

## **Attachment J-13.1**

### **Advance Agreement Precontract Costs in Anticipation of TO-1**

**Idaho Environmental Coalition, LLC (IEC)**

**CONTRACT NO. 89303321DEM000061  
Task Order-1 Contract Transition (TO-1)**

**Advance Agreement Revision 0  
Per FAR 31.109 & FAR 31.205-32**

**Precontract Costs in Anticipation of TO-1**

**IEC Letter  
Dated July 28, 2021**

**CO Letter CLN211360  
Dated August 3, 2021**

**August 5, 2021 (TO-1, Mod P00001) Rev. 01, dated September 21, 2021**

## **Advance Agreement for Precontract Costs for Task Order-1, Contract Transition (TO-1)**

Contract No. 89303321DEM000061, TO-1

### **Background and Applicability:**

On May 27, 2021, Idaho Environmental Coalition, LLC (IEC) was awarded the Idaho Cleanup Project Indefinite Delivery/Indefinite Quantity (IDIQ) contract. The Department of Energy Idaho Operations Office (DOE-ID) provided a formal Notice to Proceed for IEC to proceed with TO-1 commencing on October 1, 2021 via Contracting Officer (CO) letter (CLN211300) dated July 20, 2021. As stated in the contract and the CO letter, TO-1 is anticipated to last up to 90 days.

IEC has requested DOE-ID to consider allowing precontract costs prior to the commencement of TO-1 on October 1, 2021, utilizing the authorization provided by the Federal Acquisition Regulation (FAR) 31.109 – *Advance Agreements* and FAR 31.205-32 – *Precontract Costs*. These precontract transition activities will begin on August 2, 2021 with the intent to ensure proper transition of the Integrated Waste Treatment Unit (IWTU) project, workforce transition efforts, and task order development (including a 10-Year End State Strategic Task Order Plan (10-Year Plan)). The 10-Year Plan is a DOE deliverable due 60 days from the start of formal contract transition (October 1, 2021). DOE-ID and the DOE-Environmental Management (EM) strongly support this request and consider it to be in the best interest of both parties. While DOE-ID remains confident that 90 days is enough time to transition the ICP work scope, both parties are exercising an abundance of caution with regard to these critical path activities necessary to ensure a safe and efficient transition.

The following work scope is applicable to this advance agreement and will be considered as an allowable cost under this contract (assuming the costs are also reasonable and allocable per FAR subpart 31.201):

### **1) Integrated Waste Treatment Unit (IWTU)**

The following IEC personnel will be authorized to initiate mobilization to participate in readiness activities and discussions to ensure safe and proper transition of the IWTU project:

- Ty Blackford, Program Manager
- Bill Kirby, Liquid Waste & Fuels Manager
- Michael Johnson, Subject Matter Expert
- Colin Jones, Transition Manager

Duration: August 2, 2021 through September 30, 2021 (official transition will begin October 1, 2021).

## **2) 10-Year End State Strategic Task Order Plan (10-Year Plan)**

The following IEC personnel will be authorized to initiate mobilization and participate in up-front discussions and planning efforts, regarding the development of the 10-Year End State Strategic Task Order Plan. This document will serve as the framework for planning, managing, and identifying the necessary resources to successfully award and administer the contemplated task orders over the 10-year ordering period. This includes partnering efforts for the initial Requests for Task Order Proposal (RTP) development and any administrative actions needed for the IDIQ contract:

- Ty Blackford, Program Manager (mobilized for IWTU)
- Jack MacRae, Business Manager
- Connie Simiele, Essential Missions Manager
- One additional IEC employee (to be identified by IEC and approved by DOE-ID in advance) Jim Floerke has been approved by DOE-ID.

Duration: September 1, 2021 through September 30, 2021 (official transition will begin October 1, 2021)

## **3) Workforce Transition**

The following IEC personnel will be authorized to initiate mobilization and participate in up-front discussions and planning efforts with DOE federal staff and senior leadership from Fluor Idaho, LLC and Spectra Tech, Inc. regarding workforce transition. IEC shall refrain from any dialogue with the incumbent workforce until formal commencement of TO-1, beginning October 1, 2021:

- Julie French, Transition HR Manager
- Michelle Stevens, Transition Senior HR Specialist

Duration: September 1, 2021 through September 30, 2021 (official transition will begin October 1, 2021)

## **4) Logistical Transition**

DOE-ID authorizes logistical transition costs prior to October 1, 2021 for purposes of securing an office lease and ensuring internet access can be secured. Additional approvals will be required for any other specific logistical precontract costs.

Duration: September 1, 2021 through September 30, 2021 (official transition will begin October 1, 2021)

## 5) Mobilization of Remaining Key Personnel

The following IEC Key Personnel are permitted to mobilize to Idaho falls as early as September 26, 2021, prior to official transition beginning October 1, 2021:

- Dan Coyne
- Dave Hutchinson
- Ken Whitham

Due to October 1, 2021 falling on a Friday, this allows for maximum use of time at the start of transition. The other four key personnel have been previously authorized for precontract costs as stated above. It is anticipated that the NTE of \$428K is sufficient and will not need to be increased.

### Conclusion:

All labor costs incurred for the above transition activities will be at the rates identified in IEC's proposal for Contract Transition and in accordance with Section J, Attachment J-11 IDIQ Labor Rate Schedule. Travel costs incurred will be reimbursed at current per diem rates.

A Not-To-Exceed (NTE) value of \$428K was provided in CO Letter CLN211360, dated August 3, 2021. As agreed to by both parties, IEC shall invoice based upon the rates provided in IEC's proposal, with the exception of the following:

During this unprecedented time during the COVID-19 Pandemic, in the event IEC is unable to secure hotel rooms in Idaho Falls, Idaho at the current GSA per diem rate for travel to perform DOE authorized Transition-related activities, IEC will perform best efforts to locate alternative lodging per Federal Travel Regulations, Subchapter B - Allowable Travel Expenses, Chapter 301 - Temporary Duty (TDY) Travel Allowances - Subpart 301-11.303 - Allowable Travel Expenses. Under these changed conditions, DOE-ID will allow reimbursement of actual hotel charges not to exceed 300 percent of the established GSA per diem rates. Further, in the event actual COVID-19 conditions affect Federal guideline changes, DOE will also allow documented increased costs for airfare, car rental and fuel costs as additional allowable cost.

Per FAR 31.205-32 – *Precontract costs*, DOE-ID has determined that these costs would have been allowable if incurred after the date of contract transition and these activities are necessary to comply with the contract delivery schedule of an anticipated 90-day contract transition and are therefore applicable. The duration for each activity is provided above and are within the 60 days authorized by federal regulation. All costs will be reviewed for reasonableness, allocability and allowability in accordance with FAR subpart 31.201.

Consistent with all of the requirements in FAR 31.109, this Advance Agreement is being negotiated prior to IEC takeover of the ICP contract and before incurrence of the costs involved and will be incorporated under TO-1, Contract Transition.