



DEPARTMENT OF ENERGY

DEPARTMENT OF THE NAVY



21 February 2018

SUBJECT: Joint Solicitation DE-SOL-0011530 and N00024-18-R-2130
Third Round of Vendor Questions and Government Answers/Responses

1. Question: Will the government require a risk management plan for this contract that meets the requirements of DOE-O-413.3B for capital asset projects, DOE-G-413.3-7A for risk management, Protocol for the Application of Contingency and Management Reserve, and the DOE Project Management Policies and Principles? If yes, will the Government provide the current risk management plan and risk register?

Answer: The contract does not require a single risk management plan using the format suggested in DOE Guide 413.3-7A for all DOE-O-413.3B capital asset projects. All covered projects must individually adhere to the requirements of DOE-O-413.3B, Admin Chg 1, Program and Project Management for the Acquisition of Capital Assets, as implemented by Naval Reactors Implementation Bulletin 413.3-109 Rev 3.

2. Question: We understand that the actual amount of subcontracting for the incumbent contractor in FY17 was in excess of \$550M and the actual amount of SB subcontracting was less than \$50M. We further understand that the majority of the purchases to large businesses were on a sole source or limited source basis.

2.1. For the Navy contracts:

1. What is the planned volume of subcontracting for FY 19?
2. What is the planned SB subcontracting in FY 19?
3. What percentage of the purchasing for FY19 is anticipated to be on a sole source or limited source basis to large businesses?
4. Is the Navy planning different approaches to subcontracting sources that would increase the amount of subcontracting available for small businesses to allow the NNL contractor to achieve the 34% SB goal?

2.2. For the DOE contract, the government has provided several years of the SB plan, including 2016. Can the Government also provide following for the DOE contract:

1. What is the planned volume of subcontracting for FY 19?
2. What is the planned SB subcontracting in FY 19?
3. What percentage of the purchasing for FY19 is anticipated to be on a sole source or limited source basis to large businesses?

Answer: In accordance with the joint solicitation provisions at Section L.2.3E.4.b) the Offerors will be evaluated on their level of commitment to meeting DOE's and DOD's published

small business subcontracting goals. Joint solicitation Section L-8 states that the Offeror shall submit subcontracting plans in accordance with FAR 52.219-9, Small Business Subcontract Plan, for both the DOE and Navy requirements. This FAR clause states in part, the Offeror shall submit a subcontracting plan, where applicable, that separately addresses subcontracting with small business (SB), veteran-owned (VOSB), service disabled veteran-owned (SDVOSB), HUBZone, women-owned (WOSB), and disadvantaged (SDB) small business concerns. The plan shall include separate goals, expressed in terms of total dollars subcontracted, and as a percentage of total planned subcontracting dollars, for the use of SB, VOSB, SDVOSB, HUBZone SB, WOSB, and SDB as subcontractors. The Government cannot provide the requested information, as each Offeror must consider the available information and its ability to utilize SB concerns in response to the solicitation requirements.

3. Question: Item 9 of both the DOE and the Navy SF-33s makes clear that offerors are required to submit one original offer and one copy. Section L-2.1 makes clear that the offer uploaded to FedConnect constitutes the official response to the joint solicitation. Can you confirm that the Item 9 instructions intend that one file be uploaded to FedConnect marked as “Original” and a second file be uploaded and marked “Copy”? If the answer is no, can you provide additional instructions regarding how the copy required by Item 9 on the SF-33 should be delivered?

Answer: Clarification is provided that only an original offer in response to the joint DOE/Navy requirements is required to be uploaded to FedConnect.

4. Question: DOE Section H.27(h)(3) – (4) and H.50 provides that employees working for the Contractor shall only accrue credit for service under this Contract after the date of Contract award, that the Contractor shall carry over the length of service credit and leave balances accrued as of the date of the Contractor’s assumption of Contract performance, and for such transfers and, subject to the approval of the Contracting Officer, the Contractor agrees to maintain continuity of service dates from the previous employer for benefits other than provided in tax qualified plans and/or to adjust such employee benefits, as appropriate. We have assumed that the reference to service credit in H.27(h)(3) is only for new accrual of service credit under the contract and does not refer to the service credit to which employees would be entitled under the other provisions of the contract. Please confirm.

Answer: DOE Section H.27 (h) (3) - (4) relates to accrual of service for pension plans only and does not apply to BPMI (or successor contractor) transfers. H.50 specifically excludes tax qualified plans (e.g., pension plans) and applies only to continuity of service dates for benefits other than provided in tax qualified plans for BPMI (or successor contractor) transfers.

5. Question: We assume that for the purpose of the *Diversity Programs* clause at DOE Section H.27(b), the effective date is the conclusion of the transition (e.g., the start of CLIN 0002), not 30 days from the notice to proceed for the transition. The RFP does not define “effective date.”

Answer: The term “effective date” should be understood, for purposes of this part of the Solicitation, to mean the beginning of the period of performance, or 10/01/2018.

6. Question: Joint Section L.2.E.3 (page L-12) requires the Offeror to summarize “all accidents leading to personal injury, fatal accidents, and accidents leading to major property damage (greater than \$1,000,000 per event).” We have assumed the phrase “greater than \$1,000,000 per event” modifies all of the types of incidents in this requirement and not just property damage. Otherwise, all accidents leading to personal injury would include all worker compensation events. Alternatively, we have assumed that the accidents leading to personal injury include only those that resulted in a Type A or Type B accident investigation. Otherwise, essentially all of the Offerors worker compensation claims would be reportable here. Please confirm that either the first or the second assumption above is correct.

Answer: For purposes of this joint solicitation, the term “greater than \$1,000,000 per event” refers specifically to property damage. Offerors are to report all accidents leading to major property damage of greater than \$1,000,000 regardless of injury, and all accidents that require Type A and Type B investigations.

7. Question: Joint Section K-1 and DOE Section J Attachment 5 state in part that “the Offeror, for purposes of this joint solicitation, should be understood to refer to either the performing entity, its parents, or affiliates, or both, as appropriate to the context or circumstances of any particular term, condition, or provision of this solicitation.” We understand that the “performing entity” will be the “contractor” for the purpose of the RFP and the resultant contracts. Although the performing entities parent company will also be an “Offeror” for the purpose of submission of things such as and including representations and certification; its role in performance will be as the guarantor under the performance guarantee (DOE Section J, Attachment 5). Please confirm that our understanding is correct.

Answer: Your understanding is confirmed correct.

8. Question: Joint Sections K-2.3 and K-2.4 provide that “the Contractor will submit the Foreign Ownership, Control or Influence (FOCI) information in the format directed by DOE” and that “Offerors/teaming partners and/or joint ventures that do not possess a DOD or a DOE Facility Clearance shall submit the information requested via <https://foci.anl.gov/doesub/full.page>” website. We assume that the format directed by DOE of offerors with existing FCLs would be to submit the FCL information to the Contracting Officer with the Offer, and that offerors without an FCL would enter data in the eFOCI system. Please confirm our assumption is correct.

Answer: Yes, offerors with existing facility clearance’s (FCL’s) should submit the FCL information to the Contracting Officer with the offer, and offerors without an FCL would enter data in the eFOCI system.

9. Question: Joint solicitation Section K-2.4 requires the Offeror to check a box as to its status. We assume that the performing entity would check “offeror;” the Parent would check “other.” Please confirm our assumption is correct.

Answer: Yes, the assumption that the performing entity would check “offeror” and the Parent would check “other” is correct.

10. Question: Joint solicitation Section L-3 c) provides: For the Navy requirement, no award will be made to any Offeror who does not possess a facility security clearance issued by the Defense Security Service (DSS) at the TOP SECRET level. Naval Sea Systems Command will initiate appropriate security clearance action for any apparent successful Offeror which does not already possess such clearance. We understand that the incumbent Contractor does not possess a facility security clearance issued the DSS, but instead the NRLFO is listed as the Cognizant Security Office for the DOD FCL. We assume that an FCL issued by NRLFO will meet this requirement of the RFP. Please confirm if our assumption is correct.

Answer: A DoD Top Secret facility clearance (FCL) is required to meet the Navy requirement. If the Offeror only has an active DOE FCL (granted by a DOE Cognizant Security Office), FCL reciprocity would be requested by DSS in accordance with the NISPOM for any apparent successful Offeror. Once reciprocity has been granted by NRLFO, DSS will register the Offeror's CAGE code in the Industrial Security Facilities Database (ISFD) with NRLFO listed as the Cognizant Security Office of the Offeror's FCL. If the Offeror's FCL is already registered in the ISFD via reciprocity with DSS, evidence thereof should be provided with its proposal.

11. Question: Joint solicitation Section K-2.3 and K.1 provide that: Offerors who have either a DOE or a DOE Facility Clearance generally need not resubmit the following foreign ownership information unless specifically requested to do so. Instead provide your DOE Facility Clearance code or your DOE assigned commercial and government entity (CAGE) code. If uncertain, consult the office which issued this solicitation.

1. We have not been specifically requested to submit information and therefore assume we do not need to submit any additional FOCI information (other than the FCL) for any entities comprising the “offeror” that have an existing FCL.
2. We assume for the purpose of this requirement, “offeror” refers to the “performing entity” (which, for FOCI purposes, includes its parents), but not other affiliates. Please confirm our assumptions.

Answers: Yes, the assumptions in the questions above are correct. However, if the Offeror is contacted to resubmit FOCI information, the Offeror will be contacted by the Contracting Officer.