

# **Department of Labor Vendor Communication Plan**

## **Introduction**

The President's management agenda challenges agencies to deliver 21st Century services by modernizing information technology, increasing transparency and accountability, and building an advanced workforce.

The Department of Labor (DOL or Department) recognizes the value of early, frequent, appropriate, and constructive engagement with industry concerning its acquisitions. Communication with industry should occur as soon as possible after a bona fide need has been identified to ensure proper information is transmitted towards a better acquisition outcome. With expenditures of approximately \$2 billion dollars each fiscal year on contract actions for goods and services, the Department has an obligation to conduct procurements in the most effective, responsible, and efficient manner.

An increased significance is placed on frequent exchange of information amongst industries to make certain the quality of the agencies' research is advanced. Frequent 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 DOL personnel informed of the latest products and services available to fulfill Departmental requirements. Vendors can also provide useful information concerning intended acquisition methods and approaches 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 engagement between industry and the Department, reduce communication barriers, encourage more industry input into DOL Acquisitions, and provide vendors integral information and awareness of DOL marketing best practices, pertinent contract regulations, and policies.

## **Agency Commitment**

### **DOL is committed to:**

1. Keeping pace with technology's acceleration by discovering ways to better communicate with industry, thus greater understanding of the commercial market place, attracting new contractors, encouraging current partners to use new processes, and offering modern solutions;
2. Conducting frequent, constructive engagement with industry early in the acquisition process to gain market/industry information; thus, improving acquisition outcomes. This may also include the use of virtual Requests for Information (RFIs) where vendor's

solutions may be demonstrated, pre-solicitation, to contracting officers, program managers, and others;

3. Ensuring that small businesses and industry partners as a whole are included in communications about agency requirements through agency postings and vendor outreach efforts;
4. Engaging in frequent, timely, constructive, and productive information exchanges with industry partners, with an emphasis on targeting Category Management solutions identified within Spend Under Management, and Best-In-Class procurement vehicles;
5. Reducing unnecessary barriers to enhance competition, especially where there is a pattern of receiving only one quotation or proposal;
6. 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.
7. Ensuring timely contribution and completion of DOL's Procurement Forecast to ensure industry is aware of all projected procurement opportunities;
8. Publicizing communication engagement opportunities on the [Federal Business Opportunities \(FedBizOpps\)](#) website, including draft solicitations, where applicable, 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;
9. Ensuring that the Department's procurements do not fund human trafficking, and that all requirements under section 106 of the Trafficking Victims Protection Act of 2000 are executed. Information on applicable laws and regulations can be found at: <https://www.dhs.gov/human-trafficking-laws-regulations>; and
10. Ensuring Buy American Act (BAA) laws and regulations are enforced and adhered to in DOL's awarded contract actions, and remind the vendor community of their responsibilities pertaining to BAA;

## **Responsible Official**

The Chief Acquisition Officer (CAO) is the Senior Accountable Official at DOL that promotes vendor engagement and Category Management. The CAO is uniquely positioned to ensure the implementation of this plan.

## **Efforts to Reduce Barriers and Promote Engagement**

The Federal Acquisition Regulation (FAR) authorizes a broad range of opportunities for vendor communication and engagement. For example, FAR 10.002 (b) (2) authorizes a wide range of techniques for conducting market research, including participation in interactive, online communications with industry. However, acquisition professionals often hesitate to take advantage of these opportunities.

Some acquisition staff may be reluctant to engage in these exchanges out of concerns of protests or releasing information that will create an unbalanced playing field. On the other hand, industry

may be concerned that talking with acquisition staff could create a conflict of interest that will preclude them from competing on future requirements.

However, the Department has long promoted and facilitated engagement with industry in various ways. On numerous occasions, DOL has conducted “Meet and Greet” sessions, held “Industry Days,” held pre-solicitation meetings with industry, and conducted post-award conferences. Additionally, small businesses Vendor Outreach Sessions 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](#). Furthermore, the Department periodically conducts an Information Technology Expo where industry discusses and demonstrates products and capabilities with the Department’s information technology community. Finally, the Department will continue to utilize the [FedBizOpps](#) website, GSA e-Buy, and other mediums to communicate and engage with industry. Moreover, the Department will also train and encourage contracting officials to engage as frequently as practicable with industry and document the file.

## **Publication of Engagement Events**

The Department lists upcoming Procurement Vendor Engagement Sessions on its [website](#), and also advertises them on [FedBizOpps](#) along with small business conferences, industry days, pre-solicitation conferences, and Request for Proposal (RFP) question and answer sessions.

## **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 benefits all concerned.

One-on-one meetings are encouraged to facilitate open information exchanges either with a single vendor or with a small group of vendors. Regardless, information exchanges must be conducted in a fair and transparent manner, and be well documented. If a Contracting Officer’s Representative (COR) or Program/Project Manager (PM) would like to hold one-on-one meetings, they must contact the Contracting Officer (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 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 RFP

- request for information
- pre-solicitation or pre-proposal conferences
- site visits
- market research conducted, in accordance with FAR Part 10
- sources sought synopsis

DOL strives to abide by the principle of FAR 3.101-1 in ensuring that Government business is conducted in a manner above reproach and with complete impartiality. Furthermore, 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 or quotes under a competitive solicitation must be made publicly available as soon as possible. Meeting dialog should be submitted to the CO and made publicly available. 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" (trade secrets or proprietary) 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 the 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. When possible, procurement staff are encouraged to engage vendors early in the acquisition process to evaluate market capabilities, and ways that industry may satisfy requirements non-traditional ways. 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\(e\)\(2\)\(A\)](#)); 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 procurement 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 COs, specialists, and associated program personnel. In the notice, the link will be provided to Federal Acquisition Institute's Acquisition Learning Seminar on Effective Vendor Engagement. The Department will also include a presentation on the subject in upcoming acquisition training.

## **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, DOL FAR Supplement, 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 engage with a vendor, the COR should contact the CO or an attorney from the Office of the Solicitor 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](#), GSA eBuy, Federal Procurement Data System-Next Generation, and USAspending.

## **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, trade secrets, 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 [FedBizOpps](#) website, agency website, or through other means (i.e., brochures).

## **Contact**

For additional information, you may contact the Department's Industry Liaisons at the following:

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