

SECTION M

EVALUATION FACTORS FOR AWARD

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

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).

M-2 EVALUATION OF PROPOSALS

- (a) This acquisition will be conducted using the policies and procedures in FAR Part 15 and DEAR Part 915. A Source Evaluation Board (SEB) will evaluate proposals using the criteria in this Section M. The Source Selection Authority (SSA) will select an offeror for Contract award using the best value analysis described in this Section M.
- (b) The instructions set forth in Section L are designed to provide guidance to the offeror concerning documentation that will be evaluated by the SEB. The offeror shall furnish adequate and specific information in its response. A proposal shall be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be totally unacceptable on its face. For example, a proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address the essential requirements of the solicitation, or if it clearly demonstrates that the offeror does not understand the requirements of the solicitation. An overall rating of unsatisfactory in one evaluation criterion may also result in elimination of the proposal from further consideration regardless of the rating of the other criteria. In the event a proposal is rejected, a notice will be sent to the offeror stating the reason(s) the proposal will not be considered for further evaluation under this solicitation.
- (c) The Government intends to evaluate proposals and award a Contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). The Government reserves the right to conduct discussions if the Contracting Officer later determines discussions to be necessary. Any exceptions or deviations by the offeror to the terms and conditions stated in this solicitation for inclusion in the resulting Contract may make the offer unacceptable for award without discussions. If an offeror proposes exceptions to the terms and conditions of the Contract, the Government may make an award without discussions to another offeror that did not take exception to the terms and conditions of the Contract.
- (d) Prior to selection for award by the SSA, the Contracting Officer will make a finding whether any potential Organizational Conflict of Interest (OCI) exists with respect to the apparent successful offeror or whether there is little or no likelihood that such conflict exists. In making this finding, the Contracting Officer will consider the offeror's representation and disclosure statement required by the Contract's Section K Provision entitled "DEAR 952.209-8, Organizational Conflicts Of Interest Disclosure-Advisory And Assistance Services." Subparagraph (c)(1) of DEAR 952.209-8, requires a statement, if applicable, from the offeror of any past, present, or currently planned financial, contractual, organizational, or other interests relating to the Statement of Work. The offeror should note that paragraph

- (c)(1) requires that the offeror provide enough information in the statement to allow a meaningful evaluation by the Government of the potential effect of the interest on the performance of the statement of work. For any actual or significant potential organizational conflict of interest, the offeror shall also submit a plan of actions/activities to avoid, neutralize, or mitigate such conflict. An award may be made if there is no OCI or if any OCI can be appropriately avoided, neutralized, or mitigated.
- (e) Federal Law prohibits the award of a Contract under a national security program to a company owned by an entity controlled by a foreign government unless the Secretary of Energy grants a waiver. In making this determination, the Government will consider the offeror's certification required by the provision at Section K, K-11, Certificate Pertaining to Foreign Interests.
- (f) A Performance Guarantee Agreement in accordance with the requirements of the clause at Section G, G-6, Performance Guarantee(s), will, if applicable, be a condition of the award of this Contract.
- (g) The award of a Contract to an "inverted domestic corporation" under 6 U.S.C. 395 or a foreign entity that is treated as an inverted domestic corporation for purposes of the Internal Revenue Code at 26 U.S.C. 7874 is prohibited unless the Secretary of Energy grants a waiver. In making this determination, the Government will consider the offeror's representation required by the Contract's Section K Provision entitled "FAR 52.209-2, Prohibition on Contracting with Inverted Domestic Corporations-Representation."
- (h) The Government will review all past performance information submitted by the offeror. The Government may also contact the individuals identified in the completed Section L, Attachment F, Corporate Experience & Past Performance Information Forms. The Government may contact sources other than those identified by the offeror. The Government may also obtain relevant past performance information from available Federal Government electronic databases.

M-3 BASIS FOR CONTRACT AWARD

The Government intends to award both CLIN 0001 and CLIN 0002 under one contract to the responsible Offeror whose proposal is responsive to the solicitation and is determined to be the best value to the Government. However, since the evaluation criteria for CLIN 0001 is more important than the evaluation criteria for CLIN 0002, the Government may only award CLIN 0001 to the selected offeror if it determines, when making best value tradeoff decisions or because of business judgements, that awarding both CLIN 0001 and CLIN 0002 is not the best value to the Government. In the event a determination is made to exclude award of CLIN 0002 from this contract, the Government will determine the best value for the M&O contract award using the CLIN 0001 evaluation criteria for CLIN 0001 section of the proposal only. If the Government awards only CLIN 0001 under this solicitation, it will solicit CLIN 0002 under a separate future solicitation.

Selection of the best value to the Government will be achieved through a process of evaluating the strengths and weaknesses of each offeror's technical proposal for CLIN 0001 and CLIN 0002 against the technical and management evaluation criteria described below which, are significantly more important than the evaluated cost. The Government is more concerned with obtaining a superior Technical and Management proposal than making an award at the lowest evaluated cost. However, the Government will not make an award at a price premium it considers disproportionate to the benefits associated with the evaluated superiority of one Technical and Management proposal over another. Thus, to the extent that offerors' Technical and Management proposals are evaluated as close or similar in merit, the evaluated cost is more likely to be a determining factor.

M-4 OVERALL RELATIVE IMPORTANCE OF EVALUATION CRITERIA

Overall, the evaluation criterion for CLIN 0001 is more important than the evaluation criteria for CLIN 0002. The following is the relative importance of the evaluation criteria for CLIN 0001 and CLIN 0002, respectively.

(a) Relative Importance of Evaluation Criteria for CLIN 0001

(1) Technical and Management Evaluation Criteria for CLIN 0001

The CLIN 0001 Criteria listed below are in descending order of importance.

CLIN 0001 Evaluation Criteria	
Criterion A.	KEY PERSONNEL and ORALS
Criterion B.	MANAGEMENT APPROACH and COST SAVINGS
Criterion C.	CORPORATE EXPERIENCE
Criterion D.	PAST PERFORMANCE

(2) Cost Criterion for CLIN 0001

The Cost Criterion at Section M, M-6, CLIN 0001 Cost Evaluation Criteria, will not be rated but will be used in determining the best value to the Government in accordance with Section M, M-3, Basis for Contract Award.

(b) Relative Importance of Evaluation Criteria for CLIN 0002

(1) Technical and Management Evaluation Criteria for CLIN 0002

The CLIN 0002 Criteria listed below are in descending order of importance.

CLIN 0002 Evaluation Criteria	
Criterion A.	PROJECT MANAGEMENT APPROACH
Criterion B.	CORPORATE EXPERIENCE
Criterion C.	PAST PERFORMANCE
Criterion D.	KEY PERSONNEL

(2) Cost Criterion for CLIN 0002

The Cost Criterion at Section M, M-8, CLIN 0002 Cost Evaluation Criteria, will not be rated but will be used in determining the best value to the Government in accordance with Section M, M-3, Basis for Contract Award.

M-5 CLIN 0001 TECHNICAL AND MANAGEMENT EVALUATION CRITERIA

The individual indicators which comprise the following Technical and Management Evaluation Criteria are not listed in order of importance and will not be individually weighted, but rather will be considered as a whole in developing an overall rating for each criterion. The individual indicators are not subfactors as used in FAR 15.304, Evaluation Factors and Subfactors.

(a) Criterion A. Key Personnel and Orals

- (1) (i) The Government will evaluate and assess the education, relevant experience, and demonstrated performance of each proposed Key Person as it relates to: leading and/or managing programs similar in size, scope and complexity to the position proposed; improving mission performance; merging operations, reducing costs, and leading an integrated enterprise. Key personnel evaluations will be based on written information, references, and their participation in the oral presentation. In addition to the information provided by the offeror, the Government may use any information received from other references or third parties as part of its evaluation of Key Personnel.
- (ii) Failure to submit the required letters of commitment will result in the Key Person not being evaluated, negatively affecting the evaluation results for this criterion.
- (2) The Government will evaluate and assess the offeror's response to technical/managerial problems in demonstrating its understanding of the challenges created in the problems, consistency with the offeror's written proposal (as the problems are applicable), and in dealing with the problems as an integrated management team.

(b) Criterion B. Management Approach and Cost Savings

The Government will evaluate and assess the feasibility and quality of the offeror's proposed management approach and cost savings, utilizing the information provided for this Criterion in Section L, L-14(b), Criterion B, Management Approach and Cost Savings.

(c) Criterion C. Corporate Experience

The Government will evaluate and assess the relevancy, currency and depth of the offeror's experience as it relates to the following:

- (1) Operating high hazard nuclear, biological, or chemical facilities either in a commercial or noncommercial environment or manufacturing major weapon systems;
- (2) Project management, and integration of projects associated with general plant infrastructure, high hazard nuclear, biological, or chemical facilities;
- (3) Carrying out the integration of two or more geographically dispersed production facilities through consolidation or merger that resulted in significant cost efficiencies;
- (4) Reducing the cost of performing work; and
- (5) Supporting operations as an interdependent, integrated enterprise.

(d) Criterion D. Past Performance

The Government will evaluate and assess the past performance on the corporate experience within the last five (5) years cited in Evaluation Criterion C, as well as the other relevant past performance information submitted by the offeror or that the Government obtained from other sources, to determine the degree to which the past performance demonstrates the offeror's ability to successfully perform CLIN 0001. If the offeror does not have a record of relevant past performance information on contracts similar to the SOW or past performance information is otherwise not available, the offeror will not be evaluated favorably or unfavorably.

M-6 CLIN 0001 COST EVALUATION CRITERIA

The Government will evaluate and assess the proposal to determine that fee has been included in the cost proposal. The proposed Total Available Fee at Section L, L-15(b)(3), Table 2, column 5, for years 1 through 10 of the Contract for CLIN 0001 will be used as the evaluated cost for purposes of the best value determination.

M-7 CLIN 0002 TECHNICAL AND MANAGEMENT EVALUATION CRITERIA

The individual indicators which comprise the following Technical and Management Evaluation Criteria are not listed in order of importance and will not be individually weighted, but rather will be considered as a whole in developing an overall rating for each criterion. The individual indicators are not subfactors as used in FAR 15.304, Evaluation Factors and Subfactors.

(a) Criterion A. Project Management Approach

The Government will evaluate and assess the feasibility and quality of the offeror's proposed project management approach, utilizing the information provided for this Criterion in Section L, L-14(e), Criterion A, Project Management Approach.

(b) Criterion B. Corporate Experience

The Government will evaluate and assess the relevancy, currency and depth of the offeror's experience as it relates to the following:

- (1) Project management, to include construction of large, highly complex projects associated with high hazard nuclear, biological, or chemical facilities;
- (2) Integration of major systems acquisitions with on-going operations; and
- (3) Performance against cost and schedule baselines.

(c) Criterion C. Past Performance

The Government will evaluate and assess the past performance on the corporate experience within the last five (5) years cited in Evaluation Criterion B, as well as the other relevant past performance information submitted by the offeror or that the Government obtained from other sources, to determine the degree to which the past performance demonstrates the offeror's ability to successfully perform CLIN 0002. If the offeror does not have a record of relevant past performance information on contracts similar to CLIN 0002 or past performance information is otherwise not available, the offeror will not be evaluated favorably or unfavorably.

(d) Criterion D. Key Personnel

- (1) The Government will evaluate and assess the education, relevant experience, and demonstrated performance of each proposed Key Person as it relates to: leading and/or performing project management of similar size, scope, and complexity; and meeting schedule and cost baselines. Key personnel evaluations will be based on written information, references, and their participation in the oral presentation. In addition to the information provided by the offeror, the Government may use any information

received from other references or third parties as part of its evaluation of Key Personnel.

- (2) Failure to submit the required letters of commitment will result in the Key Person not being evaluated, negatively affecting the evaluation results for this criterion.

M-8 CLIN 0002 COST EVALUATION CRITERIA

The Government will evaluate and assess the proposal to determine that fee has been included in the cost proposal. The proposed Total Maximum Available UPF Fee at Section L, L-15(c), Table 3, column 3, for years 1 through 10 of the Contract for CLIN 0002 will be used as the evaluated cost for purposes of the best value determination.