



U.S. Department of Homeland Security Vendor Communication Plan

I. Statement of Commitment

Recognizing that effective vendor engagement is critical to enhancing competition, identifying commercial item solutions, and realizing savings, the Department of Homeland Security (DHS) is committed to promoting enhanced vendor engagement in the acquisition process. The Chief Procurement Officer (CPO) has established Quality Government/Industry Communication as a CPO Strategic Plan goal for DHS procurement.

Each DHS Head of the Contracting Activity has pledged to enhance Component engagement with industry by:

- Designating an appropriately placed Component official to serve as the Component Industry Communication Liaison with responsibility for promoting vendor engagement by the Component, and ensuring that Component contracting personnel are aware of, and implement the DHS Market Research Guide's *Rules for Meeting with Industry*;
- Communicating early, frequently, and constructively with industry in accordance with the Federal Acquisition Regulation, Homeland Security Acquisition Regulation, Homeland Security Acquisition Manual including the DHS Market Research Guide's *Rules for Meeting with Industry Representatives* (see Attachment B to this plan), and Component supplements thereto;
- Striving to be more inclusive by including small businesses, subgroups of small businesses, and vendors that the Component has not worked with in the past in their communications with industry;

- Annotating DHS’s procurement forecast to highlight procurements that are likely to involve opportunities for additional communication with industry, e.g., pre-solicitation conferences, draft requests for proposals (RFP), Requests for Information (RFIs), and Industry Days;
- Protecting non-public information including vendors’ confidential information and the Components’ source selection information;
- Promoting Component participation in Department and Government-wide awareness campaigns to eliminate unnecessary barriers to vendor engagement; and
- Posting and routinely updating engagement events to include industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, using the existing “special notices” function in Governmentwide systems such as FedBizOpps (www.fbo.gov) and, as appropriate, the Small Business Central Event Listing on FedBizOpps.

II. Identification of Department and Component Industry Communication Liaisons and Small Business Specialists

A list of Department and Component Industry Communication Liaisons is provided as Attachment A to this plan.

Listings of Department and Component Industry Communication Liaisons and Small Business Specialists are linked to the DHS Acquisition Planning and Forecast System at http://www.dhs.gov/xopnbiz/opportunities/gc_1300288340710.shtm

and are also accessible at:

Department and Component Industry Communication Liaisons

<http://www.dhs.gov/xopnbiz/opportunities/industry-communication-liaisons.shtm>

Department and Component Small Business Specialists

http://www.dhs.gov/xopnbiz/smallbusiness/gc_1178570919850.shtm

III. Efforts Undertaken or Planned to Reduce Barriers and Promote Engagement

Following is a series of functions, procedures, and policies that the Department has in place to inform and promote vendor engagement, and enhance competition and transparency:

- The DHS Office of the Chief Procurement Officer, in conjunction with the Office of General Counsel and its Ethics Office provide on-going guidance to the DHS acquisition community regarding responsible and constructive exchanges with industry.

- DHS's Office of Small and Disadvantaged Business Utilization (OSDBU) and Component Small Business Specialists provide active small business support through:
 - Outreach – participation in over 100 functions per year, and on-going dialogue with small businesses. A calendar of functions in which DHS OSDBU staff and a Small Business Specialist from at least one DHS Component are scheduled to participate is accessible on DHS.GOV at: http://www.dhs.gov/xopnbiz/smallbusiness/editorial_0706.shtm;
 - Preparation and Dissemination of the DHS Acquisition Forecast – generally issued twice a year and updated on an on-going basis.

- The Office of Small and Disadvantaged Business Utilization, with Component support, sponsors popular monthly *Vendor Outreach Sessions*, comprised of a series of pre-arranged 15-minute appointments between DHS Small Business Specialists and representatives from small business communities. These sessions provide the small business community with an opportunity to discuss their capabilities and learn of potential procurement opportunities. Notices of upcoming *Vendor Outreach Sessions* are posted to the Small Business Central Event Listing on FedBizOpps (www.fbo.gov) and to the DHS.GOV Small Business Assistance page at: <http://www.dhs.gov/xopnbiz/smallbusiness/>

- The DHS has an active full-time Ombudsman and Industry Liaison who provides on-going information and advice to industry and Components alike (see Attachment A).

- For a number of years, DHS has hosted an annual DHS Industry Day. Industry Day activities include panel discussions from each Component moderated by the respective DHS Head of Contracting Activity (HCA). The panels provide acquisition planning information for the specific Component/Contracting Activity. This one-day event provides a forum by which the Department can communicate its requirements and increase competition by sharing useful information. Industry Day is open to representatives of both small and large businesses. DHS Industry Day notices will be posted to FedBizOpps (www.fbo.gov).

- Various DHS Components plan and host Industry Days, issue draft requests for proposals, requests for information (RFI), and hold pre-solicitation conferences and de-briefings on an *ad hoc* basis. Special Notices for future events shall be posted to FedBizOpps (www.fbo.gov) and included in the Description section of the DHS Acquisition Plan/Forecast, as they are scheduled.

- The DHS acquisition training, regulations, and policy supplement Federal Acquisition Regulation guidance related to communication with vendors, and establish frameworks that identify and eliminate barriers or misconceptions

regarding communication with industry and promote responsible and constructive exchanges with industry, e.g., the DHS Market Research Guide's *Rules for Meeting with Industry*. DHS Procurement Ethics Training contains specific guidance regarding pre-award exchanges with vendors, methods for communicating with vendors, the proper handling of source selection, contractor bid, and proposal information.

- On July 6, 2011, DHS announced in FedBizOpps.gov the July 11, 2011 release of its Acquisition Planning Forecast System (APFS). The APFS is the Department's updated acquisition planning and forecasting system which provides real-time access to the DHS Forecast of Contract Opportunities. The user-friendly interface to APFS will allow businesses to use a number of search criteria to narrow their search for business opportunities information and download forecast entries of interest into Excel for further analysis. The APFS is accessible at: http://www.dhs.gov/xopnbiz/opportunities/gc_1300288340710.shtm
- DHS Component Industry Communication Liaisons will meet on a quarterly basis to discuss policies and procedures related to vendor engagement.
- The Chief Procurement Officer (CPO) has established Quality Government/Industry Communication as a CPO Strategic Plan goal for DHS procurement. The CPO Strategic Plan establishes a continuous improvement approach in which the DHS contracting community will strive to either improve or, as appropriate, maintain its service and performance. The plan also serves as a guide for prioritizing resources over the next three years. Metrics supporting the Quality Government/Industry Communication goal are being developed.

IV. Criteria for Identifying Which Acquisitions Must Include Vendor Input in the Pre-Award Phase and the Extent of the Required Engagement as a Condition of Approval by the Agency's Investment Review Board (or Similar Body)

DHS acquisition policy has been amended to require that acquisition plans for major acquisitions as defined in DHS Directive 102-01, sections VI. A. and B., (i.e., \$100 million in annual expenditures (for services) and \$300 million (for supplies)), include a vendor engagement strategy that includes at least one industry day or a pre-solicitation or pre-proposal conference; and allows for a reasonable amount of one-on-one engagement; and allows time for discussions, as needed and in accordance with FAR Part 15, during the proposal evaluation process; or justify why those steps are unnecessary. Acquisition plans for major system acquisitions are reviewed as part of the Department's investment review process.

DHS policy has also been amended to encourage that acquisition plans for non-major system acquisitions greater than \$10 million include a vendor engagement strategy. Written justifications for not including a vendor engagement strategy will not apply to non-major acquisition plans.

The DHS Acquisition Planning Guide (Appendix H to Homeland Security Acquisition Manual (HSAM) Chapter 3007) which includes the revised policy is accessible on DHS.GOV at: http://www.dhs.gov/xlibrary/assets/opnbiz/cpo_hsam.pdf.

V. Publication of Engagement Events Using FedBizOpps’s “Special Notices” Function

The DHS OSDBU and each Component are required to use the Small Business Central Event Listing feature on FedBizOpps (www.fbo.gov) as a means of sharing new information on small business outreach and training opportunities. Although they are not required to use the FBO Small Business Central Event Listing as their *only* source for posting small business events information, OSDBU and DHS Component Small Business Specialists shall ensure that any event information posted by them on DHS Internet sites is consistent with the information that they post to the FBO Small Business Central Event Listing, and that all information posted is current, complete, and accurate.

The DHS OSDBU will post information to FedBizOpps on small business events in which all or the majority of DHS Components participate.

VI. Roles and Responsibilities

Contracting Officer means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. Pursuant to regulations and the DHS *Rules for Meeting with Industry Representatives*, after agency needs are established and the requirements to satisfy those needs are developed, no exchange with industry and potential vendors shall occur without the permission and without the presence of the Contracting Officer. No information shall be released after agency needs are established and the requirements to satisfy those needs are developed, except by the Contracting Officer.

Program Manager means the responsible person who, with significant discretionary authority, is uniquely empowered to make final scope of work, capital investment, and performance acceptability decisions, and who is responsible for accomplishing program objectives or production requirements through the acquisition of in-house, contract or reimbursable support resources, as appropriate. The Program Manager is responsible for management and oversight of the Integrated Project Team. In general, the Program Manager is the manager of an acquisition program, but may be a manager of a procurement that does not rise to the level of an acquisition program (e.g., janitorial services, Human Resources services, bulk commodity purchases). Pursuant to the DHS *Rules for Meeting with Industry Representatives*, Program Managers and other staff are encouraged to talk with industry representatives of both large and small businesses so that DHS procurements reflect an understanding of the commercial marketplace and the business environment of the vendors that support DHS programs. However, no information shall be released after agency needs are established and the requirements to satisfy those needs are developed, except by the Contracting Officer.

Contracting Officer Representative/Contracting Officer Technical Representative (COTR) means an individual designated and authorized in writing by the Contracting Officer to perform specific technical or administrative functions of the contracts. COTRs are certified in accordance with the Office of Management and Budget Memorandum entitled *The Federal Acquisition Certification for Contracting Officer Technical Representatives* dated November 26, 2007.

For DHS, a COTR means any individual performing similar duties, such as a Contracting Officer Representative (COR), Quality Assurance Evaluator (QAE), Technical Representative of the Contracting Officer (TRCO), etc. The list of specific functions that may be delegated to a COTR can be found in his or her appointment letter, this would include interaction with industry.

General Counsel is responsible for implementation of the Department's statutory responsibilities and policies as set forth by the Administration, the Secretary, and senior officials within the Department. The General Counsel is the Department's chief legal officer and principal legal advisor to the Secretary to Homeland Security and, as such, has final authority and responsibility for legal policy determinations within the Department and its components. The General Counsel, and the attorneys engaged in the practice of law within DHS who report to him from throughout the Department, ensures that legal compliance is achieved in every aspect of the Department's work. The office provides legal counsel for all Departmental offices (other than those excluded by regulation or directive), determines the Department's position to provide effective legal services involving claims, protests, litigation, and alternative dispute resolution, and represents the Department in all legal forums.

The Office of General Counsel General Law Division provides legal advice and support on acquisition and procurement activities; labor and employment matters; appropriations and fiscal law issues; general tort and related claims; and environmental issues; and oversees the activities of the Board of Correction of Military Records. Legal counsel also provides a review regardless of the threshold when the Contracting Officer determines that the complexity or sensitivity of acquisition issues require legal assistance and guidance at certain points in the acquisition life-cycle.

The Office of General Counsel Ethics Division is responsible for establishing, maintaining, and carrying out the DHS ethics program under policies and regulations established by the Director, U.S. Office of Government Ethics. Regulations issued by the Office of Government Ethics define the principal elements of the ethics program: ensuring an effective system and procedure for collecting, filing, reviewing, and accessing financial disclosure reports; developing and conducting counseling program concerning all ethics and standards of conduct matters for agency personnel; and developing and conducting an education program regarding ethics and standards of conduct matters for agency personnel.

Ethics Officers provide advice, guidance, and training on the ethical standards that apply to every DHS employee and service member and oversee the ethics and standards of conduct programs throughout DHS.

The DHS *Rules for Meeting with Industry Representatives*, i.e., the rules under which DHS employees are to interact with industry, as incorporated in the DHS Market Research Guide. (Appendix I to Homeland Security Acquisition Manual Chapter 3010 was co-authored by the Office of General Counsel's General Law and Ethics Divisions.)

OSDBU is responsible for the implementation and execution of programs to assist small businesses, veteran-owned small businesses, service-disabled veteran owned small businesses, HUBZone small businesses, small disadvantaged businesses, and women-owned small business concerns as required by the Small Business Act. Small Business Specialists at DHS Headquarters and in each Component provide advice to small business owners on individual procurement opportunities and how to do business with their individual Component.

VII. Training and Awareness Efforts

- The Department of Homeland Security (DHS) Competition and Acquisition Excellence Awards for Promoting and Achieving Competition established in 2007, recognizes outstanding initiatives and accomplishments that contribute to the efficiency, economy, and improvement of procurement operations and agency mission support through the promotion of full and open competition and transparency; the acquisition of commercial items; and challenging barriers to competition. The Department considers the absence of effective Government/Industry communication to be a major barrier to transparency, competition, and the identification of commercial item sources. Therefore, as part of its plan for improving communication with vendors during the acquisition process, DHS will incentivize responsible and constructive exchanges with vendors by including the demonstrated implementation of an effective vendor engagement strategy, e.g., hosting Industry Days, issuance of draft RFPs, pre-solicitation conferences, use of wikis to solicit comments, as a formal evaluation criterion in the evaluation of Component team and individual nominations beginning with the Fiscal Year 2011 DHS Competition and Acquisition Excellence Awards Program.
- In April 2011, as part of the DHS Communications Plan, OCPO amended the Homeland Security Acquisition Manual (HSAM) to incorporate a new DHS Debriefing Guide (Appendix AA to HSAM Chapter 3015). The Debriefing Guide summarizes regulations and DHS policy regarding debriefings and explanations of the basis for award to encourage communication with unsuccessful offerors as a means of reducing misunderstandings and protests; improving future proposals; and obtaining information that improves DHS's acquisition process. Beginning in

May 2011, OCPO launched related debriefing training for the DHS contracting community.

- On October 6, 2011, DHS issued Acquisition Alert 12-02 to provide the DHS acquisition community with guidance on conducting effective Industry Days. The guidance was effective upon issuance and will be incorporated in the DHS Market Research Guide, Appendix I to Homeland Security Acquisition Manual Chapter 3010.

VIII. Links to Existing Policy and Doing Business with DHS

Small Business Assistance

<http://www.dhs.gov/xopnbiz/smallbusiness/>

Acquisition Planning and Forecast System (Contracting Opportunities)

http://www.dhs.gov/xopnbiz/opportunities/gc_1300288340710.shtm

Department and Component Industry Communication Liaison Listing

<http://www.dhs.gov/xopnbiz/opportunities/industry-communication-liaisons.shtm>

Department and Component Small Business Specialist Listing

http://www.dhs.gov/xopnbiz/smallbusiness/gc_1178570919850.shtm

Department of Homeland Security Acquisition Regulation

<http://www.dhs.gov/xopnbiz/regulations/index.shtm>

Homeland Security Acquisition Manual (which includes as Appendices, the new DHS Debriefing Guide and the DHS Market Research Guide)

<http://www.dhs.gov/xopnbiz/regulations/index.shtm>

IX. Plans to Follow-up with Employees and Industry Representatives

Through the Department's Ombudsman, OSDDBU, Component Industry Liaisons and Heads of the Contracting Activity, the Department of Homeland Security plans to follow-up with employees and industry representatives within 6 months of posting the DHS Vendor Engagement Plan, and periodically thereafter, to further refine and improve communication. Post-award surveys will solicit comments and suggestions from contractors, Contracting Officers, COTRs, and Program Managers. Feedback will also be sought as a part of debriefings and focus group meetings.

**Department of Homeland Security
Industry Communication Liaisons**

Department of Homeland Security – Departmental Industry Communication Liaison

Mui Erkun, Procurement Ombudsman and DHS Industry Liaison
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Component Industry Communication Liaisons

U.S. Customs and Border Protection (CBP)

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Federal Emergency Management Agency (FEMA)

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Federal Law Enforcement Training Center (FLETC)

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Immigration and Customs Enforcement (ICE)

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**Department of Homeland Security
Industry Communication Liaisons
(Continued)**

OCPO – Office of Procurement Operations (OCPO – OPO)

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U.S. Secret Service (USSS)

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RULES FOR MEETING WITH INDUSTRY REPRESENTATIVES

(What DHS Program Managers and other DHS staff members need to know before they meet with vendors and industry representatives)

DHS Program Managers and other staff are encouraged to talk with industry representatives of both large and small businesses so that DHS procurements reflect an understanding the commercial marketplace and the business environment of the vendors that support DHS programs. This exchange of information, however, must take place within a framework that treats all vendors (and potential vendors) fairly and impartially. Your Contracting Officer is your best resource in preparing you for a vendor meeting; always inform your Contracting Officer before meeting with a vendor. The following guidelines will help a DHS Program Manager and other DHS staff members to develop a framework and set of sound business practices when meeting with vendors.

THE RULE: *After the agency needs are established and the requirements to satisfy those needs are developed, no exchange with industry and potential vendors shall occur without the permission and without the presence of the Contracting Officer.* A procurement begins at the point when the agency needs are established and the description of the requirements to satisfy agency need is developed. In meetings with vendors or industry representatives, do not disclose “procurement sensitive” or “source selection sensitive” information; do not disclose the proposal evaluation process or the specifics of an on-going procurement; and do not discuss litigation or pending litigation. *No information shall be released after agency needs are established and the requirements to satisfy those needs are developed, except by the Contracting Officer.*

1 AVOID UNAUTHORIZED COMMITMENTS (i.e., an agreement that is not binding because the Government representative making the agreement lacks the proper authority to enter into that agreement on behalf of the Government). In the case of contracts, only a Contracting Officer can commit the Government. **Good Practice:** End each vendor meeting with the statement: “Nothing discussed in this meeting authorizes you to work, start work, or bill for work. Any understanding on your part to the contrary is a mistake.”

2 TREAT ALL VENDORS AND POTENTIAL VENDORS FAIRLY AND IMPARTIALLY.

3 CONDUCT BUSINESS WITH INTEGRITY, FAIRNESS, AND OPENNESS. Not only must the acquisition process have integrity, but the actions of each DHS employee must reflect integrity, fairness, and openness. Avoid Organizational Conflicts of Interest or even the appearance of a conflict.

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RULES FOR MEETING WITH INDUSTRY REPRESENTATIVES (Continued)

4 UNDERSTAND YOUR ETHICS RESPONSIBILITIES. Consult your Contracting Officer or your Ethics Officer in the Office of General Counsel if you have questions or concerns related to ethical conduct or procurement integrity. Guidelines are available on the DHS Ethics Office webpage at:
<http://dhsconnect.dhs.gov/org/comp/ogc/ethics/Pages/default.aspx>

5 BEFORE ACCEPTING A MEETING, NOTIFY YOUR CONTRACTING OFFICER. Your Contracting Officer may provide you with information about the vendor, their current contracts with DHS, or if they are active in proposing to a specific procurement. After agency needs are established and requirements to satisfy those needs are developed, **no** exchange with industry and potential vendors shall occur without the permission and without the presence of the Contracting Officer. (See “The Rule” above.)

6 CONTROL THE MEETING AND ITS AGENDA. Always prepare and follow a meeting agenda. Before the meeting, identify specific information that you want the vendor to address. You may limit the number of attendees and specify the mix of the vendor’s business development and technical staff to attend.

7 EMPHASIZE THAT THE PRIMARY PURPOSE OF THE MEETING IS FOR THE GOVERNMENT TO LEARN ABOUT THE INDUSTRY AND MARKETPLACE. Ask questions and get an understanding of the advantages and issues associated with a particular approach or business practice. Ask the vendor clarifying questions, but avoid expressing opinions or preferences. The meeting should not be the basis for further action, and should not unintentionally solicit a proposal.

8 ALWAYS MAKE THE INFORMATION YOU PROVIDE THE SAME TO ALL VENDORS. Provide a standard information package to all vendors that provides up-to-date and accurate information about the mission and requirements. **Good Practice:** Provide vendors with information that could properly be published on the DHS public website. You should not provide *other-than-public information* without prior written approval of your Contracting Officer and General Counsel.

9 ENSURE IMPARTIALITY. **Do not** render to, or accept preferential treatment from any private party (e.g., VIP visitor treatment for vendors such as Government vehicle rides from the airport, officially hosted free dining.) Also, avoid private discussions about a vendor’s business and its relationship with DHS, except under the circumstances described in Attachment B.1, Guidelines for One-On-One Discussions.

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RULES FOR MEETING WITH INDUSTRY REPRESENTATIVES (Continued)

10 DOCUMENT THE RESULTS OF THE MEETING. Documenting the results and findings of the meeting is a critical part of your market research effort. Be sure to record the date; place; and meeting participants, including their company affiliation and contact telephone numbers/emails. Mark this document “Confidential Business Information” and limit its distribution if it contains proprietary data.