

January 18, 2011

**COMMENTS AND SUGGESTIONS FROM THE GOVERNMENT IT COMMUNITY REGARDING  
GOVERNMENT-INDUSTRY COMMUNICATIONS IN THE ACQUISITION PROCESS**

The Administration has embarked upon a major initiative to improve the management of Federal information technology assets. A key part of the initiative is to improve communications between government and industry throughout the acquisition process. The Office of Management and Budget has asked for comments and suggestions on this issue. In response to this request, a request for comments was distributed to the government IT community that participates in the American Council for Technology-Industry Advisory Council (ACT-IAC). This community includes a broad diversity of government and industry executives from different organizations and functions.

The comments are divided into (1) general comments about the state of government and industry communications; (2) acquisition-specific examples of good and bad communications and (3) suggestions for best practices and policies. Other than redacting the names of the submitters and agency names (if the comment is critical), no attempt has been made to edit these comments. These comments are provided as input to the Administration's initiative to improve communications between government and industry, and do not necessarily represent the position of ACT-IAC.

**General Comments**

1. Contracting officer will not allow us to talk with Vendors without them present. (This had been the case at [CIVILIAN AGENCY], they have recently had a full change-over of COs and it is slowly changing) (government comment)
2. With the increase in contract staff we expect them to know the solutions so we do not need to deal with vendors. (government comment)
3. 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. (This was put in different words but was a very common reason) (government comment)
4. Most of us are just trying to survive and so do not have time to work with vendors. (government comment)
5. 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. (government comment)
6. Every time you talk with a vendor they want to change how you are doing things. (government comment)
7. 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) (government comment)

8. 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. (government comment)
9. Everything is now purchased centrally back in DC, so it is a waste of time to spend time with a vendor. (government comment)
10. The vendors do not understand our environment, we have run things this way for 30 years and they work just fine. (government comment)
11. The attorneys and ethics officers are often outside the command chain of mission, functional, IT, and acquisition - yet the behavior of the agency is dictated by them - as everyone is fearful to do something they can get into trouble with the lawyers. The lawyers need to have incentives to achieve mission and business results - right now they seem to be driven primarily by the need to avoid protests. (government comment)
12. Over time I have had a myriad of responses and reactions. I have a current client that will not invite onsite contract staff to any social functions, bring in cookies, etc. because of the fear there may be the perception of something more than a professional relationship. Their guidance, in many cases, has come from senior contract managers and or legal and also their ignorance of what they are truly allowed to do. (industry comment)
13. I was at a [CIVILIAN 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 best 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. I had a conference call today that followed that exact process.....can't tell details because the RFP acquisition strategy hasn't been approved – but once it is we can't discuss it because the RFP is in Pre-solicitation phase, or released. Lastly the most common explanation (or excuse depending on your point of view) is that if I meet with you I have to meet with everyone to be fair. (industry comment)
14. I agree with much of what is said in the prior comment. This is particularly true of Contracting Officers, COTRs and project managers who have to be extremely careful about their conduct. 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. It also can vary somewhat by agency. I'm not sure if you'll ever get one solid answer--and we all have different ethics officers-but it might be an interesting topic to discuss further. 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. (government comment)
15. My view is that clients are very uncomfortable with any attention good or bad in this environment. The focus is on finding on finding the bad not helping or recognizing the good. Even if you tried to hide the name they would not want to risk the exposure. (industry comment)

16. If this action is acquisition centric, then I may not be much help. If it is about improving government-industry communications and actions, then you may want to consider the Transatlantic Secure Collaboration Program ([www.tscp.org](http://www.tscp.org)). (government comment)
17. (government comment) It is common knowledge that the Government has faltered in its pursuit, and openness, of its communication with industry. The Government's communication model follows us from a military past, in which supplies and services were required and obtained, at times under direction similar to that typical to an eminent domain proceeding. The receipt of substandard products led to strict supply specifications (a practice started during the Civil War), and abuses in the awarding of federal contracts caused President Truman to move to level the playing field for contract providers.

There is no doubt that human and organizational elements, such as territorial protectionism among federal programs, and jurisdictional jousting between agencies, and/or agencies and industries have stymied the evolution of more productive interactions among organizations. I will also add that, there is an acknowledged aversion to criticism and risks by individuals on both sides of the Government-industry divide. Taking a government example, let me say that a federal official's having to defend against protest, by itself may not be seen as a matter of concern by that individual's supervisor. However, when a federal official is involved in a number of high risk protests, that individual will likely be reputed as also being high risk. After all, protest proceedings are costly, time consuming, and their resolution could point to perceived incompetency.

Proper planning and time is required for advantageous open engagements between government and industry. However, federal officials that award contracts swiftly are positively recognized by their chain of command and customers, while those that take time to achieve certain calculated results are often criticized by their customers and their chain of command. It is obvious that there needs to be a culture change, and a better identification of success and expectations.

Social media has quickened the pace of communications and it has clearly opened opportunities for access never before experienced. However, with new technical capabilities arises the responsibility to make best use of these business fulcrums. Today there are easy, fast and in expensive ways to engage a collectivity of individuals and organizations towards collaborative exercises that benefit and demonstrate fairness to all. There is no doubt that the responsible use of social media will result in a catalyst for more open engagements between Government and industry. (government comment)

### **Acquisition Specific Comments and Suggestions**

18. During oral presentations and capability demonstrations, contracting officers have occasionally given strict instructions to agency evaluators to avoid conversations with the company presenters and to maintain a completely neutral facial expression for the duration of the presentation. This unfortunately results in completely one-way communication and prevents interaction that might allow agency evaluators to more fully understand the relative merits of potential solutions. (industry comment)
19. Procurement documents themselves can often lead to confusion and require extensive clarification. For example, certain solicitations have included information that has been cut and paste from previous procurements and that can be contradictory to other information found in the document

(e.g., pricing instructions (to price on hourly basis) conflicting with the description of the services to be provided). These issues require careful evaluation by the procurement office prior to release of an RFQ/P to ensure that the document is consistent so that vendors clearly understand the requirements and can effectively craft solutions that directly address the goals of the agency without requiring clarification on the document language. (industry comment)

20. Procurement documents often do not adequately address recent changes in procurement rules/legislation/policy that directly affect the particular procurement, and clarifying questions often are not answered with additional guidance. This creates a situation where vendors need to make their own interpretations of the new rules and try to apply them in the context of a particular proposal, which can lead to confusion and proposed solutions that aren't as valuable to the agency as possible within the current policy environment. (industry comment)
21. (government comment) As a last-minute addition to the bid evaluation team for [CIVILIAN AGENCY], I was prohibited from asking the vendors the following questions because they were not contained in the RFP and thus were deemed to be out of scope:
1. With reference to OMB Circular A-119, what voluntary consensus standards will be supported in your proposed solution for [project name]?
  2. In light of the Administration's guidance on service-oriented, component-based architecture,
    - a. What components developed for other systems will be reused in [project name], and
    - b. Conversely, what components will be developed for [project name] that might be candidates for reuse in other systems?

In short, I was told the Administration's guidance on enterprise architecture was irrelevant in the context of the acquisition process ... and so too was common sense with respect to upholding the interests of the taxpayer in avoiding needless expense in reinventing the wheel. All vendors should be expected to answer those questions for all acquisitions and consensus should be sought on which standards and reusable components should be mandatory and which may be optional. Note: I believe the four vendors in the final competition for [project name] would have been happy to respond to my questions. It was the leader of [AGENCY NAME]'s bid evaluation team who would not allow the questions to be asked. Such nonsense is one of the reasons I am so glad no longer to be part of the bureaucracy. However, as a taxpayer, it continues to frustrate and anger me. (government comment)

22. I am finding in many instances that agencies are looking at ways not to go to procurement for services vs. finding a way to sole source projects. A recent example is a particular agency made an inter-agency agreement to use another agencies contract vehicle to procure/sole source their VOIP solution. Even though this contract vehicle had two providers the agency never looked at both vendors capabilities/price. There was no communication at all; as a matter of fact I tried to meet with this agency for the past 7 months and was consistently refused - being told they already knew everything about us. Good communication is when all viable vendors are brought in and provided the requirements overview and allowed to better understand the agencies challenges and needs. It is in the best interest of the agency to compete services to allow for innovative ideas and achieve the best total cost of ownership. (industry comment)

23. For a [DEFENSE AGENCY] procurement, we requested a field site visit to observe a software system that is to be replaced. The field visit would have given us the opportunity to understand the problems being experienced by the users, and that this would be key to any solution we proposed. The field visit request was denied on the grounds that we might gain information that was not available to all, and thereby create an opening for protest. (industry comment)
24. [CIVILIAN AGENCY] has issued a directive that direct contact with program managers is not allowed and that all vendor visits must be scheduled through the Comptroller. The request for a vendor visit must include an explanation of the visit purpose, and the purpose cannot be related to a specific procurement. (industry comment)
25. For a planned procurement that is 6 months out, [CIVILIAN AGENCY] is unwilling to allow meetings with the Program Manager because they are “engaged in procurement activity”, although there has been no announcement in Fed Biz Ops, a draft RFI or RFP issued, or an industry day. (industry comment)
26. DHS EAGLE II procurement is one of the best examples of open, transparent communication. The acquisition office has (a) Provided regular communications on status; (b) held Vendor outreach sessions; (c) provided Multiple Q&A opportunities and (d) generally demonstrated a willingness to meet with vendors (industry comment)
27. VA has shown a willingness to meet with vendors to discuss problems and possible alternative solutions, and has been relatively open as to acquisition strategy and timing. (industry comment)
28. HUD was soliciting for assistance in developing and implementing an Enterprise Data Management Program. They did a Sources Sought process that reduced the contenders to 5 firms. They then held a private 2 hour session with each of the finalists and a HUD technical group comprised of a mix of personnel from both the user organizations, the CIO Office, CFO Office and the Contracts shop. The results of each private session were not shared with the other 4 competitors allowing the contenders to ask specific solution related questions. The agenda of the 2 hour session allowed the contractor to ask any questions that they had and the answers appeared to be open and frank. It gave the contractors the ability to validate any assumptions they made that would normally have gone into their proposed solution with some risk and without the Government having the ability to clarify their requirements in the context of a concrete solution. I believe this process allowed HUD to receive proposals better focused on their actual needs and allowed the contractors to propose solutions with fewer uncertainties and assumptions. (industry comment)
29. (government comment) The US Citizenship and Immigration Service’s (USCIS) Transportation Program Office (TPO) partnered with the Department of Homeland Security’s (DHS) Information Technology Acquisition Center (ITAC) to acquire information technology solutions from a proven systems Architecture (SA) industry leader. More specifically, the awardee was to incrementally design, test, integrate, deploy, manage, operate and maintain an Integrated Operational Environment (IOE) to support the USCIS business transportation process. The size, complexity and risks of the program were significant challenges to competition. The acquisition team sought to overcome those challenges through the use of innovative and streamlined acquisition methods. The SA acquisition is notable on a number of levels, from the efforts at open communications to the variety of mechanisms used to maximize competition and afford flexibility to offerors willing to propose novel solutions.

The procurement team made use of multiple market research efforts, soliciting comments from industry on procurement and investment strategies. Face to face sessions were held with numerous contractors to elicit feedback; all in the interest of developing a request for quote that would provide for maximum competition. It was determined that DHS' multiple award EAGLE (agency-wide IT services contract program) contract had the flexibility and scope to accommodate the SA acquisition. Two EAGLE functional categories were invoked within the respective request for proposal, in order to obtain a greater breadth of support opportunity to USCIS and enhance competition.

The SA request for quotes was notable in the flexibilities it afforded offerors. A statement of objectives containing very minimal constraints allowed for innovation and diversity of solutions. Offerors were also encouraged to identify creative contract line item models, as well as ideas for incentive trade-offs.

The SA request for proposal was remarkable in the extent to which prospective offerors were afforded access to information about USCIS business processes. Offerors were allowed a three month, subsidized, due diligence period in which they were able to visit numerous domestic and foreign sites, engage in one-on-one and panel discussions with personnel in each USCIS business line and have open discussions with the most senior of USCIS leadership. Offerors were also able to meet officials within organizations partnering with USCIS in border management initiatives, such as the Immigration and Customs Enforcement, the Citizenship and Border Protection, the Department of State, and other federal partners.

The SA procurement received an impressive level of competition, which included multiple diverse and innovative quotes from large prime-subcontractor teams. That procurement culminated in the November 2008 award of a \$491 million performance-based order intended to transition the USCIS into its operating vision. (government comment)

30. The EAGLE II (successor to the initial EAGLE contract program) pre-award process, currently in the question and answer phase (after release of a solicitation), has made use of agency communities, such as the Chief Information Officer Council and the Head of Contract Activity Council, and other cross-agency component stakeholders. The EAGLE II Integrated Acquisition Team also employed industry targeted webinars, a draft solicitation and an industry day to promote interests, concerns and best practices among the DHS community and industry. However, all of this was possible due to proper planning, timely funding and the allotment of a responsible amount of time. (government comment)
31. The Electronic Records Management System (ERMS) is an example of a DHS IT acquisition providing ample opportunity for Government-industry communication. A request for information was recently issued and responses with production samples have been received by the Government for consideration; allowing for more open dialogue. (government comment)
32. An agency held one-on-one sessions (interviews) with bidders to allow for two-way communications, e.g. Q&As. This collaborative effort was held pre-RFP. This approach helps potential bidders understand what the agency really needs and also allows the agency to get expert industry input on their proposed requirements (e.g., they might learn about new capabilities they might need that they hadn't considered already). This also allows the agency to provide greater

context in the RFP language and the ability to structure the RFP document in a way that will lead to the most comprehensive and appropriate responses from the vendors. (industry comment)

33. (industry comment) Example of an acquisition with poor industry communication:

- [CIVILIAN AGENCY NAME AND PROJECT]
- Description of Program: Large contract (approximately \$55 million) to build and operate a multi-channel contact center to handle approximately 1.8 million calls per year.
- This was a recompetete of a contract that was held by [COMPANY NAME]
- Acquisition history:
  - i. April 2009: RFI issued as full and open acquisition
  - ii. Contracting Officer non-responsive to questions, but indicated the procurement would be issued on FedBizOpps
  - iii. October 2009: Notice stating [COMPANY NAME] was awarded a bridge contract for one year. [AGENCY NAME] used a new FedBizOpps posting and did not post this information to the existing solicitation notice, thereby making it hard to find.
  - iv. Contracting Officer changed. New Contracting Officer had phone message stating that she would only respond to e-mails. However, all e-mails went unanswered. Even INPUT and FedSources could not find any new information.
  - v. Through another office at [AGENCY NAME], found out that another RFI had been issued, but only to holder of the Advertising and Integrated Marketing Schedule (AIMS), which eliminated many contenders. Further, this was not published in FedBizOpps as promised.
  - vi. Following several letters, the competition was opened to Schedule 70 holders as well, but the lead time was very short, leaving many potentially qualified bidders walking away from the bid.
- The Problem
  - i. Communications was not open and all communications with interested parties was curtailed early in the process.
  - ii. No feedback on RFI submission was ever provided, leaving bidders in the dark on what was happening.
  - iii. Second RFI was secretly issued using a GSA Schedule not commonly associated with this type of work, sending the message that [AGENCY NAME] did not really want to hold an open competition. I was told this was not their intent, but that was the message that was heard by most of the competitors. For this reason, many highly competent vendors decided not to bid.
  - iv. The final RFP looked the same as previous RFPs over the past 10 years with just a few updates to reflect current volumes. There was no indication that the client sought innovation, despite what was said previously and what their RFIs indicated.
  - v. In the end, they awarded to the incumbent for basically the same solution they have had for the past 14 years.
  - vi. Requests for a formal debrief have gone unanswered. All we learned is that our submission was compliant and we know our price was lower; we have no insight as to what we could have done better. Having invested significant resources, we had hoped to learn how to improve our proposal for future bids.

- What could have been done better
  - i. Provide feedback to companies that invested in RFI responses. We spent a lot of time and money on these responses and really believe we have some improvements that the client should see.
  - ii. Allow discussion until the RFP is issued. Two-way discussion can go a long way to improve the bids received. They help bidders understand what the Government wants and help the Government understand better what bidders can provide.
  - iii. Follow up on commitments. Lack of response to e-mails and obscure postings do not necessarily encourage companies to expend any resources. Need to follow process that has been announced (e.g. posting to FedBizOpps).
  - iv. Hold meaningful debriefs. Companies spend a lot of money on proposals and, even when they are unsuccessful, can learn a lot from a proper debrief.
- Bottom line
  - i. We were told that the contracts shop was overworked. While that may be the case, simple acknowledgements of receipt of inquiries would not have taken long. Even using INPUT and FedSources, as well as FedBizOpps, as a mechanism for getting information out to interested parties would have improved the process. In the end, most of industry believes the agency simply wanted to keep their incumbent contractor.

34. (industry comment) Example of an acquisition with good communication with industry:

- National Archive and Records Administration (NARA) Office of Government Information Services (OGIS) Access System (OAS)
- Description of Program: OGIS is a new office whose primary mission is to handle appeals related to FOIA requests that may not have been satisfactorily handled by the agencies. The OAS is a system that supports the case management process and provides self-service web-based capability and a flexible knowledge management system.
- Acquisition Process
  - i. Market Survey
    1. OGIS used SAIC to develop requirements and identify potential solutions
    2. Extended invitations to companies to respond to requirements, including opportunity to question requirements that might be unreasonable or poorly described
    3. Demonstrations by selected companies (four were held) to better understand the approaches taken by different companies and get a feel for products
  - ii. Acquisition Strategy
    1. Investigated multiple acquisition approaches, including GSA Schedule, 8(a) set-aside, and small business
    2. Issued full and open RFP through FedBizOpps
      - a. Requirements matrix that was relatively easy to complete
      - b. Orals slides – no written proposal – easy to prepare
      - c. Pricing
    3. Conducted oral proposal presentation
      - a. Two-way exchange to clarify all questions

iii. Why it worked

1. This was not a large procurement, but it was critical to the success of the agency. The on-going discussions with ALL viable bidders encouraged innovative solutions.
2. Contract is fixed price, but the open communications provided a sense that the risk was minimal

- Suggestions

- i. Do away with “mega contracts” that get awarded to huge companies or are set-aside. There is a large population of mid-sized companies that can offer innovative and cost-effective solutions. Task responses are generally as difficult to prepare as normal solicitations, so nothing is gained by delegating the teaming to large companies. These contracts isolate the Government from the actual provider and add significant cost to the solution. Pre-qualification is an illusion and eliminates the ability for new companies to enter the contracting scene by forcing them to go through the screening process of the prime contractors.
- ii. Within the limits of the FARs, communicate with potential bidders. If it is not possible to hold one-on-one discussions, industry days or regular postings will also work. “Surprise” RFPs do not help either the Government or the Contractor.

35. (industry comment) IT acquisitions that are bundled with other services can obscure the serious nature of IT requirements and the heavy workloads that accompany IT operations. For many years AGENCY maintained a bundled contract that laid out requirements but failed to clearly communicate for potential vendors the full scope and challenges to taking on the IT portion of the work.

IT requirements, historical and organizational background, gfe/non-gfe transition processes, security, and other compliance considerations need to be extremely clear for a contractor to provide meaningful approaches, solutions and resource estimates to meet or exceed an agencies goals. Because the AGENCY program office was not aware of the serious nature of the IT portion of the contract and the lack of consideration to IT in RFPs – where it was treated as purely an administrative or support function to other parts of the contract – the RFP was misleading, and failed to deliver viable competition for the contract for many years. (industry comment)

36. DHS EAGLE acquisition provided opportunities for good gov’t/industry communications and oversight by DHS to ensure the government clearly stated its requirements and industry proposed viable solutions. (industry comment)

37. (Industry comment) Poor communications between industry and government creates a costly, ineffective environment for all parties. It is in everyone’s interest to have a vibrant private sector serving government. Herein are some examples of good and poor acquisition practices, for consideration. It is noteworthy that the remedies and improvements recommended do not require legislative or even policy changes. They are all matters of practice, and therefore, likely require only education and management emphasis.

Specifically, the lack of draft RFPs that provide scope and requirement details, the lack of effective Q&A sessions, no one-on-one industry communications throughout the RFPs life cycle, and poor

debriefs are examples of inadequate communications during the acquisition process. Poor communications between industry and Government comes at a high price to everyone in the form of sub-optimal solutions, increased costs, fewer competitors, long lead times and needlessly constrained innovation.

The following are examples of communications from recent experience. They are selected because they convey important, high-impact process flaws that happen frequently. Consequently, we elected not to cite specifics from any particular situation beyond that needed to convey the point. Examples selected are intended to span the acquisition lifecycle, from pre-RFP to post-award. The good news is that these issues are relatively easy to fix.

#### **Examples of improved communications:**

##### ***Industry likes the Draft RFP process,***

Draft RFPs allow for “early warning” as well as the opportunity for industry to work with the Government to refine the RFP prior to release. The Government has a better chance to define the scope and requirements; gain better industry solutions; mutually gain insight from dialogue and question; and receive bids and gain support from a contractor with appropriate, responsive resources. This significantly improves the number of valid bidders and thus improves competition and increases the odds for cost-effective, innovative solutions

***In-depth debrief with lots of detailed slides and in-person meetings.*** The client should provide a scoring breakdown and comparison to the winning bidder. This data allows industry to improve the quality of their proposals to assist the government in easier evaluation of our proposals next time.

#### **Processes that hinder effective communications:**

##### ***The Question and Answer sessions usually provide inadequate communications with industry.***

In this formal written process, it is easy for both government and industry to misinterpret questions resulting in answers that do not provide the desired information. In addition it is often the case where questions are answered too late in the RFP process to allow industry to incorporate a response in their proposal. All too often the Q&A process leads to more confusion rather than improved communications.

##### ***Communications between program teams and contracting offices is often stretched on***

***GWACs.*** While GWACs provide significant benefits and efficiencies in government contracting, one unexpected/unintended consequence seems to be poorer communications between the Program Office and the Contracting Offices. This is especially true when the GWAC Contract is managed via one executive agency (e.g. GSA) and the Program Office is within a different agency (e.g. DOD). Political, geographical, operational and cultural differences between the agencies may create barriers to effective communications and may lead to difficulties in understanding expectations and needs – especially when working through issues with the Contractor. This may result in issues escalating unnecessarily after not being addressed at a working level.

***The Government Doesn't Receive Desired Input from Industry Days.*** Although the concept makes sense, we have found that it does not facilitate excellent, interactive communication since Contractors are not willing to ask questions in front of their competitors that would

potentially disclose their ignorance, or lack of knowledge in certain areas. Sharing questions openly could also provide competitors with insight into a Contractor's proprietary strategy/approach so we have found that most Industry Days are more of a "one way" communication with the government providing bidders with information about their needs and schedule, etc. Since this forum does not facilitate interactive communication, it is an expensive way to share such information. Not only does the government incur costs associated with hosting such an event, Contractors incur the costs to travel to the event (often significant distances) and those costs are passed on to the government via B&P costs that are included in Contractor's indirect pools. A series of confidential one-on-one meetings with Industry would ensure excellent interactive communication and could potentially provide insights to both industry and the government.

***The current OCI environment has a chilling effect on communication – especially so for incumbents.*** Recent changes to OCI rules have Contractors and the Government tip-toeing around many technical discussions with the fear of triggering an Organizational Conflict of Interest looming over them. The government often does not have in-depth technical knowledge and seeks to gain more knowledge through interactions with industry. Such interactions could trigger an unintended OCI for the company that the government seeks information from.

### **Recommended Improvements and Best Practices**

#### 38. Suggestions from one industry commenter:

1. RFIs
2. Willingness to hold follow on 1:1 meetings with vendors to explore possible alternatives
3. Site visits
4. Use of program specific web sites or social media to exchange ideas
5. Rewarding contract acquisition personnel for seeking out alternative and innovative solutions, instead of just ensuring a protest-proof acquisition
6. Providing the source selection authority with the clout and discretion to write a best value justification that is given real weight
7. Improving the timeliness and usefulness of the FOIA process
8. Providing realistic timelines to craft a solution for non-incumbents, or access to sufficient level of detail on the current state, problems, etc.
9. Providing notice of extensions and responses to questions in a timely fashion

The above suggestions are based on two objectives:

- Providing the vendor with enough information to realistically understand the current environment, challenges and problems from which to build a viable, cost effective solution,
- Providing the vendor with an opportunity to share and test alternatives in advance of requirements being developed.

38. It would be good if there was a standard Past Performance format. We spend a lot of proposal time reformatting past performance inputs to fit the specific RFP requirements (industry comment)

39. (industry comment) A key part of the President's agenda is to ensure that there is a fair and competitive environment for government contract work. Unfortunately, there are many parts of

the procurement process that have to be improved in order for that to occur. One area which could be greatly improved is the release of government solicitations for proposals from private industry. Far too often what is occurring is procurements are released for bid for short periods of time by government contracting officers, often appearing to be timed such as to discourage competition from occurring. When this occurs, the message to private industry is really a simple one.....if you are not the incumbent don't waste your time putting together a proposal. At least that is how industry insiders that I have contact with tend to view this government contracting officer practice.

To resolve this, it is my recommendation that new guidelines be issued to government contracting officers and their management chains that the only circumstances under which less than 30 days can be justified for industry response on service contracts is "clear and compelling mission circumstances which preclude a minimum of 30 days for industry response". Clearly as you increase in contract complexity that amount of time should also logically increase. A control process in this should be that the head of procurement and the CFO for an agency or DOD component should be required to provide written approval for any deviation from this guidance and that this responsibility cannot be delegated down. Further, that in circumstances where federal agencies and DOD deviate from this procurement standard, this must be reported to OMB within 60 days along with a mitigation plan that outlines what that federal agency or DOD component is doing to prevent reoccurrences of less than fully competitive processes for services contracts. (industry comment)

40. A second area of procurement that I believe needs to be reformed is the protest that private industry has the option to use when they don't win a contract. What I see today is a process that results in many protests which lack merit. The ease with which a protest can be filed results in private industry being unwilling to team together after a contract winner is announced. Today, the protest process actually encourages incumbents that loose to file a protest; if for nothing more than to delay termination of a services contract. I feel that we have too much burden placed on the government under the current protest rules. What I recommend is that vendors that file a protest be required to place a bond (total amount dependent on the value of the contract involved) in escrow whenever when filing a protest. If the protest proves successful the bond is returned. If the protest is unsuccessful, all or a portion of the bond is used by the government to (1) offset its increased operations costs and to (2) compensate the contract winner of the contract for lost earnings, with any remaining balance returned to the company that filed the protest. I am not seeking to halt all contract protests, but to institute a process which will discourage private industry from filing protests which only drive up operations costs for government and industry, or delay the delivery of goods and services, with no corresponding benefit to the government or private industry. (industry comment)

41. The timely use of draft solicitations or early releases of information, for consideration and comment by industry, is essential to industry's understanding of the Government's requirements and acquisition strategies, and industry's collaboration in identifying solutions, alternatives, best practices and value added opportunities. Also, with preliminary solicitation information, industry requires less time to provide enhanced and more focused final proposals. (government comment)

42. Federal program offices often do not proactively, well plan, for provisioning of needs. This development needs to change. Federal program offices must anticipate the proper planning of requirements, implementation and connectivity issues, as well as security, funding and procurement timeframes. Since early and frequent engagements diffuse the element of surprise to prospective

offerors, such activity not only promotes better proposals and solutions, but also limits industry anxiety and misunderstandings leading to undue protests. (government comment)

43. Most federal requirements can be satisfied with commercial off the shelf items, indicating that most federal needs can be met with proven technologies and practices. It makes sense, then, that for most requirements, the Government can identify pre-configured requirements allowing for modular standardizations that are easily competed, priced and purchased. This practice sets common expectations, lowers risks, lowers overall costs and quickens the buying and delivery process. However, the Government's determination of pre-configuration, must not be so rigid that industry providers cannot identify alternative configurations and solutions that avail the government better value, lower costs, and more flexibility during a project's/program's life cycle. (government comment)
44. Responsible procurements necessitate pre-planning and pro-action. One of the impediments that affect the overall acquisition process is the budget process and the way funding is allocated. In many instances, funding is allocated on a quarterly basis, which may directly impact the contract awards process. Another hurdle is self-perpetuated by competing organizational interests and preferences. However, both of these developments also emphasize the need for open communications, the setting of common objectives and expectations, the need for collaboration, and the allowance for responsible time and planning. (government comment)
45. Other suggestions that can positively influence communications between Government and industry follow (government comment suggestions):
  38. The Government's baseline of their infrastructure and assets, determining their condition, remaining life and how they can be used, accessed, or credited during replacement/retirement.
  39. The Government's development of clear, reasonable and responsible IT acquisition plans that are agreed to by stakeholders and upheld.
  40. The Government's abatement of unnecessary risks and life cycle costs, elicited by solutions that are not scalable or proven within an open environment.
  41. Proposal evaluation factors, their application and their relevance to one another, needs to be clear to both the Government and industry.
  42. The establishment and provision of practical and theoretical acquisition training for both Government (Integrated Acquisition Project Teams/IAPT) and industry. Such training needs to be cross-functional in nature (e.g. contract development, and asset, security, logistic, IT, project and proposal management.).
  43. Agency stakeholders and industry providers need to be provided an ample and responsible opportunity to understand federal program requirements, their purpose, the respective program's vision, and the implementation processes and timeline.
44. Invite potential bidders in for one-on-one discussions with the acquisition teams and senior program managers. Listening to senior officials talk about the requirements, the RFP, and what makes an attractive business proposal will lead to better proposals from the contractors. An important factor is to be sure to engage the people who will actually be doing the work in these discussions in order to get the best mutual understanding of the agency's goals and needs. (industry comment)
45. Every IT acquisition should have basic deliverables in addition to the technological solution commensurate with the level of investment. Almost every IT acquisition should include

requirements to provide documentation regarding all of the steps of the planned contracted lifecycle. I believe this is already being done for the most part, however, I don't think this is being done to the extent necessary that a new contractor or a new government operation will take over the work performed under a current contract. Significant IT operations need to ensure that the end stages of the lifecycle are considered nearly as much as the initial stages. Aspects such as data portability, transition flexibility, deliverable flexibility and gfe transfer need to be considered thoroughly to ensure continuity of operations and overall business security. (industry comment)

46. One suggestion/best practice is to start dialogues with industry as early as possible (when a need is being conceptualized). Agencies can post long range requirements and even potential requirements on their web site. As a minimum, the posting occurs when the budget gets prepared but it should occur even earlier when ideas are just being contemplated. In addition to having industry submit ideas, industry is encouraged to come in and sit down with agency officials. This is market research but pushes the research potentially much earlier. What it ensures is that requirements get developed with maximum input from industry. (industry comment)
47. One of the best practices is to reach out to firms individually where one can discuss the desired outcome the agency is hoping for in order to obtain ideas for a solicitation. This is done as part of the Market Research and is accomplished before the solicitation is officially released. (although it is recommended that you have a draft requirement available for the vendor community to review). As long as the potential offeror understands that their solution will not be released to the general public then you will get more ideas from them. The agency is under no obligation to share any of this information and that must be made very clear to the vendor community. The key here is to get as many ideas as possible and then for the agency to decide what ideas are good and what ideas should not be considered in developing their final independent document. You will not get innovative ideas at a pre-proposal conference since even though you have questions without vendor names listed since often one can determine who wrote the question (that is what I have heard from the vendor community). Pre-proposal conferences may help to assist in vendor forming teaming arrangements, for example, but not obtaining innovative ideas on finalizing the solution for the agency. (industry comment)
48. Another technique I have found useful is a draft RFP (request for comments) where the vendor community will comment on the document and the agency can call on the vendor(s) where necessary for additional clarifications. The key here is that none of the comments will be provided to industry (and this needs to be spelled out clearly in order to assure the agency will obtain valid comments and potential innovated ideas to consider). You do not need to do both techniques but should consider at least one of them. The key element to both best practices is that the agency needs to make it absolutely clear that the vendor's ideas (or comments) will not be released to the general public. The agency can subsequently decide what ideas are best and develop their "generic" requirement using a combination of the best ideas/comments received (industry comment)
49. Integrated Project Teams that bring together, at a minimum, CIO, Acquisition, and the program office are critical. These three entities have to find a way to work together for the best outcome for all. We have seen the Acquisition office not take into account what the program office needs; the CIO shop tell the Acquisition office they have to C&A a program before it can start working, but the contract has to be awarded before the CIO shop can even start the very long process of a C&A – it is only a 6 month transition period. An IPT approach can help all three work better together. Moreover, the IPT has to be meaningful and truly supported by each party – we've seen some

agencies unfortunately treat new IPT requirements as a “check the box” compliance requirement, rather than a potentially transformative forum. . (industry comment)

50. *Issuance of Draft RFPs:*

Required and issued well in advance of the final RFP giving industry time to review the scope of what the customer wants and the requirements. A draft RFP review process allows industry to address the entire RFP’s scope, design a solution, ask more informed questions, and identify the personnel required to deliver the solution. In addition this process gives the government the ability to produce an RFP that will generate less Q&A and less likelihood of protest. (industry comment)

51. *Improve the Q&A process:*

The process needs to provide clear and timely communication. The process should permit enough time prior to RFP release that the Government and industry can have several rounds of Q&A. The questions need to be asked and answered in a timely fashion, and the process needs to be enough in advance of the RFP that industry can react to the information provided. (industry comment)

Example: A recent RFP was released with extremely vague requirements, firm-fixed price contract type, and no allowance for the vendors to make assumptions. The Q&A process was too short to allow vendors to address specific questions to tighten the scope. As a result, we were forced to no-bid the deal thereby limiting the government’s ability to get multiple qualified bids, and enhanced competition.

52. *Face-to-face Orals presentations:*

This face-to-face process should be an integral part of the procurement process. It allows the Government to meet and question the personnel who will be delivering the proposed solution, and gives the vendor the chance to clarify questions the Government may still have that were not adequately answered in the RFP’s written phase. (industry comment)

53. *Formal, detailed, interactive RFP debrief:*

Industry takes this process very seriously. It is the best opportunity for industry to obtain the information it needs to improve its bidding and solutioning process. and therefore it is a golden opportunity for government to provide specific feedback that results in better options in the future. To gain the kind of input and interaction needed to provide future value for both government and industry, debriefs are not only done, but are detailed, written, and interactive. (industry comment)

Example: As a result of an in-person debrief, we learned that a CPAR reference hurt us in evaluation. This was not in the paper debrief, so the verbal information was invaluable to us. As a result of that, we have instituted a process to better monitor our CPAR entries by the government. The best practice applied here was an in-depth debrief with lots of detailed slides and an in-person meeting where several government officials and several vendor personnel attended and interacted.

On a recent Intelligence Agency proposal effort, the client provided a scoring breakdown and compared us to the winning bidder deeper than we see on most debrief documents. That data will allow us to do a deeper dive into improving the quality of our proposals to assist the government in easier evaluation of our proposals next time.

54. *Align contract type and incentives to the nature of the work to be done.*

For example, a firm, fixed price contract requires thorough evaluation of requested changes before implementation. When requirements are not clear or are developing, contractors are forced to add cost to cover prospective risk from uncertainty. This approach may be inappropriately stringent for exploratory development requiring leading edge technology or experimental innovation. Government-wide mandates regarding contract types may distort the incentives for both government and contractors when inappropriately applied. (industry comment)

55. *Implement contract monitoring and control processes.*

Establish formal decision points to allow for proactive contract management, close control of progress and ample communication between the government and its contractors. Define milestones close together and tie progress payments to accomplishments against these milestones. Explicitly include contract management in the executive decision making process, especially for mission critical systems. (industry comment)

56. *Assure acquisition strategies and contractual direction are incorporated into executive decision making.*

Include individuals with acquisition and contract management expertise in project team(s) and in the executive body (ies) responsible for final decision making and resource allocation. (industry comment)

57. *Choose appropriate development model(s).*

(industry comment) Consider the following when selecting the development type:

- Costs- how do development alternatives contribute to project cost;
- Risks- how does high visibility, compressed timeframes, and uncertainty affect risk;
- Complexity- are many functions affected; is new technology required; is long development time needed;
- Project type- is it new development, modification of an existing system, off-the-shelf/commercial capability, system integration?

58. *Select a lifecycle appropriate to the project.*

Long, complex projects intended to modify familiar systems typically yield to more rigid sequencing. Less rigid sequencing may be needed to achieve innovations under conditions of high uncertainty. (industry comment)

59. *Leverage and incent in-house expertise.*

Manage inputs. Employ contract incentives to deliver the desired results according to projected cost and schedule. Offer high incentives to in-house staff.

Manage outcomes. Incent staff to identify potential problems. Use formal risk management techniques to anticipate and mitigate risk. (industry comment)

60. *Use meaningful metrics,*

Define requirements so they can be tested and validated at the unit and system level of granularity. Identify frequent milestones with a defined set of performance criteria. Structure related contracts so that they reflect the same units, granularity and milestones, then measure earned value throughout the contract life. (industry comment)

61. *Maintain visibility to leverage government buying power.*

Provide timely, detailed insight into actual funding and program accomplishments, at the contract task level. This allows the government to take market-shaping actions and for the marketplace to adjust appropriately. (industry comment)

62. *Adopt a spirit of experimentation and seek data that drives change and busts myths.*

Experiment with the balance of government stewardship of socio-economic goals, the desire for innovation, and efficiency of spending.

Consider pilot projects to examine commercial acquisition models that seek to optimize one, two or three of these variables. For example, compare projects where requirements and implementation are conducted by the same contractors to those where they are done by different contractors. (industry comment)

**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](http://www.actgov.org) or call (703) 208-4800.