



# PROCUREMENT & PROPERTY

Office of the Chief Financial Officer

REQUEST FOR PROPOSAL (RFP) No.: AA-03282023

PROPOSAL DUE DATE: May 12, 2023

## **Cobalt Iron (CoFe) Blanks for the Storage ring (SR) Dipole Magnets**

North American Industry Classification System (NAICS) Code: 331110 Iron and Steel Mills and Ferroalloy Manufacturing

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(4/15/22)

## 1. **INTRODUCTION**

The University of California, Lawrence Berkeley National Laboratory (“University” or “LBNL”) requests a proposal for the acquisition of Cobalt Iron (CoFe) Material for the SR Dipole Magnets, in accordance with this RFP, Sample Subcontract, and other enclosures.

This solicitation is governed by procurement policies and procedures established under the University’s Prime Contract No. DE-AC02-05CH11231 with the U.S. Government, represented by the Department of Energy (DOE), for management and operation of LBNL. Proposals submitted will be treated as offers and any resulting award(s) will be a Subcontract under the University’s Prime Contract.

<b><u>Timeline of Events</u></b>	
Issue Request for Proposal (RFP) via SAM.Gov	April 14, 2023
Final Offeror Questions Due	April 26, 2023, no later than 3 PM Pacific Time
Proposals Due	May 12, 2023, no later than 3 PM Pacific Time

Table 1

### 1.1 **Estimated Term**

The all ordered items should be delivered 35 weeks or sooner after receipt of order (ARO).

### 1.2 **NAICS Code and Small Business Size Standard**

The North American Industry Classification System (NAICS) Code for this acquisition is 331110, Iron and Steel Mills and Ferroalloy Manufacturing. The corresponding small business size standard for this acquisition is 1,500 or fewer employees.

The Offeror shall complete the *Small Business Program Representations* clause in the attached *Representations and Certifications* form based on this small business size standard. Refer to Subpart 19.1 - *Size Standards*, of the Federal Acquisition Regulation (FAR) for information on calculating the number of employees.

## 2. **SOLICITATION RESPONSE REQUIREMENTS AND EVALUATION FOR AWARD**

### 2.1 **General**

The Offeror must submit documentation illustrating their approach for satisfying the requirements of this solicitation. Failure to submit any of the information required by this solicitation may be cause for unfavorable consideration. Proposals must be written in English and be clear, coherent, and prepared in sufficient detail for effective evaluation.

**Written proposals must be submitted by email to the University Procurement Representative (AAnoop@lbl.gov) no later than 3:00 pm Pacific Time on Friday, May 12, 2023.**

All correspondence in conjunction with this solicitation must be directed to the University Procurement Representative. Proposals shall be valid for a period of ninety (90) days from the proposal due date. Acceptance of late proposals will be at the University's discretion. The University reserves the right to reject any proposal, to waive any minor proposal irregularities, or to cancel this RFP at any time prior to award without cost to the University. The University will not reimburse any firm for proposal preparation or any other costs related to the participation in this RFP.

## **2.2 Offerors' Questions**

The University will respond to questions submitted via email to the University Procurement Representative on or before 3:00 pm Pacific Time on Wednesday, April 26, 2023. Questions submitted after this date may not be answered prior to the proposal due date. Answers to questions that are submitted timely will be issued or be made available to all Offerors electronically, ensuring that the identity of all Offerors will remain anonymous.

## **2.3 Evaluation and Selection**

### **2.3.1 Determination of Responsive and Responsible Offers**

The University intends to select for award the responsive and responsible Offeror(s) whose proposal demonstrates that the Offeror(s) can satisfy the technical requirements specified later in this RFP and contain(s) the combination of price, performance features, and supplier attributes (described later in this RFP) offering the best overall value to the University.

A review of offers will be performed by the Procurement Specialist to determine if the offer is complete and provides all the required information to enable the University to evaluate the offer to determine if it is responsive.

Offerors may be contacted only for clarification purposes during the initial review. Incomplete offers may be considered non-responsive and may be excluded from further consideration. Offerors will be notified when appropriate in the interest of fair business practice and professional courtesy if their offer was determined non-responsive and/or not meeting requirements and the reasons for rejection will be provided if a debrief is requested.

A responsive Offeror is one whose proposal satisfies the requirements of this RFP including those listed in Section 2.4, and the requirements of the Sample Subcontract and its incorporated documents. A responsible Offeror is one that has adequate financial resources, ability to comply with the performance schedule, has a satisfactory performance record, has the necessary technical skills to be considered capable of performing and is otherwise eligible and qualified to perform the proposed Subcontract at the time of award. An Offeror cannot be determined as "responsible" if it is currently ineligible for receiving new federal government prime contracts or subcontracts. The determination of responsiveness and responsibility of complete offers will be made by the by a team consisting of technical and procurement personnel and considering the evaluation factors described in Section 2.4, below.

*There are no minimum requirements for this acquisition. Any reference to minimum requirements does not apply to this solicitation.*

### **2.3.2 Evaluation of Requirements, Desired Performance Features, Supplier Attributes and Non-Technical Factors**

Once the University has determined offers are complete in the initial review, they will be evaluated and rated, per Section 2.4.2.1, based on the criteria and factors stated herein.

The University will go on to determine the best overall value by evaluating the desired performance features, supplier attributes, and non-technical factors including the price. The University Procurement Representative will make a determination for award to the successful offeror based on the results of the evaluation.

The University's expectations for these evaluation factors are stated in Section 2.4.2.2. The University reserves the right to award to other than the lowest price offeror. Offerors should therefore strive to be persuasive in describing the value of their proposed performance features, supplier attributes, and other factors, including how they would enhance the likelihood of successful performance and achievement of the University's objectives. Price will be evaluated based on the total proposed price, including freight (if applicable), import duties and tariffs (if applicable), and any other miscellaneous costs.

### **2.3.3 Additional Evaluation Considerations**

The University's evaluation will be based on the information provided by the Offeror(s), the University's own experience with the Offeror(s), and/or information obtained from the Offeror's references and other sources. In its evaluation, the University will consider the degree of substantiation of the proposed approaches in the proposal volumes and in response to any discussions, if held. The University is not responsible for locating or securing any information which is not included in the proposal. To ensure sufficient information is available, Offerors must furnish as part of their proposal all descriptive material (such as manuals, drawings, technical specifications, or other information) necessary for the University's evaluation.

Offerors are advised that, although negotiations may follow receipt of proposals, award may be made without discussions on proposals received. If the University determines that revised proposals are necessary, the University may solicit them from only those Offerors deemed to have a reasonable chance to be selected for award. The University reserves the right to make no awards, a single award, or multiple awards as a result of this solicitation, if it is in the best interest of the University.

## **2.4 Proposal Submittal Requirements**

Proposals should consist of a cover letter, a technical volume, and a business volume. Offerors should submit these as separate documents in MS Word, MS Excel, PDF, or another acceptable format.

Offeror's shall provide any information regarding delays or interruptions in supply chain pipelines that could affect the proposed delivery date(s) for shipments to LBNL. Provide a committed delivery date and include any issues, concerns, or Subcontractor dependencies that could create an impact on meeting that date. **If no such impacts are foreseeable, please indicate as such in your proposal.**

**Proposals must include information on the following evaluation factors. Please note that a description of the information required of each factor is provided after the table below.**

Volume	Factor
	<b>Requirements</b>
Cover Letter	N/A
Technical Volume	<b>Factor 1 – Ability to meet technical requirements per the Statement of Work (SOW) and Technical Specification (TS)</b>
	<b>Factor 2 – Delivery &amp; Schedule</b>
	<b>Factor 3 – Past performance producing similar products</b>
	<b>Factor 4 – Quality Assurance systems</b>
Business Volume	<b>Non-Technical Evaluation Factors</b>
	<b>Factor 5 – Enclosures &amp; Additional Contractual Documentation</b>
	<b>Factor 6 - Financial Resources</b>
	<b>Factor 7 - Offeror’s Acceptance of the terms, conditions, general provisions, and other incorporated documents of the Sample Subcontract.</b>
	<b>Factor 8 - Price Proposal</b>

**2.4.1 Cover Letter**

The cover letter must identify the Offeror’s name and address, solicitation number and title, the name(s), title(s), email address(es), and telephone number(s) of the individuals in Offeror’s organization who have commitment authority on behalf of the Offeror and will be responsible for contractual negotiations and administration of any resultant Subcontract.

**2.4.2 Technical Volume**

The technical volume should contain a comprehensive discussion of how the Offeror will fulfill the technical requirements and successfully perform the Subcontract, including a discussion of important performance features and supplier attributes, highlighting any aspects which may separate it from its competitors.

**2.4.2.1 Evaluation Ratings**

The technical volume must demonstrate that the following requirements are evaluated. The possible ratings for the requirement(s) are;

- **Excellent:** Proposal demonstrates excellent understanding and satisfaction of the University’s requirements. Its approach significantly exceeds the desired performance

features and supplier attributes and is highly beneficial to the University. There are no evaluated weaknesses.

- **Good:** Proposal demonstrates good understanding and satisfaction of the University's requirements. Its approach exceeds the desired performance features and supplier attributes and is beneficial to the University. There are no significant evaluated weaknesses.
- **Acceptable:** Proposal demonstrates an adequate understanding and satisfaction of the University's requirements. Its approach satisfies most desired performance features and supplier attributes and is beneficial to the University. There may be minor, but correctable evaluated weaknesses.
- **Unacceptable:** Proposal fails to demonstrate an adequate understanding of the University's requirements or its approach fails to meet desired performance features or supplier attributes that are beneficial to the University. There are unacceptable weaknesses that can only be met with major changes to the proposed approach.

#### 2.4.2.2 Technical Evaluation Factors

The technical volume should identify, describe, and discuss the following performance features and supplier attributes the University has identified as desirable for the successful performance of the proposed Subcontract. The University will use these criteria for the subjective evaluation of proposals. ***The criteria are listed in the relative order of importance to the University.*** The Offeror should discuss them in the proposal and may identify other performance features and supplier attributes not listed below that the Offeror believes may be of value to the University. If the University agrees, they will be considered in the evaluation process. In all cases, the University will assess the value of each proposal as submitted.

- Factor 1 – Ability to meet technical specifications

The technical proposal shall demonstrate the Offeror's ability to successfully meet the technical specifications set out in the Statement of Work (SOW: CoFe for SR Dipoles, AL-1566-1931) and the Technical Specification (TS: CoFe for the SR Dipoles, AL-1566-1982). The technical proposal must specifically explain in depth – how the Offeror will meet or exceed all specifications outlined in the Statement of Work and the Technical Specification. The Offeror's technical proposal should address their response to all the specifications in the SOW & TS with special emphasis to the following:

- From the Statement of Work:
  - Section 3.1, Deliverables
  - Section 4, Management
  - Section 6.3, Shipping and/or storage specifications
- From the Technical Specification:
  - Section 9, Requirements
  - Section 10, Required Validation

The Offeror's technical proposal will be evaluated to confirm that it demonstrates the Offeror's ability to successfully manufacture products that meet the specifications of the Statement of Work and the Technical Specification document referenced above.

- Factor 2 – Delivery & Schedule

The Offeror shall submit a schedule which addresses all requirements contained in the SOW of this RFP including but not limited to testing, evaluation, delivery, and monthly delivery rates where applicable that meets LBNL's project schedule requirements.

Offeror's documentation submitted should include but not be limited to the following:

- A detailed delivery schedule or timeline including all areas referenced above and shown in the Sample Subcontract
- Details of project management experience to support on-time deliveries
- Proposed lead times and the ability to meet the projected delivery schedules
- The Offeror may also propose an alternate delivery schedule that would result in a cost avoidance and ultimately a better overall value to the Laboratory. Acceptance of an alternate schedule will be at the sole discretion of LBNL.

The offeror will be evaluated on its submitted Attachment B - Delivery Schedule RFP AA-03282023 that successfully meets the University's requirements.

- Factor 3 – Past performance producing similar products

The Offeror shall submit documentation for at least 3, but not more than 5, similar/comparable products delivered within the last 7 years of successful performance of similar work demonstrating that the Offeror has experience performing similar work in a quality manner (e.g., letters of reference, project documentation, etc.). Included in the description of these contracts shall be the client/customer technical and business contact information (name, title, and telephone number and/or e-mail address). The Offeror shall also provide information on any issues encountered on the identified contracts and any corrective actions that were taken.

The Offeror will be evaluated based on their submittals and their ability to successfully plan and execute the manufacture of similar/comparable products that meet the criteria for similar projects, under similar circumstances and schedule requirements.

The Offeror's past performance will be evaluated based on information provided by past customers and examples of recent prior contracts. The Offeror will also be evaluated on their identification and corrective action for any issues or problems encountered during past performance of similar contracts.

- Factor 4 – Quality Assurance systems

The Offeror shall provide a copy of their Quality Management System (QMS) or Quality Assurance (QA) Program Manual that demonstrates how Quality Assurance is incorporated into its policies, processes, and work activities. The QMS or QA Program may be a standalone document or QA Standard Operating Procedures (SOPs) that collectively describe the QMS or QA Program. QA program requirements must be flowed down to lower-tier offerors and subcontractors. The basis for the Offeror's QMS or QA Program must be American Society of Mechanical Engineers (ASME)

Nuclear Quality Assurance (NQA-1), International Standards Organization (ISO) 9001, or other QMS/QA industry standard. The Offeror shall provide any applicable third-party accreditation(s) of their QMS or QA Program for the requested item(s)/service(s) (e.g., ISO, International Electrotechnical Commission (IEC), National Voluntary Laboratory Accreditation Program (NVLAP), DOE Laboratory Accreditation Program (DOELAP), Automotive Service Excellence (ASE), Accredited Quality Contractor (AQC), National Environmental Balancing Bureau (NEBB) Firm Accreditation, Testing, Adjusting and Balancing Bureau (TABBB)). The Offeror is also required to complete and return the ALS-U Supplier Quality Evaluation Survey AL-1208-0209 Rev. B for LBNL to assess their capabilities.

The Offeror shall submit evidence and will be evaluated to confirm their complete Quality Assurance Systems and any certifications that are the basis for their manufacture and quality assurance will meet the requirements of this RFP. The Offeror's documentation submitted shall include, but not be limited to, the following:

- Completion of the ALS-U QA survey, AL-1208-0209 Rev. B.
- Indication of all current certifications for production standards, such as ISO programs.
- A quality manual or quality plan that outlines the processes that will be utilized to ensure ALS-U QC standards are satisfied.
- Example of a standard non-conformance report and the change approval process.
- Example of a material and fabrication shop traveler.
- A quality assurance management plan. Indicate whether the project manager will handle quality monitoring or if a separate individual shall be responsible for managing data and feedback.
- Specify how calibration certificates are tracked, stored, and monitored.
- If the Offeror intends to utilize subcontractors, provide a list of potential subcontractors, as well as documentation supporting the subcontractor's ability to meet the requirements laid out in the Statement of Work and the Technical Specification, for which the subcontractor will be responsible. LBNL reserves the right to independently verify the ability of any subcontractors to meet any and all requirements set forth by LBNL in pursuit of successful fulfillment of the contract between the Offeror and LBNL.

## 2.4.3 Business Volume

### 2.4.3.1 Non-Technical Evaluation Factors

- Factor 5 - Enclosures & Additional Contractual Documentation

The Offeror shall complete the following enclosure(s) and submit it/them with the business volume:

<u>Enclosure Document</u>	<u>Comment or Requirement</u>
• Representations & Certifications	Mandatory
• ALS-U QA Survey – AL-1208-0209 <u>Rev. B</u>	Mandatory
• Attachment A – Price Table RFP HW-03282023	Mandatory
• Attachment B – Delivery Schedule RFP AA-03282023	Mandatory

- Sample Subcontract

Any issues or exceptions to the Sample Subcontract must be highlighted and noted.

The following enclosures are provided for informational purposes and do not need to be returned with the proposal:

**Enclosure Document**

**Comment or Requirement**

- General Provisions for Commercial Supplies and Services (Foreign or Domestic) As appropriate to the specific offeror
- Small Business Subcontracting Plan Applicable if awarded to a US Large Business, submit to LBNL before award
- SOW: CoFe for SR Dipoles, AL-1566-1931 For use in preparing a proposal
- TS: CoFe for SR Dipoles, AL-1566-1982 For use in preparing a proposal

- Factor 6 - Financial Resources

The Offeror should have adequate financial resources to perform the resulting Subcontract, or the ability to obtain them.

The offeror should provide the documentation referenced below as confirmation of adequate financial resources to perform the resulting subcontract. The University reserves the right to request additional offeror's financial statements or additional information regarding the offeror's financial resources.

- A Dun and Bradstreet report no more than 6-months-old or documentation that provides equivalent financial information to the D&B categories referenced below.
- The Offeror will be evaluated based on a rating between low & moderate for the following categories;
  - Risk Assessment
  - D&B Paydex score
  - D&B Rating
  - D&B Financial Stress Score

- Factor 7 – Offeror's Acceptance of the terms, conditions, general provisions, and other incorporated documents of the Sample Subcontract

The Offeror should accept the terms, conditions, general provisions, and other incorporated documents of the Sample Subcontract, including the requirement to include clauses in its lower-tier subcontracts at any tier, to the extent applicable. The terms and conditions of the Sample Subcontract have been approved by the DOE, and it is not the University's intent to make material changes. While an Offeror may identify "exceptions" to the Sample Subcontract, such exceptions may reflect unfavorably upon the Offeror's proposal. Exceptions make it difficult to compare competing offers, and the process of resolving exceptions may be time-consuming and result in unacceptable delays in the award of a Subcontract.

The Offeror should include in its proposal a statement that the Offeror takes no exceptions to the terms, conditions, general provisions, or the incorporated documents of the Sample Subcontract. The Offeror

should include in its request for consideration of exceptions a redlined version of the Sample Subcontract with all proposed revisions indicated by tracked changes, or a separate sheet with all proposed revisions indicated by tracked changes, referencing the article or clause to which the proposed revision applies. The Offeror must also include in its request for consideration of any exception, a business case for that exception, providing a justification for the requested change and an analysis of any increased risk to the University.

- Factor 8 - Price Proposal

Price, while being an important factor, is not in and of itself the determining factor in the selection of the successful Offeror for award of the Subcontract contemplated by this solicitation. Price is not weighted; rather, each Offeror's price will be evaluated for realism, reasonableness, and completeness of the proposed subcontract price. The price proposal must include a total firm fixed price in US Dollars and individual line items prices as shown in the Attachment A – Price Table AA-03282023.

The price proposal should also identify as needed:

1. The name of each lower-tier subcontractor who will perform work or labor or render service during the performance of the subcontract.
2. The portion of the work which will be done by each proposed lower-tier subcontractor who is licensed to do that portion of the work.

Offerors shall only propose lower-tier subcontractors who are equipped, experienced, and, if applicable, licensed to do the work in the particular field, and not excluded/debarred from performing work for the U.S. Government. No portion of the work is to be reserved by the Offeror to itself unless it is so equipped, experienced and licensed.

Lump sum fixed prices should be submitted for the base work and all requested options as listed in the price proposal form. Failure to provide a price for a requested option may result in disqualification of the entire proposal, at the University's discretion. If selection of an option would not result in a change from the offered lump sum fixed price for the base work, the Offeror should insert the words "No Change" in the space provided for the price of the option. "No Change" will be interpreted to mean that the work described in the option will be completed at the same price or rates as for the base work.

### **3. SOLICITATION PROVISIONS**

#### **3.1 Restriction on Disclosure and Use of Proposal Data**

The University will safeguard any commercial or financial data or information contained in proposals from disclosure, when marked in accordance with paragraph (e) of Federal Acquisition Regulation clause 52.215-1, from dissemination outside the University or the Government. Such data or information includes (i) trade secrets or (ii) commercial or financial information that is privileged or considered business confidential, either of which is developed at private expense.

The University will endeavor to properly maintain such data and information to the same degree as its own data and information and not disclose such data or information to individuals other than those working for the University or the Government on this procurement. These individuals will be bound by an obligation of confidentiality to use such data or information solely for the purpose of evaluation of the

proposal. Proposals received will be retained and disposed of in accordance with requirements in the University's Prime Contract with DOE.

If the Offeror intends to use a product or process for which there is a patent position, the proposal should so indicate and list patent applications and/or patents granted (including dates, numbers, and descriptions), and whether the Government has rights related to the patents.

### **3.2 Export Control Classification Information**

Before Subcontract award, the Offeror will provide export control classification information for all items as required by the Representations and Certifications. Items may not be accepted without the export control information required by this Request for Proposal (RFP).

If any of the ordered items (including data, software, or services) are export controlled under the International Traffic in Arms Regulations (22 CFR Sections 120-130, aka "ITAR"); the Export Administration Regulations (15 CFR Sections 730-774, aka "EAR"); the Nuclear Related Regulations (10 CFR 110 and 10 CFR 810); the Foreign Assets Control Regulations (31 CFR section 500-599, aka "OFAC"); or if sourced internationally, i.e., controlled under a country's equivalent dual use or military strategic goods list, then the Subcontractor agrees to provide the Procurement Representative with written notification of this export controlled status prior to shipment or transfer to the University. The notification must specifically identify the export-controlled item(s) and its export classification. The University reserves the right to cancel or modify any part of the Subcontract that includes export-controlled items, data, software, or services prior to accepting delivery. Subcontractor shall indemnify the University and the Government for all export enforcement mitigation cost, fines, or penalties incurred by the University, specifically arising from Subcontractor's failure to comply with this notification provision and the University's reliance on the Subcontractor's representation as provided.

### **3.3 Funding Availability**

Funding for all of the items described in this RFP will be available at the time of award. Options will be awarded as required.

### **3.4 System for Award Management (SAM)**

The selected Offeror will be required to be registered in the federal government's SAM database within 30 days of Subcontract award. This requirement will not apply if the work supports emergency operations or the Subcontract is with an individual for work performed outside the U.S. and its outlying areas. Refer to the *System for Award Management* (FAR Clause 52.204-7) and *System for Award Management Maintenance* (FAR clause 52.204-13) clauses for additional information.

### **3.5 Small Business Subcontracting Plan**

Unless the Offeror is a small business or the total value of the proposal is less than \$700,000 or is a foreign entity, the selected Offeror will be required to submit for approval a Small Business Subcontracting Plan which includes the total anticipated subcontracting amount and percentage goals and amounts for all of the various small business categories. Refer to the *Small Business Subcontracting Plan* clause (FAR Clause 52.219-9) referenced in the General Provisions and the attached *Model Small Business Subcontracting Plan* for additional information. The approved plan will be made a part of the resulting Subcontract. Failure to submit an acceptable subcontracting plan may cause the selected Offeror to be ineligible for award of the Subcontract.

### **3.6 Buy American Act Requirements - Supplies**

The General Provisions of the Sample Subcontract include FAR Clause 52.225-1, *Buy American Act - Supplies*, which requires that only domestic end products be delivered (i.e., products manufactured in the United States or unmanufactured products mined or produced in the United States), unless a specific exception applies. The Offeror is to indicate in the *Representations & Certifications* form, to be submitted with the proposal, whether it proposes to furnish any foreign end products.

The University may apply an exception to the Buy American Act for a proposed foreign end product if:

1. Its price, including any customs duty, is more than 20% less than the price for a comparable domestic end product available from a large business concern, or more than 30% less than the price for a comparable domestic end product available from a small business concern; or
2. A domestic end product satisfying the University's requirements is not reasonably available.

If the Offeror proposes to furnish any foreign end product, the proposal should also include information and data supporting its use as an exception to the Buy American Act. Refer to FAR Clause 52.225-1 for the definition of end product, domestic end product, and foreign end product.

(END OF RFP DOCUMENT)