

**SECTION M**

**EVALUATION FACTORS FOR AWARD**

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**M-1 EVALUATION OF PROPOSALS**

- (a) This acquisition will be conducted using the policies and procedures in Federal Acquisition Regulation (FAR) Part 15 and Department of Energy Acquisition Regulation (DEAR) Part 915. A Source Evaluation Board (SEB) will evaluate proposals using the criteria in this Section M and 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 must furnish adequate and specific information in its response. A proposal will be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be 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. 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). If the Government requires clarifications or revisions to an Organizational Conflict Of Interest Disclosure, including any mitigation plan, (paragraph (d) below) these will be considered to be clarifications rather than discussions in accordance with 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 possible 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 DEAR 952.209-8, *Organizational Conflicts Of Interest Disclosure-Advisory and Assistance Services*. Subparagraph (c)(1) of DEAR 952.209-8, *Organizational Conflicts Of Interest Disclosure-Advisory And Assistance Services*, 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 will 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 contract's Section K provision K-10, *Certificate Pertaining to Foreign Interests*.
- (f) A Performance Guarantee Agreement in accordance with the requirements of the Solicitation's Section L provision L-11, DEAR 970.5209-1, *Requirement for Guarantee of Performance*, will be a condition of the award of this Contract, if applicable.

## **M-2 BASIS FOR CONTRACT AWARD**

The Government intends to award one contract to the responsible Offeror whose proposal is responsive to the solicitation and is determined to be the best value to the Government. Selection of the best value to the Government will be achieved through a process of evaluating each Offeror's proposal against the evaluation criteria described below. The Technical and Management Criteria in M-3 will be adjectivally rated. The Cost Criterion in M-4 will not be rated. In determining the best value to the Government, the Technical and Management Criteria are significantly more important than the Cost Criterion. 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-3 TECHNICAL AND MANAGEMENT CRITERIA**

The following criteria are listed in descending order of importance. Criterion 1 is more important than Criteria 2 and 3 combined. The individual items or evaluation considerations that comprise a Technical and Management criterion (e.g., Criterion 2 includes items (1), (2) and (3)) 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 adjectival rating for that criterion. The individual items are not "subfactors" as used in FAR 15.304.

**(a) Criterion 1: PAST PERFORMANCE**

The Government will evaluate the Offeror's past performance during the last five-years to determine the degree to which the past performance demonstrates the Offeror's ability to successfully perform the key requirements in the Statement of Work (Chapter II Work Scope Structure, sections 3.0 and 4.0 only) with particular emphasis on Chapter II, section 3.0, Directed Stockpile Work) as they relate to production, management and quality assurance. The evaluation will consider the relevancy (i.e. how similar the experience reflected in an Offeror's past performance is to the size, scope and complexity of the requirements in the Statement of Work) of the Offeror's past performance. More relevant past performance will be viewed as a greater indicator of an Offeror's ability to successfully perform than less relevant past performance. The evaluation will also consider the currency of past performance information, source of the information, context of the data, and general trends in the contractor's performance. Past performance information submitted by the Offeror through the completion and submission of Past Performance Information Forms, as well as relevant past performance information that the Government obtains from any other sources will be considered. The Government will not apportion past performance under another DOE and/or NNSA M&O contract differently among parent companies that have teamed for the purposes of said contract; all parent companies under one DOE and/or NNSA M&O contract will be equally credited for past performance for that contract. In the case of an Offeror without a record of relevant past performance or for whom information on relevant past performance is not available, the Offeror will be evaluated neither favorably nor unfavorably in this criterion, and will be assigned a neutral rating.

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

The Government will evaluate the Offeror's Plant Organization to consider the extent to which the Offeror demonstrates:

- (1) An effective organizational structure to manage the Plant particularly with respect to performance identified in the topical areas listed in Statement of Work, Chapter II Work Scope Structure, sections 3.0, 4.0, 5.0, 6.0, 7.0 and 8.0.
- (2) An effective approach to oversight that ensures adequate performance under the contract without loss of efficiency.
- (3) Each Key Person's experience, capability and leadership in work of similar size, scope, and/or complexity to the Statement of Work for the position proposed.

In addition to the references provided in the Key Personnel resumes (see Section L, L-14, Criterion 2, paragraph (3)), the Government may use any information received from other sources, references or third parties as part of its evaluation of Key Personnel. Failure to

submit the required letters of commitment may result in the Key Person not being evaluated, negatively affecting the evaluation results for this criterion.

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

The Government will evaluate and assess the effectiveness of the Offeror's approach to use and the extent of participation of 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 performance of the contract.

**M-4 COST CRITERION**

The management team costs (Section L, L-15) will be evaluated for cost realism in accordance with FAR 15.404 but will not be adjectively rated.

The management team costs for FY 2016 and FY 2017, and the total proposed maximum fee for FY 2016 through 2025 will be used to determine the best value to the Government in accordance with paragraph M-2 above.