

Department of Agriculture

Research, Education and Economics

Vendor Communication Plan

April 2016

1) Statement of Research, Education, and Economics (REE) Commitment

The purpose of the REE Vendor Communication Plan is to ensure compliance with the Department of Agriculture Vendor Communication Plan and to provide better direction to the workforce and to clarify the nature and portfolio of engagement opportunities for industry. This plan discusses how REE will reduce unnecessary barriers, publicize communication opportunities, and prioritize engagement opportunities.

While the REE acquisition workforce is not required to meet with every vendor at every step of the acquisition process, information gathered from industry sources serves as an invaluable tool in the acquisition process. In order to effectively and efficiently achieve successful program outcomes, REE encourages increased communication between agency officials and the vendor community. REE is committed to:

- Communicating early, frequently, and constructively with industry in the conduct of fair and open business opportunities;
- Including small businesses and subgroups of small businesses in communications with industry;
- Including vendors that REE has not worked with in the past;
- Identifying, in our published forecast, which procurements are likely to involve opportunity for additional communication with industry; and
- Protecting non-public information including vendors' confidential information and REE's source selection information.

In addition, as outlined in the 25 Point Implementation Plan to Reform Federal IT Management (http://www.whitehouse.gov/sites/default/files/omb/assets/egov_docs/25-point-implementation-plan-to-reform-federal-it.pdf) , REE encourages using innovative technological solutions to effectively tap the understanding of industry partners during pre-solicitation phases, such as market research.

- REE staff should consider the use of technological tools to find the right fit for each acquisition. For example, publishing a draft solicitation to solicit comments from industry.

REE's commitment to these goals and this plan will improve the quality, timeliness, and cost savings of products and services acquired to fulfill its mission. This Plan will be updated annually and we encourage REE staff, vendors, and other stakeholders to provide feedback.

2) Agency and Bureau Officials Responsible for Promoting Vendor Engagement

The Department of Agriculture chief Acquisition Officer has overall responsibility for promoting the Department's vendor engagement activities. The Senior Procurement Executive, Heads of Contracting Activities and Designees, the Office of Small and Disadvantaged Business Utilization (OSDBU), and Competition Advocates each have responsibility for ensuring the vendor communication plan is effectively executed.

Each Department of Agriculture contracting activity oversees management of vendor communication with input and assistance from their Small Business representatives and Competition Advocates.

Other stakeholders with roles and responsibilities for carrying out the plan include program offices, contracting officer's representatives (CORs), contracting officers (COs), contract specialists, and other agency officials.

3) Efforts to Reduce Barriers and Promote Vendor Engagement

REE will engage in the following activities, as appropriate, to reduce barriers and promote vendor engagement, and will publicize upcoming training and awareness events using all appropriate means:

- Widely distribute the vendor communication plan.
- Post the plan on Division website.
- Promote the vendor communication plan at industry outreach sessions.
- Require COs to address vendor communications in acquisition plans.
- Post draft statements of work on Federal Business Opportunities (FedBizOpps), when necessary and beneficial.
- Promote the use of vendor communication to conduct market research, including draft Requests for Proposals (RFPs), Requests for Information (RFIs), pre-solicitation conferences, etc., when applicable.
- Make use of oral presentations when practicable.
- Hold vendor one-on-one meetings, when possible to discuss contractor's qualifications and expertise, government's need, etc.
- Publicize vendor engagement events through the Government-wide point of entry FedBizOpps.
- Participate in small business outreach events.

- Ensure that the vendor community is given adequate time to provide comments on draft solicitation documents, submit questions, and receive responses to help prepare and submit proposals.
- Plan for pre-proposal conferences and site visits where appropriate for complex/significant acquisitions.
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4) Acquisitions which must include vendor input in the pre-award phase and the extent of the required engagement as a condition of approval by the agency's investment review board:

- a. Re-competitions of prior procurements where (1) the requirement did not provide for solution needed; or (2) a competitive solicitation was issued but only one offeror responded.
- b. A comprehensive vendor engagement strategy is required for the following acquisitions:
 - i. All acquisitions with an estimated total value (base and all options) of \$25 million or greater;
 - ii. Acquisitions 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); and,
 - iii. Certain acquisitions identified by the Department, regardless of dollar threshold.
- c. At a minimum, acquisition plans for high-risk, large-dollar, and complex programs, such as those for major Information Technology (IT) systems and for re-competitions that need to attract new entrants to ensure adequate competition, should include a comprehensive vendor engagement strategy that:
 - i. includes at least one industry day or a pre-solicitation or pre-proposal conference; and
 - ii. Allows for a reasonable amount of one-on-one engagement; and
 - iii. Allows time for discussions, as needed and in accordance with FAR Part 15, during the proposal evaluation process; or
 - iv. Requires a written justification as to why those steps are unnecessary.
- d. If a CO determines that an acquisition warrants or may benefit from increased vendor engagement, the CO may apply any or all of the techniques indicated above regardless

of whether the estimated value of the acquisition meets the estimated price threshold or other criteria.

5) Publication of Engagement Events

REE will post and regularly update vendor engagement events on Government-wide point of entry FedBizOpps (<https://www.fbo.gov>) using the “special notices” function. Posted events will include industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer session, etc. REE will also promote the use of web collaboration tools such as wikis to collaborate with industry, as appropriate.

6) Description of Roles and Responsibilities

Official	Vendor Communication Roles and Responsibilities
Contracting Officer (CO)/Contract Specialist	<ul style="list-style-type: none"> • <u>Role</u> – COs are the agency officials with authority to enter into, administer, and terminate contracts and make related determinations and findings. COs are responsible for ensuring performance of all necessary actions for effective contracting, ensuring compliance with the terms of the contract, and safeguarding the interest of the United States in its contractual relationships. • <u>Determine the plan</u> – 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. • <u>Identify means</u> – Recommend appropriate means of communication (one-on-one meetings, vendor days, draft RFPs, teleconferences, or combination of these methods). <ul style="list-style-type: none"> ○ Consider methods that would generate new entrants to the market to increase competition. ○ Work with the Office of Small and Disadvantaged Business Utilization (OSDBU) and small business coordinator to identify the best ways to reach out to the small businesses. • <u>Communicate to the agency team</u> – Set expectations with the Project Manager (PM) and COR if appropriate about who will conduct vendor engagement efforts and how these sessions will be conducted. <ul style="list-style-type: none"> ○ Encourage the PM and COR to communicate appropriately for pre-solicitation efforts.

	<ul style="list-style-type: none"> o Be the focal point for vendor communication after the solicitation is issued. • <u>Document</u> – Document the file as appropriate. • <u>Know the agency procurement forecast</u> – The forecast is used by many small businesses to determine where to invest bid and proposal costs; therefore, be as knowledgeable as possible about the content of the document. • <u>Myth Busting</u> – Share “myth-busting” information with Program/Project Managers and CORs. • <u>Participate in vendor engagement activities</u> – Lead and/or participate when appropriate.
<p>Program/Project Manager (P/PM)</p>	<ul style="list-style-type: none"> • <u>Role</u> – Program/Project Managers have the responsibility for planning, executing, and closing of any project. A strong partnership between the P/PM and contracting professionals requires a common understanding of how to meet the government’s needs through acquisitions that deliver quality goods and services in an effective and efficient manner. • <u>Confer with the CO early</u> – as soon as a need is identified, inform the CO about the level of vendor engagement needed to help the acquisition team conduct effective market research. • <u>Evaluate expected level of competition</u> – Assess the need for introducing new entrants to the market and recommend to the CO ways to do this. • <u>Notify the CO</u> – Discuss vendor engagement activities with the CO prior to the meetings – the CO may choose not to attend but should be aware of all communications. • <u>Know the agency procurement forecast</u> – The forecast is used by many small businesses to determine where to invest bid and proposals costs. • <u>Research the market</u> – Determine if there are an adequate number of vendors to ensure competition and consider small business sources.
<p>Contracting Officer’s Representative (COR)</p>	<ul style="list-style-type: none"> • <u>Role</u> – A COR assists in the technical monitoring or administration of a contract. • <u>Focus on post-award opportunities</u> – Identify ways to improve communication after award, such as award kick-off events and vendor boards (for multiple award contracts). • <u>Notify the CO</u> – Keep the CO informed and document the official contract file as appropriate. • <u>Be cautious</u> – Don’t let communications with the contractor evolve into constructive changes to the contract, which would cost money and time.

Office of General Counsel (OGC)	<ul style="list-style-type: none"> • <u>Role</u>- OGC provides legal advice and services to the Secretary of Agriculture and to all other officials and agencies of the Department with respect to all USDA programs and activities. • <u>Encourage communications to the maximum extent practicable</u> – Advise the CO and team so they understand what is considered appropriate communications in terms of content, delivery, methodology, etc. • <u>Review guidelines and procedures</u> – Assist with the development of the Vendor Communication Guidelines and Procedures. • <u>Promote training</u> – Assist with training the staff on appropriate vendor engagement activities.
Ethics Officer	<ul style="list-style-type: none"> • <u>Role</u> – The office of Government Ethics exercises leadership in the executive branch to prevent conflicts of interest on the part of Government employees, and to resolve those conflicts of interest that do occur. • <u>Include vendor communications in annual ethics training</u> – Ensure ethics training clearly explains what is permissible – not only what is prohibited.
Acquisition Career Manager (ACM)	<ul style="list-style-type: none"> • <u>Role</u> – ACM is responsible for ensuring that the agency’s acquisition workforce meets the requirements of Policy Letter 05-01, which established a government-wide framework for creating a federal acquisition workforce. • <u>Keep everyone informed of training or related opportunities</u> – Provide COs, P/PMs, CORs, and others with information on training or awareness activities to improve vendor engagement.
OSDBU and Small Business Specialists	<ul style="list-style-type: none"> • <u>Role</u> – The Director of the OSDBU is the primary advocate within each Federal Executive Agency responsible for promoting the maximum practicable use of all designated small business categories with the federal acquisition process. • <u>Focus on the agency procurement forecast</u> – Ensure that COs and contract specialists understand what is in the agency’s procurement forecast in case they receive inquiries. • <u>Use the Small Business Central Event Listing on FedBizOpps to publicize opportunities</u> – this functionality, recently released, helps small business find outreach events and promotes competition.
Chief Information Officer (CIO)	<ul style="list-style-type: none"> • <u>Role</u> – The CIO has primary responsibility for supervision and coordination within the Department of the design, acquisition, maintenance, use, and disposal of information technology (IT) by USDA agencies, for monitoring the performance of USDA’s IT programs and activities, and for assuring that USDA

	<p>information management is consistent with the principles of the Paperwork Reduction Act, the Federal Records Act, and with information security and privacy requirements.</p> <ul style="list-style-type: none"> • <u>Keep up with technology</u> – CIO should conduct on-going market research to identify capabilities of new and emerging technology that have potential to improve the efficiency and effectiveness of USDA mission delivery. Collaborating with the Office of Communications (OC), CIO should assist team in increasing and enhancing outreach by leveraging enterprise social media solutions.
<p>Competition Advocate</p>	<ul style="list-style-type: none"> • <u>Role</u> – Agency and procuring activity Competition Advocates are responsible for promoting the acquisition of commercial items; promoting full and open competition; challenging requirements that are not stated in terms of functions to be performed, performance required or essential physical characteristics; and challenging barriers to the acquisition of commercial items and full and open competition such as unnecessarily restrictive statements of work, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses. • <u>Promote competition</u> – Encourage industry outreach for sole source procurements.

7) Training and Awareness Efforts for Employees

The Department will develop and make available to its agencies and offices, as well as vendors and other stakeholders a schedule of training and awareness efforts through the vendor engagement portal at http://www.usda.gov/vendor_engagement (under construction). Vendor communication topics will also be incorporated into existing and planned in-house CO, COR, P/PM, and ethics training.

8) Links to Existing Procurement Policies

- [Federal Acquisition Regulation](http://www.acquisition.gov/far/) – <http://www.acquisition.gov/far/>
- [Agriculture Acquisition Regulations](http://www.dm.usda.gov/procurement/policy/agar.html) - <http://www.dm.usda.gov/procurement/policy/agar.html>
- USDA Procurement – Policies and Regulations – <http://www.dm.usda.gov/procurement/policy/advisories.htm>
- Procurement Integrity Act (41 U.S.C. § 423) – Government officials may not disclose proprietary or source selection information (FAR 3.104) –

<http://law.justia.com/codes/us/1994/title41/chap7/sec423> and
https://www.acquisition.gov/far/current/html/Subpart%203_1.html#wp1139280.

- USDA Reserch, Education, and Economics (REE) policy -
<https://axon.ars.usda.gov/APD/Pages/Home.aspx>
- Freedom of Information Act (5 U.S.C. § 552) <http://www.justice.gov/oip/amended-foia-redlined-2010.pdf>.
- 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.
<https://www.law.cornell.edu/uscode/text/18/208>.
- Competition in Contracting Act (CICA) (10 U.S.C. § 2304) – Government officials may not give unauthorized preferential treatment to one firm but must treat all firms equally. <http://www.law.cornell.edu/uscode/text/10/2304>
- Trade Secrets Act (18 U.S.C. § 1905) – Government officials may not disclose trade secret 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 lawfully disclosed to the public under the Freedom of Information Act. <http://www.law.cornell.edu/uscode/text/18/1905>
- Federal Advisory Committee Act (5 U.S.C. Appendix 2, § 5) – Government officials must comply with the Federal Advisory Committee Act when seeking advice or recommendations from a group that includes non-Government employees to ensure that the Government is not inappropriately influenced by a special interest.
http://www.law.cornell.edu/uscode/html/uscode05a/usc_sup_05_5_10_sq1.html