

2011 EPA VENDOR COMMUNICATION PLAN (Revised 3/2020)

The Environmental Protection Agency (EPA) is committed to conducting acquisitions in the most effective, responsible and efficient manner possible. As such, EPA recognizes the need to communicate with industry to ensure we have access to current market information and can award contracts with effective solutions at reasonable prices. In order to facilitate this communication, EPA's Office of Acquisition Solutions (OAS) has developed the guidelines below.

1) EPA is committed to:

- a) *Communicating early, frequently, and constructively with industry.* In order to encourage the exchange of information between the program offices and industry, EPA created "A Program Manager's Guide For Communicating With Industry," which promotes communication in the early stages of an acquisition under certain circumstances, encourages acquisition involvement, provides communication guidelines for the program offices, and ensures the exchange of information is consistent with procurement integrity requirements.

EPA utilizes *Contract Opportunities* in the [System for Award Management \(SAM\)](#) to post vendor collaboration opportunities.

- b) *Including small businesses and socio-economic firms in our communications with industry.* The Office of Small and Disadvantaged Business Utilization (OSDBU) holds small business outreach events throughout the year around the country. In addition, OSDBU holds numerous other events throughout the year including joint conferences with other agencies such as the Department of Energy. Both approaches are intended to reach out to the small business community as well as for the EPA to learn about companies interested in doing business with EPA. In addition to being posted on SAM, notices of the upcoming events are also listed on the EPA website: <https://www.epa.gov/contracts>
- c) *Including vendors that the agency has not worked with in the past.* In addition to the Contractor Forums and OSDBU events, EPA utilizes SAM, Unison [Marketplace](#), and OAS [Acquisition Forecast Database](#) on the EPA website to publicize requirements in an effort to garner as many potential vendors as possible.
- d) *Identifying in the agency's published procurement forecast which procurements are likely to involve opportunity for additional communication with industry.* The [Acquisition Forecast Database](#) on the EPA public website includes details on all upcoming and existing contract opportunities. There is not a specific column in the database to identify which procurements are likely to involve communication with industry; however, contracting officers routinely attach information that invites communication such as draft

statements of work (SOWs), draft performance work statements (PWSs), draft conflict of interest (COI) provisions and clauses, and information regarding site visits, preaward conferences, etc..

The Forecast information is provided to OSDBU and the Advocate for Competition on an annual basis and updated regularly once posted. Before it is posted however, meetings are held with the program office, acquisitions, and OSDBU to review the requirements and opportunities for small business involvement. After all parties agree, the Forecast is posted and kept current, on the EPA website by the program offices' Junior Resource Officers (JROs).

- e) *Protecting non-public information including vendors' confidential business information and the agency's source selection information.* EPA has a number of existing methods to protect confidential information. While the [Federal Acquisition Regulations \(FAR\) Part 3](#) addresses COI and procurement integrity, the OAS Environmental Agency Acquisition Guide (EPAAG) also includes Agency-wide guidance in Subsection 3 on safeguarding bids and proposals, source selection sensitive information, and confidential business information (CBI), and Subsection 9 addresses organizational COI. Additionally, program managers are encouraged to become familiar with EPA Office of General Council (OGC) [Class Determination 1-95](#) which addresses certain types of CBI. EPA Order 1900.1A, *Interacting With Contractors*, provides general guidance for EPA employees when interacting with contractors. Lastly, CBI is discussed in detail in OAS's *A Program Manager's Guide For Communicating With Industry*.

2) Identification of senior agency and bureau (if applicable) official responsible for promoting vendor engagement

Kimberly Y. Patrick, Senior Procurement Executive (SPE), Director of EPA Office of Acquisition Solutions, and Head of Contracting Activity (HCA) , is the senior EPA official responsible for promoting vendor engagement. The Director will oversee this program under OAS's Performance Measurement and Management Program.

3) Efforts undertaken or planned to reduce barriers and promote engagement

As noted above, EPA has a number of guidelines to help employees interact with contractors, including specific guidance in the *Communicating with Industry Toolkit* on the EPA internal Knowledge Management Site, a communication guide/class for program managers, and agency wide directives. These guidelines reduce barriers in communication by ensuring employees are confident in knowing what can and cannot be communicated with vendors prior to a contract award. The EPA regularly hosts forums to educate personnel.

EPA's goal is to continue to look for opportunities to train the workforce and promote communication with industry, including formal training sessions and conference presentations. One of the focuses of training is emphasizing what communications are allowed versus what are not allowed. OAS will also continue to benchmark other agencies best practices to identify opportunities for implementation at EPA. The EPA uses various strategies to educate personnel including written guidance, events and trainings.

In addition to internal training for EPA personnel, the EPA hosts numerous external vendor forums throughout the year including:

- EPA Contractor Forums regular nationwide small business events
- Marketplace – biennial opportunity conference for small businesses sponsored by EPA, Health and Human Services, and North Carolina Procurement Technical Assistance Center (NC PTAC)
- Brownfields Conference – annual event which includes 6,000 participants from the private sector, local, state and federal agencies, nonprofit and community groups, and academia. It is the largest national event focused on discussing best practices, ideas, and approaches for redeveloping Brownfield properties and creating more sustainable communities. Substantial number of OSDBU events in which EPA lists on the events calendar and either sponsors or participates, such as the annual OSDBU Procurement Conference, and the Annual Dept of Energy Small Business Conference & Expo. In Q3 of FY 2019, OAS partnered with the OSDBU to reconvene ad hoc industry days and vendor brown bag sessions. EPA has been tremendously successful with hosting events with the small business community and is currently pursuing matchmaking opportunities/events between large industry partners and small businesses.
- OAS will also introduce Reverse Industry Days akin to the format Department of Homeland Security DHS) is using to better inform the acquisition products made available to industry partners.

Typically, there are 100 participants at the regional contractor forums and more than 250 participants at the forums held in Washington, DC., and EPA believes OFPP's recent decision to post all outreach events in SAM will increase attendance significantly.

4) Improving and Streamlining Communication

EPA is committed to conducting acquisitions in the most effective, responsible and efficient manner possible. Therefore, a *Communicating with Industry* toolkit has been developed for internal EPA use, and is designed to help encourage the exchange of information between the EPA acquisition community and industry, to improve and streamline communication with vendors for consistency of messaging and goals. This toolkit includes *A Program Manager's Guide For Communicating With Industry*, which promotes communication in the early stages of an acquisition under certain circumstances, encourages acquisition involvement, provides communication guidelines for the program offices, and ensures the exchange of information is consistent with procurement integrity requirements.

5) Vendor engagement during the pre-award phase

Contracting Officers are encouraged to include vendor input in the pre-award stage using one or more of the techniques noted in [FAR 15.201](#), *Exchanges with industry before receipt of proposals*. In addition to these techniques, contracting officers may use innovative technology such as social media when appropriate; however, all techniques outside of [FAR Part 15](#) must be approved by the appropriate branch chief.

For all new IT investments classified as Major (in accordance with [OMB Circular A-11, Section 300](#)), the associated Acquisition Plans must address the potential need for exchanges with industry such as pre-solicitation conferences and other types of engagements, and will be considered under the Acquisition Strategy review as part of EPA's IT investment governance process.

Pre-award industry exchanges should be conducted only if the resulting interaction will add value to the procurement process. If conducted, Contracting Officers should ensure the procurement schedule allows for a reasonable amount of time for exchanges and one-on-one engagements in accordance with [FAR Part 15](#). One-on-one engagements shall only be held during the pre-solicitation phase. Details of one-on-one meetings shall be documented in the contract file, and any information shared by the government during the meeting will be reflected in the final solicitation and/or made available to all interested parties. Contracting Officers are also encouraged to release draft request for proposals (RFPs) for all acquisitions when time permits.

If a pre-award industry exchange is not conducted for acquisitions in information technology (IT) investments classified as Major, the contracting officer must include documentation in the contract file as to why industry exchanges were not conducted.

6) Vendor engagement during the post-award phase

Contract Kick-off events between the EPA acquisition team and contractor are standard practice directly following the award of all enterprise-wide and highly complex acquisitions. These events also allow for a better understanding of the current state of industry.

Program Management Reviews (PMRs) are a structured program review that is conducted by the Program Manager (PM) with key Stakeholders. A PMR might be conducted at a specific milestone on a program or on a predictable scheduled (Monthly, Quarterly or Semi-Annually). PMR activities allow the entire acquisition team (contracting officer's representative (COR), Program Lead, Contracting Officer, etc.) to engage the contractor about contract status, share program status and needs, and solicit feedback and meaningful recommendations from the contractor to ensure it continues to perform as agreed.

A debriefing is a meeting of Government personnel and an offeror, usually one who has not been selected for award, but may also be the successful offeror. Post-award debriefings allow for an exchange of information between the government and unsuccessful offeror(s) to talk about not only the unsuccessful offeror's proposal, but also may be used to get a better understanding of industry price/cost drivers and industry performance.

7) Publication of engagement events

EPA is in compliance with the OMB Memorandum, [*Myth-Busting: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process*](#), issued February 2, 2011 that requires each federal agency to hold two nationwide small business events outside of the Washington, DC area, and to synopsise small business events in FedBizOpps using the "special notices" function. As of 2020 FedBizOpps has been incorporated in SAM, and as noted previously, EPA utilizes SAM to list [vendor collaboration opportunities](#). Additionally, upcoming events are provided by OSDBU and posted at: <https://www.epa.gov/resources-small-businesses>.

Additionally, for all of the Contractor Forums, the EPA's Advocate for Competition does the following:

- Advertises forums in *Set-Aside Alert* (a very popular small business publication),
- Sends the notice to all contractors with whom EPA currently does business,
- Sends a notice to any company that has ever attended a past Contractor Forum and/or has ever requested to be put on the mailing list,
- Sends a notice to the OSDBU Council for posting and distribution notices to U.S. Women's Chamber of Commerce (USWCC), United States Hispanic Chamber of Commerce (USHCC) (small business organizations), Contracts Customer Relations Committee /Council (CCRC - internal group of program offices), JROs (Junior Resource Officers – internal).

8) Roles and Responsibilities

a) Contracting Officer

- Determines communication exchange plan - With input from program office and other Government advisory groups, determines the type(s) of exchanges that will take place with industry before receipt of proposals, who will be involved, timing, etc.
- Hosts vendor collaboration opportunity – If determined appropriate, will post the vendor collaboration opportunity on SAM, assist in set-up of collaboration through MAX or other social media tool, and monitor/contribute to the exchange as part of collaboration team.
- Reviews requirement – Reviews requirement and consults with Advocate for Competition and OSDBU for opportunities to maximize small business participation.
- Maintains relationships – Develops and maintains proper business relationships between contractor employees and program office personnel involved in contract

management (EPA Agency Order #1900.1A). Acts as a conduit to leverage those relationships toward improving the Government acquisition process.

- Makes requirement determinations - Responsible for determining, prior to award, that a contract does not include inherently governmental functions or unauthorized personal services, and that controls are in place to protect against contract management vulnerabilities.
- Conducts debriefings – Responsible for post-award debriefings on competitive procurements.
- Investigates claims - Responsible for investigating any claims of inappropriate interaction with contractors, and taking appropriate action if necessary to ensure proper contractual relationships (EPA Agency Order #1900.1A).
- Engages in technical communication and technical direction - May engage in technical communication with contractors, authorized to initiate and/or modify contracts and issue technical direction (EPA Agency Order #1900.1A).
- Forecasting - Participates in Forecast meetings.
- Documenting – Documents and maintains requirement/contract file.

b) Program/Project Manager

- Assists in exchange plan determination - Assists the contracting officer in determining the type(s) of exchanges with industry before receipt of proposals that would be most beneficial to the government.
- Assists in collaboration event - If determined appropriate, will assist in set-up of collaboration through MAX or other social media tool and monitor/contribute to the exchange as part of collaboration team.
- Maintains relationships - Maintains proper business relationships with contractor employees in a cooperative effort involving the contracting officer and other program personnel involved in contract management (EPA Agency Order #1900.1A).
- Informs contracting officer - Always keeps the contracting officer advised of issues relating to interactions with the contractor (EPA Agency Order #1900.1A).
- Assists contracting officer – Assists contracting officer in locating possible sources for competition.
- Assists in Forecasting – Participates in Forecast meetings.

c) Contracting Officer's Representative (COR)

- Provides technical direction - Responsible for providing technical direction and ensuring the contractor does not perform inherently governmental functions or unauthorized personal services and that contract management controls are enforced (EPA Agency Order #1900.1A).
- Performs Review - Responsible for supporting personal services reviews on contracts susceptible to improper contractor relationships (EPA Agency Order #1900.1A; EPAAG 15.2.1).

- Engages in technical communication - May engage in technical communication with contractors , but is not authorized to initiate and/or modify contracts (EPA Agency Order #1900.1A).
- Informs contracting officer - Always keeps the contracting officer advised of issues relating to interactions with the contractor (EPA Agency Order #1900.1A).
- Provides feedback – Provides feedback and suggestions for communication improvement after contract award.

d) Office of General Counsel (OGC)

- Provides guidance - Provides legal advice and guidance.
- Presents training - Presents training to OAS staff on legal issues surrounding communications with industry such as “Conflicts of Interest” and “Discussions and Other Exchanges with Offerors.”

e) Ethics Officers

- Provides guidance - Provide guidance to Federal employees regarding maintaining proper business relationships with contractor employees.
- Assists in interpretation - Assist in interpretation of ethics rules and applications (EPA Agency Order #1900.1A).
- Assists in ethics issues - Assist with ethics issues, such as social media.
- Advises on ethical interactions - Advise on interactions with contractors, financial conflicts of interest, and accepting gifts (EPA Agency Order #1900.1A).

f) OSDBU

- Promotes vendor engagement - Hosts numerous events throughout the year to reach out to the small business community, and to learn about companies that EPA has never done business with previously.
- Assists contracting officer - Assists contracting officers in researching small businesses to identify capabilities that might align with EPA requirements.
- Assists in Forecasting – Participates in Forecast meetings.
- Assists with Vendor database: Maintains information on vendor capabilities for referral on EPA procurements.

g) Advocate for Competition

- Promotes vendor engagement - Organizes small business Contractor Forums regularly.
- Posts vendor collaboration opportunity – If determined appropriate, will post vendor collaboration opportunities on SAM; may monitor/contribute to vendor collaborations.
- Assists contracting officer - Assists contracting officers in researching small businesses for requirements.
- Assists in Forecast – Participates in Forecast meetings.

h) Policy, Training, and Oversight Division (PTOD)

- Provides guidance – Keeps acquisition personnel apprised of information and training on vendor communication by issuing guidance through emails, postings on intranet, and mini-training sessions.
- Monitors communication plan – Reviews and updates communication plan as necessary; keeps personnel informed of changes.

i) Other Officials

- All Federal employees interacting with contractors are responsible for ensuring their interactions are fair, impartial, and in compliance with Federal and Agency acquisition and ethics policy (EPA Agency Order #1900.1A).
- All Federal employees are responsible for protecting sensitive information (EPA Agency Order #1900.1A).
- Information Security Officers assist with issues related to safeguarding sensitive information (EPA Agency Order #1900.1A).
- Junior Resource Officers (JROs) from the program offices, enter and update the data for the forecast after it is approved.

9) Training and awareness efforts for employees and contractors

As discussed in paragraphs above, EPA has a robust program for training both employees and contractors. These include contractor forums, internal training sessions given by subject matter experts, and numerous vendor forums. EPA publicizes communication opportunities through a number of methods including the EPA public webpage, small business publications and notices sent directly to vendors.

10) Links to existing policies

[Environmental Protection Agency Acquisition Regulations](#)
[EPA OGC Class Determination 1-95 \(CBI\)](#)

11) Plans to follow-up with employees and industry representatives within six months of posting the vendor engagement plan, to further refine and improve communication

The EPA plans to post our communication plan on the public website and seek vendor input. The communication plan will be a “living document” monitored and updated as necessary. Comments or questions regarding this plan may be sent to: OMS-ARM-OAS-AcquisitionPolicy@epa.gov noting “Vendor Communication Plan” in the subject line.