

United States
Department of Labor
Washington, D.C.

Office of Acquisition Management
Vendor Communication Plan

Introduction

The Department of Labor recognizes the value of communicating appropriately with industry concerning its acquisitions. Communication with potential vendors should occur as soon as possible after a bona fide need has been identified to ensure proper information is transmitted correctly.

An increased significance is placed on frequent exchange of information amongst industries to make certain the quality of the agencies' research is advanced. Constant communication is encouraged between the Department and potential vendors at the initial identification of a requirement, throughout the process and upon its completion.

Vendor involvement is required to keep abreast of the latest products and services available to fulfill Departmental requirements. Vendors can also provide useful information concerning intended acquisition methods that may aid in making prudent business choices. Conversely, communicating program needs and issues to industry promotes understanding, quality proposals, enhanced contract performance and lower prices. Communication adds significant value and promotes competence in all aspects of the acquisition process.

Accordingly, this plan is designed to maximize mutually beneficial communications between industry and the Department.

Agency Commitment

The Department of Labor is committed to:

1. Frequent, constructive communication with industry early in the acquisition process to gain market/industry information to ensure a more successful outcome;
2. Ensuring that small businesses and other businesses alike are included in communications about agency requirements through agency postings and vendor outreach efforts;
3. Engaging in timely, constructive and professional information exchanges with the vendor community, with an emphasis on high dollar, complex procurements;

4. Reducing unnecessary barriers to attract new vendors and enhance competition, especially where there is a pattern of receiving only one quotation or proposal;
5. Protecting proprietary information contained in offeror's proposals and other information obtained during the source selection process, including preventing inadvertent release through the Freedom of Information Act (FOIA) process or divulging vendors' confidential information or source selection information to those without a legitimate need-to-know.
6. Identifying in the Annual Acquisition Plan and Procurement Forecast requirements likely to involve opportunity for additional communication with industry and publicizing communication engagement opportunities on the [Federal Business Opportunities](#) website, including pre-solicitation and/or pre-proposal conferences for high dollar, high-risk, or complex programs, or those that fail to attract new vendors during re-competitions.

Responsible Official

The Department of Labor's senior official responsible for promoting vendor engagement is Edward C. Hugler, Deputy Assistant Secretary for Operations under the Assistant Secretary for Administration and Management. Mr. Hugler is also the Department's Senior Procurement Executive and is perfectly situated to ensure implementation of this plan.

Efforts to Reduce Barriers and Promote Engagement

The Department has long promoted and facilitated communications with industry. Vendor Outreach Sessions (VOS) are held on a quarterly basis and the names and contact information of key agency acquisition personnel, including agency information technology managers, are published on the Department's [website](#).

The Department also periodically conducts an Information Technology Expo where industry discusses and demonstrates products and capabilities with the Department's information technology community. In addition, particular acquisitions have involved substantial market research, including discussions with vendors, pre-solicitation and pre-proposal conferences. Such conferences provide an opportunity for vendors to ask questions and network with other attendees who may be potential teaming partners.

To supplement the above efforts, the Department will consider use of blogs, webinars and wikis (reference [Apps.gov](#) or [Betterbuy](#)) to promote interaction with industry and solicit comments. The Department will also train and encourage contracting officials to engage as frequently as practicable with industry.

Criteria for Identifying Acquisitions Which Require Vendor Input

Vendor input is to be sought in advance of solicitation when the acquisition is valued at over \$10M and is one of the following types: acquisitions of information technology systems; acquisitions of products or services the agency has little experience acquiring; when novel contracting provisions or evaluation factors are utilized; and when similar prior acquisitions have yielded little competition.

Publication of Engagement Events

The Department lists upcoming Vendor Outreach Sessions on its [website](#), and also advertises them on [Federal Business Opportunities](#) along with other small business conferences, industry days, pre-solicitation conferences, and RFP question and answer sessions.

Roles and Responsibilities

Contracting Officer (CO) – Obligates the government. Generally serves as the Source Selection Authority in awarding contracts and is responsible for facilitating communication engagement activities in the National Capital Region and Regional Offices. Establishes and maintains the ground rules for information sharing and ensures high integrity and fairness during all phases of the acquisition process. Uses information gained through the vendor communication exchange process to advise on solicitation requirements and source selection process, including contract type, level of small business participation, multiple awards, payment structure, evaluation criteria, etc. Collaborates with Office of the Solicitor (SOL) and Small Business Program representatives. Addresses efforts that will be undertaken to remove barriers to competition. Attends vendor communication meetings, as appropriate, to better understand industry capabilities and requirements in order to enhance the Government's solicitation requirements. Under Competition in Contracting Act, 41 U.S.C. Section 253(a) (1) (A), COs have a duty to promote and provide for competition and to provide the most advantageous contract for the Government. Therefore, COs must be proactive and take any necessary steps or actions to maximize competition.

Program Manager (PM) – Ensures appropriate communication takes place with vendors to keep abreast of industry trends and learn of current products and services available to fulfill requirements as well as available sources and means of acquisition.

Contract Specialist – Supports the CO in all aspects of the procurement process. Attends communication exchange meeting and may represent the CO. Actively seeks out engagement opportunities with industry, where feasible, and engages in vendor outreach activities. Attends vendor communication meetings to better understand industry capabilities and requirements in order to enhance the Government's solicitation requirements, in coordination with the CO.

Assists the PM in taking minutes during one-on-one vendor meetings or other types of exchanges with industry, and documents the file.

Contracting Officer's Representative (COR) – Plans and coordinates communication exchange activities with the CO and Contract Specialist. Takes minutes during one-on-one vendor meetings or other types of exchanges with industry. Uses information gained through the vendor engagement process to enhance the quality of agency requirements and budget estimates. Attends vendor communication meetings to better understand industry capabilities and requirements in order to enhance the Government's requirement contained in the Statement of Work (SOW), Performance Work Statement (PWS) or Statement of Objective (SOO).

Office of the Solicitor (SOL) – Ensures the legal sufficiency of contractual documents and provides counsel and legal opinions as required.

Ethics Officer – Provides guidance and feedback to ensure that issues concerning Organizational Conflicts of Interest are addressed and do not unnecessarily impede proper engagement between the agency and vendors. Provides guidance to ensure proper business practices, procurement integrity, and avoidance of personal conflicts of interest.

Office of Small and Disadvantaged Business Utilization (OSDBU) – Conducts Small Business Outreach Sessions, VOS and meetings to offer small businesses the opportunity to market their capabilities to agency program officials and to learn about potential Department procurement opportunities. The OSDBU employs the strategy of screening all acquisitions exceeding the simplified acquisition threshold via the DL-1-2004 Acquisition Screening Form (including GSA schedule and GWAC buys) for possible small business, small disadvantaged business, 8(a) small disadvantaged business, women-owned small business, HUB Zone or service-disabled veteran-owned small business set-asides.

Other Officials, such as contacts identified in the Procurement Forecast or on the Department's website, will communicate appropriately with vendors when contacted to learn of products, services, and means of acquisition available to fulfill requirements.

Communication with Industry Prior to Receipt of Quotations or Proposals

Sharing information with vendors and engaging in open exchanges and dialogue during the early stages of procurement can provide unique insight from industry that could improve the quality of agency requirements and processes. This type of interaction could enhance competition and lead to efficiencies in the acquisition process and other positive outcomes that benefit all concerned.

One-on-one meetings are encouraged in order to facilitate open information exchanges either with a single vendor or with a small group of vendors. Regardless, they must be conducted in a

fair and transparent manner, and be well documented. If a COR/PM would like to hold one-on-one meetings, they must contact the CO in advance. The CO will determine whether the PM or a COR should attend (depending on the unique circumstances), and whether there are any issues that should be reviewed or addressed in advance of such meetings. This approach will serve to safeguard the integrity of the procurement process.

The Federal Acquisition Regulation (FAR) includes the following methods for engaging in early exchanges between Government and industry:

- industry or small business conferences
- public hearings
- one-on-one meetings with potential offerors
- pre-solicitation notices
- draft requests for proposals (RFP)
- request for information (RFI)
- pre-solicitation or pre-proposal conferences
- site visits
- market research conducted in accordance with FAR Part 10
- sources sought synopsis (SSS)

FAR 15.201 (f) emphasizes that fairness to all prospective vendors must always be maintained and serves as a guide in dictating the scope and nature of the dialogue and assures a level playing field. Essentially, any information shared by DOL with a vendor during one-on-one meetings affecting the preparation of proposals under a competitive solicitation must be made publicly available as soon as possible. Otherwise, the agency's efforts at early communication may be counterproductive and foster an unfair competitive advantage for a prospective offeror. Conversely, any interactions between the agency and a prospective offeror that concern the firm's "confidential" business strategy must not be disclosed to the public, as such communications are protected from disclosure by Federal law and regulation. The agency should be candid with vendors about what information can be shared with the general public to ensure confidentiality while promoting transparency and openness.

Market Research

Conducting market research is the basis for planning and developing a successful acquisition. It is the process of gathering and analyzing information about a market, product or service to be offered for sale to fulfill Government's needs. Market research can provide insight into product and industry trends, technology trends as well as helpful strategies.

Effective market research is beneficial as it can help shape a solicitation that best fits with the description of the Government's needs. Ultimately, it will improve communication between industries to achieve positive results, promote the use of competitive procedures and aid in determining information in regards to commercial items.

As stated in the FAR 10.001 Policy: Agencies must conduct market research –

- Before developing new requirements documents for an acquisition by that agency;
- Before soliciting offers for acquisitions with an estimated value in excess of the simplified acquisition threshold;
- Before soliciting offers for acquisitions with an estimated value less than the simplified acquisition threshold when adequate information is not available and the circumstances justify its cost;
- Before soliciting offers for acquisitions that could lead to a bundled contract ([15 U.S.C. 644\(e\)\(2\)\(A\)](#));
- Before awarding a task or delivery order under an indefinite-delivery/indefinite-quantity (ID/IQ) contract (*e.g.*, GWACs, MACs) for a noncommercial item in excess of the simplified acquisition threshold ([10 U.S.C. 2377\(c\)](#)); and
- On an ongoing basis, take advantage (to the maximum extent practicable) of commercially available market research methods in order to effectively identify the capabilities of small businesses and new entrants into Federal contracting that are available in the marketplace for meeting the requirements of the agency in furtherance of—
 - A contingency operation or defense against or recovery from nuclear, biological, chemical, or radiological attack; and
 - Disaster relief to include debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities. (See FAR [26.205](#)).

Training and Awareness Efforts

The Department will transmit this plan, via contracting officer notice, to its procurement community, including contracting officers, specialists, and associated program personnel. In the notice, the link will be provided to Federal Acquisition Institute's (FAI) Acquisition Learning Seminar on Effective Vendor Engagement. The Department will also include a presentation on the subject in upcoming acquisition seminars.

Information Types

The following information is not intended to be all-inclusive; rather, it is intended to serve as a basic framework for appropriate communication with industry. This information is intended to support the engagement efforts of contracting and project/program personnel to ensure that communications with industry are appropriate and follow applicable Federal laws and regulations. Prior to engaging industry, acquisition personnel should consider the prohibitions and restrictions that may apply to the situation, including restrictions contained in the FAR and other laws and regulations (procurement integrity, FOIA, etc.). If the COR/PM is unsure about an appropriate response to a request for information or whether he or she should attend a meeting, the COR should contact the CO or an SOL attorney for guidance.

Public Information:

As a Government official and representative, a COR/PM may share information with industry that is available to the public. The following types of information are publicly available and are not considered confidential:

- Information concerning the identity and scope of work of other Government contracts;
- Information that the contractor has previously disclosed to the public;
- Information reproduced from public documents, such as RFP or other publically available DOL documents or publications; and
- Information concerning the identity of the incumbent contractor and the aggregate cost for the Government contract, as such information is posted on [FedBizOpps](#).

Sensitive or Proprietary Information:

The following types of information must be treated as confidential, assuming the information was not made public by the Government and disclosure is not otherwise required by law, statute or regulation:

- Information that would disclose a firm's approach to performing contract work;
- Information that would disclose a firm's plan to manage a contract, including subcontracting;
- Information concerning a firm's relevant experience and expertise, except for general information regarding the firm's Government-sponsored contracts, grants or agreements that is public information;

- Information concerning the identities or qualifications of specific employees, consultants, subcontractors, and subcontractor employees that a firm proposes to use in performing the contract work;
- Information concerning a firm's proprietary processes, devices, software, organization of reports, analyses, etc.;
- Information concerning a firm's accounting methods or practices; and
- Information that would disclose a firm's labor rates, salaries, overhead costs, general and administrative costs, fee or profit policies, and amounts.

Training efforts for employees will include the dissemination of internal guidance and feedback to ensure effective use of communication approaches with the vendor community. Information to facilitate public awareness for vendors will include postings on the [Federal Business Opportunities](#) website, agency website or through other means (i.e., brochures).

Links to Existing Applicable Policies

To facilitate communications with industry, the Department has long maintained a Small Business Procurement Power Page on its [website](#).

That site contains a wealth of information of use to all businesses. To facilitate communication with industry it includes:

- Information on upcoming vendor outreach sessions;
- The Department's Annual Acquisition Plan and Procurement Forecast; and
- Listings of agency information technology managers, agency small business specialists, training officers and purchase card holders, including phone numbers, and e-mail addresses.

Requirements for vendor communication prior to solicitation will also be worked into applicable Departmental Manual series chapters as they are updated.

Plans to Follow-up with Employees and Industry Representatives

The Department will conduct surveys to follow-up with employees and industry representatives regarding vendor communications sessions to identify lessons learned and areas in need of improvement. The Department routinely conducts a follow-up survey to its regularly scheduled Vendor Outreach Sessions whereby industry may provide feedback.