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L-1 FAR 52.204-7 SYSTEM FOR AWARD MANAGEMENT (JUL 2013)

(a) Definitions. As used in this provision—

“Data Universal Numbering System (DUNS) number” means the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities.

“Data Universal Numbering System+4 (DUNS+4) number” means the DUNS number means the number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. (D&B has no affiliation with this 4-character suffix.) This 4-character suffix may be assigned at the discretion of the business concern to establish additional System for Award Management records for identifying alternative Electronic Funds Transfer (EFT) accounts (see the FAR at Subpart 32.11) for the same concern.

“Registered in the System for Award Management (SAM) database” means that—

- (1) The Offeror has entered all mandatory information, including the DUNS number or the DUNS+4 number, the Contractor and Government Entity (CAGE) code, as well as data required by the Federal Funding Accountability and Transparency Act of 2006 (see Subpart 4.14), into the SAM database; and
- (2) The offeror has completed the Core, Assertions, and Representations and Certification, and Points of contact sections of the registration in the SAM database;
- (3) The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS). The Offeror will be required to provide consent for TIN validation to the Government as a part of the SAM registration process.
- (4) The Government has marked the record “Active”.

(b)

- (1) By submission of an offer, the offeror acknowledges the requirement that a prospective awardee shall be registered in the SAM database prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.
- (2) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation “DUNS” or “DUNS+4” followed by the DUNS or DUNS+4 number that identifies the offeror’s name and address exactly as stated in the offer. The DUNS number will be used by the Contracting Officer to verify that the offeror is registered in the SAM database.

(c) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An offeror may obtain a DUNS number—

(i) Via the internet at <http://fedgov.dnb.com/webform> or if the offeror does not have internet access, it may call Dun and Bradstreet at 1-866-705-5711 if located within the United States; or

(ii) If located outside the United States, by contacting the local Dun and Bradstreet office. The offeror should indicate that it is an offeror for a U.S. Government contract when contacting the local Dun and Bradstreet office.

(2) The offeror should be prepared to provide the following information:

(i) Company legal business name.

(ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.

(iii) Company physical street address, city, state and Zip Code.

(iv) Company mailing address, city, state and Zip Code (if separate from physical).

(v) Company telephone number.

(vi) Date the company was started.

(vii) Number of employees at your location.

(viii) Chief executive officer/key manager.

(ix) Line of business (industry).

(x) Company Headquarters name and address (reporting relationship within your entity).

(d) If the Offeror does not become registered in the SAM database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.

(e) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered should consider applying for registration immediately upon receipt of this solicitation.

(f) Offerors may obtain information on registration at <https://www.acquisition.gov>.

L-2 FAR 52.215-1 INSTRUCTIONS TO OFFERORS -- COMPETITIVE ACQUISITION (JAN 2004)

(a) *Definitions.* As used in this provision --

“Discussions” are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer’s discretion, result in the Offeror being allowed to revise its proposal.”

“In writing,” “writing,” or “written” means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

“Proposal modification” is a change made to a proposal before the solicitation’s closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

“Proposal revision” is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

“Time,” if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) *Amendments to solicitations.* If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

(c) *Submission, modification, revision, and withdrawal of proposals.*

(1) Unless other methods (*e.g.*, electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages and must:

- (i) Be addressed to the office specified in the solicitation, and
- (ii) Show the time and date specified for receipt, the solicitation number, and the name and address of the Offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c) (1) (i) and (c) (1) (ii) of this provision.

(2) The first page of the proposal must show:

- (i) The solicitation number;
 - (ii) The name, address, and telephone and facsimile numbers of the Offeror (and electronic address if available);
 - (iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;
 - (iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the Offeror's behalf with the Government in connection with this solicitation; and
 - (v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.
- (3) *Submission, modification, revision, and withdrawal of proposals.*
- (i) Offerors are responsible for submitting proposals, and any modification, or revisions, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal or revision is due.
 - (ii) (A) Any proposal, modification, or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and --
 - (1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or
 - (2) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or
 - (3) It is the only proposal received.

- (B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.
 - (iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.
 - (iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.
 - (v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an Offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.
- (4) Unless otherwise specified in the solicitation, the Offeror may propose to provide any item or combination of items.
 - (5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, *Evaluation of Foreign Currency Offers*, is included in the solicitation.
 - (6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.
 - (7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.
 - (8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

- (d) *Offer expiration date.* Proposals in response to this solicitation will be valid for the number of days specified as referenced at **L-18 OFFER ACCEPTANCE PERIOD**.
- (e) *Restriction on disclosure and use of data.* Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall --

- (1) Mark the title page with the following legend:

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this Offeror as a result of -- or in connection with -- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [*insert numbers or other identification of sheets*]; and

- (2) Mark each sheet of data it wishes to restrict with the following legend:

Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

- (f) *Contract award.*

- (1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible Offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.
- (2) The Government may reject any or all proposals if such action is in the Government's interest.
- (3) The Government may waive informalities and minor irregularities in proposals received.
- (4) The Government intends to evaluate proposals and award a contract without discussions with Offerors (except clarifications as described in FAR 15.306(a)). Therefore, the Offeror's initial proposal should contain the Offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the

number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

- (5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the Offeror specifies otherwise in the proposal.
- (6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.
- (7) Exchanges with Offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.
- (8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.
- (9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.
- (10) A written award or acceptance of proposal mailed or otherwise furnished to the successful Offeror within the time specified in the proposal shall result in a binding contract without further action by either party.
- (11) If a post-award debriefing is given to requesting Offerors, the Government shall disclose the following information, if applicable:
 - (i) The agency's evaluation of the significant weak or deficient factors in the debriefed Offeror's offer.
 - (ii) The overall evaluated cost or price and technical rating of the successful and the debriefed Offeror and past performance information on the debriefed Offeror.
 - (iii) The overall ranking of all Offerors, when any ranking was developed by the agency during source selection.
 - (iv) A summary of the rationale for award.
 - (v) For acquisitions of commercial items, the make and model of the item to be delivered by the successful Offeror.

- (vi) Reasonable responses to relevant questions posed by the debriefed Offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

L-3 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a performance-based management and operating contract, with cost-plus-award-fee (Contract Line Item Number (CLIN) 0001) and cost-plus fixed fee (CLIN 0002) features, resulting from this solicitation.

L-4 FAR 52.222-24 PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION (FEB 1999)

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

L-5 FAR 52.233-2 SERVICE OF PROTEST (SEP 2006) (AS MODIFIED BY DEAR 952.233-2)

- (a) Protests, as defined in subsection 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:

Ariane S. Kaminsky
Contracting Officer
U. S. Department of Energy, National Nuclear Security Administration
M&O Contracting Branch (NA-APM-131)
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Phone: (202) 586-9713
Facsimile: (202) 586-7535
E-mail: ariane.kaminsky@nnsa.doe.gov

- (b) The copy of any protest shall 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 Government Accountability Office shall be furnished to the following address within the time periods described in paragraph (b) of this clause: 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-6 FAR 52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS (APR 1984)

- (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-7 DEAR 952.211-70 PRIORITIES AND ALLOCATIONS (ATOMIC ENERGY) (APR 2008)

Contracts or purchase orders awarded as a result of this solicitation shall be assigned a [] DO-E2 Rating; [] DX-Rating; and certified for national defense use in accordance with the Defense Priorities and Allocations System (DPAS) regulation (15 CFR Part 700).

L-8 DEAR 952.219-70 DOE MENTOR-PROTÉGÉ PROGRAM (MAY 2000)

The Department of Energy (DOE) has established a Mentor-Protégé Program to encourage its prime contractors to assist firms certified under section 8(a) of the Small Business Act by SBA, other small disadvantaged businesses, women-owned small businesses, Historically Black Colleges and Universities and Minority Institutions, other minority institutions of higher learning and small business concerns owned and controlled by service disabled veterans in enhancing their business abilities. 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 contract. 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-9 DEAR 952.227-84 RIGHT TO REQUEST PATENT WAIVER (FEB 1998)

Offerors have the right to request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of the contract that may be awarded as a result of this solicitation, in advance of or within 30 days after the effective date of contracting. Even where such advance waiver is not requested or the request is denied, the contractor will have a continuing right under the contract to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the contract. Domestic small businesses and domestic nonprofit organizations normally will receive the patent rights clause at DEAR 952.227-11 which permits the contractor to retain title to such inventions, except under contracts for management or operation of a Government-owned research and development facility or under

contracts involving exceptional circumstances or intelligence activities. Therefore, small businesses and nonprofit organizations normally need not request a waiver. See the patent rights clause in the draft contract in this solicitation. See DOE's patent waiver regulations at 10 CFR Part 784.

L-10 DEAR 952.233-4 NOTICE OF PROTEST FILE AVAILABILITY (AUG 2009)

- (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 FAR 33.104(a)(3)(ii), implementing section 1065 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 DOE/NNSA 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 FAR 33.104(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 should mark any documents as to which they would assert that an exemption applies. (See 10 CFR Part 1004).

L-11 DEAR 952.233-5 AGENCY PROTEST REVIEW (SEP 1996)

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 in 48 CFR 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters to discuss their concerns with the Contracting Officer prior to filing a protest.

L-12 SEPARATE CORPORATE ENTITY -- REQUIREMENT FOR GUARANTEE OF PERFORMANCE

If the successful Offeror is organized as a separate corporate entity to perform all work under the contract to be awarded as a result of this solicitation, the successful Offeror will be required, as part of the determination of responsibility of the dedicated corporate entity and as a condition of the award of the contract to that entity, to furnish a guarantee of that entity's performance (see Section L, L-14(d)). That guarantee of performance must be satisfactory in all respects to the Department of Energy.

L-13 PROPOSAL PREPARATION INSTRUCTIONS - GENERAL

- (a) Offerors are expected to be sufficiently knowledgeable of the mission of the Nevada National Security Site to adequately prepare their offers and other proposal information submitted under this solicitation. Information relating to operations, strategic plans and technical programs is available in various documents, many of which can be accessed on

the Internet at

<http://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/nssmocontractcompetition>

- (b) "Offeror" refers to the legal entity submitting the offer. The entity may be a corporation, a limited liability corporation, or other legal entity and may be pre-existing or newly formed for this Contract. If the Offeror is organized as a separate corporate entity (a legal entity separate from its parent organization(s)) the separate corporate entity will be totally responsible for all Contract activities (see Section G-4, *Performance Guarantee(s)*). Additionally, the separate corporate entity must be incorporated or otherwise legally established on or before the date of proposal submission.
- (c) "Team member" refers to any other entity identified in the Offeror's proposal as being responsible for performance of any of the work required by the contemplated Contract and is a member of a "contractor team arrangement" (as defined in FAR 9.601, *Contractor Team Arrangements*) formed by the Offeror. The Offeror shall not submit the information required at Section L, L-14(c), L-14(d), and L-15 (a), Criterion 1, *Past Performance*, for small business team members with a proposed work scope less than \$10 million over the Base Term.
- (d) No classified information shall be included in this solicitation or in the Offeror's proposal.
- (e) *Solicitation Questions/Comments*. Questions or comments regarding this solicitation shall be submitted via email to: SEB5@nnsa.doe.gov. Submission of solicitation questions/comments by other means is not authorized. Questions and responses will be posted to the website <http://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/nssmocontractcompetition> and on FedConnect (<https://www.fedconnect.net/Fedconnect/>) through an amendment to the Solicitation. All questions on the solicitation should be submitted as soon as possible, but no later than December 2, 2015. Questions submitted after this date may not be answered and may not be a basis for amending this solicitation.
- (f) Submission of proposals shall be electronically via FedConnect (<https://www.fedconnect.net/Fedconnect/>) and by hard copy as specified below. Proposals shall be structured in three separate volumes as follows:
 - (1) Volume I – The Offer - One (1) signed original and two (2) copies
 - (2) Volume II – Technical and Management Information – One (1) original and five (5) copies
 - (3) Volume III – Cost Information – One (1) original and five (5) copies
 - (4) (i) Each volume submitted shall comply with the following specifications:

The Offeror shall also provide a copy of Volumes I, II, and III of the proposal on a flash drive in addition to the hard copies (paper) above, and electronically through FedConnect. Multiple files may be submitted for each Volume; however, each file must clearly identify the Volume number and the sequence to which it relates. Reference(s) to another part or section within the *same* Volume of the proposal may be appropriate in order to avoid duplication of detailed information.

Include the Offeror's point of contact (name and telephone number) that can assist the Contracting Officer with technical questions/problems, if any, associated with the electronic files.

Proposals must be clearly and concisely written, indexed (cross-indexed as appropriate), and logically assembled. In addition to the guidance provided in paragraph (h), all pages of each Volume shall be appropriately numbered, identified with the name of the Offeror, the date, the solicitation number, and a legend in accordance with the solicitation's Section L (L-2) provision FAR 52.215-1, *Instructions to Offerors—Competitive Acquisition*, paragraph (e), *Restriction on Disclosure and Use of Data*, as appropriate, on each page. This is the only information that can be displayed within the one-inch top, bottom, and side margins.

Subcontractor and/or team member submissions of proprietary information may provide a password protected document (file) to the prime Offeror. In such instances the subcontractor and/or team member shall share the password with the Contracting Officer. The subcontractor and/or team member proposal must adhere to the proposal due date/time and other solicitation requirements. Any passwords required to open password protected documents are subject to the proposal due date/time.

Each volume shall contain a glossary of all abbreviations and acronyms used, including a definition for each.

(ii) Offers submitted by facsimile methods will not be accepted.

(g) Maximum Page Limitations

The Transmittal Letter shall be limited to one (1) page and is not considered as part of Volumes I, II, or III. There is no page limitation for the Offer (Volume I) or the Cost Information (Volume III). The Technical and Management Information (Volume II) shall not exceed 25 pages; however, certain pages are excluded from the page count as noted below. An Executive Summary or Overview of Volume II may be provided in Volume II and shall be included in the 25 page limitation. The following are excluded from the overall page count limitation:

- (1) Listing of Key Personnel (Section L, Attachment B), resume information (three page limitation except for the Site Manager, which is five pages) and letters of commitment;
 - (2) The Cross Reference Matrix (Section L, Attachment D);
 - (3) The Volume II associated Table of Contents, list of Figures/Glossary of Acronyms used, including a definition for each, dividers, tabs or similar inserts that do not provide any substantive information; and
 - (4) Past Performance Information Forms (Section L, Attachment E); associated attachments (each form and its additional pages is limited to eight pages); copies of any award fee determinations, performance evaluation reports or other documentation that reflects the formal performance assessments of the Offeror by its customer; and information concerning terminated contracts.
- (h) Page Formatting and Restrictions

The following page formatting and restrictions shall apply:

- (1) Page size shall be 8.5 x 11 inches, not including foldouts. Page margins shall be a minimum of one inch at the top, bottom, and each side. Pages shall be numerically numbered sequentially by Volume (e.g., Volume I – 1, Volume I –2, Volume I – 3). For the Volume II Table of Contents and list of Figures/Glossary of Acronyms, the page(s) shall use the following number style: Volume II - i, Volume II - ii, Volume II - iii, etc. Volumes I, II, and III text shall be submitted in searchable portable document format (PDF) format using a minimum 12 font size and Times New Roman font style. Print type used in graphs, figures, charts, and tables may be smaller than size 12, but must be legible. To facilitate the Government’s search for key words during proposal evaluation, Offerors should ensure that tables, diagrams, charts and/or other graphic illustrations are word searchable using the Adobe Acrobat “Find” function. Inserts that are predominantly artistic illustrations or pictures and do not contain a significant amount of narrative, are excluded from this request. When both sides of a sheet display printed material, they will be counted as two (2) pages.
- (2) Foldouts of charts, tables, diagrams, or drawings shall not exceed 11 x 17 inches, if used. Foldout pages shall fold entirely within the volume and each side (front or back) of a foldout is considered two (2) pages for purposes of determining the number of pages. When both sides (front and back) of a foldout display contain printed material, they will be counted as four (4) pages. Page margins for the foldouts shall be a minimum of one inch at the top, bottom, and each side. Foldouts may only be used for large tables, charts, graphs, diagrams, and other schematics, and not for pages of text.

- (3) Page counting will begin with the first page and continue up to the page limitation. Pages exceeding the page count will not be read or evaluated. This process will be applied to the overall page limit for Volume II as well as page limits for specific documents, i.e., resumes and PPIFs. Material may not be incorporated by reference (including any information in Volume I or III) as a means to circumvent the page limitations identified in Section L, L-13(g) or for any other reason, except for reference(s) to another part or section within the *same* Volume of the proposal in order to avoid duplication of detailed information.

L-14 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME I, THE OFFER

Volume I, The Offer, consists of the offer to enter into a contract to perform the desired work and includes the items identified in the following paragraphs in the order listed. The information included in Volume I will not be evaluated for purposes of selection. However, failure to include information required in Volume I may result in a proposal being considered materially deficient and out of consideration.

- (a) The Offeror shall provide the administrative information, as required by the solicitation's Section L provision FAR 52.215-1, *Instructions to Offerors – Competitive Acquisition*, paragraph (c) (2), along with the information requested in Section G, G-3, *Contractor Contact*, and Section G, G-6, *Responsible Corporate Official*, as the first page of Volume I.
- (b)** Section A of this solicitation contains an SF 33 for the Contract to be awarded under this solicitation. Offerors must submit **one (1) original signed copy** of the SF 33 document, which is fully compliant with the requirements of this solicitation provision.
 - (1) The person signing the SF 33 must have the authority to commit the Offeror to all of the terms and conditions of the resulting Contract (See Section L, L-21, *Content of Resulting Contract*), fully recognizing that the Government intends to make an award without discussions. Whenever the words "Solicitation No. DE-SOL-0008418" "Request For Proposal No. DE-SOL-0008418" or "RFP No. DE-SOL-0008418" appear in the Contract resulting from this solicitation, they shall be deemed to read "Contract No. [*insert Contract number*]" in the signed Contract for the management and operation of the Nevada National Security Site.
 - (2) In Block 14 of each SF 33, the Offeror must acknowledge receipt of all amendments to the solicitation's Section L provision FAR 52.215-1, *Instructions to Offerors – Competitive Acquisition*.
 - (3) By signing and submitting the SF 33, the Offeror commits to accept the resulting Contract (See Section L, L-21, *Content of Resulting Contract*) as written and to comply with the other provisions of the solicitation. 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.

- (c) The Offeror shall submit a fully completed Section K, *Representations, Certifications, and Other Statements of Offerors*. The parent organization of each member of a “contractor team arrangement,” if proposed, must separately complete, sign, and submit the Section K, *Representations, Certifications, and Other Statements of Offerors*.
- (d) If the Offeror is organized as a separate corporate entity, the Offeror shall submit a fully completed and executed Performance Guarantee Agreement(s) (see Section G, G-4, *Performance Guarantee(s)*) for each teaming member (excluding subcontractors) or parent organization. Section L, Attachment A, *Performance Guarantee Agreement(s)*, contains the minimum Performance Guarantee Agreement conditions acceptable to DOE/NNSA. This agreement will become part of the resulting Contract at Section J, Appendix E, *Performance Guarantee Agreement(s)*. If the Offeror is organized as a separate corporate entity, the Offeror shall submit the last three annual reports for the parent organization(s) providing the Performance Guarantee Agreement(s). **Annual reports shall be submitted electronically through FedConnect and on the flash drive. Offerors do not need to provide copies of annual reports in the hard copy submission. Annual reports may be submitted as an attachment to Volume I, so long as a reference to these attachments appears in the order where the information would have been included.** The Offeror shall submit evidence that the “the legal entity submitting the offer” is legally established (see Section L, L-13(b)).
- (e) The Offeror shall submit a Small Business Subcontracting Plan (Plan) for Government fiscal year 2017, which contains all the elements required by Section I clause FAR 52.219-9, *Small Business Subcontracting Plan*. Section L, Attachment C, *Instructions for Small Business Subcontracting Plan*, provides a model Plan outline and instructions for preparing the Plan. The Contracting Officer, prior to contract award, must approve the Small Business Plan that will become part of Section J, Appendix I, *Small Business Subcontracting Plan*. Annual Plans for future fiscal years shall be incorporated into the Contract by a separate supplemental agreement contract modification. Consideration should be given to the historical subcontracting performance along with the current year subcontracting goals for the Site, as provided on the website, <http://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/nssmocontractcompetition>

L-15 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME II, TECHNICAL AND MANAGEMENT INFORMATION

A Cross Reference Matrix is located at Section L, Attachment D, Cross Reference Matrix. This matrix will provide a crosswalk between the evaluation criteria in Section L and Section M, with the Offeror’s proposal. The Offeror shall complete the “proposal” column of this matrix with the proposal page and paragraph number where information is located as determined by the Offeror. This matrix is for informational purposes to assist the Government in locating information in the proposal.

The Offeror shall provide the following information for the Volume II portion of the proposal.

(a) Criterion 1: PAST PERFORMANCE INSTRUCTIONS

The Offeror shall provide past performance information, reflecting experience similar in size, scope, and complexity to the portions of the Statement of Work the Offeror (or team member) is proposed to perform and the Offeror's ability to successfully integrate programs, operations, and management. If the Offeror is proposing team members to perform or be responsible for a section of the SOW, the Offeror shall identify the section or sections of the SOW each team member is proposed to perform or for which it is responsible.

The Offeror shall use the form at Section L, Attachment E, Past Performance Information Form (PPIF). With each PPIF, the Offeror shall submit copies of any award fee determinations, performance evaluation reports or other documentation that reflects the formal performance assessments of the Offeror by its customer on the experience cited in the PPIF.

The Offeror shall describe at least one, but no more than three contracts for each proposed team member. Only one contract shall be described per (PPIF). For example, a prime Contractor with two subcontractors shall describe no more than nine contracts (each on a separate PPIF for a total of no more than nine PPIFs). Two teaming partners and two subcontractors shall describe no more than 12 contracts (each on a separate PPIF for a total of no more than 12 PPIFs). Contracts listed may include contracts with federal, state, and local Government, and contracts with commercial customers. The experience cited must be within the last five years preceding RFP issuance and at least nine months in duration.

The Offeror should submit all PPIFs and performance assessments 15 calendar days prior to the date for receipt of proposals **via FedConnect only; hard copies shall be submitted with the Offeror's proposal**. However, the Offeror must submit all PPIFs and performance assessments no later than the date/time set for receipt of proposals, as these documents are subject to the late proposals provisions at paragraph (c) of L-2, FAR 52.215-1 Instructions to Offerors -- Competitive Acquisition (Jan 2004). The Offeror shall provide the Past Performance Cover Letter and Questionnaire at Section L, Attachment F, to each technical and contracting point of contact on the PPIF. These points of contact shall return the completed Past Performance Questionnaires directly to the government by email to SEB5@nnsa.doe.gov, Attn: Ariane S. Kaminsky, M&OCB, Contracting Officer. The completed Past Performance Questionnaires should be received by the Government before the due date for receipt of proposals. However, the Past Performance Questionnaires are not subject to the late proposals provisions at paragraph (c) of L-2, FAR 52.215-1 Instructions to Offerors -- Competitive Acquisition (Jan 2004). Prior to the submittal of the PPIFs, the Offeror shall also advise the technical and contracting points of contact identified on each PPIF that the Government may contact them to obtain additional past performance information or clarification of past performance information, including information provided via completed Past Performance Questionnaires.

The Offeror should also submit for each team member, 15 calendar days prior to date for receipt of proposals, a list of all contracts terminated for any reason (partially or completely) within the five years preceding the RFP issuance date **via FedConnect only; hard copies shall be submitted with the Offeror's proposal**. However, the Offeror must submit the information described here no later than the date/time set for receipt of proposals, as this information is

subject to the late proposals provisions at paragraph (c) of L-2, FAR 52.215-1 Instructions to Offerors -- Competitive Acquisition (Jan 2004). For each terminated contract identified in a team member's list, the Offeror shall provide the following information: the dollar amount of the contract, the party contracted with, a brief description of the work, the reason for termination, and the name and telephone number of the customer's contracting official for the contract. If no contract was terminated for any member of the Offeror's team, a statement to that effect is required in lieu of a list of terminated contracts.

PPIFs, performance assessments and information concerning terminated contracts shall be included as a separate Appendix to Volume II. Only the PPIF form and any additional pages attached to it in accordance with the instructions at Section L, Attachment E, Past Performance Information Form, is subject to the eight-page limitation; performance assessments and information concerning terminated contracts are *excluded* from the Volume II page count limitation.

Note: Past performance information will be used for the best value decision, as well as for the responsibility determination. The Government may obtain past performance information from other sources.

(b) Criterion 2: SITE ORGANIZATION AND QUALIFICATIONS OF KEY PERSONNEL

- (1) The Offeror shall describe its proposed organizational structure (including an organizational chart) to manage the Site, particularly with respect to performance of the Statement of Work, Chapter II Work Scope Structure, and the following:
 - (i) The rationale for the organizational structure;
 - (ii) Individual roles, responsibilities, and lines of authority to include Key Personnel and managers that report directly to them (only Key Personnel must be named); and
 - (iii) How the Offeror will integrate Site programs, operations, and management to function as a seamless unit

- (2) Key Personnel consist of the Site Manager and the managers who report directly to **him or her** with direct responsibility for performance of the Statement of Work, Chapter II. The Offeror shall submit written resumes, addressing the elements described below, for all key personnel.

RESUME ELEMENTS

1. Name of Offeror:
2. Name of Key Person:
3. Proposed Position:
4. Duties and Responsibilities in Proposed Position including elements of the Statement of Work assigned:

5.	Chronological Work History: Start with current position and work backwards. A. Name and Address of Firm: B. Dates of Employment: C. Position(s) Held: D. Name, Title, Phone Number, and Email of Supervisor: E. General Summary: <i>Address the Key Person's expertise and experience in: leading and/or managing work similar in size, scope or complexity to the SOW for the position proposed</i>
6.	Education: <i>List degree(s); Discipline(s); Year(s); and Institution(s)</i>
7.	Citizenship:
8.	Level of Security Clearance (if any):
9.	References: <i>Name, title, address, current telephone number, e-mail. The proposed Key Personnel should list three references. It is the Government's preference that Offerors provide references that are not currently Federal employees</i>
Signature of Key Person:	
By submission of this information, the Key Person and Offeror authorize DOE/NNSA to contact references and previous employers provided to verify accuracy.	

By submission of each resume, the Key Person and Offeror authorize DOE/NNSA to contact any references and previous employers to verify accuracy of information provided in the resume. The Offeror shall submit a signed and dated Letter of Commitment in the format provided at Section L, Attachment H, *Sample Letter of Commitment* for each proposed Key Person. The Letter of Commitment shall indicate the Key Person's intention to accept employment, total compensation to include reimbursable and non-reimbursable costs under the contract, benefits, commitment to relocate as necessary, and to remain in their proposed position, as an employee of the Offeror, for at least two years, beginning on the effective date of contract award. Proposed Key Personnel must be United States citizens, and have current DOE "Q" clearances or be eligible to receive such a clearance. However, a foreign national can be proposed if that person can be granted access to nuclear weapons data following the procedures in DOE O 452.8, *Control of Nuclear Weapon Data*.

The Offeror shall also complete and submit Section L, Attachment B, *Listing of Key Personnel*, with all of the names and titles of the proposed Key Personnel. This will be incorporated into the resulting contract at Appendix H, *Key Personnel*. Listing of Key Personnel, commitment letters, and resumes shall be included as a separate Appendix to Volume II and are *excluded* from the Volume II page count limitation. Each resume shall be limited to three pages, except for the Site Manager's resume, which shall be limited to five pages. The Government will not evaluate information contained on pages that exceed the page limits.

(c) **Criterion 3: SMALL BUSINESS PARTICIPATION**

The Offeror shall describe its approach and the extent to which the Offeror will use small business concerns, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business concerns, small disadvantaged business concerns, and women-owned small business concerns in the performance of the Contract. Include a description of the types of work that are intended to be performed by small businesses. Information provided must not contradict the Offeror's Small Business Subcontracting Plan for FY 17 (reference paragraph L-14(e) above).

L-16 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME III, COST INFORMATION

The Offeror shall provide the following information for the Volume III portion of the proposal. Given the nature of DOE/NNSA's budget-based management and operating contracts, the Offeror will not be required to provide, nor will the Government determine, an overall estimated total value (estimated cost plus fee) for evaluation. However, the Offeror must propose Management Team Costs (Key Personnel and their direct report managers) and Fee. Volume III, Cost Information, shall consist of two sections, as described below. In view of the expectation of adequate price competition, Cost or Pricing Data is not being requested by this RFP.

- (a) Management Team Costs: An Offeror's Management Team consists of the Key Personnel and managers who report directly to them consistent with the Offeror's organizational structure. The Offeror shall propose total reimbursable compensation for each proposed position of its Management Team even if that proposed position is not yet staffed by the Offeror. Costs shall be proposed for the Management Team for the Contract's base term years 1 and 2. If the proposed positions of the Management Team, excluding Key Personnel, are not yet staffed by the Offeror, the Offeror shall provide the compensation ranges for all forms of eligible compensation associated for the proposed position. The Government will use the highest salary and other forms of compensation identified in the range for evaluation purposes.

The Offeror shall complete and submit Section L, Attachment G, Management Team Cost Sheet. **Section L, Attachment G, Management Team Cost Sheet shall be submitted in Microsoft (MS) Excel format, version 2013 or lower, with formulas and links intact and all cells unprotected. Offerors are responsible for the accuracy of all formulas, links, and all other relationships within the submitted MS Excel electronic spreadsheets and workbooks.** This includes reimbursable Management Team costs, including annual base salary, applicable bonuses, incentive pay, and any other forms of compensation including: deferred compensation (e.g., contributions to nonqualified pension plans, including employer contributions to executive only type pension plans such as Supplemental Executive Retirement Plan, Excess Benefit Plans, or Top Hat pension plans), employer contributions to Employee Stock Ownership Plans (ESOPs) and Employer Contributions to Defined Contribution Pension Plans, if applicable. Where the Offeror has staffed a proposed position, the Offeror shall provide the employee's name and the employee's current base salary and current total

compensation. The Offeror shall provide the basis and the assumptions used for the proposed Management Team Costs.

In addition, the Offeror shall include the internal and external equity analysis. **To develop its external equity analysis, the Offeror shall use market survey data to complete the information requested in the External Equity Analysis section of the Section L, Attachment G, Management Team Cost Sheet. The Offeror is not required to provide the backup documents (e.g., the published salary surveys) with their proposal; rather the Offeror shall perform the necessary analysis using the appropriate market surveys (as selected by the Offeror). The Offeror shall note the sources it used to develop its external equity analysis.**

The Offeror shall provide supporting documentation, **such as the survey source (e.g. World at Work Salary Increase Budget survey), used to develop the escalation rate** and explanation for the development and reasonableness of the proposed second year labor escalation rate relating it to industry salary budget forecasts.

Note: The reimbursable compensation for each member of the Offeror's Management Team shall not exceed (i) the Office of Federal Procurement Policy (OFPP) Act benchmark in effect at the time of Contract award or (ii) the revised benchmark amount, in any subsequent government fiscal year, as determined by the applicable Determination of Executive Compensation Benchmark Amount pursuant to Section 39 of the OFPP Act, as amended (41 U.S.C. 1127), as required in FAR Subpart 31.205-6, Compensation for Personal Services; paragraph (p), *Limitation on allowability of compensation* for certain contractor personnel. Any amount in excess of the OFPP benchmark must be excluded from the Offeror's proposed Management Team costs.

- (b) Fee: The Offeror shall use **Section L, Attachment I Summary and Fee Sheet** to display its proposed available award fee (CLIN 0001, Management and Operation of NNSS) and fixed fee (CLIN 0002, Strategic Partnership Program) for the Contract. The proposed fee shall not exceed 5.5% of the estimated cost shown for each Contract Period for each CLIN. **Section L, Attachment I Summary and Fee Sheet** shall include the Offeror's proposed fixed fee rate for CLIN 0002 Strategic Partnership Program for inclusion at Section B-2, paragraph (c) of the contract. **Section L, Attachment I Summary and Fee Sheet shall be submitted in Microsoft (MS) Excel format, version 2013 or lower, with formulas and links intact and all cells unprotected. Offerors are responsible for the accuracy of all formulas, links, and all other relationships within the submitted MS Excel electronic spreadsheets and workbooks.**

Note: The estimated costs shown for each year for CLIN 0002 -- Strategic Partnership Program in **Section L, Attachment I Summary and Fee Sheet and below** are estimates only, for the purpose of establishing a cost base for proposed fixed fee. These figures will not be incorporated into the contract at time of award.

Proposed Fee

Table 1 -- CLIN 0001 -- Management and Operation of NNSS

Contract Period	Estimated Cost	Award Fee Available*
Base Term (Year 1)	\$355,965,550	\$ To Be Completed by Offeror
Base Term (Year 2)	\$363,083,841	\$ To Be Completed by Offeror
Base Term (Year 3)	\$370,345,518	\$ To Be Completed by Offeror
Base Term (Year 4)	\$377,752,429	\$ To Be Completed by Offeror
Base Term (Year 5)	\$385,307,477	\$ To Be Completed by Offeror
Option Term 1 (if exercised)	\$393,013,627	\$ To Be Completed by Offeror
Option Term 2 (if exercised)	\$400,873,899	\$ To Be Completed by Offeror
Option Term 3 (if exercised)	\$408,891,377	\$ To Be Completed by Offeror
Option Term 4 (if exercised)	\$417,069,205	\$ To Be Completed by Offeror
Option Term 5 (if exercised)	\$425,410,589	\$ To Be Completed by Offeror
Totals	\$3,897,713,512	\$ To Be Completed by Offeror

*Proposed Award Fee Available shall not exceed 5.5% of the Estimated Cost shown for each Contract Period.

Table 2 -- CLIN 0002 -- Strategic Partnership Program

Contract Period	Estimated Cost	Fixed Fee*
Base Term Year 1	\$90,000,000	\$ To Be Completed by Offeror
Base Term Year 2	\$90,000,000	\$ To Be Completed by Offeror
Base Term Year 3	\$90,000,000	\$ To Be Completed by Offeror
Base Term Year 4	\$90,000,000	\$ To Be Completed by Offeror
Base Term Year 5	\$90,000,000	\$ To Be Completed by Offeror
Option Term 1 (if exercised)	\$90,000,000	\$ To Be Completed by Offeror
Option Term 2 (if exercised)	\$90,000,000	\$ To Be Completed by Offeror
Option Term 3 (if exercised)	\$90,000,000	\$ To Be Completed by Offeror
Option Term 4 (if exercised)	\$90,000,000	\$ To Be Completed by Offeror
Option Term 5 (if exercised)	\$90,000,000	\$ To Be Completed by Offeror
Totals	\$900,000,000	\$ To Be Completed by Offeror

*Fixed Fee shall not exceed 5.5% of the Estimated Cost shown for each Contract Period.

L-17 TIME, DATE, AND PLACE OFFERS AND PROPOSAL INFORMATION ARE DUE

(a) All Offers and Proposal Information are due at the time (ET) and date identified on the Standard Form (SF) 33, *Solicitation, Offer and Award* (Section A, Block 9). (CAUTION: See the Solicitation’s Section L Provision FAR 52.215-1, *Instructions to Offerors – Competitive Acquisition*, describing treatment of late submissions, modifications, and withdrawals of proposals.)

(b) Mailed written Offers and Proposal Information shall be marked as follows:

FROM: _____

MAIL TO:

Ariane S. Kaminsky
Contracting Officer
U. S. Department of Energy, National Nuclear Security Administration
M&O Contracting Branch (NA-APM-131)
Office Suite: GTN A-121
19901 Germantown Road
Germantown, MD 20874

Phone: (301) 903-3826
Back-up Phone: (301) 903-2248
E-mail: ariane.kaminsky@nnsa.doe.gov

MARKED WITH:

SOLICITATION NO. DE-SOL-0008418
To be opened by addressee only.

If the Offeror elects to forward the Offer and the Proposal Information by means other than the U.S. Mail, it assumes the full responsibility of insuring that the Offer is received at the place and by the date and time specified in this solicitation.

(c) Hand Carried Offers and Proposal Information shall be marked as follows:

FROM: _____

HAND CARRY TO:

Ariane S. Kaminsky
Contracting Officer
U. S. Department of Energy, National Nuclear Security Administration
Office of Acquisition and Project Management
M&O Contracting Branch (NA-APM-131)
Office Suite: GTN A-121
19901 Germantown Road
Germantown, MD 20874
Phone: (301) 903-3826
Back-up Phone: (301) 903-2248

MARKED WITH:

SOLICITATION NO. DE-SOL-0008418
To be opened by addressee only.

It may not be possible to hand carry the package(s) outside of the hours 7:30 a.m. to 4:00 p.m. ET on Federal workdays. Delivery to any other location than that specified herein is unacceptable. **If an Offeror plans to hand carry their submission, please contact the Contracting Officer and Contract Specialist via SEB5@nnsa.doe.gov to coordinate.** Offerors delivering submissions to Germantown shall enter through the North Entrance off of Maryland Route 118 (Germantown Road) and proceed to the guard station. Offerors with badges will be allowed to enter. Offerors without badges will be required to pull over, have car searched, and provide a point of contact and phone number (Contracting Officer and phone number listed above) for entry. Once through the gate, make an immediate right and alongside the building to the left is the loading dock. Proceed to the loading dock to have the packages scanned. The Contracting Officer and/or the Contract Specialist will come to the loading dock to retrieve the Offeror's packages after the packages have been scanned. Offerors are therefore encouraged to submit their written Offer via the U.S. Mail.

- (d) Express Mail written Offers and Proposal Information shall be marked as follows:

FROM: _____

TO:
U. S. Department of Energy, National Nuclear Security Administration
Office of Acquisition and Project Management
M&O Contracting Branch (NA-APM-131)
Office Suite: GTN A-121
19901 Germantown Road

Germantown, MD 20874
ATTN: Ariane S. Kaminsky, Contracting Officer

MARKED WITH:
SOLICITATION NO. DE-SOL-0008418
To be opened by addressee only.

L-18 OFFER ACCEPTANCE PERIOD

The minimum offer acceptance period is 240 calendar days after the required date for receipt of Offers. Block 12 of the Standard Form 33, *Solicitation, Offer, and Award*, (Section A) does not apply.

**L-19 SMALL BUSINESS SIZE STANDARDS AND SET-ASIDE INFORMATION
(UNRESTRICTED)**

This acquisition is unrestricted and contains no set-aside provisions.

**L-20 NUMBER OF CONTRACT AWARDS RESULTING FROM THIS
SOLICITATION**

One contract award will result from this solicitation.

L-21 CONTENT OF RESULTING CONTRACT

Any contract awarded as a result of this solicitation will contain 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*. The contract awarded will be published in its entirety via the DOE/NNSA website.

L-22 ALTERNATE OFFERS

Alternate offers are not solicited and will not be evaluated.

L-23 FALSE STATEMENTS

Offers and Proposal Information must set forth full, accurate, and complete information as required by this solicitation (including attachments). The penalty for making false statements therein is prescribed in 18 U.S.C. 1001.

**L-24 EXPENSES RELATED TO OFFER AND OTHER WRITTEN AND ORAL
INFORMATION**

This solicitation does not commit the Government to pay any costs incurred in the submission of any offer and other written and oral information, or in making necessary studies or designs for the preparation thereof or to acquire or contract for any services.

L-25 ELECTRONIC MEDIA

- (a) In order to further the Government policy of maximizing electronic commerce and making the acquisition process cost effective, electronic media will be used and will be the sole method used for distributing the solicitation and amendments thereto to the public. The solicitation, any amendments and various available reference documents will be posted on FedConnect (<https://www.fedconnect.net/Fedconnect/>) and the DOE/NNSA website at: <http://nnsa.energy.gov/aboutus/ouroperations/apm/majcontrsolicitation/nssmocontractcom petition>
- (b) This electronic medium will constitute the official distribution method for this solicitation. All amendments and any other official communications from DOE/NNSA regarding this solicitation will be posted through FedConnect. Offerors and all other interested parties will need to maintain continual surveillance of FedConnect and the website to remain abreast of the latest available information.
- (c) The DOE/NNSA website will contain various available reference documents and links to other organizational websites of interest for the Offeror's information and use in connection with preparing a proposal under this solicitation. Offerors are cautioned that the information, reference documents and organizational websites contained in the URL address are not intended to be all-inclusive. Offerors are strongly urged to perform their own additional research using these and other available sources.
- (d) No other communication, whether oral or in writing, will modify or supersede the terms of the solicitation.

L-26 COMMITMENT OF PUBLIC FUNDS

The Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed acquisition. Any other commitment, either explicit or implied, is invalid.

L-27 RESPONSIBLE PROSPECTIVE CONTRACTORS

- (a) The general and additional minimum standards for responsible prospective Contractors set forth at 48 CFR 9.1 and 48 CFR 909.1 apply.
- (b) DOE/NNSA may conduct preaward surveys in accordance with 48 CFR 9.106 and may solicit from available sources, relevant information concerning the Offeror's record of past performance, and use such information in making determinations of prospective Offeror responsibility.

L-28 DISPOSITION OF OFFERS AND PROPOSAL INFORMATION

Offers and Proposal Information will not be returned (except for timely withdrawals).

L-29 RESTRICTIONS ON OFFEROR CONTACTS WITH EMPLOYEES OF PREDECESSOR CONTRACTORS

Contacts with employees regarding future employment are permitted; however, such contacts and interviews must take place outside the normal working hours of such employees and at off-site locations. No on-site contacts of any kind with employees of the current incumbent Contractor are permitted related to this solicitation until contract award.

L-30 INSTRUCTIONS FOR SUBMITTING FOREIGN OWNERSHIP, CONTROL OR INFLUENCE (FOCI) INFORMATION (JUN 2011)

- (a) The Offeror shall submit FOCI information in accordance with Section K provision DEAR 952.204-73, *Facility Clearance*, and Section I clause DEAR 952.204-2, *Security*, using the Department of Energy (DOE) Electronic FOCI (eFOCI) submission system located at <https://foci.anl.gov/>.
- (b) New users to the eFOCI system will request initial access to the eFOCI system prior to submitting the FOCI information for this solicitation. Offerors should select “NNSA Albuquerque Complex - Acquisition and Project Management (NA-APM)” as the FOCI Office that will review the FOCI Submission. Offerors are encouraged to transmit FOCI information by the deadline for proposal submission. Specific problems maneuvering through the fields within the eFOCI system can be clarified by contacting the eFOCI help desk using guidance and instructions are available on the eFOCI website.
- (c) Electronic signatures are not accepted; therefore, signed originals of any documents requiring signatures to include the SF 328, *Certificate Pertaining to Foreign Interests*, executed in accordance with the instructions on the certification section of the SF 328, shall be submitted to the Contracting Officer. The SF 328 is required for first time submissions, five (5) year updates or any time there are changes to the SF 328.
- (d) If the Offeror has an active facility clearance with another government agency, provide your commercial and government entity (CAGE) code in lieu of the SF 328.
- (e) If the company has an active DOE facility clearance and is in compliant with regulations, a resubmission is not required. Guidance and instructions are available on the eFOCI website.

L-31 NON-FEDERAL PERSONNEL SUPPORT

Offerors are advised that DOE/NNSA Contractor personnel may assist the Government during the Government’s evaluation of proposals. These persons shall be authorized access to only those portions of the proposal data and discussions that are necessary to enable them to provide specific technical advice on specialized matters or on particular problems. These individuals will be required to protect the confidentiality of any specifically identified trade secrets and/or privileged or confidential commercial or financial information obtained as a result of their participation in this evaluation. They shall be expressly prohibited from scoring, ranking, or recommending the selection of a source. Thus, in accordance with FAR 9.505-4(b), Contractor

personnel will enter into separate agreements with Offerors to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than for which it was furnished.

L-32 SYSTEM FOR AWARD MANAGEMENT REQUIREMENTS

The Offeror’s attention is directed to Section I clause FAR 52.204-7, *System for Award Management* (Jul 2013). FAR 52.204-7 states in part:

- (b)(1) By submission of an offer, the Offeror acknowledges the requirement that a prospective awardee shall be registered in the SAM database prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.*

- (d) If the Offeror does not become registered in the SAM database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.*

- (e) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered should consider applying for registration immediately upon receipt of this solicitation.*

L-33 OFFEROR INTENTION TO SUBMIT AN OFFER

Complete the following and return VIA E-MAIL to the address below no later than close of business ten (10) business days after the RFP is released.

Solicitation Number DE-SOL-0008418

____ We do intend to submit an offer.

Name and Address of Firm or Organization (Include Zip Code):

Typed or Printed Name and Title: _____

Date: _____

E-Mail To: SEB5@nnsa.doe.gov
ATTN: Ariane S. Kaminsky

L-34 VIRTUAL SITE TOUR AND PRE-PROPOSAL CONFERENCE

The Government will not be providing a site tour for this requirement; however, a virtual tour of the NNS is available at the following website:

<http://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/nnsmocontractcompetition>. A pre-proposal conference will be held in Nevada. The DOE/NNSA website (see above) will provide specific details. A maximum of three individuals will be allowed from each company, or team member if applicable. Security requirements for the site, if applicable, shall be met before access is granted for the pre-proposal conference. Only individuals representing Offerors who have submitted the Offeror intent form identified at Section L, L-33, *Offeror Intention to Submit an Offer* may attend the pre-proposal conference.

To allow time for security clearance and other administrative processing, Offeror's must provide the requested information for the pre-proposal conference as soon as possible, but no later than November 9, 2015.

L-35 LIST OF ATTACHMENTS TO SECTION L

<u>Attachment</u>	<u>Title</u>
A	Performance Guarantee Agreement
B	Listing of Key Personnel
C	Instructions for Small Business Subcontracting Plan
D	Cross Reference Matrix
E	Past Performance Information Form
F	Past Performance Cover Letter and Questionnaire
G	Management Team Cost Sheet
H	Sample Letter of Commitment
I	Summary and Fee Sheet