

## SECTION 00100 INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

### 1. INTRODUCTION

- 1.1. SCOPE: You are invited to submit a proposal in response to our Request for Proposal (RFP) entitled, "Veterans Affairs MATOC Solicitation" for construction services for Veterans Affairs Locations identified in Section 00010. As a result of this solicitation, the Government intends to award a minimum of twenty (20) indefinite-delivery indefinite-quantity Multiple Award Task Order Contracts (MATOC) for VISN 1, providing sufficient qualified contractors present offers. This is a Service Disabled Veteran Owned Small Business (SDVOSB) and Veteran Owned Small Business (VOSB) Set Aside as follows: CAT I is SDVOSB set aside; CAT II is VOSB set aside; CAT III is for both SDVOSBs and VOSBs. SDVOSB offerors may provide proposals for CAT I & III but no preferences for SDVOSBs are provided for category III. VOSB offerors may provide proposals for CAT II and III, but no preferences for VOSBs are provided for category III. Awards will be made to Service Disabled Veteran Owned Small Business (SDVOSB) and Veteran Owned Small Business (VOSB) concerns providing sufficient qualified contractors present offers. In order to be responsive to the solicitation, each SDVOSB and VOSB must be verified by the Center for Veterans Enterprises at the time the proposal is submitted.
  - 1.1.1. Awards will be made to offerors whose proposals, responsive and conforming to the RFP, are determined to be most advantageous to the Government in terms of Technical, Past Performance, Price and other factors considered.
  - 1.1.2. Work to be performed under the MATOC contracts shall provide construction services for projects designated for real property facilities. Projects will be bid build type from already completed designs or design build projects specified by a Statement of Work using the Master Specification.
  - 1.1.3. The Government reserves the right to issue additional solicitations and award additional contracts within the activities covered by this contract. In this event, new MATOC contractors, in accordance with the terms of their contracts, may compete for Task Orders with the Contractors selected under this solicitation. This is not a solicitation for a Requirements Contract.
- 1.2. PROJECT CATEGORIES: Work performed under these Multi-Discipline Contracts will generally be of the following general project categories:
  - 1.2.1. Construction, repairs, and alterations of various facilities
  - 1.2.2. Construction, repairs, and alterations of facilities to include Electrical Systems (ES).
  - 1.2.3. Construction, repairs, and alterations of facilities to include Mechanical Systems (e.g. HVAC systems and controls.)
  - 1.2.4. Concrete and/or Asphalt Paving.
  - 1.2.5. Construction, repairs, and alterations to roofs.
- 1.3. CONTRACT DURATION, LIMITS AND AMOUNTS: Each of the resulting contracts will a five (5) year period. The maximum value of each contract will not exceed \$100 million over the life of the contract. The Minimum and Maximum values for a single Task Order are \$2,000.00 and \$10 million, respectively, excluding the Minimum Order Guarantee Task Order of \$2,000.00. The minimum guaranteed order for each contract is one (1) task order valued at \$2,000.00 with a guaranteed fee of \$2,000.00 for the life of the contract. At time of award of the basic contract a task order for \$2,000.00 will be issued and will be paid only if the awarded contractor submits acceptable Master Quality, Safety, and Infection Control Plans to the Contracting Officer. Plans are due 30 days after the issuance of the task order. Failure to submit the required plans within 60 days of issuance of the task order may result in the Government unilaterally canceling the basic award. See Section 00800 for details.

#### 1.4. TASK ORDERS

- 1.4.1. As requirements develop, Task Orders will be competed among the MATOC awardees, or negotiated on a sole source basis as described in Section 00800. Section 00800 describes the Task Order process in detail. Offerors are highly encouraged to read Section 00800 before submitting a proposal.
- 1.4.2. The basic contract will be administered, (e.g. issuing modifications), by Network Contracting Organization 1 for MATOCs awarded for locations throughout VISN 1.
- 1.4.3. Individual Task Orders will be awarded and administered by federally appointed contracting officers from the VISN 1 Contracting Office.
- 1.4.4. Construction performance requirements will be specified for each project in the Task Order Request for Proposal. MATOC Awardees will compete for Task Orders among themselves. The majority of all Task Orders shall be awarded based on competitive proposals received in response to the agency request for proposal.

#### 1.5. NOTICE OF SITE VISITS

- 1.5.1. Due to security conditions, all offerors must register to attend any of the site visits. Email the following information for all attendees to Karla Rotondo at the following addresses: [Karla.Rotondo@va.gov](mailto:Karla.Rotondo@va.gov).  
  
Firm Name and Telephone Number  
Visitor's Name  
Vehicle Make, Model and Registration
- 1.5.2. This information must be provided in advance, **not later than 2 business days prior to the site visit**, in order to ensure access to the Hospital Facility site. Temporary badges may be required for project site visits.
- 1.5.3. Information provided at the site visits shall not alter the terms and conditions of the solicitation and specifications. Terms of the solicitation and specifications remain unchanged unless the solicitation is amended in writing. If an amendment is issued, normal procedures relating to the acknowledgment and receipt of solicitation amendments shall apply.

#### 1.6. FORMAL COMMUNICATION, OFFEROR EXPLANATIONS

- 1.6.1. Any explanation desired by an offeror regarding the meaning or interpretation of the solicitation, for proposals, drawings, specifications, etc. must be requested in writing and with sufficient time allowed for a reply to reach offerors before the submission of their offer.
- 1.6.2. The Contracting Officer reserves the right to address questions received after the tenth day prior to solicitation closing with those offers deemed responsive and/or in the competitive range after closing. All questions and requests for information (RFI) must be received NOT LATER THAN the tenth working day prior to closing and will be posted not later than two working days prior to closing. OFFERORS ARE STRONGLY ENCOURAGED TO SUBMIT QUESTIONS EARLY IN THIS PROCESS.
- 1.6.3. Any interpretations made will be in the form of an amendment of the solicitation, drawings, specifications, etc., and will be furnished to all prospective offerors via posting to our web site at: <http://www.fbo.gov/>.
- 1.6.4. All potential offerors, plan rooms and printing companies are required to register in the System for Award Management (SAM) in order to view or download the plans or drawings from the web site.

- 1.6.5. Receipt of amendments by the offeror must be acknowledged in the space provided on the SF 1442 or by returning a signed copy of the amendment by the time set for receipt of proposals. Explanations or instructions given in a form other than an amendment to the solicitation shall not be binding. Questions (on a non-attribution basis) and answers shall be furnished to all prospective offerors via the web site.
- 1.6.6. Submit the Exhibit G, Proposal Inquiry Form by email to the contracting office at the address show below.

Subject Line: Reference No. 36C24118R0127

Email: [Karla.Rotondo@va.gov](mailto:Karla.Rotondo@va.gov)

- 1.7. AMENDMENTS PRIOR TO DATE SET FOR RECEIPT OF PROPOSALS: The right is reserved, as the interest of the Government may require, to revise or amend, the specifications or drawings or both prior to and/or after the date set for receipt of proposals as necessary. Such amendments, if any, will be announced by an amendment or amendments to this Request for Proposal. All information relating to this RFP, including pertinent changes/amendments and information prior to the date set for receipt of proposals will be posted on the following website <http://www.fbo.gov/>.
  - 1.7.1. Though every effort will be made to provide email notification when a change is posted such notification is NOT guaranteed and should not be expected. Offerors are strongly cautioned to check this site frequently and to “refresh” their web page to ensure they have the latest information.
- 1.8. HAND CARRIED PROPOSALS/INVITATIONS:
  - 1.8.1. Hand carried proposals must be brought to the VAMC, Contracting Office, Uncas Building, 3<sup>rd</sup> Floor, 623 Atwells Avenue, Providence, RI 02909. Hand carried proposals must be hand delivered prior to the time established for receipt of proposals.
  - 1.8.2. Offerors are cautioned that approval to enter the facility must be obtained prior to the closing date for receipt of proposals. Follow the procedures outlined in paragraph 1.5 for entry. Delays are probable at the entry point and should be accommodated for. Late receipt of proposals due to facility entry delays may not be deemed excusable and the Contracting Officer may declare the proposal late and remove it from consideration.
- 1.9. WAGE DETERMINATION:
  - 1.9.1. Davis Bacon Wage Rates are applicable to the seed project(s). Prevailing wage determination information, current at time of issuance of solicitation, is found in the seed offering form, Exhibit F. In the event the current prevailing Wage Determination is changed by the Department of Labor within 10 calendar days of the closing date of this solicitation, an amendment to the solicitation will be issued to incorporate the latest wage determinations. Applicable wage rates can be found at: <http://www.access.gpo.gov/davisbacon/allstates.html>, and are based on the location of the work, e.g. MA, ME, CT, VT, NH, or RI.
- 1.10. PROPOSAL EXPENSES AND PRE-CONTRACT COSTS: This RFP does not commit the Government to pay costs incurred in preparation and submission of initial and subsequent proposals or for other costs incurred prior to award of a formal contract.

- 1.11. REMOVAL OF SECTIONS AT TIME OF AWARD. Sections 00100, 00110, 00120, and 00010 Areas of Consideration will be physically removed as a result of an award, but will be deemed to be incorporated by reference in that award.
- 1.12. DISPOSITION OF UNSUCCESSFUL PROPOSALS AND EXTRA SUCCESSFUL PROPOSALS: In compliance with FAR Subpart 4.8 the Government will retain one copy of all proposals. The Government will destroy extra copies of proposals. No destruction certificate will be provided.
- 1.13. PROPOSAL ACCEPTABILITY: Offerors are cautioned to strictly comply with all instructions within this solicitation to ensure submission of a complete proposal. Failure to furnish a complete proposal, at the time of proposal submission, may result in the proposal being unacceptable to the Government and eliminated from consideration for award. The offeror is hereby advised that its proposal is presumed to represent its best and final offer in response to this solicitation.
- 1.14. CLARIFICATIONS: Offeror may, at the discretion of the Government, be asked to provide information for clarification purposes regarding their proposals. Requests for such clarification information do not constitute discussions.
- 1.15. EXCEPTIONS: If the offeror takes exception to any of the requirements specified in this solicitation, the offeror shall clearly identify each exception and include a complete explanation of why the exception was taken and what benefit accrues to the Government. All exceptions to the solicitation requirements (Sections 00010 through 00120) and supporting rationale shall be included in an addendum to the proposal and clearly labeled "Exceptions". An addendum is only required if the offeror takes exception to any requirement in the solicitation. (The Addendum does not have a page limitation, but shall only include information relevant to exceptions taken to the solicitation requirements.) The Government will assume an offeror takes no exceptions to any solicitation requirement if the offeror does not submit an Addendum identifying exceptions. Offerors are advised that solicitation requirements are not necessarily negotiable and such exceptions may render an offeror's proposal unacceptable and ineligible for award.
- 1.16. CLAUSES
  - 1.16.1. Clauses and provisions from the Federal Acquisition Regulation (FAR) and supplements thereto are incorporated in this document by reference and in full text. Those incorporated by reference have the same force and effect as if they were given in full text.
  - 1.16.2. Clauses and provisions in this document may not appear in consecutive order.

**End of Section 00100**

## SECTION 00110 SUBMISSION REQUIREMENTS AND INSTRUCTIONS

### 1. GENERAL PROPOSAL PREPARATION INSTRUCTIONS:

- 1.1. These instructions prescribe the format of proposals, and describe the approach for the development and presentation of the proposal data. They are designed to ensure the submission of necessary information to provide for the understanding and comprehensive evaluation of proposals. Carefully review this section prior to commencing proposal preparation. In order for proposals to receive full consideration for award, offerors should ensure that the information furnished in support of the proposal is factual, accurate, and complete.
  - 1.1.1. Offerors are cautioned to strictly comply with all instructions within this solicitation to ensure submission of a complete proposal. Failure to furnish a complete proposal, at the time of proposal submission may result in the proposal being unacceptable to the Government and elimination from consideration for award. All solicitation amendments must be acknowledged in accordance with FAR Clause 52.215-1, and Instructions to Offerors.

### 2. SOURCES OF PERSONNEL ON SELECTION BOARD

- 2.1. Offerors are advised that the Government reserves the right to include non-governmental employees to serve as advisors to Source Selection Evaluation Board members in the source selection process. These individuals will be authorized access to only those portions of the proposal data and discussions that are necessary to enable them to perform their respective duties. Such firms are expressly prohibited from competing on the subject acquisition and from rating proposals or recommending a selection.
- 2.2. In accomplishing their duties related to the source selection process, the aforementioned firms may require access to proprietary information contained in the offeror's proposals. Therefore, pursuant to FAR 9.505-4, these firms must execute an agreement with each offeror that states that they will (1) protect the offerors' information from unauthorized use or disclosure for as long as it remains proprietary and (2) refrain from using the information for any purpose other than that for which it was furnished. To expedite the evaluation process, each offeror must contact the above companies to effect execution of such an agreement prior to submission of proposals. Each offeror shall submit copies of the agreement with their proposal. Offerors who fail to execute agreements do solely at their own risk.
- 2.3. **PROPOSAL CONTENT:** Prospective offerors shall submit the proposal in two separate binders, labeled binder 1 and binder 2.
  - 2.3.1. **Binder # 1 includes Volume 1:** One original, 5 copies, and one electronic copy on a disc in accordance with instructions contained in paragraph 3.4.1 of this section. Binders shall be clearly identified as an original or as a copy.
  - 2.3.2. **Binder # 2 contains Volume 2, Past Performance and Volume 3, Technical information:** One original, 5 copies, and one electronic copy on a disc in accordance with instructions contained in paragraph 3.5 and 3.6 of this section.

### 3. PROPOSAL DUE DATE SCHEDULE AND DELIVERY LOCATIONS:

- 3.1. Proposal Volumes and the electronic copy are due by the date and time set for the receipt of proposals shown in Block 13 of the SF 1442. The due date for receipt of Past Performance Questionnaires from your references is the same as the date and time set for the receipt of proposals shown in Block 13 of the SF 1442.
- 3.2. After compiling all required information, submit the information in accordance with the "Proposal Due Date Schedule" paragraph and Block 13 of the SF 1442. Return the original and specified number of copies to the issuing office listed in Block 7 of the SF 1442. Mark the front of the envelope/box with the following: "PROPOSAL No. 36C24118R0127, DO NOT OPEN--- Competitive Proposal—

3.2.1. Delivery Locations:

VISN 1 – Proposals for locations throughout VISN 1 offered in the Area of Consideration, proposals shall be delivered to:

By Mail: VAMC Providence, ATTN: Karla Rotondo (Eagle 3, Room 305), 830 Chalkstone Avenue, Providence, RI 02908 – It is the responsibility of the offeror to ensure that the proposal is mailed to allow time for the proposal to reach the correct office by the proposal due date and time. Note that if you overnight mail the proposal the day before the due date, the proposal will not be received at the correct office by the due date and time and will be considered late.

In-person: Eagle Square, Uncas Building, 3<sup>rd</sup> Floor, Room 305, 623 Atwells Ave., Providence, RI 02909

3.3. PROPOSAL FORMAT

3.3.1. Purpose: These instructions prescribe the format of proposals, and describe the approach for the development and presentation of the proposed data. The proposal shall include all of the information requested in the specific instructions. **Failure to include all information requested may adversely affect the evaluation.** A proposal that merely reiterates or promises to accomplish the requirements of the RFP will be considered unacceptable. A proposal that is orderly and sufficiently documented will enable the Government to easily understand and perform a thorough and fair evaluation.

3.3.2. Offerors are cautioned to submit enough information to enable the evaluation committee to fully ascertain each offeror's capability to perform all of the requirements contemplated by this solicitation. All commitments made in the proposal may become a part of the resultant contract. The data submitted with each proposal should be complete and concise, but not overly elaborate. Excessive reliance on promotional brochures is discouraged.

3.3.3. Written proposals shall be prepared on standard 8.5 x 11 inch paper (charts may be landscaped but must be on 8.5 x 11 inch paper) and shall be in a legible font size (10). All pages of each proposal shall be appropriately numbered, and identified with the RFP number. For ease of reference, consecutive page numbering with tabs is required.

3.3.4. Binding: Elaborate format and binding are neither necessary nor desirable. All binders will be capable of lying flat when opened. Three ring binders are preferred. The cover and spine of each binder will clearly identify the offeror's name, Part number, RFP number, RFP title and copy number, (e.g. copy 2 of 5). The original for each volume will be clearly identified on the cover and the spine. All binders will allow for easy removal and replacement of pages.

3.3.5. Indexing: Each volume will contain a "Table of Contents" for that volume. The "Table of Contents" will identify major areas, paragraphs and subparagraphs by number and title as well as by page number and volume locations. Tab indexing will be used to identify Sections as appropriate.

3.3.6. Electronic Copy: Provide one (1) electronic copy on disc of all of the proposal information for Volumes 2 & 3 and the Small Business Subcontracting Plan (if required) from Volume 1. Electronic copies are to be submitted on CD-ROM saved in Microsoft Word or Adobe Acrobat format. ("Read Only" files are acceptable). All disks shall be virus checked prior to submission.

3.3.7. If revised proposals are requested, all proposal revisions shall be submitted on colored paper as page changes with each page identified by date and page number. Revised pages shall be printed on one side and punched with a 3-hole punch along the left margin. The number of revised copies to be submitted is the same as the initial proposal, including one electronic copy.

3.4. PROPOSAL VOLUME CONTENTS: Each offeror's proposal shall be submitted as set forth below and all information shall be confined to the appropriate part to facilitate independent evaluation. Proposals which do not include the requested minimum information may be eliminated from further consideration for award.

3.4.1. BINDER 1- VOLUME 1, OFFER DOCUMENTS AND PRICE/COST INFORMATION:

- 3.4.1.1. Offer and Section 00010 – Complete in its entirety the “Offeror” portion of the Standard Form (SF) 1442. An official having the authority to contractually bind your company must sign the SF 1442 in accordance with FAR 4.102. One copy of the SF 1442 is required to have an original signature.
- 3.4.1.2. DO NOT PUT ANY AMOUNTS IN THE BASIC CONTRACT SCHEDULE IN SECTION 00010- ALL FUNDING WILL BE ON THE TASK ORDERS WHEN AWARDED.
- 3.4.1.3. Section 00010 –Areas of Consideration. Mark your selections for the Areas (Location, Dollar Value and Type option) for which you want consideration. Additionally, mark the categories that you request consideration.

3.4.2. Representations, Certifications, and Other Statements of Offerors: Include in your proposal only the Representations and Certifications FAR 52.204-8 contained in this solicitation. All other required representations and certifications are to be completed online in “ORCA”.

- 3.4.2.1. All potential offerors are required to register in the System for Award Management (SAM) in order to complete the annual Representations and Certifications found at the ORCA website. The ORCA site contains an ORCA Application Handbook and an ORCA Quick Reference Guide. To access them, simply click on the "Help" link at the top of the ORCA homepage. Ensure your System for Award Management (SAM) information is up- to-date. Complete annual Representations and Certifications on line at <http://orca.bpn.gov> if you have not already done so. You are not required to provide a copy of the Representations and Certifications completed in ORCA with your written proposal. Do include any Representations and Certifications and other statements of offerors contained in this solicitation, which are in addition to the annual certifications on ORCA. In addition, all SDVOSB or VOSB offerors must be registered and verified in the Department of Veterans Affairs Vetbiz database. Register at [www.vip.vetbiz.gov](http://www.vip.vetbiz.gov).

3.4.3. Seed Requirements: **All offerors, regardless of the areas of consideration on location and dollar value of projects, shall price the seed projects for evaluation purposes as identified on the Exhibit F. Failure to provide a priced Exhibit F and the Exhibit F-1, or other “F” sections as applicable, may be grounds for elimination from consideration/evaluation.** If an offeror is not interested in a particular project as a Task Order Award, ensure that the F-1 clearly states NOT INTERESTED FOR TASK ORDER AWARD, FOR EVALUATION PURPOSES ONLY. Offerors are only required to submit pricing information for projects within the dollar value of projects that are requesting consideration. For example, if you are only requesting consideration of a CAT I (\$2,000 to \$1,000,000), only providing pricing for the projects estimated to be within that dollar value.

- 3.4.3.1. Offerors shall provide all price/cost information necessary to provide a meaningful basis for Government's analysis and evaluation of price/cost for the project set forth in Section 00120 of this solicitation. The Government is not and does not intend to request certified cost or pricing data. Offerors may be required, during the evaluation process to provided sufficient price/cost information that will enable the Government to perform an evaluation in accordance with Section 00120. If an offeror proposes an unusually low price, the offeror shall also provide rationale to justify the price.
- 3.4.3.2. Exhibit F -1 – Insert the price/cost associated with the seed project on the Seed Proposal Offer Schedule provided in Exhibit F. Be sure to include a detailed price breakdown.
- 3.4.3.3. Exhibit F-1A – Self-Performed Work Form in accordance with the instructions found at the top of the form. Provide information for the associated seed project only.

3.5. BINDER 2- VOLUME 2, PAST PERFORMANCE INFORMATION. Past Performance includes current on-going (present) performance. Do not include price or pricing information in this section. Failure to provide past performance information may render an offeror’s proposal incomplete and ineligible for award.

- 3.5.1. Offerors shall discuss, using the Performance Relevancy Questionnaire format, Exhibit A, Part 1 their performance for five (5) general construction projects.
  - 3.5.1.1. Offerors are to provide information to demonstrate a history of performance that demonstrates construction experience in performing multidiscipline work that is similar in scope, size, and complexity to that category of projects selected in Section 00010 – Areas of Consideration, Paragraph 2 entitled “Dollar Value of Projects”. Offerors should consider the currency and relevancy of the Past performance information. Current performance may have greater impact than older performance. In determining relevancy to the solicitation requirement, offerors should provide references for projects: which employed similar construction methods; had similar project complexity and scope and were performed in a similar location to those anticipated for the proposed effort.
  - 3.5.1.2. This information shall address relevant contracts held within the **last five years**.
  - 3.5.1.3. Offerors are strongly cautioned to complete Exhibit A, Parts 1 and 2, in its entirety, in the format provided. Failure to do so may eliminate your proposal from consideration for award.
  - 3.5.1.4. **Offerors shall answer each question on the Exhibit A Performance Relevancy Questionnaire in detail.** Use as much space as necessary.
  - 3.5.1.5. Offerors should include with their proposal information on problems encountered on the identified contracts and the offeror's correction actions. Include construction awards, customer letters of commendation, etc., with points of contact and telephone numbers.
  - 3.5.1.6. If proposing as a joint venture, a minimum of three (3) of the five (5) contracts referenced shall be for each member of the joint venture. A copy of the executed joint venture agreement must also be included with the proposal.
- 3.5.2. Provide a list of major subcontractors and/or Teaming Partners to be utilized on this project. (Include those identified in Exhibit A narratives, as applicable.) If a formal teaming arrangement is proposed, a copy of the executed Teaming Agreement shall also be included with the proposal.
  - 3.5.2.1. As a minimum, provide the name(s) of subcontractors to be utilized in the following areas: Plumbing, HVAC, Electrical, Roofing, and Painting.
  - 3.5.2.2. **Each major subcontractor and or Teaming Partner must also complete an Exhibit B, “Subcontractor Information and Consent Form” to be considered. Offerors shall have major subcontractors identify on the Exhibit B three references, owners (if they were the Prime) or other Prime contractors they have worked for. References for subcontractors from the proposing offeror are not acceptable.** See Exhibit “B” format for information to be provided. Written references for subcontractors may be included and are encouraged. However, subcontractors do not need to send out Exhibit C questionnaires. NOTE; Teaming Arrangements and Joint Venture for SDVOSB must meet the requirements of VA Information Letter 049-06-4 available at: <http://www.va.gov/oal/docs/library/ils/il06-4.pdf>
  - 3.5.2.3. Multiple subcontractors may be named for the same discipline, but are limited to a maximum of three (3) subcontractors per discipline. When multiple subcontractors are provided for the same discipline the evaluation will be in accordance with Section 00120.
  - 3.5.2.4. The Government reserves the right to request additional reference contact information for subcontractors, as necessary, through the clarification process to complete the evaluations.
- 3.5.3. Past Performance References – **REQUIRED** – Offerors shall prepare and submit to prior client(s) of the all the projects listed on your Exhibit A submission a Reference Package (Exhibit C) (Detailed instructions are included in Exhibit C Package). This includes correspondence explaining the requirement

to obtain an independent evaluation of prior contract performance and the Past Performance Questionnaire for use in evaluating Past Performance.

- 3.5.3.1. Completed Performance Questionnaire shall be submitted to the Contracting Office so as to arrive **not later than the closing date for receipt of proposal shown on the SF1442**. Email is preferred to [Karla.Rotondo@va.gov](mailto:Karla.Rotondo@va.gov). The subject line shall state 36C24118R0127 Past Performance for (Name of Company.) **NOTE: Offeror or subcontractor must not review the Past Performance Questionnaire prior to submission. They must be submitted by the client/evaluator directly to the Contracting Officer.**
  - 3.5.3.2. Offerors should follow-up and encourage references to get the questionnaires to the Contracting Officer in a timely manner. **Do not** include copies of the letters or questionnaires in the proposal.
  - 3.5.4. Offerors lacking relevant Past Performance experience may submit information regarding predecessor companies, key personnel who have relevant experience or subcontractors that will perform major or critical aspects of the requirement if such information is relevant to this acquisition so as to allow Government evaluators to conduct a Past Performance evaluation on the predecessor companies, key personnel and/or subcontractors.
    - 3.5.4.1. Such information shall, as a minimum, include: Name(s) of Predecessor Company/Subcontractor and/or Key Personnel and include: Complete Address and Point of Contact; Telephone, Fax Number and email address; and a brief synopsis of the experience and relevancy to this project.
  - 3.5.5. Other Optional Past Performance Considerations: Offerors are encouraged to include in Volume 2 other relevant information that the Government may take into consideration in the evaluation process. The type of information that should be provided is detailed on Exhibit A Part 2. The information, if provided, shall be limited to the period starting five (5) years prior to the solicitation release date.
  - 3.5.6. Offerors are advised that the Government may use all data provided by the offeror in this volume and data obtained from other sources, including, but not limited to, Government– wide databases, rely upon personal business experience with the offeror, in the development of performance confidence assessments. Past Performance information on contracts not listed by the offeror, or that of planned subcontractors, may also be evaluated. The Government may contact references provided by the offeror, as well as any other source it identifies, and information received may be used in the evaluation of the offeror’s Past Performance. While the Government may elect to consider data obtained from other sources, the burden of providing current, accurate and complete Past Performance information rests with the offeror.
- 3.6. **BINDER 2-VOLUME 3, TECHNICAL INFORMATION. Additional requirements for the technical proposal are found in Exhibit E.** The Technical proposal shall be prepared in accordance with the instructions and format given in this section and on Exhibit E. Failure to provide a Technical proposal in accordance with Exhibit E and the solicitation may render an offeror’s proposal incomplete and ineligible for award. Offerors are strongly cautioned to follow the format of Exhibit E in preparing their proposals. Include the question before each narrative. This will allow for ease of evaluation. Technical Proposals shall not include price or pricing information.
- 3.6.1. General Instructions: The Technical proposal shall be submitted in accordance with the instruction contained herein and on Exhibit E. In no case shall statements such as “we comply with the requirements of the contract” or its equivalent be acceptable to meet the requirements of this request for proposal. A proposal that merely reiterates or promises to accomplish the requirements of the RFP will be considered unacceptable. A proposal that is orderly and sufficiently documented will enable the Government to easily understand and perform a thorough and fair evaluation. This should preclude the rejection of a proposal due to items not being addressed.

- 3.6.1.1. The Government acknowledges that this will involve discussion of some of the same projects/contracts discussed in the Past Performance volume. While Past Performance examines how an offeror performed in the past, so as to determine the probability of success on future projects, this sub-factor examines the offeror's experience with multidiscipline project management and execution and how the offeror demonstrates an understanding of the contract's requirements taking this experience into consideration. The Government intends to use Exhibit A Part 1 information in the evaluation of experience.
- 3.6.2. In order for the Government to evaluate the offeror's understanding of the contract requirements, offerors are required to discuss their technical and administrative capabilities in a manner that demonstrates these are adequate to meet contract requirements. The information in Exhibit E will address your capability and experience to perform multi-discipline/multi-project requirements; your organization; key personnel; subcontractors; your ability to schedule; quality control; safety; and infection control.
- 3.6.3. The Exhibit E question narratives and required attachments should include necessary information regarding the offeror's ability to perform complete project management of multi-disciplined construction projects. Project management includes the full spectrum of activities such as: estimating, proposal preparation, subcontract purchasing and management, work scoping and planning, construction superintendent duties, quality controls, safety and infection controls. Additional clarification of these requirements is to be inferred from information contained in the each question of the Technical proposal, as well as the evaluation factors for award identified in Section 00120.
- 3.6.4. OFFERORS ARE CAUTIONED TO READ SECTIONS 00120 AND 00800 THROUGH 01700 OF THE CONTRACT DOCUMENTS BEFORE COMPLETING EXHIBIT E, AS YOUR ANSWERS MUST MEET THE MINIMUM REQUIREMENTS FOUND IN THESE SECTIONS.
- 3.6.5. Offerors are cautioned to read Section 0800, SC-20, Performance of Work by the Contractor. Resulting task orders will require a minimum of 15% of the work to be self- performed (General Construction). Firms must be capable of self-performing at least the minimum. The contracts resulting from this solicitation are not intended for management firms.

**End of Section 00110**

## SECTION 00120 PROPOSAL EVALUATION AND BASIS FOR AWARD

### 1. GENERAL INFORMATION:

#### 1.1. GENERAL:

- 1.1.1. This solicitation is for Multiple Award Indefinite Delivery, Indefinite Quantity Task Order Contracts (MATOC). The Government intends to award contracts to a minimum of twenty (20) contracts for VISN 1 to qualified offerors deemed responsible in accordance with the Federal Acquisition Regulation (FAR), whose proposals conform to the RFP's requirements and are judged to represent the Best Value to the Government. The Best Value is the most advantageous offer, price and other factors considered, and consistent with the Government's stated importance of evaluation criteria. This may result in award being made to a high-rated, higher-priced offeror where the Contracting Officer determines that the Past Performance and Technical capability of the higher-priced offeror outweighs the cost difference.
- 1.1.2. To arrive at a Best Value decision, the Contracting Officer will integrate the evaluation of Past Performance, Technical and Price, with Past Performance and Technical, which are of equal weight, but when combined are significantly more important than Price. While the Government and the Contracting Officer will strive for maximum objectivity, the evaluation process, by its nature, is subjective and therefore, professional judgment is implicit throughout the entire evaluation process.
- 1.1.3. The source selection process will be conducted in accordance with FAR Part 15.3, source selection procedures. Offers will be evaluated using the criteria listed in "Evaluation Factors for Award."
- 1.1.4. The Contracting Officer will conduct proposal compliance review after closing for determination of basic proposal adequacy prior to providing the proposals to the board. Failure to provide a complete proposal consisting of all Exhibits, (Exhibits A, B, D, E) required in the 3 Volumes and the Seed Pricing Sheet(s) F-1, or other applicable F sections, and self-performance form(s) F-1A, or other applicable F sections, may result in the proposal being removed from further consideration for award.
- 1.1.5. Noncompliance with the RFP requirements may raise serious questions regarding an offeror's technical and/or cost performance and may be grounds to eliminate the proposal from consideration for contract award. Failure to include all information requested may adversely affect the evaluation. A proposal that merely reiterates or promises to accomplish the requirements of the RFP will be considered unacceptable. A Proposal that is not presented in an orderly format may be considered noncompliant with solicitation instructions, not evaluated, and removed from consideration for award. A proposal that is orderly and sufficiently documented will be easy for the Government to understand and will enable the Government to perform a thorough and fair evaluation.
- 1.1.6. Offerors must ensure that no pricing information is displayed in Binder No. 2 (Volumes 2 and 3, Past Performance and Technical Proposals).
- 1.1.7. Although the assessment of Past Performance as a specific evaluation factor is separate and distinct from the Determination of Responsibility required by FAR Part 9, Past Performance information obtained herein will be used during the Government's responsibility determination. The Government also reserves the right to obtain additional information solely for the purpose of making a responsibility determination from all offerors after receipt of proposals. Requests for responsibility information do not constitute discussions.
- 1.1.8. **ENFORCEABILITY OF PROPOSAL:** The proposal must set forth full, accurate and complete information as required by this solicitation. The Government will rely on such information in the award of a contract. By submission of the offer, the Offeror agrees that all items proposed (if applicable e.g., key personnel, subcontractors, plans, etc.) will be utilized for the duration of the contract and any substitutions will require prior Contracting Officer's approval.

- 1.1.9. The offeror shall be held responsible for the validity of all information supplied in his/her proposal, including that provided by potential subcontractors. Should subsequent investigation disclose that the fact and conditions were not as stated, the proposal may be rejected.
- 1.1.10. The Government reserves the right to reject any or all proposals at any time prior to award if such action is in the Government's best interest; negotiate with any or all offerors; award a contract to other than the offeror submitting the lowest price(s) or highest technically rated; and award contracts to offerors submitting a proposal determined by the Government to be the most advantageous to the Government.
- 1.1.11. Service Disabled Veteran Owned Business (SDVOSB) and Veteran Owned Small Business (VOSB) will be checked for eligibility through the applicable **Vetbiz and SAM** databases. To qualify as a Joint Venture under the SDVOSB or VOSB program, each party to the joint venture must be a small business and one of the parties, the managing participant, must be an SDVOSB or VOSB as applicable. Joint Ventures must be verified in Vetbiz and SAM databases. Further determination of whether or not the joint venture, as an entity, qualifies as a small business depends on the dollar value of the proposed contract. SDVOSB and VOSB Contractors and Joint Ventures shall be verified by CVE prior to proposal submission.

## 2. EVALUATION FACTORS AND BASIS FOR AWARD:

- 2.1. Evaluation factors consists of Past Performance and Technical considerations, which are of equal weight, but when combined are significantly more important than cost or Price. The evaluation process is as follows:
  - 2.1.1. The Government will evaluate and rate an offeror's Past Performance using descriptive adjectives that most accurately define the offeror's performance risk considering each sub-factor identified in this section. Rating will be at the FactorLevel.
  - 2.1.2. The Government will evaluate and rate an offeror's Technical proposal using a color rating that combines technical merit and proposal risk. Rating will be at the Factor Level.
  - 2.1.3. The Government will evaluate the reasonableness of the total proposed price for the seed projects(s) that and will be awarded under the resulting MATOC contracts.
- 2.2. **PROCESS:** The following process will be used to determine the best value for selection of the MATOC basic contract award.
  - 2.2.1. The risk assessment of Past Performance and color rating of Technical will be evaluated in conjunction with the price proposed for the Seed(s) Task Orders. To arrive at a Best Value decision, the Source Selection Authority will integrate the evaluation of Past Performance, Technical and Price; Past Performance and Technical, when combined, are significantly more important than Price. The firms that represent the best value to the Government will be selected for award of an MATOC basic contract.
  - 2.2.2. **The Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)).** Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical approach. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals received exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals receiving a complete evaluation to the greatest number that will permit an efficient competition among the most highly rated proposals. In this event, only offerors receiving a Very Low Risk, Low Risk, Average or Neutral Risk rating in Past Performance may be evaluated for Technical and Price.
  - 2.2.3. The Government reserves the right to waive informalities and minor irregularities in offers received. If a minor clerical error has occurred, then the offeror may be given an opportunity to correct the minor error within the constraints of the "clarifications" process.

### 3. PAST PERFORMANCE EVALUATION:

- 3.1. The Past Performance proposal evaluation will consider such things as an offeror's business practices, customer relationship, and ability to successfully perform as proposed and other considerations considering currency, relevancy, sources, context, and trends. Past Performance includes current on-going (present) performance.
- 3.2. The Government will conduct a performance risk assessment based upon the Past Performance of the offeror as it relates to the probability of successful accomplishment of the work required by the solicitation.
- 3.3. The Government will rate an offeror's Past Performance at the factor level using descriptive adjectives that most accurately define the offeror's performance risk considering all potential evaluation criteria identified in this section. Relevance will be considered in the overall Past Performance rating. Ratings will consider the offeror's Past Performance considering currency, relevancy, sources, context, and trends. The Past Performance evaluation will include, but is not limited, to the following:

Quality- Management and Workmanship Timeliness and adherence to schedule Specification compliance  
Offeror's business practices Customer relationship Ability to successfully perform Safety Adequacy of safety programs Infection Control Program Overall customer satisfaction

- 3.4. To conduct the performance risk assessment, the Government may use data provided by the offeror, and data obtained from other sources. The Government may but is not limited to: evaluate present and past performance information through the use of questionnaires completed by the offeror's references; use data independently obtained from other Government or commercial sources, including, but not limited to Government databases; rely upon personal business experience with the offeror; and use the information provided in the Offeror's Past Performance Relevancy Questionnaires (Exhibit A).
- 3.5. The evaluation will also consider information provided relative to corrective actions taken to resolve problems on past or existing contracts and trends in performance.
- 3.6. The evaluation may take into account Past Performance information regarding predecessor companies, key personnel who have relevant experience, or subcontractors that will perform major or critical aspects of the requirement when such information is relevant to this acquisition. If multiple subcontractors are provided for the same discipline, the Government will use the lowest rated subcontractor in the evaluation.
- 3.7. Past Performance information on contracts not listed by the offeror, or that of planned subcontractors, may also be evaluated. The Government may contact references and contact parties other than those identified by the offeror, and information received may be used in the evaluation of the offeror's Past Performance. While the Government may elect to consider data obtained from other sources, the burden of providing current accurate and complete Past Performance information rests with the offeror. The Government reserves the rights to obtain and evaluate Past Performance information from any source it deems appropriate.
- 3.8. An offeror with no Past Performance may receive a rating based on the evaluation of its predecessor companies, key personnel, and/or subcontractors, provided an Exhibit B has been executed and included in the proposal for proposed subcontractors and/or potential key personnel not employed by the contractor. These ratings may have the same weight as the ratings of the proposing company. If such information is not applicable (i.e., the offeror does not have a predecessor company, key personnel or subcontractors with relevant experience), the offeror shall be evaluated as "Neutral". However, the proposal of an offeror with no relevant Past Performance history, while rated "Neutral" in Past Performance, may not represent the most advantageous proposal to the Government and thus, may be an unsuccessful proposal when compared to the proposal of other offerors.
- 3.9. Currency, Relevancy, Trends: The Government will consider the currency, relevancy and trends of the performance information while conducting its performance evaluation. Exhibit A's may be used for this purpose.

- 3.9.1. For the purpose of this solicitation, currency is performance occurring within the last five years through the solicitation release date. Within this period, performance occurring later in the period may have greater significance than work occurring earlier in the period. For example, performance information for work occurring during 2017 may have greater importance than performance information for work occurring during 2011.
  - 3.9.1.1. In assessing relevancy, the Government may evaluate an offeror's references for similarity of the construction methods to the scope of this solicitation, scope/type of contracts/projects, cost magnitude of projects as it relates to price, area of consideration requested, client type and location of work performed as it relates to the location(s) of work to be performed under this contract. Performance on managing multiple projects at one time may also be considered.
  - 3.9.1.2. The Government may consider an offeror's previous contracts in the aggregate in determining relevancy, should the offeror's present and past performance lend itself to this approach. For example, an offeror's work experience on three contracts may, by definition, represent only a *semi-relevant* effort when each contract is considered as a stand-alone effort. However, when these contracts are performed concurrently (in part or in whole) and are assessed in the aggregate, the work may more accurately reflect a *relevant* effort.
  - 3.9.1.3. The following weighting apply to relevancy considering all the elements listed above;
    - 3.9.1.3.1. VERY RELEVANT - Past/present performance efforts involve the magnitude of effort and complexities which are essentially what this solicitation requires;
    - 3.9.1.3.2. RELEVANT - Past/present performance efforts involved less magnitude of effort and/or complexities, including some of what this solicitation requires;
    - 3.9.1.3.3. SEMI-RELEVANT - Past/present performance efforts involved much less magnitude of effort and/or complexities, including some of what this solicitation requires;
    - 3.9.1.3.4. NOT RELEVANT - Past/present performance efforts involved none or significantly less magnitude of effort and complexities, of what this solicitation requires.
- 3.10. In accordance with FAR 15.306(a)(2), if award will be made without conducting discussions, offerors may be given the opportunity to clarify certain aspects of their proposals, e.g., the relevance of an offeror's Past Performance information and adverse Past Performance information to which the offeror has not previously had an opportunity to respond, or to resolve minor clerical errors.
- 3.11. **PAST PERFORMANCE RATINGS:** The following ratings and related definitions will be used to define the performance risk.
  - 3.11.1. **Very Low Risk:** Performance met contract requirements and exceeded many to the Government's benefit. Problems, if any, were negligible and were resolved in a timely and highly effective manner. Performance was generally current and very relevant. Excellent probability of success with overall very low degree of risk in meeting Government's requirements.
  - 3.11.2. **Low Risk:** Performance met contract requirements. Good quality. Minor problems may have been identified however; contractor took satisfactory corrective action to resolve where appropriate. Performance was current and generally relevant. Good probability of success with overall low degree of risk in meeting the government's requirements.
  - 3.11.3. **Average Risk:** Performance met most contract requirements. Adequate quality. Problems may have been identified however; contractor usually took adequate corrective action. Performance was current and semi-relevant. OR Although performance exceeds expectations and was rated excellent to very good the projects submitted were generally semi-relevant to the efforts required by this solicitation. Fair probability of success with an average degree of risk in meeting the government's requirements.

- 3.11.4. **Above Average Risk:** Performance met some contract requirements. Fair quality. Problems may have been identified however; contractor sometimes took corrective action, but not always to the owner's satisfaction. Performance was semi-relevant. Fair probability of success with an overall above average risk in meeting the government's requirements.
- 3.11.5. **High Risk:** Performance did not meet some contractual requirements. There were problems, some of a somewhat serious to serious nature. Contractor's corrective action was sometimes marginally effective to ineffective. Performance was not current or semi-relevant. Probability of success is questionable with an unacceptably high degree of risk in meeting the government's requirements.
- 3.11.6. **Neutral:** No current and/or relevant performance record is identifiable upon which to base a meaningful performance risk prediction. Government personnel were unable to identify any relevant Past Performance information for the offeror or key team members/subcontractors or their key personnel. This is neither a negative or positive assessment. Unknown

#### 4. TECHNICAL PROPOSAL EVALUATION

- 4.1. The evaluation of each Technical Proposal will evaluate and measure the ability of the offeror to effectively manage specialized discipline, as applicable, construction projects, provided in response to the submission requirements specified in Section 00110 and Exhibit E. The Government will determine, based on the information provided, if the offeror has demonstrated the ability to perform complete project management of construction projects at the dollar levels indicated in the Areas of Consideration.
- 4.2. The evaluation will be divided into seven (7) subfactors. Subfactor 1, Capability and Experience, is more important than Subfactors 2 through 7, which are of equal importance. One rating will be assigned for the Technical Factor taking into consideration all subfactors.
  - 1) Capability and Experience
  - 2) Organization
  - 3) Quality Control
  - 4) Specific Personnel
  - 5) Scheduling Methodology
  - 6) Safety
  - 7) Infection Control
- 4.2.1. Capability and Experience:
  - 4.2.1.1. Using the information on Exhibit E, and the projects/contracts discussed and listed in Exhibit A (Volume 2) the Government will evaluate the quality and extent of related experience, and determine if the offeror has the experience to manage specialized areas for construction projects and for service requirements, as applicable, which is comparable to the work requirements of this solicitation.
  - 4.2.1.2. To meet the requirements of the RFP the proposal must demonstrate that the offeror has experience with management of construction projects to perform as well as the capability to perform multiple projects at one time.
  - 4.2.1.3. An offeror who has the capability to perform as a prime contractor for multi- discipline projects and self perform a major element of construction, for example, Plumbing, Electrical, HVAC, Roofing, and Painting, may be afforded additional consideration in the evaluation.
  - 4.2.1.4. The proposal should discuss questions concerning capability and plans for meeting Government requirements and should address as a minimum, but not limited to, the following:
    - 4.2.1.4.1. Section 00800 SC-4 Ordering Procedures For Competitive Task Orders, including, but not limited to the emergency response requirements specified in this special contract requirement (SC); and

- 4.2.1.4.2. SC-20 Performance of Work by Contractor and/or Limitations on Subcontracting. Proposal demonstrates self-performance capabilities for the seed project(s). (Exhibit F-A of the seed project(s) may be used to determine compliance with SC-20 requirements.)
- 4.2.1.4.3. The discussion of the technical and administrative capabilities demonstrates these are adequate to meet contract requirements within the offeror's chosen area of consideration.
- 4.2.1.4.4. The proposal should include a letter from the offeror's surety company addressing ability to obtain bonding and the limits of bonding capacity to include per project and aggregate.

#### 4.2.2 Organization

- 4.2.2.1 The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning overall organization, organizational chart, as well as number of personnel and the duties of proposed technical staff to determine if offeror has the ability to manage projects within the areas of consideration chosen without significant difficulty. The specific criterion proposed (skill levels, experience, and background) for personnel, if adequate, is an indicator of an acceptable organization.
- 4.2.2.2 The narrative should adequately address functions, responsibilities and authorities for performing such duties as overall project management, site superintendence, quality and infection control, safety, administration and in-house trade capabilities.
- 4.2.2.3 The proposal should demonstrate that the quality control staff, with lines of authority, is adequate to meet the contract's requirements.
- 4.2.2.4 If applicable, the support and interface with home office or corporate headquarters for such aspects as financial, management and technical support are adequately defined.

#### 4.2.3 Quality Control

- 4.2.3.1 The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning proposed quality control activities for compliance with the requirements of the solicitation Section 01451.
  - 4.2.3.2 The proposal's quality control discussion should adequately detail the offeror's policy with regard to QC and how the offeror intends to achieve this standard.
  - 4.2.3.3 The Quality Control discussion should provide a detailed explanation of how quality issues are dealt with on various types of construction projects. (Note: The proposed Quality Control Plan if provided will be evaluated).
- 4.2.4 Specific Personnel - The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning proposed personnel for the following functions, as a minimum:
- 4.2.4.1 Project management, site superintendence, quality control manager, infection control and safety, as well as the list of major subcontractors who will be utilized throughout the life of the contract.
  - 4.2.4.2 A resume or information provided for each proposed personnel should be included and detail background, education, and experience and is indicative of acceptable experience.
  - 4.2.4.3 Personnel must meet any applicable experience qualifications included in the special contract requirements or specifications. Letters of intent are provided where required.

4.2.4.4 The proposed subcontractors, applicable for multi-discipline consideration, are verifiable, and information provided indicates a good professional relationship with Plumbing, Electrical, HVAC, Roofing, and Painting. **Subcontractors shall have completed Exhibit B in Volume 2, to be considered.**

#### 4.2.5 Scheduling methodology

4.2.5.1 The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning scheduling methodology to determine if they have scheduling processes that ensure completion and control of the project from beginning to the end of the project.

4.2.5.2 The proposal should demonstrate an understanding of the limitations of a schedule as well as an understanding that an appropriate schedule will result in successful completion of projects.

4.2.5.3 Applicable to offerors being evaluated for orders over \$1 Million. Proposal adequately describes capability to meet CPM format requirements and demonstrates, with a sample schedule, the ability to appropriately utilize this method of scheduling.

#### 4.2.6 Safety Activities

4.2.6.1 The Government will evaluate the offeror's answers to Exhibit E questions, Exhibit D, and attachments concerning proposed safety program, including, but not limited to:

4.2.6.2 Using the information submitted in response to the solicitation, the Government will evaluate the offeror's ability to submit and comply with an effective construction safety plan that meets the requirements of the Construction Safety Plan checklist incorporated as an attachment in the solicitation. The offeror should develop a proposed plan in response to this evaluation factor. Additionally the proposal should include documentation regarding the successful training of personal in accordance with OSHA requirements (i.e., 30-hour or 10- hour completed OSHA training. The narrative demonstrates familiarity with and/or plans to adhere to OSHA requirements and other safety requirements incorporated in the solicitation. Additionally, the proposal should contain relevant information regarding any safety accidents or violations and corrective action taken or demonstrates no documented violations. Offeror shall demonstrate that the company has no more than three serious, or one repeat, or one willful OSHA or EPA violation(s) in the past three years and has an Experience Modification Rate (EMR) of equal to or less than 1.0. Simply having an EMR greater than 1.0 does not eliminate a contractor from selection. The Offeror will be allowed to submit an offer with additional information explaining the EMR; and the CO will need to make a responsibility determination based upon all the usual factors. Further, if the offeror is deemed non-responsible, but otherwise eligible for award; the matter will be referred to the SBA for a Certificate of Competency. Offeror shall complete the attached Pre-Award Contractor Evaluation Form for Safety and submit it with your narrative response to this sub-factor.

##### **NOTICE-SAFETY COMPLIANCE REQUIREMENTS**

##### **Safety or Environmental Violations and Experience Modification Rate**

All Bidders/Offerors shall submit the following information pertaining to their past Safety and Environmental record: (The information as outlined below shall be submitted at the time of proposal submission.

1. **VIOLATION INFORMATION:** The information shall contain, at a minimum, a certification that the bidder/offeror has no more than three (3) serious, or one (1) willful OSHA or any EPA violation(s) in the past three years.

2. **EXPERIENCE MODIFICATION RATE:** All Offerors shall submit information regarding their current Experience Modification Rate (EMR) equal to or less than 1.0. This information shall be obtained from the offeror's insurance company and be furnished on the insurance carrier's letterhead. Self-insured contractors or other contractors that cannot provide their EMR rating on insurance letterhead must obtain a rating from the National Council on Compensation Insurance, Inc. (NCCI) by completing /submitting form ERM-6 and providing the rating on letterhead from NCCI. Note: Self-insured contractors or other contractors that cannot provide EMR rating on insurance letterhead

from the states or territories of CA, DE, MI, NJ, ND, OH, PA, WA, WY, and PR shall obtain their EMR rating from their state run worker's compensation insurance rating bureau.

3. Simply having an EMR greater than 1.0 does not eliminate a contractor from selection. The Offeror will be allowed to submit an offer with additional information explaining the EMR; and the CO will need to make a responsibility determination based upon all the usual factors. Further, if the offeror is deemed non-responsible, but otherwise eligible for award; the matter will be referred to the SBA for a Certificate of Competency.

#### 4.2.7 Infection Control

4.2.7.1 The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning proposed infection control program, including, but not limited to:

4.2.7.2 The proposal demonstrates the ability to comply with the requirements of VHA directive 7715 Safety & Health During Construction Operations Infection Control Manual of the VA Medical Centers located in VISN 1.

4.2.7.3 The proposal addresses, at a minimum, supervision, employee responsibilities, work practices, training, materials and equipment, and risk assessment methods.

#### 4.2.8 TECHNICAL EVALUATION FACTOR RATINGS:

4.2.8.1 The Government will rate an offeror's Technical proposal, at the factor level, using a color rating that combines technical merit and proposal risk that most accurately defines the offeror's performance risk considering all subfactors identified in this section and the areas of consideration chosen by the offeror in section 00010.

Color Rating	Evaluation Criteria
Blue	Proposal meets solicitation requirements, demonstrates an excellent understanding of the requirements and has salient features that offer significant advantage to the Government. Excellent in all respects. Advantages/strengths not offset by disadvantages/weaknesses. Very good probability of success with overall very low degree of risk in meeting Government requirements.
Green	Proposal meets most solicitation requirements and demonstrates an adequate understanding of the requirements but does not offer significant advantages to the Government over basic RFP requirements. Disadvantages/weaknesses are not significant, unless significant advantages are proposed that outweigh significant disadvantages. Where there were areas of concern, clarifications, given by contractor, were acceptable. Good probability of success with overall low degree of risk in meeting the Government requirements.
Yellow	Proposal meets some but not all the RFP requirements, but offers disadvantages (weaknesses) outweighing other advantages (strengths). Examples may include little or no experience cited; weak proposal; mimics RFP language rather than expressing offeror's approach or understanding of the RFP. Probability of success considered less than full confidence (moderate risk).
Pink	Proposal meets some but not all the RFP requirements. Examples: Proposal does not address all required RFP criteria; little or no experience to the extent that Overall quality cannot be determined because of errors, omissions or deficiencies that may be capable of being corrected without a major rewrite or revision of proposal. Probability of success is questionable without further explanation by offeror. (Unacceptable risk) Unawardable without discussion and proposal revision.
Red	Proposal demonstrates little to no understanding of the requirements; or approach fails to adequately meet acceptable performance expectations. Proposal contains major errors; omissions or deficiencies and these conditions cannot be corrected without a major rewrite or resubmission. There is an unacceptably high degree of risk in meeting the Government's requirements. Unawardable as proposed

5. **PRICE EVALUATION** - The purpose of the Price/cost evaluation is to provide an assessment of the reasonableness of the proposed price/cost in relation to the solicitation requirements. Proposals will be evaluated in the following manner.
  - 5.1. The Government evaluation team will conduct a Price evaluation of each offeror's Seed Price proposal to determine whether or not each proposal complies with the stated criteria: "Reasonableness". If the proposed price is determined to be reasonable a REASONABLE rating will be given, if found to be unreasonable, an UNREASONABLE rating will be assigned to the Price evaluation factor. If multiple seed projects are priced, each project will be assigned an individual rating.
  - 5.2. The Contracting Officer reserves the right to award a MATOC IDIQ contract to an offeror with an unreasonable price rating if found to be in the best interest of the Government.
  - 5.3. Those proposals evaluated as not satisfying all of the price/cost criteria may be eliminated from consideration for award.

6. **CONTRACT AWARD**

- 6.1. Government reserves the right to award an MATOC to an offeror at an individual order maximum dollar level lesser than requested in "Areas of Consideration." if deemed in the best interest of the Government. Individual order maximum may increase at the sole discretion of the Contracting Officer, based on demonstrated capability.
- 6.2. AWARD a written award or acceptance of offer mailed, or otherwise furnished to the successful offeror within the time for acceptance specified in the offer shall be deemed to result in a binding contract without further action by either party.
- 6.3. SEED PROJECT: The seed projects of this solicitation may be awarded within the acceptance period specified in this solicitation as a task order(s) against the awarded MATOC contract, at the sole discretion of the Contracting Officer, and subject to availability of funds without further discussion. In the event the Government elects to award seed project(s), award of the seed project(s) will be made to the contractor awarded a MATOC who provides the lowest reasonable price. In the event more than one seed proposal is included in the solicitation and an offeror is low on more than one project then the Government reserves the right to award the offeror only the project with the highest value and to award the other(s) to offeror(s) with next lowest price(s).

In the event the Government does not award a seed project(s) pursuant to this solicitation within 120 calendar days after receipt of proposals and an award will be made without discussions, the following will apply: "The Government reserves the right to allow offerors to make an adjustment in their price proposals to allow pricing adjustments caused by fluctuating construction material market conditions. The Contracting Officer will notify Offerors, normally by electronic mail (email) of a common closing date for receipt of the adjusted price proposals. No additional proposal revisions will be allowed under these conditions. This does not constitute and shall not be construed as discussions, or the Government may reissue the project for pricing after award of the basic contracts.

6.4. **DEBRIEFINGS:**

- 6.4.1. Offerors excluded from the competitive range, should one be established or otherwise excluded from the competition before award may submit a written request for a debriefing to the Contracting Officer in accordance with FAR 15.505.
- 6.4.2. Written requests for debriefing will not be accepted by facsimile or email. Submitted means delivered to the Contracting Officer at the location indicated on the SF 1442 for receipt of proposals. Ensure you direct your request to the correct contracting office.
- 6.4.3. After award, unsuccessful offerors may submit a written request for a debriefing to the Contracting Officer in accordance with FAR 15.506.
- 6.4.4. Written requests for debriefing will not be accepted by facsimile or email. Submitted means delivered to the Contracting Officer at the location indicated on the SF 1442 for receipt of proposals. Ensure you direct your request to the correct contracting office.

**End of Section 00120**