

## EPA VENDOR COMMUNICATION PLAN - 2011

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 Management (OAM) 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," (<http://oamintra.epa.gov/files/OAM/pmgci.pdf>) 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.
- b) *Including small businesses and subgroups of small businesses in our communications with industry.* OAM conducts small business contractor forums throughout the country every six months. In addition, the Office of Small Business Programs (OSBP) holds numerous other events throughout the year including joint conferences with other agencies such as the Department of Energy. Both venues 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 FedBizOpps, notices of the upcoming events are also listed on the EPA website (<http://www.epa.gov/oam/>).
- c) *Including vendors that the agency has not worked with in the past.* In addition to the Contractor Forums and OSBP events, EPA utilizes FedBizOpps, FedBid, and OAM Acquisition Forecast Database on the EPA website (<http://yosemite1.epa.gov/oarm/oam/forecastdatabase.nsf>) 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 (SOW), draft conflict of interest provisions and clauses and information regarding site visits, preaward conferences, etc.

The Forecast information is provided to the OSBP/Competition Advocate on an annual basis and updated regularly once posted. However, before it is posted, meetings are held with the program office, acquisitions, and OSBP to review the requirements and

opportunities for small business involvement. After all parties agree, the Forecast is posted to the EPA website by the Contracting Officer (CO)/Contracting Specialist (CS) and kept current by the CO.

- e) *Protecting non-public information including vendors' confidential information and the agency's source selection information.* EPA has a number of existing methods to protect confidential information. The OAM Contract Management Manual (CMM) includes Agency-wide guidance on safeguarding bids and proposals (Chapter 3.3), vulnerable and sensitive contract services (Chapter 7.3), and organizational conflicts of interest (Chapter 9). The Acquisition Handbook (AH) also provides guidance on safeguarding confidential business information (CBI) (Chapter 3.1), as well as, EPA Acquisition Regulation (EPAAR) 1503.1 protecting CBI and source selection sensitive information. Additionally, program managers are encouraged to become familiar with EPA Office of General Council (OGC) Class Determination 1-95 which addresses certain types of confidential business information (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 OAM's "A Program Manager's Guide For Communicating With Industry," which is also presented in a classroom format.

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

John R. Bashista, Director EPA Office of Acquisition Management, Agency Head of Contracting Activity (HCA) and Senior Procurement Executive (SPE), is the senior EPA official responsible for promoting vendor engagement. The Director will oversee this program under OAM'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 Contracts Management Manual, 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.

The EPA regularly hosts forums to educate personnel. For example, one of the authors of the "Mythbusting" memorandum, Gena E. Cadieux, Deputy General Counsel for Technology Transfer and Procurement, Department of Energy, provided her perspective regarding application and implementation of enhanced vendor communication at EPA's Acquisition Conference in March 2011. Also, EPA's Office of General Counsel often trains OAM staff on discussions and other exchanges with offerors, CBI and conflicts of interest.

EPA's goal is to continue to look for opportunities to train the workforce and promote communication with industry including formal training sessions, conference presentations and

articles in our quarterly Hot Tips newsletter. One of the focuses of training will be emphasizing what communications are allowed versus what are not allowed. OAM will also continue to benchmark with other agencies best practices to identify opportunities for implementation at EPA.

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

- EPA Contractor Forums biannual 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)
- Superfund Remedial Action Contractors (SRAC) Meetings – quarterly meeting of remedial action contractors, or entities interested in competing for remedial action contracts, to have a two-way dialogue on issues/information pertaining to the clean up or remediation of superfund sites.
- 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

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 FedBizOpps will increase attendance significantly.

#### **4) Vendor input during the preaward 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(c) 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 service center manager.

For all new IT investments classified as Major (as per 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 may 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-ones shall only be held during the presolicitation 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 RFPs for all acquisitions when time permits.

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

## **5) Publication of engagement events;**

EPA is in compliance with the OMB Memorandum issued February 11, 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.

Additionally, for all of the Contractor Forums, the EPA’s Competition Advocate 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 OSBP 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),
- Posts notices on the EPA website at <http://www.epa.gov/oam/forum/index.htm>

Lastly, OSBP lists events that may be of interest to small businesses on EPA’s Calendar of Events (<http://www.epa.gov/osdbu/calendarofevents.htm>). These events encourage involvement by including contacts and/or websites where additional information can be obtained.

## **6) Roles and Responsibilities;**

### **a) Contracting Officer**

- Determine 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.
- Reviews requirement – Reviews requirement and consults with Competition Advocate and OSBP for opportunities to maximize small business participation.
- Maintains relationships – Develops and maintains proper business relationships between contractor employees, the CO, and program personnel involved in

contract management (EPA Agency Order #1900.1A CHG 2). Acts as a conduit to leverage those relationships toward improving the Government acquisition process.

- Requirement determination - 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.
- Conduct 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 CHG 2).
- Technical communication - May engage in technical communication with contractors, authorized to initiate and/or modify contracts and issue technical direction (EPA Agency Order #1900.1A CHG 2).
- Forecasts - Participates in Forecast meetings. Posts upcoming acquisitions to the Forecast Database on the EPA public website. Updates the information as necessary.
- Documents – Documents and maintains requirement/contract file.

**b) Program/Project Manager**

- Assists in exchange plan determination - Assists the CO in determining the type(s) of exchanges with industry that would be most beneficial and will take place with industry before receipt of proposals.
- Maintains relationships - Maintains proper business relationships with contractor employees in a cooperative effort involving the CO and other program personnel involved in contract management (EPA Agency Order #1900.1A CHG 2).
- Informs CO - Always keeps the CO advised of issues relating to interactions with the contractor (EPA Agency Order #1900.1A CHG 2).
- Assists CO – Assists CO in locating possible sources for competition.
- Assists in Forecast – Participates in Forecast meetings.

**c) Contracting Officer's Representative/Contracting Officer's Technical Representative (COR/COTR)**

- 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 CHG 2).
- Performs Review - Responsible for supporting personal services reviews on contracts susceptible to improper contractor relationships (EPA Agency Order #1900.1A CHG 2; CMM 3.2).
- Technical communication - May engage in technical communication with contractors or issue technical direction, but is not authorized to initiate and/or modify contracts (EPA Agency Order #1900.1A CHG 2).
- Informs CO - Always keeps the CO advised of issues relating to interactions with the contractor (EPA Agency Order #1900.1A CHG 2).
- Provides feedback – Provides feedback and suggestions for communication improvement after contract award.

**d) General Counsel**

- Provides guidance - Provides legal advice and guidance.

- Presents training - Presents training to OAM staff on legal issues surrounding communications with industry such as “Conflicts of Interest” and “Discussions and Other Exchanges with Offerors.”
- e) **Ethics Officers**
- Provide guidance - Provide guidance to Federal employees regarding maintaining proper business relationships with contractor employees.
  - Assist in interpretation - Assist in interpretation of ethics rules and applications (EPA Agency Order #1900.1A CHG 2).
  - Assist in issues - Assist with ethics issues, such as social media.
  - Advise on interactions - Advise on interactions with contractors, financial conflicts of interest, and accepting gifts (EPA Agency Order #1900.1A CHG 2).
- e) **OSBP**
- Promotes vendor engagement - Holds numerous other 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 CO - Assists COs in researching small businesses for requirements.
  - Assists in Forecast – Participates in Forecast meetings.
  - Vendor database: Maintains information on vendor capabilities for referral on EPA procurements.
- f) **Competition Advocate**
- Promotes vendor engagement - Organizes two small business Contractor Forums each year.
  - Assists CO - Assists COs in researching small businesses for requirements.
  - Assists in Forecast – Participates in Forecast meetings.
- g) **Policy, Training, and Oversight Division (PTOD)**
- Provides guidance – Keeps acquisition personnel apprised of information and training on vendor communication by issuing guidance through emailed quarterly Hot Tips, postings on intranet, and mini-training sessions.
- h) **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 CHG 2).
  - Other Federal employees may engage in technical communication with contractors, but are not authorized to initiate and/or modify contracts or issue technical direction (EPA Agency Order #1900.1A CHG 2).
  - All Federal employees are responsible for protecting sensitive information (EPA Agency Order #1900.1A CHG 2).
  - Information Security Officers assist with issues related to safeguarding sensitive information (EPA Agency Order #1900.1A CHG 2).

## 7) Training and awareness efforts for employees and contractors;

As discussed in paragraphs 3) and 5) 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.

**8) Links to existing policies;**

Environmental Protection Agency Acquisition Regulations:

[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title48/48cfrv6\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title48/48cfrv6_02.tpl)

EPA Order 1900.1A CHG 2: <http://intranet.epa.gov/ohr/rmpolicy/ads/orders/1900-1achg2.pdf>

EPA OGC Class Determination 1-95 (CBI): <http://www.epa.gov/ogc/documents/1-95.pdf>

CPIC Exhibit 300: <http://www.epa.gov/oei/cpic/>

**9) Plans to follow-up with employees and industry representatives within 6 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.