

Department of Health and Human Services (HHS)

Vendor Communication Plan

April 2020



A. Introduction

The Department of Health and Human Services (HHS) recognizes that conducting market research is an important component of acquisition planning, and that having frequent and effective communication with industry early in the acquisition planning process helps to capture industry feedback and input to assist the government with requirements development for a more effective and efficient innovative solution to meet the agencies mission. HHS is committed to promoting government-industry communications to the maximum extent allowable and when in the best interests of HHS.

B. 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 in today's risk aversion culture. This plan will help to address some of the issues we are currently facing, and offer steps to promote collaborative communication.

HHS acquisition professionals may have adopted 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 intends to improve the quality and effectiveness of its procurements.

C. Methods

This Plan provides a guide for HHS acquisition personnel 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 current industry capabilities and conditions; and
- e. Improve the quality and effectiveness of our procurements.

D. Industry Liaison

The Office of Management and Budget (OMB) has issued a number of memorandums addressing the need for stronger communication between government and industry. In the latest 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.

Derived from the memorandum the HHS Industry Liaison with help to:

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

The HHS Industry Liaison point of contact is provided below:

Morgen Slager
Procurement Analyst
Office of Acquisition Policy
Assistant Secretary for Financial Resources, Office of Acquisition
U.S. Department of Health and Human Services
Office: 202-205-4512
200 Independence Ave. S.W. Suite 550G.31
Washington, D.C. 20201

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 \(January 5, 2017\)"](#)

E. Common Misconceptions and Solutions

HHS is committed to fostering open communication with industry whenever necessary, practicable, and appropriate. In order to strengthen our communications, we must first identify and address our communication gaps. Some of the misconceptions that foster miscommunication between government and industry are below:

- a. **Misconception:** "We can't meet one-on-one with a potential offeror."
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."
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."
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."
Clarification: The government loses when we limit ourselves to the companies we already work with. Instead, we need to look for opportunities to increase competition and ensure that all vendors, including small businesses, get fair consideration.

A list of additional misconceptions can be found in the OMB memorandum [“Myth-busting 4 – Strengthening Engagement with Industry Partners through Innovative Business Practices \(April 30, 2019\)”](#) attachment 2.

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 Office of Small and Disadvantaged Business Utilization (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.

F. Reducing Barriers and Promoting Vendor Engagement

In order to confront barriers, foster better communication and promote vendor engagement; HHS plans to engage the below steps:

- a. Encourage wide dissemination of our Vendor Communication Plan, to include any memorandums and additional information;
- b. Conduct industry days, small business conferences, and outreach sessions (e.g., Veteran Owned, Service Disabled Veteran Owned, Historically Underutilized Business Zone, 8(a) Small Business (VHS day)), as practicable;
- c. Conduct 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;

- d. Release draft Request for Proposals (RFPs), including sections L and M, to receive industry input, as appropriate;
- e. Educate the broader acquisition community (e.g., program management and information technology/security) to openly communicate with industry, especially for large, complex requirements -- seeking Contracting Officer direction, as needed;
- f. Increase 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;
- g. Develop dynamic interactive mechanisms for communicating more effectively with vendors about contracting opportunities (e.g. newsletters);
- h. Publicize accurate and timely procurement forecasts to increase small businesses participation;
- i. HHS emphasizes the [Open Government](#) 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;
- j. HHS does allow for the limited use of social media and access to social media sites. 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”](#).

G. Identifying Vender 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 any concerns are identify and resolved. Some concerns include:

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

Where practicable and appropriate HHS supports the following techniques to encourage early exchanges of information: conducting Industry Days and Small Business Conferences, having one-on-one meetings with potential offerors, putting out requests for information, having pre-solicitation or pre-proposal conferences, and conducting site visits. Additionally we have addressed the vendor engagement strategy within HHS’s acquisition plans by requiring consideration of small businesses, including socio-economic sub-categories, as well as

information surrounding the market research conducted.

H. 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 for acquisition plans for high-risk, large-dollar, and complex programs, such as those for major IT systems 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; allows for a reasonable amount of one-on-one engagement; allows time for discussions, as needed and in accordance with [FAR Part 15](#), 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. (Please note that due to the rapid changing environment surrounding IT/social media etc., information is subject to change.)

I. Publication of Engagement Events

Staff Divisions/Operating Divisions (STAFFDIVs/OPDIVs) are highly encouraged to publish vendor engagement events -- including industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, etc. - as far in advance as practicable. These shall be posted and updated regularly using the existing "special notices" function on Government wide Point of Entry (GPE) and other sites identified by individual STAFFDIVs/OPDIVs as being most effective and appropriate.

J. Additional HHS Roles and Responsibilities

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

Contracting Officers (COs)/ Contracting Specialist (CSs)

- These individuals 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 (RFIs), 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 OSDDBU and the respective small business specialist 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)

- These individuals 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)

- These individuals 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 to constructive changes to the contract

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

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

Senior Procurement Executive (SPE)

- The Senior Procurement Executive (SPE) is responsible for promoting vendor engagement, updating this Plan, as needed, and overseeing Heads of Contracting Activity (HCA) implementation of the Plan

Heads of Contracting Activity (HCA)

- 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 OFPP's Community of Practice (CoP) on this subject to leverage successful practices

Acquisition Career Managers (ACMs)

- These individuals 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, providing assistance to STAFFDIVs/OPDIVs 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 Government wide Point of Entry (GPE) to publicize outreach events, as appropriate

Competition Advocate

- These individuals are responsible for promoting competition by encouraging industry outreach

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

- These individuals 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

K. Training and Awareness Efforts for Government Employees and Contractors

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

HHS will distribute its Vendor Communication Plan to the acquisition community, to include the STAFFDIVs/OPDIVs for distribution to their acquisition professionals.