

Small Business Solicitation Provision

The Department of Energy has many exceptionally complex projects and programs involving the environmental remediation of its sites, and because of this complexity, are beyond the capabilities of small business in terms of a small business acting as the prime contractor. However, there are many opportunities within these projects in which small businesses can take part.

It is the Department of Energy's policy to promote the participation of small business in all of its programs and projects. As such, the following solicitation provision, and evaluation criteria, will be included by the Department of Energy in environmental remediation acquisitions which are not set aside for small business.

In addition, a contract clause will also be included in the resulting contract, providing incentives and disincentives regarding the contractor's small business subcontracting plan and the contractor's use of small businesses in a mentor protégé relationship.

SECTION L - SOLICITATION INSTRUCTIONS TO OFFERS

"(5) Small Business

The Department of Energy promotes the use of small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, in executing its mission activities, and is particularly interested in providing to such concerns an opportunity to apply their expertise, in a meaningful way, to the work to be conducted under the contract resulting from this solicitation.

Therefore, the Offeror in its proposal, shall describe the participation of such small business as part of the Offeror's plan to accomplish project requirements, (i.e. team members, joint venture partners, subcontractors, and mentor-protégé relationships with small, small disadvantaged or women owned businesses.) In addition to the information required under Sections L.15 and L.35 of this RFP, the Offeror shall provide, in its proposal for each such small business:

- (i) A description of the proposed contractual relationships
- (ii) A description of the type of work, in terms of the variety and complexity of the work
- (iii) The term and dollar amount of work, and
- (iv) In the case of mentor protégé agreements, the developmental activities that the offeror will provide to each protégé.

In addition, the Offeror shall include in its proposal, for five recent Federal prime contracts, its performance in meeting subcontracting targets for small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. This information shall include the agency with whom the contract was

executed, the period of performance, the dollar value of the contract, the goals set out in the contract and the actual accomplishments against those goals.

SECTION M – SOLICITATION EVALUATION CRITERIA

"(e) Small Business

DOE will evaluate the extent to which small business, HUBZone small business, small disadvantaged business, and women owned small business concerns are included in the Offeror's proposed plan to accomplish project requirements, including protégés under mentor-protégé agreements, both in terms of the overall share of the work and the variety and complexity of the work to be performed. DOE will evaluate the Offeror's past performance in meeting subcontracting targets, as well as the subcontracting targets proposed by the Offeror in response to this solicitation"

SECTION H – CONTRACT PROVISION

The Small Business Subcontracting Plan incorporated into this contract contains percentage goals for awarding of subcontracts to small businesses, small disadvantaged businesses, women owned businesses, HUBZone businesses, and veteran owned businesses. The contractor also agrees, as a part of this contract, to have in place, with one or more small businesses, a mentor protege program. The contractor's performance in meeting these goals, and supporting protege(s) in a mentor protege agreement(s), will be evaluated at the following milestones:

1. End of Third Year of Contract Performance
2. End of Sixth Year of Contract Performance
3. End of Contract

If, at each one of these milestones, the contractor has not met any or all of these subcontracting goals for that milestone period, or has failed to support a protege during that period, the contracting officer may reduce the final fee amount by an amount up to \$3 Million for each milestone up to a total reduction of otherwise earned fee for the contract in the amount of \$9 Million. The dollar amount of each such reduction shall be a permanent reduction in the total fee paid under this contract. For the first two milestone periods, if it has been determined that the contractor has failed to meet such goals, or have a mentor protege program, upon establishment of an appropriate fee reduction amount for that period, the ensuing provisional fee payments shall be reduced proportionally during the next milestone period until the full milestone reduction amount has been achieved. At contract completion, the total amount of fee reduction determined in accordance with this clause shall be in addition to any amount of liquidated damages under FAR 52.219-16."