

Question/comment: An estimate of the direct productive labor hours (DPLH) per labor category is not provided in the Request for Proposal for DE-SOL-0005388. Will the Government provide such information so that Offerors may develop a responsive proposal?

Response: Historical data reflecting full time equivalent (FTE) support personnel by labor category is provided in Section J.9, Attachment D of the RFP in the table titled Position Qualifications. Each Offeror is expected to propose the labor categories and DPLH to meet the technical and organizational approaches proposed.

Question/comment: If an Offeror or major or critical subcontractor on a bidding team has been performing work as a major or critical subcontractor to a current NETL support contract prime contractor and the Offeror desires to submit that work as relevant experience, can the Offeror or major or critical subcontractor provide a federal manager as the point of contact for past performance information instead of the prime to which they are currently a subcontractor?

Response: The government provides performance evaluation information for the prime contractor delivering support services. Therefore, an Offeror or major or critical subcontractor currently performing as a subcontractor would need to use the contractor with whom they subcontract as the point of contact for past performance. A federal manager is not an appropriate point of contact.

Question/comment: Small businesses will be challenged to meet the size standard of \$35.5 million per year as it relates to the relevancy of the Offeror's experience. Will the government consider redefining the relevant size requirement?

Response: The size standard for the requirement has been established at \$35.5 million; however, for the criterion *Relevant Experience*, [relevant] size is defined as \$10 million per annum for the Offeror and major or critical subcontractors.

Question/comment: Will a version of the Performance Guarantee Agreement be acceptable if it states that each contractor's liability under the performance guarantee covers only the contract work for which that entity is responsible?

Response: No, in accordance with FAR Part 9.104 and 9.105; and DEAR Part 909.104-3 the Department of Energy may select an entity which was newly created (e.g., joint venture or other similarly binding corporate partnership) and may evaluate the financial resources of those legally bound, jointly and severally, by means of a performance guarantee. As such, each member of the performing entity will be jointly and severally responsible for 100% of the contract work.

Question/Comment: In a proposal to the Government, what is the page limit for the discussion of Relevant Past Performance?

Response: As written in Section L (Proposal Preparation Instructions, Technical Proposal Volume II), Offerors' are to submit the Past Performance Reference Information Form as part of their proposal. The Past Performance Reference Information Form allows for the inclusion of one additional sheet, if necessary, in order to provide the information requested. In addition to the Past Performance Reference Information Form, the Request for Proposal DE-SOL-0005388 calls for Offerors to discuss its relevant past performance in a two-page write up as specified for Criterion 4, Relevant Past Performance. A two-page discussion may be submitted for each contract (up to three contracts) referenced by the Offeror and Major or Critical Subcontractors.

Question/Comment: "NETL has determined that this procurement is governed by the EPACT, with associated size standard of \$35.5M. In L.18, it cites 952.226-70 Subcontracting goals under section 3021(a) of the Energy Policy Act of 1992. That clause "establishes a goal of award of 10 percent of the contract dollar value" toward "targeted

Groups” (e.g HBCU, SDB, and WOSB), and further requires that” such goals shall be considered in the evaluation of the Business Management Proposal”. Where in Volume I should the Offerors place their plans for meeting the required goal? Where is the 10% goal evaluated in section M and how is this accomplished?”

Response: The Offeror should incorporate this information as a part of the narrative discussion that describes the Offeror’s anticipated subcontracting or teaming arrangements.

The 10% goal is incorporated in Criterion 1 in Section M. Specifically, this section states, “The Government will evaluate the breadth and effectiveness of the Offeror’s subcontracting and/or teaming approach for implementing the requirements of the PWS as well as administering the contract, and the extent to which the Offeror’s organizational approach provides an effective and efficient means for performing the work and administering the contract.”

Question/Comment: NETL is requested to clarify if Exhibit F (ESH&Q Information Form) is required to be filled out at the company level or separately for each contract identified in Criterion 4.

Response: The Offeror and all major or critical subcontractor(s) shall provide a complete response to the Environment, Safety, Health, and Quality (ESH&Q) Information Form for their company, assessing their business experience as a whole.

Question/Comment: Would DOE provide a fillable Word (.doc) file for the required SF33 Form (File 2 SF33 of Volume I)?

Response: Yes, a fillable Word version of the SF33 is provided as an attachment to the amendment.

Question/Comment: Would DOE provide an email address for the NETL point of contact that is to receive the Past Performance Questionnaire (PPQ) and allow a .pdf form of the completed questionnaire to be submitted?

Response: The Past Performance Questionnaire can be provided as a “.pdf” document. The document can be submitted electronically to the Contract Specialist. The e-mail address for the Contract Specialist is: Raelynn.Honkus@netl.doe.gov.

Question/Comment: Will subcontractors be bound by indirect rate ceilings? If so and given that this information is competitively sensitive, will indirect rate ceilings for subcontractors be written into the contract or negotiated separately with the government?

Response: Subcontractors will be bound by indirect rate ceilings. The rate can be negotiated separately if the subcontractor does not want to disclose information to the prime contractor. The proposed indirect rate ceilings should be submitted with the major or critical subcontractor cost exhibit files.

Question/Comment: In L.33 (c) CRITERION 1 - MANAGEMENT, ORGANIZATION, AND STAFFING PLAN, NETL states, "Major or critical subcontractor: Any subcontractor proposed to perform a significant portion of a CLIN (proposed cost reimbursement or time and material type subcontract with an estimated cost in excess of \$1 million per year). "

In L.33 (e) Criterion 3 - Relevant Experience, NETL states "The Offeror shall describe its relevant experience in performing work similar in size, scope, and complexity to that described in the PWS. Size, scope, and complexity are defined as follows: Size - greater than \$10 million per year."

NETL reasonably desires that Prime contractors (or Managing Partners of JV's) should have experience managing large scale contracts.

However, the same \$10M standard for size is applied to use of past performance for major subs, even though major subs only have a threshold workshare of \$1M. Maintaining the size threshold for major subs at \$10M will prevent primes from designating otherwise capable and qualified small businesses as major subs.

Would NETL consider maintaining the \$10M size threshold for prime and JV Managing Partner Past Performance while lowering the threshold for major sub past performance to \$1M which then matches the level of work anticipated?

Response: No change is being made to the RFP in terms of the size threshold for relevant experience and past performance. Relevant size remains at \$10 million per annum for the Offeror and major or critical subcontractor(s).

Also note that major or critical subcontractors are not limited to a threshold workshare of \$1 million – subcontractors are to be designated as “major or critical” if they are proposed to perform in excess of \$1 million of work per CLIN, per year.

Question/Comment: In L.33 (e) Criterion 3 – Relevant Experience, The Government states “If the Offeror is a new business entity, subsidiary, teaming arrangement (Limited Liability Corporation (LLC) or Joint Venture (JV)), then the Offeror shall provide no more than three (3) contracts for each of the member organizations making up the Offeror’s business unit (e.g., two team members join together to form a JV then each member of the JV shall provide no more than three contracts, for a total of six in this example, and submit those for evaluation).”

In situations where a Small Business has teamed with a much larger entity to create a JV, the potential exists for Relevant Experience and Past Performance to come exclusively from the large business, circumventing the spirit of the Small Business set-aside nature of this procurement. Will the Government consider requiring at least one qualifying Past Performance (i.e., similar in size, scope and complexity) from the Managing Partner of the JV, which must be classified as a Small Business per SBA regulations?

Response: The Mission Execution and Strategic Analysis support services requirement is a total small business set-aside. The Government will not require “Past Performance from the Managing Partner of a JV” and has included that Offerors without a record of relevant past performance or from whom relevant past performance information is not available will not be rated favorably nor unfavorably. In terms of Relevant Experience and Past Performance, the RFP allows for up to three contract submissions for each entity forming a JV.

Question/Comment: In Section B.4 Distribution of Performance Award Fee, the table represents the Period of Performance for the contract starting on November 15, 2014. Should Offerors use this as the contract effective date for preparing the Cost Volume?

Response: The November 15, 2014 date indicated in the Distribution of Performance Award Fee table is a target date and is subject to change based on award date and effective date, both of which will be determined after evaluation of proposals received in response to the RFP. The Cost Volume should be prepared with this in mind.

Question/Comment: In Section L.33 Proposal Preparation Instructions under Criterion 4 – Relevant Past Performance, the RFP states “The Offeror and all major or critical subcontractors shall provide Exhibits D, E, and F for each contract cited, to the appropriate reference point-of-contact for that contract. The reference point-of-contact for each contract or project should complete and submit the Past Performance Questionnaire (Exhibit D) directly to the Contracting Officer...”

Because the point-of-contact for each contract or project is only submitting Exhibit D back to the Government, does the Government agree that Exhibits E and F do not need to be sent to the reference point-of-contact.

Response: Correct, Exhibits E and F do not need to be sent to the reference point-of-contact, but do need to be completed and submitted by the Offeror and each major and/or critical subcontractor (Exhibit E for each of the contracts cited and Exhibit F assessing the business as a whole). As stated in Section L.33, “Proposal Preparation Instructions – Technical Proposal Volume II,” Exhibit D should be submitted by the reference point-of-contact.

Question/Comment: DOE has requested that a large amount of information be submitted as Exhibits. Many of the exhibits were not provided as Word documents and had to be recreated. Many had point sizes less than 12 point. And yet, the RFP requests that information from bidders be in 12-point type. Must the information in exhibits be in 12-point type or can it be submitted in type sizes closer to that provided by DOE in pdf?

Response: It is not the Government’s intent to mandate a 12 point font size for Exhibits. However, readability is at the risk of the Offeror and information provided with less than a 12 point font may not be considered in evaluation of the proposal if the information is not legible and clear to the evaluator. For the Offerors convenience, Amendment 000004 includes the referenced Exhibits as fillable .pdf and Word documents.