

Department of Commerce



VENDOR COMMUNICATION PLAN

OCTOBER 19, 2011



Department of Commerce Vendor Communication Plan

PREFACE

Historically, the Department of Commerce (Department) spends roughly a third of its annual budget through contracts. Access to current market information is critical for agency program managers as they define requirements and for contracting officers as they develop acquisition strategies, seek opportunities for small businesses, and negotiate contract terms.

Industry is often the best source for this information, so productive interaction between the Department and our industry partners should be encouraged to ensure that the government clearly understands the marketplace and can award a contract or order for an effective solution at a reasonable price.

Understanding the marketplace through effective market research, including early, frequent, and constructive engagement with industry, is especially important for complex, high-risk procurements, such as large information technology (IT) projects. Increasing communication is a key tenet of the Office of Management Budget's (OMB) 25 Point Implementation Plan to Reform Federal IT Management, which is further addressed in the Office of Federal Procurement Policy's (OFPP) "Myth-Busting" Memorandum of February 2, 2011. The OFPP memorandum addresses both the myths and the facts about communicating with industry, provides strategies for removing barriers to communication and expanding agency-industry engagement, and sets criteria for agency vendor communication plans.

We are pleased to share this Vendor Communication Plan with Commerce stakeholders both inside and outside of the Department. The Plan will be a "living" document and we encourage you to visit <http://www.osec.doc.gov/oam/> (under construction) for updated information and to share your feedback and suggestions for improvement.

Barry E. Berkowitz
Senior Procurement Executive and
Director for Acquisition Management

Date



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VENDOR COMMUNICATION PLAN

1. OVERVIEW

1.1 Background

Early, frequent, and constructive engagement with industry is especially important for complex, high-risk procurements, including, but not limited to, those for large information technology (IT) projects. This is why increasing communication, in the form of the “myth-busters” educational campaign, is a key tenet of the Office of Management and Budget’s (OMB) 25 Point Implementation Plan to Reform Federal IT Management.

In support of OMB’s 25 Point Implementation Plan, the Office of Federal Procurement Policy (OFPP) issued its memorandum on February 2, 2011 entitled *“Myth-Busting”: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process*, which addresses both the myths and the facts about communicating with industry; provides strategies for removing barriers to communication and expanding agency-industry engagement; and sets the criteria for agencies’ vendor communication plans. A copy of the memorandum is included as Attachment A.

The *“Myth-Busting”* memorandum requires Chief Financial Officer (CFO) Act agencies to develop vendor communication plans and make them available to their workforce and the public, as appropriate. The objective of the communication plan is to improve communication between government and industry by educating the workforce on communication opportunities, encouraging more communication, and taking advantage of existing authorities. Strengthened communication between the Department and industry partners will improve market research, leading to more clearly understood and defined requirements, and help new entrants to the federal technology market better understand how to do business with the government, help the Government understand how companies can support mission needs, and deliver the best results at the best price for the American public.

1.2 Purpose

The purpose of this Vendor Communication Plan (Plan) is to provide clear, consistent direction to the Department’s workforce about how to engage with industry prior to the award of contracts, including task and delivery orders under the Federal Supply Schedule, government wide acquisition contracts, and other indefinite delivery/indefinite quantity contracts. It is intended to dispel misperceptions surrounding acceptable conversations between contracting officers and vendors during the pre-award phase of the acquisition process.

1.3 Policy

It is the policy of the Department of Commerce to promote fair, frequent and constructive dialogue with the vendor community on matters of mutual interest, as appropriate, and in a manner which protects sensitive information, operation, sources, methods, and technologies. Matters of mutual interest may include, but are not limited to: DOC and industry business practices and policies; removal of barriers to competition; technology



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trends and development objectives; security challenges; promotion of socio-economic goals, such as small business and sustainability; and the performance of organizations, contracts, projects and programs.

1.4 Statement of Commitment

In implementing this Vendor Communication Plan, the Department of Commerce is committed to:

- a. Communicating early, frequently, and constructively with industry;
- b. Including small businesses and subgroups of small businesses in communications with industry;
- c. Including vendors that the agency has not worked with in the past;
- d. Using acquisition forecasting to identify procurements which are likely to involve opportunity for additional communication with industry; and
- e. Protecting non-public information, including the vendor's confidential information and the agency's source selection information.



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2. ROLES AND RESPONSIBILITIES

2.1 Senior Procurement Executive (SPE)

The Senior Procurement Executive has overall responsibility for the following:

- a. Promoting vendor engagement to improve communication with large and small business
- b. Increasing awareness of the need to communicate with industry
- c. Seeking feedback on vendor engagements to improve outreach effort on a regular basis
- d. Issuing and revising acquisition policy as required to implement vendor communication plan

2.2 Chief Information Officer (CIO)

The Chief Information Officer is responsible for keeping the SPE advised of new technology and platforms supporting acquisition (e.g., tools, technologies, and social media for increasing outreach, communication, etc.).

2.3 Senior Bureau Procurement Official (BPO)

The Senior Bureau Procurement Official is responsible for:

- a. Maintaining internal communication with program offices to identify and ensure a portfolio-based perspective of planned acquisitions
- b. Ensuring Contracting Officers (CO) employ vendor communication as appropriate, including using the "comprehensive vendor engagement strategy" for acquisitions identified in Section 4.2
- c. Ensuring Program Officials (PO)s are entering all planned acquisition forecasts above the Simplified Acquisition Threshold (SAT) into the Advanced Acquisition Planning System
- d. Ensuring COs and Contract Specialists understand what is in the Advanced Acquisition Planning System in cases where they receive inquiries

2.4 Program Official (PO)

Program Officials (including program managers and project managers) are responsible for:

- a. Conferring early with the CO--as soon as a need is identified, on how best to engage with industry and evaluate how to accomplish the need/requirement, and establishing the level of vendor engagement needed to help the PO and acquisition team conduct effective market research; and, as permitted in accordance with DOC policies, considering the use of innovative technological solutions, such as the use of a wiki to solicit comments during the pre-Request for Proposal phases (such as market research) to better tap the understanding of industry partners; using a government-wide online platform to issue a draft statement of work and solicit comments; or possibly using social media as may be appropriate
- b. Applying a portfolio perspective for acquisition planning to capitalize on market research efforts



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- c. Preparing and maintaining acquisition plans, including identifying and entering all planned acquisitions individually in the Advanced Acquisition Planning System for review by the servicing contracting office
- d. Addressing the level of planned vendor engagement in the Acquisition Plan and factoring it into acquisition lead times
- e. Evaluating the expected level of competition, assessing the need for introducing new entrants to the market, and recommending ways to the CO to do this
- e. Notifying and discussing vendor engagement activities with the CO prior to the meetings—as the CO may not attend/conduct every engagement, but should be aware of all communications
- f. Knowing the agency procurement forecast and ensuring that data in the Advanced Acquisition Planning System is updated. (The forecast is used by many small businesses to determine where to invest bid and proposal costs so it important to be as knowledgeable and complete as possible about the content)
- g. Taking training (e.g., the planned Federal Acquisition Institute (FAI) hosted Acquisition Learning Seminar)

2.5 Contracting Officer (CO)

The Contracting Officer is responsible for:

- a. Working with the PO and the acquisition team to determine the vendor communication plan, including the timing, frequency, manner, and degree of vendor engagement necessary to appropriately develop requirements, acquisition strategy, and performance metrics
- b. Recommending and identifying the means of communication (e.g., one-on-one meetings, vendor days, draft requests for proposals (RFPs), teleconferences, combinations of these methods, etc.) and, as appropriate, innovative technologies (see 2.4.a) which may be appropriate
 - i. Considering methods that would generate new entrants to the market to increase competition
 - ii. Working with OSDBU and their small business specialist to identify the best way to reach out to small business
- c. Communicating to the agency team and setting expectations with the PO and Contracting Officers Representative (COR), if appropriate, about who will conduct vendor engagement efforts and how these sessions will be conducted
 - i. Encourage the Program Official and COR to communicate appropriately for pre-solicitation efforts
 - ii. Be the focal point for vendor communication after the solicitation is issued
- d. Documenting the file as appropriate
- e. Knowing the agency procurement forecast and ensuring that data in the Advanced Acquisition Planning System is updated. (The forecast is used by many small businesses to determine where to invest bid and proposal costs so it important to be as knowledgeable and complete as possible about the content)
- f. Using the Small Business Central Event Listing on FedBizOpps to publicize opportunities. This functionality, recently released, helps small businesses find outreach events and promotes competition
- g. Taking training (e.g., the planned FAI hosted Acquisition Learning Seminar)



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2.6 Contracting Officer Representative (COR)

The Contracting Officer's Representative is responsible for:

- a. Participating with the acquisition team in pre-award vendor communication strategies
- b. Focusing on post-award opportunities, including ways to improve communication after award, such as contract kick-off events and meetings
- c. Notifying the CO, keeping the CO informed, and documenting as appropriate
- d. Being cautious and not letting communications with the contractor evolve into a constructive change to the contract--which costs money and time
- d. Taking training (e.g., the planned FAI hosted Acquisition Learning Seminar)

2.7 Office of General Counsel (OGC)

The Office of General Counsel (Contract Law Division) is responsible for:

- a. Advising the CO and team on permissible and appropriate communication in terms of content, delivery, methodology, etc.
- b. Providing legal advice and support as part of the acquisition team

2.8 Ethics Counsel

The Office of General Counsel (Ethics Counsel) is responsible for:

- a. Including vendor communication in annual ethics training
- b. Ensuring ethics training explains what is permissible as well as what is prohibited

2.9 Office of Small and Disadvantaged Business Utilization (OSDBU)

The Office of Small and Disadvantaged Business Utilization is responsible for:

- a. Focusing on the agency procurement forecast
- b. Using the Small Business Central Event Listing on FedBizOpps to publicize opportunities. This functionality, recently released, helps small businesses find outreach events and promotes competition
- c. Working with COs, Contract Specialists, POs, and Small Business Specialists to identify the best way to reach out to small business

2.10 Acquisition Career Manager

The Acquisition Career Manager is responsible for providing COs, Contract Specialist, Program Officials, CORs, and others with information on relevant training and awareness activities to improve vendor engagement.



3. EFFORTS TO REDUCE BARRIERS AND PROMOTE ENGAGEMENT

3.1 Related Policies and Guidance

In addition to the efforts to reduce barriers and promote vendor engagement articulated throughout this draft Plan, the Department has recently issued the following policies that promote vendor engagement through effective acquisition planning and competitive strategies:

- a. Commerce Acquisition Manual (CAM) Chapter 1307.1, Acquisition Planning, (May 2011) at [http://oam.eas.commerce.gov/docs/CAM%201307.1%20-%20Acq%20Planning%20\(Oct2010\).pdf](http://oam.eas.commerce.gov/docs/CAM%201307.1%20-%20Acq%20Planning%20(Oct2010).pdf) . This CAM chapter provides policy for comprehensive acquisition planning and emphasizes market research and competition.
- b. Commerce Acquisition Manual (CAM) Chapter 1306.70, Competition Requirements, (January 2011), at <http://oam.eas.commerce.gov/docs/CAM%201306%2070%20Competition%20Requirements%20-%20Final.pdf> . This CAM chapter provides policy promoting full and open competition, including strategies to migrate to more competitive contracts, and requirements to use market research to identify and mitigate barriers to competition.

Once approved by OMB, the Department will review and update as necessary the above policies to ensure they address all elements of the Vendor Communication Plan.

3.2 Training and Awareness

The Department will internally and externally publicize upcoming training and awareness events including the planned FAI hosted Acquisition Learning Seminar in July 2011. Multiple modes of communication will be used to alert employees and contractors to such events (acquisition community listserves, FedBizOpps, etc).

The Department will also design a Vendor Engagement webpage that will provide a place to publicize: training opportunities; educational and awareness events and opportunities about communication; and an invitation for voluntary feedback and recommendation on our vendor communication efforts. By promoting opportunities for training and awareness, employees and contractors will become increasingly familiar and comfortable engaging with each other.



4. VENDOR ENGAGEMENT STRATEGY

4.1 Vendor Communication and Engagement

Vendor communication and engagement is encouraged as appropriate. Contracting Officers should work with their Program Officials to develop a vendor communication plan commensurate with the size, complexity, and nature of the acquisition, and any related or interdependent requirements and associated market research. Use of the Market Research Report Template provided in Attachment E (or an equivalent) is a best practice and is recommended.

4.2 Acquisitions Requiring Comprehensive Vendor Engagement Strategy

A comprehensive vendor engagement strategy is required for the following acquisitions:

- a. All contracts and orders with an estimated total value (base and all options) of \$25 million or greater;
- b. "Special Interest" acquisitions as identified by the Department, regardless of dollar threshold; and
- c. Contracts and orders with an estimated total value (base and all options) of \$1 million or greater which previously failed to attract competition (i.e., 2 or more offers).

4.2.1 Comprehensive Vendor Engagement Strategy Requirements

Acquisition plans for acquisitions as outlined in Section 4.2 shall require, as a condition of approval, a comprehensive vendor engagement strategy that:

- a. Includes at least one (1) industry day or (1) a pre-solicitation or pre-proposal conference;
- b. Allows for a reasonable amount of one-on-one engagement;
- c. Allows time for discussion, as needed, and in accordance with FAR Part 15, during the proposal evaluation process;
- d. Addresses how engagement events, such as an acquisition-specific industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, etc., will be publicized and updated using the "special notices" function on www.fedbizopps.gov or other sites as identified by the agency, and other modes as necessary; and
- e. Addresses how planned and conducted comprehensive vendor communication activity will be documented and summarized. Use of the Market Research Report Template provided in Attachment E is a best practice and shall be used as a summary reporting tool in Acquisitions requiring a Comprehensive Vendor Engagement Strategy unless an equivalent template is used by the Operating Unit.



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4.2.2 Waiver of Requirement for Comprehensive Vendor Engagement Strategy

If the Contracting Officer determines that a comprehensive vendor engagement strategy is not appropriate for an acquisition described in Section 4.2, a written justification shall be prepared clearly delineating and supporting the rationale. The written justification must be submitted with the acquisition plan for approval.



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5. PUBLICATION OF VENDOR ENGAGEMENT EVENTS

The Department will post and regularly update vendor engagement events on the Federal Business Opportunities website at www.fedbizopps.gov using the “special notices” function. Posted events will include industry days, small business outreach sessions, pre-solicitation conferences, request for proposal question and answer sessions, etc. The Department will use web collaboration tools such as wikis to communicate with industry, as appropriate.

In addition, the Department will develop a Vendor Engagement webpage that will provide information to employees and industry on training and awareness opportunities and obtain feedback and suggestions from industry.



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6. ACCOUNTABILITY

Effective communication with industry is a high priority for the Department of Commerce. Strengthened communication with industry is expected to result in more clearly defined requirements, producing better solutions at the best possible price.

Determining the success of the Vendor Communication Plan will be measured by assessing feedback from Department employees and industry representatives. Feedback and suggestions will be used to further refine the Plan and improve communication as necessary.

Within 6 months of implementing the Plan, the Department will obtain feedback from employees and industry representatives. Contracting and program officials, industry, and the public, will be invited to provide feedback and suggestions through use of a voluntary "feedback" feature of the Plan. Other avenues for eliciting feedback will include events such as acquisition council meetings and quarterly acquisition conferences. In addition, vendor communication will be incorporated into the Department's Acquisition Management Review process, to determine if it is being appropriately conducted and to obtain additional feedback and recommendations for improvements.



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7. RESOURCES AND GUIDANCE

Department employees should operate in accordance with the “rules of the road” governing industry communication. To that end, they may be guided by the following resources and guidelines.

- a. Misconceptions and Facts about Vendor Communication. The Office of Federal Procurement Policy has identified 10 common misconceptions and facts about vendor communication and provides strategies for optimizing communication opportunities in its “Myth-busting” memorandum. The memorandum cites applicable sections of the Federal Acquisition Regulation. (See Attachment A)
- b. Statutory Limitations. Subject to sound business judgment and statutory limitations on the government’s ability to exchange information, employees are encouraged to communicate with industry as necessary to conduct official business. Ethics laws and rules *per se* do not prohibit communications with industry representatives; they do mandate fair and even treatment. A list of the primary statutes and related principles governing exchanges of information are provided in Attachment B.
- c. Acquisition Regulations and Policy. The Federal Acquisition Regulation (FAR) provides regulatory policy on the exchange, marking, treatment and protection of information. The FAR may be accessed at <https://www.acquisition.gov/far/> or <http://farsite.hill.af.mil/> . In addition, the Department’s FAR Supplement, the Commerce Acquisition Regulation (CAR), and the Commerce Acquisition Manual (CAM), and other acquisition guidance, are available on the OAM website at <http://www.osec.doc.gov/oam/> (under construction)
- d. “Rules” for Meeting with Industry. Attachment C identifies “rules” that program officials and other staff involved in the acquisition process should know before they meet with industry representatives.
- e. Guidelines for One-on-One Communication. Attachment D provides guidelines that apply to vendor communications conducted by the Contracting Officer and Acquisition Team before the requirements definition phase is finalized for a specific procurement and before the acquisition strategy is defined.
- f. Market Research Report Template. A Market Research Report documents the market research, and can be tailored as appropriate to the size, complexity, and urgency of an acquisition. In consultation with the Contracting Officer, the Market Research Report Template provided in Attachment E may be used and tailored to suit the market research needs of a particular requirement—including related vendor exchanges or engagements.



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- g. **Additional Guidance.** The Office of General Counsel (Contract Law Division and Ethics Law Division) is available to provide additional guidance and advice regarding industry communication and vendor engagement. Questions about the Vendor Communication Plan may be addressed to the Office of Acquisition Management.



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ATTACHMENT A – OFPP “Myth-Busting” Memorandum



ATTACHMENT B – Communicating with Industry (Statutory Limitations)

The following are statutorily based limitations on communicating with firms and representatives of the vendor community.

- **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.
- **Procurement Integrity Act (41 U.S.C. § 423)**
Government officials may not disclose proprietary or source selection information.
- **Competition in Contracting Act (10 U.S.C. 2304)**
Government officials may not give unauthorized preferential treatment to one firm but must treat all firms equally.
- **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 disclosed to the public under the Freedom of Information Act.

- **Federal Advisory Committee Act (5 U.S.C. App. 2)**
Government officials must comply with the Federal Advisory Committee Act when seeking consensus advice or recommendations from a group that includes non-government employees.



ATTACHMENT C – “Rules” for Communicating with Industry

(What Program Officials/Managers and other staff members need to know before they meet with vendors and industry representatives)

Program Officials/Managers and other staff are encouraged to talk with industry of both large and small businesses so that DOC procurements reflect an understanding of the commercial marketplace and the business environment of the vendors that support DOC. This exchange of information, however, must take place within a framework that treats all vendors (and potential vendors) fairly and impartially. Your Contracting Officer is your best resource in preparing you for a vendor meeting; always inform your Contracting Officer before meeting with a vendor. The following guidelines will help a DOC Program Official/Manager and other DOC staff members to develop a framework and set of sound business principles when meeting with vendors.

THE RULE: After the agency needs are established and the requirements to satisfy those needs are developed, no exchange with industry and potential vendors shall occur without the permission and without the presence of the Contracting Officer. A procurement begins at the point when the agency needs are established and the description of the requirements to satisfy agency need is developed. In meetings with vendors or industry representatives, do not disclose “procurement sensitive” or “source selection sensitive” information; do not disclose the proposal evaluation process or the specifics of an on-going procurement; and do not discuss litigation or pending litigation. *No information shall be released after agency needs are established and the requirements to satisfy those needs are developed, except by the Contracting Officer.*

1. AVOID UNAUTHORIZED COMMITMENTS (i.e., an agreement that is not binding because the Government representative making the agreement lacks the proper authority to enter into that agreement on behalf of the Government.) **Good Practice:** End each vendor session with the statement: “Nothing discussed in this meeting authorizes you to work, start work, or bill for work. Any understanding on your part to the contrary is a mistake.”

2. TREAT ALL VENDORS AND POTENTIAL VENDORS FAIRLY AND IMPARTIALLY

3. CONDUCT BUSINESS WITH INTEGRITY, FAIRNESS, AND OPENNESS. Not only must the acquisition process have integrity, but the actions of each DOC employee must reflect integrity, fairness, and openness. Avoid Organizational Conflicts of Interest or even the appearance of a conflict.

4. UNDERSTAND YOUR ETHICS RESPONSIBILITIES. Consult your Contracting Officer or your Ethics Officer in the Office of General Counsel if you have questions or concerns related to ethical conduct or procurement integrity.



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5. BEFORE ACCEPTING A MEETING, NOTIFY YOUR CONTRACTING OFFICER. Your Contracting Officer may provide you with information about the vendor, their current contracts with DOC, or if they are active in proposing to a specific procurement. After agency needs are established and requirements to satisfy those needs are developed, no exchange with industry and potential vendors shall occur without the permission of and without the presence of the Contracting Officer. (See "The Rule" above).

6. CONTROL THE MEETING AND ITS AGENDA. Always prepare and follow a meeting agenda. Before the meeting, identify specific information that you want the vendor to address. You may limit the number of attendees and specify the mix of the vendor's business development and technical staff to attend.

7. EMPHASIZE THAT THE PRIMARY PURPOSE OF THE MEETING IS FOR THE GOVERNMENT TO LEARN ABOUT THE INDUSTRY AND MARKETPLACE. Ask questions and get an understanding of the advantages and issues associated with a particular approach or business practice. Ask the vendor clarifying questions, but avoid expressing opinions or preferences. The meeting should not be the basis for further action, and should not unintentionally solicit a proposal.

8. ALWAYS MAKE THE INFORMATION YOU PROVIDE THE SAME TO ALL VENDORS. Provide a standard information package to all vendors that provides up-to-date and accurate information about the mission and requirements. **Good Practice:** Provide vendors with information that could properly be published on the DOC public website. *You should not provide other-than-public information without prior written approval of your Contracting Officer and General Counsel.*

9. ENSURE IMPARTIALITY. Do not render to, or accept preferential treatment from any private party (e.g., VIP visitor treatment for vendors such as Government vehicle rides from the airport, officially hosted free dining). Further guidance is available for DOC employees from DOC's Ethics Counsel. Also avoid private discussions about a vendor's business and its relationship with DOC, except under the circumstances described in Attachment D, Guidelines for One-on-One Communications.

10. DOCUMENT THE RESULTS OF THE MEETING. Documenting the results and findings of the meeting is a critical part of your market research effort. Be sure to record the date; place; and meeting participants, including their company affiliation and contact telephone numbers/emails. Mark this document "Confidential Business Information" and limit its distribution if it contains proprietary data.



ATTACHMENT D – Guidelines for One-on-One Communication

(These guidelines only apply to vendor communications conducted by the Contracting Officer and Acquisition Team members before the Agency finalizes the requirements definition phase of a specific procurement and before the acquisition strategy is defined)

WHO: Knowledgeable individuals in Government and industry led by the Contracting Officer and organized by the Acquisition Team.

WHEN: During the requirements definition phase of an acquisition; before the release of a solicitation. After the release of the solicitation, the Contracting Officer must be the single focal point of any exchange with potential offerors.

WHY: “The purpose of exchanging information is to improve the understanding of the Government requirements and industry capabilities, thereby allowing potential offerors to judge whether or how they can satisfy the Government’s requirements” (FAR Part 15.201(b)). The sessions help develop acquisition strategies and solicitations that will ultimately provide the best opportunities for the program to meet its performance objectives. Federal participants gain an understanding of the current state of the marketplace, including commercial/Government best practices, industry capabilities, innovative delivery approaches, commercial market service levels, performance strategies and measures, and associated risks, and costs. These sessions may provide an opportunity for the Acquisition Team to explore new concepts of operations, methodologies, and business practices to meet the current need.

LIMITATIONS: Contracting Officers may discuss general information about the agency mission needs and future requirements. The Contracting Officer must avoid giving a vendor an unfair competitive advantage. All information must be given equally (and as nearly as possible, at the same time) to all interested parties to avoid the appearance of any improprieties. Ensure that no source selection or proprietary data is disclosed, including any potential vendor’s confidential business strategy.

GUIDELINES FOR ONE-ON-ONE COMMUNICATION WITH VENDORS

FAR 15.201 provides the Contracting Officer guidance in conducting these meetings

- Develop a brief overview of the size, scope, and complexity of the program (such as a Concept of Operations or a general Statement of Need/Description of the Problem).
- Identify industry leaders. Analyze the industry and determine which vendors (and appropriate point of contact within the company) you need to contact for your market research needs. Document your rationale. There is no requirement to include every interested party in one-on-one meetings. At a minimum, a “representative” vendor from each of the various market segments providing the services.



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- Develop a standard agenda and control the meeting by focusing on the agenda. Limit the meeting to a specific timeframe.
- Contact the vendor and explain what you are doing, give a brief overview of the size, scope, and complexity of the program, and indicate you will follow up with a letter.
- Send a letter requesting a meeting:
 - Provide a brief synopsis of the problem you are trying to solve.
 - Advise that the purpose of the meeting is to conduct market research needed to develop an acquisition strategy for a mission requirement.
 - Indicate that the vendor's standing in the marketplace is the reason it was selected to participate in the sessions.
 - In keeping with operational focus of the market research, request that the participants primarily be technical managers and operational staff from both their Government and commercial divisions.
 - Encourage the vendor to illustrate its discussions with samples and examples of best practices that they use on other Federal contracts or that they believe are pertinent to the requirements.

- Assign one Federal participant the role of meeting moderator to act as the meeting facilitator.
- Develop a script and set of questions for the Federal staff to use during the meeting. A script ensures that the sessions are conducted in a fair and consistent way. This practice ensures that all vendors hear the same message and that the meeting moderator conveys all the necessary information.
- Emphasize that the sessions are not in any way "evaluative" in nature, and they do not constitute a pre-proposal conference.
- Encourage communication between the Government participants and the vendor. Ask questions about the information presented. Explore the advantages and disadvantages of the approaches presented.
- Document each meeting immediately after it is held.
- Analyze the results of the meetings; identify lessons learned, trends, and performance measurement approaches. Prepare a Market Research Report that captures the analysis and conclusions. Consider transcribing the session to capture the information, but analyze and summarize the information into the report.
- Determine how the acquisition strategy should be affected based on the market research.



ATTACHMENT E – Market Research Report Template

A Market Research Report documents market research in a manner appropriate to the size, complexity, and urgency of an acquisition. In consultation with the Contracting Officer, the following template may be tailored to fit the market research needs and vendor outreach/engagement planned for a particular requirement. Use only those sections applicable to your requirement. If a section is not applicable, note that, and support with a brief explanation.

I. Authority

Market research is required in accordance with:

- FAR 7.012, Acquisition Planning Policy
- FAR 10.001, Market Research Policy

II. Background Information

Describe the background of the procurement and circumstances/events leading up to the requirement. Include:

- Program Office
- Other stakeholders
- Program Office Point of Contact
- Type of Acquisition (service or supply)
- Expected dollar value of requirement
- Related/Interdependent projects or programs
- Acquisition Team members, if applicable;

Name	Title	Office	Telephone	E-mail Address

- Timeframe in which the market research was conducted

III. Initial Requirements (as identified by the Program Office)

- Describe the Government’s requirement in terms of:
 - Functions to be performed
 - Performance required and/or
 - Essential physical characteristics
- Discuss any cost effectiveness issues associated with requirement:
 - Any potential cost drivers? (e.g., additional costs from some other activity that may influence the cost of the requirement)
 - Any cost/performance tradeoffs? (e.g. an analysis of the value added relating to costs and performance levels)
- Describe the schedule requirements, e.g., performance periods and/or delivery due dates
- Identify the Advanced Acquisition Plan (AAP) number generated by Advanced Acquisition Planning System, and when the plan was published to the public (<http://fido.gov/doc/aap/publicview.asp>)
-



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IV. Participants in Market Research

Describe the involvement of the individual Acquisition Team members and any participants in the market research effort. (The titles listed in the table below are examples)

Name	Title	Office	Telephone	E-mail	Role in Market Research
	Program Official				
	Contracting Officer				
	Contract Specialist				
	Small Business Specialist				
	Strategic Sourcing Specialist				
	Other				
	Other				

V. Market Research Techniques and Sources

Describe techniques and sources used during the market research. The following table may help structure and summarize the techniques used in the market research effort.

Check if part of research	Sources Used in Market Research	Details of Research/Comments
	Advance Acquisition Plan Reviewed	
	Acquisition history reviewed	
	Other recent market research reviewed	
	Interviewed knowledgeable individuals in industry	
	Interviewed knowledgeable individuals in Government	
	Government Databases reviewed	
	Commercial Databases reviewed	
	Participated/Attended Tradeshows and Industry Conferences	
	Professional Journals reviewed	
	Source Lists of DOC and other Govt Agencies reviewed	
	Catalog and Product literature reviewed	
	Participated in DOC SB Vendor Outreach	



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	Sessions	
	Reviewed requirements with Small Business Specialist	
	Reviewed existing DOC-wide and Multi-component contract vehicles including DOC strategic sourcing initiatives	
	Other	
	Other	
Check if part of research	Sources Used in Market Research	Details of Research/Comments
	Priority Sources Reviewed	
	Supplies: Agency Inventories	
	Supplies: Excess from other Agencies	
	Supplies: Federal Prison Industries at http://www.unicor.gov	
	Supplies: Procurement List maintained by the Committee for Purchase from People who are Blind and Severely Disabled (Ability One) (Formerly Javits-Wagner O'Day (JWOD) at http://www.abilityone.gov	
	Supplies: Wholesale supply sources (e.g., GSA)	
	Supplies: Mandatory Federal Supply Schedules accessible through http://www.gsa.gov	
	Supplies: Optional Use Federal Supply Schedules (access GSA Advantage) at http://www.gsa.gov	
	Supplies: Commercial Sources (includes educational and non-profit institutions)	
	Other	
	Services: Procurement List maintained by the Committee for Purchase from People who are Blind or Severely Disabled (Ability One) (Formerly Javits-Wagner-O'Day (JWOD) Program at http://www.abilityone.gov	
	Services: Mandatory Federal Supply Schedules	
	Services: Optional Use Federal Supply Schedules	
	Services: Federal Prison Industries	
	Mandatory sources reviewed (per FAR Part 8) if applicable for: - Public Utility services -Printing and related supplies -Leased motor vehicles -Helium	



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	Services: Commercial Sources (includes educational and non-profit institutions)	
	Other	
	References/Sources Checked	
	Existing intra-/interagency contract vehicles, e.g., Interagency Contract Director at: https://www.contractdirectory.gov/contractdirectory/ and existing DOC-wide and Multi-component contract vehicles (e.g. Strategic Sourcing Initiatives, such as FSSI BPA for Office Supplies; DOC-wide vehicles such as NOAA Link for IT)	
	Central Contractor Registration (CCR) at http://www.ccr.gov	
	Department of Labor Service Contract Act (SCA) and Davis-Bacon Act (DBA) wage determination information at http://www.wdol.gov	
	Past Performance Information Retrieval System (PPIRS) at http://www.ppirs.gov or Contractor Performance Assessment Reporting System (CPARS) at http://www.cpars.csd.disa.mil/cparsmain.htm	
	Excluded Parties List System (EPLS) at http://www.epls.gov	
	Industry Communication/Engagement	
	Industry Days	
	Industry Conferences	
	Sources Sought Notices: Request for Information (RFI)	
	Sources Sought Notices: FedBizOpps at http://www.fedbizopps.gov	
	Presolicitation Conference	
	Preproposal Conferences	
	Site Visits	
	One-on-One Vendor Discussions	
	Other	
	Other	

VI. Identify Product/Services and Sources Able to Meet the Requirement

- Identify or describe:
 - Product/Service, including any brand name product information
 - Product/Service characteristics and/or capabilities
 - Company information (e.g., name, POCs, address, telephone number, e-mail address, website)
 - Company characteristics, past performance, and business category



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Business Category	Name of Potential Source(s)/Other POC Information
Large Business	
Small Business	
Small/disadvantaged business	
Section 8(a) business	
Woman-owned business	
HUBZone small business	
Veteran Owned small business	
Service Disabled Veteran Owned Small Business	

- If sole source, describe efforts to locate additional sources

VII. Description of the Commerce Marketplace

- Describe marketplace
- Assess Government's leverage in marketplace, e.g., describe the Government's negotiation strengths and/or weaknesses in the market
- Describe the nature of other market participants, e.g., other governments (foreign, state/local), commercial firms, etc., and discuss how other buyers for the same product or service may affect your purchase.
- Identify availability of commercial or non-developmental items that satisfy requirements (value or shortcomings of each) and sub-component.

VIII. Prevalent Business Practice

- Identify standards/customary terms and conditions and industry business practices (include information on payment, freight delivery, acceptance, and warranties).
- Describe generally accepted business practices that differ from standard Government practices
- Discuss if contract financing is applicable. If so, ensure compliance with FAR 32.202-3, Conducting Market Research About Financing Terms
- Discuss any laws or regulations unique to the requirement

IX. Pricing and Market Issues

- Identify price sources (e.g., market price, catalog, GSA, etc.), price ranges and price variations.
- Describe market trends for product or service, e.g., technical, business, and pricing.
- Describe how the application of cost or pricing market information collected from market research will be used in the development of the Independent Government Cost Estimate for the requirement.

X. Other Considerations

- Identify other considerations gathered from market research, e.g., opportunities to "unbundle" requirements to enable more contracts and subcontracts to small, small disadvantaged and other socio-economic procurement categories.



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- Discuss quality factors, including such issues as past performance, references, product testing or evaluation, customer satisfaction, warranties, and quality problems
- Describe consideration of environmentally preferable and energy efficient products and services (i.e., the full range within Sustainable Acquisition or “Green Procurement”)
- Discuss Buy American Act applicability.
- Discuss Trade Agreements Act applicability.
- Other

XI. Market Analysis Summary

- Summarize the market research techniques and resources used in the market research.
 - Identify:
 - . Products/Services available
 - . If Commercial/Non-Developmental/Developmental Product/Service
 - . Sources (companies, etc.)
 - . Types of Businesses (large, small, etc.)
 - . Pricing
 - Summarize:
 - . Market conditions (commercial marketplace)
 - . Customary commercial practices
 - . Other considerations
- Provide market research conclusions and recommendations
- Document the decision and rationale to satisfy the agency’s need with a commercial item/service, is market research so warrants.
- Document the decision and rationale if the agency’s need cannot be satisfied with a commercial item/service
- Provide supporting documents, as appropriate

Yes	No	Market Analysis Summary
		Are there products/services and sources capable of satisfying the Government’s requirement?
		Are commercial items available to meet requirements?
		Are commercial items available that could be modified to meet requirements?
		Are commercial items available that could meet requirements if the requirements are modified to a reasonable extent?
		Are available items available for Government purposes?
		If commercial items are not available, are non-developmental items available to meet requirements?
		If commercial items are not available, are non-developmental items available that could be modified to meet requirements?
		If commercial items are not available, are non-developmental items available that could be modified to meet requirements if the requirements are modified to a reasonable extent?
		Could commercial items or non-developmental items be incorporated



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	at the component level?
	Provided: Customary Industry terms and conditions including warranties, buyer financing, discounts.
	Provided: Requirements of any laws and regulations unique to the item being acquired
	Provided: Extent of competitive environment
	Provided: Environmental Considerations and concerns
	Provided: SAFETY Act considerations/applicability
	Provided: Distribution and support capabilities of potential vendors, including alternative arrangements and cost estimates
	Provided: Size and status of potential sources (including small business status and if use of source is required by FAR Part 8)
	Provided: Identify available commercial items and describe the respective merits and shortcomings of each
	Provided: Description of any market conditions that may be time sensitive or change supply or demand, technology, laws, and supplier costs, etc.
	Provided: Identification of potential sources. Description of capabilities of individual vendors, pricing information, delivery schedules, and standard terms and conditions, such as incentives and warranties.
	Provided: Any market surveys developed by industry or federal agencies
	Provided: Pricing issues, price ranges, and price variations
	Provided: Description of industry/market trends—technical/pricing/business, etc.
	Provided: Buy American Act Consideration
	Provided: Trade Agreements Act Consideration
	Provided: Other: Specify
	Provided: Other: Specify