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ACQUISITION,
TECHNOLOGY
AND LOGISTICS

JAN 08 2008

DPAP/CPIC

MEMORANDUM FOR DIRECTORS, DEFENSE AGENCIES
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(POLICY AND PROCUREMENT), ASA(ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION & LOGISTICS MANAGEMENT),
ASN(RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTOR, ACQUISITION MANAGEMENT (DLA)

SUBJECT: Improving Communication during Competitive Source Selections

In his memorandum of August 24, 2007, the Under Secretary of Defense for Acquisition, Technology & Logistics (USD(AT&L)) highlighted the need for open, on-going dialogue with prospective offerors throughout the source selection process. I wish to re-emphasize the importance of such communication. The USD(AT&L) has asked me to provide additional guidance on this important subject.

Communication is a key element in the Department's ability to conduct reliable and successful source selections. We need to encourage government participants involved in source selections to fully engage with industry at all stages of the competitive process. The use of industry days is a good example of positive communication between the government and industry. The use of Requests for Information and draft Requests for Proposals also provide opportunities for industry and government to exchange data that is informative and constitute constructive dialogue beneficial to all participants.

Additionally, continuing this process of engaging with industry after proposal submission affords the government the opportunity to effectively understand and evaluate a proposal and permits industry the opportunity to clearly explain any aspects of a proposal that appear to be deficient, ambiguous or non-compliant. Such dialogue can only lead to more efficient, effective and improved source selections. The Federal Acquisition Regulation (FAR) at Subpart 15.306, "Exchanges with offerors after receipt of proposals," provides overarching guidance in this regard.

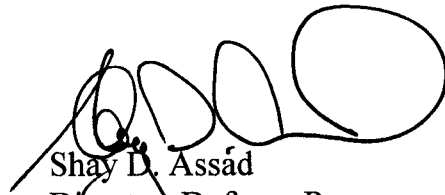


The focus of encouraging more open communications with industry is not the fear of protest, but rather to ensure more predictable, reliable and successful contract outcomes.

That is not to say that contract awards cannot be made without discussions. However, they should be made only in limited circumstances. Possible candidates for such an approach include mature dual-source production programs, routine procurements with well defined requirements and a number of qualified vendors, and procurements of spare parts. Even in well defined procurements, the decision that discussions are not required should be made on a case-by-case basis.

Communication is equally important in those rare instances when a source selection is followed by a protest. To that end, I request that you provide a briefing to me on any protest of a competitively awarded Major Defense Acquisition Program or of an acquisition of services valued at \$1 billion or more within ten days of the filing of the protest. Please ensure that the briefing outlines the basis of protest, your agency's position, and any other information you deem relevant.

I appreciate your attention and assistance in this matter. My staff point of contact for this issue is Ms. Sandra Haberlin, 703-695-4259, sandra.haberlin@osd.mil.

A handwritten signature in black ink, appearing to read 'Shay D. Assád', with a large circular flourish at the end.

Shay D. Assád
Director, Defense Procurement and
Acquisition Policy