

**Questions and Answers**  
October 25, 2017  
Draft Request for Proposal (RFP)  
DE-SOL-0011206  
Los Alamos National Laboratory

**Question 111. What is the manner that bid prices will be compared?**

Answer 111. In accordance with RFP Section M, the Transition Price, Fee for Management and Operation of LANL and Fee for Strategic Partnership Projects (RFP Section L) 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 RFP Section M, 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.

**Question 112. Will the government hold a building by building walkthrough after RFP release?**

Answer 112. The government does not intend to hold another site tour.

**Question 113. Will the government provide a complete list of 1900 buildings and square footage?**

Answer 113. Specific site details will be discussed between the incumbent contractor and the new M&O contractor during the transition period.

**Question 114. Will the government consider fixed price terms for certain parts of the contract?**

Answer 114. Yes. In addition to the cost reimbursement terms and conditions, the RFP will contain firm fixed price terms and conditions. Transition will be firm fixed priced and the government intends to utilize firm fixed pricing arrangements for capital line item construction projects as appropriate.

**Question 115. Why is the government competing the contract early?**

Answer 115. The current contract expires September 30, 2018.

**Question 116. Will ESPC contract cover all major areas of LANL?**

Answer 116. The Department of Energy Savings Performance Contracts (ESPC) vehicle is available for projects that are technically excellent, legally sound, and in the best interests of the Government. At LANL the ESPC contracting vehicle is available on a case-by-case basis, provided a proposed project is supported by a formal business case analysis and receives agency concurrence.

**Question 117. What radioisotopes are produced and how does the medical community process these?**

Answer 117. LANL produces a number of isotopes, including, but not limited to, strontium-82, germanium-68, aluminum-26, silicon-32, and actinium-225. These isotopes are utilized in the fields of medicine, fundamental nuclear physics, national security, environmental science and industrial applications.

**Question 118. What is the current annual lease budget of the 28 leased facility in Los Alamos downtown? How many square feet are leased?**

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Answer 118. While the actual figure is LANS, LLC proprietary data, currently, the lab utilizes leased space at 28 locations for a total cost of approximately \$8 million annually.

**Question 119. What role does/can San Ildefonso Pueblo play as a participant of an Offeror team?**

Answer 119. NNSA is not privy to any negotiated terms between San Ildefonso Pueblo and Potential Offerors.

**Question 120. What is the significance of the San Ildefonso Pueblo in their relationship to LANL?**

Answer 120. LANL is the major economic presence in Northern New Mexico (NNM). With particular regard to the Laboratory, it is recognized that the Laboratory and its procurement practices have a major impact on the economy of NNM. The Pueblo of San Ildefonso borders LANL. The Department of Energy maintains a government-to-government relationship with the Pueblo.

**Question 121. You mentioned the 4 accord. What does that mean?**

Answer 121. This question refers to four nearby American Indian Tribes: Cochiti, Jemez, Santa Clara and San Ildefonso. These tribes are sometimes referred to as the four accord pueblos because each tribe has entered into an accord with the Department of Energy.

**Question 122. How do tribal entities add benefit to an offeror?**

Answer 122. How a tribal entity adds benefit to an Offeror is up to the Offeror to decide. The RFP will require continued cooperation and support of the local community.

**Question 123. Will the LANL M&O have any role in the TA-54/Area 6?**

Answer 123. The transfer of facilities to DOE's office of Environmental Management (EM) is underway. Most facilities necessary for the storage, treatment, and shipping of legacy waste are expected to transfer to DOE EM before award of this contract to manage and operate LANL.

**Question 124. Which facilities in TA-46 are scheduled to transfer to EM? Will all of TA-46 transfer to EM? What is the schedule for the transfers?**

Answer 124. Please review the Final RFP and responses provided herein regarding EM transition.

**Question 125. What are the benefits of having subcontractors who are local?**

Answer 125. Please review the Final RFP and responses provided herein regarding subcontracting.

**Question 126. Will GAREA, RLWTF and WCRRF be transferred to the LANL/EM contract or will those facilities remain within the LANL M&O contract?**

Answer 126. Please review the Final RFP and responses provided herein regarding EM transition.

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**Question 127. What is the detailed procurement schedule including RFP issuance, questions, proposal due date, down select, final proposal revision and orals?**

Answer 127. While NNSA is not able to provide a detailed procurement schedule at this time, NNSA is committed to ensuring a contract is awarded in time to allow a four month transition before the current contract expires on September 30, 2018.

**Question 128. Would NNSA please publish inventories/amounts of post-1999 “enduring” waste for which the M&O contractor will be responsible?**

Answer 128. Transfer of facilities to EM is underway. Most facilities necessary for the storage, treatment, and shipping of legacy waste are expected to transfer. Once these facilities are defined, NNSA can provide a more accurate estimate of work involving legacy (i.e., enduring) waste.

**Question 129. What is the Small Business Plan?**

Answer 129. The Small Business Subcontracting Plan is part of the proposal submission. See RFP Section L. FAR Subpart 19.708(b) prescribes the use of Section I clause FAR Subpart 52.219-9 (Jan 2017), Small Business Subcontracting Plan. Offerors shall provide a response as specified in FAR Subpart 52.219-9(d), using the clause itself as the outline for the subcontracting plan. A template of the plan will be provided in the RFP.

**Question 130. How will the SBs know who (are) the potential primes?**

Answer 130. NNSA has posted an interested parties list posted to the NNSA contract competition website, <https://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/los-alamos-national-laboratory-management-and> Interested parties may provide consent to be added to the list by submitting a company or organization name and point of contact with e-mail and telephone number, to the contract competition inbox at [SEB7@nnsa.doe.gov](mailto:SEB7@nnsa.doe.gov)

**Question 131. Is the Government willing to accept recommendations to convert portions of the M&O contract to firm fixed-price arrangements versus cost reimbursable specifically in SOW element 2.0 Laboratory and Site Operations?**

Answer 131. Section J, Appendix A, Chapter I, paragraph 3.0, Requirements states, “*The scope of work of this contract generally includes... Managing and operating the Laboratory facilities and infrastructure in an efficient, cost effective, innovative manner...*” After award, in accordance with the terms and conditions of this Contract, the Contractor shall provide the personnel, equipment, materials, supplies, and services (except as may be furnished by the Government) and otherwise do all things necessary for, or incidental to, the efficient, effective, and safe management and operation of the Los Alamos National Laboratory. The Transition Period is established as firm fixed price and appropriate capital constructions projects will be firm fixed price.

**Question 132. Can the Government provide a rough % breakout of the amount of contract funds allocated to major areas of work, i.e.,**

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- 1.0 Science and Technology**
- 2.0 Laboratory and Site Ops**
- 3.0 Laboratory Management**

Answer 132. Please see slide 9 from the LANL site visit briefing, posted to the LANL contract competition webpage, here:

[https://nnsa.energy.gov/sites/default/files/nnsa/multiplefiles/lanl\\_site\\_visit\\_briefing.pdf](https://nnsa.energy.gov/sites/default/files/nnsa/multiplefiles/lanl_site_visit_briefing.pdf)

**Question 133. Can the Government provide thoughts on caps to contractor liability?**

Answer 133. The RFP will contain DEAR 952.250-70, Nuclear Hazards Indemnity Agreement, which limits liability for the LANL M&O contractor. After award, FAR clause 52.250-1 Indemnification Under Public Law 85-804 will be added to the contract via modification if the Contractor submits an acceptable request for indemnification and receives approval from the Secretary of Energy.

**Question 134. Is the computerized maintenance management system (CMMS) GFE or CFE? Is the CMMS IBM Maximo?**

Answer 134. LANL does use a Computerized Maintenance Management System (CMMS); it is a commercial application from Ventyx, an ABB company, called Asset Suites and is considered GFE.

**Question 135. Can you please give insights into the small business subcontracting percentage goals?**

Answer 135. Historical contract small business goals can be found in the current contract. A link to the current contract is provided on the NNSA website at:

<https://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsollicitation/los-alamos-national-laboratory-management-and>

**Question 136. Will Historically Black Colleges and Universities (HBCU)/Minority Institutions (MI) and/or Ability One entities be incorporated as part of the small business goals?**

Answer 136. The Small Business Act (15 USC 644(g)) provides the statutory basis for federal contracting goals. Federal Acquisition Regulation (FAR) clause 52.219-9, Small Business Subcontracting Plan, states that proposals shall address subcontracting and subcontracting goals with small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. Neither the Small Business Act nor the referenced FAR clause identifies that Historically Black Colleges and Universities (HBCU)/Minority Institutions (MI) and/or Ability One entities be incorporated as part of the small business subcontracting goals.

**Question 137. Does an Offeror need to have a Team Member with plutonium past performance or can we satisfy your requirement by including Key Personnel with outstanding experience in managing plutonium processing and pit production?**

Answer 137. In accordance with RFP Section M, *“With respect to tasks within the Statement of Work for which only the incumbent contractor would have direct past performance, the Government will evaluate*

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*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 safeguards and security technology programs involving high hazard nuclear materials or other high hazard 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.”*

**Question 138.** Section M-4 indicates that the Government will evaluate the Offeror’s relevant past performance, *“to determine the degree to which the relevant past performance demonstrates the Offeror’s ability to successfully perform the Statement of Work (SOW),”* and, *“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.”* If an Offeror has no relevant Past Performance analogous to plutonium processing and pit production, will that Offeror receive a neutral Past Performance rating? If this is deemed a “*weakness*,” would the inclusion of Key Personnel with excellent experience in plutonium processing and pit production mitigate that weakness?

Answer 138. The absence of past performance information would yield a neutral rating for past performance.

**Question 139.** During the presentation by the Los Alamos Field Office on Tuesday, August 29, 2017 prior to the Site Tour, mention was made of the Environmental Management function of the LANL Field Office and the procurement for legacy cleanup projects at LANL, known as the *“Los Alamos Legacy Cleanup Contract.”* Section 2.12 of the RFP nonetheless states that, *“The Contractor shall conduct compliant environmental restoration activities; characterize soil and groundwater and remediate contamination; provide management of waste necessary to support Laboratory missions including storage, treatment, and disposal of solid, hazardous, mixed, and radioactive wastes; decontaminate and decommission facilities and sites; and coordinate and implement waste minimization and pollution prevention initiatives.”* Can you clarify the work elements that are part of this M&O Contract versus those associated with the Los Alamos Legacy Cleanup Contract?

Answer 139. The activities associated with the Los Alamos Legacy Cleanup Contract (LLCC) are those referenced in the performance work statement of that contract. This provision would apply to work that would fall outside that contract. Section 2.12 would be necessary should the contractor cause and release or discover any release not covered by the consent order or the LLCC.

**Question 140.** We believe the Final RFP should provide better clarification around the evaluation criteria for Criterion 3: SMALL BUSINESS PARTICIPATION. Currently, the evaluation criteria just states that *“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.”*

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We suggest that “*effectiveness*” in the aforementioned paragraph could be better defined by introducing additional measures such as:

- Extent that the approach promotes economic diversity within Northern New Mexico
- Extent that the approach supports broader community engagement in Northern New Mexico
- Extent that the approach supports an enduring business presence in Northern New Mexico
- Extent that the approach provides significant scope to small businesses such that the scope might enable them to more effectively market their services to entities outside of LANL and DOE/NNSA (and thus help in achieving the goals above)

Answer 140. Please see the Final RFP and responses provided herein. Requirements for Community Commitment and Regional Initiatives are identified in the appropriate clauses and appendices in the contract, and will be discussed with the selected offeror during the transition period.

**Question 141. We recommend NNSA reevaluate its consideration of close-at-hand information with regard to other agencies (e.g., the U.S. Department of Defense). With the current structure of the Draft RFP, it appears companies that perform a significant amount of work for NNSA currently are at a disadvantage (especially with regard to adverse past performance), when compared to other non-NNSA contractors.**

Answer 141. NNSA reserves the right to consider all relevant sources of past performance information when evaluating an offeror’s past performance.

**Question 142. Will you provide bidders with additional information regarding how NNSA will assess whether past performance is more or less relevant to the LANL scope of work? Specifically, will NNSA apply a rating system to categorize past performance (e.g., rate past performance submittals as highly relevant, moderately relevant, or not relevant). If so, we request that NNSA provide more clarification regarding how such ratings will be determined, so that bidders can submit past performance that aligns with NNSA’s interests. This could be accomplished by expanding Section M-4 (a) to include a more detailed explanation of the evaluation criteria and methodology to be used in assessing and ranking past performance.**

Answer 142. Past performance that is determined to not be relevant will not be evaluated. Relevant past performance is past performance that is similar in size, scope and complexity to the requirements in the Statement of Work. The Government will consider past performance information submitted by the Offeror (i.e. Past Performance Information Forms) that is determined to be relevant, as well as relevant past performance information that the Government obtains from any other sources. 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. 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.

**Question 143. Can you explain how bidders’ will be scored on organizational approach, given that the Draft RFP requires the proposed organization structure to be submitted as part of Volume I (a**

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**volume which is not scored)? Specifically, how will NNSA correlate information provided in Volume 1 to information provided in Volume 2?**

Answer 143. The RFP includes the organization structure in Volume II.

**Question 144. Section L, Page 22, section L-16, Last Paragraph:**

*“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.”*

**Could you modify the above clause to eliminate the fee sharing for the IT scope. Technology infusion from major blue chip Technology companies will be discouraged to participate based upon this profit restriction.**

Answer 144: This section of the RFP has been updated to state that the fee restriction does not apply to members of the Contractor’s team that are: (1) small business(es); (2) Protégé firms as part of an approved Mentor-Protégé relationship under the Clause entitled, Mentor-Protégé Program; (3) a competitively awarded firm-fixed price or firm-fixed unit price subcontract; or (4) competitively awarded subcontracts for commercial items as defined in FAR Subpart 2.1.

**Question 145. We recommend that Section M of the draft RFP be amended to include the Community Commitment Plan in the evaluation process. Such a change would demonstrate to any offeror the importance that the Government places on community commitment and the proposed approach of the offeror. Specifically we recommend that the title of Criterion 3 in Section M-3(c) be amended to Small Business Participation and Community Commitment. Also we recommend appending the following language to Criterion 3: “The Government will also evaluate the Offeror’s approach to community commitment set forth in the offeror’s community commitment plan found in Section L - Attachment \_\_, Information in Criterion 3 will be made a material part of the contract.”**

Answer 145. The contract terms and conditions include the requirement for a community commitment plan to be submitted during the contract transition. The NNSA recognizes the importance of working with the local community and the contract will require continued cooperation and support of the local community.

**Question 146. Section M, Paragraph M-4(b), page 5: Comment: This Paragraph should be retitled Key Personnel and Management Structure and should also require evaluation of the management organization, lines of reporting and WBS accountability, and rationale for the organizational construct. Recommendation: Insert organizational structure and rationale evaluation requirements that mimic the NNS M&O RFP language.**

Answer 146. Please review the Final RFP and responses provided herein regarding Section M.

**Question 147. We propose that a specific requirement be added in Section J, Statement of Work, under Industrial Partnership and Technology Transfer Programs (1.9) that requires the contractor to support, encourage, and facilitate additional development of the Los Alamos Research Park to**

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**encourage economic development and diversification. The new contractor should be enabled and encouraged to work with key partners including the National Park Service, Los Alamos County, the Los Alamos Historical Society, and the Los Alamos Commerce and Development Corporation to ensure the success of the Park, which includes public access to facilities on the LANL site.**

Answer 147. The contract will include community support requirements identified as clauses and appendices.

**Question 148. DRAFT RFP Sections: 2.3 (Environmental Management), plus 2.10 (Integrated Safety Management, Integrated Safeguards and Security Management, Environmental Management System, and Quality Assurance Systems), 2.11 (Environmental Permits and Applications), 2.12 (Environmental Restoration and Waste Management):**  
**Observation(s)/Comment(s):** There is no reference and/or mention to the LLCC contract and NEW contractor that will take over the site(s) EM program/scope from LANS in FY18. LLCC is a 10-yr cleanup contract which encompasses scope areas which overlap with some/all of the M&O contract elements addressed in PWS areas 2.3, 2.10, 2.11, and 2.12. We suggest NNSA add references and/or articulate how these scope areas will be managed/integrated, including who will have the lead. NNSA may want to address COI issues/protocols, especially if a contractor has a role on both the M&O and LLCC. With respect to subcontractors who may have a role on both the M&O and LLCC, we do not see any COI issues. In fact, with our experience and deep understanding of lab interworking's/relationship dependencies, we see it as a true benefit to NNSA if we were on both sides.

Answer 148. Please review the Final RFP and responses provided herein regarding Conflicts of Interest.

**Question 149. Multiple sections of the draft RFP highlight the critical necessity of high performance computing (HPC) in achieving the mission of LANL. The application of HPC is highlighted in sections on Stockpile Stewardship and Management, Science Programs, and Energy Technology. Demonstrated HPC capabilities should be required in the contractor's Past Performance information. We recommend changing the language in L- 15 (a) and M-4 (a) to *"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, secure Information Technology (IT) infrastructure, High Performance Computing (HPC), and related programs around the world, and work relating to safeguard and security technology programs involving high hazard nuclear materials."***

Answer 149. While NNSA appreciates the recommendation, this Section of the Final RFP remains substantially unchanged.

**Question 150. L-2(f)(8), Page 8: Since the Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced, cost/price premium, or overstated but does not provide any information that assists in determining acceptable costs for the transition. Since no Transition Plan is required for Volumes I or II, how can the Government assess**



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**reasonableness and balance? Will the Government reconsider and not include the Transition Costs as part of the Cost Volume and not part of the consideration?**

Answer 150. NNSA included additional information on transition costs in the Final RFP and in the Reading Room on the NNSA Contract Competition Webpage, at <https://nnsa.energy.gov/aboutus/ouoperations/apm/majcontrsolicitation/los-alamos-national-laboratory-management-and>

**Question 151. Resumes for science posts are generally longer than other types of positions and typically include publications. In addition, this is a highly weighted criteria for the solicitation. Would NNSA consider a 5-page resume for all key personnel and a 7-page resume for the laboratory director? Would NNSA consider adding publications to the resume format, which could be out of the page count?**

Answer 151. The RFP contains additional pages for the key personnel and laboratory director.

**Question 152. L-15(b), p. 20: Given the propensity for protests, and that the current three year commitment as stated in the DRFP could practically entail a significantly longer commitment (considering proposal lead time, protest(s), and transition), would the Government consider starting the Key Personnel employment commitment at time of award as opposed to post-transition?**

Answer 152. Criterion 1 and 2 are of equal importance and, when combined, are significantly more important than Criterion 3. Therefore, NNSA considers Key Personnel an important component to the successful Management and Operation of LANL. RFP Section L states that 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 first day of the Contract Base Period through the first three years of the Base Period under the Contract.

**Question 153. L-15(a) Criterion 1: PAST PERFORMANCE: Feedback: It is clear the LANL mission is critical to National security. Mission success is driven by having the right culture in place and that the culture reflects an efficient, effective, and safe execution of the mission. Based on the stated need for organizational change, it is possible that the existing culture is so engrained that the laboratory requires a transformational change to reinvigorate meeting all its mission requirements. When this type of cultural shift is necessary, organizations with significant experience in large organizational change and risk management are necessary. In addition, these types of changes can take years to see a real sustained positive impact. We applaud NNSA's approach to evaluating an offeror's ability to institute change; however, we suggest change management past performance should not be evaluated using the same method as past performance associated with the LANL SOW. Suggestion: To strengthen NNSA's ability to evaluate an Offeror's experience and expertise with both the SOW and organizational change, we suggest taking the following steps within section L-15(a). NNSA should request each Offeror (or team member) provide at least one, but no more than two additional past performance qualifications specifically associated with their ability to support and implement organizational change. The performance cited should be within the last ten**

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years preceding the due date for proposals and at least three years in duration. An alternative PPIF could be used to solicit a response which would provide NNSA with a stronger base for evaluation. This Change Management PPIF (CMPPIF) would be no more than 8 pages and would be provided directly by the Offeror (or team members) to the NNSA as part of their proposal (and should be excluded from the 35 pages). This CMPPIF provides insight to the offeror on how their past performance will be evaluated and makes it easier for the NNSA to evaluate this type of past performance. We suggest the CMPPIF include: (1) details of the organization changed (number of people, annual budget, mission); (2) the relevance to the LANL mission; (3) the original issues within the organization in need of change; (4) the change management process used; and, (5) the outcome, including any measurable results. By separating these qualifications from the past performance qualifications associated with the Statement of Work, the NNSA can better assess both the Offeror's ability to perform the SOW and the offeror's ability to make substantive changes to a large organization. The CMPPIF would also allow an Offeror to provide its own experiences with culture change (not as part of a contracted effort). In addition to the documents already requested, the NNSA should also consider allowing CPARS to obtain feedback on the Offeror's or team member's performance.

Answer 153. RFP Section L, Laboratory Organization and Key Personnel, requests offerors to describe how the Offeror will lead and implement organizational culture change as described in the Section H clause entitled "Organizational Culture Change."

**Question 154. L-15(b) Criterion 2: Key Personnel: Feedback: The NNSA does not have a way to evaluate how an Offeror will develop and implement a change management plan. While the NNSA can infer performance through an assessment of relevance of the Offeror's past performance and key personnel resumes, these two factors combined, still only provide a limited view of the approach the offeror will take when changing the culture at LANL. Another concern is that the offeror's specific change management strategy and plan may be counter to NNSA's own vision and goals associated with enterprise success across the nuclear security complex. Not evaluating this strategy and plan creates a large organizational risk for the NNSA in the transition phase and first few years of the new LANL contract. Suggestion: In Section L-15(b), add the following underlined language to: *"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. In addition, the Offeror shall submit a change management strategy and explanation of how the key personnel will implement this strategy."* Associated with this recommendation, NNSA should consider an increase to the maximum page count for the Technical and Management Volume to minimum of 40 pages.**

Answer 154. In the Final RFP, NNSA has changed Criterion 2 to Laboratory Organization and Key Personnel, added Section H clause entitled "Organizational Culture Change," and provided instruction in Section L to instruct how offerors are to demonstrate leading and implementing organizational culture change in proposal submissions.

**Question 155. Require Offerors to describe their proposed organizational structure in Volume II. Section L-15 (b) (Criterion 2: Key Personnel) requires Offerors to include resumes of personnel**

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who will be key to 1) performance of the Statement of Work and 2) leading and implementing organizational culture change. In order to provide context for the resumes, and how these key personnel will work together to manage LANL, we recommend including a requirement for Offerors to describe the laboratory organizational structure in Volume II. We further recommend that this section should include a description of the key personnel roles and responsibilities, and the governance organizational structure and approach. This requirement will be especially important if the SEB does not receive a copy of the organizational structure that is included in Volume I to accompany their evaluation of the resumes.

Answer 155. Please review the Final RFP and responses provided herein regarding organizational culture change, key personnel, and organizational structure.

**Question 156.** There is extensive precedence, both within DOE and NNSA procurements, for the evaluation of experience as well as past performance. Much is learned by having been responsible for NNSA sites in the past, by having served both national and worldwide nuclear weapons and nonproliferation efforts, and by having managed large, complex, nationally important research and development efforts. Such experience increases the probability of success on this contract and needs to be credited in the evaluation of Offers. We, therefore, suggest that NNSA add a fourth evaluation criterion, Experience, and allow bidders to demonstrate a full range of relevant experience, including experience implementing organizational cultural change. While recently DOE has chosen to limit discussions of Experience to the contracts cited as past performance, because of the complexity of the LANL scope and the importance of its mission, we recommend that NNSA not limit the discussion in that way for this procurement and instead add an additional 10-page limit to a presentation of bidding teams overall relevant experience. We also recommend that this new criterion be evaluated at least equally with the current third criterion, Small Business Participation.

Answer 156. The Final RFP does not include a separate criterion for Experience.

**Question 157.** Require Offerors to describe their approach to implement and lead organizational culture change. There is a strong emphasis in Criterion 1: Past Performance and Criterion 2: Key Personnel to address the Offeror's previous experience in leading and implementing organizational culture. Given this emphasis, we recommend that NNSA require Offerors to describe their proposed approach to implement and lead culture change at LANL. This will allow the SEB to review 1) demonstrated past performance experience where the Offeror has accomplished culture change on previous contracts; 2) demonstrated experience of the key personnel to lead and implement culture change; and, most importantly, 3) how this team will work together to effectively lead and implement culture change at LANL.

Answer 157. Please review the Final RFP and responses provided herein regarding organizational culture change, key personnel, and organizational structure.

**Question 158.** These comments are directed at Instruction L-16—(All proposed team members must share in the fee pool...), when read in conjunction with Evaluation 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...). We recommend several alternatives:

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- (1) **Require the use of the GSA schedules for government approved labor categories appropriate to small business work scope; or**
- (2) **Negotiate an acceptable and separate fee pool range dedicated to proposed subcontractor scope, e.g. 6 to 8 percent of the estimated cost of scope per proposed small business team member; or**
- (3) **Add "award fee kickers" to other incentives for large companies that exceed small business goals. While the amount needs to be determined, the effort is another way to create meaningful change without the negative consequences that concern us.**

Answer 158. The Final RFP has been revised to exempt small businesses from the fee pool.

**Question 159. Evaluations regarding the scope of work (SOW) for Production and Manufacturing (SOW 1.1.6(i)) allow for broadly-relevant past performance in plutonium operations. Because plutonium manufacturing work is not widely carried out outside of the LANL contract, it is important to define comparable and relevant experience more broadly, in order to support full and open competition and meaningful evaluation and selection of the best value contractor.**

Answer 159. 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 safeguards and security technology programs involving high hazard nuclear materials or other high hazard 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.

**Question 160. DRAFT RFP Section: L-8 DEAR 952.219-70 DOE MENTOR-PROTÉGÉ PROGRAM (MAY 2000): Observation(s)/Comment(s): The content/text only addresses small businesses classified as: 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. Where a specific reference is made to 48 CFR 919.70/the Department of Energy's Mentor Protégé program, we also request DOE consider adding a reference to the ALL Small Business Mentor-Protégé program promulgated July 25, 2016 and formed under the rules as established in 13 CFR 125.9.**

Answer 160. NNSA's ability to add the requested reference is outside of this organization's authority under this solicitation. Until such time as the Department of Energy's Mentor-Protégé Program under DEAR Subpart 919.70 is rescinded, it remains the officially recognized policy and process for managing Mentor-Protégé agreements for subcontracting purposes.

**Question 161. M-4, Management and Technical Criteria, (c)- Criterion 3: Small Business Participation: The paragraph should be revised to state: *"The Government will evaluate the effectiveness of the Offeror's approach in using small businesses and the extent of participation of small business concerns, including veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUB Zone small business concerns, small disadvantaged business***

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*concerns, and women-owned small business concerns as part of its team, in performance of the contract and the types and amount of work to be performed. Evaluation of this criterion is separate and distinct from the small business subcontracting plan or small business past performance. This information shall not contradict the information provided in the offeror's subcontracting plan found in Section L – Attachment C."*

Answer 161. Please review the Final RFP and responses provided herein regarding small business subcontracting.

**Question 162.** We believe the instructions and evaluation of past performance need to be clarified so as to fairly and consistently evaluate past performance of team members who are proposed to perform only specific sections of the SOW. We suggest the following changes to sections L and M:

- **L-15 (a) Criterion 1: Past Performance, proposed language to be added to the end of the first paragraph:** *"When a team member has a defined scope of work (e.g., a subcontractor is responsible for a distinct portion of the overall SOW), that team member's past performance will only be evaluated relative to the proposed SOW elements for which it will be responsible under the new contract."*
- **M-4 (a) Criterion 1: Past Performance, proposed language to be added to the end of the third paragraph:** *"In addition to determining relevance, that team member's past performance will only be evaluated relative to the proposed SOW elements for which it will be responsible under the new contract."*

Answer 162. Please review the Final RFP and responses provided herein regarding past performance.

**Question 163.** The final RFP should more clearly define how NNSA evaluate the "effectiveness" of the approach to small business participation.

Answer 163. The Final RFP includes additional information on the small business criterion.

**Question 164.** The draft statement of work does not include one of the most significant contributors to the community of Los Alamos, the Bradbury Science Museum. It is both an economic driver by drawing tourists, and an educational institution by providing science programs for youth and adults. The science museum also provides a public face for LANL. The contractor should be required to maintain and support this vital community resource. We feel this requirement could be added in Section J Statement of Work section 3.4 Education Programs. For language that can be used in support of the museum, please see the Mission Support Contract for Hanford (Contract No. DE-AC06-09RL14728). Specifically, Section C.2.1.8.7 on pages C-73 to C-75 addresses curation services, and Section C.2.2.12 on pages C-105 through C-108 addresses historic preservation. While specific to Hanford, this section could be modified to include the buildings at Los Alamos National Laboratory that are legally within the national park boundaries, including the Gun Site, the V Site, and the Pajarito Site. This language could be modified to fit the Los Alamos situation and the Bradbury's role.

Answer 164. Please review the Final RFP and responses provided herein regarding community commitment.

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**Question 165. Future Section H, based on Incumbent Contract Clauses H-25 and H-26: Comment: Prospective bidders should have access to prior history of special claims and costs incurred by previous contractors and history of litigation against employees and officers of contractors at the site. Recommendations: Publish in the documents section of the acquisition web site historical information on prior claims and litigation. Include information in the Final RFP as to whether and what contractor-purchased insurance is needed and whether it will be an allowable cost.**

Answer 165. Litigation matters are addressed in the Final RFP, most notably DEAR Clause 970.5228-1, Insurance-Litigation and Claims, and DEAR clause 970.5224-1, Contractor Purchasing System.

**Question 166. Future Section H, based on Incumbent Contract Clause H-42: Comment: H-42, provides for the implementation of the ITER Agreement Annex on intellectual property and information. Recommendation: If H-42 is repeated in FRFP, please provide the ITER Agreement Annex for review.**

Answer 166. The Annex, and the Agreement in its entirety, may be accessed here:  
<https://www.state.gov/documents/organization/185378.pdf>

**Question 167. Future Section I, based on Incumbent Contract Clauses I-116 and I-120: Comment: Prospective bidders must understand contractual risk impacts and mitigations for hazards like the Deepwater Horizon disaster and Fukushima. For instance, does the definition of “*nuclear materials*” on incumbent contract page 35 include the Fukushima materials since they were not generated under the U.S. Atomic Energy Act? See subsection (l)(5) definition. Bidders will need to understand the indemnity and insurance coverage with respect to the work scopes they will perform. Recommendations: Please clarify in the FRFP whether the definition of “*unusually hazardous or nuclear risks*” (found in Clause I-116 (j) of the existing contract) will be revised or updated to alter the types of work included. Please also clarify whether the definitions included in Clause I-116 (k) are intended to be read so as not to limit the definition of “*unusually hazardous or nuclear risks*” in Clause I-116 (j), particularly with respect to risks associated with activities conducted or materials originating outside the U.S.**

Answer 167. Please review the Final RFP and responses provided herein regarding hazardous risks.

**Question 168. Section J, Appendix A, Chapter III, Paragraph 2.3, page 31: Comment: The DRFP indicates an expectation by the NNSA to achieve culture change at LANL. Yet this expectation ignores the importance of lower-tier management buy-in because the winning contractor may only replace Key Personnel and their immediate directs, giving the right of first refusal to every incumbent position below that level. Recommendation: Enhance the culture change likelihood of success by allowing the incoming contractor the latitude to evaluate and replace personnel, if deemed necessary, at up to 2 management levels below the Key Personnel position.**

Answer 168. Please review the Final RFP and responses provided herein regarding right of first refusal. Although initially the right of first refusal is offered to incumbent personnel below the level of the direct reports, it remains the responsibility of the New Contractor to meet the requirements of the contract and properly manage and operate the Laboratory. There is no contractual requirement prohibiting the new contractor from taking appropriate personnel action against individuals with adverse performance.

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**Question 169.** The LANL M&O governance and oversight model will be a critical component to drive "*organizational culture change*" in order to create an environment of accountability and success at LANL. Will Volume II include the requirement to describe the offeror's approach to governance?

Answer 169. Please review the Final RFP and responses provided herein regarding organizational culture change.

**Question 170.** Does NNSA have any concerns regarding an organizational conflict of interest if a member of the team awarded the LANL Legacy EM Contract is part of the offeror team for the LANL M&O Contract?

Answer 170. As part of the LANL M&O contractor's responsibility determination, any actual or potential organizational conflict of interest must be avoided, neutralized, or mitigated prior to contract award.

**Question 171.** In Northern New Mexico, there is a highly interdependent relationship between LANL and the local communities. The needs of these communities extend well beyond small business commitments to include investments in education, community and economic development. Will community commitments and economic development plans be required and included as part of the scoring criteria?

Answer 171. The contract will include community support requirements identified as clauses and appendices.

**Question 172.** We believe the draft RFP, Section L-15(a), Proposal Preparation Instructions – Volume II, Technical and Management Information, is unduly restrictive of competition and should be revised. Specifically, under Criterion 1: Past Performance, the draft RFP provides, in part:

*"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 evaluation of past performance, using the foregoing information, is a critical element of the proposed award decision. In this regard, the draft RFP, Section M-4 indicates that Past Performance and Key Personnel are of equal importance and, when combined, are significantly more important than Small Business Participation.

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**Importantly, the scope of the contract calls for the operations of a multi-billion dollar, multi-discipline research laboratory whose focus is nuclear weapons. There are a number of major research universities whose overall breadth of research programs meets many, if not all, the major elements of the statement of work for the Los Alamos National Laboratory (LANL) M&O contract. However, operation of these universities and their research programs is not performed under a “contract” with an SF294 or a contract that has “award fee determinations.” Instead, these universities manage their own operations and perform hundreds or thousands for contracts and grants covering the waterfront of the activities of LANL—they simply cannot convey their ability to demonstrate performance across the LANL scope using three “contracts”.**

**In fact, the only major research universities that have a “contract” that could be legitimately scored that addresses management and operation of a multi-discipline laboratory are the approximately nine universities holding contracts for the performance of one of the U.S. Government’s Federally Funded Research and Development Centers; and most of these do not come close to LANL’s scope of physics and nuclear operations.**

**We are concerned universities that could bring tremendous value to the National Nuclear Security Administration will be unable to show relevance of only “three” contracts, resulting in a neutral rating under the most important evaluation criteria for the award of this contract that is critical to the country’s national security. As a result, NNSA’s proposal to base a substantial amount of its award decision on three contracts is unduly restrictive of competition and should be revised to allow offerors to demonstrate their ability to operate a research institution, not tethered to a single “contract.”**

Answer 172. The Federal Acquisition Regulation Subpart 2.1 provides the definition of “Contract” - means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them.