



Effective Vendor Engagement: Start the Conversation!

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Setting the Stage

- President's March 4, 2009 memo on Government Contracting
- Office of Management and Budget
 - Reviews: AcqStat, TechStat, Financial Systems
 - It's all about performance and results
 - Cross-agency and cross-function efforts are everywhere!



Acquisition Planning



Acquisition Planning – Fail to plan and you’ll plan to fail. It’s important to invest in planning.

- 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. *FAR 15.201(c) specifically authorizes industry days and similar events as techniques to promote early exchanges of information. Other techniques: market research, presolicitation notices, draft RFPs, RFIs, presolicitation or preproposal conferences, and site visits.*



Acquisition Planning



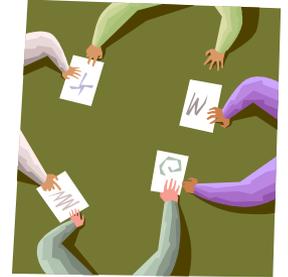
- Conducting discussions negotiations/after receipt of proposals will add too much time to the schedule. *You need to do up front planning and partner with your customers.*

Industry comments – Govt should release Sections C, L, and M in a draft RFP for industry comment; Govt should hold a vendor day 45 d prior to RFP release.

Do you have an example of an effortless contract to manage? To what do you attribute that to? Upfront planning? Increased communication?



Acquisition Planning: Tips to Try



- Understand Your Customer
 - Organize your office by customer
 - Have periodic partnering meetings
- Share the Process
 - Help your customer understand the procurement process
- Incorporate Vendor Engagement into your Acquisition Milestones and Get Buy in from Stakeholders



Information Exchanges



Information Exchanges with Vendors – Share as much info as possible

- We can't meet one-on-one with a potential offeror. *FAR 15.201(c) specifically authorizes one-on-one meetings with potential offerors. Govt comment: Bad things will happen to me if I don't communicate the same thing to everyone at the same time. Govt. comment – Meeting one-on-one with vendors gives them a competitive advantage.*
- If the government meets with vendors, that may cause them to submit an unsolicited proposal and that will delay the procurement process. *To the contrary, the unsolicited proposal process is separate from the process for a known agency requirement to be acquired competitively. FAR Subpart 15.6 governs the handling of unsolicited proposals.*



Information Exchanges



MYTH: A protest is something to be avoided at all costs---even if it means the government limits conversations with industry. *Restricting communication won't prevent a protest---it might actually increase the chance of a protest. In addition, it might deprive the government of useful information. In FY2010, there were 2299 protests: 19% were sustained, there were 61 GAO hearings. In FY2009, there were 1989 protests, 18% were sustained, there were 65 hearings. Govt. comment: There's no incentive to communicate – only risk. I don't get in trouble if I don't communicate – but I can get in trouble if I do. It's not worth the risk.*



Information Exchanges

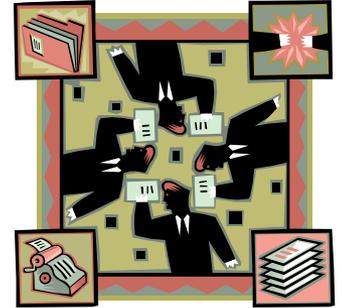
MYTH: When the government awards a task or delivery order using the Federal Supply Schedules, debriefing the offerors isn't required so it shouldn't be done. *FAR 8.405-2(d) requires the Contracting Officer to provide a "brief explanation" —but additional information is OK as long as proprietary information is not provided.*

Industry comment – Establishing a procurement library is a best practice because it puts all the potential offerors on a competitive and level playing field.





Information Exchanges: Tips to Try



- Encourage and Do a Sufficient Amount of Market Research to Effect a Better Acquisition Outcome
 - After Release of RFP, Contracting Officer is Focal Point of Information
 - Avoid Giving Any Vendor an Unfair Competitive Advantage
- During a Debrief, Give as Much Information as You Can to an Offeror About Its Own Proposal





Increasing Competition



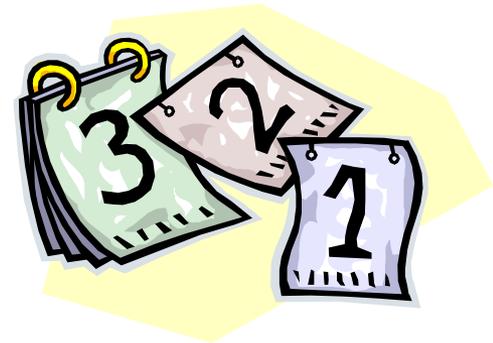
Strive for an open and competitive process, if that won't accomplish the agency's mission, minimize the risks associated with noncompetitive contracts.

MYTH: Getting broad participation by many different vendors is too difficult; we're better off dealing with the established companies we know. *In my experience, more competition is always better. Increasing communication with industry will let them self select out if they cannot provide the right solution, thereby saving themselves and you resources. It will also improve the quality of proposals you receive.*



Increasing Competition

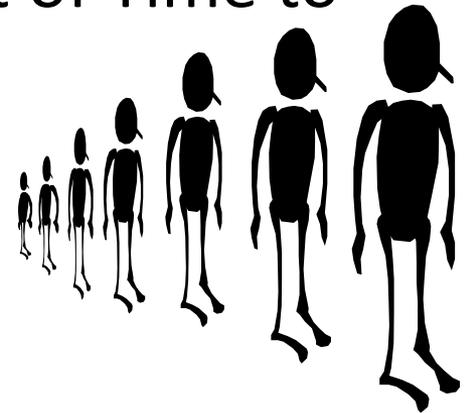
MYTH: Giving industry only a few days to respond to an RFP is OK since the government has been talking to industry about this procurement for over a year. *Industry cannot provide a good proposal without sufficient time to do so. On top of that, it gives the appearance that the agency does not want competition.*





Increasing Competition: Tips to Try

- Let Industry Know You are Interested in a Good Competition
- Issue a Draft Solicitation and/or RFI to Get Industry Comments
- Give Industry a Sufficient Amount of Time to Respond to the RFP





Structuring the Contract

- SOO is effective. *Rely on industry for the solution – they are the experts.*
- Make sure to develop clear requirements and to have Sections C, L and M properly aligned.
- Page limits are OK, but be reasonable.
- Allow for e-submissions.



Industry-Friendly Contract Tips

- Make sure to develop clear requirements and to have Sections C, L and M properly aligned
- Develop a realistic milestone schedule and stick to it
- Have a colleague review your document
- Page limits are OK, but be reasonable
- Allow for e-submissions of proposals





Got Ideas?



- Contact me! I'd love to hear from you.
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