

January 6, 2011

**IMPROVING THE MANAGEMENT OF FEDERAL GOVERNMENT IT ASSETS THROUGH BETTER
COMMUNICATION WITH THE IT INDUSTRY**
Comments by the American Council for Technology-Industry Advisory Council

Overview

The Administration has requested recommendations for improving government's communication with industry as it relates to the acquisition of information technology resources. In response to that request, this memorandum from the American Council for Technology-Industry Advisory Council (ACT-IAC) does the following (page numbers refer to the appendix):

- I. Provides an assessment of the current state of government and industry communications (page 3);
- II. Identifies several major barriers to greater communication between government and industry (page 4);
- III. Recommends factors to be considered in developing a strategy for improving communications (page 7);
- IV. Recommends specific actions that should be included in a communications strategy (page 8);
- V. Identifies areas where ACT-IAC can be of assistance to the Administration and the government IT community in addressing this issue (page 12); and
- VI. Provides a list of dos and don'ts for government and industry to improve the acquisition process (page 14).

Executive Summary

The key points are summarized as follows (see appendix for details):

A lack of effective communications between government and industry in the acquisition of IT products and services is costing the government money, reducing the government's ability to get the best solutions and limiting the opportunity for innovative solutions.

The major barriers to effective communication between government and industry are:

- *Confusion regarding what laws and rules govern communications with industry – coupled with a decentralized approach to interpreting the rules.*
- *A lack of clear guidance as to what is permitted in the way of communication coupled with a risk-adverse culture.*
- *An absence of any explicit support from management encouraging communication with the private sector.*
- *Inappropriate behavior by some vendors*
- *Workload and cultural issues*

The following factors should be considered in developing a strategy for improving communications.

- *There are many different players and perspectives involved in the acquisition process*
- *Improving communications with the private sector transcends the acquisition process*
- *Addressing the communications challenges requires a multi-faceted strategy and a continuing commitment*

The following actions should be included in a communications strategy:

- *Identify and analyze the relevant laws and government-wide regulations*
- *Issue policy guidance to the departments and agencies on the importance of communication and require senior agency management to issue implementing policy*
- *Designate a single agency to provide government-wide advice on communication issues and methodologies*
- *Develop a common set of ethical principles and guidance*
- *Identify the principles of effective and ethical communications*
- *Provide a catalog of best practices and communication methodologies*
- *Work with OPM to develop performance criteria on communication*
- *Recognize excellence in communication*
- *Encourage the development of education and training on how to improve communications*
- *Provide special briefings and training for Federal employees outside Washington, DC.*
- *Require agencies to provide an annual report on their communication policies and initiatives*
- *Establish a forum for government and industry to work on this issue on a continuing basis*
- *Identify ways to improve the acquisition process to provide more time for communications between government and industry*

Areas where ACT-IAC can assist the Administration in achieving its objectives.

- *Drafting policy guidance*
- *Developing the principles of effective communication*
- *Identifying best practices and models of communication*
- *Recognizing excellence in communication*
- *Promoting education and training*
- *Reaching beyond the Beltway*
- *Providing a continuing collaborative forum*
- *Providing a community of interest using the BetterBuy platform*

The appendix provides additional detail on the above issues

Moving Forward

ACT-IAC fully supports the Administration's initiative to improve communications between government and industry. Such communication will save the government time and money and produce better – and more innovative -- solutions. We also believe that this initiative is best accomplished through a collaborative process that includes government and industry. Both constituencies share the concerns and will benefit from the outcome. ACT-IAC is ready to be part of that collaboration.

ACT-IAC COMMENTS TO OMB ON IMPROVING COMMUNICATIONS BETWEEN GOVERNMENT AND INDUSTRY

January 6, 2011

APPENDIX

I. The Current State of Government and Industry Communications

The Federal government relies upon the commercial sector to provide effective and innovative information technology solutions to support government programs and missions. Common sense and experience suggest that effective communication between government and industry will save the government time and money while producing better and more innovative solutions. The Administration stressed this point in its *25 Point Plan to Reform Federal Information Technology Management* (December 9, 2010) in noting that a lack of effective communication between government and industry can “...negatively affect the full breadth of the acquisition process including needs identification, requirements definition, strategy formulation, the proposal process, and contract execution.”

Unfortunately, we are finding an increasing reluctance by government agencies to engage with the private sector – especially at the formative stages of new initiatives. We have spoken with senior executives in both government and industry who report growing barriers to their ability to communicate with one another. We are collecting comments from the government and industry employees who participate in ACT-IAC on the current state of this issue. While a full report will be provided in the near future, we find the initial comments to be very revealing.

From government employees:

- “Contracting officer will not allow us to talk with vendors without the contracting officer being present.”
- “With the increase in contract staff we expect them to know the solutions so we do not need to deal with vendors.”
- “When you talk with a vendor they bug you all the time and never back off so I do not talk with any of them.”
- “Most of us are just trying to survive and so do not have time to work with vendors.”
- “The vendors are just looking for ways to outsource our work, we will then not have a job and I need to work for a few more years.”
- “Every time you talk with a vendor they want to change how you are doing things.”
- “Getting new products and ideas from vendors is OK but we do not get the funding to learn how to support them, so it is a waste of time to talk with them (was told vendors could provide training to contractors but not federal staff).”
- “I do not need a vendor telling me how to do my job. They do not sit in my shoes but feel they know everything. The vendors do not understand our environment, we have run things this way for 30 years and they work just fine.”
- “Everything is now purchased centrally back in DC, so it is a waste of time to spend time with a vendor (from someone in the region).”
- “Numerous ethics statutes limit federal employee activities--and there are even more restrictions on procurement folks. It's a delicate line to walk, so I understand how people can be

hesitant. I have seen high level officials lose jobs overnight by committing an ethics faux pas that was determined to be a conflict of interest.”

- “Yes, we are willing to share info up to a point in the procurement process, but the Procurement Integrity act puts limits on this. And yes--we have to go to great lengths (what may seem ridiculous) to keep the playing field level.”

From private sector employees:

- “I was at an agency conference last year in which two CO’s from the same organization had a 180 degree difference of opinion with respect to sharing contract information prior to RFP release – one believed maximum information dissemination to vendors was the way to get best value and better responses. The other felt it was incumbent upon CO’s to disseminate no more than what would be in the RFP. Given that many times they do not know what the final RFP requirements will be they will not discuss anything but the most generic details.”
- “My view is that clients (e.g. government agencies) are very uncomfortable with any attention good or bad in this environment. The focus is on finding the bad – and punishing it. Even if you tried to hide the name they would not want to risk the exposure.”

We note that this is not a new issue. During the 1980s it became increasingly difficult for government and industry to communicate with one another effectively. The inability to communicate became such a challenge that the government executives who ran the American Council for Technology (ACT – then known as the Federation of Government Information Processing Councils) established the Industry Advisory Council (IAC) in 1989 to provide a forum for communicating with the private sector IT industry. Since the creation of IAC we have seen the willingness of government executives to engage with the private sector as a pendulum that sways back and forth. The degree to which government is willing and able to work with the private sector depends upon the Administration, the regulatory environment and the culture. At the moment the pendulum has swung away from communication and interaction.

There are many exceptional government employees who are interested in doing their best and recognize that more effective communications with industry can contribute to achievement of this goal. However, the overall trend is towards less communication.

II. Major Barriers to Communication between Government and Industry

We are unaware of any laws or government-wide regulations applicable to the acquisition process that actually prohibit communications between government and industry or impose such rigorous conditions that effective communications are impossible. To the contrary, current law permits much more communication between government and industry than is generally seen. Some agencies recognize this fact. The result is that we see a wide diversity in agency approaches to communication with industry (what some agencies encourage others may prohibit).

The problem is the evolution of a cultural and regulatory environment that discourages government employees from pursuing opportunities to communicate with industry. There are several contributing factors. These include, but are not limited to the following:

- *Confusion regarding what laws and rules govern communications with industry – coupled with a decentralized approach to interpreting the rules.*

There are a great number of laws and regulations that could have an impact on government communications with industry. Unfortunately, there appears to be a great deal of confusion among federal employees as to what laws and regulations are applicable in any given situation. Part of the problem is that (to the best of our knowledge) there is no single repository of laws and regulations governing public-private communications. In addition, different individuals in the acquisition process may be subject to different laws. For example, there may be requirements imposed on contracting officers that are not imposed on project managers. This could create additional confusion regarding what can and cannot be done.

It is the responsibility of each agency to establish its own policy and guidance regarding communications and interactions between agency employees and the private sector. These agency specific policies and guidance are generally developed by lawyers and ethics officers who are doing their best to understand and apply the rules. The result is that every department (and every bureau within the department) may have its own, unique rules of what is permissible and what is not. The result is a confusing – and sometimes contradictory – mosaic of rules and regulations. We have seen instances where two different agencies (and sometimes bureaus within the same agency) – when presented with similar facts – arrive at totally different conclusions.

The Office of Government Ethics (OGE) was established to assist agencies in understanding the ethical rules. However, OGE has declined to issue government-wide guidance to assist agencies – preferring to leave the application of the law up to each individual agency. OGE also declines to meet with outside parties to discuss how to comply with the rules. We have tried to obtain such an opinion. We were advised that, at best, an outside party can request (and may receive after many months) an “advisory opinion” with caveats as to its applicability. (We find it ironic -- in this era of transparency -- that our attempts at contact were responded to by someone called “ContactOGE.” The individual at OGE who responded to our inquiries declined to provide his or her name or contact information.) We understand that the previous Administration invited OGE to address the Federal CIO Council on what is permitted and what is not in the way of government-industry communication. We also understand that OGE declined to provide such a briefing and the 3 agency ethics officers who were present each presented a different interpretation of the rules.

- *A lack of clear guidance as to what is permitted in the way of communication; a lack of how-to examples and models; and a risk-adverse culture.*

While the law may permit a great deal more communication with the private sector than we currently see, there is very little guidance for agencies on what is permitted in the way of communication with the private sector. More importantly, there is no repository of best practices or examples of effective communication techniques that an agency can draw upon. An agency that may wish to do a better job of communicating has to work hard to find examples or models of what has worked elsewhere. Moreover, the current regulatory structure is focused on what cannot be done; little attention is paid to letting agency employees know what can be done. In the absence of clear guidance and direction to the contrary, lawyers and ethics officers are more often likely to err on the side of what can't be done.

Similarly, it would be of great value to agencies to have a library of examples of good communication practices and models. Unfortunately, there are few such examples available.

- *An absence of any explicit support from agency management encouraging communication with the private sector.*

Contributing to the problem is that many government employees see high risk – and little benefit – in communications with the private sector. There have been very few instances where senior management has explicitly encouraged agency employees to do a better job of communicating with the private sector. One of the few is the June 21, 2010 memorandum from the Deputy Secretary of Defense outlining a “policy for communication with industry.” The policy emphasizes:

“The commercial base on which the Department depends should be knowledgeable of and aligned with the Department’s strategic and tactical objectives. Early, frequent and clear communication among the Department and its current and potential suppliers helps promote our national security...The Department’s policy is for representatives at all levels of the Department to have frequent, fair, even and transparent dialogue with the commercial base on matters of mutual interest....Subject to sound business judgment and the attached statutory limitations on the government’s ability to exchange information, officials within the Department are encouraged to communicate with industry as necessary to conduct official business. Ethics laws and rules per se do not prohibit communication with industry representatives; they do mandate fair and even treatment...All methods of communication, unless statutorily prohibited, are permitted.”

The DoD policy cited above is the clearest – and best -- example we have seen of an agency’s senior management advocating better communication with the private sector. There may be similar policies in other agencies; if so, we have not seen them. We have also never heard any government employee cite an agency policy that encourages communication with the private sector.

Issuance of a policy is a critical first step. However, implementation will be done by employees at different levels in the organization. Individual employees need to understand that communication is part of their professional responsibility and know that they will be rewarded – not penalized – for pursuing such communications. Unfortunately, we are unaware of any agency employees who have been recognized or rewarded for excellence in communications and collaboration. On the other hand, there are instances of agency employees being penalized (or threatened with penalties) for seeking to improve communications. The result is that there is little motivation (other than good government) for government employees to communicate with the private sector. Mere promulgation of a policy will not address this issue in and of itself. More needs to be done.

- *Inappropriate behavior by some vendors*

The vast majority of private companies that provide IT products and services to the government go to significant lengths to ensure that their behavior is ethical and professional. Unfortunately, there are some who engage in behavior that is inappropriate and counterproductive. We have heard of vendors who are able to meet with a government executive and then begin the conversation with “so, what does your agency do and how do you use technology?” It is not the role of the government to educate the vendor. Similarly, some vendors can become overly aggressive in dealing with government agencies. It is easy to understand how such behavior on the part of a few

can be a disincentive for agency employees to meet with any industry representatives (see the comments from government employees provided earlier).

- *Workload and Cultural issues*

The final, and perhaps most difficult, issues revolve around workload and culture. A frequent excuse for little or no communication with the private sector is “there was no time – we had to get the acquisition on the street.” Many government employees – especially contracting officers – feel overworked and don’t have the time for communications with the private sector. Vendors frequently cite RFPs that agencies spend months developing internally and then release for comment only a few days before the deadline – or don’t release at all for comment. Many government employees are so busy with their day-to-day responsibilities that they have little time to do more than the absolute minimum in communications. These employees have little incentive to make time for better communications due to cultural issues. The employee sees little reward – and high risk – in meeting with vendors. Moreover, it is easy to see why a government employee is reluctant to meet with a vendor who is just going to criticize the way the program is being managed or is really there to try and take the employee’s job.

There are two additional issues that currently hinder more effective communication. The first is the Administration’s early guidance regarding dealing with lobbyists. We understand the objectives behind restrictions on communications with lobbyists. Unfortunately, in many quarters the words “lobbyist” and “industry” are considered interchangeable. It was easier for many policy officials and lawyers to limit all communications with industry, rather than try to draw lines between what is permissible and what is not.

The final issue to greater communication is the distance between the government employee and the Washington Monument. We have discovered that agencies outside the Washington, DC area are even more confused by what is permitted in the way of communication with industry. For example, in the Denver area some Federal agencies refuse to sponsor industry days as they believe that such events are prohibited.

III. Factors to be Considered in Developing a Strategy for Improving Communications

Any strategy designed to improve Federal IT management by enhancing communication with the private sector should take into consideration the following factors:

- *There are many different players and perspectives involved in the acquisition process*

One of the realities of the Federal acquisition process is that it seems to employ a cast of thousands. There are program managers, contracting officers, acquisition officials, chief information officers, ethics officers and lawyers – to name only a few of the main players. Each of these individuals has a different perspective, a different objective and often a different rule book. At a minimum these individuals need to communicate and collaborate with each other throughout the entire acquisition process. An effective communication strategy needs to recognize this diversity and provide a common set of rules that can be understood – and used – by all the key players.

- *Improving communications with the private sector transcends the acquisition process*

We agree on the need to improve communications throughout the acquisition process. However, we believe it is difficult, and would be counterproductive; to separate the acquisition process from the continuing dialogue and communication between government and industry that takes place outside the actual acquisition process. The most effective agencies – and acquisitions – will be those where the agency employees are continually pursuing communication and education opportunities in an effort to stay up to date on emerging trends, new technologies and best practices. This is all information that can have a direct impact on the quality of the acquisition. Moreover, these types of communication and collaboration opportunities are usually not subject to the same restrictions imposed on the actual acquisition process (although we currently find many of the same barriers.) A good analogy is trying to find a doctor to perform a specific type of surgery. The first option is to go to a doctor who is constantly studying and learning. The chances are good that this individual will be up-to-date on the latest techniques and processes. The second option is to go to a doctor who doesn't stay as up-to-date but will focus on acquiring just the information needed to perform the one surgery. In the latter case the operation may be a success, but there is little assurance that it was the optimum solution. A truly effective communications strategy will encompass both acquisition-specific communications and the need for continuing communication and education.

- *Addressing the communications challenges requires a multi-faceted strategy and a continuing commitment*

This is a complex issue that encompasses a wide range of difficult issues (e.g. the relationship between government and industry; preserving competition; and ethics). It will not be addressed merely by the issuance of an OMB directive. An effective strategy will include a policy, guidance, incentives, and education. It will also require a continuing affirmation of the value of the communication by management at all levels of government. The next section includes some recommended actions that might be incorporated into an effective strategy.

IV. Specific Actions That Should be Included in a Communication Strategy

Provided below are a list of specific actions that we recommend be included in a strategy for improving communications.

- *Identify and analyze the relevant laws and government-wide regulations*

The first step in the strategy should be to identify the relevant laws and government-wide regulations or policies that have an impact upon the government's ability to communicate with the private sector. We note that the Department of Defense, in its June 21, 2010 memorandum, began this process by identifying five relevant statutes:

- Conflict of interest prohibition (18 U.S.C. § 208)
- Procurement Integrity Act (41 U.S.C. § 423)
- Competition in Contracting Act (10 U.S.C. 2304)
- Trade Secrets Act (18 U.S.C. § 1905)
- Federal Advisory Committee Act (5 U.S.C. App.2)

While the DoD list provides a good start (we suspect that there are a number of others) DoD has not gone to the next step and conducted an analysis of these statutes or attempted to explain their applicability to departmental employees. This is apparently left to the lawyers in the individual components. We would urge OMB to provide such an analysis. To the extent this analysis is left to individual lawyers and agencies, the opportunities for confusion and conflict are magnified. At a minimum, the analysis should include the legal requirement, the agency official or employee to whom it is applicable and where in the acquisition process the requirement comes into effect.

- *Issue policy guidance to the departments and agencies on the importance of communication and require senior agency management to issue implementing policy*

OMB should issue policy guidance to the departments and agencies directing them to improve communications with the private sector. We believe that the DoD memorandum of June 21, 2010 provides an excellent starting place. At a minimum, the guidance should set forth the value of communications and require agencies to take steps to improve communications. The policy guidance should include a requirement that the agency's senior management issue complementary guidance emphasizing the importance of better communications with the private sector;

- *Designate a single agency to provide government-wide advice on communication issues and methodologies*

Improving communication with the private sector is not a one-time activity. It will require constant attention and evolution. There is a need for a single office (perhaps within OMB or GSA) to serve as a mentor or advisor to agencies and a source of information for the private sector. The objective of this office would be to encourage agencies to do a better job of communicating with the private sector and provide guidance on how to achieve this objective.

- *Develop a common set of ethical principles and guidance*

As long as each agency – and bureau within an agency – is permitted to interpret the law it is unlikely that significant strides will be made in improving the government's communications with the private sector. We urge OMB to sit down with the ethics officials at OGE and the agencies and see if there is an opportunity to develop a common set of guidance. We firmly believe that communications between government and industry and high ethical standards are fully compatible. Hopefully, OMB and OGE can develop guidance that creates a climate that encourages – rather than discourages – communications between government and industry.

- *Identify the principles of effective and ethical communications*

Agencies should be encouraged to explore and take advantage of a multitude of techniques for communicating with the private sector. As it is not possible for OMB to identify all the ways in which communication can be improved, it would be more valuable for OMB to develop a set of principles to guide communication. The DoD memorandum of June 21, 2010 sets forth some of the principles (e.g. frequent, fair, even and transparent) that should be applied. These principles are very good, but may still leave questions. For example, does "fair" mean that every vendor

has to be provided with the same exact access? We believe the answer is no. It would seem appropriate for OMB to help the agencies answer such questions.

In our May 28, 2009 comments to the Administration on the proposed directive on openness, transparency and collaboration we put forth a set of principles for appropriate collaboration between government and industry. While these would need to be modified to become communication principles, we believe that they are worth considering. These principles are:

- The process must be output driven – there needs to be an objective or outcome that all parties agree on;
 - The process must be perceived to have value for the participants;
 - The process must be objective and fact based; information used in the collaborative process must be accurate and factual -- it cannot be biased or advocacy oriented;
 - The process must be inclusive – open to all interested parties;
 - The process must be ethical; and
 - The process and its participants must be trusted to conduct themselves with honesty and integrity at all times.
- *Provide a catalog of best practices and communication methodologies*

One of the most valuable things that OMB could do would be to develop a catalog of best practices and communication methodologies that agencies may wish to consider. In the absence of such a catalog, agencies may be limited in how they communicate with industry. We are also concerned that there may be a tendency for agencies to equate “improving communication” with doing more Web 2.0 applications. There is no question that such technologies can enhance communications, but they are only one methodology. There is still much value in face-to-face meetings, industry days, conferences and other activities. The catalog should make clear that there are many different methodologies for improving communication.

- *Work with OPM to develop performance criteria on communication*

One way to encourage greater communication with the private sector is to make this a metric for measuring the performance of appropriate government employees. If they know they are going to be judged on how well they are pursuing communication opportunities, employees are far more likely to pay attention to this matter. We urge OMB to work with OPM on the development of appropriate performance metrics.

- *Recognize excellence in communication*

We recommend that OMB develop a program to recognize Federal employees who do an exceptional job of fostering communication between government and industry. An excellent way to provide such recognition is through establishment of an annual awards program that specifically identifies and acknowledges excellence in communication.

- *Encourage the development of education and training on how to improve communications*

Better communication with the private sector is a new priority for agencies and their employees will need training on what is permitted and how to do it. We do not believe that the government needs to necessarily develop such training as organizations like ACT-IAC and private sector companies would be glad to do so. The government, however, needs to specify the types of training that is needed. The training should not focus solely on government employees. As noted earlier in this document, some vendors seem unfamiliar with how to work with Federal agencies. We believe that there is great value in providing training for vendors on how to approach and work with Federal agencies. It may even be appropriate to create a “good conduct certificate” for vendor employees who have gone through this training. Agency employees who meet someone with such a “certificate” would know that this individual has received some education on the appropriate ways to communicate with government.

We also urge OMB to support professional development and similar education programs that can enhance the overall competence of the government’s IT workforce. In particular, we suggest consideration be given to establishing a program similar to the TrailBoss program that was so popular a number of years ago.

- *Provide special briefings and training for Federal employees outside Washington, DC.*

Almost 90% of all Federal employees live and work outside the National Capital Region. As noted earlier, the farther these employees are from Washington, DC, the more challenging this problem becomes. OMB needs to pay special attention to developing guidance and training for these employees.

- *Require agencies to provide an annual report on their communication policies and initiatives*

Each department and agency should be required to produce an annual report that details steps the agency has taken to improve communications with the private sector over the past year. The report should include a list of major acquisitions and a description of what was done to communicate with industry in each.

- *Establish a forum for government and industry to work on this issue on a continuing basis*

As OMB knows, this will be a long-term and continuing challenge. If OMB is truly serious about improving communication between government and industry, we urge OMB create a forum (or take advantage of an existing forum) where government and industry can work together on this issue. Both constituencies have a stake in the outcome. In our October 22, 2010 comments to OMB with suggestions for improving the management of Federal IT assets we suggested the establishment of a Government Technology Advisory Board. We continue to believe that this recommendation has merit and may provide an appropriate forum for continuing government-industry collaboration.

- *Identify ways to improve the acquisition process to provide more time for communications between government and industry*

One of the most frequent reasons put forward for little or no communications during the acquisition process is the lack of time. It is not clear as to whether this lack of time is due to the dearth of qualified personnel, unrealistic deadlines, need for internal coordination, or other reasons. It would be valuable to review the acquisition process to see if there are some ways to improve the process to provide more time for enhanced communications.

We offer two concluding thoughts. First, this strategy has to be broadly construed and implemented. We note that much of the mythbusters description is addressed at acquisition officials and contractors. There is no question that these individuals are important. However, there are many individuals involved in the acquisition process and whatever communications strategy is adopted must address this diversity of perspectives.

Second, this initiative will only be successful if it becomes inoculated into the fabric of how the government operates. We see many individuals who are trying to improve communications between government and industry. There is no question that this initiative will strengthen their ability to achieve that objective. However, there are many other employees who do not share this perspective. If this policy and strategy is seen as just another requirement its chances of success are likely to be diminished. The policy and strategy need to be part of the government's culture and management discipline. The Department of Defense provides a good example.

We have mentioned the DoD memorandum of June 10, 2010 on improving communications with industry. In November 2010 the Deputy Secretary of Defense signed a policy document entitled "A New Approach for Delivering Information Technology Capabilities in the Department of Defense." This strategy is very similar to the 25 point plan announced by OMB. However, the November DoD strategy does not address the issue of communicating with the private sector – it is not considered a key element in the management strategy. As such, the policy on communicating with industry remains just another requirement. We believe that better communications between government and industry is not just a "nice to do". We believe it is vital to the future shape and effectiveness of government. If this is true, better communications has to be part of the overall management strategy.

V. Areas where ACT-IAC can Assist the Administration in Achieving its Objectives

As noted earlier, ACT created the Industry Advisory Council to address the same lack of communication that the Administration's reform program is addressing. As the Federation of Government Information Processing Councils (ACT's former name) stated on June 16, 1989:

"The Federation of Government Information Processing Councils (FGIPC) has resolved to seek broader participation from the information resources management industry in providing collegiate support to the Federation and its member councils. Industry assistance is coordinated through an Industry Advisory Council (IAC) which serves: as a sounding board for new government regulations; to identify by mutual agreement, issues, problems, and prospective solutions to be brought to the forums of the FGIPC; as a source of speakers for national, regional, and local IRM conferences sponsored by the FGIPC; to advise the FGIPC membership of new technology advances, and such other objectives as might be determined."

IAC was created as – and remains – a trusted forum for government to obtain objective and vendor-neutral advice from the IT industry on significant IT issues. IAC does not accept government funding and its operating principles include a prohibition on business development and promotion. ACT-IAC has been described as a “...*model of how government and industry can work together.*”

We have been dealing with the issues of communication and collaboration for over two decades. We have seen both the opportunities and challenges. Given the organization’s unique mission, history and experience, we believe that we can assist the Administration in a number of ways. These include, but are not limited to, the following areas.

- *Drafting policy guidance*

We would be pleased to assist OMB with drafting the policy guidance to send to the agencies. We would also be glad to work on guidance for specific agencies.

- *Developing the principles of effective communication*

As noted earlier, we have previously spent some time developing the principles of effective collaboration. We would be pleased to assist in developing similar principles for effective communication.

- *Identifying best practices and models of communication*

The ACT-IAC Acquisition Shared Interest Group recently hosted a roundtable of government and industry to identify the dos and don’ts of RFP related communications. The final report is attached to this memorandum. While we intend to continue developing this list of dos and don’ts, we would also be pleased to work with OMB on creating a more robust list of best practices and communication models. We can also provide case studies that may be of value. For example, over the past several years ACT-IAC has developed what we call Ethics Minutes for presentation at industry gatherings. These are short case studies of specific ethical issues. We would be glad to share these with OMB as an example of what might be done.

- *Recognizing excellence in communication*

We have a number of awards programs and would be pleased to incorporate this into those. We would also be pleased to work with OMB to develop a stand-alone program.

- *Promoting education and training*

ACT-IAC has several professional development programs that could incorporate the communication issue. For example, for the past decade ACT-IAC has sponsored two professional development programs called Partners (for senior executives at the GS-15 level) and Voyagers (for exceptional individuals ready to move up to the senior management level). Each of these programs partners a government executive with an industry executive. Over a ten month period these individuals work together on common issues and walk in the other person’s shoes. For example, a recent session included a role playing event where government executives played the part of industry while the industry executives assumed the government role. The session opened many eyes. It is interesting to note that one of the most common

regrets we hear from senior government executives after their retirement from government is how little they knew about what industry goes through to respond to RFPs. Programs such as Partners and Voyagers can address that issue.

We are also developing a new education and training initiative for the government IT community. We would be pleased to work with OMB to discuss how to tailor these offerings to the issue of communications.

A number of years ago GSA sponsored a program called Trail Boss to develop a cadre of professional acquisition and contract officials. We have been discussing the possibility of resurrecting something similar to Trail Boss within ACT-IAC. We would be glad to discuss this with OMB.

- *Reaching Beyond the Beltway*

ACT-IAC has chapters in San Diego and Denver and is exploring other chapters in locations such as Atlanta. We would be pleased to work with OMB on this issue. In particular, we suggest possibly developing a “roadshow” of industry and government speakers to visit some of the cities where there are large concentrations of Federal employees. We would be glad to assist in developing such a road show.

- *Providing a continuing collaborative forum*

This issue will benefit from continuing collaboration between government and industry. New challenges and new solutions will emerge. We believe that ACT-IAC could provide a valuable forum for continuing this collaboration. We urge OMB to consider taking advantage of the unique forum offered by ACT-IAC.

- *Provide a community of interest using the BetterBuy platform*

We note that OMB intends to create an online community of practice to improve communications and provide a source of guidance and education. We urge OMB to take advantage of the BetterBuy name and platform that was developed under the leadership of GSA. This initiative was undertaken to explore ways to improve the acquisition process through the application of new technologies. The project was successful and generated wide name recognition within the government IT community. We believe that it would make an ideal platform to support the community of interest OMB intends to establish. ACT-IAC worked with GSA on the implementation of BetterBuy and we would be pleased to work with OMB on making this platform available for the myth-busters campaign.

VI. A List of Dos and Don'ts for Government and Industry regarding RFP Communications

In December 2010 ACT-IAC sponsored a workshop of government and industry acquisition executives to identify the dos and don'ts of government – industry communications. We plan to continue building upon this list and encourage the Administration to consider guidance such as these to assist agencies. The entire paper (provided under separate cover) has additional detail on each of the dos and don'ts, as well as information on the process and the participants. The dos and don'ts are as follows:

Top 10 – DO's for the Government

1. DO align Section L instructions to Section M evaluation criteria
2. DO use a procurement library/reading room to provide information access to all – include incumbent contract information
3. DO use draft RFPs that include Sections C, L, & M
4. DO have an industry day after release of the draft RFP – 45+ days prior to RFP if possible
5. DO publish a schedule & post updates as they occur
6. DO allow at least a 2 week period after the final answers to questions are posted to allow industry to adequately address clarifications or changes in the RFP.
7. DO use Statement of Objectives (SOO) – have true objectives and not “shall statements”. Encourage innovation on both sides. Promote more industry involvement through RFIs, one-on-one market research & other techniques
8. DO provide a reasonable page limit requirement
9. DO permit electronic submissions
10. DO establish a realistic schedule – be mindful of major holidays

Top 10 – DON'Ts for the Government

1. DON'T call the procurement best value if it isn't best value – be clear about the evaluation criteria
2. DON'T provide a point of contact who doesn't answer phone calls or emails
3. DON'T close the door until the RFP is released
4. DON'T release an RFP just prior to major holidays or during traditional day offs
5. DON'T recycle old RFPs without technology updates & changes to the program & Don't publish an RFP with sections L & M out of alignment
6. DON'T ignore the implications of answers and changes on the timeline
7. DON'T limit the information available for public use
8. DON'T prescribe the solution with detailed requirements
9. DON'T limit competition
10. DON'T limit to one form of media for submission

Top 10 – DO's for Industry

1. DO communicate with all levels of the customer organization
2. DO your homework in order to provide valuable input to the customer
3. DO understand your own capabilities and decide accordingly (and realistically) on what to bid
4. DO utilize information & relationships ethically and wisely
5. DO put client interests first
6. DO provide thought leadership
7. DO foster long-term, trust-based relationships
8. DO map Sections C, L, & M
9. DO provide effective & meaningful questions in order to better understand the requirements. Highlight inconsistencies and the need for clarifications and corrections to the RFP documents
10. DO ask for a debrief or proposal review whether you win or lose

Top 10 – DON'Ts for Industry

1. DON'T go around proper communication channels, violate the black-out period, or ask unnecessary questions
2. DON'T inflate or misrepresent your expertise or bad mouth your competition
3. DON'T listen to outside instructions – follow the RFP
4. DON'T annoy evaluators and DON'T abuse page count allocations, limited or unlimited
5. DON'T focus on draft response – respond to the final RFP
6. DON'T blindly cut & paste (from draft response, company literature or previous proposals) – customize to agency requirement
7. DON'T assume all evaluators will read the entire proposal or that the reputation of your company is enough to win
8. DON'T assume that no access to the customer prior to RFP release means you cannot win
9. DON'T file frivolous protests
10. DON'T overuse assumptions

Conclusion

One final note. These initiatives – and our comments – are directed at improving communication between government and industry. This is extremely important objective and there is much that can be done. However, we also urge OMB to recognize that communication is one step on a spectrum that leads to collaboration. Communication is about talking to one another. Collaboration is about working together. We cite as an example the work that ACT-IAC did for the Department of Veterans' Affairs on the VistA healthcare system. Senior management at VA asked for industry recommendations on how to upgrade this important legacy system and improve its effectiveness and efficiency. Over 40 IAC member companies spent six months (at no cost to the government) to develop a consensus-based strategy that was presented to VA. We are pleased to note that VA is pursuing a path consistent with this recommendation. This collaborative activity – although outside the scope of any individual acquisition – made a significant contribution to improving the government's management and use of IT. As this initiative on communication proceeds, we hope that there will be opportunities to move beyond merely talking and create a culture of collaboration – where government and industry can work together towards a common vision of better government.

About ACT-IAC – Advancing Government Through Collaboration, Education and Action

ACT-IAC is a non-profit educational organization created to advance government in serving the public through the effective application of information technology resources. ACT-IAC advances the business of government through collaboration, education and action. The organization has been recognized as the premier public-private partnership in the government IT community and an example of how government and industry work together. Learn more about ACT-IAC at www.actgov.org or call (703) 208-4800.