

**Federal Acquisition Institute**  
**Can We Talk: Information Disclosure During the Acquisition Process**  
**Acquisition Seminar**

**Additional Viewer Submitted Questions and Answers**

1. When the speakers are talking about the acquisition planning stage, they discuss one-on-one conversations with industry. How would you advise Contracting Officers on where to draw the line between appropriate market research in one-on-one communications with a company in the presolicitation phase and inappropriate disclosure of presolicitation details/information that would be considered to provide an unfair advantage to the company, in relation to other potential offerors?

*During the acquisition planning stage, one-on-one conversations with industry generally revolve around researching the technology and how it is sold. Contracting professionals should be able to ask all types of questions to many different and diverse vendors – asking as many questions as possible to better understand what types of things they would be buying and how buying them differently affects their organization e.g. SaaS vs Build vs Buy.*

*The government's requirements should be expressed in broad terms. "We are looking at a records management program, how to have you [vendor] approached it for other customers." Where has a similar solution been developed and obtain some high level information. What issues did the vendor encounter? What made the program successful? What could have made the program better? How do you usually price this service/product? What contract types work best, and why? Who are your competitors? What government contracts do you use? What new technologies/developments/enhancements are underway? When would they be available? If it's a product, ask about licensing, maintenance, and when the end of life is projected. Is the product's capability to be ready out of the box or is it "configurable"? Are service vendors certified to use and configure your products? Do you have a list of those vendors or where to find them?*

*Overall, it's a discussion of how to best to buy a product or service. Specific details aren't really needed at this stage, other than perhaps why there is a need/requirement, a sense of the size of the procurements [vendor may need to understand if records management means a copier or a documentation center] and timing [maybe new technology is coming next year].*

2. To have a meaningful discussion with industry, the Contracting Officer will have to describe the Government's requirement to some extent, and many C.O.'s are uncomfortable disclosing requirement specs on a one-on-one basis prior to solicitation (as opposed to after a solicitation has been posted, when Q&A's may be distributed openly on FedBizOpps). If we have presolicitation one-on-one conversations with one or two companies, at our discretion, where we openly discuss what our needs are, how can we justify that other potential offerors were treated fairly in a competitive acquisition?

*Government personnel need to be careful not to disclose any information that may potentially put a company at a competitive advantage. So the question I would ask of the person who asking this question, is why are you only having a one-on-one*

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*conversation with one or two companies? “At your discretion”, sounds as if you’ve made a decision on which two companies to have a discussion on the Government’s needs and why is that? That statement sounds like a pre-selection for some reason which is all the more reason that the conversation should be limited to the Government’s needs. A pre-solicitation industry briefing would probably be a better approach.*

3. Currently, many Contracting Officers feel safest using public forums to discuss requirements in the pre-solicitation phase - such as sources sought notices and RFI's - so the Government can easily control that all information is made available to all interested parties, and not provided on an individualized, selective basis. Any guidelines and specific examples would be appreciated.

*Agree, industry briefings are a very effective way to control the information and have a dialogue with all interested parties. This approach allows industry hears the same information from the Government and no competitive advantage can be obtained from any one company. The Government’s presentations should be developed and used to articulate the Government’s need. Questions may be asked by industry and the Government can provide a response immediately for all to hear. However, if the question is too highly technical the Government can provide their response on an acquisition public website for all to read. Also a good idea to post all the questions asked by industry and responses given by the Government to the acquisition website for any company that did not attend.*

4. One of the test questions stumped me:

**Test Question:** Which activities take place during the award stage? Select one or more:

- a. Proposal evaluation
- b. Solicitation issuance
- c. Debriefings

Why would b. “Solicitation issuance” be an activity that takes place during the award stage? How can you get to the award stage without a solicitation being issued in an earlier stage?

*The point is that it’s not an activity that takes place during this stage. This is a test question to gauge your knowledge of the material covered and the process.*

Further, the notations I made from the video suggested that negotiations are generally applicable to sole source arrangements while discussions are associated with competitive proposals. Why does the test question above associate negotiations with both competitive and sole source environments?

*Negotiations are a broader term than discussions. As the test question indicates, they do take place in either a competitive or sole source environment. More specifically, negotiations are the exchanges (including discussions) between the Government and*

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*offerors undertaken with to allow the offeror to revise its proposal. In a competitive environment they take place after establishment of the competitive range; in a sole source they take place after the offer is evaluated.*

*Discussions are a more narrow term. By FAR definition, negotiations that take place after establishment of the competitive range in a competitive acquisition and are called discussions. The video did associate discussions with competitive proposals. That point was made in the context of indicating when offerors are allowed, or in this case, actually encouraged to change their proposals.*

5. I am an engineer; I am not a contracting professional. I am involved on the periphery of the purchasing process – usually for smaller pieces of equipment (>\$100,000). Occasionally, I conduct market research. I need practical guidance on what I can and cannot say to vendors when I call them for product information.

**Example 1.** Our engineering staff identified a Navy standard two-high bunk to be used in the berthing areas on a USCG ship. Over the span of this multi-year project, we will need 200 sets of bunks. Due to funding restrictions, the technical staff has no idea how many sets of bunks will be bought in a single order (i.e. 25 in FY2016, 50 in FY2017).

- a. How many berths may I tell the vendor that the USCG might need?

*Recommend working closely with the contracting office to determine this information, as well as the contract type best suited for your requirement, given that you are unable to specify a quantity within the stated timeframes, and you have funding constraints. You may also want to refer to FAR part 10 – Market Research, for additional guidance.*

- b. There could be volume-based discounts. Is there a way to collect that information to pass along to our contracting staff as information supporting the “buy them all now” point of view?

*See response to previous question.*

**Example 2.** I want to get an approximate cost for a marine-grade refrigerator. This unit is part of a major maintenance availability on an entire class of cutters. Due to funding restrictions, this unit could be installed on the entire fleet (20 ships) or could wind up not being installed at all.

- a. Is this example really any different than Example 1?

*You may check pricing and ask at what level pricing discounts are given for the item. Yes, this question is different in that here you are building a government cost estimate based on single item pricing, without disclosure of the estimated quantity. Also, refer to FAR Part 10 – Market Research for additional guidance.*

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b. How many refrigerators may I tell the vendor that the USCG might need?

*See response to Example 1 (a) above.*

c. There could be volume-based discounts. Is there a way to collect that information to pass along to our contracting staff as information supporting the “buy them all now” point of view?

*See response to Example 1 (a) above.*

