracts for DOE and other Federal agencies. If the contract resulting from this solicitation is awarded on a cost-plus-award fee basis, the Contractor's performance as a Mentor may be evaluated as part of the award fee plan. Mentor and Protégé firms will develop and submit “lessons learned” evaluations to DOE at the conclusion of the agreement. Any DOE contractor that is interested in becoming a Mentor should refer to the applicable regulations at 48 CFR 919.70 and should contact the Department of Energy's Office of Small and Disadvantaged Business Utilization.

L.5 DOE-L-2001 PROPOSAL PREPARATION INSTRUCTIONS – GENERAL (OCT 2015) ALTERNATE II (OCT 2015) (REVISED)

(a) Definitions.

- (1) Offeror. The term “Offeror,” as used in this Section L, refers to the single entity submitting the proposal. The Offeror may be a single corporation or a “contractor team arrangement” as defined in FAR 9.601(1), for example, a limited liability company, limited liability partnership, joint venture, or similar entity or arrangement. The Offeror may be an existing or newly-formed business entity for the purposes of competing for any contract resulting from this solicitation. If the Offeror is a newly formed entity, it must be legally established on or before the date for submission of proposals.
- (2) Teaming Subcontractor. A “Teaming Subcontractor” is any subcontractor that will perform work on the Task Order that is incorporated into the Offeror’s Technical and Management Proposal and that the prime Offeror considers necessary to enhance its team’s Technical and Management Proposal or ability to meet delivery requirements within the ETEC Task Order Performance Work Statement. Teaming Subcontractors are evaluated consistent with the terms of this solicitation and thus are not subject to post-award subcontract consent pursuant to FAR 52.244-2.

(b) Availability of the solicitation, amendments, and other documents – electronic media.

- (1) In order to further the Government policy of maximizing electronic commerce and making the acquisition process optimally cost effective, electronic media will be used and will be the sole method for distributing the solicitation, amendments thereto, and other documents to the public. These documents will be posted via the FedConnect website at: <https://www.fedconnect.net>. This electronic medium will constitute the official distribution method for this solicitation. All amendments and any other official communications from DOE regarding this solicitation will be posted through this medium. Offerors and all other interested parties will need to maintain continual surveillance of this website to remain abreast of the latest available information (Offerors and other interested parties are encouraged to utilize the website’s “Notifications” feature). No changes to this solicitation will be effective unless the changes are incorporated into the solicitation by an amendment. No other communication, whether oral or in writing, will modify or supersede the terms of the solicitation.
- (2) The solicitation, amendments, reference documents, drawings, specifications, other documents, and other communications are also available through the procurement website at: <https://www.emcbc.doe.gov/SEB/SBNDDDR>.

(c) Submission of proposals.

- (1) The Offeror must be registered in FedConnect at <https://www.fedconnect.net>. The Offeror must also be registered in the System for Award Management (SAM) at <https://www.sam.gov>.

NOTE: Due to the potentially high demand of UEI requests and SAM registrations, entity legal business name and address validations could take longer than expected to process.

Entities should start the UEI and SAM registration process as soon as possible. If entities have technical difficulties with the UEI validation or SAM registration process they should utilize the HELP feature on SAM.gov. SAM.gov will work entity service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: [GSAFSD Tier 0 Knowledge Base - Validating your Entity](#).

(2) Offerors must submit proposals electronically through FedConnect by the date and time specified in Standard Form 33, Solicitation, Offer and Award, in Section A of this solicitation. It is imperative that the Offeror read and understand how to submit its proposal using the FedConnect web portal. All proposal documents required by this solicitation must be uploaded and received in their entirety in the FedConnect Responses web portal no later than the date and time specified in Standard Form 33, *Solicitation, Offer and Award*, in Section A of this solicitation. Failure to submit a response that is received through the FedConnect Responses web portal by the stated time and date may result in the proposal not being considered. By submitting a proposal, the Offeror agrees to comply with all terms and conditions as set forth in this solicitation. DOE does not provide help desk assistance regarding FedConnect, and questions regarding FedConnect shall be addressed directly to FedConnect in accordance with instructions found on its website. Subcontractor submissions of proprietary information may provide a password protected document file to the prime and share the password with the CO. The subcontractor proposal must adhere to the proposal due date/time in the solicitation and be submitted by the prime Offeror via FedConnect.

(3) Electronic submission of the proposal via FedConnect shall be considered the Offeror's official offer and will be considered binding.

(4) Physical copies of the proposal (paper or USB drive) are not desired and will not be accepted.

(d) Solicitation instructions and proposal information.

(1) Proposals are expected to conform to all solicitation requirements and the instructions contained in this Section L. The Government will evaluate proposals on the basis of the information provided in the proposal. The Government will not assume that an Offeror possesses any capability unless set forth in the proposal. This applies even if the Offeror has existing contracts with the Federal Government, including the Department of Energy.

(2) Note that the instructions contained in this and other provisions of this solicitation relate directly to the performance of the ETEC Task Order at Section L, Attachment L-8, and proposals submitted in response to this solicitation will be evaluated for the purposes of awarding that Task Order as well as prospective IDIQ contract(s).

(3) These instructions are not evaluation factors. Evaluation factors are set out in Section M, *Evaluation Factors for Award*, of this solicitation. However, failure to provide the requested information may make an Offeror ineligible for award or adversely affect the Government's evaluation of an Offeror's proposal. In addition, a proposal will be eliminated from further

consideration before the initial rating if the proposal is deficient as to be totally unacceptable on its face. A proposal will be deemed unacceptable if it does not represent a reasonable initial effort to 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 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.

(e) Proposal volumes and page limitations.

(1) The overall proposal shall consist of separate volumes, organized and individually entitled as stated below, with the following page limitations:

- (i) Volume I, Offer and Other Documents – No page limit.
- (ii) Volume II, Technical and Management Proposal – See page limitations identified below for each factor.
- (iii) Volume III, Price Proposal – No page limit.

(2) All attachments, annexes, and appendices shall be counted toward the page limits set forth below for Volume II, unless otherwise stated. The following do not count toward the page limitations: table of contents, cross-reference matrices, title pages, glossary, divider tabs, and blank pages. Those pages that exceed the limits set forth below for Volume II will not be considered in the evaluation; page counting will begin with the first page of each volume and continue up to the page limitation. No material may be incorporated by reference as a means to circumvent the page limitations.

(3) Offerors shall not cross-reference to other volumes of the proposal and shall provide complete information within the appropriate volume. All cost and pricing information shall be submitted and addressed only in Volume III, Price Proposal, unless otherwise specified.

(f) Proposal specifications.

(1) Table of contents. Each volume shall contain a table of contents and a glossary of abbreviations and acronyms. The table of contents in each volume shall identify the section, subsection, paragraph titles, and page numbers, as well as all spreadsheets, charts, tables, figures, diagrams, design drawings, and graphs.

(2) Cross-reference matrix. The Offeror shall provide a cross-reference matrix within Volume II and Volume III, which correlates the proposal by page and paragraph number to the ETEC Task Order Performance Work Statement (PWS), Section L instructions, and Section M evaluation factors. The cross-reference matrix shall be inserted immediately following the table of contents of the corresponding volume of the Offeror's proposal.

(3) Page size. Page size shall be 8½ x 11 inches for text pages. Page size for large tables, charts, graphs, diagrams, design drawings, or other schematics shall not exceed 11 x 17

inches. In addition, tables of contents, lists of figures, dividers, tabs, or similar inserts that do not provide any substantive information are not counted as a page.

(4) Print type. Paragraph text shall be 12 point or larger, single spaced, using Times New Roman font, including paragraph text in the Section L attachments (including Attachment L-3, Past Performance Reference Information Form). Paragraph headings and section titles may use Arial or Times New Roman font 12 point or larger. Headers and footers, spreadsheets, charts, tables, diagrams or design drawings, and graphs must be 9 point or larger using Times New Roman or Arial font. Bold and italics are acceptable, and narrow is not acceptable. Print type requirements may be superseded by requirements listed on the provided templates.

(5) Page margins. Page margins for text pages shall be a minimum of one inch at the top, bottom, and each side. Tabloid pages may only be used for graphics, spreadsheets, and large tables. Paragraphs of text and section heading are not allowed on 11 x 17's. Each 11 x 17 page shall count as two pages. Each page shall, within the one-inch top or bottom margins, set forth the solicitation number; name of the Offeror; and, as applicable, the legend in accordance with paragraph (e)(2), Restriction on disclosure and use of data, of the provision at FAR 52.215-1, Instructions to Offerors – Competitive Acquisition. The page margins may also include page numbers. This is the only information that can be displayed within the margins. Two columns of text per page and use of boldface type for paragraph headings are acceptable.

(6) Page numbering. All pages shall be sequentially numbered by volume.

(7) File format. Files submitted shall be readable and searchable using Microsoft® Word®, Excel®, or Adobe® portable document format file (PDF) (must be in a searchable format, not scanned) except the following specific Volume III files:

- (i) Financial statements and Annual Reports shall be submitted in PDF (portable document format files are required).
 - (ii) Any proprietary software utilized in preparation of proposal information shall be provided along with licenses required to allow operation of the proprietary software. Any files provided in accordance with this section shall be in the native format.
 - (iii) Volume III Proposal tables shall be organized and submitted in native file format.
 - (iv) The files shall not be password protected or contain other security restraints unless access information is also provided.
- (8) Classified Information. The Offeror shall not provide any classified information in response to this solicitation.

(g) Questions.

(1) Questions regarding this solicitation must be submitted to SBNationwideDDR@emcbc.doe.gov no later than eight (8) calendar days after the original solicitation issuance date. If DOE has not acknowledged receipt of submitted questions

within three (3) business days, the Offeror may contact the Contracting Officer to confirm receipt of the questions. Each question shall clearly specify the solicitation area to which it refers. Responses to questions, as appropriate, will be posted to the procurement website as soon as practicable. The Government will not identify prospective Offerors submitting questions. Offerors must check the procurement website periodically to ascertain the status of answers to questions.

(2) This solicitation is considered complete and adequately describes the Government's requirements. If an Offeror believes that there is an error in the solicitation, or an omission, the Offeror shall submit a question via email to SBNationwideDDR@emcbc.doe.gov.

(h) False Statements. Proposals must set forth full, accurate, and complete information as required by this solicitation (including attachments). The penalty for making false statements in proposals is prescribed in 18 U.S.C. 1001.

(i) Examination of data. By submission of a proposal, the Offeror grants to the Contracting Officer, or an authorized representative of the Contracting Officer, the right to examine, for purposes of verifying the data submitted, those books, records, documents, and other supporting data (regardless of form) which will permit an adequate evaluation of the proposal. This right may be exercised in connection with any reviews deemed necessary by the Contracting Officer prior to award.

(j) Commitment of Public Funds. The Contracting Officer is the only individual who can legally award a contract and commit the Government to the expenditure of public funds in connection with the proposed acquisition. Any other commitment, either explicit or implied, is invalid.

(k) Content of resulting contract. Any contract awarded as a result of this solicitation will contain the following sections of the solicitation: Part I – The Schedule; Part II – Contract Clauses; Part III, Section J – List of Documents, Exhibits and Other Attachments; and Part IV, Section K – Representations, Certifications, and Other Statements of Offerors. Part IV, Section K will be incorporated into the contract by reference.

L.6 DOE-L-2002 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME I – OFFER AND OTHER DOCUMENTS (NOV 2016)– ALTERNATE II, ALTERNATE III, ALTERNATE IV, AND ALTERNATE VI (OCT 2015)

(a) Cover letter. The Offeror may provide a brief cover letter. The cover letter will not be considered in the evaluation.

(b) General. Volume I – Offer and Other Documents, contains the offer to enter into a contract and other documents. The documents requiring signature by Offerors shall be contained in Volume I. Visibly identifiable scanned and/or time-stamped digital signatures will be acceptable, unless specifically stated otherwise in the RFP. Offerors shall include the information listed in the following paragraphs in Volume I, assembled in the order listed. In cases where the Offeror is required to fill in information in a contract clause, the Offeror shall submit only those pages that require input of information or a signature. Those specific areas are:

(1) Section B of the ETEC Task Order:

- (i) ETEC Task Order B.2

(2) Section H:

- (i) DOE-H-2017, Responsible Corporate Official and Corporate Board of Directors (Oct 2014) (Revised)
- (ii) DOE-H-2052 Representations, Certifications, and Other Statements of the Offeror (Oct 2014) (Revised)
- (iii) DOE-H-2058, Designation and Consent of Teaming Subcontracts – Alternate I (Oct 2014) (Revised)
- (iv) DOE-H-2070, Key Personnel - Alternate I (Oct 2014) (Revised)
- (v) Organizational Conflict of Interest – Affiliate(s)

(3) Section I:

- (i) FAR 52.227-23, Rights to Proposal Data (Technical) (Jun 1987)
- (ii) FAR 52.223-3, Hazardous Material Identification and Material Safety Data (FEB 2021)
- (iii) FAR 52.219-28, Post-Award Small Business Program Re-representation (SEP 2021)

(4) Task Fill-Ins

- (i) Section L, Attachment L-8.B.2(a), Table B-1
- (ii) Section L, Attachment L-8.H.33(a), Table H-1, Key Personnel

(c) Standard Form 33, *Solicitation, Offer and Award* – one (1) signed (visibly identifiable scanned and/or time-stamped digital signature) Standard Form (SF) 33 must be provided.

(1) The person signing the SF 33 must have the authority to commit the Offeror to the terms and conditions of the resulting contract, Sections A - J. By signing and submitting the SF 33, the Offeror commits to accept the resulting Contract as contained in the solicitation, unless an exception or deviation to the terms and conditions as stated in the solicitation is explicitly stated by the Offeror in accordance with the below subsection (g), *Exceptions and Deviations*.

(2) The Offeror must acknowledge receipt of all amendments to the solicitation in block 14 of the SF 33.

(3) The Offeror shall insert 270 calendar days in block 12 of the SF 33 in accordance with Section L provision entitled, *Offer Acceptance Period*.

(d) Administrative information. Offerors shall provide the following information:

- (1) Solicitation number (reference paragraph (c)(2)(i) of the Section L provision at

FAR 52.215-1 entitled, *Instructions to Offerors - Competitive Acquisition*).

(2) Offeror name. Name, address, telephone and facsimile numbers, e-mail, and Unique Entity ID (UEI) of the Offeror (reference paragraph (c)(2)(ii) of the Section L provision at FAR 52.215-1, *Instructions to Offerors Competitive- Acquisition*).

(3) Authorized signatory. Name and title of person authorized to sign the proposal (reference paragraph (c)(2)(v) of the Section L provision at FAR 52.215-1, *Instructions to Offerors - Competitive Acquisition*).

(4) Negotiators. Name(s), title(s), telephone number, and email address of persons authorized to negotiate on the Offeror's behalf (reference paragraph (c)(2)(iv) of the Section L provision at FAR 52.215-1, *Instructions to Offerors - Competitive Acquisition*).

(5) Government agency administration. Government agency(ies) and name of its representative(s) having administrative cognizance over the Offeror or parent company within the meaning of FAR subpart 42.3, *Contract Administration Office Functions*, including financial auditing, employment opportunity oversight, etc. Include agency name, address, and telephone number.

(e) Subcontractors and other entities. Offerors shall provide the following information:

(1) Name, address, and UEI for all proposed Teaming Subcontractors as defined in DOE-L-2001, Proposal Preparation Instructions – General, Section (a)(2). This information is only required for Teaming Subcontractors. Any non-teaming subcontractors will require subcontract consent after award pursuant to FAR 52.244-2.

(2) If the Offeror is a joint venture, limited liability company, limited liability partnership, or other similar entity (multi-member, shared ownership) provide:

(i) Name, address, and UEI of the parent or member company(ies) of the Offeror - joint venture members, limited liability company members, limited liability partnership members, etc.; and

(ii) Teaming agreement(s) and operating agreement (if applicable), that will remain in effect after any contract award, that describe the business arrangement between the parent or member company(ies) of the Offeror, including the identity of the one member/partner who has the majority interest in the Offeror.

(f) Representations and certifications.

(1) If the Offeror has completed the annual representations and certifications electronically via the System for Award Management website in accordance with the provision at FAR 52.204-8, *Annual Representations and Certifications*, and those representations and certifications are current, accurate, complete, and applicable to this solicitation, the Offeror does not need to resubmit such representations and certifications in response to this solicitation. However, if any of these annual representations and certifications requires a change, the Offeror shall submit those changes in accordance with FAR 52.204-8.

(2) If the Offeror has not completed the annual representations and certifications electronically via the System for Award Management, the Offeror shall complete and provide

all of the representations, certifications, and other statements of the Offeror as required in this solicitation's Section K.

(3) The Offeror shall also complete any additional representations, certifications, or other statements required in this solicitation's Section K, *Representations, Certifications, and Other Statements of the Offeror*.

(g) Exceptions and deviations.

(1) Exceptions and/or deviations are not sought, and the Government is under no obligation to enter into discussions related to such. The Offeror shall specifically identify and fully explain any proposed exception to or deviation from the terms and conditions of the solicitation. Any proposed exceptions or deviations must identify the applicable solicitation section, clause or provision number, paragraph number, and the proposal volumes to which the exception or deviation applies. In addition to identifying this complete information in Volume I, any deviations or exceptions shall also be identified in the other volumes to which the deviation or exception applies, Volumes II and III. Only exceptions or deviations specifically identified in this section, if accepted by the Government, will take precedence over the terms and conditions of the solicitation.

(2) Any exceptions or deviations by the Offeror to the terms and conditions stated in the solicitation for the resulting contract will make the offer unacceptable for award without discussions. If an Offeror proposes exceptions or deviations to the terms and conditions of the contract, then the Government may make an award without discussions to another Offeror that did not take exception to the terms and conditions of the contract.

(h) Facility Clearance verification. (Revised)

The Offeror shall submit the following for the Offeror, JV/LLC member(s), and Teaming Subcontractors (if applicable) who will perform work under a contract resulting from this solicitation and require access authorizations (see Section L provision entitled, DEAR 952.204-73, Facility Clearance): (1) DOE Facility Clearance code or your Department of Defense (DOD) assigned Commercial and Government Entity (CAGE) code; (2) the date the Offeror's, JV/LLC member(s)', and Teaming Subcontractor's (if applicable) completed Standard Form 328 was submitted, and (3) the date of the Contracting Officer's affirmative FOCI determination. If the Offeror, JV/LLC member(s), or any of its Teaming Subcontractors (if applicable) do not possess such a CAGE code or DOE/NRC facility clearance number, the Offeror, JV/LLC member(s), and Teaming Subcontractor (if applicable) shall submit FOCI information in accordance with the Section L provision entitled, DEAR 952.204-73, Facility Clearance (Aug 2016) (DEVIATION) (Issued by DOE Policy Flash 2021-14). Further information is available at <https://foci.anl.gov/>. All Offerors, JV/LLC member(s), and Teaming Subcontractors (if applicable) that do not possess a CAGE code or DOE/NRC Facility Clearance number, shall complete the required entries into the DOE Foreign Ownership, Control, or Influence (FOCI) Electronic Submission System (ESS) located at <https://foci.anl.gov/>. Use of the DOE FOCI ESS is mandatory for all Offerors, JV/LLC member(s), and Teaming Subcontractors (if applicable) that do not possess a Facility Clearance. Teaming

Subcontractor(s) that will not require access authorizations consistent with DEAR 952.204-73 are not required to submit the information contained within this provision, and the Offeror's proposal shall clearly state that the Teaming Subcontractor(s) will not require access authorizations for the work proposed to be performed by the Teaming Subcontractor(s). Be sure to designate Key Management Personnel (KMP) (specific to FOCI only; this is not the same as Key Personnel as defined in Section H) in e-FOCI that hold the appropriate security clearance level as required by the scope of work and for the facility clearance. At a minimum, KMP must include the positions of the President and Facility Security Officer (FSO). If any member of the Offeror (including Teaming Subcontractors) or Tier Parents of the Offeror are under FOCI, the Offeror shall submit a draft FOCI Mitigation Plan for review by the appropriate Cognizant Security Office (CSO). If the CSO has questions regarding any of the FOCI Verification, Facility Clearance Information, and/or the draft FOCI Mitigation Plan, it may reach out to the Offeror during the evaluation process for clarifications. Note: This will not constitute "negotiations" (or "discussions") as defined in paragraph (d) of FAR 15.306, Exchanges with Offerors After Receipt of Proposals or obligate the Government to conduct discussions; nor constitute a "proposal revision" as defined in FAR 15.001.

Offerors, JV/LLC member(s), and Teaming Subcontractors (if applicable) are encouraged to transmit FOCI information before the deadline for proposal submission. Under the DOE FOCI ESS, electronic signatures cannot be accepted; thus, the signed original SF-328 executed in accordance with the form's instructions, and any other forms requiring a signature or seal shall be printed, signed, and submitted to the federal FOCI Operations Manager at the mailing address provided in the system. When filling out the New User Registration information in the DOE FOCI ESS, select "**Environmental Management Consolidated Business Center**" as the FOCI Office that will review your submission for this solicitation when it is completed. Include the solicitation name and number in the "Reason for Request" field. If the Department identifies missing information, the Offeror shall submit any information requested by the Department (FOCI Manager or CO) as soon as possible.

(i) Performance guarantee agreement.

If the Offeror is a joint venture, limited liability company, or other similar entity, the Offeror shall provide the Performance Guarantee Agreement in accordance with the clause DOE-H-2016, *Performance Guarantee Agreement*. See Section L, Attachment L-1 entitled, *Performance Guarantee Agreement*, for form and text of the required Performance Guarantee Agreement.

(j) Responsible Corporate Official and Corporate Board of Directors.

The Offeror shall provide the name of the responsible corporate official and other information related to the corporate board of directors in accordance with the clause DOE-H-2017 entitled, *Responsible Corporate Official and Corporate Board of Directors (Revised)*.

(k) Organizational Conflicts of Interest (OCI).

The Offeror, including each entity participating in a joint venture, limited liability company

(LLC), or teaming agreement thereof as defined in FAR 9.601(1), as well as any Teaming Subcontractor(s), shall provide a fully executed Section K.4, *Organizational Conflicts of Interest Disclosure*, and any necessary statements required by the provision. If the Offeror believes there is an existing or potential OCI, the Offeror shall submit an appropriate draft OCI mitigation plan with its proposal. If the Department identifies an existing or potential OCI, the Offeror shall submit any information requested by the Department, including a draft OCI mitigation plan. A potential OCI at one particular site will not preclude an Offeror from being considered for award of the Master IDIQ contract, but may preclude the award of an individual task order. If the Department requires additional explanation or interpretation regarding the proposed mitigation plan for evaluation purposes, this would be handled as clarifications or communications with Offerors, in accordance with subsections (a) and (b) of FAR 15.306, *Exchanges with Offerors After Receipt of Proposals*. Note: This proposal requirement is separate and distinct from the Contract requirement stated at *DOE-H-2035, Organizational Conflict of Interest Management Plan*, which applies throughout the full period of performance.

(l) Equal opportunity compliance.

The Offeror shall provide all of the information required to perform a pre-award onsite equal opportunity compliance evaluation in accordance with FAR 52.222-24. This information shall include the company name, address, phone number, and point of contact for the Equal Employment Opportunity Commission. This information shall be provided for the Offeror, including each entity participating in a joint venture, LLC, or teaming agreement thereof as defined in FAR 9.601(1), as well as any known subcontractors with anticipated subcontracts of \$10 million.

(m) Instructions Regarding Non-Public Government Information/Source Selection Information

(1) The Offeror shall not utilize non-public government information (as defined at 5 CFR § 2635.703(b)) or source selection information (as defined in FAR 2.101) in the preparation of the Offeror's proposal submission that results in an unfair competitive advantage in the procurement. An Offeror's utilization of any individual(s) who possesses non-public government information or source selection information (obtained through their employment or by other means) may result in a perceived or actual unfair competitive advantage. Utilization of non-public government information or source selection information to prepare its proposal in response to the subject solicitation may disqualify the Offeror's proposal from award. Utilization of information obtained by a contractor over the normal course of business is not subject to the Organizational Conflict of Interest provisions of this solicitation.

(2) The Offeror shall identify former DOE employees subject to post-employment restriction(s) involved in the Offeror's written and/or oral proposal development during the time in which the individual was still subject to post-employment restriction(s). For any former DOE employees identified, the Offeror shall provide:

- (i) The time period, nature, and extent of the former DOE employee's involvement in the Offeror's written and/or oral proposal development.
- (ii) A description of whether or not such individuals shared any non-public government

information (as defined by the United States Office of Government Ethics) or source selection information (as defined in FAR 2.101) with the Offeror during the development of its proposal, and if so, specific details regarding what information was shared.

(iv) If no such individual participated in the Offeror's written and/or oral proposal development, the Offeror shall respond stating such.

L.7 DEAR 952.204-73 FACILITY CLEARANCE (AUG 2016) (DEVIATION) (Issued by DOE Policy Flash 2021-14)

Notices to Offerors and the Contract Requirements of the Successful Offeror (Contractor)

Section 2536 of title 10, United States Code, prohibits the award of a contract under a national security program to an entity controlled by a foreign government if it is necessary for that entity to be given access to information in a proscribed category of information in order to perform the contract unless a waiver is granted by the Secretary of Energy. In addition, a Facility Clearance and foreign ownership, control and influence information are required when the contract or subcontract to be awarded is expected to require employees to have access authorizations.

An offeror who has either a Department of Defense or a Department of Energy Facility Clearance generally need not resubmit the following foreign ownership, control and influence information unless specifically requested to do so. Instead, provide your DOE Facility Clearance code or your DOD assigned commercial and government entity (CAGE) code. If uncertain, consult the office that issued this solicitation.

(a) Use of Certificate Pertaining to Foreign Interests, Standard Form 328.

- (1) The contract work to be performed by the successful offeror anticipated by this solicitation will require access to classified information or special nuclear material. Such access will require a Facility Clearance for the Contractor's (that is, the successful offeror's) organization and access authorizations (security clearances) for Contractor personnel working with the classified information or special nuclear material. To obtain a Facility Clearance the Contractor must submit the Standard Form 328, Certificate Pertaining to Foreign Interests, and all required supporting documents to form a complete Foreign Ownership, Control or Influence (FOCI) Package. The Contractor must submit the FOCI Package in the format directed by DOE. After the FOCI Package is completed, the Contractor must print and sign one copy of the SF 328 and submit it to the Contracting Officer.
- (2) Information submitted by the offeror in the Standard Form 328 will be used solely for the purposes of evaluating foreign ownership, control or influence and will be treated by DOE, to the extent permitted by law, as business or financial information submitted in confidence.
- (3) Following submission of a Standard Form 328 and prior to contract award, the successful offeror/Contractor shall immediately submit to the Contracting Officer written notification of any changes in the extent and nature of FOCI information it submitted that

could affect its answers to the questions in Standard Form 328. Following award of a contract, the Contractor must immediately submit to the cognizant security office written notification of any changes in the extent and nature of FOCI information it submitted that could affect its answers to the questions in Standard Form 328. Notice of changes in FOCI information that are required to be reported to the Securities and Exchange Commission, the Federal Trade Commission, or the Department of Justice must also be reported concurrently to the cognizant security office.

(b) *Definitions.*

(1) *Foreign Interest* means any of the following—

- (i) A foreign government, foreign government agency, or representative of a foreign government;
- (ii) Any form of business enterprise or legal entity organized, chartered or incorporated under the laws of any country other than the United States or its possessions and trust territories; and
- (iii) Any person who is not a citizen or national of the United States.

(2) *Foreign Ownership, Control, or Influence (FOCI)* means the situation where the degree of ownership, control, or influence over a Contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or special nuclear material may result.

(c) *Facility Clearance* means an administrative determination that a facility is eligible to access, produce, use or store classified information, or special nuclear material. A Facility Clearance is based upon a determination that satisfactory safeguards and security measures are carried out for the activities being performed at the facility. It is DOE policy that all Contractors or Subcontractors requiring access authorizations be processed for a Facility Clearance at the level appropriate to the activities being performed under the contract. Approval for a Facility Clearance shall be based upon—

- (1) A favorable foreign ownership, control, or influence (FOCI) determination based upon the Contractor's response to the ten questions in Standard Form 328 and any required, supporting data provided by the Contractor;
- (2) A contract or proposed contract containing the appropriate security clauses;
- (3) Approved safeguards and security plans which describe protective measures appropriate to the activities being performed at the facility;
- (4) An established Reporting Identification Symbol code for the Nuclear Materials Management and Safeguards Reporting System if access to nuclear materials is involved;
- (5) A survey conducted no more than 6 months before the Facility Clearance date, with a composite facility rating of satisfactory, if the facility is to possess classified matter or special nuclear material at its location;

- (6) Appointment of a Facility Security Officer, who must possess or be in the process of obtaining an access authorization equivalent to the Facility Clearance; and, if applicable, appointment of a Materials Control and Accountability Representative; and
 - (7) Access authorizations for key management personnel who will be determined on a case-by-case basis, and who possess or are in the process of obtaining access authorizations equivalent to the level of the Facility Clearance.
- (d) *Facility Clearance and Employees Requiring Access Authorizations Prior to DOE's Granting Facility Clearance.*
- (1) A Facility Clearance is required for this contract, although not necessarily prior to contract award. A favorable FOCI determination for this contract is required prior to contract award. It must be rendered by the responsible cognizant security office. The Contracting Officer may require the offeror to submit additional information as deemed pertinent to this determination.
 - (i) The DOE must determine that awarding this 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. The Contracting Officer may require the offeror to submit such additional information as deemed pertinent to this determination.
 - (ii) Before contract award, after obtaining a favorable FOCI determination the successful offeror/Contractor may be eligible to obtain a Facility Clearance.
 - (iii) If the successful offeror/Contractor does not obtain a Facility Clearance before contract award, after contract award the Contractor shall submit the necessary information to obtain a Facility Clearance and to obtain personnel Interim Access Authorizations in accordance with Departmental policies and procedures.
 - (2) The DOE may grant certain of the Contractor's Key Management Personnel and the Contractor's Facility Security Officer Interim Access Authorization. If granted Interim Access Authorization, the Contractor's Key Management Personnel and the Contractor's Facility Security Officer will have access to classified information or special nuclear material.
- (e) A Facility Clearance is required even for contracts that do not require the Contractor's corporate offices to receive, process, reproduce, store, transmit, or handle classified information or special nuclear material, but that require DOE access authorizations for the Contractor's employees to perform work at a DOE location. This type facility is identified as a non-possessing facility.
- (f) Except as otherwise authorized in writing by the Contracting Officer, any resulting contract must require that the Contractor insert provisions similar to the foregoing in all subcontracts and purchase orders. Any Subcontractors (or vendors for purchase orders) requiring access authorizations for access to classified information or special nuclear material shall be directed to provide responses to the questions in Standard Form 328, Certificate Pertaining to

Foreign Interests, directly to the prime Contractor or the Contracting Officer for the prime contract.

Notice to Offerors—Contents Review (Please Review Before Submitting)

Prior to submitting the Standard Form 328, required by paragraph (a)(1) of this clause, the offeror should review the FOCI submission to ensure that:

- (1) The Standard Form 328 has been signed and dated by an authorized official of the offeror;
- (2) If publicly owned, the Contractor's most recent annual report, and its most recent proxy statement for its annual meeting of stockholders; or, if privately owned, the audited, consolidated financial information for the most recently closed accounting year has been attached;
- (3) A copy of the company's articles of incorporation and an attested copy of the company's by-laws, or similar documents filed for the company's existence and management, and all amendments to those documents;
- (4) A list identifying the organization's owners, officers, directors, and executive personnel, including their names, social security numbers, citizenship, titles of all positions they hold within the organization, and what clearances, if any, they possess or are in the process of obtaining, and identification of the government agency(ies) that granted or will be granting those clearances; and
- (5) A summary FOCI data sheet.

Note: A FOCI submission must be attached for each tier parent organization (i.e., ultimate parent and any intervening levels of ownership). If any of these documents are missing, award of the contract cannot be completed.

L.8 DOE-L-2003 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME II – TECHNICAL AND MANAGEMENT PROPOSAL – GENERAL (NOV 2016) (REVISED)

(a) The Technical and Management Proposal (Volume II), consists of written information to allow Offerors to demonstrate their approach and capabilities to perform the prospective contract. The instructions contained in this and other provisions of the solicitation are provided to assist Offerors in preparing their proposals and are not evaluation factors, however failure to comply with these instructions may result in a deficient proposal. Note that the instructions contained in this and other provisions of this solicitation relate directly to the performance of the ETEC Task Order at Section L, Attachment L-8, and proposals submitted in response to this solicitation will be evaluated for the purposes of awarding that Task Order as well as prospective IDIQ contract(s). The Technical and Management Proposal will be evaluated in accordance with the evaluation factors stated in Section M, Evaluation Factors for Award.

(b) Offerors shall address, in the Technical and Management Proposal, those areas contained in

the respective Section L provisions below. Each of these areas corresponds to the evaluation factors contained in Section M of the solicitation.

(c) The Technical and Management Proposal shall comply with the requirements contained in the provision at DOE-L-2001 entitled, Proposal Preparation Instructions, general and other applicable provisions of the solicitation, including any required format and page limitations. Offerors shall be specific and complete in addressing the information required to be included in the Technical and Management Proposal. Offerors shall not simply offer to perform work in accordance with the PWS stated in the ETEC Task Order, rather Offerors shall provide their specific approach and capabilities to perform the PWS of the ETEC Task Order.

(d) If an Offeror's approach includes the use of Teaming Subcontractors, then the Offeror's proposal submission, including Volumes II and III, shall include "Teaming Subcontractors" as defined in DOE-L-2001, Proposal Preparation Instructions – General, Section (a)(2). The Offeror shall not include the name(s) of any other specific subcontractor(s) (i.e., any non-Teaming Subcontractor(s)) within Volumes II and III. Non-Teaming Subcontractor(s) will be subject to post-award determination by the Contractor consistent with the Contractor's purchasing system and the requisite terms and conditions of the contract.

(e) No cost or price information shall be included in the Volume II, Technical and Management Proposal, unless specifically requested in the solicitation.

L.9 DOE-L-2005 EVALUATION FACTOR – KEY PERSONNEL (OCT 2015)

Factor 3: Key Personnel

(The Key Personnel section shall not exceed 5 pages, exclusive of resumes and letters of commitment. The key personnel resumes are limited to four pages for each resume.)

Offerors shall include the following information in the Volume II - Technical and Management Proposal, related to the proposed key personnel:

- (a) Key personnel. The Offeror shall propose key personnel for the three (3) required positions of Program Manager, Regulatory Affairs Manager, and Environment, Safety, Health, and Quality Assurance (ESH&QA) Manager. Only one individual may be proposed for each key personnel position.

The Offeror shall not provide names or qualifications of any non-key personnel.

- (1) The Offeror shall identify the organization that will employ each of the key personnel during performance of the contract, e.g., Offeror, Offeror affiliates, teaming partners, or Teaming Subcontractors.
- (2) The Offeror shall confirm the availability of the key personnel as being full-time assigned to the contract and that their permanent duty station is located in the local surrounding area of ETEC.

Failure of the Offeror to propose the required key personnel position(s), or to confirm the availability of the key personnel as being full-time assigned to the contract and

that their permanent duty station is located in the local surrounding area will adversely affect the Government's evaluation of the proposal and may make the proposal ineligible for award.

(b) Resume.

(1) The Offeror shall provide written resumes for proposed key personnel in the format shown in Attachment L-2. The resume shall describe the key person's education, experience, accomplishments, and other information supporting the individual's qualifications and suitability for the proposed position. The resume shall address the following:

- (i) Experience: DOE, commercial, and/or other Government experience in performing work similar to the work to be performed in their proposed position, including leadership and experience related to the position, and accomplishments. The resume should clearly state whether past experience was at the work site location or supporting the work site location from an offsite location such as regional or headquarters for each period of employment. The Program Manager resume should demonstrate baseline performance, including schedule management, completing work within or under budget, and the ability to recover schedule variance. The Regulatory Affairs Manager and ESH&QA Manager resumes should demonstrate work performance in a highly regulated work environment;
- (ii) Education, specialized training, certifications, and licenses that support the suitability for the proposed position; and
- (iii) Three professional references having direct knowledge of the qualifications of the proposed key person.

(2) By submission of each resume, the key person and Offeror authorize DOE to contact any references, current or previous employers, or clients to verify the accuracy of information provided in the resume and to further assess each individual's qualifications and suitability for the proposed position. DOE may contact any or all of the references, and other sources of information not provided by the Offeror, as a part of its evaluation of the key personnel. Current DOE employees shall not be identified as key personnel references.

(c) Letter of commitment.

A letter of commitment shall be submitted for each individual proposed as a key person. Each key person shall sign the letter stating that the information contained in the resume, submitted as part of the proposal, is true and correct; and the individual will unconditionally accept employment in the key position identified in the proposal beginning on the date the Notice to Proceed is issued for a period of time commensurate with the functional position as defined in DOE-H-2070, Key Personnel – Alternate I. The Letter of Commitment shall state as follows:

“I hereby certify that the resume submitted as part of the proposal is true and correct, and _____ (insert name of individual proposed) will accept the proposed position of _____ (insert name of proposed position) if _____ (insert name of Offeror) receives the award and will perform in the proposed position for minimum of three years (consistent with DOE-H-2070) beginning on the date the Notice to Proceed is issued for the Transition Period of the ETEC Task Order. I also hereby certify that I will be assigned full-time to the contract and my permanent duty station will be located within the local surrounding area of ETEC.”

Failure to submit a signed letter of commitment for each proposed key person will adversely affect the Government's evaluation of the proposal.

L.10 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME II – ORGANIZATION AND STAFFING APPROACH

FACTOR 2: ORGANIZATION AND STAFFING APPROACH

(This Organization and Staffing Approach shall be submitted in response to the Energy Technology Engineering Center (ETEC) Task Order at Section L Attachment L-8 and shall not exceed fifteen (15) pages.)

Offerors shall include the following information in the Volume II - Technical and Management Proposal related to the proposed organization and staffing approach for the ETEC Task Order:

(a) Organization. The Offeror shall provide an organizational chart graphically depicting the major functional areas of the Offeror’s proposed organization that the Offeror considers essential for the management and performance of the ETEC Task Order PWS. The Offeror shall describe its rationale for the proposed organizational structure in relation to the work to be performed and how the organizational structure will contribute to the successful accomplishment of the work. The Offeror shall describe how the organizational structure correlates to the ETEC Task Order PWS.

(b) Staffing. The Offeror shall describe approach for ensuring that an adequate workforce is available with the appropriate skills and qualifications necessary to effectively accomplish the ETEC Task Order work. The Offeror shall describe its approach to recruit, train, and maintain the workforce required for the work. The Offeror shall describe its source(s) of personnel (e.g., current incumbent contractor employees, Offeror’s existing employees, Teaming Subcontractors’ existing employees, new hires, other sources, etc.).

L.11 DOE-L-2010 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME II – PAST PERFORMANCE (OCT 2015) (REVISED)

FACTOR 1: PAST PERFORMANCE

(The Past Performance subsection shall be limited to the Attachment L-3, Past Performance Reference Information Form, which are limited to up to four (4) pages per reference

contract/project, the Attachment L-5, List of Contracts Terminated for Default, Cure Notices, and Conditional Payment of Fee, Profit, or Other Incentive Actions, Attachment L-7, List of DOE Contracts, and Past Performance Consent Statement(s), which have no page limitations. The completed Attachments L-3, L-5, and L-7 shall be included in the Offeror's Volume II, Factor 3: Past Performance.)

Offerors shall include the following information in the Volume II - Technical and Management Proposal related to the Offeror's past performance:

(a) Contracts Information. The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), shall provide past performance information on up to three (3) contracts per member, either currently being performed or completed by the Offeror/members, and up to two (2) contracts, either currently being performed or completed for each proposed Teaming Subcontractor. The Offeror shall only provide 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. Contracts may be, but are not limited to, contracts, task orders, delivery orders, or other legal agreements with federal, state, local, and foreign Governments and/or with commercial customers.

(1) Past performance reference information form. The Offeror shall submit its past performance information on the Past Performance Reference Information Form contained in Attachment L-3 to Section L. One form shall be provided for each past performance reference (contract).

(2) Attachment L-3, Past Performance Reference Information Form, is limited to four (4) pages per reference contract/project. Information pertaining to Factor 2– Past Performance shall only be provided within Attachment L-3. DOE does not want and will not evaluate a summary section highlighting past performance that is submitted in addition to Attachment L-3.

(b) Offeror Past Performance. The Offeror shall provide information on its record of relevant past performance on work similar in scope, size, and complexity to that described in the ETEC Task Order. Similar scope, size, and complexity are defined as follows: scope – type of work (all work included in Section C of the ETEC Task Order); size – dollar value; and complexity – performance challenges (e.g., prior innovations, work performance improvements, subcontractor management, cost efficiencies, management of complex CHRM requirements, and successful partnerships with the Government, Client, and Regulators).

(c) Teaming Subcontractor Past Performance. The Offeror shall provide information on the relevant past performance for any proposed Teaming Subcontractors that are proposed to perform work under the ETEC Task Order as defined in Section L.5(a)(2) The Offeror's other subcontractor(s), not meeting the Teaming Subcontractor definition, shall not submit past performance information and any submitted information will not be evaluated. The

Offeror shall provide information on contracts that are most similar in scope, size, and complexity, as defined above in paragraph (b), to that portion of the work that the Teaming Subcontractor is proposed to perform on the ETEC Task Order.

(d) Newly formed entity and predecessor companies. If the Offeror is a newly formed entity with no record of past performance for its team members as defined in FAR 9.601(1), the Offeror shall provide past performance information for its member organization(s). The Offeror, whether or not they are a newly formed entity, may provide past performance information for its parent organization(s), member organizations in a joint venture, LLC, 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 how the common parent will utilize the expertise, best practices, lessons learned, or similar resources from the affiliate to affect the performance of the Offeror. If a common parent company is used to establish the nexus between the Offeror and an affiliated company, the Offeror must demonstrate how the affiliate and Offeror rely on, for example, similar assets, resources, policies, and procedures of the common parent company.

The Offeror or Teaming Subcontractors may also provide past performance information on predecessor companies that existed prior to any mergers or acquisitions, where the Offeror's proposal demonstrates such performance reasonably can be predictive of the Offeror's or Teaming Subcontractor's performance.

(e) Work to be performed. The past performance information provided for the Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), and/or Teaming Subcontractors, shall describe its relevancy to the ETEC Task Order and to the work that is proposed to be performed by that individual entity. Specific cross-references shall be made between the applicable sections of the ETEC Task Order, the work to be performed by each entity, and the past performance of that entity. Each discrete reference contract provided must be attributed to a specific entity, or members of a teaming arrangement as defined in FAR 9.601(1) and/or Teaming Subcontractors. All information provided by the Offeror shall be described in sufficient detail to enable the Government to clearly identify and define the portion of work to be performed by each entity (Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), and Teaming Subcontractors) under the Offeror's proposed approach.

(f) Performance Information. For the reference contract, the Offeror shall identify Occupational Safety and Health Administration (OSHA) safety statistics (e.g., Days Away, Restricted, or Transferred (DART) cases and Total Recordable Cases (TRC)), as well as any 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://energy.gov/ea/information-center/enforcement-infocenter>) and any corrective actions taken to resolve those problems. The Offeror shall include this

information within the Past Performance Reference Information Form.

(g) Terminated Contracts. The Offeror shall provide a listing in Attachment L-5, List of Contracts Terminated for Default, Cure Notices, and Conditional Payment of Fee, Profit, or Other Incentive Actions, of any contracts of the Offeror, to include all members of a teaming arrangement, as defined by FAR 9.601(1), and/or Teaming Subcontractors that were terminated for default, including the reasons therefore, within the past five (5) years from the original solicitation issuance date. This listing of terminated contracts, cure notices, or conditional payment of fee/profit/other incentive actions shall include the reasoning for the aforementioned actions and is not limited to only those contracts contained in the Attachment L-3, Past Performance Reference Information Forms. If there are no terminated contracts for default, cure notices, and conditional payment of fee/profit/other incentive actions to report, Attachment L-5, List of Contracts Terminated for Default, Cure Notices, and Conditional Payment of Fee/Profit/Other Incentive Actions, shall be submitted with a blank table(s), as applicable, along with a note indicating that there are no aforementioned actions within the time period specified in the solicitation.

(h) Past Performance Questionnaire. The Offeror shall provide the Past Performance Questionnaire contained in Attachment L-4, Past Performance Cover Letter and Questionnaire, to the appropriate contract client reference within the Program Office/Project Office and/or the Contracting Office for completion for those contracts described in paragraph (a) for which no contractor performance data is available in the Contractor Performance Assessment Reporting System (CPARS). The Offeror shall request that clients return the Past Performance Questionnaire directly to DOE by electronic means to the address identified below no later than the date for receipt of proposals.

(1) DOE address and contact information.

E-mail: clare.rexroad@emcbc.doe.gov and SBNationwideDDR@emcbc.doe.gov.

Use Subject: *RFP 89303322REM000112 – ETEC – Past Performance Questionnaire*

(2) The Offeror shall be responsible for following up with the client point of contact to ensure that the questionnaire has been completed and returned to the DOE Contracting Officer on time. However, receipt of the questionnaires is not subject to the Section L Provision, “52.215-1, Instructions to Offerors – Competitive Acquisition” related to late proposals. Questionnaires not received by the proposal due date may not be considered if consideration will unduly delay evaluations. The Offeror may contact the Contracting Officer at the e-mail provided in this solicitation to confirm the receipt of any questionnaires.

(i) List of DOE contracts. The Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), and Teaming Subcontractor(s) shall provide a listing on Attachment L-7, List of DOE Contracts, of all DOE prime contracts (including National Nuclear Security Administration) currently being performed and/or for contracts with a period of performance end date within the last five (5) years from the original solicitation

issuance date. This includes contracts for which the Offeror or Teaming Subcontractor was a member organization in a joint venture, LLC, or other similar entity as a prime contractor to DOE. This list shall only include DOE prime contracts performed by the proposing entity and any affiliate companies for which an L-3 form is submitted (including within LLC arrangements), and shall not include any contracts performed by other affiliates not otherwise performing any of the submitted L-3 reference contracts (if applicable). If the Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), or Teaming Subcontractor(s) provided past performance information on predecessor companies that existed prior to any mergers or acquisitions, the Offeror, to include all members of a teaming arrangement, as defined in FAR 9.601(1), or Teaming Subcontractor(s) shall also provide a list of DOE contracts for the predecessor companies.

(j) Past Performance Consent Statement. As past performance information is proprietary source selection information, by default, the Government can only discuss past performance information directly with the prospective prime contractor, team member or Teaming Subcontractor that is being reviewed. If there is a problem with a proposed Teaming Subcontractor's or team member's past performance, the prospective prime contractor can be notified of a problem, but no details will be discussed without the team member's/Teaming Subcontractor's permission. Therefore, the Government is requesting the following consent statement be completed, as applicable, by all proposed members of a teaming arrangement as defined in FAR 9.601(1), and all Teaming Subcontractors, by checking the appropriate "provide consent" or "do not provide consent" box, as well as providing all other requested information.

Dear (Contracting Officer),

We are currently participating as a [teaming member/Teaming Subcontractor] with [name of Offeror providing proposal] in responding to the Department of Energy, RFP 89303322REM000112 for SB Nationwide DD&R.

In order to facilitate the performance confidence assessment process we hereby [] provide consent [] do not provide consent to allow you to discuss our past and present performance information with the [name of Offeror providing proposal] during the source selection process.

(Signature and Title of individual who has the authority to sign for and legally bind the company)

Company Name:

Address:

Email:

Phone:

L.12 PROPOSAL PREPARATION INSTRUCTIONS, VOLUME III –PRICE PROPOSAL

- (a) The Offeror shall include its fully completed Section L, Attachment L-8 Table B-1 Task Order Contract Line Item Number (CLIN) Structure as part of the Volume III, Price Proposal.
- (b) None of the pricing information shall be included in Volume II of the proposal.
- (c) All pages in the Volume III Price Proposal, including forms, tables, and exhibits shall be numbered and identified in a volume table of contents. The Price Proposal shall be sufficiently complete so that cross-referencing to other proposal volumes is not necessary. There is no page limit on the Price Proposal.
- (d) Limitations on Subcontracting (FAR 52.219-14): As part of the price proposal, the Offeror shall also provide written certification that it will comply with the Limitations on Subcontracting clause (FAR 52.219-14) during the course of the contract.
- (e) Responsibility Determination and Financial Capability: FAR 9-104-1(a), General Standards, requires that a prospective Offeror have adequate financial resources to perform the Contract or the ability to obtain them in order to be determined responsible. It is the Offeror's responsibility to demonstrate its financial capability to complete this Contract. Information provided by the Offeror shall include, but is not limited to, the following:
 - (1) Financial Statements (audited, if available) and notes to the financial statements for the last two fiscal years;
 - (2) The information in subparagraph (1) above for each member of the Offeror team arrangement, if a teaming arrangement is used;
 - (3) The last annual report for the parent corporation(s). In order to consider the financial or other resources of the parent corporation entity(ies) or other guarantors, each of those entities must be legally bound, jointly and severally, if more than one, to provide the necessary resources to the prospective Offeror and assume all contractual obligations of the prospective Offeror.
- (f) The Offeror shall provide the following information related to its prospective accounting system:
 - (1) If applicable, the Offeror shall provide a copy of the government approval/determination that its proposed accounting system is adequate for the identification and recording of cost under government reimbursable type contracts if the approval/determination was issued within the last three years. If the accounting system was deemed inadequate, provide the corrective actions that have or will be taken to correct the cited issues, including the implementation time for each action.
 - (2) If applicable, the Offeror shall provide a copy of the most recent accounting system audit report on its proposed accounting system if the audit was performed within the past five years.
 - (3) If applicable, the Offeror shall fully describe and explain any material changes made to the proposed accounting system since it was approved and/or audited.
 - (4) If the proposed accounting system has not been formally approved by the government

within the last three years and/or audited within the last five years, or an audit determined the accounting system to be inadequate, then the Offeror shall state this and submit a completed Attachment L-6 *Offeror's Proposed Accounting System Information*.

L.13 DOE-L-2014 DATE, TIME, AND PLACE OFFERS ARE DUE (OCT 2015)

All Offers required by this solicitation are due no later than TBD. Treatment of late submissions, modifications, and withdrawals are governed by the applicable provisions of the solicitation.

L.14 DOE-L-2015 OFFER ACCEPTANCE PERIOD (OCT 2015)

The Offeror's proposal shall be valid for 270 calendar days after the required due date for proposals.

L.15 DOE-L-2016 NUMBER OF AWARDS (OCT 2015)

It is anticipated that there will be multiple awards for the Master IDIQ Contract and a single award for the ETEC Task Order resulting from this solicitation. However, the Government reserves the right to make any number of awards, or no award, if it is in the Government's best interest to do so.

L.16 DOE-L-2017 EXPENSES RELATED TO OFFEROR SUBMISSIONS (OCT 2015)

This solicitation does not commit the Government to pay any costs incurred in the submission of any proposal or bid, or in making necessary studies or designs for the preparation thereof or for acquiring or contracting for any services relating thereto.

L.17 INSTRUCTIONS REGARDING NON-PUBLIC GOVERNMENT INFORMATION/SOURCE SELECTION INFORMATION

The Offeror shall not utilize non-public government information (as defined by the United States Office of Government Ethics) or source selection information (as defined in FAR 2.101) in the preparation of the Offeror's proposal submission that results in an unfair competitive advantage in the procurement. An Offeror's utilization of any individual(s) who may possess non-public government information or source selection information (obtained through their employment or by other means) may result in a perceived or actual unfair competitive advantage. Utilization of non-public government information or source selection information to prepare its proposal in response to the subject solicitation may disqualify the Offeror's proposal from award. Utilization of information obtained by a Contractor over the normal course of business is not subject to the Organizational Conflict of Interest provisions of this solicitation.

L.18 DOE-L-2021 GUIDANCE FOR PROSPECTIVE OFFERORS - IMPACT OF TEAMING ARRANGEMENTS ON SMALL BUSINESS STATUS (OCT 2015)

(a) This procurement has been set aside for small business. In order to ensure that award is made to an eligible small business, prospective Offerors, in consultation with legal counsel, are encouraged to review the Small Business Administration's (SBA's) size eligibility standards found at Title 13 of the Code of Federal Regulations, Section 121 (13 C.F.R. § 121). In particular, Offerors proposing a joint venture, subcontracting, or another form of teaming arrangement shall review 13 C.F.R. § 121.103, "How does SBA determine affiliation?" prior to submitting a proposal.

(b) The SBA is the sole authority for making determinations of small business status for small business programs. Such determinations are binding on the Offeror and the Contracting Officer. Accordingly, a finding by the SBA of affiliation between an Offeror and its proposed team member(s) or subcontractor(s) may result in the Offeror being found to be other than a small business and therefore ineligible for contract award.

L.19 DOE-L-2022 ALTERNATE BID/PROPOSAL INFORMATION – NONE (OCT 2015)

Alternate bids/proposals are not solicited, are not desired, and will not be evaluated.

L.20 DOE-L-2024 NOTICE OF INTENT – USE OF NON-FEDERAL EVALUATORS AND ADVISORS (OCT 2015)

The Government may utilize non-federal evaluators and/or advisors or other non federal support personnel for evaluating proposals received in response to this solicitation. Such personnel shall be required to sign nondisclosure agreements and to comply with personal and organizational conflicts of interest requirements in accordance with the FAR and DEAR 915.207-70(f)(5) and (6). Under the statutes governing procurement integrity, these non-federal personnel may not disclose any information learned by participating in this acquisition. See the Procurement Integrity Act, 41 U.S.C. §§ 2101-2107.

L.21 DOE-L-2025 INTENTION TO BID/PROPOSE (OCT 2015)

In order to facilitate the efficiency of the Government's solicitation and award process through advance information on the anticipated number of offers, potential Offerors are requested to submit the name, address, telephone number, and UEI of its firm or organization and any subcontractors via email to SBNationwideDDR@emcbc.doe.gov not later than 14 calendar days prior to the proposal due date. If the bid/proposal is to be submitted by a teaming arrangement, the Offeror is requested to submit the above information for all members of the proposing team.

L.22 DOE-L-2026 SERVICE OF PROTEST (OCT 2015) / 52.233-2 SERVICE OF PROTEST (SEP 2006) (AS MODIFIED BY DEAR 952.233-2 SERVICE OF PROTEST)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

*Attn: United States Department of Energy Environmental Consolidated Business Center
Clare Rexroad, Contracting Officer
550 Main Street, Room 7-010
Cincinnati, OH 45202*

Email: clare.rexroad@emcbc.doe.gov

(b) The copy of any protest must be received in the office designated above within one day of filing a protest with the GAO.

(c) Another copy of a protest filed with the GAO must be furnished to the following address within the time periods described in paragraph (b) of this provision:

U.S. Department of Energy
Assistant General Counsel for Procurement and Financial Assistance (GC-61)
1000 Independence Avenue, S.W.
Washington, DC 20585
Fax: (202) 586-4546

L.23 DOE-L-2027 NOTICE OF PROTEST FILE AVAILABILITY (OCT 2015)

(a) If a protest of this procurement is filed with the Government Accountability Office (GAO) in accordance with 4 CFR part 21, any actual or prospective Offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to 48 CFR 33.104(a)(3)(ii), implementing section 1605 of Public Law 103-355. Such request must be in writing and addressed to the Contracting Officer for this procurement.

(b) Any Offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective Offerors in accordance with the requirements of 48 CFR 33.2014104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, Offerors shall mark any documents as to which they would assert that an exemption applies. (See 10 CFR part 1004.)

L.24 DOE-L-2028 AGENCY PROTEST REVIEW (OCT 2015)

Protests to the agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth at 48 CFR 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the Department. The Department encourages potential protestors to discuss their concerns with the Contracting Officer prior to filing a protest.

L.25 CONTACTS REGARDING FUTURE EMPLOYMENT

Offerors may contact incumbent contractor employees about future employment except where prohibited by law. These contacts must take place outside the normal working hours of the employees.

L.26 SMALL BUSINESS SIZE STANDARD AND SET-ASIDE INFORMATION

This acquisition is set-aside for small business concerns. The size standard for this solicitation is 750 employees under North American Industry Classification System (NAICS) code 562910, *Environmental Remediation Services*.