

**PART IV — REPRESENTATIONS AND INSTRUCTIONS**

**SECTION M**

**EVALUATION FACTORS FOR AWARD**

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**M.1 DOE-M-2001 PROPOSAL EVALUATION – GENERAL (FEB 2019) -  
ALTERNATE II (OCT 2015)**

(a) Conduct of acquisition.

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

(2) DOE has established a 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 one or more offerors for award of the Master IDIQ contract and will select one offeror for award of the ETEC Task Order. These selections will be made to the offeror(s) with the most highly rated Technical and Management Proposal(s) (Volume II) at a fair and reasonable price. 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, 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 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, including the Master Indefinite Delivery/Indefinite Quantity (IDIQ) Performance Work Statement (PWS) and/or Task Order PWS may be considered non-responsive to the requirements of the solicitation 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 technical and price standpoint. The Government, however, reserves the right to conduct discussions if the CO 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 provision at Section K entitled Organizational Conflicts of Interest Disclosure, 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 this solicitation.

## **M.2 DOE-M-2008 EVALUATION FACTOR – PAST PERFORMANCE (OCT 2015)**

(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 ETEC Task Order 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: : scope – type of work (all work included in Section C of the ETEC Task Order), size – dollar value (approximate average annual value in relation to the proposed work; annual contract value of approximately \$8.5M for evaluation purposes); 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). 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 Section L.5(b) 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. Past performance information from predecessor companies that existed prior to any mergers or acquisitions may also be considered where the Offeror'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 ETEC PWS. Each reference contract will be evaluated for relevancy in terms of size, scope, and complexity. The resulting rating may consider whether the Offeror's team as a whole (including Teaming Subcontractors) have demonstrated relevancy to all ETEC 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://energy.gov/ea/information-center/enforcement-infocenter>) 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 (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-7, 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.3 EVALUATION FACTOR – ORGANIZATION AND STAFFING APPROACH**

(a) Organization. DOE will evaluate the Offeror's organizational chart and its depiction of the major functional areas of the proposed organization that the Offeror considers essential for the management and performance of the ETEC Task Order PWS. DOE will evaluate the 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. DOE will evaluate how the organizational structure correlates to the ETEC Task Order PWS.

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

#### **M.4 DOE-M-2003 EVALUATION FACTOR – KEY PERSONNEL (OCT 2015)**

(a) Key Personnel. DOE will evaluate the proposed Program Manager only. No additional Key Personnel are required, and no additional non-required Key Personnel shall be listed in the proposal.

Failure of the Offeror to propose the required key personnel position(s), or to confirm the availability of the key personnel as being assigned to the task order full-time 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 the key personnel will adversely affect the Government's evaluation of the proposal.

(b) Resume. The individual 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, including leadership and experience related to the position, and accomplishments. DOE will evaluate 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. DOE's evaluation of the Program Manager's resume will include consideration of demonstrated work on baseline performance, including schedule management, completing work within or under budget, and the ability to recover schedule variance.
- (2) Education. The key personnel will be evaluated on their education, specialized training, certifications, and licenses that support the suitability for the proposed position.
- (3) DOE may contact any or all of the references, 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 factors listed above.

#### **M.5 EVALUATION FACTOR – PRICE**

The Offeror's price proposal shall be submitted in response to the ETEC Task Order (at Section L, Attachment L-8). The price proposal will not be point scored or adjectivally rated, but will be

evaluated for price reasonableness and mathematical accuracy. The Government may use any or all price analysis techniques and procedures described in FAR 15.404-1(b) to determine price reasonableness.

The total evaluated price for the ETEC Task Order shall be based on the arithmetic sum of the proposed price for CLIN 01000, CLIN 01001 and CLIN 02001, as well as the plug-in values provided for CLIN 01002, CLIN 01003, CLIN 02002, and CLIN 02003.

#### **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: Past Performance

Factor 2: Organization and Staffing Approach

Factor 3: Key Personnel

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

(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)**

**Award of the Master IDIQ:** The Government intends to award multiple Master IDIQ contract(s) to Offerors with the most highly rated Technical and Management Proposals (Volume II) at a fair and reasonable price, allowing for efficient competition and award of future task orders. The evaluation factors for the Technical and Management Proposal will be adjectivally rated. The Price evaluation factor will not be rated; however, the evaluated price will be evaluated for price reasonableness. The Government will not award a contract at an unreasonably high price.

**Award of ETEC Task Order:** The Government intends to award one (1) ETEC Task Order to the Offeror with the most highly rated Technical and Management Proposal (Volume II) at a fair and reasonable price. (*End of Solicitation*)