

**SECTION M – EVALUATION FACTORS FOR AWARD**

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**M-1 FAR 52.217-5 EVALUATION OF OPTIONS (JUL 1990)**

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers for award purposes by adding the total proposed fees for all options to the evaluated fee (see, M-5) for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).

**M-2 EVALUATION OF PROPOSALS**

- (a) This acquisition will be conducted using the policies and procedures in Federal Acquisition Regulation (FAR) Part 15 and Department of Energy Acquisition Regulation (DEAR) Part 915. The Government will evaluate proposals using the criteria in this Section M and the Source Selection Authority (SSA) will select an Offeror for contract award using the best value analysis described in this Section M.
- (b) The instructions set forth in Section L are designed to provide guidance to the Offeror concerning documentation that will be evaluated by the Government. The Offeror must furnish adequate and specific information in its response. A proposal will be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be unacceptable on its face. For example, a proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address the essential requirements of the solicitation, or if it clearly demonstrates that the Offeror does not understand the requirements of the solicitation. An overall rating of unsatisfactory in one evaluation criterion may also result in elimination of the proposal from further consideration regardless of the rating of the other criteria. In the event a proposal is rejected, a notice will be sent to the Offeror stating the reason(s) the proposal will not be considered for further evaluation under this solicitation.
- (c) The Government intends to evaluate proposals and award a contract in accordance with FAR Part 15.306(d), *Exchanges with offerors after the establishment of the competitive range*. However, the contracting officer is not required to discuss every area where the proposal could be improved. 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. If an Offeror proposes exceptions to the terms and conditions of the Contract, the Government may make an award without discussions to another Offeror that did not take exception to the terms and conditions of the Contract. The scope and extent of discussions are a matter of contracting officer judgment. If the Government requires clarifications or revisions to an Organizational Conflict Of Interest Disclosure, including any mitigation plan, (paragraph (d) below) these will be considered to be clarifications rather than discussions in accordance with FAR 15.306(a).
- (d) Prior to selection for award by the SSA, the Contracting Officer will make a finding whether any possible Organizational Conflict of Interest (OCI) exists with respect to the apparent successful Offeror or whether there is little or no likelihood that such conflict exists. In making this finding, the Contracting Officer will consider the Offeror's

representation and disclosure statement required by the contract's Section K provision DEAR 952.209-8, *Organizational Conflicts Of Interest Disclosure-Advisory and Assistance Services* and the Government may also consider information from other sources. Subparagraph (c)(1) of DEAR 952.209-8, *Organizational Conflicts Of Interest Disclosure-Advisory And Assistance Services*, requires a statement, if applicable, from the Offeror of any past, present, or currently planned financial, contractual, organizational, or other interests relating to the statement of work. The Offeror should note that paragraph (c) (1) requires that the Offeror provide enough information in the statement to allow a meaningful evaluation by the Government of the potential effect of the interest on the performance of the statement of work. For any actual or significant potential organizational conflict of interest, the Offeror shall also submit a plan of actions/activities to avoid, neutralize, or mitigate such conflict. An award will be made if there is no OCI or if any OCI can be appropriately avoided, neutralized, mitigated, or if a waiver request submitted pursuant to FAR 9.503 is approved.

- (e) Federal Law prohibits the award of a contract under a national security program to a company owned by an entity controlled by a foreign government unless the Secretary of Energy grants a waiver. In making this determination, the Government will consider the Offeror's certification required by the contract's Section K provision, *Certificate Pertaining to Foreign Interests*.
- (f) A Performance Guarantee Agreement in accordance with the requirements of the Solicitation's Section L provision L-12, *Requirement for Guarantee of Performance*, will be a condition of the award of this Contract, if applicable.

### **M-3 BASIS FOR CONTRACT AWARD**

The Government intends to award one contract to the responsible Offeror whose proposal is responsive to the solicitation and is determined to be the best value to the Government. Selection of the best value to the Government will be achieved through a process of evaluating each Offeror's proposal against the evaluation criteria described below. The Technical and Management Criteria in M-4 will be adjectivally rated. The Cost Criterion M-5 will not be adjectivally rated, but will be used in determining the "best-value" to the Government. In determining the best value to the Government, the Technical and Management Criteria, when combined, are significantly more important than the Cost Criterion. The Government is more concerned with obtaining a superior Technical and Management proposal than making an award at the lowest evaluated cost/price. However, the Government will not make an award at a cost/price premium it considers disproportionate to the benefits associated with the evaluated superiority of one Technical and Management proposal over another. Thus, to the extent that Offerors' Technical and Management proposals are evaluated as close or similar in merit, the evaluated cost/price is more likely to be a determining factor.

#### **M-4 TECHNICAL AND MANAGEMENT CRITERIA**

The following criteria are listed with degrees of importance. Criterion 1 and 2 are of equal importance and, when combined, are significantly more important than Criterion 3. The individual items or evaluation considerations within a Technical and Management Criterion are not listed in order of importance and will not be individually weighted, but rather considered as a whole in developing an overall adjectival rating for each criterion. These individual items or evaluation considerations are not "sub-factors" as used in FAR 15.304.

##### **(a) Criterion 1: PAST PERFORMANCE**

The Government will evaluate the Offeror's relevant past performance during the last five-years, as submitted by the Offeror through the completion and submission of Past Performance Information Forms, performance assessments, small business achievement, as well as relevant past performance information that the Government may obtain from any other sources, to determine the degree to which the relevant past performance demonstrates the Offeror's ability to successfully perform the Statement of Work (SOW). Only past performance which was performed for at least nine months during the five years preceding the due date for proposals specified in this solicitation will be considered current and will be evaluated.

The evaluation will consider the relevancy of the Offeror's performance (i.e. how similar the experience reflected in an Offeror's past performance is relevant to: 1) executing work of similar size, scope and complexity as the requirements in the Statement of Work, Chapter II, Work Scope Structure and 2) leading and implementing organizational 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 degree of 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 safeguards and security technology programs involving high hazard nuclear materials. However, each Offeror 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 evaluation may also consider the source of the information, context of the data, and general trends in the contractor's performance. Where an Offeror has proposed a team member to perform or be responsible for only specific section(s) of the SOW, the relevance of that entity's past performance will be determined based on consideration of the specific section of the SOW the team member is proposed to perform or to be responsible for, as opposed to the entire SOW.

Past Performance which arises from or relates to the performance of another DOE or NNSA Management and Operating Contract (M&O contract), or similar contract by companies affiliated with any offeror(s) (or team members thereof), such as joint ventures affiliated with one or more of the same corporate parents or sister companies as any of the offerors (or of any team members), shall be automatically imputed to all affiliated offerors (or affiliated team members) on an equal basis (positively and negatively), regardless of the roles or responsibilities

of the affiliated company under the other M&O contract. All other past performance of affiliated companies shall be imputed to the offeror (or team member) only to the extent that the past performance of such affiliated companies is likely to affect the performance of the contract as demonstrated in the proposal or as otherwise may be determined by the Government.

In the case of an Offeror (or team member) without a record of relevant past performance or for whom information on relevant past performance is not available, the Offeror (or team member) will be evaluated neither favorably nor unfavorably for this criterion, and will be assigned a neutral rating.

**(b) Criterion 2: KEY PERSONNEL**

The Government will evaluate the Offeror's Key Personnel resumes, and information provided by Key Personnel references to consider the extent to which the Offeror demonstrates each Key Person's expertise and experience in: 1) leading and/or managing ability in work of similar size, scope, and complexity and 2) leading and implementing organizational culture change.

In addition to the references provided in the Key Personnel resumes (see Section L, L-15(b), Criterion 2) and Oral Presentations and Discussions (see Section L, L-19), the Government may use any information received from other sources, references or third parties as part of its evaluation of Key Personnel. However the Government is under no obligation to obtain additional information and may do so at its sole discretion. Failure to submit the required letters of commitment may result in the Key Person not being evaluated, negatively affecting the evaluation results for this criterion. Proposed Key Personnel who are under a service commitment for the performance of another NNSA M&O contract at the projected time of contract award (i.e. 3<sup>rd</sup> Quarter, FY18) will not be considered, which may negatively impact the Offeror's evaluation or make the proposal unacceptable.

**(c) Criterion 3: SMALL BUSINESS PARTICIPATION**

The Government will evaluate the effectiveness of the Offeror's approach in using small businesses and the extent of small business concern participation, including veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business concerns, small disadvantaged business concerns, and women-owned small business concerns in performance of the contract. Evaluation of this criterion is separate and distinct from the small business subcontracting plan or small business past performance assessments. This information shall not contradict the information provided in the offeror's subcontracting plan found in Section L – Attachment C. Information in Criterion 3 will be made a material part of the contract.

**M-5 COST CRITERION**

The Transition Price (Section L, L-16) will be evaluated for price reasonableness. The Government may use any of the price analysis techniques specified in FAR 15.404-1(b).

For the best value determination as described in M-3 above, the total evaluated cost will include the Transition Price for the Transition Period and the total proposed maximum fee (CLIN 0002 and CLIN 0003) for years 1 through 10.

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