

PART IV – REPRESENTATIONS AND INSTRUCTIONS

SECTION L INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFEROR

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L-1 FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The Offeror is cautioned that the listed provisions may include blocks that must be completed by the Offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the Offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at these addresses:

<https://www.acquisition.gov/far/>

<http://energy.gov/management/downloads/searchable-electronic-department-energy-acquisition-regulation>

FAR/DEAR REFERENCE	PROVISION TITLE <i>(Any insertions appear below the title in italics)</i>	DATE OF Provision
FAR 52.204-7	System for Award Management	Oct 2018
FAR 52.204-16	Commercial and Government Entity Code Reporting	Aug 2020
FAR 52.214-34	Submission of Offers in the English Language	Apr 1991
FAR 52.214-35	Submission of Offers in U.S. Currency	Apr 1991
FAR 52.215-1	Instructions To Offerors – Competitive Acquisition (Jan 2017), Alternate I	Oct 1997
FAR 52.222-5	Construction Wage Rate Requirements – Secondary Site of the Work	May 2014
FAR 52.222-24	Pre-Award On-Site Equal Opportunity Compliance Evaluation	Feb 1999
FAR 52.237-1	Site Visit	Apr 1984
DEAR 952.204-73	Facility Clearance	Aug 2016
DEAR 952.233-4	Notice of Protest File Availability	Aug 2009
DEAR 952.233-5	Agency Protest Review	Sep 1996

L-2 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a hybrid Cost-Plus performance-based Award Fee, Cost-Plus Incentive Fee, Cost-Plus Fixed Fee, and Firm-Fixed-Price type management and operating contract resulting from this solicitation.

(End of Provision)

L-3 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:

Lance Nyman
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
E-mail: lance.nyman@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.

(End of Provision)

L-4 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.

(End of clause)

L-5 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 [X] 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).

(End of provision)

L-6 DEAR 970.5209-1 REQUIREMENT FOR GUARANTEE OF PERFORMANCE (DEC 2000)

The successful Offeror is required by other provisions of this solicitation to organize a dedicated corporate entity to carry out the 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 newly organized, dedicated corporate entity, and as a condition of the award of the contract to that entity, to furnish guarantees of that entity's performance. The guarantees of performance must be satisfactory in all respects to the Department of Energy.

(End of clause)

L-7 DEAR 970.5215-5 LIMITATION ON FEE (DEC 2000)

- (a) For the purpose of this solicitation, fee amounts shall not exceed the total available fee allowed by the fee policy at 48 CFR 970.1504-1-1, or as specifically stated elsewhere in the solicitation.
- (b) The Government reserves the unilateral right, in the event an Offeror's proposal is selected for award, to limit: fixed fee to not exceed an amount established pursuant to 48 CFR 970.1504-1-5; and total available fee to not exceed an amount established pursuant to 48 CFR 970.1504-1-9; or fixed fee or total available fee to an amount as specifically stated elsewhere in the solicitation.

(End of clause)

L-8 PROPOSAL PREPARATION INSTRUCTIONS - GENERAL

(a) General.

- (1) Offerors are expected to be sufficiently knowledgeable of the mission of the Y-12 National Security Complex (Y-12) in Oak Ridge, TN and the Pantex Plant (PX) near Amarillo, TX to adequately prepare their offers and other proposal information submitted under this solicitation. Information relating to operations, strategic plans, and technical projects is available in various documents, many of which can be accessed on the Internet at <https://www.energy.gov/nnsa/y-12-national-security-complex-and-pantex-plant-management-and-operating-mo-contract> and at other DOE/NNSA websites
- (2) Definitions.
 - (i) "Offeror" refers to the separate corporate entity organized solely to perform the work under a Contract resulting from this solicitation, which will be totally responsible for all Contract activities (see Solicitation §§ G-5, G-6). This legal

entity must be incorporated or otherwise legally established *before* proposal submission.

- (ii) “Team Member” is a member of a “contractor team arrangement”, as defined in FAR 9.601, *Contractor Team Arrangement*. The Offeror shall not submit the information required at Sections L-9(c), L-9(d), and L-10 (a), Criterion 1, *Past Performance*, for team members with a proposed work scope less than \$10 million over the Base Period.
- (3) No classified information shall be included in this solicitation or in the Offeror’s proposal.

(b) Solicitation Questions/ Reading Room Information. Questions or comments regarding this solicitation shall be submitted via email to: SEB8@nnsa.doe.gov. Submission of solicitation questions/comments by other means is not authorized. Questions and responses, if appropriate, will be posted to the FedConnect website at <https://www.fedconnect.net>. FedConnect will be the primary and official site for posting information about this requirement and amendments to the solicitation. Beta.SAM, the website that has officially replaced Federal Business Opportunities or Fedbizopps (i.e. FBO.gov) and NNSA’s website at <https://www.energy.gov/nnsa/y-12-national-security-complex-and-pantex-plant-management-and-operating-mo-contract> will be secondary locations for information. It may take a few days to post information to these sites. In the event information posted on FedConnect differs from information posted on the secondary websites, the information on FedConnect shall be controlling. All questions on the solicitation should be submitted as soon as possible, but **no later than 2:00pm EST November 23, 2020**. Questions submitted after this date may not be answered and may not be a basis for amending this solicitation. All questions concerning Amendment 0003 shall be submitted as soon as possible.

Question Submittal Template:

RFP Vol. X, Section/Part X, Title X, Page No. X: Provide background information or other reference (as needed); and insert question.

Offeror shall utilize Times New Roman, 12pt font, and provide in Microsoft® Word format for ease of review and consolidation.

The Government has established a reading room for Offerors to retrieve pertinent information pertaining to this solicitation. Information available includes, but is not limited to, the following: documents related to the Uranium Processing Facility (UPF) and Lithium Processing Facility (LPF) projects, information related to carryover funding, and information on Government Furnished Property. Offerors may request access to this information for up to four (4) personnel per potential Offeror via email request to SEB8@nnsa.doe.gov. Only potential Offerors that submit an intent to bid in accordance with L-29 below will be granted access to this reading room information at the discretion of the Contracting Officer. The Government will provide instructions via email on how to set up account information in Max.gov.

- (c) Submission of Proposals. Submission of final proposal revisions (FPRs) shall consist of new and complete Volumes I, II, and III. Offerors shall submit “clean” copies of Volumes I, II and III along with “line-in/line-out” versions of Volumes I, II and III electronically via FedConnect. The “clean” copies will be used for verification of compliance with formatting instructions, and other requirements such as page limitations, and will be treated as the FPR. The purpose of the “line-in/line-out” copies is to facilitate traceability from initial proposals submitted to the FPR. The content of “line-in/line-out” submissions shall be identical to the “clean” submittal, but it shall fully indicate all edits made to the initial proposal text. The following edit feature settings shall be applied: inserted text--red and underlined; deleted text--struck through in black; changes to formatting--none. A vertical bar in the left margin shall be applied for changed lines. All changes and additional documentation provided within a particular Volume shall be documented via cover page crosswalk. It is the Offeror’s responsibility to ensure that revisions do not create inconsistencies, which may negatively impact its evaluation.

Proposals shall be electronically submitted via FedConnect at <https://www.fedconnect.net>. The FedConnect submission will be used as the official proposal submission for this requirement and will be used for the Government’s evaluation. Proposals shall be structured in three separate volumes as follows:

- (1) Volume I – The Offer - One (1) signed original.
- (2) Volume II – Technical and Management Information – One (1) original.
- (3) Volume III – Cost Information – One (1) original.
- (4) Multiple files may be submitted for each Volume; however, each file must clearly identify the Volume number and the sequence to which it relates. Proposals must be clearly and concisely written, indexed (cross-indexed as appropriate), and logically assembled. 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.
- (5) Each volume shall 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.
- (6) Team member submissions of proprietary information may provide a password protected document (file) to the prime Offeror. In such instances the team member shall share the password with the Contracting Officer via e-mail to SEB8@nnsa.doe.gov. The e-mail should indicate the name of prime Offeror. Team member submissions 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.

- (7) Each volume shall contain a glossary of all abbreviations and acronyms used, including a definition for each.
- (d) Page Limitations and Exceptions. A 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 is subject to the 25-page limitation. 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 (*e.g.*, resumes and Past Performance Information Forms (PPIFs), therefore, extraneous pages such as resume cover pages are not required and will count against the page limitation). Material may not be incorporated by reference in Volume II (including any information in Volume I or III) as a means to circumvent the page limitations. The following are excluded from the overall page-count limitation for Volume II:
- (1) Section L, Attachment B - *Listing of Key Personnel*;
 - (2) Resumes of Key Personnel, which are limited to five (5) pages each, except for the CEO or President's resume, which is limited to seven (7) pages;
 - (3) Letters of commitment for Key Personnel;
 - (4) UPF Interface Management Approach, limited to ten (10) pages;
 - (5) The Section L, Attachment D - *Cross-Reference Matrix*;
 - (6) The Volume II 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;
 - (7) Section L, Attachment E - *Past Performance Information Forms (PPIF)* and attached additional pages (limited to eight (8) pages per PPIF, including any additional 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; and
 - (8) Section L, Attachment J – *Small Business Subcontract Dollars and Percentages*.
 - (9) Past Performance Addendum - In its FPR, the Offeror may provide the Government additional information with respect to its past performance, including items raised in the Offeror's Matters for Discussion under Criterion 1: Past

Performance. This information shall be submitted as an Addendum to Volume II and shall not exceed eight (8) pages.

- (e) Formatting. The following page formatting and restrictions apply:
- (1) **Page Size.** All pages shall be 8.5 x 11 inches, except for those containing large tables, charts, graphs, diagrams, and other schematics (but not for pages of text), which may not exceed 11x17 inches. All proposal pages larger than 8.5 x 11 inches will be considered two (2) pages for purposes of determining the number of pages.
 - (2) **Font and Spacing.** Text contained in all volumes shall be in Times New Roman text no smaller than size 12 font. At a minimum, all text, including in graphics, shall be single spaced (at least equivalent to Microsoft Word's "Single" line-spacing option). The font size in graphs, figures, charts, and tables may be smaller than size 12 font and in a font other than Times New Roman; however, the font used shall be clearly legible and no smaller than size 8. Attempts to circumvent page count restrictions through excessive use of graphs, figures, charts, and tables may result in unilateral truncation of the proposal by the Government.
 - (3) **Margins.** Page margins shall be a minimum of one inch at the top, bottom, and each side. Within the margins, 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-1) provision FAR 52.215-1, *Instructions to Offerors—Competitive Acquisition*, paragraph (e), Restriction on Disclosure and Use of Data, as appropriate, on each page. Page numbers shall be sequential by Volume (e.g., "Volume I – 1", "Volume I – 2", "Volume I – 3", etc.). 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 – ", "Volume II – ii", etc. No information, other than what is referred to in this ¶ (e)(3), shall appear in the page margins.
 - (4) **Searchable Text.** To facilitate the Government's search for key words during proposal evaluation, Offerors shall 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 requirement.

L-9 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 not compliant with the solicitation requirements and preclude the proposal from further consideration.

- (a) The Offeror shall provide the administrative information, as required by the solicitation's Section L-1 provision FAR 52.215-1, *Instructions to Offerors – Competitive Acquisition*, paragraph (c) (2), along with the information requested in Section G-4, *Contractor Contact*, and Section G-7, *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-18, *Content of Resulting Contract*). Whenever the words "Solicitation No. 89233220RNA000002" "Request For Proposal No. 89233220RNA000002" or "RFP No. 89233220RNA000002" 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 Y-12 National Security Complex (Y-12) in Oak Ridge, TN and the Pantex Plant (PX) near Amarillo, TX.
 - (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-18, *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) Section K, Representations, Certifications, and Other Statements of Offerors:
 - (1) The Offeror shall submit a fully completed Section K, Representations, Certifications, and Other Statements of Offerors.
 - (2) Each team member shall separately complete, sign, and submit the Section K, Representations, Certifications, and Other Statements of Offerors.
 - (3) The Offeror shall complete and submit Section L, Attachment I - *Offeror Information*.
 - (4) The Offeror and each team member, shall also submit a copy of their FAR Report under the Representations and Certifications from the System for Award Management (SAM).
 - (5) The Offeror and each team member shall submit the Organizational Conflict of Interest (OCI) requirement in Section K.

- (6) The Offeror and each team member shall submit a copy of its Assertions from the SAM.
 - (7) The Offeror and each team member shall submit required representation, and additional disclosures (if applicable) as set forth under FAR 52.204-25, *Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment* provision.
- (d) The Offeror shall submit a fully completed and executed Performance Guarantee Agreement(s) (see Section G-5, *Performance Guarantee(s)*) for each parent organization of the Offeror. 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 I - *Performance Guarantee Agreement(s)*. The Offeror shall submit the last three annual reports (i.e. business reports) for the parent organization(s) providing the Performance Guarantee Agreement(s). Annual reports shall be submitted electronically through FedConnect. 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-8(a)(2)).
- (e) The Offeror shall submit a Small Business Subcontracting Plan for Government fiscal year 2021 through 2031, 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 an outline and instructions for preparing the Plan. The Contracting Officer, must approve the Small Business Plan that will become part of Section J, Appendix E - *Small Business Subcontracting Plan*. Small Business Subcontracting Plans will be updated annually and shall be incorporated into the Contract by a separate supplemental agreement contract modification. Offerors should consider historical subcontract performance along with the current year subcontracting goals for the Site, as provided on the NNSA website, <https://www.energy.gov/nnsa/y-12-national-security-complex-and-pantex-plant-management-and-operating-mo-contract>.
- (f) Offerors are prohibited from submitting multiple offers/proposals as a prime contractor or parent company. If a company is included on multiple offers/proposals as either a prime contractor or parent company, the Offerors will be contacted immediately and both offers/proposals submitted will be deemed ineligible.

L-10 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 offeror instructions in Section L and evaluation criteria in 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

The Offeror shall provide past performance information, reflecting relevant, recent performance for itself, Team Members, and Affiliates (as appropriate) as described below. Past performance information will be used for the best value decision, as well as for the responsibility determination.

- (1) Recent Past Performance. In order to be considered recent, a contract or subcontract must have at least nine months of performance within the five years preceding the RFP release date.
- (2) Relevant Past Performance. Relevant past performance is performance that is similar in size, scope and complexity to the requirements in the Statement of Work (SOW). Where an Offeror has proposed a Team Member to perform only specific sections of the SOW, the relevance of the Team Member's past performance contracts will be determined based on consideration of the specific sections of the SOW the Team Member is proposed to perform, as opposed to the entire SOW. However, as the Offeror and each of the Team Members that make up the Offeror (not Subcontractor Team Members), are responsible for performance of the entire SOW, NNSA may consider, as appropriate, past performance that may not correlate with a Team Member's proposed role under this solicitation if the past performance is relevant to the SOW. For tasks within the Statement of Work for which only the incumbent contractor would have direct past performance, the Offeror may demonstrate the relevance of any analogous past performance such as work on other major weapons systems, work relating to nonproliferation of nuclear, radiological, chemical or biological weapons and related programs around the world, work relating to safeguards and security technology programs involving high hazard nuclear materials or other high hazard materials, work relating to Capital Asset Projects, Line Item Projects including Military Construction, Major Items of Equipment, transitioning capital asset construction projects to full operations; and work related to managing large scale production and assembly operations. Offerors should specifically demonstrate in detail how the proposed past performance is relevant and how it qualifies the Offeror to successfully perform the applicable sections of the Statement of Work.
- (3) Format and Records.
 - (i) Past Performance Information Forms (PPIFs). For each recent, relevant contract/order/project, the Offeror shall complete and submit the form at Section L, Attachment E - *Past Performance Information Form (PPIF)*. Only one contract shall be described per PPIF. For the

purposes of FPRs, the Offeror shall follow the instructions concerning Past Performance Questionnaires (PPQs) only for contracts not included on a PPIF in the Offeror's initial proposal (i.e. the Offeror is only required to follow instructions for a PPQ for any "new" contracts it plans to submit as a reference with a new PPIF) . All new PPQs must be submitted by the FPR due date. The Government does not plan to review new PPQs for contracts submitted with the initial proposal or otherwise already considered by the Government under this Criterion.

If the Offeror is proposing a Team Member to perform or be responsible for a section of the SOW, the Offeror shall identify the Chapter and section(s) of the SOW (include task area from SOW) each Team Member is proposed to perform on the Past Performance Information Form (PPIF). The Offeror may propose Team Members that make up the Offeror (i.e., prime contractor), to lead or perform certain portions of the SOW, however, these Team Members are responsible for the entire SOW, regardless of the specific sections they are proposed to perform. With each PPIF, the Offeror shall submit copies of any award fee determinations, performance evaluation reports, small business achievement such as Individual Subcontract Report and Summary Subcontract Report (ISRs/SSRs), or other documentation that reflects the customer's formal performance assessments of the performance cited in the PPIF. The Offeror should submit all PPIFs and related records no later than the date and time set for receipt of proposals, as these documents are subject to the late proposals provisions at paragraph (c) of L-1, FAR 52.215-1 Instructions to Offerors -- Competitive Acquisition (Jan 2017), Alt I (Oct 1997). PPIFs, performance assessments, small business achievements (ISR/SSRs) and information concerning terminated contracts shall be included as a separate Appendix to Volume II.

- (ii) Past Performance Questionnaires (PPQs). The Offeror shall provide Section L, Attachment F - *Past Performance Questionnaire(s)* to each technical and contracting point of contact on the PPIF. These points of contact shall be instructed to return the completed PPQs directly to the government by email to SEB8@nnsa.doe.gov, Attn: Lance Nyman, Contracting Officer. The completed PPQs should be received by the Government before the due date for receipt of proposals. However, the PPQs are not subject to the late proposals provisions at paragraph (c) of L-1, FAR 52.215-1, *Instructions to Offerors -- Competitive Acquisition* (Jan 2017), Alt I (Oct 1997). The Offeror shall 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 PPQ.

(iii) List of Terminated Contracts. The Offeror shall submit for itself and each Team Member, by the date for receipt of proposals, a list of all contracts that they participated in performing that were terminated in whole or in part prior to the planned completion date for any reason whether unilateral or bilateral within the five years preceding the RFP release date. 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 the Offeror or any individual Team Member, a statement to that effect is required in lieu of a list of terminated contracts.

(4) Number of Records. The Offeror shall describe at least one, but no more than three contracts for each proposed Team Member. For example, a team of four Team Members shall describe no more than 12 contracts (each on a separate PPIF). Contracts listed may include contracts with federal, state, and local Government, and contracts with commercial customers.

(b) Criterion 2: SITES ORGANIZATION AND KEY PERSONNEL

(1) The Offeror shall describe its proposed organizational structure (including an organizational chart) to manage the Y-12 National Security Complex and the Pantex Plant, particularly with respect to performance of the Statement of Work, as follows:

- (i) Individual roles, responsibilities, and lines of authority to include Key Personnel and managers that report directly to any Key Person (only Key Personnel must be named);
- (ii) A description of the structure, composition, duties of the involved organization(s), and any resources available outside of the site which help to ensure performance under the Contract; and
- (iii) How the Offeror will lead and implement organizational culture change as described in clause H-20, *Organizational Culture Change*.

(2) Key Personnel include but are not limited to the Chief Executive Officer (CEO) or President, Chief Information Officer (CIO), UPF Interface Manager, and other key personnel with direct responsibility for performance of the Statement of Work as identified by the Offeror. The Offeror has the flexibility in determining additional positions they consider key to: 1) leading and/or managing ability in work of similar size, scope, and complexity; and 2) leading and implementing organizational culture change as described in clause H-20. The Offeror shall submit written resumes addressing the elements described below, for all Key Personnel.

RESUME ELEMENTS

1. Name of Offeror:
1a. Employing Company of the Key Person Under the Y-12 and Pantex M&O Contract:
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 of similar size, scope, and complexity and leading and implementing organizational culture change for the position proposed.</i>
6. Education: List degree(s); Discipline(s); Year(s); and Institution(s)
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:
Include the following statement: By submission of this information, the Key Person and Offeror authorize DOE/NNSA to contact references, previous employers, and other sources to verify accuracy.

By submission of each resume, the Key Person and Offeror authorize DOE/NNSA to contact any references, previous employers, and other sources to determine each Key Person's qualifications and 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 G - *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 beginning on the effective date of the contract through the first three years of the Base Period. 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 - *List of Key Personnel*, with all of the names and titles of the proposed Key Personnel. This will be

incorporated into the resulting contract at Section J, Appendix F – *List of 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 five (5) pages, except for the CEO's/President's resume, which shall be limited to seven (7) pages (no cover page for resumes is required). The Government will not evaluate information contained on pages that exceed the page limits.

Information in Criterion 2 may be made a material part of the contract.

(c) Criterion 3: UPF INTERFACE MANAGEMENT APPROACH

The Offeror shall describe its UPF Interface Management Approach to successfully support the UPF Project cost/schedule baseline during construction, startup, and testing; and ensure a seamless transition between existing production operations and production operations in the new UPF facility. The Offeror should refer to Section J, Appendix Q, *UPF Interface Management Plan*, in developing its UPF Interface Management Approach. The UPF Interface Management Approach is limited to ten (10) pages and shall describe:

- (i) The Roles, Responsibilities, Accountabilities, and Authorities of the Offeror and the UPF contractor;
- (ii) How the Offeror will execute its role as the Design Authority for UPF and interface with the UPF contractor;
- (iii) How the UPF Project will be supported prior to Critical Decision 4 (CD-4) including the Offeror's approach to management and staffing of UPF support personnel (the approach should specify whether UPF support personnel will remain as CNS employees until their UPF function is complete at which time they transfer to the Contractor under the contract, or, are provided to CNS via secondment, Inter-Entity Work Order, subcontract, or other arrangement);
- (iv) How the Offeror will provide sufficient support to preclude impact to the cost and schedule of the UPF Project; and
- (v) How the Offeror will effectively manage assumption of responsibility from the UPF contractor and successfully transition through startup to full operations of the new UPF facility while minimizing cost and schedule risk to the government.

Note: The information contained in the Offeror's UPF Interface Management Approach submitted in its proposal shall be considered the basis for development of the UPF Interface Management Plan, as required in Section J, Appendix A, Statement of Work, Chapter IV, Interfaces for Uranium Processing Facility, which shall be incorporated into the contract prior to the start of full contract performance.

(d) Criterion 4: SMALL BUSINESS PARTICIPATION

The Offeror shall describe its approach in using small business concerns and the extent to which the Offeror will use small business concerns, veteran-owned small business

concerns, service disabled veteran-owned small business concerns, HUB Zone small business concerns, small disadvantaged business concerns, and women-owned small business concerns, in the performance of the Contract. The Offeror shall include a description of the types of work that are intended to be performed by small businesses. The extent that small businesses are proposed to be used shall be stated in terms of total planned subcontracted dollars and percentages, and as percentage of total contract value. The Offeror's proposed subcontracted dollars and percentages do not need to be included in the narrative. The Offeror shall provide subcontract dollars and percentages in Section L, Attachment J - *Small Business Subcontract Dollars and Percentages*. Information provided must not contradict the Offeror's Small Business Subcontracting Plan (reference Section L, L-9(e) above).

Information in Criterion 4 may be made a material part of the contract.

L-11 PROPOSAL PREPARATION INSTRUCTIONS – VOLUME III, COST INFORMATION

Given the nature of DOE/NNSA's budget-based management and operating contracts and the Government's interest in obtaining efficiencies that reduce costs, the Offeror is not required to provide, nor will the Government determine, an overall estimated total value (estimated cost/price plus fee) at the time of award. However, the Offeror must propose a firm-fixed-price transition and fee rates for contract performance. Transition price will be a separate contract line item number in the contract that will be awarded on a firm-fixed-price basis. In view of the expectation of adequate price competition, Cost or Pricing Data is not required. However, the Government reserves the right to request additional supporting information other than certified cost and pricing data if necessary to clarify the Government's understanding of an offeror's cost/price proposal. Such requests for additional information shall be considered "clarifications" as defined by FAR 15.306(a) and shall not be treated as "discussions" prior to the establishment of the competitive range.

Prices under this contract will fall under four (4) distinct Contract Line Item Numbers (CLINs). Offerors shall propose their prices/fees under each CLIN as outlined below:

- (a) Transition Price (CLIN 0001 – Firm-Fixed-Price [FFP]): The Offeror shall use Section L, Attachment H – *Price and Fee Spreadsheet*, "CLIN 0001 Transition FFP" Excel tab to display its proposed firm-fixed-price for Transition. The proposed Transition price for the Transition Period shall consist of all transition costs. All relocation related costs/expenses for the proposed Key Personnel shall be funded by the FFP transition CLIN regardless of when those costs/expenses are incurred. The firm-fixed Transition price shall be the lesser of the Government determined ceiling or the proposed price. The Offeror shall propose a firm-fixed-price offer, from \$0 to \$15,000,000 for all transition costs under the transition period and shall not exceed \$15,000,000.
- (b) Fee for Management and Operating Y-12/Pantex (CLIN 0002 – Award Fee): The Offeror shall use Section L, Attachment H - *Price and Fee Spreadsheet*, "CLIN 0002 M&O Award Fee" Excel tab to display its proposed award fee rate(s) that will be applied to the

forecasted annual fee bases to arrive at an estimated total fee amount for evaluation purposes. The proposed award fee(s) shall not exceed 3.5% of the forecasted fee base for each Contract Period. This section of the cost proposal shall include the Offeror's proposed award fee rate(s) for inclusion at Section B-2, paragraph (c) of the contract. The forecasted annual fee bases provided in Attachment H represent the CLIN 0002 forecasted annual budget less exclusions¹ less proposed fee and will be based on the following formula:

$$\frac{((\text{Annual Forecasted CLIN 0002 Budget}) * (1 - \text{Exclusion}\%))}{(1 + \text{Proposed Fee}\%)}$$

The proposed fee percentage(s) will be incorporated into the contract and shall not be subject to future revision. The proposed fee amounts will be used for evaluation purposes only. The actual available fee amounts will be established annually prior to commencement of each Contract Period at which time they will be incorporated into Section B-2, paragraph (c) of the contract. The formula used to establish actual available award fee amounts will be based on the following formula:

$$\frac{((\text{CLIN 0002 Annual Controlled Baseline Attributable to Current Year Funding}) * (1 - 0.13))}{(1 + \text{Proposed Fee}\%)} * \text{Proposed Fee}\%$$

Offerors should be aware that significant legacy contract funding carry over may be available to fund portions of work scope required by this contract. The scope of work funded by legacy carry over shall not be eligible for fee entitlement under this contract, and therefore, offerors shall factor consideration for these potential conditions in their proposed fee percentage(s).

- (c) Fee for Strategic Partnership Projects (CLIN 0003 – Fixed Fee): The Offeror shall use Section L, Attachment H - *Price and Fee Spreadsheet*, "CLIN 0003 SPP Fixed Fee" Excel tab to display its proposed fixed fee rate(s) that will be applied to the forecasted annual fee bases to arrive at an estimated total fee amount for evaluation purposes. The proposed fixed fee rate shall not exceed 2.5% of the estimated fee base for each Contract Period. This section of the cost proposal shall include the Offeror's proposed fixed fee rate(s) for inclusion at Section B-2, paragraph (d) of the contract. The available fixed fee amounts will be established annually prior to commencement of the Contract Period based on updated fee base estimates. The formula used to establish actual available fixed fee amounts will be based on the following formula:

$$\frac{(((\text{Estimated Annual CLIN 0003 Budget}) * (1 - 0.13)) / (1 + \text{Proposed Fee}\%)) * \text{Proposed Fee}\%}{\text{Proposed Fee}\%}$$

¹ The deduction for exclusions represents 13% of the total annual budget based on historical cost incurrence under the existing Y-12/Pantex contract. The excludable costs consist of taxes, utilities, facility leases, and 30% of subcontracts and procurements. This exclusion rate will be set for the entirety of the contract and is not subject to change based on actual performance costs.

- (d) The contract will include CLIN 0004 (Capital Construction Projects) to enable NNSA and the successful Contractor to negotiate Capital Construction Projects as individual subCLINs under CLIN 0004 with separate fee/price structures based on project risk and complexity. No cost or pricing information related to CLIN 0004 is required with the Offeror's proposal. The Government will select individual Capital Construction Projects for inclusion under this CLIN after award of the contract resulting from this solicitation.

Attachment H shall be submitted in Microsoft (MS) Excel format, version 2013 or later, 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. The estimated costs shown for each year for both CLIN 0002 and CLIN 0003 in Section L, Attachment H - *Price and Fee Spreadsheet*, Estimated Costs Tab are estimates only, for the purpose of establishing a cost base for the proposed fees. The estimated cost base figures will not be incorporated into the Contract at time of award.

All proposed Team Members must share in the fee pool, and no separate fee or profit will be paid on subcontracts with Team Members. The fee restriction above does not apply to Team Members that are: (1) small business(es); (2) Protégé firms as part of an approved Mentor-Protégé relationship under the Clause entitled, Mentor-Protégé Program; (3) a competitively awarded firm-fixed price or firm-fixed unit price subcontract; or (4) competitively awarded subcontracts for commercial items as defined in FAR Subpart 2.1. Firms who are proposed as small business subcontractors must certify in writing that they are small at time of proposal, in accordance with the NAICS Code and associated size standard, assigned by the Prime Contractor, to the resultant subcontract. The NAICS Code assigned by the Prime Contractor does not have to match the NAICS Code assigned to the M&O Prime Contract.

L-12 TIME, DATE, METHOD AND PLACE OFFERS AND PROPOSAL INFORMATION ARE DUE

- (a) Offerors are reminded that submission of their proposal shall be submitted electronically via FedConnect (<https://www.fedconnect.net>). The submission through FedConnect is the official response to this RFP. Note: NNSA does not operate FedConnect. Offerors shall direct all technical issues or questions concerning FedConnect to the FedConnect Support Center: fcsupport@unisonglobal.com or call 1-800-899-6665. The FedConnect Support Center is staffed Monday – Friday 8 a.m. to 8 p.m., Eastern Time, except Federal Holidays.
- (b) All Offers and Proposal Information **are due at the time (all times are Eastern) and date identified on the Standard Form (SF) 33; Solicitation, Offer and Award (Section A, Block 9).** Final Proposal Revisions (FPRs) **are due at 4:00pm on August 09, 2021 (all times are Eastern).** (CAUTION: See the Solicitation's Section L Provision FAR 52.215-1, *Instructions to Offerors – Competitive Acquisition (Jan 2017), Alt I (Oct 1997)*, describing treatment of late submissions, modifications, and withdrawals of proposals.)

L-13 COMPETITIVE RANGE

In order to ensure an efficient competition can be conducted the Government will 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. Therefore, the Offeror's initial proposal should contain the Offeror's best terms from a technical and price standpoint. The Government intends to evaluate proposals and award a contract after conducting discussions with offerors whose proposals have been determined to be within the competitive range.

L-14 DISCUSSIONS

The Government intends to maximize its ability to obtain the best value, based on the requirements and evaluation factors in the solicitation through the use of Discussions in accordance with FAR Part 15.306(d). The Government intends to hold Discussions after the competitive range is established. At the start of Discussions, Offerors in the competitive range will be provided, at a minimum, their significant weaknesses and deficiencies in writing. The Government then intends to engage in interactive dialogue with the Offeror to allow the Government to ask questions and discuss significant weaknesses, deficiencies, and other aspects of an Offeror's proposal that could be altered to enhance materially the proposal's potential for award. Following Discussions, Offerors will then be provided instructions for their final proposal revisions via an amendment to the solicitation.

The Government will conduct the Discussions interactively with the Offeror's Key Personnel. The Offeror is required to submit a list of attendees prior to the interactive Discussions. In addition to Key Personnel, authorized representatives from the Offeror's team may be invited to attend discussions. NNSA will provide further details regarding attendees after the competitive range is established. The Government reserves the right to engage in discussions with the proposed CEO/President and other key personnel as deemed appropriate.

The Government will notify respective Offerors reasonably in advance when it plans to hold Discussions. The Contracting Officer will contact Offerors in the competitive range reasonably in advance to establish a specific date and time for Discussions.

While a record will be maintained of Discussions, no written submissions will be accepted during Discussions. The method and level of detail of the record (*e.g.*, video recording, audio recording, or written transcript) shall be at the discretion of the Source Selection Authority. A copy of the record placed in the file may be provided to the Offeror at the Government's discretion.

Information discussed or presented during Discussions will not be considered to be included in the Offeror's proposal. Any information that the Offeror intends for the Government to evaluate must be included in its written, revised proposal. Incorporation by reference to statements during Discussions will not be permitted.

L-15 OFFER ACCEPTANCE PERIOD

The minimum offer acceptance period is 365 calendar days after the required date for receipt of Offers.

L-16 SMALL BUSINESS SIZE INFORMATION AND SET-ASIDE INFORMATION (UNRESTRICTED)

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

L-17 NUMBER OF AWARDS RESULTING FROM THIS SOLICITATION

One contract award will result from this solicitation.

L-18 CONTENT OF RESULTANT 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-19 ALTERNATE OFFER/PROPOSAL INFORMATION

Alternate offers/proposals are not solicited, are not desired, and will not be evaluated.

L-20 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-21 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 or proposal 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 relating thereto.

L-22 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. These documents will be posted via the FedConnect website at <https://www.fedconnect.net>, the beta.SAM website at <https://beta.sam.gov/>, and the DOE/NNSA website at: <https://www.energy.gov/nnsa/y-12-national-security-complex-and-pantex-plant-management-and-operating-mo-contract>. If there is a discrepancy between the documents

posted on FedConnect and the beta.SAM and agency websites, the documents on FedConnect shall govern.

- (b) This electronic medium posting at FedConnect will constitute the official distribution method for this solicitation. Offerors and all other interested parties will need to maintain continual surveillance of FedConnect and the beta.SAM and DOE/NNSA websites to remain abreast of the latest available information. All amendments and any other official communications from DOE/NNSA regarding this solicitation will be posted through this medium. Offerors and all other interested parties are responsible to maintain continual surveillance of FedConnect and the beta.SAM and DOE/NNSA websites to remain abreast of the latest available information (Offerors and other interested parties are encouraged to utilize FedConnect's "Notifications" feature). No changes to this solicitation will be effective unless the changes are incorporated into the solicitation by an amendment.
- (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 comprehensive. Offerors are encouraged 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-23 COMMITMENT OF PUBLIC FUNDS

The Contracting Officer is the only individual who can legally award a contract and 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-24 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 pre-award 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-25 DISPOSITION OF OFFERS AND PROPOSAL INFORMATION

Offers and proposal information will not be returned (except for timely withdrawn offers).

L-26 RESTRICTION 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-27 INSTRUCTIONS FOR SUBMITTING FOREIGN OWNERSHIP, CONTROL OR INFLUENCE (FOCI) INFORMATION

- (a) The Offeror shall submit FOCI information in accordance with the Section L Provision entitled, DEAR 952.204-73, *Facility Clearance*, 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 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 at (630) 252-6566 or fociserver@anl.gov.
- (c) A completed SF 328, Certificate Pertaining to Foreign Interests, executed in accordance with the instructions on the certification section of the SF328, shall be printed, signed and uploaded into the eFOCI system. The SF 328 is required for first time submissions, any time there are changes to the SF 328, and at the request of the Cognizant Security Authority (CSA).
- (d) If the offeror has an active facility clearance with another government agency, provide your CAGE code that can verify an active facility clearance/positive FOCI determination in lieu of the SF 328.
- (e) If the offeror has an active DOE Facility Clearance and is compliant with FOCI regulations, a resubmission is not required. Provide your DOE Facility Code to the Contracting Officer.
- (f) A DOD Facility Clearance at the level of 'Top Secret/TS' is equivalent to a 'Q' clearance in DOE; a DOD Facility Clearance at the level of 'Secret/S' is equivalent to an 'L' clearance in DOE. If the DOD Facility Clearance is at the 'L' level and the solicitation requires a 'Q'; Offeror shall submit a FOCI package through the DOE eFOCI system.

L-28 NON-FEDERAL PERSONNEL SUPPORT

Offerors are advised that non-federal 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. Such personnel shall be required to sign nondisclosure agreements and to comply with personal and organizational conflicts of interest requirements in accordance with the FAR and DEAR 915.207-70(f)(5) and (6). Pursuant to statutes governing procurement integrity, these non-federal personnel may not disclose any information learned by participating in this acquisition. See, generally, the Procurement Integrity Act, 41 U.S.C. §§ 2101-2107.

L-29 OFFEROR INTENTION TO SUBMIT AN OFFER

In order to facilitate the efficiency of the Government's solicitation and award process through advance information on the anticipated number of Offerors, the Government requests that potential Offerors submit the name, address, and telephone number of its firm or organization to SEB8@nnsa.doe.gov no later than ten (10) business days prior to the proposal due date. If the proposal is to be submitted by a teaming arrangement, the Offeror is requested to submit the above information for all members of the proposing team. Please note, only potential Offerors that have submitted an intent to submit an offer in accordance with this section will be granted access to the reading room information referenced above under L-8(b), as determined by the Contracting Officer.

L-30 LIST OF ATTACHMENTS TO SECTION L

<u>Attachment</u>	<u>Title</u>
A	Performance Guarantee Agreement
B	List of Key Personnel
C	Instructions for Small Business Subcontracting Plan
D	Cross Reference Matrix
E	Past Performance Information Form (PPIF)
F	Past Performance Questionnaire (PPQ)
G	Letter of Commitment
H	Price and Fee Spreadsheet
I	Offeror Information
J	Small Business Subcontract Dollars and Percentages