

February 2012

Lee Lofthus, Chief Acquisition Officer Michael Allen, Senior Procurement Executive

#### **Department of Justice Vendor Communication Policy Statement**

The Department of Justice (DOJ) spent over \$7 billion on contracts and orders for goods and services in fiscal year 2011. This procurement volume presents an opportunity to leverage information gathered from industry sources to increase competition, improve program outcomes, and to maximize the use of small businesses in our acquisitions. Further, the DOJ acquisition community has an obligation to conduct procurements in the most effective, responsible, and efficient manner possible.

Our industry partners are often the best source of market information, so I support and encourage productive interactions between industry partners and DOJ staff. Such interactions will facilitate a clear understanding of the marketplace, and result in effective solutions at a reasonable price.

The attached vendor communication plan outlines my vision for robust engagements, and the Myth-Busting pamphlet dispels some commonly held myths about interacting with vendors. When done correctly, vendor communications can improve our procurement outcomes and provide cost savings to the DOJ, and broaden our supplier base. I encourage the DOJ acquisition community to use all authorized opportunities for vendor communication.

As the DOJ Chief Acquisition Officer, I am committed to reducing unnecessary barriers to competition, publicizing procurement opportunities, and prioritizing engagement opportunities for high-risk and complex programs., I welcome your support in carrying out the DOJ vendor communication plan.

Lee Lofthus

**DOJ Chief Acquisition Officer** 

#### Attachments:

- 1. DOJ Vendor Communication Plan
- 2. Vendor Communication Myths Busted (pamphlet)
- 3. Roles and Responsibilities of the Government Team for Improving Vendor Communication

Attachment 1

#### Introduction

The Department of Justice (DOJ) spent over \$7 billion in fiscal year 2011 on contracts for goods and services in support of its mission. Access to current market information is critical for agency program managers as they define requirements and identify sources; and to contracting officers as they develop acquisition strategies, seek opportunities for small business, and negotiate contract terms. Industry partners are the best source of this information; therefore, the federal government is encouraged to have productive interactions to gain a clear understanding of the marketplace and award premium contracts. Further, the DOJ acquisition community has an obligation to conduct procurements in the most effective, responsible, and efficient manner possible.

#### **Purpose**

The purpose of this Vendor Communication Plan is to promote collaborative communication between program offices, acquisition offices and industry partners. By providing information on solutions, strategies and success stories, all stakeholders can become more empowered to support vendor communication.

#### **Applicability**

This plan applies to acquisitions of a high dollar value or high-risk, complex programs, Exhibit 300 information technology systems; and procurements for re-competition that need to attract new entrants to ensure adequate competition.

#### **Authority**

Federal Acquisition Regulation (FAR) 10.000 and Office of Management and Budget's memorandum dated February 2, 2011 entitled, "Myth-Busting - Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process."

#### 1) Statement of Department Commitment

The primary objective of the Department of Justice's (DOJ) vendor communication efforts is to ensure the satisfaction of customer requirements while obtaining the best possible price, schedule, and performance under the fairest market conditions. The transparency afforded by clear, concise, and open communication with industry potentially translates to better competition and therefore competitive pricing, greater inclusion of small businesses, better performance, and resolution of misunderstandings earlier in the procurement process.

The Department of Justice and all of its Bureaus, and Offices, Boards and Divisions (OBDs) are committed to –

- Communicating early, frequently, and constructively with industry in the conduct of fair and open business opportunities -
  - DOJ will engage industry as soon as practicable; review advance procurement plans and forecasts annually for opportunities to engage industry;
- Including small businesses and subgroups of small businesses in communications with industry -
  - DOJ will engage the small business sector, and when appropriate, set aside and/or reserve procurements for small businesses and subgroups;
- Including vendors that DOJ has not worked with in the past -
  - DOJ will hold industry days to introduce new vendors to the federal procurement process and mechanisms by which the Department makes the vendor community aware of its requirements;
- Identifying, in our published procurement forecast, which procurements are likely to involve opportunity for additional communication with industry; and
- Protecting non-public information including vendors' confidential information and source selection information.

DOJ's commitment to these goals and this plan will ultimately improve the quality, timeliness, and cost savings of products/services acquired to fulfill the agency's mission.

#### 2) Senior Agency and Bureau Official Responsible for Promoting Vendor Engagement

The DOJ Chief Acquisition Officer has overall responsibility for direction of the Department's vendor engagement efforts, and has support from the highest management levels within the agency. However, the Chief Acquisition Officer, Senior Procurement Executive, Bureau Procurement Chiefs, Office of Small and Disadvantaged Business Utilization Director, and the various Competition Advocates throughout the Department share responsibility for ensuring the vendor communication plan is effectively executed.

Each DOJ Bureau oversees management of vendor communication with input and assistance from its Small Business representatives and Competition Advocates.

Other stakeholders involved with carrying out the plan include program offices, CORs, contracting officers, and contract specialists.

The appropriate Bureau legal counsel will be engaged as necessary in all aspects of the procurement process, including acquisition planning, market research, and the procurement itself.

#### 3) Efforts to Reduce Barriers and Promote Vendor Engagement

DOJ recognizes that an effective communication plan involves internal and external stakeholders and that vigilance is required to balance competing interests related to operational security, individual privacy, executive deliberative processes, compliance with statutes, ruling, and regulations, resource availability, and maintaining a "level playing field" environment for potential and incumbent contractors.

DOJ will take the following steps (as appropriate) to reduce barriers and promote vendor engagement:

- Distribute the vendor communication plan via a Procurement Guidance Document
- Distribute pamphlet, "Vendor Communication Myths Busted", see Attachment 1
- Incorporate the vendor communication plan in procurement training
- Post the plan on DOJ and Bureau websites
- Provide the vendor communication plan (or information to access the plan) at vendor outreach sessions
- Require contracting officers to address vendor communications in acquisition plans
- Post draft statements of work on FedBizOpps/e-Buy for industry comment
- Sponsor vendor expos (including small business only expos)
- Use FedBizOpps to conduct market research (i.e., Requests for Information, sources source, pre-solicitation conferences)
- Use market surveys
- Collect appropriate business size and socio-economic information from vendors
- Hold pre-solicitation and pre-proposal conferences
- Hold bureau industry days
- Publicize vendor engagement events through e-gov tools (i.e., FedBizOpps)
- Hold monthly small business vendor meetings
- Engage the OSDBU early in acquisition planning; include opportunities in forecasts
- Encourage early engagement of the procurement office by the Program Office
- Ensure source list of GSA FSS vendors includes the widest range of capable firms
- Conduct preproposal conferences and site visits where appropriate
- Use social media tools to announce and advertise opportunities (in accordance with <u>OMB M-10-23</u>, <u>Guidance for Agency Use of Third-Party Websites and Applications</u>, and DOJ Memo Social Media and Web 2.0)

- Provide contact information on the DOJ Website for DOJ and its Bureau contracting offices including the following:
  - 1. Full Department and Bureau Name of Procurement Activity
  - 2. Bureau Procurement Chief and Procurement Activity Management Staff (POC) Information
  - 3. Websites for Bureau acquisition offices
  - 4. Forecast Opportunities displayed on the DOJ site and the bureau acquisitions office sites
  - 5. Department Competition Advocate and OSDBU contact
  - 6. Bureau Competition Advocate and Small Business Specialist contact information
  - Schedule of Vendor Engagement Opportunities, i.e., planned vendor outreach sessions, small business conferences, pre-solicitation conferences, industry days
  - 8. Types and frequency of services and/or commodities the Department and Bureaus purchase
  - 9. DOJ Vendor Communication Plan

#### 4) Identifying Acquisitions and Opportunities for Vendor Input

During the acquisition planning phase, DOJ contracting and program staff and the OSDBU will consider opportunities for vendor engagement and address the vendor engagement strategy in the acquisition plan.

A vendor engagement strategy will be prepared for high-risk requirements. This strategy will address the type(s) of vendor engagement to occur, such as one-on-one meetings, industry days, and pre-solicitation conferences. When vendor engagement is not feasible for high-risk requirements, the contracting officer will prepare and include in the file a written statement addressing the decision. Other acquisitions that may require a vendor engagement strategy include high-dollar, high-risk, complex programs; Exhibit 300 information technology systems; and re-competes that need to attract new entrants to ensure adequate competition.

#### 5) Publication of Engagement Events

DOJ will publicize engagement events such as industry days, small business outreach sessions, and pre-solicitation conferences through the FedBizOpps, and/or OSDBU and Bureau websites. RFP questions and answers will be posted and updated regularly using the existing "special notices" function on <a href="https://www.fedbizopps.gov">www.fedbizopps.gov</a>, and through websites such as e-Buy.

#### 6) Description of Roles and Responsibilities

See Attachment #2

#### 7) Training and Awareness Efforts for Employees

DOJ will distribute this Vendor Communication Plan to its Bureaus for distribution to the appropriate acquisition professionals and program office staffs involved in Bureau acquisition

planning, and will require that each Bureau designate a point of contact for questions relating to the plan.

Training materials for acquisition professionals will include this Vendor Communication Plan.

#### 8) Links to existing policies

DOJ policy related to the vendor communication plan will be published on the CAO website at: <a href="http://www.justice.gov/jmd/pe/">http://www.justice.gov/jmd/pe/</a>

DOJ Bureaus will publish the plan on their websites, or link to it at: <a href="http://www.justice.gov/jmd/pe/">http://www.justice.gov/jmd/pe/</a>

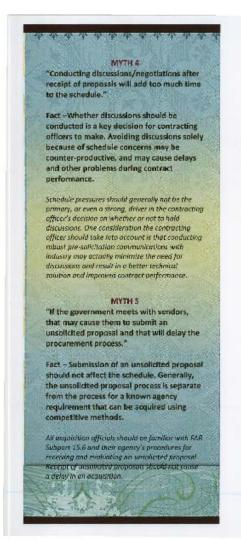
#### 9) Plans to Follow up with Employees and Industry Representatives

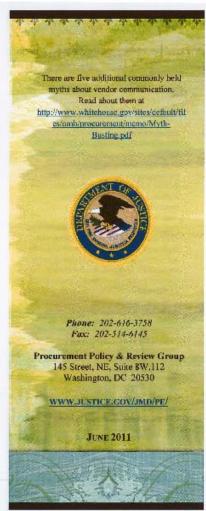
DOJ is considering including in solicitations an invitation for vendors to voluntarily submit post-award feedback regarding the effectiveness of the vendor communication strategy.

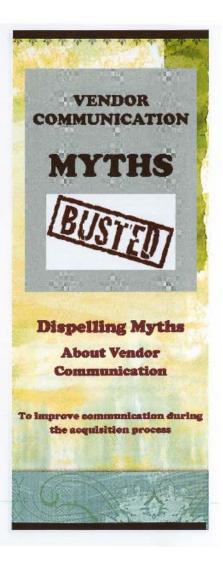
DOJ is also considering posting the plan on FedBizOpps to solicit feedback for improving the plan to better address challenges and barriers that impede vendor engagement.

#### Attachment 2

Pamphlet: "Vendor Communication Plan Myth Buster"



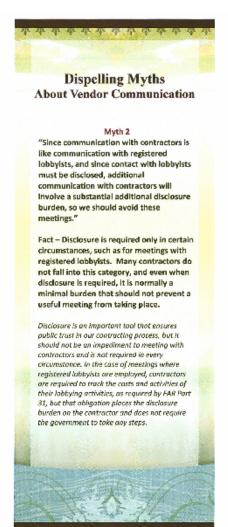


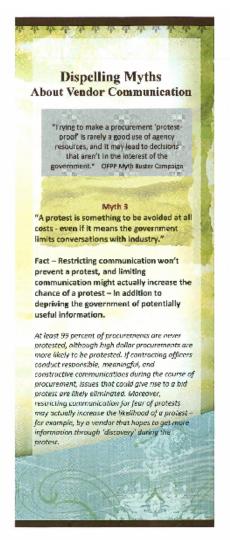


Attachment 2 (continued)

Pamphlet: "Vendor Communication Plan Myth Buster"







**Attachment 3** 

### Roles and Responsibilities of the Government Team Responsible for Improving Vendor Communication

Official	Vendor Communication Roles and Responsibilities
Contracting Officer (CO)/Contract Specialist	<ul> <li>Determine the plan - For each appropriate acquisition (especially high-risk or complex acquisitions), establish the timing, frequency, and degree of vendor engagement necessary to appropriately develop requirements, acquisition strategy, and performance metrics</li> <li>Identify means - Recommend appropriate means of communication (one-on-one meetings, vendor days, draft RFPs, teleconferences, or combination of these methods) -         <ul> <li>Consider methods that would generate new entrants to the market to increase competition</li> <li>In conjunction with the OSDBU and small business specialist to identify the best small business outreach opportunities</li> </ul> </li> </ul>
	<ul> <li>Communicate to the agency team - Set expectations with the PM (and COR if appropriate) about who will conduct vendor engagement efforts and how these sessions will be conducted         <ul> <li>Encourage the PM and COR to communicate appropriately for pre-solicitation efforts</li> <li>Be the focal point for vendor communication after the solicitation is issued</li> </ul> </li> </ul>
	<ul> <li><u>Document</u> - document the file as appropriate</li> <li><u>Knowledgeable of the agency procurement forecast</u> – the forecast is used by many small businesses to determine where</li> </ul>
	to invest bid and proposal costs  • Myth Busters – share myth buster information with program/project managers and CORs; incorporate myth buster information/guidance in COR delegation letters  • Participate in vendor engagement activities - Lead and/or
Program/Project Manager (P/PM)	<ul> <li>Confer with the CO early – As soon as a need is identified, inform the CO about the level of vendor engagement needed to help the PM and others conduct effective market research.</li> <li>Evaluate expected level of competition - Assess the need for introducing new entrants to the market and recommend to the CO ways to do so</li> <li>Notify the CO - Discuss vendor engagements activities with the CO prior to the meetings – the CO may not attend but should be aware of all communications</li> <li>Knowledgeable of the agency procurement forecast – the forecast is used by many small businesses to determine where to invest bid and proposal costs</li> <li>Research the market - to determine if there are is an adequate</li> </ul>
	number of vendors to ensure competition and consider small business sources

COR  Focus on post-award opportunities - Identify ways to improve communication after award, such as award kick-off events, vendor boards (for multiple award contracts)  Notify the CQ – keep the CO informed and document as appropriate  Be cautious – Don't let communications with the contractor evolve into constructive changes to the contract, which could cost money and time  Advise the CO and other acquisition professionals regarding their efforts to encourage communications to the maximum extent practicable to ensure communications are appropriate in terms of content, delivery methodology, etc.  Provide legal review and advice during the development of Vendor Communications Guidelines and Procedures  Provide legal advice and, to the extent feasible, participate in training acquisition professionals on appropriate vendor engagement activities  Ethics Officer  Ethics Officer  Agency Outreach POC (per MythBuster memo)  Agency Outreach POC (per MythBuster et leas to training clearly explains what is permissible – not only what is prohibited  Promote vendore engagement – this senior agency or bureau official is responsible for the agency's overall efforts to improve engagement with large and small businesses, increase awareness of the need to communicate with industry, and to seek feedback on engagements to improve the agency's outreach effort on a regular basis  Use the Community of practice – seek information and provide best practices to the acquisition Communitie	Official	Vendor Communication Roles and Responsibilities
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	CIO	
technologies, etc.) and assist the team in developing fules and		
record keeping		
Competition • Promote competition - Encourage industry outreach for sole	Competition	
Advocate source procurements		