

MYTH 4

“Conducting discussions/negotiations after receipt of proposals will add too much time to the schedule.”

Fact –Whether discussions should be conducted is a key decision for contracting officers to make. Avoiding discussions solely because of schedule concerns may be counter-productive, and may cause delays and other problems during contract performance.

Schedule pressures should generally not be the primary, or even a strong, driver in the contracting officer’s decision on whether or not to hold discussions. One consideration the contracting officer should take into account is that conducting robust pre-solicitation communications with industry may actually minimize the need for discussions and result in a better technical solution and improved contract performance.

MYTH 5

“If the government meets with vendors, that may cause them to submit an unsolicited proposal and that will delay the procurement process.”

Fact – Submission of an unsolicited proposal should not affect the schedule. Generally, the unsolicited proposal process is separate from the process for a known agency requirement that can be acquired using competitive methods.

All acquisition officials should be familiar with FAR Subpart 15.6 and their agency’s procedures for receiving and evaluating an unsolicited proposal. Receipt of unsolicited proposals should not cause a delay in an acquisition.

There are five additional commonly held myths about vendor communication.

Read about them at

<http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/Myth-Busting.pdf>



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VENDOR COMMUNICATION

MYTHS



Dispelling Myths

About Vendor Communication

**To improve communication during
the acquisition process**

Dispelling Myths About Vendor Communication

"With expenditures of over \$500 billion annually on contracts and orders for goods and services, the federal government is obligated to conduct procurements in the most effective, responsible, and efficient manner possible. Access to current market information is critical for agency program managers as they define requirements and for contracting officers as they develop acquisition strategies, seek opportunities for small businesses, and negotiate contract terms. Our industry partners are often the best source of this information, so productive interactions between federal agencies and our industry partners should be encouraged to ensure that the government clearly understands the marketplace and can award a contract or order for an effective solution at a reasonable price. Early, frequent, and constructive engagement with industry is especially important for complex, high-risk procurements, including (but not limited to) those for large information technology (IT) projects." Dan Gordon, Administrator, OFPP

Myth 1

"We can't meet one-on-one with a potential offeror."

Fact – Government officials can generally meet one-on-one with potential offerors to gather market data as long as no vendor receives preferential treatment.

Prior to issuing a solicitation, the program manager, users, or contracting officer may meet with potential offerors to exchange general information and conduct market research related to an acquisition.

Dispelling Myths About Vendor Communication

Myth 2

"Since communication with contractors is like communication with registered lobbyists, and since contact with lobbyists must be disclosed, additional communication with contractors will involve a substantial additional disclosure burden, so we should avoid these meetings."

Fact – Disclosure is required only in certain circumstances, such as for meetings with registered lobbyists. Many contractors do not fall into this category, and even when disclosure is required, it is normally a minimal burden that should not prevent a useful meeting from taking place.

Disclosure is an important tool that ensures public trust in our contracting process, but it should not be an impediment to meeting with contractors and is not required in every circumstance. In the case of meetings where registered lobbyists are employed, contractors are required to track the costs and activities of their lobbying activities, as required by FAR Part 31, but that obligation places the disclosure burden on the contractor and does not require the government to take any steps.

Dispelling Myths About Vendor Communication

"Trying to make a procurement 'protest-proof' is rarely a good use of agency resources, and it may lead to decisions that aren't in the interest of the government." OFPP Myth Buster Campaign

Myth 3

"A protest is something to be avoided at all costs - even if it means the government limits conversations with industry."

Fact – 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.

At least 99 percent of procurements are never protested, although high dollar procurements are more likely to be protested. If contracting officers conduct responsible, meaningful, and constructive communications during the course of procurement, issues that could give rise to a bid protest are likely eliminated. Moreover, restricting communication for fear of protests may actually increase the likelihood of a protest – for example, by a vendor that hopes to get more information through 'discovery' during the protest.