

**Consolidated Nuclear Security, LLC Instructions to Offerors**  
(Reference MNL-133747)

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**1. DISCLAIMER**

This solicitation does not commit the Company to pay for any costs incurred in the preparation and submission of a proposal or for any other costs incurred prior to the execution of the Agreement. This solicitation shall not be construed in any manner to be an obligation on the part of the Company to enter into an Agreement or any other arrangement with the Offeror.

**2. RIGHT TO CANCEL**

Company reserves the right to cancel this solicitation, at no cost to either itself or the Government.

**3. PROPRIETARY RIGHTS**

Company proprietary rights may be involved in the information disclosed and requested herein. No documents or information in this solicitation shall be reproduced or transferred to other documents, or used or disclosed, or any other purpose other than for purposes of proposal preparation except as specifically authorized in writing by the Company.

Offeror shall destroy all documents, drawings, and any other material provided by Company by a method that will prevent disclosure of contents or reconstruction upon completion of this solicitation (regardless if Offeror is the successful or unsuccessful Offeror, or chooses not to participate).

**4. EXPLANATION TO PROSPECTIVE OFFERORS**

Any explanation desired by prospective offerors regarding the meaning or interpretation of the solicitation, Specifications/Statement of Work, etc., shall be transmitted in writing. Information concerning this solicitation or request for clarification will not be provided in response to telephone inquiries. Questions related to this solicitation must be submitted in writing to the Procurement Representative.

**5. AMENDMENTS TO SOLICITATIONS**

If this solicitation is amended, then all terms and conditions which are not specifically modified remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation (1) by signing and returning the amendment; or (2) as advised by the Procurement Representative. Company must receive the acknowledgement by the time specified for receipt of offers. Company reserves the right to update this solicitation by amendment(s) up to the award date.

**6. DUN & BRADSTREET NUMBERS (DUNS)**

All offerors must have a DUNS number. If the offeror does not have a DUNS number they should contact Dun and Bradstreet directly to obtain one. An offeror may obtain a DUNS number via the internet at <http://fedgov.dnb.com/webform> or if the offeror does not have internet access, it may call Dun and Bradstreet at 1-866-705-5711. DUNS numbers are free for companies required to register with the U. S. Government for a contract. Offerors without a DUNS number will not be eligible for award.

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**7. TRANSPARENCY ACT—EXECUTIVE COMPENSATION AND SUBCONTRACTING REPORTING INFORMATION**

This action has been identified as being under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub. L. 110-252). For each action \$30,000 or more, the Company is required to report first-tier subcontract awards, except classified awards and awards to individuals.

Reporting of Executive Compensation shall be done in accordance with FAR 52.204-10, Reporting Executive Compensation and First-tier Subcontract Awards.

Seller is advised that when CNS registers applicable subcontract awards with the U.S. Government, Seller's DUNS Number will pre-populate a number of fields in the Federal database, including Executive Compensation, as applicable. Seller is responsible for updating its records in the SAM System.

If awarded, the Seller must complete "Transparency Act – Executive Compensation and Subcontracting Reporting Information (Company), (UCN-22565)".

**8. REPRESENTATIONS AND CERTIFICATIONS**

If Offeror's proposal exceeds \$10,000, Offeror must return a completed "Representation and Certifications (UCN-22338)" available at the Company website.

**9. DISCLOSURE OF PROPOSAL DATA**

By submission of a proposal, the Offeror (including proposed subcontractors, if any) agrees to allow disclosure of proposal information, to Company, and the U. S. Government.

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

Mark the title page with the following legend:

"This proposal or quotation includes data that shall not be disclosed outside Company and the Government and shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate this proposal or quotation. If, however, an Agreement is awarded to this Offeror as a result of or in connection with the submission of this data, Company and the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting Agreement. This restriction does not limit Company or the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]"; and

Mark each sheet of data it wishes to restrict with the following legend:

"Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal or quotation".

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**10. PREPARATION OF OFFERS**

- Offerors are expected to examine the drawings, specifications, descriptions, terms and conditions, and all instructions. Failure to do so will be at the offeror's risk.
- Each offeror shall furnish the information required by the solicitation. The offeror must be signed by a person with authority to bind the Offeror. Erasures or other changes must be initialed by the person signing the offer.
- Unit price for each unit offered shall be shown and such price shall include packaging. A total shall be entered in the Total Price column for each item offered. In case of discrepancy between a unit price and a total price, the unit price will be presumed to be correct.
- Offerors must state a definite time for delivery of supplies or for performance of services, unless otherwise specified in the solicitation. Time, if stated as a number of days, will include Saturdays, Sundays, and Company holidays.
- Proposals in strict accordance with the solicitation are desired. Any exception should reference related documents by title, page, and paragraph, and should be set forth in detail.
- This request for proposals does not commit Company to pay for any costs incurred in the preparation and submission of an offer or for any other costs incurred prior to the execution of a subcontract.
- Quotations or proposals by facsimile or telephone will not be accepted. Proposals shall be electronically submitted by email, hand delivered, or provided by common carrier to the Procurement Representative

**11. LATE SUBMISSIONS, MODIFICATIONS, REVISIONS AND WITHDRAWALS OF PROPOSALS**

- Offerors are responsible for submitting offers, and any modifications or revision so as to reach the Company office designated in the solicitation by the time specified in the solicitation. Any offer received after the time specified but before award may be considered solely within the Company's discretion.
- Offers may be withdrawn by written notice if received by the Procurement Representative before award.

**12. FINAL REVISED PROPOSALS**

- Offerors are cautioned to carefully review all terms and conditions and specifications/statement of work referenced in this solicitation prior to the submission of an offer. Company may award the resulting Agreement without discussion.
- Discussions may be held at the sole discretion of Company. A complete understanding of technical requirements and all other provisions should exist between the Offeror and Company at the conclusion of any such discussions. Final revised offers may be requested at the sole discretion of Company, upon the completion of discussions.
- Offerors may not submit new or revised terms or conditions in their final revised offer that have not been fully disclosed, discussed, and agreed upon during discussions. Any revisions or

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non-concurrence to negotiated agreement of terms and conditions submitted in the revised proposal may be a basis for the rejection of the Offeror's revised final proposal.

**13. UNNECESSARILY ELABORATE PROPOSALS**

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective response to this solicitation are not desired and may be construed as an indication of the Offeror's lack of cost consciousness. Elaborate artwork, expensive paper and bindings, and expensive visual and other presentation aids are neither necessary nor requested.

**14. VENDOR ADVOCATE**

The Company has appointed a Vendor Advocate to hear concerns from Offerors during all phases of this procurement. Upon request, the Vendor Advocate will communicate concerns and recommendations to the appropriate Company personnel for resolution. The Company, however, has full authority to award this procurement consistent with the Company policies and procedures. The name and phone number of this Advocate may be obtained from the Procurement Representative.

**15. SYSTEM FOR AWARD MANAGEMENT REQUIREMENTS**

All Offerors must be registered with The System for Award Management (SAM). To obtain registration forms, call the System for Award Management Registration Assistance Office at (866) 606-8220. Offerors may also register on-line via the internet on the SAM website (<http://www.sam.gov>). Offerors not registered will be ineligible for award.

**16. BRAND NAME OR EQUAL**

- If an item in this solicitation is identified as "brand name or equal," the purchase description reflects the characteristics and level of quality that will satisfy the Company's needs. The salient physical, functional, or performance characteristics that "equal" products must meet are specified in the solicitation.
- To be considered for award, offers of "equal" products, including "equal" products of the brand name manufacturer, must:
  - (1) Meet the salient physical, functional, or performance characteristics specified in this solicitation;
  - (2) Clearly identify the item by brand name, if any; and make or model number;
  - (3) Include descriptive literature such as illustrations, drawings, or a clear reference to previously furnished descriptive data or information available to the Company; and
  - (4) Clearly describe any modifications the offeror plans to make in a product to make it conform to the solicitation requirements. Mark any descriptive material to clearly show the modifications.
- The Company will evaluate "equal" products on the basis of information furnished by the offeror or identified in the offer and reasonably available to the Company. The Company is not responsible for locating or obtaining any information not identified in the offer.

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- Unless the offeror clearly indicates in its offer that the product being offered is an “Equal” product, the offeror shall provide the brand name referenced in the solicitation.

**17. CONTRACT AWARD**

- The Company intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) conforming to the solicitation represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.
- The Company reserves the right to (1) reject any or all offers if such action is in the best interest of the Company, (2) accept other than the lowest offer if it is unreasonable low, and (3) waive informalities and minor irregularities in offers received, and (4) elect to clarify with one or more Offerors.
- Offerors should submit their best proposal initially as the Company reserves the right to make award without discussions.
- If in Company’s best interest and notwithstanding anything to the contrary herein, the Company at its sole discretion, may initiate discussion with the Offeror who has submitted the lowest priced offer. If the Parties are unable to reach an agreement, the Company may reject such offer and proceed with the next lowest priced offer
- The Company may determine that an offer is unacceptable if the prices proposed are materially unbalanced between line items or subline items. An offer materially unbalanced when it is based on prices significantly less than cost for some work and prices that are significantly overstated in relation to the cost for other work, and if there is a reasonable doubt that the offer will result in the lowest overall cost to the Seller, even though it may be the low evaluated offer, or it is so unbalanced as to be tantamount to allowing an advance payment.

**18. GOVERNMENT-FURNISHED PROPERTY**

Unless otherwise provided in the solicitation, no material, labor, or facilities will be furnished by the Company or the Government.