



## NAVWAR CONTRACTS DIRECTORATE

# Communications With Industry

January 2022



# Agenda

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- ▼ Purpose
- ▼ Myths vs. Facts
- ▼ Four Phases of Engaging in Communication with Industry
  - Methods for Engagement in Communication with Industry
  - Guidelines for Proper Communication with Industry; Understanding the “do’s and don’ts”

“In today’s competitive environment we must move with speed and leverage innovations from a wide field of expertise,” said RADM D. W. Small. “That is why we are here today, to engage with the best minds from across industry to solve these hard problems together.”  
- NAVWAR Calls for Solutions at Speed at a Virtual WEST 2021, By Elisha Gamboa, Naval Information Warfare Systems Command (NAVWAR) Public Affairs

# Purpose

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- ▼ Provide guidance to support effective communication with Industry because...

Communication with Industry is critical to NAVWAR's ability to:

- Keep abreast of technology and product developments;
- Conduct market research in support of specific supply or service needs;
- Facilitate industry's understanding of Government requirements;
- Respond to questions and comments regarding a solicitation;
- Execute the source selection and contract award process; and
- Maintain a positive, ongoing contractual relationship



# Myths vs. Facts

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## ▼ Abundance of Misconceptions about Industry Communications

### ■ OMB:

- “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

### ■ DoD / DoN

- DepSecDef Memo, Policy for Communication with Industry, Jun 21, 2010
- UnderSecNav Memo, Navy Clarifying Guidance on Communication with Industry, May 4, 2011

# Four Phases of Communications with Industry

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**Occurs:**

Prior to solicitation release

After solicitation release through proposal receipt

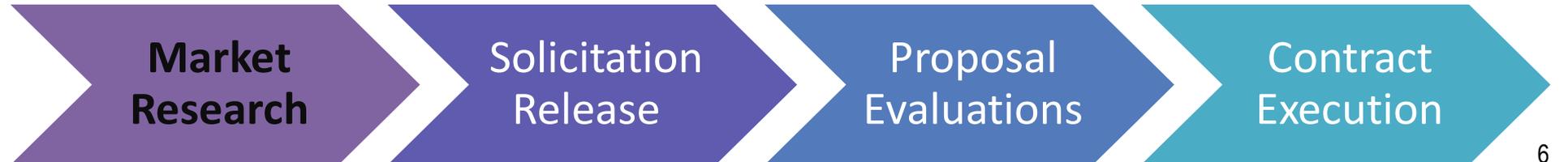
From proposal receipt to contract award

After contract award through Close-out

# Market Research

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- ▼ Market Research has two parts
  - Market Assessment
  - Market Investigation
- ▼ The differences between the two are associated with
  - Different methods of communication and
  - Different objectives



**Market  
Research**

Solicitation  
Release

Proposal  
Evaluations

Contract  
Execution

# Market Research - Assessment

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- ▼ An ongoing process that enables the Government to keep abreast of the latest technology and product developments
  - More “general” than “specific”
    - A focus on general capabilities, current and developing technologies, cost drivers, commercial terms & conditions, etc.
  - Supports the identification / discovery of available capabilities that meet Government needs
- ▼ Facilitates development of a defined requirement to support specific contract actions
  - Note: Cannot lead to a “Sole Source”
  - Rather: Leads to the identification of requirements that support the Government’s minimum needs

A horizontal process flow diagram consisting of four chevron-shaped boxes pointing from left to right. The first box is purple and labeled "Market Research". The second box is dark blue and labeled "Solicitation Release". The third box is medium blue and labeled "Proposal Evaluations". The fourth box is teal and labeled "Contract Execution".

**Market  
Research**

**Solicitation  
Release**

**Proposal  
Evaluations**

**Contract  
Execution**

# Market Research - Assessment

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- ▼ Objective: To “gain knowledge and information”
  - Discussions should be founded in questions and dialogue prompting the receipt of information;
  - Information can be verbal, literature, reports, demos, etc.
  
- ▼ Cautions
  - Avoid discussing upcoming procurements, current requirements, or proposed plans to solicit new requirements
  - Avoid obtaining anything that may otherwise result in a financial commitment or obligation
  - Avoid preferential treatment / endorsement of any particular contractor
  - Avoid providing any contractor with access to “non-public” information

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**Market  
Research**

**Solicitation  
Release**

**Proposal  
Evaluations**

**Contract  
Execution**

# Market Research - Assessment

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## ▼ Methods of Engagement

- Site visits (Government to Contractor's/Contractors to Government)
- Meetings with suppliers and manufacturers
- Discussions with other users of suppliers or products
- Technical conferences; Industry shows, Symposia, etc.
- Government/Industry forums, e.g. NDIA, AFCEA, SDMAC, CDCA
- Small Business Outreach; can be Government or Industry sponsored
- Vendor Demonstrations and Introductions

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**Market  
Research**

**Solicitation  
Release**

**Proposal  
Evaluations**

**Contract  
Execution**

# Market Research - Investigation

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- ▼ Communications with potential offerors to exchange information and investigate the market specific to a defined or identified procurement requirement
- ▼ Objectives:
  - Investigating availability, cost, industry capability, commercial terms and conditions, impacts on the market, options and alternatives, methods of purchase and sale, etc...
  - Facilitating industry's understanding of the requirement, investigate potential impacts or pitfalls

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**Market  
Research**

**Solicitation  
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Evaluations**

**Contract  
Execution**

# Market Research - Investigation

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## ▼ Methods of Engagement

- Requests for Information (RFIs)
- Pre-solicitation Notices
  - Sources Sought Synopsis (i.e. NAVWAR e-commerce); Seaport-NxG
  - Publication of planned engagement events (e.g. industry day, draft RFP)
- Draft Solicitations
  - SOW / PWS / Technical Information
  - Solicitation Sections L and M
- Pre-solicitation Conferences and Meetings
  - Industry Days
  - Scheduled one-on-one meetings
  - Site Surveys/Site Visits with customers and potential offerors

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Evaluations**

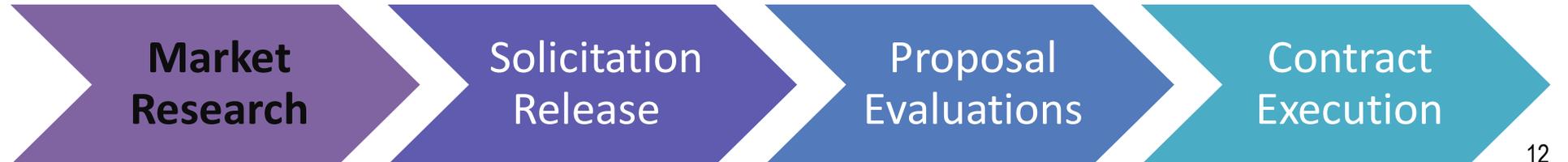
**Contract  
Execution**

# Market Research - Investigation

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## ▼ Guidelines for Proper Market Investigation

- Typically led by contracting office personnel with participation from technical and legal personnel
  - Technical personnel can conduct Market Investigation; however, they should ensure it is coordinated with the Contracting Officer
- Information shared by the Government should be readily shared with “industry at large”
  - Any information shared in a meeting that could directly affect proposal preparation should be shared in a timely manner with all potential offerors to avoid any actual or perceived unfair advantage

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Market  
Research

Solicitation  
Release

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Contract  
Execution

# Solicitation Release

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- ▼ Controlled communication process to ensure industry understanding of and responsiveness to official solicitations
- ▼ Methods of Engagement
  - Formal responses to vendor questions regarding the solicitation
    - Typically in writing from the Contracting Officer
  - Amendments to the solicitation
  - Pre-proposal conferences

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Market Research

**Solicitation Release**

Proposal Evaluations

Contract Execution

# Solicitation Release

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## ▼ Guidelines for Proper Communication

- The Contracting Officer is the focal point of all communication
- May include participation of all Government Personnel involved with the procurement (e.g. the Source Selection Evaluation Board (SSEB) members)
- Information provided to one potential offeror is provided to all potential offerors concurrently
- All questions received outside of stated channels, need to be referred to the Contracting Officer

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Market Research

**Solicitation Release**

Proposal Evaluations

Contract Execution

# Proposal Evaluations

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- ▼ Controlled process to ensure the integrity of the procurement and to protect source selection sensitive information
  
- ▼ Methods of Engagement
  - Clarifications
  - Communications
  - Exchanges / Discussions / Negotiations
  - Amendments to the solicitation
  - Status Notifications
  - Award Notification
  - Pre-award Debriefs
  - Post-award Debriefs

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Market Research

**Solicitation Release**

Proposal Evaluations

Contract Execution

# Proposal Evaluations

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- ▼ Guidelines for Communication after Proposals are Received
  - The Contracting Officer is the lead for all exchanges after proposals are received including:
    - Issuance of clarification or discussion questions or initiation of interchanges as applicable
    - Providing status-related information to industry and others
  - Governed by the Solicitation and Source Selection/Proposal Evaluation Plan
  - Information can only be provided to other Government officials on a “Need to Know Only” basis
    - Non-disclosure Agreements and Conflict of Interest forms may apply

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Market Research

Solicitation Release

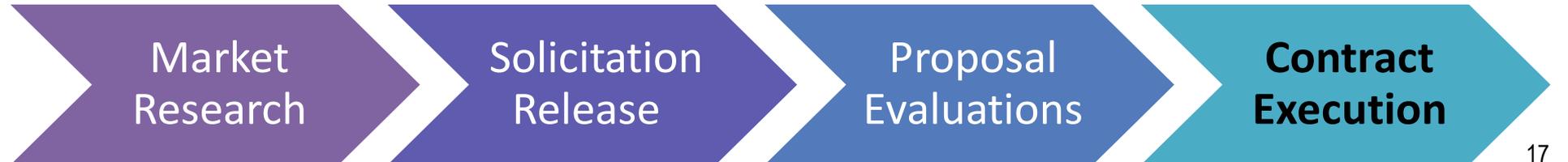
**Proposal Evaluations**

Contract Execution

# Contract Execution and Administration

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- ▼ Open and on-going dialogue with contract partners regarding contract requirements, progress, and performance
  
- ▼ Methods of Engagements
  - Post-award Conferences
  - Various program/contract activities and meetings required by or in support of the contract, related to performance of the contract
  - Formal Letters and/or Informal email
  - Contract Modifications
  - Award Fee Evaluations (as applicable)
  - CPARS Reports
  - Multiple-Award Contract (MAC) Task / Delivery Order Forecasts

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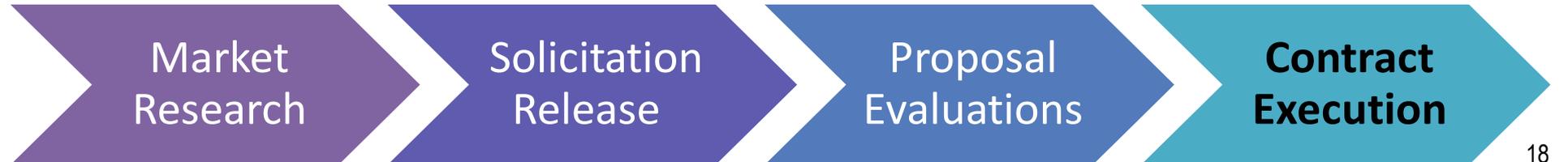
Proposal  
Evaluations

**Contract  
Execution**

# Contract Execution and Administration

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- ▼ Guidelines for Proper Communication During Contract Administration
  - Contracting Officer is the lead for exchanges that may change any contract terms, conditions, or requirements (i.e. the SOW/PWS)
  - Technical personnel, most often the COR, engage in “day-to-day” dialogue in accomplishing the work
  - Communication within the Government team, is just as important as communication with the contractor team

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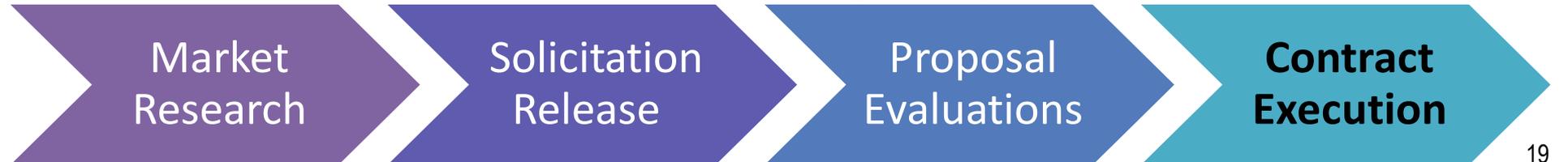
**Contract Execution**

# Contract Execution and Administration

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## ▼ Cautions

- Avoid inappropriate interference / influence on contractor hire and fire or any actions that create a “supervisor/employee” type relationship
  - Personal services issue
- Avoid any direction that could impact cost or schedule, deviates from the SOW / PWS or any contract term or condition, or drives the contractor to change its processes
  - Direction provided by unauthorized Government individuals could lead to ratifications or unauthorized commitments – when in doubt check with the PCO
- In a multiple award environment, provide equal communication as appropriate, and preserve company-unique / proprietary information
- Respect the relationship between the prime contractor and its subcontractors; communicate through the prime

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# Recap and Key Takeaways



## Occurs:

Prior to solicitation release

After solicitation release through proposal receipt

From proposal receipt to contract award

After contract award through Close-out

## Characterized by:

### Assessment:

Enables the Government to keep abreast of the latest technology and product developments

### Investigation:

Exchange of information with potential offerors to investigate the market specific to the planned procurement

Controlled communication process to ensure industry understanding of & responsiveness to official solicitations

Controlled process to ensure the integrity of the procurement and to protect source selection sensitive information

Open and on-going dialogue with contract partners regarding contract requirements, progress, and performance



# Summary

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## ▼ Bottom Line:

### – Communication with Industry is important:

- It enables NAVWAR to stay abreast of state-of-the-art technologies and capabilities in order to successfully accomplish its mission, and
- It facilitates the efficient and effective execution of the acquisition process and resulting contract actions that are vital to the success of our programs.

“I never want you to wonder what it is that the Navy needs, as we are dependent on your success,” said RADM D. W. Small. “It is to your benefit and the benefit of our national security for NAVWAR and the Navy to clearly communicate its opportunities and challenges so that industry can effectively and efficiently provide the best possible solutions to our warfighters worldwide.”

- NAVWAR Delivers Insights into Future Navy Needs at Industry Forum, By Naval Information Warfare Systems Command (NAVWAR) Public Affairs



# Resources

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“Myth-Busting”: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process, February 2, 2011

<https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/Myth-Busting.pdf>

“Myth-Busting 2”: Addressing Misconceptions and Further Improving Communication During the Acquisition Process, May 7, 2012

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“Myth-busting 3” Further Improving Industry Communication with Effective Debriefings, January 5, 2017

[https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/myth-busting\\_3\\_further\\_improving\\_industry\\_communications\\_with\\_effectiv....pdf](https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/myth-busting_3_further_improving_industry_communications_with_effectiv....pdf)

"Myth-Busting 4" - Strengthening Engagement with Industry Partners through Innovative Business Practices, April 30, 2019

<https://www.whitehouse.gov/wp-content/uploads/2019/05/SIGNED-Myth-Busting-4-Strengthening-Engagement-with-Industry-Partners-through-Innovative-Business-Practices.pdf>



# OMB's Original Myths and Facts

Myths	Facts
1. We can't meet one-on-one with a potential offeror.	Government officials can generally meet one-on-one with potential offerors as long as no vendor receives preferential treatment.
2. Since communication with contractors is like communication with registered lobbyists, and since contact with lobbyist must be disclosed, additional communication with contractors will involve a substantial additional disclosure burden, so we should avoid these meetings.	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.
3. A protest is something to be avoided at all costs - even if it means the government limits conversation with industry.	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.
4. 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.	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 business.
5. The program manager already talked to industry to develop the technical requirements, so the contracting officer doesn't need to do anything else before issuing the Request for Proposals (RFP).	Technical requirements are only part of the acquisition; getting feedback on terms and conditions, pricing structure, performance metrics, evaluation criteria, and contract administration will improve the award and implementation process.
6. Giving industry only a few days to respond to an RFP is okay since the government has been talking to industry about the procurement for over a year.	Providing only short response times may result in the government receiving fewer proposals and the ones received may not be as well-developed, which can lead to a flawed contract. This approach also signals that the government isn't really interested in competition.
7. Getting broad participation by many different vendors is too difficult; we're better off dealing with established companies we know.	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.
8. Conducting discussions/negotiations after receipt of proposals will add too much time to the schedule.	Whether discussions should be conducted is a key decision for contracting officers to make. Avoiding discussions solely because of schedule concerns may be counterproductive, and may cause delays and other problems during performance.
9. If the government meets with vendors that may cause them to submit an unsolicited proposal and that will delay the procurement process.	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.
10. When government awards a task or delivery order using the Federal Supply Schedules, debriefing the offerors isn't required so it shouldn't be done.	Providing feedback is important, both for offerors and the government, so agencies should generally provide feedback whenever possible.