



DEPARTMENT OF COMMERCE VENDOR COMMUNICATION PLAN

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Department of Commerce Vendor Communication Plan

PREFACE

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

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

Understanding the marketplace through effective market research, including early, frequent, and constructive engagement with industry, is especially important for complex, high-risk procurements, such as large information technology (IT) projects. Increasing communication is a key tenet of the Office of Management Budget's (OMB) 25 Point Implementation Plan to Reform Federal IT Management, which is further addressed in the Office of Federal Procurement Policy's (OFPP) "Myth-Busting" Memorandums and in the Category Management Memorandum (M-19-13) dated March 20, 2019. The OFPP memorandums addresses both the myths and the facts about communicating with industry, provides strategies for removing barriers to communication and expanding agency-industry engagement, and sets criteria for agency vendor communication plans.

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

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Date



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VENDOR COMMUNICATION PLAN

1. OVERVIEW

1.1 Background

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

In support of OMB’s 25 Point Implementation Plan, the Office of Federal Procurement Policy (OFPP) issued its memorandum on February 2, 2011 entitled *“Myth-Busting”: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process*, which addresses both the myths and the facts about communicating with industry; provides strategies for removing barriers to communication and expanding agency-industry engagement; and sets the criteria for agencies’ vendor communication plans. Additional “Myth-Busting” memorandums and OMB’s M-19-13, dated March 20, 2019 entitled *Category Management: Making Smarter Use of Common Solutions and Practices*, further clarifies industry engagement and vendor management encompassing both pre-award and post-award strategies. Reference Attachment A for links to memorandums.

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

1.2 Purpose

The purpose of this Vendor Communication Plan (also referred to as the vendor management plan) is to provide clear, consistent direction to the Department’s workforce about how to engage with industry during both pre-award and post-award phases of the procurement cycle, including task and delivery orders under the Federal Supply Schedule, government wide acquisition contracts, and other indefinite delivery/indefinite quantity contracts. It is intended to dispel misperceptions surrounding acceptable conversations between contracting officers and vendors during the various phases of the acquisition process. This plan and the strategies outline within it are established to



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improve and streamline communications with vendors for consistency of messaging and goals.

1.3 Policy

It is the policy of the Department of Commerce to promote fair, frequent and constructive dialogue with the vendor community on matters of mutual interest, as appropriate, and in a manner which protects sensitive information, operation, sources, methods, and technologies. Matters of mutual interest may include, but are not limited to: DOC and industry business practices and policies; removal of barriers to competition; technology trends and development objectives; security challenges; promotion of socio-economic goals, such as small business and sustainability; and the performance of organizations, contracts, projects and programs.

1.4 Statement of Commitment

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

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



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2. ROLES AND RESPONSIBILITIES

2.1 Senior Procurement Executive (SPE)

The Senior Procurement Executive has overall responsibility for the following:

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

2.2 Senior Bureau Procurement Official (BPO)

The Senior Bureau Procurement Official is responsible for:

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

2.3 Program Official (PO)

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

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



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

2.4 Contracting Officer (CO)

The Contracting Officer is responsible for:

- a. Working with the PO and the acquisition team to determine the vendor communication plan, including the timing, frequency, manner, and degree of vendor engagement necessary to appropriately develop requirements, acquisition strategy, and performance metrics
- b. Recommending and identifying the means of communication (e.g., one-on-one meetings, vendor days, draft requests for proposals (RFPs), teleconferences, combinations of these methods, etc.) and, as appropriate, innovative technologies (see 2.3.a) which may be appropriate
 - i. Considering methods that would generate new entrants to the market to increase competition
 - ii. Working with OSDBU and their small business specialist to identify the best way to reach out to small business
- c. Communicating to the agency team and setting expectations with the PO and Contracting Officers Representative (COR), if appropriate, about who will conduct vendor engagement efforts and how these sessions will be conducted
 - i. Encourage the Program Official and COR to communicate appropriately for pre-solicitation efforts
 - ii. Be the focal point for vendor communication after the solicitation is issued
- d. Documenting the file as appropriate
- e. Knowing the agency procurement forecast and ensuring that data in the Advanced Acquisition Planning System is updated. (The forecast is used by many small businesses to determine where to invest bid and proposal costs so it important to be as knowledgeable and complete as possible about the content)
- f. Using the Small Business Central Event Listing on Beta.SAM.Gov to publicize opportunities. This functionality, recently released, helps small businesses find outreach events and promotes competition
- g. Taking training as required to support the mission and this Plan

2.5 Contracting Officer Representative (COR)

The Contracting Officer's Representative is responsible for:



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- a. Participating with the acquisition team in pre-award vendor communication strategies
- b. Focusing on post-award opportunities, including ways to improve communication after award, such as contract kick-off events and meetings
- c. Notifying the CO, keeping the CO informed, and documenting as appropriate
- d. Being cautious and not letting communications with the contractor evolve into a constructive change to the contract--which costs money and time
- d. Taking training as required to perform the functions of a COR

2.6 Office of General Counsel (OGC)

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

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

2.7 Ethics Counsel

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

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

2.8 Office of Small and Disadvantaged Business Utilization (OSDBU)

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

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

2.9 Bureau Small Business Specialist

The Bureau Small Business Specialist is responsible for:

- a. Collaborating with the acquisition team to devise vendor engagement strategies in compliance with the Small Business Program;
- b. Working collaboratively with the OSDBU to coordinate participation in small business outreach events and conferences;
- c. Reviewing and continually monitoring bureau-level acquisition forecasts submitted in the Forecasting and Advance Acquisition Planning System;
- d. Working with the Senior Bureau Procurement Official to identify advance planned acquisitions that are amendable to be set-aside for small businesses, cannot be set-aside for small businesses or require additional research for the Contracting Officer to make a set-aside determination;



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2.10 Acquisition Career Manager

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



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3. EFFORTS TO REDUCE BARRIERS AND PROMOTE ENGAGEMENT

3.1 Related Policies and Guidance

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

- a. Commerce Acquisition Manual (CAM) Chapter 1307.1, Acquisition Planning, (Oct 2017) at [http://osec.doc.gov/oam/acquistion_management/policy/commerce_acquisition_manual_cam/documents/CAM%201307%201%20-%20Acq%20Planning%20\(Final\).pdf](http://osec.doc.gov/oam/acquistion_management/policy/commerce_acquisition_manual_cam/documents/CAM%201307%201%20-%20Acq%20Planning%20(Final).pdf). This CAM chapter provides policy for comprehensive acquisition planning and emphasizes market research and competition.
- b. Commerce Acquisition Manual (CAM) Chapter 1306.70, Competition Requirements, (December 2015), at [http://osec.doc.gov/oam/acquistion_management/policy/commerce_acquisition_manual_cam/documents/CAM%201306%2070%20Competition%20Requirements%20\(Rev%20Dec2015\)%20Final.pdf](http://osec.doc.gov/oam/acquistion_management/policy/commerce_acquisition_manual_cam/documents/CAM%201306%2070%20Competition%20Requirements%20(Rev%20Dec2015)%20Final.pdf). This CAM chapter provides policy promoting full and open competition, including strategies to migrate to more competitive contracts, and requirements to use market research to identify and mitigate barriers to competition.

3.2 Training and Awareness

The Department will internally and externally publicize upcoming training and awareness events. Multiple modes of communication will be used to alert employees and contractors to such events (acquisition community listservs, Department-wide Broadcasts, Beta.SAM.Gov, etc.).

The Department's Vendor Engagement webpage provides a place to publicize training opportunities, educational and awareness events, and opportunities about communication. By promoting opportunities for training and awareness, employees and contractors will become increasingly familiar and comfortable engaging with each other.

Visit our webpage at <http://osec.doc.gov/oam/default.htm>



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4. VENDOR ENGAGEMENT STRATEGY

4.1 Vendor Communication and Engagement

Vendor communication and engagement is encouraged as appropriate. Contracting Officers should work with their Program Officials to develop a vendor communication plan commensurate with the size, complexity, and nature of the acquisition, and any related or interdependent requirements and associated market research.

4.2 Vendor Engagement Strategy

Although communication methods vary, it is crucial that the Department ensures fair and equitable treatment of all vendors. DOC personnel are trained to use readily available, easily accessed sources that provide product and industry data for market research. In addition, each bureau has an assigned Small Business Specialist to assist them with their market research efforts.

Possible strategy methods:

- a. Hosting an industry day or a pre-solicitation or pre-proposal conference;
- b. Allowance for a reasonable amount of one-on-one engagement;
- c. Allows time for discussion, as needed, and in accordance with FAR Part 15, during the proposal evaluation process;
- d. Addresses how engagement events, such as an acquisition-specific industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, etc., will be publicized and updated using the "special notices" function on www.beta.SAM.Gov or other sites as identified by the agency, and other modes as necessary; **and**
- e. Addresses how planned and conducted comprehensive vendor communication activity will be documented and summarized.
- f. Hosting award kick-off meetings
- g. Allowance for a reasonable amount of time to perform vendor debriefing meetings, upon request.
- h. Soliciting feedback from vendors offering innovative solutions. It is important to capture capacity and capabilities of the industry and knowledge of innovators, new entrants with new capabilities, and key Government and commercial cost drivers. The goal is to have a thorough knowledge of the requirement and the commercial marketplace providing these services and



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supplies in order to tailor needs and conform to marketplace norms where practical to reduce cost and improve efficiency and performance outcomes.

- i. Allowance for vendor product demonstrations, as part of a phased acquisition approach during the pre-award phase or when seeking innovative solutions during the early requirement planning phase.
- j. Hosting regular progress meetings during the post-award phase (in performance of contract administration). The goal is to foster ongoing dialogue with industry partners and other Government agencies to gain a common understanding of price/cost drivers, common industry performance and cost measures, terms and conditions and emerging commercial trends to shape demand, acquisition strategies and functional policy to buy smarter, reduce costs and improve performance.



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5. PUBLICATION OF VENDOR ENGAGEMENT EVENTS

The Department will post and regularly update vendor engagement events on the Federal Business Opportunities website at www.beta.SAM.Gov using the “special notices” function. Posted events will include industry days, small business outreach sessions, pre-solicitation conferences, request for proposal question and answer sessions, etc.



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6. ACCOUNTABILITY

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

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



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7. RESOURCES AND GUIDANCE

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

- a. Misconceptions and Facts about Vendor Communication. The Office of Federal Procurement Policy has identified 10 common misconceptions and facts about vendor communication and provides strategies for optimizing communication opportunities in its “Myth-busting” memorandums and in M-19-13, Category Management: Making Smarter Use of Common Contract Solutions and Practices. The memorandums cite applicable sections of the Federal Acquisition Regulation. (Reference Attachment A for a complete list)
- b. Statutory Limitations. Subject to sound business judgment and statutory limitations on the government’s ability to exchange information, employees are encouraged to communicate with industry as necessary to conduct official business. Ethics laws and rules *per se* do not prohibit communications with industry representatives; they do mandate fair and even treatment. A list of the primary statutes and related principles governing exchanges of information are provided in Attachment B.
- c. Acquisition Regulations and Policy. The Federal Acquisition Regulation (FAR) provides regulatory policy on the exchange, marking, treatment and protection of information. The FAR may be accessed at <https://www.acquisition.gov/far/> or <http://farsite.hill.af.mil/> . In addition, the Department’s FAR Supplement, the Commerce Acquisition Regulation (CAR), and the Commerce Acquisition Manual (CAM), and other acquisition guidance, are available on the OAM website at http://osec.doc.gov/oam/acquistion_management/policy/default.htm .
- d. Market Research Report. A Market Research Report documents the market research, and can be tailored as appropriate to the size, complexity, and urgency of an acquisition. In accordance with FAR Part 10, each bureau establishes guidance in conducting Market Research and Best Practice formats.
- e. Additional Guidance. The Office of General Counsel (Contract Law Division and Ethics Law Division) is available to provide additional guidance and advice regarding industry communication and vendor engagement.

Questions about the Vendor Communication Plan may be addressed to the Office of Acquisition Management by email: [DOC Industry Liaison](#)



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ATTACHMENT A – OFPP “Myth-Busting” Memorandum

“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> }

M-19-13, Category Management: Making Smarter Use of Common Contract Solutions and Practices. [March 20, 2019]

{ <https://www.whitehouse.gov/wp-content/uploads/2019/03/M-19-13.pdf> }

“Myth-Busting #3”: Further Improving Industry Communication with Effective Debriefings [January 5, 2017]

{ https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/myth-busting_3_further_improving_industry_communications_with_effectiv....pdf }

“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> }

“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> }

Access to all memorandum may be reached through the Office of Federal Procurement Policy Memorandum Archives at:

1 - https://obamawhitehouse.archives.gov/omb/procurement_index_memo.

2- <https://www.whitehouse.gov/omb/information-for-agencies/memoranda/>



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ATTACHMENT B – Communicating with Industry (Statutory Limitations)

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

- **Conflict of Interest Prohibition (18 U.S.C. § 208)**
Government Officials may not participate in a matter that presents an actual or apparent conflict of interest.
- **Procurement Integrity Act (41 U.S.C. § 423)**
Government officials may not disclose proprietary or source selection information.
- **Competition in Contracting Act (10 U.S.C. 2304)**
Government officials may not give unauthorized preferential treatment to one firm but must treat all firms equally.
- **Trade Secrets Act (18 U.S.C. § 1905)**
Government officials may not disclose trade secrets or other proprietary information without permission of the owner of the information.

Government officials must protect procurement-sensitive information and information that would not otherwise be disclosed to the public under the Freedom of Information Act.

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