



**Citizens Advisory Board  
Idaho National Engineering and Environmental Laboratory**

**Draft Request for Proposal for the Idaho Cleanup Project and  
Draft Request for Proposal for Idaho National Laboratory**

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The Site-Specific Advisory Board (SSAB) for the Idaho National Engineering and Environmental Laboratory (INEEL), also known as the INEEL Citizens Advisory Board (CAB), is a local advisory committee chartered under the Department of Energy's (DOE) Environmental Management SSAB Federal Advisory Committee Act Charter.

The INEEL CAB reviewed the Request for Proposal (RFP) for the Idaho Cleanup Project and the Request for Proposal for Idaho National Laboratory. Our comments and recommendations on the two follow.

## **IDAHO CLEANUP PROJECT DRAFT REQUEST FOR PROPOSAL**

### **Section B – Supplies or Services and Prices/Costs**

Section B.2 on Page 1 presents DOE's projected funding for Environmental Management over the duration of the contract. Of major concern to the INEEL CAB is the declining funding over time. Specific instances include a projected 11% drop in funding in Fiscal Year (FY) 2007 and a 23% drop in funding in FY 2008. Even if there is declining funding, big drops like these would not expedite the work that must be done. This funding profile does not appear to be consistent with the commitments in the Performance Management Plan nor with DOE's stated goals for "accelerated cleanup." **The INEEL CAB recommends that DOE provide clarification of all budget assumptions about the future of funding to support INEEL cleanup in the Final RFP.**

On page 2, the INEEL CAB notes that fees and costs (transition, target, and maximum) are not yet determined. **In order to support informed proposals by interested bidders, the INEEL CAB recommends that the Final RFP include the best information available.**

Section B.8 on Page 5 states "Streamlining processes and eliminating non-value-added requirements are critical to accomplishing accelerated cleanup." The CAB does not know what is meant by the term "non-value-added requirements." **The INEEL CAB recommends that the Final RFP clarify the meaning of that terminology and state specifically what projects might be reduced, and why.**

### **Section C - Statement of Work**

The second paragraph under Section C.1.6.4 on Page 7 states that ". . . the contractor shall develop and achieve end states . . ." with an emphasis on the lowest cost. The INEEL CAB thinks that development of end states should fall under the responsibility of the Federal government rather than a contractor. In addition, we believe that determination of end states should proceed in negotiation with the regulators and in consultation with the public. **The INEEL CAB recommends that the wording in this section be clarified in the Final RFP to describe a role for the contractor that would leave public policy decision-making in the public arena. The INEEL CAB further recommends that lowest cost be only one consideration, in addition to safety, environmental protection, and efficiency.**

The fourth paragraph under Section C.1.6.4 on Page 7 implies that construction debris may be disposed in the INEEL Comprehensive Environmental Response, Compensation, and Liability Act Disposal Facility (ICDF). The INEEL CAB had understood that the ICDF was being designed, constructed, and operated, at great cost to taxpayers, to address categories of waste that require much more rigorous controls. It would not be cost effective to dispose of non-contaminated waste in the ICDF. **The INEEL CAB recommends that the Final RFP encourage the use of those disposal facilities that are best suited for each waste stream requiring effective management.**

The INEEL CAB had understood that the current contractor plans to deactivate the wet storage portion of Building CPP 603, possibly as soon as this coming summer. Section C.2.1.1 on Page 13 implies that this effort may occur under the next contract. **The INEEL CAB recommends that the Final RFP clearly state the timing of all planned activities.**

Section C.3.1.1 on Page 27 states that the contractor “shall demolish and remove the Glovebox Excavator Method Project buildings, structures, and trailers.” **The INEEL CAB recommends consideration of the potential reuse of all federally owned facilities at the INEEL before making a decision to demolish.**

Section C.3.4.1 states that the contractor will prepare transuranic waste for transportation to the Waste Isolation Pilot Plant. The INEEL CAB had previously understood this responsibility to fall within the Scope of Work for BNFL. BNFL has appropriate expertise, facilities, and management capability to continue conducting this work. The INEEL CAB believes that transfer of responsibilities from one party to another creates an opportunity for paperwork snarls. **The INEEL CAB recommends that the chain of responsibility for each waste stream be as simplified as possible in the Final RFP to assure clear accountability and minimize the potential for problems.**

Section C.9.5 on Page 40 states that the INEEL will transition to the Office of Legacy Management (LM) after completion of the cleanup. The INEEL CAB has been told repeatedly that the INEEL would transfer to the Office of Nuclear Energy (NE) – the office that is currently the landlord for the INEEL - after completion of the cleanup. **The INEEL CAB recommends that the Final RFP state clearly that the policy regarding the future of the INEEL has changed, or clarify the meaning of this section.**

The INEEL CAB notes that the Draft RFP reveals a plan to rely less on privatized contracts and transfer more work from small businesses (like Stoller) to the prime cleanup contractor at the INEEL. In addition, the Scope of Work makes no mention of the importance of using Idaho vendors. **The INEEL CAB recommends that DOE reconsider its procurement strategy to allow more opportunities for Idaho businesses. In addition, the INEEL CAB recommends the addition of direction to potential bidders to use qualified Idaho vendors to the extent practical and to encourage efforts to help Idaho vendors be more successful with other federal procurement efforts. The CAB also recommends that the Final RFP clearly discourage non-competitive awards.**

### **Section M – Evaluation Factors for Award**

The evaluation methodology presented in Section M.3 on Page 3 is difficult to understand. The terms should be better defined to allow bidders to be responsive. In addition, the methodology allocates no points at all for past performance. **The INEEL CAB recommends a reallocation of points within the matrix in the Final RFP that places more emphasis on past performance and less on key personnel.**

Page 7 states that contracts terminated in the past three years will be evaluated. **Because the new contract will be awarded for a period of almost nine years, the INEEL CAB recommends that DOE evaluate any contracts terminated for cause in the last ten years.**

## **IDAHO NATIONAL LABORATORY DRAFT REQUEST FOR PROPOSAL**

### **Section B – Supplies or Services and Prices/Costs**

The INEEL CAB notes that in some portions of the Request for Proposal there is mention of the solicitation being open to non-profit organizations. Other portions use a different terminology – not for profit. The INEEL CAB is not aware of a difference between the two terms. **The INEEL CAB recommends that DOE make every effort to use consistent terminology in the Final RFP to avoid confusion.**

### **Section C – Description/Specification/Statement of Work**

Item 9 under Section C.1 on Page C-2 states that the Contractor shall “significantly improve the cost effectiveness of the Idaho National Laboratory and accept financial and programmatic responsibility for Contractor and Subcontractor conduct.” That implies that the current contractor is not cost-effective or responsible. Cost effectiveness is only one aspect of site operations that is important to Idaho citizens. Of higher importance are worker and public health and safety and protection of the environment.

In addition, Section 2.2 on Page C-7 states that the Contractor “shall manage special nuclear material, waste, and spent nuclear fuel in accordance with Section J, Attachment P.” Section 2.4.A on Page C-10 states that the Contractor shall “safely manage waste, including storage, treatment, and disposal of hazardous, mixed, and radioactive wastes.” The INEEL CAB concludes that the draft Request for Proposal does not place sufficient emphasis on the importance of handling all radioactive and hazardous waste in a manner that is protective of human health and the environment. **The INEEL CAB recommends additional emphasis throughout the Final RFP on the importance of that which is of paramount importance to Idaho’s citizenry – protection of human health and the environment.**

Transitioning the contract from the current contractor will be particularly challenging, especially in light of the fact that two separate organizations of the Department of Energy are being merged (INEEL and Argonne National Laboratory – West) at the same time that activities (cleanup and everything else) are being split apart. The draft Request for Proposal places too little emphasis on the challenges associated with a smooth transition. **The INEEL CAB recommends that the Final RFP place heavy emphasis on the need for a smooth transition from the current to the next contractor.**

Item 1 under Section 2.3.A on Page C-8 states that the Contractor’s efforts shall “reduce or eliminate inefficient or unnecessary levels of management.” **The INEEL CAB recommends that DOE clarify its intent. The CAB further recommends that the Final RFP emphasize the importance of retraining and continued employment of the existing workforce in accordance with the 3161 Workforce Restructuring Plan.**

Item 2 under Section 2.3.A on Page C-8 states that the Contractor’s efforts shall “reduce or eliminate unnecessary functions and services.” This statement raises concerns because it does not explain the rationale for eliminating functions and services, nor does it describe how those functions and services would be eliminated. More importantly, it does not define “unnecessary.” Will DOE have a role in determining which functions and services should be eliminated? Will the public have a role? Because the Idaho National Laboratory’s core function is not environmental cleanup, effective management of wastes generated by Idaho National Laboratory’s activities may be considered non-core. **The INEEL CAB recommends that DOE retain control of all policy setting and decision-making and rely on the contractor for advice and support only. In addition, the CAB recommends that all future policy setting and decision-making afford an effective role for the public.**

The draft RFP does not include an organization chart or description of the chain of command. **The INEEL CAB recommends that the Final RFP clearly explain the relationship between DOE and the Contractor, including an explanation of the expected role that the public will play in decision-making.**

An effective working relationship between the Idaho Cleanup Project and the Idaho National Laboratory will be critical to the future of the INEEL. The draft Request for Proposal places too little emphasis on the need for coordination between the two contractors. **The INEEL CAB recommends that the Final RFP place heavy emphasis on the establishment of a strong working relationship between the two future site contractors.**

Item 2 under Section C.2.1 on Page C-2 states that the Contractor shall “establish an appropriate balance among nuclear fuel cycle and nuclear technology development, national security, and supporting missions.” Balancing national research needs appears to the INEEL CAB to be a policy matter that should be addressed by the Federal agency, in consultation with the American public. This is not an appropriate task for relegation to a contractor. It is perhaps appropriate for the contractor to advise DOE on this policy inquiry, but not to lead it. **The INEEL CAB recommends that the Final RFP clearly delineate federal and contractor responsibilities in a manner that is appropriate within our regulatory context and democratic form of government.**

#### **Section M – Evaluation and Selection**

The Evaluation Methodology presented in Section M.3 on Page M-2 places too little weight on past performance by allocating only 50 points out of a possible 1000 (or 5%). Contractors with excellent past performance can receive 50 points, contractors with poor performance records can receive 0 points, and contractors with no record of relevant experience can receive 25 points. This methodology does not place sufficient emphasis on past performance conducting relevant work. Past performance should weigh approximately the same as relevant experience (150 points).

The Evaluation Methodology also places too much weight on key personnel. Key personnel can be important, but they can leave. The Idaho National Laboratory will only be successful if a full team of talented staff is applied. No specific individuals will make or break its success.

**The INEEL CAB recommends a reallocation of points within the matrix in the Final RFP that places more emphasis on past performance and less on key personnel.**