

**PART IV – REPRESENTATIONS AND INSTRUCTIONS**

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## **SECTION M – EVALUATION FACTORS FOR AWARD**

### **M-1 FAR 52.217-5 EVALUATION OF OPTIONS (JUL 1990)(DEVIATION NOV 2025)**

Except when it is determined in accordance with FAR 17.202(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).

(End of provision)

### **M-2 EVALUATION OF PROPOSALS**

- (a) Authorities. This acquisition will be conducted pursuant to Federal Acquisition Regulation (FAR) Part 15 (as implemented by DOE/NNSA Class Deviation, JAN 2026)<sup>1</sup>, Department of Energy Acquisition Regulation (DEAR) Part 915, and the provisions of this solicitation.
- (b) Evaluation Generally. Proposal evaluation is an assessment of the proposal and the Offeror's ability to perform the prospective contract successfully. Proposals will be evaluated solely on the evaluation factors in this Section M to determine the Offeror's ability to perform the contract. The Source Selection Authority (SSA) will select an Offeror for contract award using the best value analysis described in this Section M.
- (c) Rejection. The instructions set forth in Section L are designed to provide requirements and guidance to the Offeror concerning documentation that will be evaluated by the Government. The Offeror must furnish comprehensive 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. An overall rating lower than "Satisfactory" in one evaluation criterion may also result in elimination of the proposal from further consideration regardless of the ratings 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.
- (d) No Negotiations Intended. The Government intends to evaluate proposals and award a contract without negotiations with Offerors, except clarifications as described in FAR 15.15.202(a)(2). If the Government requires clarifications or revisions to an Organizational Conflict Of Interest Disclosure, including any mitigation plan, (paragraph (e) below) these will be considered to be clarifications rather than negotiations in accordance with FAR 15.202. The Government reserves the right to conduct negotiations if the Contracting Officer later determines negotiations 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 negotiations. If an

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<sup>1</sup> All references to FAR Part 15 in this section refer to the DOE/NNSA Class Deviation executed in December 2025.

Offeror proposes exceptions to the terms and conditions of the Contract, the Government may make an award without negotiations to another Offeror that did not take exception to the terms and conditions of the Contract.

- (e) Organizational Conflicts of Interest. Prior to selection for award by the SSA, the Contracting Officer will make a determination as to whether any likely, foreseeable Organizational Conflict of Interest (OCI) exists with respect to the apparent successful Offeror. In making this determination, the Contracting Officer will consider the Offeror's representation and disclosure statement required by DEAR 952.209-8, *Organizational Conflicts Of Interest Disclosure-Advisory and Assistance Services*, and, if appropriate, information from other sources. The Offeror should note that DEAR 952.209-8 requires that the Offeror provide enough information in its statement to allow a meaningful evaluation by the Government of the potential effect of the interest on the performance of the Statement of Work. The Government will award the contract to the apparent successful offeror unless the Government determines that an OCI exists that cannot be avoided or mitigated. However, the Government may elect to award the contract notwithstanding an OCI if the Government finds the award is in the best interest of the United States and a waiver is approved in accordance with FAR 9.503.
- (f) Foreign Interest Concerns. 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, *Certificate Pertaining to Foreign Interests*.
- (g) Performance Guarantees. A Performance Guarantee Agreement in accordance with the requirements of the Solicitation's Section L provision L-10, *Requirement for Guarantee of Performance (Dec 2000)*, will be a condition of the award of this Contract.

### **M-3 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-4 will be adjectivally rated. The Cost Criterion in M-5 will not be adjectivally rated but will be used in determining the best value to the Government. In determining the best value to the Government, the Technical and Management Criteria, when combined, are significantly more important than the Cost Criterion. Nevertheless, cost/price is considered a substantial factor in source selection consistent with FAR Part 15. The Government is more concerned with obtaining a superior Technical and Management proposal than making an award at the lowest evaluated cost/price. However, the Government will not make an award at a cost/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/price is more likely to be a determining factor.

**M-4 TECHNICAL AND MANAGEMENT CRITERIA**

The non-cost/price factors are listed in descending order of importance (*i.e.*, Criterion 1 representing the most important non-cost/price factor, Criterion 2 the second-most important non-cost/price factor, etc.). The individual items or evaluation considerations *within* a Technical and Management Criterion 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 each criterion. These individual items or evaluation considerations are not “sub-factors” as described in FAR Part 15 and will not be assigned individual adjectival ratings.

(a) Criterion 1: M&O Technical Approach and Key Personnel.

The Government will evaluate the information contained in the Offeror’s Volume II Sections 1.a and 1.b, regarding the Offeror’s proposed Technical Approach and Key Personnel, to determine the extent to which it demonstrates that the Offeror is likely to successfully perform the contract requirements.

*Note 1 (SRPPF): Though included in the contract requirements, information specifically related to SRPPF design and construction will be not be evaluated under Criterion 1, but rather, under Criterion 2.*

*Note 2 (Key Personnel References): In addition to the information contained in the Offeror’s Volume II Section 1.b, the Government may, if appropriate, incorporate information received from the references provided in the Key Personnel resumes and other sources. However, the Government is under no obligation to obtain additional information and may do so at its sole discretion.*

(b) Criterion 2: SRPPF Technical Approach and Key Personnel.

The Government will evaluate the information contained in the Offeror’s Volume II Sections 2.a and 2.b, regarding the Offeror’s proposed Technical Approach and Key Personnel, to determine the extent to which it demonstrates that the Offeror is likely to successfully perform the SRPPF requirements.

*Note 1 (Key Personnel References): In addition to the information contained in the Offeror’s Volume II Section 2.b, the Government may, if appropriate, incorporated information received from the references provided in the Key Personnel resumes and other sources. However, the Government is under no obligation to obtain additional information and may do so at its sole discretion.*

(c) Criterion 3: Past Performance.

The Government will evaluate the recent, relevant past performance of the Offeror and the Team Members that comprise it (*i.e.*, not Subcontractor Team Members), to determine the extent to which it demonstrates the Offeror’s ability to successfully perform both overall M&O Performance and SRPPF Performance (as delineated in L-14(d)). Past performance that is not both recent and relevant (as those terms are defined in L-14(d)) will not be considered. To the extent it is recent *and* relevant, the Government will

consider past performance information submitted by the Offeror in Volume II Section 3, as well as past performance information that the Government obtains from other sources.

The contracts reviewed for Past Performance will include all recent and relevant contracts submitted by Offerors along with recent and relevant NNSA contracts that can be attributed to the Offeror or the Team Members that comprise it. The evaluation may also consider the source of the information, context of the data, and general trends in the contractor's performance, including how problems identified were corrected. The Government will not apportion past performance under a DOE, NNSA, or other contract differently among parent companies that teamed or formed a joint entity for the purposes of said contract. Rather, all parent companies under a contract will be equally credited (positively and negatively) for past performance for that contract.

In the case of an Offeror without a meaningful record of relevant past performance for whom information on relevant past performance is not available for **both M&O Performance and SRPPF Performance** (see Section L-14(d)(2)), the Offeror will be evaluated neither favorably nor unfavorably in this criterion and will be assigned a neutral rating. For example, if an Offeror has a meaningful record of relevant past performance relevant to M&O Performance but does not have a meaningful record of past performance relevant to SRPPF Performance (or vice versa), the proposal would be assigned a neutral rating.

(d) Criterion 4: Small Business Participation.

The Government will evaluate the extent to which the Offeror's approach to utilize small business concerns is likely to result in an effective and meaningful use of small businesses in performance of the work scope and the extent of small business concern participation, including 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. The Government will evaluate how the offeror describes leveraging available small business tools and programs (e.g., SBA and DOE Mentor Protégé Programs, Supply Chain Management Center agreements or other similar programs) will expand small business utilization.

As part of this evaluation, the Government will evaluate the extent that small businesses are proposed to be used in terms of total planned subcontracted dollars and percentages, and as a percentage of total contract value, in comparison to the average of the last two full fiscal years' (FY2024 – 2025) small business socioeconomic accomplishments. Offerors that do not propose small business subcontracting goals that are at least commensurate with the average site accomplishments may be adversely rated under this criterion. Evaluation of this criterion is separate and distinct from the small business subcontracting plan. However, if the information in the Offeror's narrative or Section L - Attachment J, contradicts the Offeror's Small Business Subcontracting Plan referenced in Section L-13(e), it may negatively affect the rating of the Offeror under this criterion.

## **M-5 COST CRITERION**

The total evaluated price proposed in accordance with Section L, Attachment H, of this solicitation will not be rated, but will be used in determining the best value to the Government. The total evaluated price includes the proposed firm-fixed-price Transition Price, the derived fee amounts for the Management and Operation of the Savannah River Site (all contract periods including options for CLIN 0002 and 0003), the derived fee amounts for the construction management of the Savannah River Plutonium Processing Facility (all contract periods including options for Sub-CLIN 0004A), and the derived fee amounts for the Strategic Partnership Projects (all contract periods including options for CLIN 0006), and the six-month Option to Extend Services. The derived fee represents the proposed fee rates applied to the forecasted annual fee bases. For evaluation purposes only, the six-month Option to Extend Services will be calculated by the Government by applying the proposed final period fee rates to the final year budget estimate for an additional six-month period.

The Government may use any of the price analysis techniques specified in FAR 15.404-1(b) to determine reasonableness. In accordance with FAR Part 15.404-6, the Government will analyze the annual proposed line-item prices, which includes CLINs 0001, 0002, 0003, 0006, and Sub-CLIN 0004A for balance and may reject an offer if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.

Undefinitized Sub-CLINS under CLIN 0004 and CLIN 0005 (NNSA and EM Capital Construction Projects) will not be evaluated prior to award of the contract. Rather, the Government will separately select individual Capital Construction Projects for inclusion under this CLIN, and negotiate the associated scope, cost/price, and fee (if applicable), based on project risk and complexity subject to the limitations of 48 CFR 915.404-4800, after award of the Contract resulting from this solicitation.