

## Management and Operating Contractor for the Fermi National Accelerator Laboratory (FNAL)

Solicitation Number: 89243123RSC000083

### Questions and Answers

(28 – 42)

28. Question: Clause B.4 entitled “Allowability of Subcontractor Fee” deals with availability of subcontractor fee and dictates that the contract fee must be shared among all team members (i.e., no “fee on fee” arrangements). Past DOE RFPs have added another sentence to this clause along the lines of “The fee restriction in this clause 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; or (3) subcontractors under a competitively awarded firm-fixed-price or firm-fixed-unit-price subcontract”.

Given DOE’s emphasis on meaningful small business involvement, would DOE consider adding this shared fee exception to Clause B.4?

*Answer: The wording in Clause B.4 is consistent with DOE's Office of Science M&O RFPs and contracts. Clause B.4 will not be amended to add the proposed sentence.*

29. Question: Can DOE clarify whether the maximum available performance fee pool provided in L.7(c) is subject to changes in annual FNAL budget fluctuations. For example, if the annual funding is increased for capital projects, will the maximum performance fee be adjusted according to the annual budget?

*Answer: Refer to Clause B.3(d) which governs adjustments to the maximum available performance fee.*

30. Question: It was not clear from the Draft SOW if there is an active Laboratory Directed Research and Development (LDRD) program at FNAL, although it is mentioned on page 5 of Section C. Can the expectation for the LDRD program be clarified in the Scope of Work?

*Answer: C.4(b)(1), second paragraph has been revised (from the Draft RFP) to provide clarity regarding the expectation for the LDRD program. There is currently an active LDRD program at FNAL. The successful offeror will inherit active, approved LDRD projects, some of which are expected to be on-going.*

31. Question: The second bullet in Section L.2(b) Implementation Plan states: “Planned approach for bringing on-line a robust implementation of the LBNF/DUNE and PIP II projects and approach for their future operations and possible upgrades.” This is the only technical requirement for improving delivery and execution of LBNF/DUNE and PIP II projects, despite LBNF/DUNE being behind schedule and requiring re-baselining. Does DOE intend to require a more detailed execution plan and evaluation of capital project execution strategy for FNAL?

*Answer: The information requested in this section of the RFP is what is to be submitted with proposals and what will be evaluated when making the selection for a contractor to manage and operate FNAL. Once the contract is awarded, there will be additional requirements regarding these projects beyond those listed in Section L.2. Additionally, it is important to note that the question itself includes a factual inaccuracy, as re-baselining of LBNF/DUNE is not planned.*

32. Question: The "Offeror's Commitments" section in L.4 requests Offerors to propose resources, services, support, and/or commitments that will be provided to the Laboratory at no cost to the Government. In light of FAR 3.101-2, Executive Order 11222, and 5 CFR 735, how is this language justified?

*Answer: The intent is to ask the Offeror how they are going to invest in such things as recruiting/retaining/educating laboratory staff, supporting cooperation in the scientific community, etc. In other words, while at no cost to the Government, these items are not for the direct benefit of DOE but are more about supporting the scientific work of the laboratory and the laboratory system.*

33. Question: Would DOE consider allowing the inclusion of Home Office expenses in the proposal as these are allowable with written approval of the Contracting Officer? The proposal is the most opportune time for offerors to present such costs for consideration.

*Answer: The three required elements of the Offeror's cost proposal are listed in Section L.7. This is the only cost information that will be evaluated as part of this RFP.*

34. Question: In regard to the cost evaluation factors identified in M.5, will all key personnel proposed be evaluated?

*Answer: Only the three résuméd Key Personnel will be evaluated – Laboratory Director, Chief Operating Officer, and Chief Research Officer. While any other Key Personnel proposed should be identified in Section J, Appendix E entitled "Key Personnel", those individuals will not be evaluated.*

35. Question: Will the Government evaluate Key Personnel compensation in terms of total cost (inclusive of benefits, etc.) or just the allowable cost, which is capped at \$619,000, per L.7(b) ?

*Answer: Offerors are requested to complete the Proposed Key Personnel Compensation Cost spreadsheet (see Section L, Appendix 6) utilizing the Offerors total compensation data. The Government will evaluate the probable cost for the résuméd Key Personnel total compensation costs based on the Offeror's proposed résuméd Key Personnel total compensation costs. When determining probable cost, the Government will apply the cap as appropriate.*

36. Question: Are offerors permitted to propose additional compensation/benefits for a Key Person without DOE reimbursement? If so, will these costs be excluded from the evaluation?

*Answer: Yes, Offerors are permitted to propose additional compensation costs for Key Personnel. However, costs exceeding the cap will not be included in the probable cost adjustment.*

37. Question: With regard to transition, M.5 includes the phrase "proposed transition costs" and the phrase "probable cost for transition." Will the evaluation include consideration of any offeror's "proposed transition costs" without any most probable cost adjustment, or will it include consideration of the "probable cost for transition" (as adjusted). Also, will this be the same for the key personnel's total compensation costs?

*Answer: The Government will evaluate the probable cost for transition and the probable cost for the résuméd Key Personnel total compensation costs based on the Offeror's proposed transition costs and the proposed résuméd Key Personnel total compensation costs.*

38. Question: In Section M.3, would DOE consider switching Past Performance and Transition Plan in importance?

*Answer: No change will be made to the order of importance of the stated evaluation factors.*

39. Question: If the incumbent does not propose as the same team, are each of the members allowed to claim FNAL as past performance or is FNAL not allowed to be listed as past performance since it is the subject of this RFP?

*Answer: Any proposing entity would be able to present past performance information relative to any contract in which they were a team member. Past performance related to FNAL is not precluded from consideration under this RFP.*

40. Question: It is not obvious how the scientific topics listed in the RFP were chosen. Would DOE consider tying the scientific priorities listed in the RFP to the P5 process?

*Answer: No change will be made to the RFP.*

41. Question: It is not clear if funds are available to cover the liability for the post-retirement benefits (i.e., in an account that would be transferred), or if the liability is covered by DOE directly in some way.

*Answer: Post-retirement benefit plans are funded through the Laboratory's overhead. Further, the Federal Acquisition Regulation (FAR) 31.205-6, Compensation for Personal Services, Section (o), requires funding by one of the following three methods:*

- Pay-as-you-go – costs are assigned to the period benefits are provided or paid to an insurer, provider, or recipient.*
- Terminal funding – costs are not accrued during the working years of employees and are paid in a lump sum to an insurer or trustee to provide future benefits.*
- Accrual basis – costs are accrued during employees working years for future benefits.*

42. Question: Can this contract be awarded to a company that is not U.S. based?

*Answer: Refer to Provision K.7 entitled "DEAR 952.204-73 – Facility Clearance", Provision K.12 entitled "Certificate Pertaining to Foreign Interests", and Section K, Attachment A entitled "Foreign Ownership, Control, or Influence (FOCI) Package".*