REGISTERED LOBBYIST CONTACT DISCLOSURE FORM

This form is to be completed by Executive Branch employees who are contacted by registered lobbyists regarding the Recovery Act. This report includes a written description of each contact, the date and time of the contact, and the names of the registered lobbyist(s) and the employee(s) with whom the contact took place. The information on this form will be available to the public on the Executive Branch agency's recovery website. **Written materials prepared by registered lobbyists should be attached to this form for posting on the website.**

To be completed by the employee contacted.

Date and time of contact:	Name of the Employee(s) Contacted (Name and Title)	Brief description of the contact: (attach separate sheet if necessary)
6/3/10 - 2:41PM	PATRICIA FAITH PROGRAM ANALYSIS OFFICER, NA-1, NNSA	SEE ATTACHED E-MAIL

Name of the Employee(s) who prepared this form:	Date:
SELF - PATRICIA FAITH	6/22/10

Registered Lobbyist(s) Name:	Title:	Firm or Organization, if applicable:	Client:
PAUL GRIMM	PRESIDENT	BG4llc. INC.	?

Faith, Patricia

From: Paul Grimm [paul.grimm@bg4llc.com]
Sent: Thursday, June 03, 2010 2:41 PM
To: Faith, Patricia
Subject: FW: Advanced Mixed Waste Treatment Plant (2).docx
Attachments: Advanced Mixed Waste Treatment Plant (2).docx

Trish

Would you be kind and send this attached white paper to Mr. Boyd in the procurement office. It has to do with the Idaho procurement for EM. Just wanted to keep it's source quiet. Thanks for your help. Call me if you have and questions. Paul.

Advanced Mixed Waste Treatment Plant

Corrective Actions

Background

DOE letter to GAO dated May 21, 2010, stated that it would, *at a minimum*, review the AMWTP proposal evaluations and prepare a new selection decision. Therefore, DOE requested GAO to dismiss the protest as academic.

Issues

In the event that DOE limits its corrective actions to merely reviewing the previous evaluations and prepares a new selection decision, DOE will fail to adequately consider issues affecting the validity of the RFP documents issued on October 28, 2008 and consequently, will continue to evaluate out-dated proposals. Specifically, the following issues are problematic:

1. Scope Evolution: As stated above, the initial RFP was issued in October of 2008 and initial proposals were submitted on January 14, 2009, followed by a lengthy evaluation period resulting in award on March 29, 2010, some 17 months after issuance of the RFP. Considerable changes occurred to the actual conditions at AMWTP as work progressed during this period. For example, at the start of the proposal preparation period, 14,000 cubic meters of waste was awaiting retrieval and, due to the extended period of time during the procurement process, the present-day volume is reduced to 6,300 cubic meters. This single example demonstrates the significant scope evolution over time that dramatically affects Offeror's technical approach and related cost proposal. In other words, the job described in the RFP no longer reflects actual conditions at AMWTP and existing proposals are similarly not prepared to provide best value to the government.

2. Key Personnel: Another example of major impact due to the extended procurement cycle is the difficulty related to maintaining all proposed key personnel. And, as described above, considerable scope evolution has occurred at AMWTP over the 17 months from the proposal submittal date to today (May 2010) and Offeror's proposed key personnel may not be the best fit for the actual work conditions at AMWTP now.

3. Evaluation Objectivity: If the same SSO and SEB members are used to perform the evaluation review and preparation of a new selection decision, there will be unavoidable and inherent difficulties related to objectivity. After months of previous proposal review, analysis and scoring, it is natural that individuals would tend to default, knowingly or unknowingly, to previous positions and conclusions. The tendency to substantiate the previous award determination by validating the previous selection and to demonstrate that the SEB and SSO were right the first time is a major concern.

4. Procurement Integrity: As results of the protest process, all three Offeror's have access to redacted documents describing each Offeror's positions on a broad range of topics related to the actual proposals submitted. Although sensitive information is redacted, nonetheless, a lot can be derived from these documents that would not be appropriate during a standard federal procurement process. Therefore, it appears that a significant competitive leveling would result and degradation of the procurement integrity if DOE decides to seek Best and Final Offers (BAFO) from the three Offeror's of record.

Recommendations/Conclusion:

It is recommended that DOE either issue a new RFP for another full and open competition, or extend the AMWTP contract to coincide with the Idaho Closure Contract period of performance. Once performance periods are aligned between the two contracts DOE could simple role the two scopes together and have a single integrated competition/contract. This will address all the foregoing issues and eliminate the likelihood of a second set of protests that will include the issues identified above. As critical, this approach will assure that DOE achieves the object of removing 64,000 metric tons of TRU waste from the State of Idaho within framework of the "Batt Agreement". It will also enable the DOE to assure that jobs and stimulus funding can be efficiently and effectively managed within the existing contract mechanism.

Should the DOE consider a simple rescoring approach, then it is more than likely to open the door to a series of further protest. This will inevitably lead to further delay in resolving the ultimate disposition of the AMWTP to a new contractor. More important, it puts the current contractor in a state of continuous uncertainties, further distracts a high performance work force, and results in unnecessary ambiguities with respect to work force job security and performance objectives.

If DOE attempts to conduct a rescoring of the submitted proposals then it must at a minimum issue a request for BAFO from all the bidders. DOE must provide a updated definition of the anticipated scope of work to be performed; change the SEB team and SSO to allow for new and

impartial evaluators to look at the offers and assure procurement integrity; establish a reasonable period for the Offeror's to respond to the BAFO request with new proposals; conduct a new set of orals; and establish a reasonable approach for submittal of the revised cost proposals.