

AMENDMENT 002

RFP DE-RP52-08NA28091 is amended as follows:

1. SECTION I - Contract Clauses is modified to make the following changes:

DELETE: FAR Clause 52.223-06 Drug-Free Workplace (May 2001).

ADD: DEAR Clause 970.5223-4 Workplace Substance Abuse Programs at DOE Sites (DEC 2000).

2. SECTION J - LIST OF ATTACHMENTS. The following attachments in Section J are changed as follows:

a. Attachment 1, Performance Work Statement (PWS) is deleted in its entirety and replaced with PWS, Revision 1, dated April 21, 2008. For clarity, edits are identified as are change lines in the right border of the document.

b. Attachment 2, Reporting Requirements Checklist is deleted in its entirety and replaced with Revision 2, dated April 21, 2008 to add the requirement for Workplace Substance Abuse Program Plan.

c. Attachment 4, Performance-Based Fee Plan, Part II, page 15, Performance Based Fee Rating Criteria form is changed to deleted any reference to DTRA; however, the form will remain in the Plan as a placeholder for potential future requirements.

d. Attachment 5, List of Applicable DOE Directives. Amendment 001, Paragraph 5, is changed to delete Attachment 5 in its entirety and associated narrative information in the amendment and replaced with the following Section J Attachment:

ADD: Attachment 5, List of Applicable DOE Directives, dated 2/29/2008; revised April 21, 2008.

3. SECTION L - INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS, Part (B) - OTHER SOLICITATION PROVISIONS is revised to add the following provision:

ADD: DEAR 970.5223-3 Agreement Regarding Workplace Substance Abuse Programs at DOE Facilities.

4. SECTION L provision - L009 PROPOSAL SUBMISSION ADDRESS, DUE DATES, AND HAND CARRIED OFFERS (MAR 2008), Paragraph (d): Changed the final submission date for solicitation questions as follows:

FROM: April 16, 2008

TO: April 24, 2008

5. SECTION L provision - L012 PROPOSAL PREPARATION INSTRUCTIONS: VOLUME II -- TECHNICAL AND MANAGEMENT INFORMATION (MAR 2008) paragraph (b) (1) TAB -1: Criterion 1, Technical Approach: The page limitation is increased and the first introductory sentence and subparagraph (C) are changed to clarify what the Offerors are to address in response to this criterion as follows:

FROM: (Page Limit: 50 pages)

TO: (Page Limit: 70 pages)

FROM: "The Offeror shall describe its proposed technical approach for accomplishing the following selected requirements..."

(C) Project Management: The concepts, systems, ...and provide projections of performance of activities against cost, schedule, and technical baselines."

TO: "The Offeror shall describe its proposed technical approach for accomplishing **each of** the following selected requirements..."

(C) Project Management: The concepts, systems, ...and provide projections of performance of activities against cost, schedule, and technical baselines **for all activities in the PWS.**"

6. SECTION L provision - L012 PROPOSAL PREPARATION INSTRUCTIONS: VOLUME II -- TECHNICAL AND MANAGEMENT INFORMATION (MAR 2008) paragraph (b) (4) TAB -4: Criterion 4, Past Performance: Add the following sentence at the end of the paragraph:

FROM: At TAB - 4 provide a list identifying the contracts and the names, titles, and phone numbers of the respective points of contact that the questionnaires were provide to.

TO: At TAB - 4 provide a list identifying the contracts and the names, titles, and phone numbers of the respective points of contact that the questionnaires were provide to. **For each contract listed, identify the Offeror, or teaming partner/subcontractor for whom the questionnaire is being submitted for.**

7. SECTION L provision - L016 WORKER SAFETY AND HEALTH PROGRAM INSTRUCTIONS - ACTIVITY II (APR 2008): Delete this provision in its entirety and replace with the attached L016 WORKER SAFETY AND HEALTH PROGRAM INSTRUCTIONS - ACTIVITY II (APR 2008). The revised L016 reflects the following changes: Paragraph (d) is revised and paragraph (e) is deleted to further reflect that the Option 1 alternative is no longer applicable as addressed in Amendment 001 to this solicitation and paragraph (f) has been incorporated as part of paragraph (d).

8. SECTION L Provision L017 LIST OF SECTION L ATTACHMENTS (MAR 2008): The following attachments in Section L are deleted in their entirety and replaced with the following Section L attachments:

ADD: Attachment L-1, Corporate, Partnership, Joint Venture Certificates, dated April 21, 2008. This clarifies the Joint Venture Certificate requirement and adds page numbers to the attachment.

SCHEDULE OF CHANGES

ADD: Attachment L-7, Staffing Plan Summary. This reflects the use of COCS categories and requires Offerors to identify the DPLH and FTEs associated with Project Controls and Other Program Support under the Program Support PWS section.

CLAUSE:

970.5223-4 Workplace Substance Abuse Programs at DOE Sites.

As prescribed in 48 CFR 970.2305-4(b), insert the following clause:

WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES (DEC 2000)

(a) Program Implementation. The contractor shall, consistent with 10 CFR part 707, Workplace Substance Abuse Programs at DOE Sites, incorporated herein by reference with full force and effect, develop, implement, and maintain a workplace substance abuse program.

(b) Remedies. In addition to any other remedies available to the Government, the contractor's failure to comply with the requirements of 10 CFR part 707 or to perform in a manner consistent with its approved program may render the contractor subject to: the suspension of contract payments, or, where applicable, a reduction in award fee; termination for default; and suspension or debarment.

(c) Subcontracts. (1) The contractor agrees to notify the contracting officer reasonably in advance of, but not later than 30 days prior to, the award of any subcontract the contractor believes may be subject to the requirements of 10 CFR part 707.

(2) The DOE prime contractor shall require all subcontracts subject to the provisions of 10 CFR part 707 to agree to develop and implement a workplace substance abuse program that complies with the requirements of 10 CFR part 707, Workplace Substance Abuse Programs at DOE Sites, as a condition for award of the subcontract. The DOE prime contractor shall review and approve each subcontractor's program, and shall periodically monitor each subcontractor's implementation of the program for effectiveness and compliance with 10 CFR part 707.

(3) The contractor agrees to include, and require the inclusion of, the requirements of this clause in all subcontracts, at any tier, that are subject to the provisions of 10 CFR part 707.

(End of clause)

PROVISION:

970.5223-3 Agreement regarding Workplace Substance Abuse Programs at DOE facilities.

As prescribed in 970.2305-4(a), the contracting officer shall insert the following provision:

AGREEMENT REGARDING WORKPLACE SUBSTANCE

ABUSE PROGRAMS AT DOE SITES (DEC 2000)

- (a) Any contract awarded as a result of this solicitation will be subject to the policies, criteria, and procedures of 10 CFR part 707, Workplace Substance Abuse Programs at DOE Sites.
- (b) By submission of its offer, the officer agrees to provide to the contracting officer, within 30 days after notification of selection for award, or award of a contract, whichever occurs first, pursuant to this solicitation, its written workplace substance abuse program consistent with the requirements of 10 CFR Part 707.
- (c) Failure of the Offeror to agree to the condition of responsibility set forth in paragraph (b) of this provision, renders the Offeror unqualified and ineligible for award.

(End of Provision)

L016 WORKER SAFETY AND HEALTH PROGRAM INSTRUCTIONS - ACTIVITY II (APR 2008)

(a) The resulting contract requires performance on a DOE/NNSA site. When working at a DOE/NNSA site, the offeror, or their subcontractor(s) at any tier, shall comply with the requirements of 10 CFR 851, Worker Safety and Health Program. The offeror shall develop a written Worker and Safety Health Program that provides the methods of implementing the requirements of Subpart C of 10 CFR 851 (or Part 851 or §851). The Worker and Safety Health Program must be approved within 90 days of contract award.

(b) The National Nuclear Security Administration (NNSA) is committed to providing safe and healthful working conditions for federal and contractor employees. Title 10 Code of Federal Regulations Part 851 codifies the NNSA safety and health requirements for contractor employees. In no manner does this guidance replace or limit requirements of the rule, or other contractual requirements ensuring compliance with Federal, State and Local regulations.

(c) This provision identifies contractor safety and health program submittal documents and processes that the NNSA considers appropriate for a graded-approach evaluation of a contractor's plan for performing Activity II, high hazard work at DOE/NNSA sites operating under a contract awarded by the NNSA.

(d) The contractor must submit with its proposal a Worker Safety and Health Program (WSHP) compliant with 10 CFR 851 protecting workers from the hazards of the workplace. This can be accomplished using the following specific guidance:

(1) Contractor (and its subcontractors) provides a WSHP graded to the hazards and activities defined in or required to complete the statement of work in accordance with the contract safety and health clauses and applicable federal regulations and site-specific requirements. The Contractor submitted WSHP will include:

(i) Signature page for use by Contractor Management (Corporate Officer), Contracting Officer and Head of DOE/NNSA Field Element determined to be the approval authority.

(ii) Executive Summary (e.g., brief summary of work activities, locations, number of personnel)

(iii) Brief description of the statement of work to be addressed by WSHP.

(iv) Summary of contractors implementing and flow down processes for implementing 851.10-851.27 for the contractor and all its subcontractors.

(2) The WSHP will include attachments that address the following:

(i) 10 CFR 851 Implementation matrix identifying rule requirements appropriate for the statement of work, and how the contractor implements those (i.e. identify plans and procedures, and steps and schedule to achieve compliance).

(ii) List of safety and health standards required in 851.23(b) for the scope of work.

(iii) Internal corporate ESH plan implementing the WSHP processes.

(iv) Most recent past three years of company OSHA Form 300-A, Summary of Work-Related Injuries and illnesses.

(v) Contractor processes for ensuring any subcontractors to this contract comply with the Rule.

(3) Note that all subcontractors working under this contract are required to submit the same documents as the prime contractor. The prime contractor, once confirming compliance with the Rule, will forward the subcontractor's WSHP to the COR. The subcontractor cannot perform work until its WSHP is approved.

(4) Corporate ESH plan will include:

(i) Description of Company Health and Safety organization assigning, goals, clear roles, responsibilities and accountabilities. Also include an equivalent of, "Company XXX retains sole and complete responsibility to continue compliance with other regulations placed upon the contractor through the contract and state, federal and local regulations. This includes reporting requirements under OSHA and environmental protection.", or ""Company XXX designates Person PPP as the safety officer responsible for the employees at the work location. Contact information is ..."

Note: The contractor is solely responsible for initiating, maintaining, and supervising all safety provisions, precautions, and programs in the course of the performance of the contract.

Note: The term 'safety' or the term 'safety and health' also include environmental protection.

(ii) Activity Hazards Analyses or similar tool identifying safety controls that provide for safe work practices and employee training for the scope of work.

(iii) Additional Activity Hazards Analyses if identified by the Contracting Officer's Representative (COR) based on review of the SOW.

(iv) Additional safety aspects to be addressed in the submittal:

(A) Attendance at site specific New Employee Orientation as required by the COR.

(B) All employees have the right and responsibility to stop work if danger to personnel or equipment is imminent.

(C) If applicable, Hazard Communication Program [OSHA 1910.1200]

(D) Emergency procedures coordinated with those implemented for the location of work.

(E) Injury and Accident Procedures Occurring at the NNSA Site:

(1) Contractor shall report to the COR within 48 hours all site incidents (e.g., injuries, illnesses, fires, spills, property or equipment loss, and near misses). Report immediately events requiring immediate response. Example - "The onsite Contractor employee will report accidents, injuries and illness, and incidents using the site reporting methods. Additionally, the Company XXX safety officer will provide copies of OSHA required reporting data as well as computerized Accident/Incident Reporting System(CIARS) data as required by DOE Order 231.1 to the Contracting Officer and to the NNSA Safety and Health Office."

(2) Statement that contractor will maintain OSHA-like display board at the work location.