

## **DEPARTMENT OF DEFENSE VENDOR COMMUNICATION PLAN**

This Vendor Communication Plan represents a commitment by the Department of Defense (DoD) to promote increased dialogue with the vendor community prior to awarding contracts.

### **Introduction**

Communications with potential suppliers should occur early and frequently to gain better product and service information. This is the subject of the Office of Federal Procurement Policy's guidance issued to Federal agencies on February 2, 2011.

Increased emphasis on frequent information exchanges with industry is intended to improve the quality of the agency's market research efforts, and should be conducted in a fair, level, and transparent manner. While recent attention has been on expanding dialogue with the vendor community, this is not a new requirement. In fact, the Federal Acquisition Regulation (FAR) 15.201 encourages such exchanges between the Government and interested parties, from the earliest identification of a requirement through receipt of proposals.

Agency officials are encouraged to engage in more frequent information exchanges with vendors, particularly during the pre-solicitation phase, especially for high dollar, more complex procurements, so long as sensitive or proprietary information is protected on behalf of the Government and vendors alike. Exchanges with the public can be very beneficial and result in: (a) greater clarity of agency requirements; (b) increased awareness of industry products and services; (c) better business decisions made by vendors about their private sector investments in products or services available to the agency; (d) increased competition, including greater use of small businesses in subcontracting opportunities; (e) greater use of small business set asides; (f) more favorable pricing; (g) increased cost savings; (h) more realistic expectations about marketplace capabilities; (i) higher quality contract deliverables; and (j) fewer performance problems, to name a few.

Proper communication exchanges with vendors can add significant value to and create efficiencies in: solicitation development, proposal preparation, proposal evaluation, discussions, and contract award processes.

1. Statement of agency commitment. The Department of Defense is committed to:

- a) Engaging in timely, constructive and professional information exchanges with the vendor community, with an emphasis on high dollar, complex procurements;
- b) Ensuring that small businesses and other businesses alike are included in communications about agency requirements through agency postings and vendor outreach efforts;
- c) Reducing unnecessary barriers to attract new vendors and enhance competition, especially where there is a pattern of receiving only one quotation or proposal;

General examples of barriers to competition in the Federal Government may include: (a) overly restrictive statements of work (SOW) and/or evaluation criteria, (b) short proposal response times, and (c) insufficient market research

- d) Identifying within the DoD Components specific Forecast of Contract Opportunities which procurements are likely to involve opportunity for additional communication with industry and publicizing communication engagement opportunities on the Federal Business Opportunities website (<https://www.fbo.gov/>), including pre-solicitation and/or pre-proposal conferences for high dollar, high-risk, or complex programs, or those that fail to attract new vendors during re-competitions; and
- e) Protecting proprietary information contained in offerors' proposals and other information obtained during the source selection process, including preventing inadvertent release through the Freedom of Information Act (FOIA) process or divulging vendors' confidential information or source selection information to those without a legitimate need-to-know.

2. Identification of senior agency and bureau (if applicable) official responsible for promoting vendor engagement.

Richard Ginman  
Director, Defense Procurement and Acquisition Policy

3. Brief description of efforts undertaken or planned to reduce barriers and promote engagement.

The DoD will continue working collaboratively to increase communication efforts and eliminate unnecessary barriers that otherwise prevent the Department from engaging in meaningful and responsible dialogue with industry suppliers. This entails gradually altering a culture that has been taught for many years that it is safer to limit contact with contractors rather than engaging them for fear of a protest or appearance of a conflict of interest. DoD officials are to use sound business judgment and adhere to regulatory and statutory requirements when engaging vendors. Communication with a wide and diverse audience, including businesses of all sizes, is often the best overall strategy to ensure fair and equal treatment while disseminating information and sharing ideas to serve mutual interests.

4. Criteria for identifying which acquisitions must include vendor input in the pre-award phase.

Acquisitions which seek vendor input should include re-competitions of prior procurements where (1) the requirement did not provide the solution needed, either due to nonperformance of the awardee (especially if it led to termination) or due to inadequate definition of the requirement; or (2) a competitive solicitation was issued but only one offeror responded, and market research suggests more than one vendor is available to perform the requirement.

5. Publication of engagement events to include industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, etc. These shall be posted and updated regularly using the existing “special notices” function on [www.fedbizopps.gov](http://www.fedbizopps.gov) and on other sites as identified by the agency.

The DoD will provide notice of these events on FedBizOpps as a single portal of information for interested firms.

6. Brief description of roles and responsibilities of the –

a. Contracting Officer: The person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer. The contracting officer is the vendor’s primary point of contact for all issues relating to specific contractual actions.

b. Program Manager: The individual with the responsibility for and authority to accomplish program objectives for development, production, and sustainment to meet the user’s operational needs. The program manager leads a multi-functional team of experts to create the deliverables needed to implement the program’s strategy. The program manager communicates with vendors through the contracting officer assigned to the program.

c. Contracting Officer’s Representative (COR): The person acting as an agent of the contracting officer in accordance with their letter of delegation to perform certain contract management functions. This person typically performs technical oversight of the contractor’s performance to ensure compliance with contractual terms and conditions, and communicates that information to the contracting officer.

d. General Counsel (GC): Attorneys who provide advice and assistance on acquisition, technology, and logistics matters. The GC provides advice on acquisition policy and contracting procedure and participates in planning, source selection, and execution of major acquisition programs and oversight of contract related litigation. The GC provides guidance and opinions to agency officials to ensure the proper conduct of interactions with industry.

e. Ethics Officers: Attorneys responsible for providing advice to the General Counsel as the Designated Agency Ethics Official. Attorneys are also responsible for interpreting the Joint

Ethics Regulation (JER), resolving conflict of interest problems of new Presidential appointees and other senior Secretariat officials, managing the financial disclosure reporting system for the Secretariat, and counseling employees with respect to post employment restrictions, official invitations, gifts, travel, outside activities, and relations with non-federal entities.

f. Office of Small Business Programs (OSBP): Conducts small business outreach conferences and meetings to assist businesses in understanding agency business practices and procedures and small business contracting opportunities. Helps increase small businesses as prime contractors as well as subcontractors; explores ways small businesses can meet annual goals and requirements for selling goods and services to the government; discusses issues, strategy, and existing programs' initiatives for ways to improve current processes.

7. Training and awareness efforts for employees and contractors.

Training efforts for employees will include the dissemination of internal guidance and feedback to ensure effective use of communication approaches with the vendor community. Information to facilitate public awareness for vendors will include postings on the Federal Business Opportunities website (<https://www.fbo.gov/>), agency website or through other means.

8. Links to existing policies.

Links to DoD contracting information include:

Defense Procurement and Acquisition Policy - <http://www.acq.osd.mil/dpap/>

Federal Acquisition Regulation – <https://www.acquisition.gov/far/>  
<http://farsite.hill.af.mil/>

Defense Federal Acquisition Regulation Supplement and Procedures Guidance and Information – <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>

The following regulations and statutes are not intended to represent the complete list of requirements applicable to communicating with industry, but serve to provide a basis for regulatory compliance.

- Procurement Integrity Act (41 U.S.C. § 423) - Government officials may not disclose proprietary or source selection information. (FAR 3.104)  
[https://www.acquisition.gov/far/current/html/Subpart%203\\_1.html#wp1139280](https://www.acquisition.gov/far/current/html/Subpart%203_1.html#wp1139280)
- Freedom of Information Act (5 U.S.C. § 552)  
<http://www.justice.gov/oip/amended-foia-redlined-2010.pdf>  
(FAR Subpart 24.2)

- Conflict of Interest Prohibition (18 U.S.C. § 208) – Government officials may not participate in a matter that presents an actual or apparent conflict of interest.  
[http://www.law.cornell.edu/uscode/search/display.html?terms=208&url=/uscode/html/uscode18/usc\\_sec\\_18\\_00000208----000-.html](http://www.law.cornell.edu/uscode/search/display.html?terms=208&url=/uscode/html/uscode18/usc_sec_18_00000208----000-.html)
  - Competition in Contracting Act (CICA) (10 U.S.C. § 2304) – Government officials may not give unauthorized preferential treatment to one firm but must treat all firms equally.  
[http://www.law.cornell.edu/uscode/html/uscode10/usc\\_sec\\_10\\_00002304----000-.html](http://www.law.cornell.edu/uscode/html/uscode10/usc_sec_10_00002304----000-.html)
  - Trade Secrets Act (18 U.S.C. § 1905) – Government officials may not disclose trade secrets or other proprietary information without permission of the owner of the information. Government officials must protect procurement-sensitive information and information that would not otherwise be lawfully disclosed to the public under the Freedom of Information Act.  
[http://www.law.cornell.edu/uscode/html/uscode18/usc\\_sec\\_18\\_00001905----000-.html](http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00001905----000-.html)
  - Federal Advisory Committee Act (5 U.S.C. Appendix 2, § 5) – Government officials must comply with the Federal Advisory Committee Act when seeking advice or recommendations from a group that includes non-Government employees to ensure that the Government is not inappropriately influenced by a special interest.  
<http://www.archives.gov/federal-register/laws/fed-advisory-committee/>
9. Plans to follow up with employees and industry representatives within 6 months of posting the vendor engagement plan.

The DoD will conduct a sample survey within 6 months of the posting of this Plan with stakeholders to gauge the overall effectiveness of outreach efforts. Revisions to this Plan will be made as necessary.