

VA Vendor Communication and Management Plan 2019

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Executive Summary

The Department of Veterans Affairs (VA) recognizes that conducting market research is an important component of acquisition planning, and frequent and effective communication with industry is often one of the best ways to obtain that information. Furthermore, VA is aware that some members of the greater acquisition community may mistakenly believe that the applicable rules covering government-industry communication limit industry engagement more than they actually do. Those misunderstandings, especially when compounded by fears of protest, may unduly limit Government-industry communication.

Due in part to the concerns expressed above, VA is committed to promoting government-industry communications to the maximum extent allowable and when in the best interests of VA. In that vein, VA has developed this Plan to:

- a. Dispel common misconceptions that acquisition personnel may have regarding government-industry communications;
- b. Build upon our current communication policies and guidance;
- c. Bridge communications gaps between the government and industry;
- d. Enhance our understanding of current industry capabilities and conditions, and
- e. Improve the quality and effectiveness of our procurements.

Plan Sections

Section 1: Introduction

1.1. Purpose

VA recognizes that communication between government and industry can be improved. Some VA acquisition professionals may have adopted common misconceptions about the extent to which they may communicate with industry when conducting market research and throughout the acquisition lifecycle. Those misconceptions may limit vendor engagement and create knowledge gaps regarding industry standards, capabilities, pricing, and available technologies. In turn, this may lead to less-than-optimal procurement outcomes. By adopting and implementing this Plan, VA intends to improve the quality and effectiveness of its procurements.

1.2. Statement of agency commitment

The Department of Veterans Affairs' (VA) mission to serve Veterans and their families requires us to transform into a high-performing 21st century organization. To effectively transform, VA must partner with the private sector, since approximately a third of VA's budget is expended through contracts. By communicating and collaborating with industry, we position ourselves to obtain and deliver the best possible services for our Nation's Veterans. VA is committed to constructive communication with industry partners. Communication shall be early and frequent in the procurement process; keeping in mind small businesses and subgroups of small businesses shall be

included in these communications. Acquisition professionals shall strive to include vendors whom they have not worked with in the past to ensure a continually growing base of vendors. Acquisition professionals shall also identify those procurements which are likely to involve opportunity for additional communication with industry as part of the published procurement forecast. While VA is committed to promoting constructive communication with our industry partners, acquisition professionals also have a duty to protect non-public information including vendors' confidential information and the agency's source selection information, and to ensure compliance with all applicable ethics standards.

1.3. Scope

This Plan provides a roadmap for VA acquisition personnel regarding methods and means of government-industry communication to:

- a. Dispel common misconceptions that acquisition personnel may have regarding government-industry communications;
- b. Build upon our current communication policies and guidance;
- c. Bridge communications gaps between the government and industry;
- d. Enhance our understanding of current industry capabilities and conditions; and
- e. Improve the quality and effectiveness of our procurements.

1.4. Document Organization

The document is organized in the following manner:

- a. Section 2 provides the discussion portion of the document.
- b. Section 3 identifies VA individuals and their roles and responsibilities in support of this Plan.
- c. Section 4 contains information on training and awareness efforts for VA employees and contractors.

Section 2: Discussion

2.1. Relationship with Industry

VA is committed to fostering open communication with industry whenever necessary, practicable, and appropriate. To that end, all VA acquisition personnel are responsible for: (a) reading, understanding, and implementing the Office of Federal Procurement Policy's memorandum, entitled "[Myth-Busting: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process - PDF](#)", dated February 2, 2011, and (b) taking necessary steps to counteract the following 10 misconceptions about government-industry communications:

- a. **Myth** – "We can't meet one-on-one with a potential offeror."

Fact – Government officials can generally meet one-on-one with potential offerors as long as no vendor receives preferential treatment.

- b. **Myth** – "Since communication with contractors is like communication with registered lobbyists, and since contact with lobbyist must be disclosed, additional communication with contractors will involve a substantial additional disclosure burden, so we should avoid these

meetings."

Fact – 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.

- c. **Myth** – "A protest is something to be avoided at all costs - even if it means the government limits conversation with industry."

Fact – Restricting communication won't prevent a protest and limiting communication might actually increase the chance of a protest – in addition to depriving the government of potentially useful information.

- d. **Myth** – "Conducting discussions/negotiations after receipt of proposals will add too much time to the schedule."

Fact – 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.

- e. **Myth** – "If the government meets with vendors that may cause them to submit an unsolicited proposal and that will delay the procurement process."

Fact – 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.

- f. **Myth** – "When government awards a task or delivery order using the Federal Supply Schedules, debriefing the offerors isn't required so it shouldn't be done."

Fact – Providing feedback is important, both for offerors and the government, so agencies should generally provide feedback whenever possible.

- g. **Myth** – "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 the government doesn't release new information."

Fact – 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 business.

- h. **Myth** – "The program manager already talked to industry to develop the technical requirements, so the contracting officer doesn't need to do anything else before issuing the Request for Proposal (RFP)."

Fact – 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.

- i. **Myth** – “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.”

Fact – 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.

- j. **Myth** – “Getting broad participation by many different vendors is too difficult; we're better off dealing with established companies we know.”

Fact – 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.

2.2. To strengthen VA-industry communications, VA supports the following best practices:

- a. Communicate early, frequently, and constructively with industry.
- b. Develop a stronger partnership between the Office of Small and Disadvantaged Business Utilization (OSDBU) and the acquisition community to facilitate effective communications with small businesses and subgroups thereof.
- c. Expand competition to include vendors that the agency has not worked with in the past.
- d. Identify which procurements in the agency's published procurement forecast (e.g., for mission-critical, complex, state-of-the-art requirements) may require enhanced pre-solicitation communication strategies.
- e. Protect non-public information, which includes vendors' confidential information and the agency's source selection information.

2.3. Reducing Barriers and Promoting Engagements

VA already engages in significant outreach to industry as part of its acquisition process, and this will continue. VA provides opportunities for vendors to participate in pre-award conferences, to ask questions, and to network with other attendees who may be potential teaming partners. VA has used Webcasts as a means to facilitate small business participation, allowing small firms to save money and avoid paying the costs of travel and still obtain the benefit of the information shared. VA recently conducted two Industry Innovation Competition sessions to identify, evaluate, and fund promising new solutions in the information technology area. The second competition, still underway, resulted in 260 concept papers, of which 68 offerors have moved to the second stage of the competition (submission of a full proposal). Information on future opportunities, when available, may be found at: www.va.gov/vai2.

VA is conducting a Supplier Relationship Transformation (SRT) initiative. The changing dynamic for Veterans in the 21st century mandates VA accomplish its mission more effectively and efficiently. Delivering the right services at the right time to the growing and ever-changing population of Veterans will require cutting edge information technology, innovative and improved acquisition

processes, a far-reaching transformation of the VA workforce, and end-to-end innovations in management.

VA recognizes the supplier community is a critical component to its success in meeting the challenges of supporting Veterans in the 21st century. VA has embarked on a transformation of the end-to-end acquisition process which will capitalize on industry expertise as an effort to improve the VA acquisition process as a whole.

Vendor Communication and Management Goals

- Improve relations with VA's supplier community
- Improve transparency, collaboration, and participation in the acquisition process
- Increase VA's access to industry innovations
- Work with suppliers and internal customers to identify and address contracting and delivery barriers
- Improve VA's ability to deliver products and services to Veterans at the right place, the right time, and with the right quality

The following is a brief description of VA's efforts to confront barriers in the future and foster better communications between government-and industry entities:

- a. Conduct industry days, small business conferences, and outreach sessions, as appropriate.
- b. Conduct pre-solicitation and pre-proposal conferences to promote a common understanding of the procurement requirements, the solicitation terms and conditions, and the evaluation criteria, as appropriate.
- c. Educate the broader acquisition community (e.g., program management and information technology/security) to openly communicate with industry, especially for large, complex requirements -- seeking Contracting Officer direction, as needed.
- d. Release draft Requests for Proposal (RFPs), including sections L and M, to receive industry input, as appropriate.
- e. Increase access to industry through collaborative tools, such as use of interactive web-based technology to expand the reach of vendor communications (e.g., live webinar with streaming video to immediately address questions from the vendor community), as available and appropriate.
- f. Develop dynamic interactive mechanisms for communicating more effectively with vendors about contracting opportunities, if practicable.
- g. Publicize accurate and timely procurement forecasts to increase small businesses participation.
- h. Provide industry with incentives to identify opportunities for government cost savings (e.g., prizes/challenges; innovation awards), as appropriate.
- i. VA emphasis on the [Open Government](#) principles of transparency, collaboration, and participation are embodied in this approach to our work.
- j. VA does allow for the limited use of social media and access to social media sites.

2.4. Vendor Input on Acquisitions

2.4.1 Pre-award Phase

At a minimum, acquisition plans for high-risk, large-dollar, and complex programs, such as those for major Information Technology (IT) systems that need to attract new entrants to ensure adequate

competition and acquisitions which require the use of an Integrated Product Team (IPT) as required by VA Procurement Policy Memorandum (PPM) (2017-05) - Use of Integrated Product Teams (IPTs) for Major Acquisitions dated October 27, 2016, should include a comprehensive vendor engagement strategy that:

- includes at least one industry day or a pre-solicitation or pre-proposal conference; and
- allows for a reasonable amount of one-on-one engagement; and
- allows time for discussions, as needed and in accordance with Federal Acquisition Regulation (FAR) Part 15, during the proposal evaluation process; or
- requires a written justification as to why those steps are unnecessary.

Acquisitions which seek vendor input should include re-competitions of prior procurements where (1) the requirement did not provide the solution needed, either due to non-performance of the awardee (especially if it led to termination) or due to inadequate definition of the requirement; or (2) a competitive solicitation was issued but only one offeror responded, and market research suggests more than one vendor is available to perform the requirement.

VA encourages early exchanges of information about future acquisitions. An early exchange of information among industry, the Program Manager, Contracting Officer, and other participants in the acquisition process can identify and resolve concerns regarding:

- a. The availability of commercial item solutions.
- b. Capabilities of small and large business concerns to meet agency requirements.
- c. Requirements of any laws and regulations unique to the item being acquired.
- d. The availability of items that contain recovered materials (recycled content), biobased/BioPreferred® content, and items that are energy efficient.
- e. The acquisition strategy -- including proposed contract type, terms and conditions, and acquisition planning schedules.
- f. The feasibility of the requirement -- including performance requirements, statements of work, and data requirements.
- g. The suitability of the proposal instructions and evaluation criteria -- including the approach for assessing past performance information.

VA supports the following techniques to promote early exchanges of information, whenever practicable and appropriate:

- a. Industry days and small business conferences.
- b. One-on-one meetings with potential offerors.
- c. Pre-solicitation notices.
- d. Draft Requests for Quotes/Proposals.
- e. Requests for Information.
- f. Pre-solicitation or pre-proposal conferences, including those facilitated through the use of collaborative technology including webinars and wikis.
- g. Site visits.

2.4.2. Vendor Engagement Strategy

Acquisition plans for high-risk, large-dollar, and complex programs, such as those for major IT systems and for re-competitions that need to attract new entrants to ensure adequate competition, must include a comprehensive vendor engagement strategy that:

- includes at least one industry day or a pre-solicitation or pre-proposal conference; and
- allows for a reasonable amount of one-on-one engagement; and

- allows time for discussions, as needed and in accordance with FAR Part 15, during the proposal evaluation process; or
- requires a written justification to the contract file as to why those steps are unnecessary.

2.5. Publication of Engagement Events

Publication of engagement events to include industry days, small business outreach sessions, pre-solicitation conferences, Request for Proposal (RFP) question and answer sessions, etc. These shall be posted and updated regularly using the existing “special notices” function on www.fedbizopps.gov and on other sites as identified by the agency. VA will also conduct semi-annual Vendor Engagement Surveys. Surveys will focus on the experience of the vendor during pre- and post-awards of solicitation. Vendors need not have an active contract to engage in the survey.

VA will provide notice of these events on FedBizOpps as a single portal of information for interested firms.

Vendor Communication Plan: Roles and Responsibilities

Section 3: VA Roles and Responsibilities

Brief descriptions of acquisition team members’ roles and responsibilities are provided below.

3.1. Contracting Officers (COs) and Contract Specialists (CSs)

These individuals are responsible for serving as the focal point for communicating with industry during all active acquisitions, including:

- a. Determine the plan for each appropriate acquisition (especially high-risk or complex acquisitions); and establish the timing, frequency, and degree of vendor engagement necessary to appropriately develop requirements, acquisition strategy, and performance metrics.
- b. Determining the timing, frequency, and degree of vendor engagement necessary.
- c. Identifying the appropriate means of communication (e.g., holding one-on-one meetings, hosting vendor days, issuing Requests for Information (RFIs), releasing draft solicitations, or using any combination of methods). When doing so, the CO is encouraged to:
 1. Consider methods that would generate new entrants to the market and increase competition.
 2. Work with the OSDBU and the respective small business specialist to identify the best ways to reach out to small business.
- d. Communicate to the agency team and set expectations with the Program Manager (PM) (and Contracting Officer's Representative (COR) if appropriate) about who will conduct vendor engagement efforts and how these sessions will be conducted.
 1. Encourage the PM and COR to communicate appropriately during pre-solicitation efforts.
 2. Be the focal point for vendor communication after the solicitation is issued.
- e. Document the file as appropriate.
- f. Understanding the agency procurement forecast and where to find it in order to discuss related vendor inquiries.

3.2. Program/Project Managers (P/PMs)

These individuals are responsible for identifying agency needs and understanding vendor capabilities and technologies, as well as planning requirements to meet agency needs. In addition, P/PMs are responsible for each of the following:

- a. Obtain continuous insight on market developments. Meet with vendors before an acquisition is under development, to understand changes in technology, identify opportunities for new solutions, and consider streamlined or more cost-effective alternatives to current practices.
- b. Coordinate with the CO as soon as a need is identified, to inform the CO about the level of vendor engagement necessary to conduct effective market research.
- c. Evaluate expected level of competition; assess the need for introducing new entrants to the market and recommend to the CO ways to effectively do this.
- d. 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.

3.3. Contracting Officer's Representatives (CORs)

CORs are responsible for providing technical direction to the contractor, monitoring contractor performance, reviewing and accepting/rejecting contractor invoices, and serving as the “eyes and ears” of the CO regarding certain aspects of contractor performance, or otherwise assisting/representing the CO, as delegated by the CO in writing, including the following:

- a. Focus on post-award opportunities; identify ways to improve communication after award, such as award kick-off events, and vendor boards (for multiple award contracts).
- b. Keep the CO informed and document vendor interaction as appropriate.
- c. Be cautious; don't let communications with the contractor evolve into constructive changes to the contract, which could cost money and time.

3.4. Office of General Counsel (OGC)

OGC is responsible for providing legal interpretation of applicable laws and regulations, and contract terms and conditions, as necessary and appropriate.

In addition, OGC is responsible for providing advice to the COs and other members of the integrated project team regarding appropriate communication strategies in terms of content, delivery, timing, etc.

3.5. Ethics Officers

These individuals are responsible for providing ethics-related advice and guidance to Federal employees, including acquisition personnel who communicate with vendors. Ethics Officers will include vendor communications in annual ethics training; ensure ethics training clearly explains what is permissible, not only what is prohibited.

3.6. Senior Accountable Official (SAO)

- a. The SAO oversees tailored strategies for managing spend and implementing business solutions that maximize mission capabilities and approves agency annual category management plan to increase spend under management while meeting small business goals and other statutory socio-economic requirements.

- b. When appropriate, encourages use of standardized requirements or specifications for agency/cross agency-wide contracts including adoption of uniform refresh cycles or standardized buying configurations.
- c. Supports buying events and other vendor engagements across the agency to leverage the Department's buying power (except where local buying offices are conducting separate actions as part of a planned strategy to maintain a strong industrial base and grow the contracting base of small businesses and other new entrants).
- d. Ensures processes and policies are in place to accomplish the goals of OMB M-19-13.

3.7. Senior Procurement Executive (SPE)

The SPE is responsible for promoting vendor engagement, updating this Plan, as needed, and overseeing Heads of Contracting Activity (HCA) implementation of the Plan.

3.8. Heads of Contracting Activity (HCA)

HCAs are responsible for removing any unnecessary communication barriers and taking active steps to increase engagement with industry, including large and small businesses. In addition, HCAs will take full advantage of OFPP's Community of Practice (COP) on this subject to leverage successful practices.

3.9. Acquisition Career Manager (ACM)

The ACM is responsible for providing P/PMs, COs, CSs, and CORs training opportunities to: (a) strengthen vendor engagement; and (b) develop a better understanding of permissible communications.

3.10. Office of Small and Disadvantaged Business Utilization (OSDBU)

OSDBU is responsible for maximizing contracting opportunities for small business concerns, promoting market research, and where applicable, providing assistance in reaching out to the small business community, and reviewing and approving VA Form 2268 – Small Business Program and Contract Bundling Review. In addition, they are responsible for each of the following:

- a. Focus on the agency procurement forecast; ensure the CO and the CS understand what is in the agency's procurement forecast.
- b. Use the Small Business Central Event Listing on FedBizOpps to publicize opportunities; this functionality helps small businesses find outreach events and promotes competition.

3.11. Competition Advocate

Among other roles, the Competition Advocate will serve as the VA Communication Ombudsman -- providing targeted outreach and assistance to the vendor community and serving as a focal point for vendors seeking to do business with VA, especially vendors who may not previously have been considered. This will complement OSDBU's technical assistance. In addition, OSDBU will continue to perform this liaison role for the small business community.

3.12. Chief Information Officers (CIOs) and Chief Technology Officers (CTOs)

These individuals may recommend ways to use new social media and collaborative technologies to increase vendor outreach and assist the acquisition community in developing pertinent rules and record keeping.

Section 4: Training and Awareness Efforts for Government Employees and Contractors

VA supports the use of the following mechanisms to implement training and awareness efforts for government employees and contractors:

- a. Web-based training modules and classroom training programs on permissible exchanges with industry.
- b. Informal onsite training sessions (e.g., brown-bag lunch seminars; town hall meetings) to discuss exchanges with industry.
- c. Desk references and job aids that provide information on industry engagement.
- d. Train and develop the workforce in category management principles and practices.

Leveraging a variety of business intelligence tools and processes, e.g. dashboards, industry reports, market research, to acquire and/or implement business solutions that optimize mission capabilities in support of Veterans.