

Chapter 10.002 – Vendor Communication

Effective Date: 03 Jan 2012

Revised Date: 17 July 2019

Purpose:

This chapter establishes the Department of Education's (Department) Vendor Communication Plan.

Policy:

The Department is firmly committed to the prudent expenditure of appropriated funds. Inherent in this commitment is a responsibility to engage in meaningful communication with industry. Constructive vendor engagement improves acquisition outcomes, resulting in better value to the taxpayer.

This Vendor Communication Plan provides clear and consistent, high-level, direction to the Department's acquisition workforce and industry partners about Departmental engagement with industry throughout the acquisition lifecycle.

To increase and improve vendor communication, the Department shall:

1. Operate in an open and transparent environment;
2. Provide clear direction to the acquisition and program workforce on permissible communication with industry;
3. Communicate early, frequently, and constructively with industry, including small businesses and vendors the Department has not worked with in the past;
4. Identify in the published procurement forecast opportunities likely to involve additional communication possibilities;
5. Prioritize the use of resources for high-risk, large dollar, complex programs or those that fail to attract new vendors during re-competitions;
6. Protect non-public information and the Department's source selection information; and
7. Exploit technological advances in communication methods.

Industry Liaison

The Department has appointed an Industry Liaison to work with the Department's Acquisition Innovation Advocate (AIA), the Office of Small and Disadvantaged Business Utilization (OSDBU), key acquisition personnel, and industry to promote strong vendor communication practices and counter misconceptions that drive today's risk adverse culture. The Department's Industry Liaison is located within the Office of Acquisition Management, Strategic Acquisition Management Initiatives (SAMI). Contact details, for the Department's Industry Liaison and AIA can be found at <https://www2.ed.gov/about/offices/list/ocfo/contracts/contracts.html>.

Requirements:

Pre-Award Vendor Engagement

Contracting Officers (CO), Program Managers (PM) and Contracting Officer Representatives (COR) are encouraged to consider pre-award vendor input in all acquisitions. A vendor engagement strategy should be developed for all acquisitions, tailored to the specific requirement, providing maximum engagement opportunities and flexibilities, commensurate with the cost, risk, and history of the acquisition.

Vendor Engagement Strategy in Individual Acquisition Plan (IAP)

A comprehensive vendor engagement strategy is a mandatory requirement and shall be included in the IAP for acquisitions:

- Expected to exceed \$5 million over the life of the contract.
- For goods or services which were previously awarded with a limited source justification or which received only one offer in a previous competition.

A comprehensive vendor engagement strategy should include at least one industry day, a pre-solicitation or pre-proposal conference, allow for a reasonable amount of one-on-one engagement; and allow time for discussions during proposal evaluation.

A written justification shall be prepared and incorporated into the IAP if a determination is made that none of these steps are necessary.

Effective Debriefings (Pre- and Post-Award)

Debriefings represent a crucial forum for vendor engagement. Quality debriefings, in accordance with FAR 15.505 and 15.506, can be of great benefit to both industry and the government:

- Debriefings help vendors better understand proposal weaknesses so that they can make stronger offers on future acquisitions. This is especially important to small businesses as they seek to grow their position in the marketplace;
- Debriefings afford agencies the opportunity to evaluate and improve their own processes; and
- Agencies that conduct quality debriefings have found a decreased tendency by the supplier base to pursue protests.

When conducting debriefings, COs are encouraged to consider using such best practices as:

- Promoting a meaningful consideration of issues by soliciting vendors' questions, and if applicable, provide the overall general ranking of the debriefed offeror's proposal in relation to the other proposals;
- Preparing government personnel on adequate procedures and overall roles and responsibilities by explaining what is and is not allowed to be discussed in accordance with the FAR;
- Including draft checklists and sample agenda items for both oral and written debriefing formats; and
- Outlining useful tips to address debriefings in complex procurements and how to best engage additional stakeholders such as the program office subject matter experts and general counsel.

The Attachment C, [OFPP Myth-Busting 3 Further Improving Industry Communication with Effective Debriefings](#) provides enlightening information concerning misconceptions and facts about the debriefing process, as well as, best practices and innovative techniques that have been successfully employed at other agencies.

Efforts to Reduce Barriers and Promote Engagement

Lack of industry awareness of engagement opportunities: To overcome this barrier, the Department will create "special notices" posting on <https://www.fbo.gov/> for all vendor communication opportunities.

Inadequate identification of capable firms through market research: This barrier prevents engagement to some degree, as the firms with which to engage are not identified. To overcome this barrier, the Department holds vendor industry days, small business outreach sessions, pre-solicitation conferences, and public question and answer sessions to generate interest from known and unknown vendors. The

Department also provides the public with access to its annual Forecast of Contract Opportunities via the agency's external website. Additionally, the Department uses webinars to reach out to more vendors and increase competition. Webinars provide the opportunity for industry to give the Department feedback on requirements in order for the Department to better define requirements. Using technology helps the Department improve communications with industry resulting in better planning, better requirements definition, a more efficient acquisition process and enhanced competition. The Department also provides in-house training on market research.

Restrictive requirements documents and short proposal response times: To overcome these barriers to competition, the Department conducts in-house training on writing performance-based statements of work and best practices for providing sufficient proposal response times.

Misconceptions and Facts Related to Innovative Practices: Several misconceptions related to communications with industry are recounted in Attachment D, [OFPP Myth-Busting Memorandum #4](#). Each misconception is followed by facts and actual innovative steps that other agencies have successfully employed to improve interactions between government and industry. The acquisition workforce is encouraged to consider employing these strategies when appropriate.

Attachment Links to OFPP Myth-Busting Memorandums on Improving Communication with Industry:

- A. [“Myth-Busting”: Addressing Misconceptions to Improve Communications with Industry during the Acquisition Process](#)
- B. [“Myth-Busting #2”: Addressing Misconceptions and Further Improving Communication During the Acquisition Process](#)
- C. [“Myth-Busting #3”: Further Improving Industry Communication with Effective Debriefings](#)
- D. [“Myth-Busting #4” Strengthening Engagement with Industry Partners through Innovative Business Practices](#)

Links to Department of Education Contracting Information include:

- 1. Doing Business with ED:
<http://www2.ed.gov/fund/contract/about/booklet1.html>
- 2. Department of Education Acquisition Regulation (EDAR) – 48 CFR Chapter 34
<http://www2.ed.gov/policy/fund/reg/clibrary/edar.html>
- 3. Forecast of ED Contract Opportunities
<https://www2.ed.gov/fund/contract/find/forecast.html>
- 4. Office for Small and Disadvantaged Business Utilization
<http://www2.ed.gov/about/offices/list/ods/osdbu.html>
- 5. Procurement Small Business Goals:
<http://www2.ed.gov/policy/fund/reg/clibrary/sbgoals.html>