

HANFORD ADVISORY BOARD

A Site Specific Advisory Board, Chartered under the Federal Advisory Committee Act

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Keith Klein, Manager

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Roy Schepens, Manager

U.S. Department of Energy, Office of River Protection
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Re: Requests for Proposals

Dear Messrs. Klein and Schepens,

The Hanford Advisory Board (Board) compliments the Department of Energy (DOE) on its improved draft Requests for Proposals (RFPs) recently released for the cleanup of the Hanford Site. Several good practice recommendations from past Board advice appear in these documents, all of which materially affect the quality and effectiveness of the contract provisions they foretell. Additionally, we applaud the movement of the groundwater work to the Plateau Remediation Contract (PRC) RFP, and strengthening of Integrated Safety Management Systems (ISMS) and safety in general as a major fee consideration.

However, the Board remains concerned that these RFPs do not seem to be entirely adequate in certain important provisions, and offers the specific advice below. In addition, the Board understands that DOE's implementation of RFP requirements through a well-written contract is critical to clean up progress at Hanford. One example is Section H.18 (a) in the RFPs that addresses contractor compliance. This contract condition should appear in the ensuing contracts.

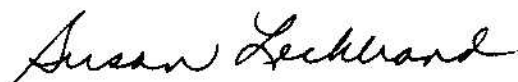
Advice (Note: The bullets are not prioritized as to importance.)

- The RFPs should better clarify that safety and health are **top priority** and that contractors are responsible for worker safety and health. Contractors should be able to demonstrate that they fully embrace safety from a work culture point of view, not only as a programmatic requirement. The Board is concerned that identifying safety as the third most important evaluation criterion undermines this emphasis. (Section M.5, all RFPs). The RFPs should outline specific expectations for maintaining a strong safety culture, including ensuring safety systems are in place below the first tier subcontractors.

- It is unclear how DOE defines "Market Based" or plans to use it as a standard against which it measures such contractual items as pensions and benefits (Section J in all RFPs), and site maintenance practices (see Section C.2.2.2 in the Mission Support Contract [MSC] RFP). The RFPs should either clarify DOE's definition or make explicit the assumption that it will be up to bidders to define. The Board has made its concerns and recommendations regarding pensions and benefits very clear in the past (see Board Advice #159, 188 and 194), and reemphasizes its previous recommendations once more.
- The RFPs should clarify DOE's intent for the Volpentest HAMMER Training and Education Center. Currently, the MSC RFP references the cost of training only, and no Environmental Management funded infrastructure support for HAMMER by the end of five years. (See Section C.2.1.2 [page C-44] of MSC RFP). DOE should indicate successful bidders will be required, where appropriate, to utilize HAMMER in order to achieve a consistent sitewide safety training program. The Board reemphasizes its earlier advice that "without the support necessary for [HAMMER], it is certain that Hanford cannot maintain the level of training required to protect Hanford workers and the public." (See Board Advice #118.)
- The RFPs should clarify the intent regarding the construction of new facilities and how that is managed. Where feasible, competitive bids for the construction of new facilities may result in savings to the taxpayer, per GAO recommendations, Federal Acquisition Regulations (FARs) (such as FAR Part 6-Competition Requirements, Part 9-Contractor Qualifications and Part 36.1-General), and related DOE Procurement Regulations. This is not clear in Section B.2 of the PRC RFP, for example. The RFPs should note that DOE, will establish expectations for independent reviews to validate design, processes, schedule and cost for such facilities.
- The Board was gratified to see clause H.18 in the RFPs regarding environmental compliance; however, the RFPs should make clear that estimates about budget and level of effort must be consistent with what is necessary to meet the Tri-Party Agreement (TPA). Attempts to circumvent environmental regulations to find a cheaper way of completing work is unacceptable. It is the Board's expectation that DOE will ultimately choose a bidder who provides a credible proposal based on realistic levels of effort, expertise, and pricing to meet all regulatory and legal requirements. The RFPs should make it clear DOE will incentivize meeting TPA milestones.

- Consistently throughout the RFPs it should be clear that DOE is not delegating to contractors the government's responsibility (per FAR 42.302, Contract Administration Functions, and DOE Orders) for determining end states, achieving compliance with the TPA, or making changes to regulatory approaches. (See Board Advice #188.) DOE may elect to request technical support and analysis from the contractor; however, it is not the responsibility of the contractor to finalize or promote such determinations. (See Section C.2.5.1 [page C-161] and Section C.3.2.1 [page C-35] of the MSC and Tank Operation Contract RFPs, respectively.)
- The Statements of Work in the RFPs should be clear about the chronological order and purpose of work, especially in the area of risk assessments. Risk assessments are intended to be used to help determine cleanup decisions, not to support or justify a cleanup decision. This is not clear in Section C.2.4.3 [page C-32] of the PRC RFP, for example, where it appears the cleanup decision will have been made and the risk assessment should be conducted to support that decision.
- The Board has repeatedly expressed concerns about the integration of cleanup programs and activities across the site. (See recent Board Advice # 165, 182, 192 and as far back as Advice #53.) The RFPs should better clarify interfaces and integration of work among these and other Hanford contracts, to eliminate potential gaps and overlaps in work. Interface areas of particular concern to the Board include risk assessments, surface and groundwater/vadose zone work, and planning of closure and long-term stewardship activities.
- The Board urges DOE to consider the above advice and incorporate it throughout the RFP and bid/award/contract management process. The Board also encourages DOE to utilize the above advice, where appropriate, in implementing new contracts and directives to the contractors.

Sincerely,



Susan Leckband, Chair
Hanford Advisory Board

This advice represents HAB consensus for this specific topic. It should not be taken out of context to extrapolate Board agreement on other subject matters.

cc: Elin D. Miller, U.S. Environmental Protection Agency, Region 10
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