

FACILITIES MAINTENANCE AND ENGINEERING PROCEDURE		
Subject: ENGINEERING VENDOR CONTACT PROCEDURE	FMEP-P-0850	Rev. No. 0
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1.0 PURPOSE

To allow the FME Engineering Department to gather technical and cost information for commercial items without compromising the competitive bid process.

2.0 GENERAL

By communicating with contractor(s) on a commercial item, engineers can gather commercially available information that may impact FME's design and gather publicly available cost elements on commercial items.

While there are many advantages to gathering information from vendors and contractors, inappropriate communication with vendors may give the vendor an unfair advantage, or the opportunity to protest an award. Even without providing an actual unfair advantage, excessive or improper communication with a single vendor can give the appearance of Conflict of Interest. The two underlying principles are:

- Preventing the existence of conflicting roles that might bias a contractor's judgment; and
- Preventing unfair competitive advantage

Furthermore, if a contractor prepares and furnishes specifications covering a commercial equipment, to be used in a competitive acquisition, that contractor shall not be allowed to furnish that commercial equipment, either as a prime contractor or as a subcontractor.

This procedure allows engineers to communicate freely with contractor(s) and vendors, as long as they meet two conditions:

1. Information discussed must be commercially available information.
2. Inform the vendor that the verbal discussion is for information only and in no way obligates the vendor, SAIC-Frederick, Inc. or the government.
3. The communication must be documented in writing to the Manager of Engineering and the Contracts Manager.

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3.0 PROCEDURE

- 3.1 Before contacting a vendor, the FME engineer should evaluate how else the necessary information can be gathered. Company website, vendor catalogs or previous projects are potential sources for gathering the necessary information. If other sources are not available for the necessary information, the engineer must use one of the following procedures to keep ALS involved in the vendor contact.
- 3.2 Request for Information: For large or complicated systems the engineering team can develop a written request for information which will be issued by ALS to multiple vendors. Vendors respond in writing with information about their equipment as well as budgetary pricing. Although it is up to the Lead Engineer to decide when to use this approach, it is generally only applicable for expensive for very unusual pieces of equipment.
- 3.3 Contact with ALS Representative: When practical, the engineer should contact the vendor with an ALS representative present. This can be accomplished by calling on a speaker phone or by conference calling. The ALS representative can initiate the conversation then allow the engineer to ask questions, while emphasizing that the vendor should not develop a design or expect a contract.
- 3.4 Telephone Conversation: In the majority of cases the engineer needs to ask a few simple questions and the first two options unnecessarily complicate the activity, delaying completion and adding design costs. In these cases the engineer may contact the vendor directly provided that:

- 3.4.1 The engineer clearly states that no preference will be given to the vendor using the following statement:

“This is a market research survey only. A purchase order or contract (if any) will be awarded only after SAIC-F follows Federal Acquisition Regulations including, in most cases, full and open-competition. The information provided in no way obligates the government, SAIC-Frederick or the vendor to any further action and will not entitle the vendor to preferential treatment in any competitive solicitation.”

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- 3.4.2 The engineer documents the conversation in writing to the Engineering Manager and the Contracts Manager, as well as the project file. The attached Telephone Conversation Form (Attachment A) can be used to document the conversation. The engineer is responsible to use the most cost effective, contractually valid option from the three. It will be the responsibility of the Contracts Manager and the Engineering Manager to ensure that this procedure is being properly followed and is effectively meeting SAIC-F's contractual requirement in following the intent and spirit of the FAR.

Attachment A: Telephone Conversation Form