



Vendor Communication Plan



DEFENSE INTELLIGENCE AGENCY

COMMITTED TO EXCELLENCE IN DEFENSE OF THE NATION

To Members of the DIA Acquisition Community and Our Industry Partners,

I am pleased to release our new DIA Vendor Communication Plan. This plan was developed to improve awareness and understanding of vendor engagement strategies that DIA is using to create a more responsive and transparent acquisition process, to modernize our acquisition culture, and to facilitate the attainment and ultimate delivery of greater value products and capabilities being delivered in support of the DIA mission.

Good communication is key to the success of the acquisition process and meeting the DIA mission. This plan provides the DIA acquisition community and our industry partners with information and guidance that will help support communications throughout all phases of the acquisition life cycle for a successful outcome for all members of the team. Included in this plan are:

- Common misconceptions about vendor engagements that may unnecessarily hinder the use of existing flexibilities.
- Facts and strategies of use to DIA acquisition professionals in obtaining knowledge from industry counterparts that will better inform acquisitions.
- Ways to help the Agency remove unnecessary barriers to reasonable and appropriate communications, consistent with existing laws and regulations, and to promote responsible and constructive exchanges.
- An outline of steps for continued engagement between DIA and industry that can increase awareness of innovation and improve education.

Access to current market information is critical for Agency program managers who define requirements and for contracting officers who develop acquisition strategies, seek opportunities for small businesses, and negotiate contract terms. As industry is often the best source for this information, productive interaction between DIA and our industry partners should be encouraged to ensure that the Government clearly understands the marketplace and can award a contractor or place an order at a reasonable price.

I am pleased to share this Vendor Communication Plan with all stakeholders. The plan will be a "living" document, and we encourage you to visit our website for updated information and to share your feedback and suggestions for improvement. I hope that the DIA acquisition community and our industry partners find this plan effective and useful in furthering communications and collaboration.



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INTRODUCTION

Communication with potential vendors early and often during the acquisition process can help the Government secure better product and service information that will improve the quality of market research. This Vendor Communication Plan supports the Office of Management and Budget's (OMB's) 25 Point Implementation Plan and subsequent communications issued by the Office of Federal Procurement Policy (OFPP), including the following memoranda: (a) "Myth Busting: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process," February 2, 2011, which addresses both myths and facts about communicating with industry; (b) "Myth Busting 2: Addressing Misconceptions and Further Improving Communication During the Acquisition Process," May 7, 2012; (c) "Myth Busting 3: Further Improving Industry Communication with Effective Debriefings," January 5, 2017, which builds on and continues initiatives launched in previous memoranda; and (d) "Myth Busting 4: Strengthening Engagement with Industry Partners through Innovative Business Practices," April 30, 2019. Federal Acquisition Regulation (FAR) 15.201 encourages exchanges between the Government and interested parties, from the earliest identification of a requirement through receipt of proposals, and they should be conducted in a fair and transparent manner. Such communication may include industry or small business conferences, public hearings, and one-on-one meetings with potential offerors. Agency officials are urged to engage with vendors, particularly during the pre-solicitation phase and for high-dollar, more complex procurements, so long as sensitive or proprietary information is protected on behalf of the Government and vendors alike. Communications with the interested business can be very beneficial and result in:

- Greater clarity of Agency requirements.
- Increased awareness of current industry products and services.
- Better business decisions made by vendors about their private sector investments in products or services offered to the Agency.
- Increased competition, including greater use of small businesses in subcontracting opportunities.
- Greater use of small business set-asides.
- More favorable pricing.
- Increased cost savings.

- Superior terms and conditions.
- More realistic expectations about marketplace capabilities.
- Higher quality contract deliverables.
- Fewer performance challenges and earlier resolution of potential issues/challenges that may arise.

The Office of Federal Procurement Policy guidance requires Federal agencies to develop a high-level vendor communication plan outlining efforts to reduce unnecessary barriers and to publicize communication opportunities for high-risk, complex programs or those that fail to attract new vendors during re-competitions. This Vendor Communication Plan outlines processes for prioritizing engagement opportunities and reducing barriers throughout the acquisition process. It also provides additional language outlining some DOs and DON'Ts for DIA officers.

Defense Intelligence Agency (DIA) Statement of Commitment

DIA's mission is to provide intelligence on foreign militaries to prevent and decisively win wars. To operate effectively, DIA partners with industry to provide sound solutions in support of the DIA mission and the missions of the members of the Defense Intelligence Enterprise, and DIA's success in collaborating with industry relies on effective communication. As in the past, now, and into the future, DIA remains committed to constructive communication with the vendor community. In so doing, DIA has positioned itself to obtain and deliver high value services and solutions. The following procedures and techniques highlight the forms of engagement industry can expect from DIA:

- Communicating early, frequently, constructively, and clearly with the widest dissemination of information to industry (e.g., the National Reconnaissance Office Acquisition Center of Excellence (ACE) and the National Security Agency Acquisition Resource Center (ARC), which DIA uses as primary resources for interaction with industry).
- Including small business concerns and subgroups of small businesses concerns in communications with industry, and ensuring small businesses are considered for each requirement.
- Canvassing responsible vendors that the agency has not worked with in the past to promote a continually growing base of vendors.
- Engaging impartially and without preferential treatment to any one vendor or provider.
- Identifying, in the Agency's published procurement notices, forecasts, or at industry day events, those procurements that are likely to provide opportunity for additional communication with industry.

- Conducting market research that will encourage competition and promote access to the best qualified suppliers.
- Protecting non-public information, including vendors' proprietary information and the Agency's source selection information.

DIA's commitment to reducing barriers and encouraging vendor engagement throughout the acquisition process aligns with the Director's Strategic Acquisition Goals for DIA:

- Innovation–DIA will be an innovation engine for the Intelligence Community. DIA will test innovative ideas within its operations and offer solutions within the Agency and will offer solutions to other members of the Intelligence Community through collaborative partnerships.
- Customer Intimacy–DIA will seek a collaborative and collegial relationship and understanding with its customers and IC partners in order to develop and share innovative tools for more effective acquisition.
- Operational Excellence–DIA strives for performance excellence, continuous improvement, and the elimination of waste in all its operations. DIA is committed to developing the acquisition workforce and deploying tools to support the evolving field of Federal acquisition and contracting.

Senior Agency Official Responsible for Promoting Engagement

The DIA Senior Acquisition Executive (SAE) will champion DIA's industry engagement efforts and work closely with the Deputy Senior Acquisition Executive (DSAE), the Head of the Contracting Activity (HCA), the Senior Expert for Policy, Training & Operations Support, the Senior Expert for Acquisition, the Director, Acquisition & Industry Relations, and the Director of the Small Business Program Office to maximize realization of the tenets of this plan. Through this attentive involvement by these DIA senior acquisition leaders, DIA is taking a comprehensive approach and establishing a positive "tone at the top" for reducing barriers and engaging industry during the acquisition process.

As a way to protect the integrity of the acquisition process, the Government has passed a number of important laws and regulations. These statutes and regulations also promote vendor engagement through effective acquisition planning and competitive strategies. The DIA acquisition enterprise is tasked with enforcing and promoting such laws and regulations. Some of these statutes and regulations include:

- Conflict of Interest Provision (18 U.S.C. § 208–Acts affecting a personal financial interest).
- Procurement Integrity Act (41 U.S.C § 423–Procurement Integrity).

- Competition in Contracting Act (10 U.S.C. § 2304–Contracts: competition requirements).
- Trade Secrets Act (18 U.S.C. § 1905–Disclosure of confidential information generally).
- Federal Advisory Committee Act (5 U.S.C. App. 2–Purpose and establishment of Offices of Inspector General; departments and agencies involved).
- Basic Obligations of Public Service (5. C.F.R. § 2635.101–The 14 general principles of ethical conduct).

Efforts Undertaken or Planned to Reduce Barriers and Encourage Vendor Engagement

As part of acquisition planning, DIA acquisition teams are to focus on reducing barriers and promoting engagement with industry. In each acquisition and procurement, with the consideration of the anticipated contract value, nature and complexity of the procurement, number of interested participants, contract history and nature of the defined requirement, security implications, and any other relevant factors, DIA acquisition teams are to consider and use, to the maximum extent practicable, communications with industry. Accordingly, DIA acquisition teams are encouraged to implement the following actions to increase vendor engagement:

- Conduct industry days, industry or small business conferences, one-on-ones, pre solicitation conferences, pre-proposal conferences, and/or site visits. Any of these events, when planned, are to be annotated in the acquisition planning milestone schedule.
- Perform market research and industry outreach at the earliest stages of the acquisition, specifically to seek input from the marketplace on the feasibility of using, and assistance in developing, performance-based requirements and determination of small business set-asides.
- Issue Requests for Information and Sources Sought notices as part of market research efforts. Additionally, giving industry feedback/responses to the information reviewed and any questions asked.
- Take proactive measures to include and ensure that small, veteran-owned, service-disabled veteran-owned, HUBZone, small disadvantaged, and women-owned small businesses are included in market research and acquisition activities to the maximum extent practicable.
- Address Organizational Conflicts of Interest (OCI) issues early in the acquisition process so potential offerors can decide whether to participate in the procurement and so contracting officers can develop acceptable OCI mitigation, neutralization, or avoidance strategies.
- Streamline order placement procedures under the fair opportunity procedures of multiple award Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts to allow maximum flexibility to communicate with industry before and during the evaluation process.

- Issue draft Requests for Proposal (RFPs) for comment by industry.
- Ensure that Statements of Work and/or evaluation criteria are as clear and unrestrictive as possible.
- Include reasonable proposal response times.
- Utilize alpha contracting methodologies, when appropriate.

Identification of Potential Barriers

DIA will continue to build on its success engaging with industry and reducing barriers to industry involvement, recognizing that partnering with industry is a critical component to successfully meeting the challenges associated with supporting DIA and the Defense Intelligence Enterprise. To effectively partner with industry, DIA must overcome internal and external barriers that exist in the Federal marketplace. Examples of these barriers may include:

- Overly restrictive statements of work (SOWs) and/or evaluation criteria.
- Vendor restriction to accessing opportunities publicized in solicitation announcement systems.
- Difficulty with maintaining lines of communications with small businesses and subgroups of small businesses.
- Difficulty with involving vendors that the Agency has not worked with in the past in responding to solicitations.
- Short proposal response times.
- Insufficient market research.

Reducing Barriers Through DIA Initiatives

DIA works to reduce barriers and promote vendor engagement throughout the organization and through partnerships with other defense and Federal agencies, including the Small Business Administration, members of the Intelligence Community, Defense Agencies, and the National Aeronautics and Space Administration, the General Services Administration, vendor and industry associations. Many initiatives are already in place and have been working effectively. Examples of these on-going initiatives include:

- Introductory sessions through DIA's Office of Small Business (*smallbusiness@dodis.mil*).
- Identification of areas of interest on the DIA website through submission of white papers using the NeedipeDIA gateway. <https://www.dia.mil/Business/Needipedia/>.
- Annual Agency Acquisition Forecasts to Industry.

Reducing Barriers Through Competition Advocates

DIA further promotes a culture of openness by partnering with industry during the acquisition process and by encouraging competition across DIA by working with requirements managers, contracting officers, acquisition teams, and the small business office to promote competition throughout the Agency. This network supports the utilization of competitive procedures to the greatest extent possible, adhering to the Competition in Contracting Act (CICA) requirements and discharging the duties of competition advocates as described in the FAR.

Reducing Barriers Through E-Government (E-Gov) Initiatives

DIA supports OMB's E-Gov initiatives of using Internet-based technologies to simplify interactions between the citizenry, businesses, and the Federal government, which save taxpayer dollars and streamline citizen/industry participation. DIA uses the GSA-managed E-Gov initiative Integrated Acquisition Environment (IAE) as one tool of reference for obtaining information about business partner organizations (e.g., banking, certifications, business types, capabilities, and performance). Use of IAE common functions and services allows agencies to focus on agency-specific needs, such as strategy, operations, and management, while leveraging shared services for common functions. Use of a government-wide, business-focused service environment reduces the need for additional funding and resources for technical services and support for acquisition systems originally housed by individual agencies.

Elements of *IAE systems/Acquisition.gov* include:

IAE System	Description
System for Award Management (SAM)	SAM is the single point-of-entry for posting solicitations over \$25,000, allowing commercial business suppliers to search, monitor, and retrieve opportunities in Federal government markets.
SAM-Central Contractor Registration (CCR)	Vendors wanting to do business with the Government are required to register in CCR and revalidate annually. This provides payment information, validates Small Business Administration certifications as small, disadvantaged, 8(a), HUBZone, Veteran-owned, or woman-owned businesses, calculates business size, and validates taxpayer IDs with the Internal Revenue Service.
SAM-Online Representations and Certifications Application (ORCA)	ORCA is a web-based application that allows vendors to enter representations and certifications once for use on all Federal contracts. Vendors update these representations and certifications annually.
SAM-Excluded Parties List System (EPLS)	EPSL is a web-based system that identifies parties excluded from receiving Federal contracts and certain subcontracts. Also identified are individuals excluded from certain types of Federal financial and non-financial assistance, including benefits.
Contractor Past Performance Assessment Reporting System (CPARS)	CPARS is a web-enabled government-wide system that allows government officials and contractors/financial assistance recipients to access and review past performance and integrity.
Intelligence Community Electronic Subcontracting Reporting System (IC eSRS)	IC eSRS is designed for prime contractors to report accomplishments toward subcontracting goals required by their contracts.
Wage Determination On-Line (WDOL)	WDOL is a government website that makes Service Contract Act (SCA) and Davis-Bacon Act (DBA) wage determinations easily accessible by the contracting community.

Publications of Engagement Events

DIA acquisition officials publicize all vendor engagement events, including industry days, small business outreach sessions, pre-solicitation conferences, pre-proposal conferences, and solicitation question and answer sessions. These publications will be posted and updated regularly using the existing "special notices" function at www.sam.gov, leveraging the National Reconnaissance Office ACE or National Security Agency ARC and/or using other means as identified by the Agency.

Increasing Vendor Input During the Pre-Award Phases of Acquisitions

Communicating early in the acquisition process with potential offerors enhances DIA's ability to procure quality supplies and services for mission partners more efficiently and to promote more competition. While DIA does not define a minimum dollar threshold for including comprehensive vendor engagement during the acquisition process, DIA's acquisition professionals are encouraged to engage industry for a wide range of procurement types and sizes, especially for:

- Procurements with new requirements.
- Procurements that received limited responses to previous solicitations.
- High-risk procurements.
- Complex and large-scale procurements.
- Re-competitions.

As stated above, DIA holds industry days, pre-solicitation conferences, and/or pre-proposal conferences, as necessary, and allows for reasonable engagement with vendors. DIA contracting officers will assess vendor communication needs during acquisition planning and will identify and plan for the following, as applicable:

- Issuing a Sources Sought Notice.
- Issuing a Request for Information (RFI).
- Holding Industry Days and Pre-Solicitation and/or Pre-Proposal Conferences.
- Issuing a draft Request for Proposal (RFP) or draft Statement of Objectives (SOO).
- Allowing for a reasonable amount of one-on-one engagements with vendors.
- Allowing an appropriate amount of time for discussions with vendors during the proposal evaluation process (in accordance with FAR Part 15).

Vendor communication is encouraged below the Simplified Acquisition Threshold (SAT). Advance planning provides DIA with flexibility to raise and resolve important issues and to avoid allowing timing constraints from dissuading contracting officers from engaging in vendor discussions when those discussions will benefit DIA and our mission partners.

Communications with vendors will be conducted in a courteous and cohesive manner that honors procurement integrity rules while capitalizing on the value of frequent and useful dialogue with industry. Internally, the requirements owners and the contracting team will collaborate with the Office of General Counsel (OGC) to provide guidance, as needed, regarding the appropriateness and extent of Agency opportunities with vendors to provide proper, clear, and consistent communication.

Description of Roles and Responsibilities of Key Personnel and Organizations

As previously stated, the FAR allows for many opportunities for vendor communication. In addition to FAR 15.201, which encourages exchanges between the Government and interested parties, FAR 10.002(b)(2) lists techniques for conducting market research, such as:

- Contacting knowledgeable individuals in government and industry regarding market capabilities to meet requirements.
- Reviewing the results of recent market research undertaken to meet similar or identical requirements.
- Publishing formal requests for information in appropriate technical or scientific journals or business publications.
- Querying the government-wide database of contracts and other procurement requirements intended for use by multiple agencies available at www.contractdirectory.gov/contractdirectory/ and other government and commercial databases that provide information relevant to agency acquisitions.
- Participating in interactive, online communication among industry, acquisition personnel, and customers, obtaining source lists of similar items from other contracting activities or agencies, trade associations, or other sources.
- Reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers or available online.
- Conducting interchange meetings or holding conferences to involve potential offerors early in the acquisition process.

Continued effective execution of DIA's ongoing initiatives to encourage vendor engagement throughout the acquisition process requires a clear understanding of the roles and responsibilities of the stakeholders involved in the process. The day-to-day roles and responsibilities of acquisition personnel are often documented and are tailored to specific activities and requirements. The documented roles and responsibilities address various acquisition activities that involve vendor engagement.

The roles and responsibilities for the stakeholders involved in DIA's vendor engagement efforts are:

Stakeholder	Vendor Communication Roles and Responsibilities
SAE	<ul style="list-style-type: none"> ● Acts as DIA Champion and Senior Agency Official responsible for promoting vendor engagement. ● Sets DIA's vision for reducing barriers and promoting vendor engagement. ● Provides feedback on the effectiveness of efforts to encourage industry engagement throughout DIA.
Contracting Officers/ Contract Specialists	<ul style="list-style-type: none"> ● DIA officers with the authority to enter into, administer, and terminate contracts and make related determinations and findings. ● Document the methods for engaging with industry in acquisition planning. ● Participate in vendor engagement and outreach initiatives. ● Establish the timing, frequency, and degree of vendor engagement (e.g., industry days and pre-solicitation conferences). ● Recommend communication methods to the acquisition team. ● Post procurement opportunities on acquisition publication sites such as <i>SAM.gov</i>, <i>ARC</i>, and <i>ACE</i>. ● Set expectations for Program/Portfolio Managers, Contracting Officer Representatives, and Requirements Managers for their vendor engagement efforts.
Program/Portfolio Managers	<ul style="list-style-type: none"> ● Confer with the Contracting Officer early in the acquisition process and inform the Contracting Officer about the level of vendor engagement needed to help with effectively conducting market research. ● Evaluate expected level of competition, assess the need for introducing new entrants to the market, and make recommendations to the Contracting Officer. ● Keep the Contracting Officer informed of vendor engagement activities. ● Share lessons learned and participate in collaboration and outreach initiatives.
Contracting Officer's Representatives	<ul style="list-style-type: none"> ● Identify ways to improve vendor communication, understanding, and compliance with contract requirements after award. ● Keep the Contracting Officer informed of vendor engagement activities. ● Remain cautious not to allow communications with the vendor to evolve into unwarranted changes to the contract, which could cost money and time. ● Share lessons learned and participate in collaboration and outreach initiatives.

Stakeholder	Vendor Communication Roles and Responsibilities
Office of Small Business Programs	<ul style="list-style-type: none"> ● Regularly reviews market research provided by Program/Portfolio Managers to ensure small business concerns are considered as part of the acquisition strategy. ● Provide outreach opportunities for small businesses and advocates for the use of small business concerns, where appropriate, in the performance of DIA acquisitions.
Office of the General Counsel	<ul style="list-style-type: none"> ● Encourages vendor communications to the maximum extent practicable. ● Advises the Contracting Officer and the acquisition team on appropriate vendor communications. ● Provides legal advice as required by statute, regulation, policy, or upon request. ● Addresses vendor communications in annual ethics training. ● Provides clear guidance on permissible and prohibited vendor engagement activities.
Office of Corporate Communications	<ul style="list-style-type: none"> ● Provides public affairs, communications strategy, and communications with Congress, as required. ● Works with the acquisition team to announce contract awards to the public and Congress.
Competition Advocate	<ul style="list-style-type: none"> ● Responsible for promoting the acquisition of commercial items, promoting full and open competition. ● Challenges requirements that are not states in terms of functions to be performed, performance required, or essential physical characteristics. ● Challenges barriers to the acquisition of commercial items and full and open competition. ● Reviews complaints from contractors and ensure they are afforded a fair opportunity.
Industry	<ul style="list-style-type: none"> ● Participate in DIA-sponsored outreach activities. ● Provides current market information and contributes to collaboration sites to assist DIA with defining solicitation requirements and developing acquisition strategies. ● Provides feedback on the effectiveness of DIA vendor engagement initiatives.

An acquisition professional consults all participants in the acquisition process throughout the acquisition's life cycle. The team may be an informal group or a formal Integrated Product (or Process) Team (IPT). Depending on the phase in the life cycle, an acquisition team may include the following members:

- Program/Portfolio Manager.
- Contracting Officer/Contract Specialist.
- Acquisition Business Manager.
- Requirements Manager.
- Contracting Officer's Representative.
- Property Administrator.

Proper Guidelines for Communication with Industry— Understanding the DOs and DON'Ts

DIA officers will operate in accordance with the DOs and DON'Ts governing vendor communication. To that end, they may be guided by the information in the table below as well as the resources and guidelines that follow it.

DO	DON'T
Treat all vendors and potential vendors fairly and impartially.	Continue communication with industry once an RFP has been released (with the exception of the Contracting Officer).
Conduct business with integrity, fairness, and openness. Each officer must reflect integrity, fairness, and openness. This concept follows throughout the entire acquisition life cycle.	Exchange with industry and potential vendors without the permission of the Contracting Officer after agency needs are established and requirements satisfying those needs as developed.
Post responses for solicitation questions received to <i>SAM.gov</i> , the ACE, and/or the ARC to ensure all vendors are receiving the same information—vital during one-on-ones, particularly when a solicitation is open and before proposals are due, ensuring all vendors receive the same information.	Hesitate to contact the Office of General Counsel (OGC) if you have questions or concerns related to ethical conduct or procurement integrity.
Always prepare and follow a meeting agenda. Document the results and findings of meetings. Mark document appropriately and limit distribution if it contains proprietary data.	Blindly attend and/or schedule meetings. Don't allow meetings or agendas to go uncontrolled.
Avoid unauthorized commitments. As the Government's representative, ensure you are not entering into any binding agreements outside of your role. End each meeting with the statement: "Nothing discussed in this meeting authorizes you to work, start work, or bill for any work. Any understanding on your part to the contrary is not valid."	Discuss source selection information before, during, or after a source selection decision has been made and/or a contract has been awarded.
Establish a fair, even, transparent, consistent, and repeatable process for engagement with industry.	Meet individually with vendors who appear to have a capability to fulfill a need without using a fair and impartial process and meeting with all potential vendors for that need.

Original Myths 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 (reference 5) citing applicable sections of the FAR.

Subject to sound business judgment and statutory limitations on the government's ability to exchange information, officers 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 require fair and even treatment. A list of the primary statutes and related principles governing exchanges of information are provided in reference 15.

Acquisition regulations and policies provide guidance on the exchange, marking, treatment, and protection of information. The FAR may be accessed at <https://www.acquisition.gov/far/>.

OMB’s Original Myths and Facts

Myths	Facts
1. We can’t meet one-on-one with a potential offeror.	1. Government officials can generally meet one-on-one with potential offerors as long as no vendor receives preferential treatment.
2. Since communication with contractors is like communication with registered lobbyists, and since contact with lobbyists must be disclosed, additional communication with contractors will involve a substantial additional disclosure burden, so we should avoid these meetings.	2. Disclosure is required only in certain circumstances, such as for meetings with registered lobbyists. Many contractors do not fall into this category, and even when disclosure is required, it is normally a minimal burden that should not prevent a useful meeting from taking place.
3. A protest is something to be avoided at all costs—even if it means the Government limits conversation with industry.	3. Restricting communication won’t prevent a protest, and limiting communication might actually increase the chances of a protest, in addition to depriving the Government of potentially useful information.
4. Industry days and similar events attended by multiple vendors are of low value to industry and the Government because industry won’t provide useful information in front of competitors and because the Government won’t release new information.	4. Well-organized industry days, as well as pre-solicitation and pre-proposal conferences, are valuable opportunities for the Government and for potential vendors—both prime contractors and subcontractors, many of whom are small businesses.
5. The program manager has already talked to industry to develop technical requirements, so the contracting officer doesn’t need to do anything else before issuing a Request for Proposals (RFP).	5. Technical requirements are only part of the acquisition, getting feedback on terms and conditions, pricing structure, performance metrics, evaluation criteria, and contract administration will improve the award and implementation process.
6. Giving industry only a few days to respond to an RFP is okay since the Government has been talking to industry about the procurement for over a year.	6. Providing only short response times may result in the Government receiving fewer proposals, and the ones received may not be as well-developed, which can lead to a flawed contract. This approach also signals that the Government isn’t really interested in competition.

Myths	Facts
7. Getting broad participation by many different vendors is too difficult; we're better off dealing with established companies we know.	7. The Government loses when we limit ourselves to the companies we already work with. Instead, we need to look for opportunities to increase competition and ensure that all vendors, including small businesses, get fair consideration.
8. Conducting discussions/negotiations after receipt of proposals will add too much time to the schedule.	8. Whether discussions should be conducted is a key decision for contracting officers to make. Avoiding discussions solely because of schedule concerns may be counterproductive and may cause delays and other problems during performance.
9. If the Government meets with vendors that may cause them to submit an unsolicited proposal and that will delay the procurement process.	9. Submission of an unsolicited proposal should not affect the schedule. Generally, the unsolicited proposal process is separate from the process for a known agency requirement that can be acquired using competitive methods.
10. When the Government awards a task or delivery order using the Federal Supply Schedules, debriefing the offerors isn't required and shouldn't be done.	10. Providing feedback is important, both for offerors and the Government, so agencies should generally provide feedback whenever possible.

Appendix A. Myth-Busters–Communications With Industry

- 1. Myth:** DoD officials should never hold individual meetings with a defense contractor.
Fact: DoD officials may hold individual meetings with a defense contractor. However, officials should take into account several factors, including the topic(s) to be discussed, whether the official is willing and able to hold such meetings with all similarly situated entities, any pending matters involving the contractor (procurements, claims, audits, etc.), and any other factors that might give rise to an appearance of impropriety. In fact, there may be situations where an individual meeting with a contractor is to DoD's advantage or necessary to further DoD's mission, such as where a company's proprietary information is necessary to an overall understanding of industry status and capabilities. Of course, group meetings, such as "industry days," are always a safe bet if an individual meeting isn't needed.
- 2. Myth:** Outside of communications required as part of the procurement process or contract administration matters, only senior leaders should meet with members of industry.
Fact: While there certainly may be occasions where a senior leader needs to meet with industry representatives, it is always best to ensure that meetings are held at the lowest appropriate level relative to the purpose of the meeting and that any interactions that occur are held in accordance with consistent, fair, repeatable, and transparent processes for such engagements. This practice helps to avoid any appearance of "special access" or "favoritism," as well as negating any perception that the boss favors a particular entity. Having your contracting officer or contract specialist participate in meetings with industry may be beneficial even before agency needs are established so that vendors do not make assumptions about future needs that do not align with the final requirement being procured. Additionally, when senior leaders meet with industry, they should consider having appropriate members of their staff present, particularly if there is an ongoing procurement or other sensitive matter. If agency needs are established and requirements to satisfy those needs have been developed, no exchange with industry and potential vendor should take place without the permission and presence of the contracting officer or contract specialist. Staff can provide valuable input and backup to assist in mitigating procurement integrity, litigation, or other risks.
- 3. Myth:** Industry does not have ethics rules of their own.
Fact: Many companies not only have their own ethics policies but may actually have more stringent restrictions with significant penalties. While government ethics rules are applicable only to government personnel, contractors may have their own set of ethics rules that govern their interactions with customers, to include their government clients. Additionally, since many industry personnel are "at will" employees, they may be subject to immediate termination for violations.

4. **Myth:** Industry's interests are diametrically opposed to the government's interests.
Fact: While this statement may be true at times (for example, where the Government is engaged in litigation with a contractor), it is not universally true. Generally, both parties have an interest in successful contract execution for mission success. Appropriate communications that are frequent and meaningful are key to reaching that mutual goal and can significantly reduce the misunderstandings and miscommunications that lead to adversarial relationships and proceedings.
5. **Myth:** Industry is more risk tolerant than the Government.
Fact: Companies do not want negative media or Congressional attention any more than Government agencies do. Publicly traded companies are particularly sensitive to the potential for negative coverage to impact stock prices and must answer to shareholders and boards of directors when mishaps occur. Of course, for both industry and the Government, there may be individual personnel who intentionally or inadvertently cause issues. However, the impact that these individuals have can be mitigated, or even eliminated, with proper training and clear communication of expectations (both internally from leadership and externally between government and industry personnel leaders). By keeping appropriate lines of communication open, we can facilitate or mutual interests in avoiding potential issues and maintaining public trust.
6. **Myth:** I'm just meeting with my old buddy "MG (ret.) Smith" who happens to work for a major defense contractor, so I don't need to worry about ethics or procurement integrity issues.
Fact: This myth can cut both ways, and it's all about the details. Of course, you may meet with your old friends, even if they work for defense contractors. But, depending on your position/participation in relation to the work performed by the contractor, there may be appearance or impartiality issues. Obtaining information about the intent of the meeting beforehand is important. The first step is to consider whether the meeting really is purely social:
- What will you be discussing? If, for example, it's the kids and grandkids—no problem. If it's his company's contract or capabilities, then it's probably not a personal meeting.
 - Where are you meeting? If it's at the office on official time, it's probably not a personal meeting. If it's at a home or social establishment on personal time, then it's more likely a personal meeting.
 - If you are going out, who is paying? If his company is paying or reimbursing, then it's not personal.
 - Conversely, what about the retired GO/FO who used to be your boss, not your buddy? What if he calls and wants to meet now that he works for a major defense contractor? Depending on his post-employment restrictions, this may be a problem. You should contact your ethics office to determine what restrictions may be in effect.

7. **Myth:** The Secretary's message to "play the ethical midfield" restricts my ability to engage in frequent communication with industry.

Fact: DoD policy is that personnel can and should engage in communication with industry. However, the policy clearly states that such communications should be fair, even, and transparent and conducted in an appropriate manner, taking into consideration applicable ethics and procurement laws and regulations. This requires that personnel maintain awareness of what is and is not appropriate to ensure that lack of knowledge is not causing them to unnecessarily restrict communications, on the one hand, or to engage in inappropriate communications, on the other hand. In other words, personnel should find that midfield between not communicating due to fear of a misstep and inappropriately communicating due to a lack of knowledge.

8. **Myth:** Releasing of authorized legally releasable information of commercial value should be done only to companies with which we have done business in the past and who we know are able to meet our requirements.

Fact: Legally releasable information should be shared as broadly as practicable. If you share with one member of industry, you must share it with all. When releasing information, be careful that the information being released does not include information that is proprietary to one vendor without consent.

APPENDIX B. Definitions

Contracting Officer (KO): Appointed in writing by the Head of the Contracting Activity and includes clear delineation of the limits of the authority of the appointment.

Contracting Officer's Representative (COR): An individual designated and authorized in writing by the contracting officer to perform specific technical or administrative functions.

Gifts: Receiving something of value from a representative of a company that holds or is seeking a government contract and creating the appearance that the company is trying to gain favor or advantage in the competition.

Interagency Acquisition: A procedure by which an agency needing supplies or services obtains them from another agency by an assisted acquisition or a direct acquisition; the term includes Acquisitions under the Economy Act (31 U.S.C. § 1535) and Non-Economy Act acquisitions completed under other statutory authorities (e.g., General Services Administration Federal Supply Schedules in subpart 8.4 and government-wide acquisition contracts (GWACs)).

Industry Conference: A gathering of professionals from a particular industry or organization to discuss and share knowledge about the latest trends, technologies, and best practices and provide an opportunity for attendees to network with peers, learn from experts, and gain insights into the latest developments in their industry.

Industry Day: An event held by a government agency to present plans for future acquisitions and procurements to industry representatives; it provides an opportunity for the Government to express future agency needs, either related to a single procurement or for multiple projected procurements anticipated for a six- to twelve-month period.

Market Research: Collecting and analyzing information about capabilities within the market to satisfy agency needs.

Organizational Conflict of Interest: Because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

Performance Work Statement: A statement of work for performance-based acquisitions that describes the required results in clear, specific, and objective terms with measurable outcomes.

Pre-Proposal Conference: A meeting that may be held by the government agency that is soliciting proposals after the solicitation has been issued, but before the deadline for submitting proposals for a contract, to provide information about the contract, answer questions from potential offerors, and clarify any ambiguities in the solicitation document.

Pre-Solicitation Conference: A meeting held with potential vendors prior to a formal solicitation to discuss technical and other problems connected with a proposed procurement; also used to elicit the interest of prospective vendors in pursuing the contract.

Protest: A challenge to the award or proposed award of a contract for the procurement of good and/or services or a challenge to the terms of a solicitation for such a contract.

Request for Information (RFI): Early exchanges of information about future acquisitions among industry and the program manager, contracting officer, and other participants in the acquisition process to help identify and resolve concerns regarding the acquisition strategy, requirement feasibility, and contract type, as necessary.

Request for Proposals (RFP): Used in negotiated acquisitions to communicate government requirements to prospective contractors and to solicit proposals.

Sources Sought: A notice used by Federal agencies to solicit interest in a project under consideration by that agency that are released to industry early in the procurement process and before any solicitation is issued; these notices are useful to the agency as market research, by determining the availability of contractors to perform the project, and are useful to the contractors as any responses received may influence the terms by which the agency defines the requirements of the project.

Statement of Objectives: A government-prepared document incorporated into the solicitation that states the overall performance objectives when the Government intends to provide the maximum flexibility to each offeror to propose an innovative approach.

Statement of Work: A government-prepared document incorporated into the solicitation and contract that states the specific tasks to be performed.

Unauthorized Commitment: Obligations created by an officer other than a designated Contracting Officer that will require a determination process to be conducted for a determination on whether or not it can be ratified.

Unsolicited Proposal: Submission of new, novel, or innovative ideas outside any identified government requirement.

APPENDIX C. Salient Points of Applicable Laws

The following are statutory and regulatory limitations on communicating with any non-federal entity, to include members of the defense industrial base:

- Conflict of Interest (18 U.S.C. § 208)
 - **Law:** Government officials may not participate personally and substantially in a particular matter that will have a direct and predictable effect on their financial interests or those of their spouses, minor children, general business partners, or prospective employers.
 - **Communications Impact:** Personnel should not participate in meetings or other exchanges where the topics include matters that will impact the finances of a company in which they have an actual or imputed financial interest.
 - **Allowed:** Participation in general discussions about policies, programs, and capabilities, particularly where multiple vendors are present.
 - **Prohibited:** Participation in discussions about a specific contract involving the entity whose interests are imputed to the employee or matters having a financial impact on a narrow class of entities, of which the conflicting entity is one.
- Procurement Integrity (41 U.S.C. § 2102 and 48 C.F.R. § 3.104-4)
 - **Law:** Government officials shall not knowingly disclose contractor bid or proposal information or source selection information.
 - **Communications Impact:** Personnel should not discuss matters relating to ongoing procurements without proper authority and should never discuss offeror bid/proposal data or source selection information with anyone outside of the procurement team.
 - **Allowed:** Any communication permitted or required by the FAR, such as clarifications, discussions, negotiations, and debriefing information, when conducted under the oversight of a contracting officer. Discussion of public information, such as information contained in any solicitation or other posted documents, information provided to the media, or information announced in relation to prior contract awards.
 - **Prohibited:** Sharing a bidder's/offeror's proposed approach, proprietary data, or other non-public information about methodology or business.
- Trade Secrets Act (18 U.S.C. § 1905)

Government officials may not disclose trade secrets or other proprietary information (which includes processes, operations, style of work, or apparatus, as well as the identity, confidential statistical data, and amount or source of any income, profits, losses, or expenditures) unless authorized to do so by law. Such legal authority is rare.

- Federal Advisory Committee Act (5 U.S.C. App. 2) "FACA"
 - **Law:** Government officials must comply with the FACA when seeking collective advice or

recommendations from a group that includes persons who are not on active military duty or are not full-time or permanent part-time Federal officers or employees.

- **Communications Impact:** This does not apply to any group that meets with a federal official(s), including a public meeting, where advice is sought from the attendees on an individual basis and not from the group as a whole. It also does not apply to any group that meets with a Federal official(s) for the purpose of exchanging facts or information.
- **Allowed:** FACA does not apply to meetings or discussions held for purposes of obtaining individual recommendations from the attendees (e.g., the group is not providing collective advice or recommendations). It also would not apply where the Government is seeking to exchange or obtain factual information (e.g., an industry day discussing capabilities or new initiatives).
- **Prohibited:** FACA would apply to a meeting or discussion where the assembled non-Federal participants are requested to develop and provide advice or recommendations as a group.
- **Impartiality (5 C.F.R. § 2635.101 and § 2635.501-503)**
 - **Law:** Employees shall act impartially and not give preferential treatment to any private organization or individual. Employees should not participate in particular matters where the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality.
 - **Communications Impact:** In deciding whether to meet with industry, officials should consider whether they are able and willing to meet with all similarly situated parties in the same manner. Officials should also consider whether the circumstances and their own personal and business relationships would cause the public to question their impartiality.
 - **Allowed:** Meeting with suppliers of a particular product type to determine whether industry has the productive capability to meet anticipated requirements but limiting the invitees to those with existing high volume production lines.
 - **Not Recommended:** Meeting with only a single supplier in an industry where there are three or four suppliers of equivalent capability and experience to discuss that same production capability.
 - **Prohibited:** Meeting only with the incumbent contractor to discuss requirements for the follow-on contract.
- **Use of Nonpublic Information (5 C.F.R. § 2635.501-703)**
 - Employees shall not use or allow the use of nonpublic information to further any private interest, whether through advice or recommendation or by knowing unauthorized disclosure.
- **Basic Obligations of Public Service (5 C.F.R. § 2635.101)**

- **Rule:** Employees shall respect and adhere to the general principles of ethical conduct.
- **Communications Impact:** In deciding whether to meet with industry, as in all times, officials must comply with the standards of conduct required of Federal employees. Additionally, if the conduct is not addressed specifically in the general principles, officials should be mindful that their actions do not create the appearance that they are violating a law or ethical standards.
- **Allowed/Prohibited:** Some of the general principles of ethics that are most directly applicable to engagement with industry include:
 - Not soliciting or accepting a gift or other item of value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the agency or whose interests may be substantially affected by the performance or nonperformance of the official's duties.
 - Not using public office for private gain.
 - Acting impartially and not giving preferential treatment to any private organization or individual.
 - Adhering to laws and regulations that provide equal opportunity for all.

Appendix D. Acronyms

Abbreviation	Definition
ACE	Acquisition Center of Excellence
ARC	Acquisition Resource Center
CCR	Central Contractor Registration
CICA	Competition in Contracting Act
COR	Contracting Officer's Representative
CPARS	Contractor Performance Assessment Reporting System
DBA	Davis-Bacon Act
DSAE	Deputy Senior Acquisition Executive
ESRS	Electronic Subcontracting Reporting System
EPLS	Excluded Parties List System
FAR	Federal Acquisition Regulation
GWAC	Government-Wide Acquisition Contract
HCA	Head of the Contracting Activity
IAE	Integrated Acquisition Environment
ID/IQ	Indefinite Delivery/Indefinite Quantity
IPT	Integrated Product Team
KO	Contracting Officer
OCC	Office of Corporate Communications
OCI	Organizational Conflicts of Interest
OFPP	Office of Federal Procurement Policy
OGC	Office of the General Counsel
OMB	Office of Management and Budget
ORCA	Representations and Certifications Application
RFI	Request for Information
RFP	Request for Proposals
SAE	Senior Acquisition Executive
SAM	System for Award Management
SAT	Simplified Acquisition Threshold
SCA	Service Contract Act
SOO	Statement of Objective
SOW	Overly Restrictive Statements of Work
WDOL	Wage Determination On-Line

Appendix E. References and Resources

1. DoD Vendor Communication Plan.
2. DepSecDef Memo, Policy for Communication with Industry, June 21, 2010.
3. Federal Acquisition Regulation Part 15.201: Exchanges with Industry Before Receipt of Proposals–<https://www.acquisition.gov/far/index.html>
4. Federal Acquisition Regulation Part 10.002(b)(2): Market Research Procedures–<https://www.acquisition.gov/far/index.html>
5. “Myth Busting”: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process, February 2, 2011–<https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/Myth-Busting.pdf>
6. “Myth Busting 2”: Addressing Misconceptions and Further Improving Communication During the Acquisition Process, May 7, 2012–<https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/myth-busting-2-addressing-misconceptions-and-further-improving-communication-during-the-acquisition-process.pdf>
7. Myth Busting 3”: Further Improving Industry Communication with Effective Debriefings, January 5, 2017–<https://obamawhitehouse.archives.gov/sites/default/files/omb/memo/myth-busting-3-further-improving-industry-communications-with-effective-debriefings.pdf>
8. “Myth Busting 4”: Strengthening Engagement with Industry Partners through Innovative Business Practices, April 30, 2019–[https://www.whitehouse.gov/wp-content/uploads/2019/05/SIGNED-Myth-Busting-4-Strengthening-Engagement-with-Industry-Partners-through-Innovative Business-Practices.pdf](https://www.whitehouse.gov/wp-content/uploads/2019/05/SIGNED-Myth-Busting-4-Strengthening-Engagement-with-Industry-Partners-through-Innovative-Business-Practices.pdf)
9. DIA Guidance for One-on-One Communication.
10. Conflict of Interest Prohibition (18 U.S.C. § 208: Acts Affecting a Personal Financial Interest).
11. Procurement Integrity Act (41 U.S.C. §Section 423: Procurement Integrity).
12. Competition in Contracting Act (10 U.S.C. § 2304: Contracts: Competition Requirements).
13. Trade Secrets Act (18 U.S.C. § 1905: Disclosure of Confidential Information Generally).
14. Federal Advisory Committee Act (5 U.S.C. App. 2: Purpose and Establishment of Offices of Inspector General; Departments and Agencies Involved).
15. Basic Obligations of Public Service (5. C.F.R. § 2635.101): The 14 General Principles of Ethical Conduct).
16. Deputy Secretary of Defense Memo on Engaging with Industry, Enclosure 1, March 2, 2018.

