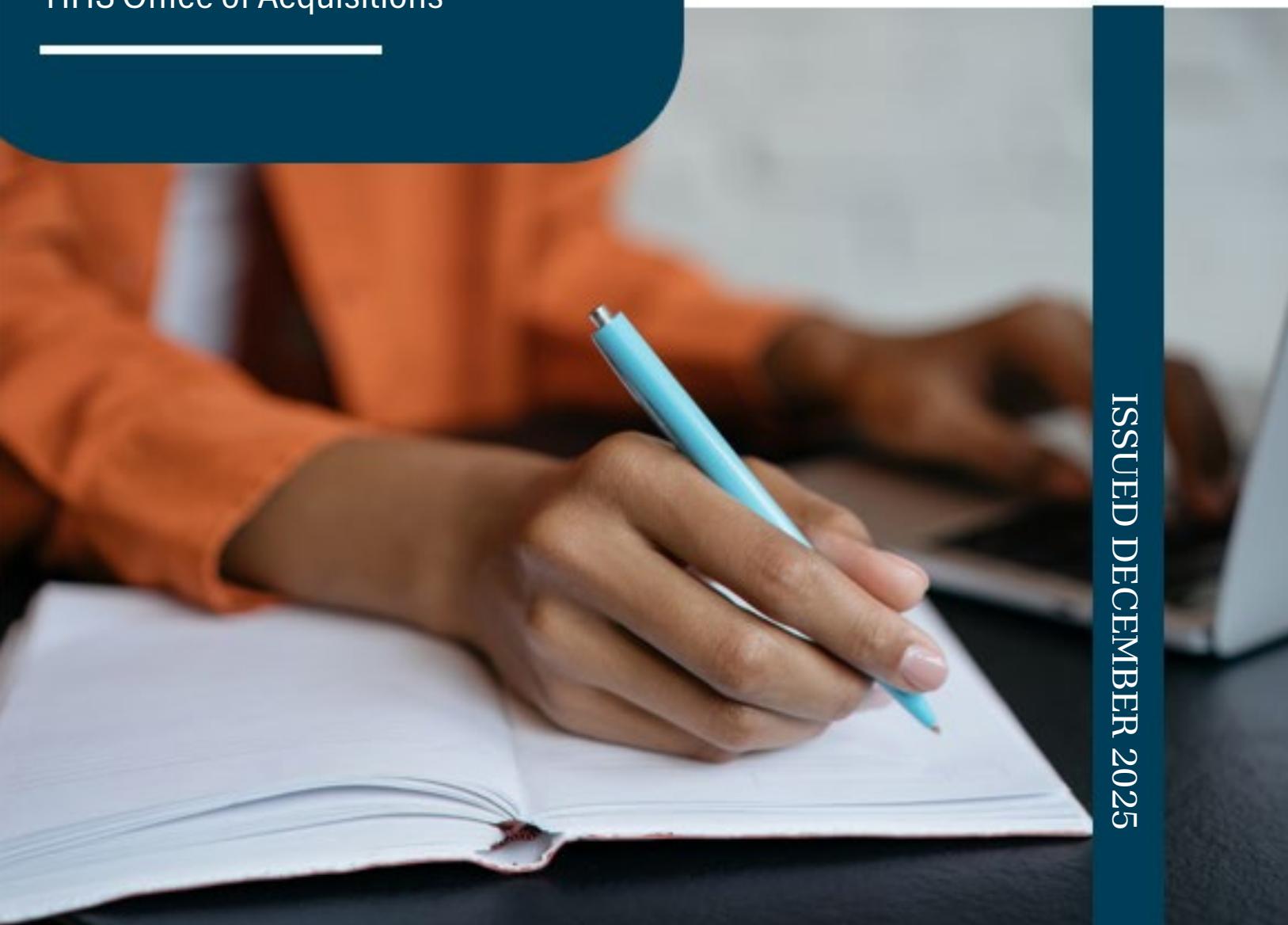




# VENDOR COMMUNICATION PLAN

HHS Office of Acquisitions

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U.S. Department of Health and Human Services (HHS)

Office of the Assistant Secretary for Financial  
Resources (ASFR)

Office of Acquisitions (OA)



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# Overview

## Introduction

HHS recognizes the importance and value of frequent and effective communication with industry early in the acquisition planning process, as it helps capture industry input and feedback to assist the government in developing requirements for more effective and efficient solutions that meet the agency's mission. These communications are integral to conducting effective market research in the acquisition planning phase of the procurement process. HHS is committed to promoting government-industry communications to the maximum extent practicable when in the best interests of HHS.

## Purpose

The purpose of this Vendor Communication Plan is to stimulate collaborative communication between HHS acquisition offices and our industry partners. HHS recognizes the many challenges acquisition offices and industry face when attempting to engage, especially in the pre-solicitation phase of a procurement. Many HHS acquisition professionals may hold common misconceptions about the extent to which they may communicate with industry when conducting market research and throughout the acquisition lifecycle. Those misconceptions may contribute to limited vendor engagement and create knowledge gaps regarding industry standards, capabilities, pricing, and available technologies. By adopting and implementing this Plan, HHS seeks to promote collaborative communications with industry to improve the quality and effectiveness of its procurements.

## Methods

This Plan provides a guide for HHS acquisition personnel and industry partners 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 communication gaps between the government and industry;
- d) Enhance our understanding of industry capabilities and conditions; and
- e) Improve the quality and effectiveness of our procurements.



## Industry Liaison

The Office of Management and Budget (OMB) has issued several memorandums addressing the need for stronger communication between government and industry. In its memorandum “Myth-Busting #4” – Strengthening Engagement with industry Partners through Innovative Business Practices (April 30, 2019), OMB highlighted the need for a liaison in order to promote stronger agency vendor communications.

In accordance with the memorandum, the HHS Industry Liaison will help to:

- a) Ensure timely responses when addressing vendor requests while establishing strong, frequent, and open communication channels;
- b) Work with HHS’ Office of Small Disadvantaged Business Utilization (OSDBU) to strengthen practices that improve our communication with vendors;
- c) Collaborate with the HHS Acquisition Innovation Advocate on agency initiatives to bolster vendor engagement;
- d) Make sure the vendor communication plan stays accessible and current; and
- e) Engage and encourage vendor feedback on agency acquisitions.

## Common Misconceptions and Solutions

### Misconceptions

For HHS to strengthen our communications, we must first identify and address our communication gaps. Some of the misconceptions that result in miscommunication, or lack of communication, between government and industry are:

- a) **Misconception:** “We can’t meet one-on-one with a potential offeror.”
  - a. **Clarification:** Government officials can generally meet one-on-one with potential offerors as long as no vendor receives preferential treatment.
- b) **Misconception:** "A protest is something to be avoided at all costs - even if it means the government limits conversation with industry."
  - a. **Clarification:** 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.



- c) **Misconception:** "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."
  - a. **Clarification:** 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 businesses.
- d) **Misconception:** "Getting broad participation by many different vendors is too difficult; we're better off dealing with established companies we know."
  - a. **Clarification:** The government loses when we limit ourselves to the companies we already work with. HHS needs to look for opportunities to increase competition and ensure that all vendors, including small businesses, get fair consideration.

The Government's evolution and attempts to address common misconceptions when communicating with Industry can be found in a series of the OMB "Myth-busting" memoranda listed in the Resources section of this Plan.

## Solutions

In order to dispel these misconceptions and strengthen HHS-industry communications, HHS supports the following best practices:

- a) Communicate early, frequently, and constructively with industry;
- b) Develop a stronger partnership between the 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; and
- e) Protect non-public information, which includes vendors' confidential information and the agency's source selection information.



# Vendor Engagement

## Reducing Barriers and Promoting Vendor Engagement

In order to confront barriers, foster better communication and promote vendor engagement, HHS supports employing the following techniques:

- a) Conducting industry days, small business conferences, and outreach sessions, as practicable (e.g., with Women-Owned, Service-Disabled Veteran-Owned, Historically Underutilized Business Zone, 8(a) Small Business, Large Business, Academia, etc.);
- b) Conducting 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) Releasing draft solicitations, including instructions to offerors and basis for award, to receive industry input, as appropriate;
- d) Educating the broader acquisition community (e.g., program management acquiring professional services, information technology, etc.) to openly communicate with industry, especially for large, complex requirements -- seeking Contracting Officer direction, as needed;
- e) Increasing 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) Developing dynamic interactive mechanisms for communicating more effectively with vendors about contracting opportunities (e.g., newsletters, technology, etc.);
- g) Publicizing accurate and timely procurement forecasts to increase small businesses and new vendor participation;
- h) Utilizing the [Open Government](#)<sup>1</sup> principles of transparency, collaboration, and participation in our approaches. Crowdsourcing practices coupled with the use of challenges and competitions that award prizes for problem-solving are powerful innovation levers;
- i) Employing the limited use of social media and access to social media sites.<sup>2</sup>

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<sup>1</sup> [Open government](#) involves the active participation of the public and community engagement.

<sup>2</sup> To regulate the use of social media, HHS issued [social media policies](#) in addition to the OMB memorandum M-10-23, [“Guidance for Agency Use of Third-Party Websites and Applications”](#).



## Identifying Vendor Input on Acquisitions

HHS encourages early exchanges of information surrounding acquisitions. An early exchange of information between industry, the Program Manager, Contracting Officer, and any other acquisition participants can ensure concerns are identified and resolved. Some areas of question may include:

- a) The availability of commercial item solutions;
- b) Capabilities of small and large business concerns to meet agency requirements;
- c) Laws and regulations requirements unique to the item being acquired;
- d) The availability of items that contain recovered materials and items that are energy efficient;
- e) What an acquisition strategy includes -- the proposed contract type, terms and conditions, and acquisition planning schedules;
- f) The feasibility of the requirement -- including performance requirements, tasks, deliverables, and data requirements; and
- g) The suitability of the proposal instructions and evaluation criteria -- including the approach for assessing past performance information.

## Vendor Engagement Strategy

As highlighted in the OMB “Myth-Busting: Addressing Misconceptions to Improve Communication with Industry During the Acquisition Process (February 2, 2011)” memorandum, a comprehensive vendor engagement strategy is required in acquisition plans for high-risk, large-dollar (above the Simplified Acquisition Threshold), and complex programs, such as those for major IT systems<sup>3</sup> and for re-competitions that need to attract new entrants to ensure adequate competition. This should include at least one industry day or a pre-solicitation or pre-proposal conference. These industry activities allow for a reasonable amount of one-on-one engagement; time for exchanges, as needed, during the proposal evaluation process; or when vendor engagement is not feasible, a written justification to the contract file as to why those steps are unnecessary is required by the contracting officer.<sup>4</sup>

## Publication of Engagement Events

HHS Divisions are highly encouraged to publish vendor engagement events – including industry days, small business outreach sessions, pre-solicitation conferences, solicitation question and answer sessions, etc. – as far in advance as practicable. These should be posted and updated regularly using the existing "special notices" function on the [Governmentwide](#)

<sup>3</sup>Reference the HHS Policy for [Information Technology Acquisition Review](#) (ITAR).

<sup>4</sup> HHS Acquisition Workforce Members may reference the [HHS Acquisition Plan Directive](#).



Point of Entry (GPE) and other sites, including the [OSDBU Small Business Customer Experience \(SBCX\)](#) site, which includes the HHS Forecast Opportunities, identified by individual HHS Divisions as being most effective and appropriate. The GPE is located at <https://www.sam.gov>.

## Additional HHS Roles and Responsibilities

Brief descriptions of the acquisition team members' roles and responsibilities are provided below:

### Senior Procurement Executive (SPE)

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

### Heads of Contracting Activity (HCAs)

- 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 Office of Federal Procurement Policy's repository of tools and techniques and ensure their personnel leverage successful practices provided within the [Acquisition Gateway](#).

### Contracting Officers (COs)/ Contracting Specialist (CSs)

- COs/CSs are responsible for serving as the focal point for communicating with industry during all active acquisitions
- Determining the timing, frequency, and degree of vendor engagement necessary
- Identifying the appropriate means of communication (e.g., holding one-on-one meetings, hosting vendor days, issuing requests for information, releasing draft solicitations, or using any combination of methods). When doing so, the CO is encouraged to consider methods that would generate new entrants to the market and increase competition, while working with the respective small business professional to identify the best way to conduct outreach to small businesses
- Providing guidance and direction to integrated project team members, as needed
- Documenting market research efforts, as appropriate
- Understanding the agency procurement forecast and where to find it in order to discuss related vendor inquiries



## Program/Project Managers (P/PMs)

- P/PMs are responsible for identifying agency needs and understanding vendor capabilities and technologies, as well as planning requirements to meet agency needs
- Conferring with the CO early and often to plan effective and efficient market research
- Assisting the CO by estimating the expected level of competition for different procurement strategies, based upon an evaluation of current market capabilities
- Collaborating with the CO to develop formal vendor engagement strategies
- Understanding the agency procurement forecast and where to find it in order to discuss related vendor inquiries

## Contracting Officer's Representative (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
- Identify ways to improve communication after award, such as holding post-award administration meetings
- Continue to engage in vendor outreach and market research post-award
- Ensure communications with contractors do not trigger constructive changes to the contract
- Provide meaningful and timely assessments on vendor performance within the Contractor Performance Assessment Reporting System (CPARS) ensuring communication on this assessment is coordinated with the vendor and CO

## 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
- Providing advice to the COs and other members of the integrated project team regarding appropriate communication strategies in terms of content, delivery, timing, etc.

## Ethics Coordinators

- Ethics coordinators are responsible for providing ethics-related advice and guidance to Federal employees, including acquisition personnel who communicate with vendors
- Include vendor communications in ethics training



## Acquisition Career Managers (ACMs)

- ACMs are responsible for providing P/PMs, COs, CSs, and CORs training opportunities that strengthen vendor engagement; and develop a better understanding of permissible communications

## 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, aiding HHS Divisions in reaching out to the small business community, and reviewing and approving HHS Form 653s - Small Business Review Forms
- Understanding the agency procurement forecast and where to find it in order to discuss related vendor inquiries
- Using the Small Business central event listing at GPE to publicize outreach events, as appropriate

## Competition Advocate

- Competition Advocates are responsible for promoting competition by encouraging industry outreach

## Acquisition Innovation Advocate (AIA)

- The HHS AIA is responsible for encouraging acquisition innovation through the adoption and application of existing acquisition innovation techniques while promoting the testing of new ideas and better ways to execute existing practices; sharing knowledge; coordinating feedback and suggestions from industry partners; establishing and maintaining the HHS Innovation, Development & Exploration Acquisition Strategies (IDEAS) Lab

## Chief Information Officers (CIOs) and Chief Technology Officers (CTOs)

- CIOs and CTOs 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



## Training and Awareness Efforts for Government Employees and Contractors

HHS supports Divisions using 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 to discuss exchanges with industry (e.g., brown-bag lunch seminars; town hall meetings, etc.); and
- c) Desk references and job aids that provide information on industry engagement.

HHS will distribute its Vendor Communication Plan to the acquisition community, including Divisions, for dissemination to their acquisition professionals. Additionally, a copy of the plan will be made readily available on HHS's public-facing website for ongoing access.



# Resources

## HHS Industry Liaison



Alexis Williams



U.S. Department of Health and Human Services |  
Assistant Secretary for Financial Resources | Office of  
Acquisitions | Strategic Programs and Business  
Systems

200 Independence Ave. SW, Washington, D.C. 20201

Email: [IndustryLiaison@hhs.gov](mailto:IndustryLiaison@hhs.gov)

For previous OMB-issued memorandums on industry engagement, please see the below links:

- [“Myth-Busting: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process \(February 2, 2011\)”](#)
- [“Myth-Busting 2: Addressing Misconceptions and Further Improving Communication During the Acquisition Process \(May 7, 2012\)”](#)
- [“Myth-busting 3: Further Improving Industry Communication with Effective Debriefings \(January 5, 2017\)”](#)
- [“Myth-busting #4 – Strengthening Engagement with industry Partners through Innovative Business Practices \(April 30, 2019\)”](#)