REQUEST FOR PROPOSAL

TO ENTER INTO A

BASIC ORDERING AGREEMENT

FOR

MATERIAL DISPOSITION

DE-RP5-02OR22911

The concept of a Basic Ordering Agreement (BOA) is described in the Federal Acquisition Regulation, Part 16.703

Issued by:
U.S. Department of Energy
Oak Ridge Operations Office
Procurement & Contracts Division
P.O. Box 2001
Oak Ridge, TN 37831

Date of Issue:
November 30, 2001

Response Due Date (See Section 2 for details):
March 4, 2002

Description of Requirement:
Disposition of Material such as scrap metal, equipment, vehicles, etc., some of which may be radioactively contaminated, currently stored at various sites throughout the Department of Energy (DOE) complex. The complete requirements are delineated in the Basic Ordering Agreement.

The DOE wishes to establish multiple BOAs for the effort described above, with the intention of competing each order among those firms holding a BOA.

NOTE: Some orders issued under the BOA may involve access to classified information, unclassified controlled nuclear information (UCNI), or export controlled information (ECI). In order to be considered for award of such orders, the Contractor must meet security requirements delineated in each order. This is, however, not a requirement for award of a BOA.

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1. EXCLUDED CONTRACTORS

Offers are not solicited from firms which are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from federal procurement or non-procurement programs.

[End of Provision]

2. TIME, DATE AND PLACE OFFERS ARE DUE

Please Note: This is a continuous solicitation, in that offers will be accepted on a yearly basis in order to increase participation and enhance competition for subsequent orders under this BOA. All offers in response to this initial solicitation are due **NO LATER THAN 4:00 P.M. Eastern Standard Time on March 4, 2002. Additional offers will be accepted in November of each year thereafter, until cancelled by this office.**

(a) Mailed proposals shall be marked as follows:

FROM:_____
_____
_____

MAIL TO:

U.S. Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831
ATTN: Mario Aguirre

SOLICITATION NO. DE-RP05-02OR22911

NOTICE TO DOE MAIL ROOM: DO NOT OPEN. THIS IS A PROPOSAL UNDER THE ABOVE IDENTIFIED SOLICITATION.

(c) Hand carried proposals shall be marked as follows:

FROM: _____
_____
_____

HAND CARRY TO:

U.S. Department of Energy
Oak Ridge Operations Office
200 Administration Road
Oak Ridge, Tennessee 37830
ATTN: Mario Aguirre

SOLICITATION NO. DE-RP05-02OR22911

NOTICE TO DOE MAILROOM: DO NOT OPEN. THIS IS A PROPOSAL UNDER THE ABOVE IDENTIFIED SOLICITATION.

(d) The offeror assumes the full responsibility of insuring that the offer is received at the place and by the date and time specified in this solicitation.

(e) It may not be possible to hand carry the package(s) between the hours 5 P.M. and 8 A.M. work days. Delivery to any other location may result in late receipt of the proposal and is strongly discouraged.

[End of Provision]

3. OFFER PREPARATION AND SUBMISSION--SPECIAL INSTRUCTIONS

(a) General Information – Each offeror must submit an offer and other written information in accordance with instructions contained herein. The offer should be specific, complete, and concise. The offeror is urged to examine this solicitation in its entirety and to assure that its offer contains all the necessary information, provides all required documentation and is complete in all respects. Any exceptions or deviations taken to the terms of the BOA will make the offer unacceptable for award. If an offeror proposes exceptions to the terms and conditions of the BOA, the Government may make an award to another offeror who did not take exception to the terms and conditions of the BOA. Offerors should pose any issues/questions to DOE prior to the time for receipt of proposals to allow DOE the opportunity to consider whether the matter warrants an amendment to the solicitation.

(b) Offer Format and Content

(1) Offers must be submitted in three volumes; **two** copies of Volume I, **three** copies of Volume II, and **three** copies of Volume III are required.

(2) **Volume 1, Offer and Other Documents**, submitted shall remain valid for a minimum of 90 calendar days from the date for receipt of offers specified above. The offeror should also include a statement agreeing to a minimum of 90 days for the offer acceptance period.Volume 1 shall include:

(i) Page 1 and 2 of the Basic Ordering Agreement with all shaded areas completed and signed by an authorized person in the offeror's organization (The person signing must have the authority to commit the offeror to all of the provisions of the BOA);

(ii) The attached Representations and Certifications (Attachment 1) completed and signed by an authorized person in the offeror's organization;

(iii) The offeror's facsimile number and e-mail Address(es) - Facsimile offers are not authorized;

(iv) DOE must determine the offeror to be financially responsible as defined in the Federal Acquisition Regulation (FAR) Part 9.104-1(a). It is the offeror's responsibility to demonstrate its financial capability. A prospective Contractor must have adequate financial resources to perform any order that could be placed under the BOA, or the ability to obtain them. The DOE will make the determination of financial responsibility. It should be noted that the Defense Contract Audit Agency (DCAA) might be requested to perform a financial responsibility review for DOE's consideration. The burden is on the offeror to provide sufficient documentation to allow the DOE to determine responsibility. As a minimum, the offeror should provide the following (if it exists):

A. A current Statement of Financial Position (Balance Sheet) and Income Statement covering all quarters completed in the current fiscal year and projected data for the balance of the year;
B. An audit opinion (rendered by an independent Certified Public Accountant firm) and the related audited financial statements and notes to the financial statements for the last two fiscal years;
C. The information required above for any subcontractor expected to perform twenty percent or more of the effort; and
D. A letter of credit containing the name of the lender and the financing terms if credit is to be obtained.

(1) **Volume II, Technical/Management**:

The technical/management proposal shall include the following components:

i. Technical Discussion. This section shall contain the major portion of the technical proposal. It should demonstrate the offeror's plan in meeting the requirements set forth in the statement of work, including resumes of key personnel. Key personnel is defined as key management/technical personnel who will have an active role in the execution of orders placed under the BOA (e.g. program or project managers.) It is advisable that offerors describe their understanding of the government's statement of work by addressing each element of the Statement of Work: Scope, Applicable Directives, Performance Requirements, and Deliverables.

ii. Other Pertinent Information. This section shall contain any other pertinent information which will supplement or aid in the understanding of the technical proposal.

iii. Technical Exceptions and Deviations. This section shall identify and explain any exceptions or deviations taken or conditional assumptions made with respect to the technical requirements of this solicitation.

(4) **Volume III, Qualifications**

The Qualifications proposal shall include the following components:

(i) Copy or copies of radiological materials license issued by the NRC or NRC Agreement State to possess and decontaminate radiological contaminated materials, monitor, and release such materials from regulatory control.

(ii) Copy or copies of any other licenses or permits required by the state or locality hosting the contractor's operations.

(iii) A copy of the offeror's quality assurance program that meets the requirements of the Nuclear Quality Assurance manual (NQA-1), Quality Assurance Program Requirements for Nuclear Facilities.

(iv) Information necessary to clearly show that the offeror meets the qualification criteria stated in item number 5 herein (If the offeror does not meet the criteria, the offer shall receive no further consideration)

[End of Provision]

4. EVALUATION (GENERAL)

(a) Evaluation will be on the basis of material presented and substantiated in your offer. Vague statements will be interpreted as a lack of understanding on the part of the offeror and/or inability to demonstrate adequate qualifications.

(b) Offers will be evaluated in accordance with the qualification and evaluation criteria contained herein.

(c) The Government reserves the right to conduct written and/or oral discussions or visit offeror's facilities, as considered necessary by the Contracting Officer. Each offer will receive a rating of either excellent, very good, average, marginal, or poor. Those responsive, responsible offerors whose proposals meet the qualification criteria and the technical proposals are evaluated by the Government as average or above will be selected for an award of a BOA.

5. QUALIFICATION CRITERIA

In order to be considered for award of a BOA, the offeror must meet the following three criteria:

(a) The offeror must have a radiological materials license issued by the NRC or NRC Agreement State to possess and decontaminate radiological contaminated materials, monitor, and release such materials from regulatory control. This requirement must be met before further consideration for award.

(b) The offeror must have any other licenses or permits required by the state or locality hosting the contractor's operations. This requirement, as it applies by state or locality, must be met before further consideration for award.

(c.) The offeror must have a quality assurance program that meets the requirements of the Nuclear Quality Assurance manual (NQA-1), Quality Assurance Program Requirements for Nuclear Facilities. This requirement must be met before further consideration for award.

Compliance with the requirements of 5(a), (b) and (c) must be met for further consideration. These requirements will be verified through an on-site audit of the offeror's facilities prior to evaluation. Failure to demonstrate compliance with these requirements will eliminate the offeror from further consideration under this procurement. DOE will perform the on-site audit using the attached checklist (Attachment 2) entitled "Audit of the Commercial Material Processing Facility."

6. EVALUATION CRITERIA

(a) Offers will be evaluated against the following criteria. The relative importance of each criterion is as shown.

(i) Understanding the Requirement (25%) - The offeror must have a clear understanding of the requirements delineated in the BOA. Please discuss your understanding of asset recovery as a business concept and how it relates to your offer. Provide a description of your methodology for determining whether a

material is waste, scrap, or recoverable material and the techniques of processing and monitoring to be applied.

(ii) Technical Expertise (15%) - The offeror must have technical expertise in the processing and disposition of radioactively contaminated or potentially contaminated Material. Please describe this expertise including descriptions of the technology (ies) to be applied to processing and radiological and chemical monitoring. Resumes of key personnel shall be included in this section. See Attachment 4 for resume format.

(iii) Facilities and Equipment (15%) – The offeror must have adequate and available facilities and equipment for use on orders issued under the BOA. Please furnish a description of proposed facilities and equipment. Also include projected annual processing capacities and throughput.

(iv) Compliance History (25%) – The offeror must demonstrate a regulatory compliance history. Please provide a summary of the firm's regulatory compliance history for the past 10 years. For any non-compliance cited, provide the following:

(A) Description of the non-compliance (procedural, permit, or license violation, etc.);
(B) The type of regulatory sanction imposed (e.g. fine, withdrawal of authorization(s) for particular processes, temporary suspension of operations, etc);
(C) A summary of how the non-compliance was resolved to the satisfaction of the relevant regulatory authority(ies); and
(D) Actions taken to preclude repetition of similar events.

(v) Past Performance (20%) –

Each offeror will be evaluated on their performance under existing and prior contracts for services similar in scope. For purposes of past performance information, offerors shall be defined as including parent companies, members in a joint venture, teaming arrangement, limited liability company or other similar entity and subcontractors that are considered a part of the proposal. The Past Performance Survey included as Attachment 3 to this solicitation delineates the subcriteria to be used in evaluating past performance. The offeror is responsible for having Past Performance Surveys completed by their listed references and having them submitted directly to the Government or in a sealed envelope from the reference as part of Volume II of their offer. The Government may contact references other than those identified by the offeror. The completed past performance surveys will be submitted with the proposal and packaged separately from Volume I and II. If information is not relevant or is not available, the offeror may not be evaluated favorably or unfavorably. **The Past Performance Survey <u>must arrive no later than 4:00 PM, local prevailing time March 4, 2002.</u> Mark and address the Past Performance Survey as follows** :

U.S. Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
ATTN: Mario Aguirre
Oak Ridge, Tennessee 37831

SOLICITATION NO. DE-RP05-02OR22911
PAST PERFORMANCE SURVEY

(b) The offeror must present the following information:

(i) A list of the last three contracts or subcontracts completed or currently in process within the past three years that are for similar services. Contracts or subcontracts listed may include those entered into with the Federal, State, local governments and commercial customers. If an offeror does not have three contracts or subcontracts for similar services, the offeror may include contracts or subcontracts that are not similar. Offerors that are newly formed entities without prior contracts should list contracts and subcontracts for all key personnel and previous companies the entity may have been involved with. Include the following information for each contract or subcontract:

(A) Name of contracting activity
(B) Contract number
(C) Contract type
(D) Total contract value
(E) Brief description of the work
(F) Contracting activity, Contracting Officer and Program Manager along with their telephone numbers
(G) List of Major Subcontractors

(ii) The offeror may provide information on problems encountered on the contracts or subcontracts identified in the list and corrective actions taken to resolve the problems. Offerors should not provide general information on their performance; this will be provided by the references.

7. SMALL BUSINESS SET-ASIDE INFORMATION

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

[End of Provision]

8. ORO L55 EXPENSES RELATED TO PROPOSAL OR BID SUBMISSIONS (MAY 1997)

This solicitation does not commit the Government to pay any costs incurred in the submission of an offer or in making necessary studies or designs for the preparation thereof or to acquire or contract for any services.

[End of Provision]

9. ORO L60 AMENDMENT OF THE SOLICITATION (MAY 1997)

The only method by which any term of the solicitation may be modified is by an express, formal amendment to the solicitation generated by the issuing office. No other communication made at any scheduled pre-proposal/pre-bid conference or subsequent discussions, whether oral or in writing, will modify or supersede the terms of the solicitation. All amendments to this solicitation will be posted on the following Internet site: http://www.oakridge.doe.gov/procurement/. It is the offerors' responsibility to check this site periodically.

[End of Provision]

10. ORO L62 SOLICITATION QUESTIONS (MAY 1997)

(a) The offeror may pose any issues/questions related to this solicitation in writing to the Contract Specialist within 15 calendar days after the release date of this solicitation. You may address questions electronically to Mario Aguirre at the following: via e-mail at, **aguirremn@oro.doe.gov**, via facsimile at, **865-576-3375,** or via mail at the address indicated on the title page to this solicitation. Each question should clearly specify the solicitation area (Attachment, page, etc.) to which it refers. When possible, questions should be phrased to permit "YES" or "NO" responses.

(b) Only written questions will be answered and all answers will be posted on the Internet site referred to in item 9 above.

[End of Provision]

11. ORO L85 NOTICE OF LABOR PROVISIONS (MAY 1997)

(a) Offerors should note that this solicitation includes contract clauses requiring the listing of employment openings with the local office of the Federal-State employment service system and postings of employment notices. (See clauses

"Affirmative Action for Special Disabled and Vietnam Era Veterans" and "Affirmative Action for Handicapped Workers").

(b) This solicitation may include clauses relating to specific labor laws. General information regarding the requirements of the Walsh-Healey Public Contracts Act (41 U.S.C. 35-45), the Contract Work Hours Standards Act (40 U.S.C. 327-333), and the Service Contract Act of 1965 (41 U.S.C. 351-358) may be obtained from the Department of Labor, Washington, D.C., 20310, or from any regional office of that agency. Requests for information should include the RFO number, the name and address of the issuing agency, and a description of the supplies or services.

[End of Provision]

12. 52.233-2 SERVICE OF PROTEST (SEP 1996) (As Modified by 952.233-2) (AUG 1996)

(a) Protests, as defined in Section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:
FOR BOA ONLY:

US Department of Energy
ATTN: Mark A. Million
PO Box 2001
Oak Ridge TN 37831-8758

(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 General Accounting 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]

13. 52.214-7 LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF BIDS (NOV 1999)

(a) Bidders are responsible for submitting bids, and any modifications or withdrawals, so as to reach the Government office designated in the invitation for bids (IFB) by the time specified in the IFB. If no time is specified in the IFB, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that bids are due.

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

(i) If it was transmitted through an electronic commerce method authorized by the IFB, 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 bids; or

(ii) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of bids and was under the Government's control prior to the time set for receipt of bids.

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

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

(e) If an emergency or unanticipated event interrupts normal Government processes so that bids cannot be received at the Government office designated for receipt of bids by the exact time specified in the IFB and urgent Government requirements preclude amendment of the IFB, the time specified for receipt of bids 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.

(f) Bids may be withdrawn by written notice received at any time before the exact time set for receipt of bids. If the IFB authorizes facsimile bids, bids may be withdrawn via facsimile received at any time before the exact time set for receipt of bids, subject to the conditions specified in the provision at 52.214-31, Facsimile Bids. A bid may be withdrawn in person by a bidder or its authorized representative if, before the exact time set for receipt of bids, the identity of the person requesting withdrawal is established and the person signs a receipt for the bid.

[End of Provision]

14. ORO L110 DISPOSITION OF PROPOSALS OR BIDS (MAY 1997)

Proposals or bids will not be returned (except for timely withdrawals).

[End of Provision]

15. 952.233-4 NOTICE OF PROTEST FILE AVAILABILITY (SEP 1996)

(a) If a protest of this procurement is filed with the General Accounting 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 Department 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.).

[End of Provision]

16. 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 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.

[End of Provision]

ATTACHMENT 1

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1)

K.1 52.204-3 TAXPAYER IDENTIFICATION (OCT 1998)

(a) Definitions:

"Common parent," as used in this provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

"Taxpayer Identification Number (TIN)," as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

(b) All offerors must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeor's TIN.

(d) Taxpayer Identification Number (TIN).

[ ] TIN:_____.

[ ] TIN has been applied for.

[ ] TIN is not required because:

[ ] Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

[ ] Offeror is an agency or instrumentality of a foreign government;

[ ] Offeror is an agency or instrumentality of the Federal Government.

(e) Type of organization.

[ ] Sole proprietorship;

[ ] Partnership;

[ ] Corporate entity (not tax-exempt);

[ ] Corporate entity (tax-exempt);

[ ] Government entity (Federal, State, or local);

[ ] Foreign government;

[ ] International organization per 26 CFR 1.6049-4;

[ ] Other_____.

(f) Common parent.

[ ] Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.

[ ] Name and TIN of common parent:

Name _____

TIN _____

[End of Provision]

K.2 52.204-5 WOMEN-OWNED BUSINESS (OTHER THAN SMALL BUSINESS) (MAY 1999)

(a) Definition. Women-owned business concern, as used in this provision, means a concern that is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of its stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(b) Representation. [Complete only if the offeror is a women-owned business concern and has not represented itself as a small business concern in paragraph (b)(1) of FAR 52.219-1, Small Business Program Representations, of this solicitation.] The offeror represents that it [_] is a women-owned business concern.

[End of Provision]

K.3 952.204-73 FACILITY CLEARANCE (APR 1999) DEVIATION

NOTICES

Statute prohibits the award of a contract under a national security program to a company owned by an entity controlled by a foreign government unless a waiver is granted by the Secretary of Energy.

Offerors who have either a Department of Defense or a Department of Energy facility clearance, generally need not resubmit the following FOCI information unless specifically requested to do so, instead, provide your DOE facility clearance code or
your DOD assigned commercial and government entity (CAGE) code. If uncertain, consult the office which issued this solicitation.

(a) Use of Certificate Pertaining to Foreign Interests, Standard Form 328

(1) The contract work anticipated by this solicitation will require access to classified information or special nuclear material. Such access will require a facility clearance for the contractor organization and access authorizations (security clearances) for contractor personnel working with the classified information or special nuclear material. To obtain a facility clearance the offeror must submit a Certificate Pertaining to Foreign Interests, Standard Form 328.

(2) Information submitted by the offeror in response to the Standard Form 328 shall be used solely for the purposes of evaluating FOCI and shall be treated by the DOE, to the extent permitted by law, as business or financial information submitted in confidence.

(3) Following submission of a Standard Form 328, the contractor shall immediately submit to the contracting officer written notification of any changes in the extent and nature of FOCI which could affect the offeror's answers to the questions in Standard Form 328. Notice of changes in ownership or control which are required to be reported to the Securities and Exchange Commission, the Federal Trade Commission, or the Department of Justice shall also be furnished concurrently to the contracting officer.

(b) Definitions

(1) A foreign interest is defined as any of the following:

- A foreign government, foreign government agency, or representative of a foreigngovernment;

- Any form of business enterprise or legal entity organized, chartered or incorporated under the laws of any country other than the United States or its possessions and trust territories; and

- Any person who is not a citizen or national of the United States.

(2) Foreign ownership, control, or influence (FOCI) means the situation where the degree of ownership, control, or influence over a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or special nuclear material may result.

(c) A facility clearance is an administrative determination that a facility is eligible for access to classified information or special nuclear materials. A Facility Clearance shall be based upon a determination that satisfactory safeguards and security measures are afforded the activities being performed at the facility. It is DOE policy that all contractors
or subcontractors requiring access to classified information or special nuclear material be processed for a Facility Clearance at the level appropriate to the activities being performed at the facility.

Approval for a Facility Clearance shall be based upon:

(1) A favorable foreign ownership, control, or influence (FOCI) determination. This determination will be based upon the contractor's response to the ten questions in Standard Form 328 and any supporting data provided by the contractor. Prior to award of a contract, the DOE must determine that award of the contract to the offeror will not pose an undue risk to the common defense and security as a result of its access to classified information or special nuclear material in the performance of the contract. The contracting officer may require the offeror to submit such additional information as deemed pertinent to this determination.

(2) A contract containing the appropriate security clauses.

(3) Approved safeguards and security plans which describe protective measures appropriate to the classified activities being performed at the facility.

(4) If access to nuclear materials is involved, an established Reporting Identification Symbol code for the Nuclear Materials Management and Safeguards Reporting System.

(5) For a facility to possess classified matter or special nuclear material at its location, a survey conducted no more than 6 months before the facility clearance date, with a composite facility rating of satisfactory.

(6) Appointment of a Facility Security Officer, and, if applicable, a Materials Control and Accountability Representative. The Facility Security Officer must possess an access authorization equivalent to the Facility Clearance.

(7) Access authorizations for key management personnel. Key management personnel, who will be determined on a case-by-case basis, must possess access authorizations equivalent to the level of the Facility Clearance.

(d) A Facility Clearance is required even for contracts which do not require contractor's offices to receive, process, reproduce, store, transmit, or handle classified information or special nuclear material, but which require DOE access authorizations for the contractor's employees to perform work at a DOE location. This type facility is identified as a non-possessing facility.

(e) Facility Clearances are required prior to the granting of an access authorization under a contract.

(f) Except as otherwise authorized in writing by the contracting officer, the provisions of any resulting contract shall require that the contractor insert provisions similar to the foregoing in all subcontracts and purchase orders. Any subcontractors requiring access authorizations for access to classified information or special nuclear material shall be directed to provide responses to the questions in Standard Form 328 of this

provision directly to the local Office of Safeguards and Security cognizant of the prime contract.

NOTICE TO OFFERORS - CONTENTS REVIEW - Please Review Before Submitting

Prior to submitting the Standard Form 328, required by paragraph (a)(1) above, the offeror should review the FOCI submission to ensure that:

(1) The SF328 has been signed and dated by an authorized official of the company;

(2) If publicly owned, the contractor's most recent annual report, and its most recent proxy statement for its annual meeting of stockholders have been attached;

(3) A copy of the company's articles of incorporation and an attested copy of the company's by-laws, or similar documents filed for the company's existence and management, and all amendments to those documents.

(4) A list identifying the organization's owners, officers, directors, and executive personnel, including their names; social security numbers; citizenship; titles of all positions they hold within the organization; and what clearances, if any, they possess or are in the process of obtaining and identification of the government agency(ies) that granted or will be granting those clearances;

(5) A consolidated financial information report has been attached;

(6) A FOCI submission has been attached for each tier parent organization (i.e. ultimate parent and any intervening levels of ownership); and,

(7) A summary FOCI data sheet.

NOTE: If any of these documents are missing, the contracting officer cannot complete award of the contract.

[End of Provision]

K.4 52.215-6 PLACE OF PERFORMANCE (OCT 1997)

(a) The offeror or respondent, in the performance of any contract resulting from this solicitation, [ ] intends, [ ] does not intend [check applicable block] to use one or more plants or facilities located at a different address from the address of the offeror or respondent as indicated in this proposal or response to request for information.

(b) If the offeror or respondent checks "intends" in paragraph (a) of this provision, it shall insert in the following spaces the required information:

Place of Performance (Street Address, City, State, County, Zip Code	Name and Address of Owner and Operator of the Plant or Facility if Other than Offeror or Respondent
_____	_____
_____	_____
_____	_____
_____	_____

[End of Provision]

K.5 52.222-22 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1999)

The offeror represents that--

(a) It [_] has, [_] has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;

(b) It [_] has, [_] has not filed all required compliance reports; and

(c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

[End of Provision]

K.6 52.222-25 AFFIRMATIVE ACTION COMPLIANCE (APR 1984)

The offeror represents that

(a) It [_] has developed and has on file, [_] has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2); or

(b) It [_] has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

[End of Provision]

ATTACHMENT 3

REFERENCE CHECK/PAST PERFORMANCE SURVEY	
1. Contractor Name and Address: (Identify Division)	2. Contract Number: 3. Contract Value (Base Plus Options): 4. Contract Award Date: Contract Completion Date: 5. Contracting Officer: Telephone Number: 6. Contracting Officer Representative: Telephone Number:
7. Type of Contract (e.g. fixed price, cost plus fixed fee, etc.):	
8. Brief description of the requirement:	
9. Ratings. Please summarize contractor performance and circle in the column on the right the number which corresponds to the performance rating for each rating area. Assign each area a rating of 0, (unsatisfactory), 2 (poor), 5 (fair), 8 (good), or 10 (excellent). For those areas that do not apply, indicate not applicable (N/A).	
Quality of product/service	0 2 5 8 10 N/A
Adherence to Performance Schedules	0 2 5 8 10 N/A
Customer Satisfaction	0 2 5 8 10 N/A
Mean Score (Add the ratings and divide by the number of areas rated) =	

Name _____ Signature _____ Phone Number _____

Title _____ Date _____

MAIL TO: US DOE
ATTN: MARIO AGUIRRE
POB 2001
OAK RIDGE TN 37831

OR

FAX TO: MARIO AGUIRRE
(865) 576-3375

ATTACHMENT 4
RESUME FORMAT

Name:
Proposed Position with Offeror:
Duties and Responsibilities in Proposed Position:

Experience:
Identify employers, position titles, dates of employment, specific duties and responsibilities, including current position. Address specific information on the qualifications, experience, capability, and demonstrated performance relevant to the proposed position, including individual leadership qualities.

Education:
Identify institution, degree earned, dates

Professional Development and Achievements:
Identify professional memberships, special training, professional registrations, etc.

References:
Identify name, title, company/organization, address, and phone number of three references who have knowledge of the individual's experience within the past five years. Client or customer references are preferred.

Commitment Statement:
The following statement of commitment to this contract should be included on each key personnel's resume: If [name of offeror] is awarded the contract associated with RFP DE-AK05-00OR22784, I hereby agree to accept full-time employment in the above stated position and remain employed under the contract for a period of three years.

[SIGNATURE OF INDIVIDUAL.]