

National Renewable Energy Laboratory
Managed and Operated by the Alliance for Sustainable Energy, LLC

Request for Proposals (RFP) Number RFP- 2023-23019

“Janitorial Services”

REQUEST FOR PROPOSALS (RFP)

READ THIS DOCUMENT CAREFULLY

This solicitation is being conducted under the procedures for competitive subcontracts established by the National Renewable Energy Laboratory (NREL). NREL will award a subcontract based on the following:

BEST VALUE SELECTION

All Statement of Work (SOW) requirements being met with the best combination of:

- Technical factors (based on qualitative merit criteria), and
- Evaluated price

Issue Date: **4/4/2023**

Due Date: **5/2/2023**

Time Due: **12:00pm** Mountain Time

Technical questions must be received in writing no later than 4/17/2023

Written questions concerning this solicitation document and its requirements will be answered in writing. In response to technical questions, NREL will issue an amendment to this solicitation document that will formally provide all the questions and answers. All recipients of the solicitation document will receive responses to questions.

- 1. Solicitation Type** Best Value Selection
Fixed Unit Price, Subcontract with Option Periods

NAICS Code and Small Business Size Standard

This procurement action is a total set aside for the following small business certifications ONLY:

- Small, and/or
- HUBZone – SBA Certified, and/or
- Small Service-Disabled Veteran-owned, and/or
- Small Veteran-owned, and/or
- Small Disadvantaged, and/or
- Small Woman-owned.

There is no weighting applied to any one small business subcategory, or any combination of subcategories applicable to a business entity. The subcategories are provided only for determining eligibility of offerors.

The North American Industry Classification System (NAICS) code for this solicitation is:

Code	Classification	Size Standard
561720	Janitorial Services	\$22M

Amounts shown in the table above represent the corresponding small business size standard for each NAICS. Dollar amounts are reflective of total annual receipts. ("Annual receipts" of a concern means the annual average gross revenue for the last three fiscal years.)

SUBMIT OFFERS TO AND REQUEST INFORMATION FROM THE NREL RFP CONTACT BELOW

2. **NREL RFP Contact** Caitlyn Alter, Subcontract Administrator
National Renewable Energy Laboratory
15013 Denver West Parkway, MS: RSF030
Golden, CO 80401

Email: Caitlyn.Alter@nrel.gov

Electronic copies of forms and appendices can be found at:

<http://www.nrel.gov/workingwithus/standard-terms.html>

[Procurement Forms | NREL](#)

3. **Project description:**

As specified in the Statement of Work titled "Janitorial Services", (Attachment 1).

4. **Proposed subcontract award and period of performance**

The Alliance for Sustainable Energy, LLC has entered into Contract No. DE-AC36-08GO28308 with the Department of Energy (DOE), an agency of the U.S. Government, for the management and operation of the National Renewable Energy Laboratory (hereinafter called "NREL"). All references to "NREL" in this solicitation shall mean the Alliance for Sustainable Energy, LLC.

It is the intent of NREL to award **One (1) to Two (2) Fixed Unit Price** subcontract(s) under this solicitation. If NREL awards multiple subcontracts, the differentiating factor will be campus management – such as, but not limited to, one award to manage the South Table Mountain Campus and one to manage Flatirons Campus plus other individual locations. The anticipated period of performance is **12 months with four (4) 12-month option periods**, with annual funding to be determined). Historical usage has been \$1,000,000.00 to \$1,400,000.00 per 12-month period.

5. **Competitive negotiated subcontract using Best Value Selection**

This solicitation shall be conducted using Best Value Selection that results in an award that is most advantageous to NREL based on the best value combination of (a) evaluated qualitative merit and (b) evaluated price of the offers submitted.

Best Value Selection is based on the premise that, if all offers are of approximately equal qualitative merit, award will be made to the offeror with the lowest evaluated price. However, NREL will consider awarding to an offeror with a higher evaluated price if the offer demonstrates the difference in price is commensurate with the higher qualitative merit. Conversely, NREL will consider awarding to an offeror with a lower evaluated qualitative merit if the price differential between it and other offers warrant doing so.

6. Qualitative merit criteria for Best Value Selection

The Statement of Work (Appendix A) in this RFP serves as NREL's baseline requirements that must be met by each offer.

The qualitative merit criteria establish what NREL considers the technical factors valuable in an offer. These qualitative merit criteria are performance-based and permit selection of a higher priced offer that provides higher qualitative merit.

The following qualitative merit criteria will be used to determine the technical value of the offer in meeting the objectives of the solicitation. Subcriteria, if listed, are not individually weighted, but are factors in the overall weighting.

Each qualitative merit criterion (and sub-criteria, if included) **and its assigned weight** are listed below:

Criterion #	Criterion	Assigned Weight (%)	Description
6.1	Technical Approach	20%	The Offeror's overall approach for completion of the work as outlined in the Appendix A - SOW and qualifications of project managers.
6.1.1.	Project Management Outline	N/A	<p>Provide a project management outline of how your organization plans to manage the janitorial service requirements as outlined in the Statement of Work, including:</p> <ol style="list-style-type: none"> 1. Availability and volume of labor force. 2. Define employee training program. 3. Managerial and labor force proximity to NREL. 4. Type and percent of janitorial work that the Offeror normally self-performs with its own employees. 5. Type and percent of janitorial work that the Offeror plans to perform using lower-tier subcontractors. <p>Provide names of all preferred lower-tier subcontractors.</p> <ol style="list-style-type: none"> 6. Managing work across multiple locations such as multiple campuses, multiple localities/cities, 800,000+ square feet, and 50+ buildings. 7. Compliance to NREL's Sustainability Program (including Bio-Based Products). 8. List the jurisdiction and trade categories in which the Offeror is legally registered and qualified to do janitorial business. Provide registration or license number for Colorado; if not in Colorado, describe how your organization intends on conducting business at NREL.

6.2.5.	4.e. Dusting	N/A	<p>3. Equipment associated with the completion of the task.</p> <p>4. Inventory and/or cleaning supplies associated with the completion of the task.</p> <p>5. Confirmation of self-performance or lower-tier subcontractors utilized for each task.</p> <p>6. Any other relevant information on how the Offeror shall complete the task.</p>
6.2.6.	4.f. Drinking Fountains	N/A	
6.2.7.	4.g. Interior Stairwells, Stairways, and Elevators	N/A	
6.2.8.	4.h. Building Entrances, Exits, and Lobby Areas	N/A	
6.2.9.	4.i. Concession / Common Areas	N/A	
6.2.10.	4.j. Kitchenettes	N/A	
6.2.11.	4.k. Restrooms 4.k.1. Restrooms & Showers – Clean & Disinfect 4.k.2. De-Scale Showers, Toilet Bowls, and Urinals 4.k.3. Restroom & Shower Stall Floors 4.k.4. Restroom Inventory Replenishment	N/A	
6.2.12.	4.l. Specialty Designated Areas	N/A	
6.2.13.	4.m. OPTIONAL: COVID-19 and Other Viral Disinfecting Services	N/A	<p>The Offeror shall provide an example of a daily, weekly, and monthly schedule for how the organization will complete all tasks listed in section 4 of the Appendix A - SOW. Optional services (section 4.m.) should be provided in a separate example schedule.</p> <p>Schedules shall include:</p> <ol style="list-style-type: none"> 1. Key Personnel assigned for all shifts and total estimated hours. 2. Expected number of Janitorial Staff assigned for all shifts and total estimated hours. 3. Backups or specialty staffing required for as-needed requirements or last minute changes to scheduling.
6.2.14.	Task Schedule	N/A	
6.3	Past Performance	20%	The Offeror's organizational history, relevant project experience, and references.
6.3.1.	Organizational History	N/A	<p>Provide a summary of how long your firm has been in business and the types of work completed, including the following:</p> <ol style="list-style-type: none"> 1. It is highly preferred that offerors have a minimum of five (5) years of experience during the past ten (10) years in janitorial service subcontracts similar in scope to the Appendix A - SOW. 2. It is highly preferred that offerors have experience in

			<p>scientific/research laboratory settings. Offeror shall outline their experience in scientific/research laboratory settings, other government owned or operated facilities, or facilities similar in size/scope/number of buildings to those outlined in the Appendix A - SOW.</p> <p>Offeror shall outline experience in line with the minimum preferred experience and/or provide a plan on how the organization plans to mitigate risk associated with less experience.</p>
6.3.2.	Past Performance Projects	N/A	<p>Offeror to provide at least three to five summaries of contracts or subcontracts similar in scope to the Appendix A - SOW in a bullet-point format for the past five (5) years from most recent to least recent, to include the following information:</p> <ol style="list-style-type: none"> 1. Name of the Contracting Party (Customer). 2. Contracting Party's point of contact name, email address, and telephone number. 3. Contract or Subcontract total dollar amount. 4. Type of contract or subcontract (Such as Firm Fixed Price, Fixed Unit Price or Labor Hour). 5. Total Period of Performance (Start Date and actual or expected End date). 6. Title or description of the contract or subcontract. 7. Location where the contract was completed. If terminated or partially terminated, state reason for termination. 8. Brief description of project scope. <p>Offeror shall indicate if janitorial services in a scientific/research type laboratory which required strict security and safety standards was applicable to any past performance project.</p>
6.3.3.	References	N/A	<p>Offeror shall provide at least three letters of reference from projects completed that were similar in scope to the Appendix A - SOW.</p> <p>Letters of reference shall include the following information for verification purposes:</p> <ol style="list-style-type: none"> 1. Company/Organization Name. 2. Project or Contract/Subcontract Number. 3. Point of Contact Name, Phone Number, and Email Address.
6.4	Safety & Sustainability	20%	The Offeror's demonstrated ability to comply with Safety and Sustainability requirements as outlined in the Appendix A - SOW and Sample Subcontract.
6.4.1.	Health and Safety Plan	N/A	<p>The proposal shall include a health and safety plan that addresses the following:</p> <ol style="list-style-type: none"> 1. Offeror shall provide a proposed Health and Safety Plan to meet the requirements outlined in the Appendix A - SOW and Sample Subcontract. Plan shall describe how the offeror will ensure employees meet the Health and Safety requirements outlined in the plan. 2. Demonstrate how your company conducts safety training with personnel. List the safety topics covered, how often, and if the training is performed internally or

			<p>outsourced.</p> <p>3. Provide your Environmental, Safety and Health Subcontractor Risk Evaluation Worksheet for your firm and any proposed lower-tier subcontractors. Also provide your insurance letters on the past three years' Experience Modification Rating (EMR). If violations occurred or EMR is in excess of 1, offeror must provide written explanation of the incident that occurred and all required OSHA Logs as outlined in the Risk Evaluation Worksheet.</p> <p>4. List all types of safety training your key personnel have completed and the safety training required internally for personnel proposed in your offer.</p>
6.4.2.	Quality Control Plan	N/A	<p>Offeror shall provide a Quality Control Plan that addresses the minimum requirements listed in the Appendix A - SOW.</p> <p>Also include how the Offeror will assign QCP management tasks to relevant Key Personnel, including an example of QCP task scheduling,</p>
6.4.3.	Equipment	N/A	<p>Offeror shall provide a list of all janitorial equipment which is required for the performance of the Appendix A - SOW. List shall include the following:</p> <ol style="list-style-type: none"> 1. Whether the equipment is owned or leased. 2. If the equipment is committed to current contracts/subcontracts or would be made solely available for the performance of NREL's potential subcontract. 3. Note if the equipment is not currently available, and if so, how the Offeror plans to fulfill the requirements as of the start of the period of performance. <p>The Offeror shall also provide a backup plan on how to replace janitorial equipment if it should break down during the period of performance. Plan should address how the offeror will replace equipment and how it would be implemented to prevent delays in performance.</p>
6.4.4.	Sustainability	N/A	<p>Offeror shall provide a plan on how the organization will comply with the requirements outlined in the Appendix B Standard Terms and Conditions clauses labeled "SUSTAINABLE ACQUISITION PROGRAM (NOV 2019)" and "AFFIRMATIVE PROCUREMENT OF BIOBASED PRODUCTS UNDER SERVICE AND CONSTRUCTION SUBCONTRACTS (NOV 2019)."</p>
		100%	Total of Merit Criteria

Based on the total percentage score of all merit criteria, the following ratings shall be assigned:

Adjectival Rating	Total Merit Percentage (out of 100%)
Excellent	100%
Above Average	85-100%
Acceptable	75-84%

Marginal	65-74%
Unacceptable	Less than 64%

Price Evaluation for Best Value Selection

After evaluation of the qualitative merit criteria, the following price evaluation will be used to determine the best value of the offer in meeting the objectives of the solicitation. The price evaluation is based on the information provided in Attachment 3 – Price Proposal Form.

A. Fully Burdened Labor Rate Evaluation

- i. The offeror shall provide all labor categories applicable to the subcontract for the base and each option period in Tab 1 – Labor Rate Breakdown Form of Attachment 3 – Price Proposal Form.
 1. Columns B, C, D, E, F, and G **must be completed** in accordance with the tab titled Instructions in Attachment 3 – Price Proposal Form.
 2. Base Rate (Column C) is the base hourly wage paid to each labor category employee prior to the addition of columns C, D, E, and F.
 3. The offeror should add its general percentages for each labor category listed below:
 - a) Labor Overhead Percentage of Cost (Column D)
 - b) Fringe Benefits Percentage of Cost (Column E – reference required fringe benefits under Service Contract Act Wage Determination 2015-5419)
 - 1) *Note: If Fringe Benefits are incorporated under the Labor Overhead percentage, Fringe Benefits can be left blank. However, please confirm which column Fringe Benefits are included in on Tab 1.*
 - c) General & Administrative Percentage of Cost (Column F – does NOT include overhead costs)
 - d) Profit Percentage (Column G)
 4. Total Per Hour (Column G) automatically calculates by adding columns C through G. The sum is the flat hourly rate (fully burdened labor rate) as outlined in the Attachment 2 – Sample Subcontract.
- ii. PRICE EVALUATION SYNOPSIS – FULLY BURDENED LABOR RATE BREAKDOWN:
 1. Justifications for cost elements shall be reviewed for reasonableness.
 2. Base Rates shall be evaluated against the Service Contract Act Wage Determination for the same or similar labor categories.
 3. Fully Burdened Labor Rates shall be compared between offeror proposals.
 - a) If additional review is deemed necessary, additional sources may be reviewed for fully burdened labor rate comparisons such as the General Services Administration Multiple Award Schedules for similar services.
 4. Fully Burdened Labor Rates shall be compared between the Base and all Option Periods to determine the total proposed escalation rate.
 5. Proposed Escalation rates shall be compared between offerors and compared to historical rates of inflation via the Consumer Price Index.

B. Fixed Unit Price Evaluation

- i. The offeror shall complete Fixed Unit Prices for the Base Period (Tab 2) and all Option Periods (Tabs 3 through 6) of Attachment 3 – Price Proposal Form.

1. The offeror shall provide Fixed Unit Prices for each campus and building (Columns A and B) for both Standard Services (Table 1) and the Add Alternate for COVID-19 and Viral Disinfecting services (Table 2).
- ii. All Fixed Unit Prices shall include, at a minimum:
 2. Labor (Quality Control Managers, On-Site Supervisors, and Janitorial Staff) – Total estimated hours for each building to complete the requirements of the Appendix A - SOW for each table, and labor rates from Tab 1. Columns E, H, and K automatically calculate total cost estimates.
 - a) In the event an offeror is proposing additional labor categories beyond the three listed in the Fixed Unit Price Proposal form, the offeror may add additional columns outlining the labor category with total hours expected, hourly rate (fully burdened labor rate), and total cost estimate per building.
 3. Other Direct Costs – The Fixed Unit Price Proposal form includes three categories under Other Direct Costs:
 - b) Materials – Materials outlines the supplies needed to complete the work as outlined in the Appendix A - SOW. This includes materials such as cleaning supplies and specialty items such as floor wax. Offerors may consolidate these materials into one total cost (Column L) or provide a breakdown of materials by material type.
 - 1) If providing a breakdown by material type, offerors may either add additional columns to the Fixed Unit Price proposal form, or provide a separate worksheet outlining the different line items and respective costs.
 - 2) NOTE: Materials used at NREL must comply with the Bio-Based clauses in Appendix B-3. Offerors should review this clause and ensure that proposed materials and costing are in line with bio-based program requirements.
 - c) Equipment – If any specialized equipment is required that shall be purchased for the sole use on-site at NREL, or rented for the sole purpose of use on-site at NREL, offerors shall provide a consolidated total for expected equipment costs in Column M. Offerors may also provide a breakdown of equipment costs and outline the types of equipment and requirement for use on-site under the Appendix A - SOW.
 - 1) If providing a breakdown by equipment type, offerors may either add additional columns to the Fixed Unit Price proposal form, or provide a separate worksheet outlining the different line items and respective costs.
 - d) Inventory Estimate – Inventory replenishment requirements as outlined in the Appendix A - SOW shall be estimated and provided in Column N of the Fixed Unit Price Proposal Form. Offerors may also provide a breakdown of inventory replenishment costs and outline the types of equipment and requirement for use on-site under the Appendix A - SOW.
 - 1) If providing a breakdown by inventory type, offerors may either add additional columns to the Fixed Unit Price proposal form, or provide a separate worksheet outlining the different line items and respective costs.
 - 2) NOTE: Inventory replenishment is in relation to items that require re-stocking at NREL as outlined in sections 4)k)4 and 5 of the Appendix A - SOW.
 - e) Column Q automatically calculates the Fixed Unit Price per month for each building under tables 1 and 2.

- 1) NOTE: If an offeror adds additional columns to the Fixed Unit Price Proposal Form worksheet, please ensure that the calculation has been updated to reflect any changes and display correct pricing in column Q.
- f) Column R automatically calculates the extrapolated Fixed Unit Price per year for each building under tables 1 and 2.
 - 1) NOTE: This calculation multiplies the monthly Fixed Unit Price by twelve (12) to obtain the yearly price for each campus.
- iii. PRICE EVALUATION SYNOPSIS – FIXED UNIT PRICES:
 1. Total Estimated Hours per Labor Type shall be compared amongst offerors.
 2. Totals for each individual component of “Other Direct Costs” shall be compared amongst offerors.
 3. Fixed Unit Prices shall be compared amongst offerors on both a monthly and yearly basis for all buildings and consolidated campuses.
 4. Fixed Unit Prices shall be compared between the Base and all Option Periods to determine the total proposed escalation rate.
 5. Proposed Escalation on Fixed Unit Prices year over year shall be compared between offerors and compared to historical rates of inflation via the Consumer Price Index.

NREL will evaluate Offers in accordance with the policies and procedures of Part 25 of the FAR. In accordance with the Buy American Act, preference will be given to domestic offers for supplies, and the price of foreign offers will be adjusted for evaluation purposes in accordance with FAR 25.106 and Subpart 25.5 (as such terms are defined in FAR 25.003).

The combined qualitative merit value will be considered substantially more important than the price.

8. Evaluation process

NREL will evaluate offers in two general steps:

Step One—Initial Evaluation

An initial evaluation will be performed to determine if all required information has been provided for an acceptable offer. Offerors may be contacted only for clarification purposes during the initial evaluation. Offerors shall be notified if their offer is determined unacceptable and the reasons for rejection will be provided. Unacceptable offers will be excluded from further consideration.

Step Two—Discussion, Selection, Negotiation, and Award

All acceptable offers will be evaluated against the Statement of Work and the qualitative merit criteria listed above. Based on this evaluation, and taking into consideration the proposed price, NREL has the option, depending on the specific circumstances of the offers received, to use one of the following methods of selection:

- (A) make individual selection(s), conduct negotiations, and make an award(s);
- (B) conduct parallel negotiations with all offerors and make award(s);
- (C) conduct discussions with all offerors, select successful finalists, conduct parallel negotiations with successful finalists, and then make award(s);

- (D) conduct discussions with all offerors, conduct parallel negotiations with the finalists, select successful finalist(s), and then make award(s);
- (E) select successful finalists, conduct successive negotiations, and make successive selections and awards; or
- (F) make no award(s).

9. Proposal preparation information

This solicitation does not commit NREL to pay costs incurred in the preparation and submission of a proposal in response to this RFP. Proposal must be submitted electronically via email (NREL email size limitation is 25GB, a file sharing link may be provided if files are too large).

The proposal must include:

- A. A title page, including the RFP title and number, name of your organization and Project Manager (with postal address, telephone number(s), email address and System for Award Management Unique Entity ID (UEI) number).
- B. Cover letter including either acceptance or change/exception with reason to:
 - i. Sample Subcontract
 - ii. Statement of Work
 - iii. Acceptance of the anticipated period of performance,
 - iv. Standard terms and conditions (Appendix B-3, Appendix C-3, Appendix D)
 - v. Any proposed change/exception must contain sufficient amplification and justification to permit evaluation. Such proposed changes/exceptions will not, of themselves, automatically cause an offer to be deemed unacceptable. However, a large number of proposed changes/exception or one or more significant exceptions not providing any obvious benefit to the NREL, or the Department of Energy may result in rejection of such offer as unacceptable.
- C. Formatting instructions
 - i. A page is defined as one side of an 8 ½" x 11" sheet of paper.
 - ii. Use a 12-point font.
 - iii. Maintain at least 1-inch margins on all sides.
 - iv. All pages must have the same page orientation (i.e., do not present pages that offset by 90 degrees).
 - v. Include the following notice on your title page:

"Notice for Handling Proposals:
This proposal shall be used and disclosed for Alliance/NREL and Government evaluation purposes only. Any authorized restrictive notices which the Offeror places on this proposal shall also be strictly complied with. Disclosure of this proposal outside the Government, Alliance/NREL, Alliance/NREL consultants, or other national laboratories personnel for evaluation purposes shall be made only to the extent authorized by, and in accordance with, the procedures in DEAR 915.207-70 and, as applicable stated in the procurement solicitation document for source evaluation and selection process.

Upon completion of the evaluation, the evaluator shall certify in writing to the Source Evaluation Team Chairperson that all copies of this proposal have been destroyed and/or deleted from any electronic device, medium or storage location with the exception of those retained in the procurement file or in the case of successful offeror(s) in the project management file.”

- D. Technical proposal directed toward meeting the requirements of NREL’s Statement of Work and the qualitative merit criteria (see item 6 above). The technical proposal shall be a maximum of 30 pages which includes all text, graphics, charts, attachments, appendices, addendums, indices, exhibits, etc. (resumes, letters of reference and proposed changes to the Statement of Work are not included in page count). In the event that the page limit is exceeded, NREL at its sole discretion, reserves the right to remove pages from the sections of any non-conforming submittals to bring each non-conforming submittal within the page count requirement.

Section No.	Description
6.1	Technical Approach – Maximum 5 Pages (not including resumes).
6.2	Capability – Maximum 10 pages, including schedules.
6.3	Past Performance – Maximum 5 Pages (not including letters of reference)
6.4	Safety and Sustainability – Maximum 10 pages, not including required forms.
Each section shall have a maximum pages as outlined above, which includes all text, graphics, charts, attachments, appendices, addendums, indices, exhibits, etc. (resumes, letters of reference and proposed changes to the Statement of Work are not included in page count) and the total technical proposal shall not exceed 30 pages . In the event that the page limit is exceeded, NREL at its sole discretion, reserves the right to remove pages from the sections of any non-conforming submittals to bring each non-conforming submittal within the page count requirement.	

- E. A completed “**Attachment 3 - Price Proposal Form**” in an electronic copy (converted to pdf and Excel formats). An individual offeror’s price proposal standard format can be used if the data included is substantially the same as the NREL form. The offeror’s cost and delivery terms must be valid for 90 days from the date of the offer. The price proposal should include support documentation for all categories of the proposed price. The price proposal should separate price for lower-tier Subcontract(s) and include support documentation for all categories of the proposed lower-tier Subcontract(s) price. See the “Attachment 3 - Price Proposal Form” for specific instructions.
- F. A completed “**Representations and Certifications SAM Supplement for Commercial Items and Services (Purchase Orders) – July 2022**” form. The forms and instructions are located at the following link:
<http://www.nrel.gov/workingwithus/forms.html>
- G. EITHER the “**Organizational Conflicts of Interest Representation Statement**” OR the “**Organizational Conflicts of Interest Disclosure Statement**”, as applicable per the “**Instructions for Completion of Organizational Conflicts of Interest**”

Statement – Disclosure or Representation Statement”. The forms and instructions are located at the following link:

<http://www.nrel.gov/workingwithus/forms.html>

- H. A completed **“Attachment 4 - EMR Form-ESH Eval Worksheet”** as well as the required Insurance Letter confirming EMR ratings over the past 3+ years in an electronic copy (converted to pdf).
- I. If your organization is subject to a collective bargaining agreement (CBA), please submit a copy of the current CBA.
- J. NREL requires that all subcontractors and vendors register in the System for Award Management (SAM) prior to award of a subcontract or purchase order (PO) in all but a few rare exceptions. SAM is an official website of the U.S. government located at www.sam.gov. If your company or organization is not already registered in SAM, the registration process should be started as soon as possible as the registration process may take some time to complete. Registration on www.sam.gov is free, go to this website for instructions on how to complete the registration process.

10. Solicitation Provisions—full text provided

A. Late submissions, modifications, and withdrawals of offers

- i. Offers, or modifications to them, received from qualified organizations after the latest date specified for receipt may be considered if received prior to award, and NREL determines that there is a potential price, technical, or other advantage, as compared to the other offers received. However, depending on the circumstances surrounding the late submission or modification, NREL may consider a late offer to be an indication of the offeror’s performance capabilities, resulting in downgrading of the offer in the technical evaluation process. Offers may be withdrawn by written notice received at any time before award.

B. Restrictions on disclosure and use of proprietary data in the Technical Proposal

Offerors who include in their proposals proprietary data that they do not want disclosed to the public for any purpose of used by the government or NREL, except for evaluation purposes shall:

1. Mark the title page with the following legend:

“This offer includes proprietary data that shall not be disclosed outside the government or NREL and shall not be used or disclosed—in whole or in part—for any purpose other than to evaluate this offer. If, however, a subcontract is awarded to this offeror as a result of—or in connection with—the submission of proprietary data, the government or NREL shall have the right to duplicate, use, or disclose the proprietary data if obtained from another source without restriction. The proprietary data subject to this restriction are contained on pages [insert page and line numbers or other identification of pages] of this offer”; and

2. Highlight (in yellow) the proprietary data on each page it wishes to restrict and add the following footer:

“Use of disclosure of proprietary data contained on this page is subject to the restriction on the title page of this offer.”

C. Restrictions on disclosure of sensitive financial information in the Cost Proposal

The subcontractor's labor rates, or other sensitive financial information may be protected from disclosure by placing the footer “Sensitive Financial Information” on the title page of the Cost Proposal and such information shall be protected from disclosure by NREL and the Government and used only in connection with the implementation and execution of the subcontract, or applicable task order agreement.

D. RESERVED

E. Disclaimer

- i. NEITHER THE UNITED STATES; NOR THE DEPARTMENT OF ENERGY; NOR ALLIANCE FOR SUSTAINABLE ENERGY, LLC; NOR ANY OF THEIR CONTRACTORS, SUBCONTRACTORS, OR THEIR EMPLOYEES MAKE ANY WARRANTY, EXPRESS OR IMPLIED, OR ASSUME ANY LEGAL LIABILITY OR RESPONSIBILITY FOR THE ACCURACY, COMPLETENESS, OR USEFULNESS FOR ANY PURPOSE OF ANY OF THE INFORMATION OR DATA ATTACHED OR OTHERWISE PROVIDED HEREIN AS REFERENCE MATERIAL.

F. Solicitation disputes

- i. The General Accountability Office and the Department of Energy do not accept or rule on disputes for solicitations for Requests for Proposals issued by Management and Operating Contractors for the Department of Energy (operators of Department of Energy National Laboratories). Should an offeror have any concerns regarding the NREL solicitation process or selection determination, the offeror may contact Paul White, Advocate for Commercial Practices, at (303) 384-7575. NREL will address each concern received from an offeror on an individual basis.

G. Prohibition on use of certain telecommunications and video surveillance services or equipment per the John S. McCain National Defense Authorization Act Section 889(a)(1)(B)

- i. In accordance with the John S. McCain National Defense Authorization Act Section 889(a)(1)(B), NREL is prohibited from contracting with any offeror that uses, and/or whose lower-tier subcontractor(s) use, covered telecommunication equipment or services as a substantial or essential component of any system, or as a critical technology of any system, on or after 08/13/2020, unless an exception applies or a waiver is granted. This includes such equipment or services from five Chinese companies: **Huawei, ZTE Corporation, Hytera Communications, Hangzhou Hikvision, and Dahua Technology.**

H. Compliance with Section 508 of the Rehabilitation Act (found at 29 U.S.C. 794d)

- i. The requirements of Section 508 of the Rehabilitation Act apply to NREL's procurement of all electronic and information technology (EIT) and any development, maintenance, or use of EIT.

11. Preaward On-site Equal Opportunity Compliance Evaluation (derived from FAR 52.222-24)

- A. If a subcontract in the amount of \$10 million or more will result from this solicitation, the prospective Subcontractor and its known lower-tier subcontractors with anticipated lower-tier subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Subcontractor and lower-tier subcontractors to be in compliance with Executive Order 11246.

12. Solicitation provisions

The following solicitation documents are attached:

- Attachment 1, Appendix A - Statement of Work dated 3/16/2023
- Attachment 2, Sample Subcontract Schedule - Fixed Unit Price
- Attachment 3, Price Proposal Form (Tabs 1 through 6)
- Attachment 4, EMR Form-ESH Risk Eval Worksheet
- Attachment 5, SCA Wage Determination 2015-5419 Rev 23 dated 12/27/2022
- Attachment 6, Representations & Certifications Form

13. Solicitation provisions—incorporated by reference—general access

This solicitation incorporates one or more solicitation provisions by reference with the same force and effect as if they were given in full text. The following documents can be downloaded from <http://www.nrel.gov/workingwithus/standard-terms.html> and <http://www.nrel.gov/workingwithus/forms.html> or the NREL RFP Contact (see item 2) will make available upon request.

The documents and forms that are listed below are applicable to this solicitation and resulting award:

Appendix/Form	
✓	NREL Standard Terms and Conditions: Appendix B-3 (1/23/2023);
✓	NREL Terms and Conditions - Intellectual Property Provisions For Large and Small Business, Nonprofit Organizations, Educational Institutions, and Others (Non Research and Development) Appendix C-3 (8/1/2022)
✓	NREL Terms and Conditions for Subcontracts in excess of \$700,000.00 Appendix D (3/01/2020);
✓	NREL Representations and Certifications (7/14/2022) for Subcontracts/Purchase Orders;
✓	NREL Proposal Form – Price Proposal Form;
✓	NREL Conflicts of Interest Forms;

- ✓ This solicitation incorporates one or more of the following wage determinations by reference with the same force and effect as if they were given in full text.
 - 2015-5419 Revision 23 dated 12/27/2022

14. **Notice Regarding NREL Payments to Subcontractors**

It is NREL's standard practice to make all payments to domestic subcontractors via electronic (ACH) payments or to international subcontractors via wire transfers. Any Offeror receiving notification of an award under this solicitation must complete and submit a "Request for ACH/Wire Banking Information" form to the applicable NREL Subcontract Administrator. Payments to subcontractors will be deposited directly into the subcontractor's designated bank account in accordance with the banking account/wire transfer information provided on the form by an authorized company representative. An electronic (PDF) copy of the form will be provided by the NREL Subcontract Administrator upon notification of award. ***Please do not include an ACH form with your response to this RFP.***