

SECTION L – INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS OR RESPONDENTS

SECTION L – INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS OR RESPONDENTS.....1

L-1	FAR 52.204-7 SYSTEMS FOR AWARD MANAGEMENT (OCT 2016).....	2
L-2	FAR 52.215-1 INSTRUCTIONS TO OFFERORS – COMPETITIVE ACQUISITION (JAN 2017) ALTERNATE I (OCT 1997)	4
L-3	FAR 52.216-1 TYPE OF CONTRACT (APR 1984).....	9
L-4	FAR 52.222-24 PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION FEB 1999).....	9
L-5	FAR 52.233-2 SERVICE OF PROTEST (SEP 2006) (AS MODIFIED BY DEAR 952.233-2).....	9
L-6	FAR 52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS (APR 1984)	10
L-7	DEAR 952.211-70 PRIORITIES AND ALLOCATIONS (ATOMIC ENERGY) (APR 2008)	10
L-8	DEAR 952.219-70 DOE MENTOR-PROTÉGÉ PROGRAM (MAY 2000).....	10
L-9	DEAR 952.227-84 RIGHT TO REQUEST PATENT WAIVER (FEB 1998).....	11
L-10	DEAR 952.233-4 NOTICE OF PROTEST FILE REVIEW AVAILABILITY (AUG 2009).....	11
L-11	DEAR 952.233-5 AGENCY PROTEST REVIEW (SEP 1996)	11
L-12	REQUIREMENT FOR GUARANTEE OF PERFORMANCE	12
L-13	PROPOSAL PREPARATION INSTRUCTIONS - GENERAL	12
L-14	PROPOSAL PREPARATION INSTRUCTIONS – VOLUME I, THE OFFER.....	15
L-15	PROPOSAL PREPARATION INSTRUCTIONS – VOLUME II, TECHNICAL AND MANAGEMENT INFORMATION.....	17
L-16	PROPOSAL PREPARATION INSTRUCTIONS – VOLUME III, COST INFORMATION.....	21
L-17	TIME, DATE, METHOD AND PLACE OFFERS AND PROPOSAL INFORMATION ARE DUE	22
L-18	COMPETITIVE RANGE	23
L-19	ORAL PRESENTATIONS AND DISCUSSIONS.....	23
L-20	OFFER ACCEPTANCE PERIOD	24
L-21	SMALL BUSINESS SIZE INFORMATION AND SET-ASIDE INFORMATION (UNRESTRICTED).....	24
L-22	NUMBER OF AWARDS RESULTING FROM THIS SOLICITATION	24
L-23	CONTENT OF RESULTANT CONTRACT.....	24
L-24	ALTERNATE OFFERS	24
L-25	FALSE STATEMENTS.....	24
L-26	EXPENSES RELATED TO OFFER AND OTHER WRITTEN AND ORAL INFORMATION.....	24
L-27	ELECTRONIC MEDIA.....	24
L-28	COMMITMENT OF PUBLIC FUNDS.....	25
L-29	RESPONSIBLE PROSPECTIVE CONTRACTORS.....	25
L-30	DISPOSITION OF OFFERS AND PROPOSAL INFORMATION.....	25
L-31	RESTRICTION ON OFFEROR CONTACTS WITH EMPLOYEES OF PREDECESSOR CONTRACTORS.....	25
L-32	INSTRUCTIONS FOR SUBMITTING FOREIGN OWNERSHIP, CONTROL OR INFLUENCE (FOCI) INFORMATION (JUN 2011)	26
L-33	NON-FEDERAL PERSONNEL SUPPORT.....	26
L-34	OFFEROR INTENTION TO SUBMIT AN OFFER.....	27
L-35	SITE TOUR AND PRE-PROPOSAL MEETING	27
L-36	LIST OF ATTACHMENTS TO SECTION L (TO BE ADDED IN FINAL RFP).....	28

L-1 FAR 52.204-7 SYSTEMS FOR AWARD MANAGEMENT (OCT 2016)

(a) Definitions. As used in this provision—

“*Electronic Funds Transfer (EFT) indicator*” means a four-character suffix to the unique entity identifier. The suffix is assigned at the discretion of the commercial, nonprofit, or Government entity to establish additional System for Award Management records for identifying alternative EFT accounts (see subpart 32.11) for the same entity.

“*Registered in the System for Award Management (SAM) database*” means that—

- (1) The Offeror has entered all mandatory information, including the unique entity identifier and the EFT indicator, if applicable, the Commercial and Government Entity (CAGE) code, as well as data required by the Federal Funding Accountability and Transparency Act of 2006 (see subpart 4.14) into the SAM database;
- (2) The offeror has completed the Core, Assertions, and Representations and Certifications, and Points of Contact sections of the registration in the SAM database;
- (3) The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS). The offeror will be required to provide consent for TIN validation to the Government as a part of the SAM registration process; and
- (4) The Government has marked the record “Active”.

“*Unique entity identifier*” means a number or other identifier used to identify a specific commercial, nonprofit, or Government entity. See www.sam.gov for the designated entity for establishing unique entity identifiers.

(b)

- (1) By submission of an offer, the offeror acknowledges the requirement that a prospective awardee shall be registered in the SAM database prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.
- (2) The Offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation “Unique Entity Identifier” followed by the unique entity identifier that identifies the Offeror’s name and address exactly as stated in the offer. The Offeror also shall enter its EFT indicator, if applicable. The unique

entity identifier will be used by the Contracting Officer to verify that the Offeror is registered in the SAM database.

(c) If the Offeror does not have a unique entity identifier, it should contact the entity designated at www.sam.gov for establishment of the unique entity identifier directly to obtain one. The Offeror should be prepared to provide the following information:

- (1) Company legal business name.
- (2) Tradestyle, doing business, or other name by which your entity is commonly recognized.
- (3) Company Physical Street Address, City, State, and Zip Code.
- (4) Company Mailing Address, City, State and Zip Code (if separate from physical).
- (5) Company telephone number.
- (6) Date the company was started.
- (7) Number of employees at your location.
- (8) Chief executive officer/key manager.
- (9) Line of business (industry).
- (10) Company Headquarters name and address (reporting relationship within your entity).

(d) If the Offeror does not become registered in the SAM database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.

(e) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered should consider applying for registration immediately upon receipt of this solicitation.

(f) Offerors may obtain information on registration at <https://www.acquisition.gov>.

(End of Provision)

L-2 FAR 52.215-1 INSTRUCTIONS TO OFFERORS – COMPETITIVE ACQUISITION (JAN 2017) ALTERNATE I (OCT 1997)

(a) *Definitions.* As used in this provision --

“Discussions” are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer’s discretion, result in the offeror being allowed to revise its proposal.”

“In writing,” “writing,” or “written” means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

“Proposal modification” is a change made to a proposal before the solicitation’s closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

“Proposal revision” is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

“Time,” if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) *Amendments to solicitations.* If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

(c) *Submission, modification, revision, and withdrawal of proposals.*

(1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages

(i) addressed to the office specified in the solicitation, and

(ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.

(2) The first page of the proposal must show –

- (i) The solicitation number;
- (ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);
- (iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;
- (iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror's behalf with the Government in connection with this solicitation; and
- (v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

(3) *Submission, modification, revision, and withdrawal of proposals.*

(i) Offerors are responsible for submitting proposals, and any modification, or revisions, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal or revision is due.

(ii)

(A) Any proposal, modification, or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and --

(1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(2) There is acceptable evidence to establish that it was received at the Government installation designated for

receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(3) It is the only proposal received.

(B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.

(4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.

(5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, Evaluation of Foreign Currency Offers, is included in the solicitation.

(6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

(7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.

(8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

(d) *Offer expiration date.* Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).

(e) *Restriction on disclosure and use of data.* Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall –

(1) Mark the title page with the following legend:

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of -- or in connection with -- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [*insert numbers or other identification of sheets*]; and

(2) Mark each sheet of data it wishes to restrict with the following legend:

Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(f) *Contract award.*

(1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.

(2) The Government may reject any or all proposals if such action is in the Government's interest.

(3) The Government may waive informalities and minor irregularities in proposals received.

(4) 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. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may 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 price and technical standpoint

(5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

(6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.

(7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.

(8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.

(9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.

(10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.

(11) If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:

(i) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.

(ii) The overall evaluated cost or price and technical rating of the successful and the debriefed offeror and past performance information on the debriefed offeror.

(iii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.

(iv) A summary of the rationale for award.

(v) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

(vi) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

(End of Provision)

L-3 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a hybrid Cost Plus Award Fee, Cost Plus Fixed Fee and Firm Fixed Price type contract resulting from this solicitation.

L-4 FAR 52.222-24 PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION (FEB 1999)

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

L-5 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:

Christopher M. Duran
Contracting Officer
U. S. Department of Energy, National Nuclear Security Administration
M&O Contracting Branch (NA-APM-131), Bldg 383
Pennsylvania and H Streets
Albuquerque, NM 87185-5400

Phone: (505) 845-5977
Facsimile: (505) 845-2520
E-mail: christopher.duran@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-6 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.

L-7 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).

L-8 DEAR 952.219-70 DOE MENTOR-PROTÉGÉ PROGRAM (MAY 2000)

The Department of Energy (DOE) has established a Mentor-Protégé Program to encourage its prime contractors to assist firms certified under section 8(a) of the Small Business Act by SBA, other small disadvantaged businesses, women-owned small businesses, Historically Black Colleges and Universities and Minority Institutions, other minority institutions of higher learning and small business concerns owned and controlled by service disabled veterans in enhancing their business abilities. If the contract resulting from this solicitation is awarded on a cost-plus-award fee basis, the contractor's performance as a Mentor may be evaluated as part of the award fee plan. Mentor and Protégé firms will develop and submit “lessons learned” evaluations to DOE at the conclusion of the contract. Any DOE contractor that is interested in becoming a Mentor should refer to the applicable regulations at 48 CFR 919.70 and should contact the Department of Energy’s Office of Small and Disadvantaged Business Utilization.

L-9 DEAR 952.227-84 RIGHT TO REQUEST PATENT WAIVER (FEB 1998)

Offerors have the right to request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of the contract that may be awarded as a result of this solicitation, in advance of or within 30 days after the effective date of contracting. Even where such advance waiver is not requested or the request is denied, the contractor will have a continuing right under the contract to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the contract. Domestic small businesses and domestic nonprofit organizations normally will receive the patent rights clause at DEAR 952.227-11 which permits the contractor to retain title to such inventions, except under contracts for management or operation of a Government-owned research and development facility or under contracts involving exceptional circumstances or intelligence activities. Therefore, small businesses and nonprofit organizations normally need not request a waiver. See the patent rights clause in the draft contract in this solicitation. See DOE's patent waiver regulations at 10 CFR Part 784.

L-10 DEAR 952.233-4 NOTICE OF PROTEST FILE REVIEW AVAILABILITY (AUG 2009)

- (a) If a protest of this procurement is filed with the Government Accountability Office (GAO) in accordance with 4 CFR Part 21, any actual or prospective Offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of Public Law 103- 355. Such request must be in writing and addressed to the Contracting Officer for this procurement.
- (b) Any Offeror who submits information or documents to the DOE/NNSA for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective Offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, Offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR Part 1004).

L-11 DEAR 952.233-5 AGENCY PROTEST REVIEW (SEP 1996)

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in 48 CFR 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters to discuss their concerns with the Contracting Officer prior to filing a protest.

L-12 REQUIREMENT FOR GUARANTEE OF PERFORMANCE

As stated in FAR 35.017, FFRDC's are operated, managed, and/or administered by either a university or consortium of universities, other not-for-profit or nonprofit organization, or an industrial firm, as an autonomous organization or as an identifiable separate operating unit of a parent organization. The successful Offeror will be required, as part of the determination of responsibility and as a condition of the award of the contract to that entity, to furnish a guarantee of that entity's performance (see Section L, L-14(d)). That guarantee of performance must be satisfactory in all respects to the Department of Energy.

L-13 PROPOSAL PREPARATION INSTRUCTIONS - GENERAL

The Government will utilize Oral presentations by offerors to augment, written information. Oral presentations will be subject to the same restrictions as written information, regarding timing and content. The oral presentations will also provide an opportunity for dialogue among the parties after the competitive range is established. Details regarding the Oral presentations will be discussed in Provision L-19, "Oral Presentations and Discussions". General expectations and submissions are discussed as follows:

- (a) Offerors are expected to be sufficiently knowledgeable of the mission of the Los Alamos National Laboratory (LANL) 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://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/los-alamos-national-laboratory-management-and>
- (b) "Offeror" refers to the legal entity submitting the offer. If the Offeror is organized as a separate legal entity from its parent organization(s), the separate legal entity will be totally responsible for all Contract activities (see Section G, G-3, *Performance Guarantee(s)*). Additionally, the separate legal entity must be incorporated or otherwise legally established before proposal submission.
- (c) "Team member" refers to any other entity identified in the Offeror's proposal as being responsible for performance of any of the work required by the contemplated Contract and 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 Section L, L-14(c), L-14(d), and L-15 (a), Criterion 1, *Past Performance*, for small business team members with a proposed work scope less than \$10 million over the Base Period.
- (d) No classified information shall be included in this solicitation or in the Offeror's proposal.
- (e) Solicitation Questions/Comments. Questions or comments regarding this solicitation shall be submitted via email to: SEB7@nnsa.doe.gov . Submission of solicitation

questions/comments by other means is not authorized. Questions and responses, if appropriate will be posted to FedConnect at (<https://www.fedconnect.net/Fedconnect/>) website. FedConnect will be the primary and official site for posting information about this requirement and amendments to the solicitation. The website at <https://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/los-alamos-national-laboratory-management-and> will be a secondary location, as it may take a few days to post information to this site. In the event that information posted on FedConnect differs from that posted on the secondary website the information on FedConnect shall be controlling. All questions on the solicitation should be submitted as soon as possible, but no later than **TBD**, 2017. Questions submitted after this date may not be answered and may not be a basis for amending this solicitation.

(f) Submission of proposals shall be electronically via FedConnect at <https://www.fedconnect.net/Fedconnect/>. 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) (i) Each volume submitted shall comply with the following specifications:

Multiple files may be submitted for each Volume; however, each file must clearly identify the Volume number and the sequence to which it relates. 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.

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.

Proposals must be clearly and concisely written, indexed (cross-indexed as appropriate), and logically assembled. In addition to the guidance provided in paragraph (h), 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-2) provision FAR 52.215-1, Instructions to Offerors—Competitive Acquisition, paragraph (e), Restriction on Disclosure and Use of Data, as appropriate, on each page. This is the only information that can be displayed within the one-inch top, bottom, and side margins.

Subcontractor and/or team member submissions of proprietary information may provide a password protected document (file) to the prime Offeror. In such instances the subcontractor and/or team member shall share the password with the Contracting Officer via e-mail to SEB7@NNSA.DOE.GOV . The e-mail should indicate the name of prime offeror. The subcontractor and/or team member proposal 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.

Each volume shall contain a glossary of all abbreviations and acronyms used, including a definition for each.

(ii) Offers submitted by facsimile methods will not be accepted.

(g) Maximum Page Limitations

The 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 Past Performance, Key Personnel and Small Business Information (Volume II) shall not exceed 35 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 shall be included in the 35 page limitation. The following are excluded from the overall page count limitation:

- (1) Listing of Key Personnel (Section L, Attachment B), resume information (which are limited to three pages each, except for the Laboratory Director, which is five pages), and letters of commitment.
- (2) The Cross Reference Matrix (Section L, Attachment D)
- (3) The Volume II associated 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; and
- (4) Past Performance Information Forms and attached additional pages (Section L, Attachment E – is 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.

(h) Page Formatting and Restrictions

The following page formatting and restrictions shall apply:

- (1) Page size shall be 8.5 x 11 inches, not including foldouts. Page margins shall be a minimum of one inch at the top, bottom, and each side. Pages shall be numerically numbered sequentially by Volume (e.g., Volume I – 1, Volume I –2, Volume I – 3). 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 - i, Volume II - ii, Volume II - iii, etc. Volumes I, II, and III text shall be submitted in searchable portable document format (PDF) format using a minimum 12 font size and Times New Roman font style. Print type used in graphs, figures, charts, and tables may be smaller than size 12, but no smaller than size 8. To facilitate the Government’s search for key words during proposal evaluation, Offerors should 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. When both sides of a sheet display printed material, they will be counted as two (2) pages.
- (2) Foldouts of charts, tables, diagrams, or drawings shall not exceed 11 x 17 inches, if used. Foldout pages shall fold entirely within the volume and each side (front or back) of a foldout is considered two (2) pages for purposes of determining the number of pages. When both sides (front and back) of a foldout display contain printed material, they will be counted as four (4) pages. Page margins for the foldouts shall be a minimum of one inch at the top, bottom, and each side. Foldouts may only be used for large tables, charts, graphs, diagrams, and other schematics, and not for pages of text.
- (3) 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, i.e., resumes and PPIFs, therefore a cover page to resume is not required as it will count against the page limitation. Material may not be incorporated by reference (including any information in Volume I or III) as a means to circumvent the page limitations identified in Section L, L-13(g) or for any other reason, except for reference(s) to another part or section within the same Volume of the proposal in order to avoid duplication of detailed information.

L-14 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 render the proposal from further consideration.

- (a) The Offeror shall provide the administrative information, as required by the solicitation’s Section L provision FAR 52.215-1, Instructions to Offerors – Competitive Acquisition,

paragraph (c) (2), along with the information requested in Section G, G-2, Contractor Contact, and Section G, G-5, 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-23, *Content of Resulting Contract*), fully recognizing that the Government intends to make an award after discussions and final proposal revisions. Whenever the words “Solicitation No. DE-SOL-0011206” “Request For Proposal No. DE-SOL-0011206” or “RFP No. DE-SOL-0011206” 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 Los Alamos National Laboratory.
 - (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, L-23, *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) The Offeror shall submit a fully completed Section K, *Representations, Certifications, and Other Statements of Offerors*. The parent organization of each member of a “contractor team arrangement,” if proposed, must separately complete, sign, and submit the Section K, Representations, Certifications, and Other Statements of Offerors.
- (d) The Offeror shall be a university or consortium of universities, other not-for-profit or nonprofit organization, or an industrial firm, as an autonomous organization or as an identifiable separate operating unit of a parent organization. The Offeror shall submit a fully completed and executed Performance Guarantee Agreement(s) (see Section G, G-3, Performance Guarantee(s)) for each teaming member (excluding subcontractors) or parent organization. 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). If the Offeror is organized as a separate legal entity from its parent organization(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 and on the flash drive. Offerors do not need to provide copies of annual reports in the hard copy submission. 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, L-13(b)).

- (e) The Offeror shall submit a Small Business Subcontracting Plan for Government fiscal year 2019, 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, prior to contract award, must approve the Small Business Plan that will become part of Section J, Appendix E, Small Business Subcontracting Plan. Annual Plans for future fiscal years 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 website, <https://nnsa.energy.gov/about/ouoperations/apm/majcontrsolicitation/los-alamos-national-laboratory-management-and>
- (f) The Offeror shall describe its proposed organizational structure (including an organizational chart) to manage the Los Alamos National Laboratory, particularly with respect to the 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). The proposed organizational structure will be evaluated as a special responsibility standard, see FAR 9.104-2(a).

L-15 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: 1) performance similar in size, scope, and complexity to the portions of the Statement of Work the Offeror (or team member) is proposed to perform and the Offeror’s ability to successfully perform the Statement of Work (SOW) and 2) leading and implementing organizational culture change. If the Offeror is a proposing team member or subcontractor to perform or

be responsible for a section of the SOW, the Offeror shall identify the section or sections of the SOW (include task area from SOW) each team member is proposed to perform or for which it is responsible.

The Offeror shall use the form at Section L, Attachment E, *Past Performance Information Form (PPIF)*. With each PPIF, the Offeror shall submit copies of any award fee determinations, performance evaluation reports, small business achievement such as SF294 and SF295 or other documentation that reflects the formal performance assessments of the Offeror by its customer on the performance cited in the PPIF.

The Offeror shall describe at least one, but no more than three contracts for each proposed team member. Only one contract shall be described per PPIF. For example, a prime Contractor with two subcontractors shall describe no more than nine contracts (each on a separate PPIF for a total of no more than nine PPIFs). Two teaming partners and two subcontractors shall describe no more than 12 contracts (each on a separate PPIF for a total of no more than 12 PPIFs). Contracts listed may include contracts with federal, state, and local Government, and contracts with commercial customers. The performance cited must be within the last five years preceding the due date for proposals and at least nine months in duration.

The Offeror shall provide performance relating to 1) work that is similar in size, scope and complexity of the requirements in the Statement of Work, Chapter II, Work Scope Structure and 2) leading and implementing organizational culture change. More relevant past performance will be viewed as a greater indicator of an Offeror's ability to successfully perform than less relevant past performance. With respect to tasks within the Statement of Work for which only the incumbent contractor would have direct past performance, the Government will evaluate 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, and work relating to safeguard and security technology programs involving high hazard nuclear materials. 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.

The Offeror should submit all PPIFs and performance assessments 15 calendar days prior to the date for receipt of proposals. However, the Offeror shall submit all PPIFs and performance assessments 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-2, FAR 52.215-1 *Instructions to Offerors -- Competitive Acquisition (Jan 2017) Alt I*. The Offeror shall provide the *Past Performance Cover Letter and Questionnaire* at Section L, Attachment F, to each technical and contracting point of contact on the PPIF. These points of contact shall return the completed Past Performance Questionnaires directly to the government by email to SEB7@nnsa.doe.gov, Attn: Christopher M. Duran M&OCB, Contracting Officer. The completed Past Performance Questionnaires should be received by the Government before the due date for receipt of proposals. However, the Past Performance Questionnaires are not subject to the late proposals provisions at paragraph

(c) of L- 2, FAR 52.215-1 *Instructions to Offerors -- Competitive Acquisition (Jan 2017) Alt I*. Prior to the submittal of the PPIFs, the Offeror shall also 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 Past Performance Questionnaires.

The Offeror shall also submit for each team member, by the date for receipt of proposals, a list of all contracts terminated prior to the planned completion date for any reason whether unilateral or bilateral, and (whether partially or completely) within the five years preceding the RFP response due date, as this information is subject to the late proposals provisions at paragraph (c) of L-2, FAR 52.215-1 *Instructions to Offerors -- Competitive Acquisition (Jan 2017) Alt I*. 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 any member of the Offeror's team, a statement to that effect is required in lieu of a list of terminated contracts.

PPIFs, performance assessments, small business achievements (SF294 and SF295) and information concerning terminated contracts shall be included as a separate Appendix to Volume II. Only the PPIF form and any additional pages attached to it in accordance with the instructions at Section L, Attachment E, *Past Performance Information Form*, is subject to the eight-page limitation; performance assessments, small business achievement and information concerning terminated contracts are excluded from the Volume II page count limitation.

Note: Past performance information will be used for the best value decision, as well as for the responsibility determination. The Government may obtain past performance information from other sources.

(b) Criterion 2: KEY PERSONNEL

Key Personnel consist of the Laboratory Director and other key personnel with direct responsibility for performance of the Statement of Work. The Offeror has the flexibility in determining which positions they consider key to 1) performance of the Statement of Work and 2) leading and implementing organizational culture change. The Offeror shall submit written resumes addressing the elements described below, for all Key Personnel.

RESUME ELEMENTS

1. Name of Offeror:
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 similar in size, scope or complexity to the SOW, and driving optimal organizational performance 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, *Sample 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.** Given the time required to implement organizational culture change, key personnel associated with that aspect of the proposal shall commit to remain in their position(s) **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, *Listing of Key Personnel*, with all of the names and titles of the proposed Key Personnel. This will be incorporated into the resulting contract at Appendix D, *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 three pages, except for the Laboratory Director's resume, which shall be limited to five pages (no cover page for resumes is required). The Government will not evaluate information contained on pages that exceed the page limits.

(c) Criterion 3: 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. Include a description of the types of work that are intended to be performed by small businesses. Information provided must not contradict the Offeror's Small Business Subcontracting Plan (reference L, L-14(e) above).

L-16 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 will not be required to provide, nor will the Government determine, an overall estimated total value (estimated cost/price plus fee) for evaluation. However, the Offeror must propose a no profit/fee transition price and overall fee for contract performance. Transition price will be a separate contract line item number in the contract that will be awarded on a no profit/fee 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 three 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): The proposed Transition price for the Transition Period shall consist of all costs to include New Mexico Gross Receipts Tax

(NMGRT) associated with transition. The firm-fixed Transition price shall be the lessor of the Government determined ceiling or the proposed price.

- (b) Fee for Management and Operation of LANL (CLIN 0002 – Fixed Fee and Award Fee): The Offeror shall use Section L, Attachment H Transition Price and Fee Summary, CLIN 0002 Fee Excel Tab to display its proposed available fixed fee in dollars and award fee in dollars. The proposed fixed fee shall not exceed 1.0 % of the estimated cost shown for each Contract Period and the proposed award fee shall not exceed 0.5% of the estimated cost shown for each Contract Period. Fee amounts under CLIN 0002 will be incorporated into the contract
- (c) Fee for Strategic Partnership Projects (CLIN 0003 – Fixed Fee): The Offeror shall use Section L, Attachment H Transition Price and Fee Summary, CLIN 0003 Fee Excel Tab to display its proposed available fixed fee in dollars. The proposed fixed fee shall not exceed 1.0 % of the estimated cost shown for each Contract Period. This section of the cost proposal shall include the Offeror's proposed fixed fee rate for inclusion at Section B-2, paragraph (c) of the contract.

The estimated costs shown for each year for both CLIN 0002 and CLIN 0003 in Section H, Attachment I Summary, 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, whether they are subcontractors or members of a joint-venture, and no separate fee or profit will be paid on subcontracts with team members. The fee restriction above does not apply to members of the Contractor's team that are: (1) a competitively awarded firm-fixed price or firm-fixed unit price subcontract; or (2) competitively awarded subcontracts for commercial items as defined in FAR Subpart 2.1.

L-17 TIME, DATE, METHOD AND PLACE OFFERS AND PROPOSAL INFORMATION ARE DUE

- (a) Offerors are reminded that submission of their proposal shall be electronically via FedConnect (<https://www.fedconnect.net/Fedconnect/>). The submission through FedConnect is the official response to this RFP. Note: NNSA does not own or operate FedConnect. Offerors shall direct all questions concerning FedConnect to the FedConnect Help Desk. FedConnect Technical Support website: <https://www.fedconnect.net/FedConnect/TechSupport.aspx>
For other technical issues or questions, either email support@fedconnect.net or call FedConnect at 1-800-899-6665. The FedConnect Support Center is staffed Monday – Friday 8 a.m. to 8 p.m., EDT, except Federal Holidays.
- (b) All Offers and Proposal Information are due at the time (ET) and date identified on the Standard Form (SF) 33; *Solicitation, Offer and Award* (Section A, Block 9).
(CAUTION: See the Solicitation's Section L Provision FAR 52.215-1, *Instructions to*

Offerors – Competitive Acquisition (Jan 2017), Alt I, describing treatment of late submissions, modifications, and withdrawals of proposals.

L-18 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-19 ORAL PRESENTATIONS AND 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 Oral Presentations. The Government intends to use Oral Presentations after the competitive range is established. Discussions will be permitted during oral presentations. During this time the Government will 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. The Government may also engage each offeror's proposed key personnel during Oral Presentations with a series of questions, scenarios, sample tasks, etc., in order to assess each Key Person's expertise and experience in accordance with Criterion 2: Key Personnel. Following Oral Presentations the Government will furnish any remaining weaknesses not resolved during Oral Presentations allowing the offerors an opportunity to cure the issues in their Final Proposal Revisions.

Further information will be provided to Offerors in the competitive range for the Oral Presentations and discussions.

A record will be maintained of oral presentations and discussions to document what the Government relied upon in making the source selection decision. The method and level of detail of the record (*e.g.*, videotaping, audio tape recording, written record, Government notes, copies of offeror briefing slides or presentation notes) 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.

If the Oral Presentation includes information that the parties intend to include in the contract as material terms or conditions, the information shall be put in writing. Incorporation by reference to oral statements will not be permitted.

Note: The Government will comply with FAR 15.306 and 15.307 when establishing the competitive range and conducting exchanges with Offerors after receipt of proposals.

L-20 OFFER ACCEPTANCE PERIOD

The minimum offer acceptance period is 240 calendar days after the required date for receipt of Offers. Block 12 of the Standard Form 33, *Solicitation, Offer, and Award*, (Section A) does not apply.

L-21 SMALL BUSINESS SIZE INFORMATION AND SET-ASIDE INFORMATION (UNRESTRICTED)

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

L-22 NUMBER OF AWARDS RESULTING FROM THIS SOLICITATION

One contract award will result from this solicitation.

L-23 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-24 ALTERNATE OFFERS

Alternate offers are not solicited and will not be evaluated.

L-25 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-26 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 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.

L-27 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. The solicitation, any amendments and various available reference documents will be posted on FedConnect (<https://www.fedconnect.net/Fedconnect/>) and the DOE/NNSA website at:

<https://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/los-alamos-national-laboratory-management-and>. If there is a discrepancy between the documents posted on FedConnect and the agency website, the documents on FedConnect shall govern.

- (b) This electronic medium posting at FedConnect will constitute the official distribution method for this solicitation. All amendments and any other official communications from DOE/NNSA regarding this solicitation will be posted through FedConnect. Offerors and all other interested parties will need to maintain continual surveillance of FedConnect and the website to remain abreast of the latest available information.
- (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 all-inclusive. Offerors are strongly urged 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-28 COMMITMENT OF PUBLIC FUNDS

The Contracting Officer is the only individual who can legally 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-29 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 applies.
- (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-30 DISPOSITION OF OFFERS AND PROPOSAL INFORMATION

Offers and Proposal Information will not be returned (except for timely withdrawals).

L-31 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-32 INSTRUCTIONS FOR SUBMITTING FOREIGN OWNERSHIP, CONTROL OR INFLUENCE (FOCI) INFORMATION (Jun 2011)

- (a) The Offeror shall submit FOCI information in accordance with Section K provision DEAR 952.204-73, *Facility Clearance*, and Section I clause DEAR 952.204-2, *Security*, 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 encouraged 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 using guidance and instructions are available on the eFOCI website.
- (c) Electronic signatures are not accepted; therefore, signed originals of any documents requiring signatures to include the SF 328, *Certificate Pertaining to Foreign Interests*, executed in accordance with the instructions on the certification section of the SF 328, shall be submitted to the Contracting Officer. The SF 328 is required for first time submissions, five (5) year updates or any time there are changes to the SF 328.
- (d) If the Offeror has an active facility clearance with another government agency, provide your commercial and government entity (CAGE) code in lieu of the SF 328.
- (e) If the company has an active DOE facility clearance and is in compliant with regulations, a resubmission is not required. Guidance and instructions are available on the eFOCI website.

L-33 NON-FEDERAL PERSONNEL SUPPORT

Offerors are advised that DOE/NNSA Contractor 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. These individuals will be required to protect the confidentiality of any specifically identified trade secrets and/or privileged or confidential commercial or financial information obtained as a result of their participation in this evaluation. They shall be expressly prohibited from scoring, ranking, or recommending the selection of a source. Thus, in accordance with FAR 9.505-4(b), Contractor personnel will enter into separate agreements with Offerors to protect their information from

unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than for which it was furnished.

L-34 OFFEROR INTENTION TO SUBMIT AN OFFER

Complete the following and return VIA E-MAIL to the address below no later than close of business ten (10) business days after the RFP is released.

Solicitation Number DE-SOL-0011206

____ We do intend to submit an offer.

Name and Address of Firm or Organization (Include Zip Code):

Typed or Printed Name and Title: _____

Date: _____

E-Mail To: SEB7@nnsa.doe.gov
ATTN: Christopher M. Duran

L-35 SITE TOUR AND PRE-PROPOSAL MEETING

The Government is contemplating a site tour and pre-proposal meeting at Los Alamos National Laboratory, however a specific time for the site tour and pre-proposal meeting has not been developed. Please check the DOE/NNSA website for information (see Section L, L-13(e)) above) which will provide specific details. Only individuals representing Offerors who have submitted the Offeror intent form identified at Section L, L-34, *Offeror Intention to Submit an Offer* may attend the pre-proposal meeting.

To allow time for security clearance and other administrative processing, Offeror's must provide the requested information for the pre-proposal meeting as soon as possible, but no later than 10 working days prior to the site tour and pre-proposal meeting. Instructions will be provided 15 days prior to the site tour and pre-proposal meeting.

L-36 LIST OF ATTACHMENTS TO SECTION L (TO BE ADDED IN FINAL RFP)

<u>Attachment</u>	<u>Title</u>
A	Performance Guarantee Agreement
B	Listing of Key Personnel
C	Instructions for Small Business Subcontracting Plan
D	Cross Reference Matrix
E	Past Performance Information Form
F	Past Performance Cover Letter and Questionnaire
G	Sample Letter of Commitment
H	Transition Price and Fee Summary

DRAFT