

NCMA Boot Camp

Government - Industry Communications

(OFPP's "Ten Misperceptions")

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**There is a
failure to
communicate**



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Misperception # 1

“We can’t meet one-on-one with a potential offeror.”

Gov't Perspective



Vendor Perspective

*Questions
educate
competitors*



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Fact # 1

“Government officials can generally meet one-on-one with potential offerors as long as no vendor receives preferential treatment.”

Misperception # 2

“Since communication with contractors is like communication with registered lobbyists, and since contact with lobbyists must be disclosed, additional communication with contractors will involve a substantial additional disclosure burden, so we should avoid these meetings.”

Govt Perspective

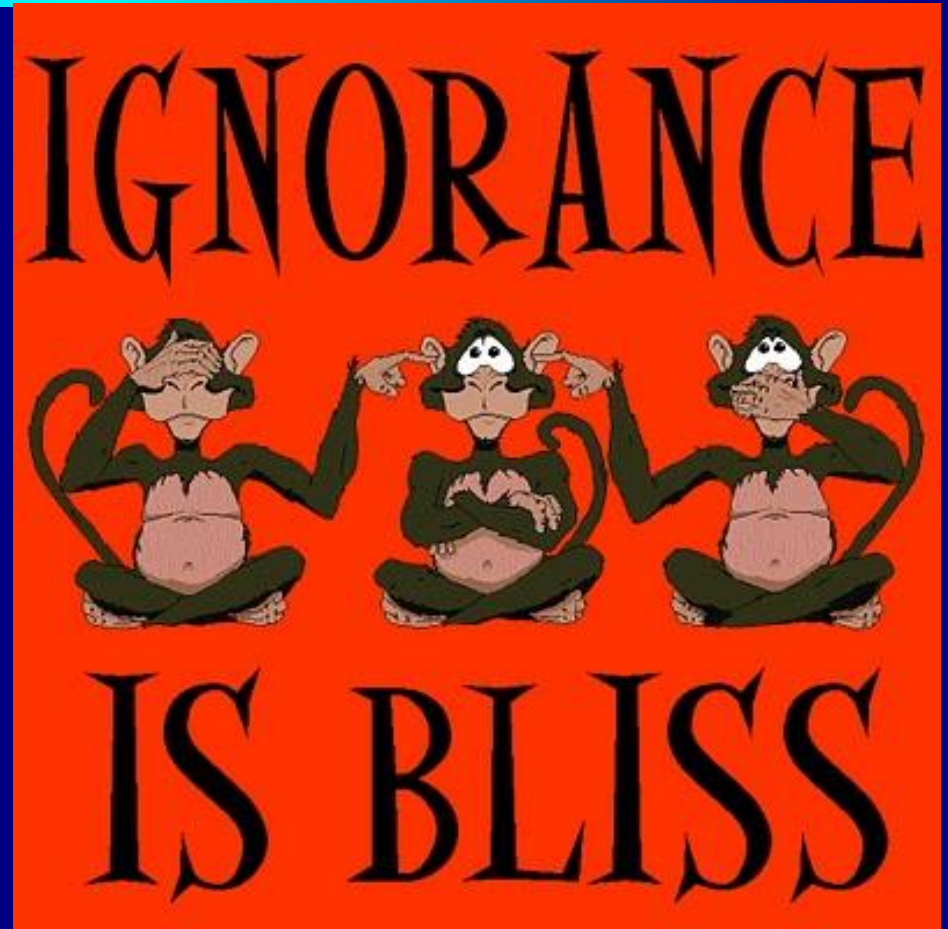
*Vendors
only
want
to get
rich*



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Vendor Perspective

*Of Govt
reluctance
to have
meaningful
dialog*



Fact # 2

“Disclosure is required only in certain circumstances, such as for meetings with registered lobbyists. Many contractors do not fall into this category, and even when disclosure is required, it is normally a minimal burden that should not prevent a useful meeting from taking place.”

George Bernard Shaw

“The single biggest problem with communication is the illusion that it has taken place.”

Bottom Line

*To Harness
The Power
Of Industry
Requires
Communication*



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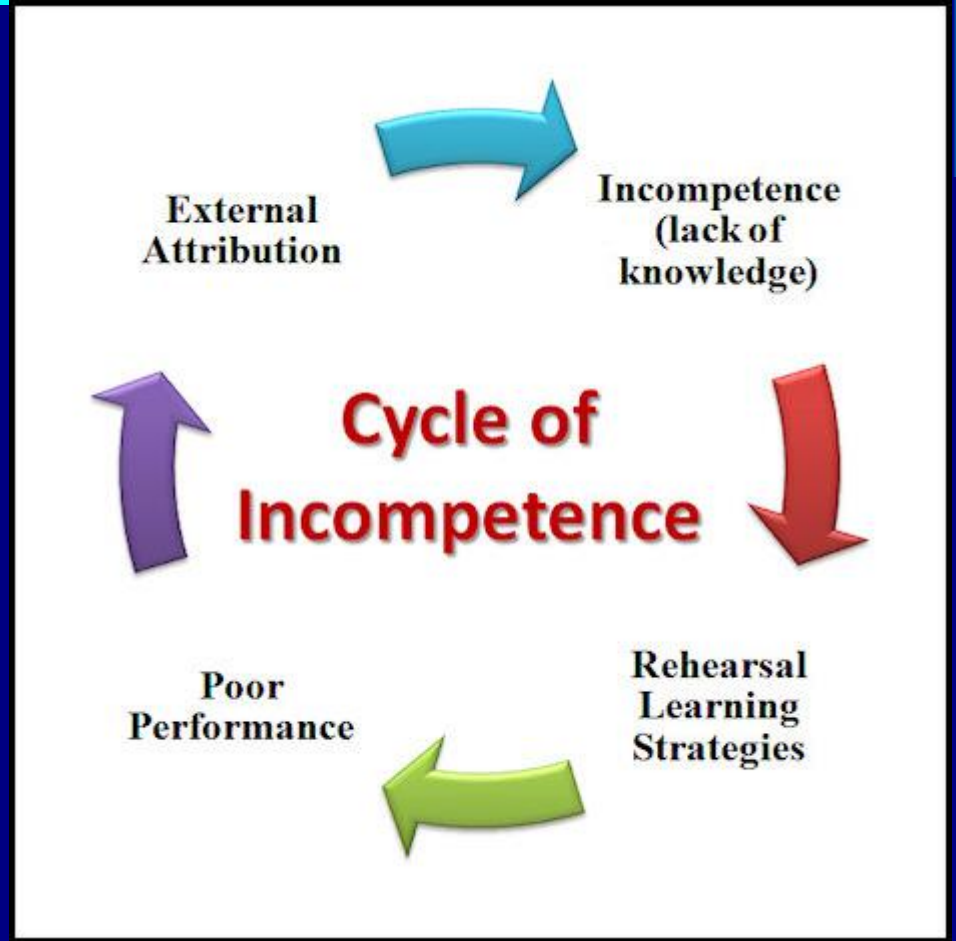
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Misperception # 3

“A protest is something to be avoided at all costs - even if it means the government limits conversations with industry.”

Vendor Perspective

*Protests
protect
against
govt
incompetence*



Govt Perspective



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Savvy Vendor Perspective

Whether to protest is a risk v. reward decision



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	FY 2012	FY 2011	FY 2010
Cases Filed ¹	2,475 ² (up 5% ³)	2,353 (up 2%)	2,299 (up 16%)
Cases Closed	2,495	2,292	2,226
Merit (Sustain + Deny) Decisions	570	417	441
Number of Sustains	106	67	82
Sustain Rate	18.6%	16%	19%
Effectiveness Rate ⁴	42%	42%	42%

Fact # 3

“Restricting communication won’t prevent a protest, and limiting communication might actually increase the chance of a protest - in addition to depriving the government of potentially useful information.”

Misperception # 4

“Conducting discussions/ negotiations after receipt of proposals will add too much time to the schedule.”

Gov't Perspective



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Vendor Perception

Of C.O.s
who dodge
discussions



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Fact # 4

“Whether discussions should be conducted is a key decision for contracting officers to make. Avoiding discussions solely because of schedule concerns may be counter-productive, and may cause delays and other problems during contract performance.”

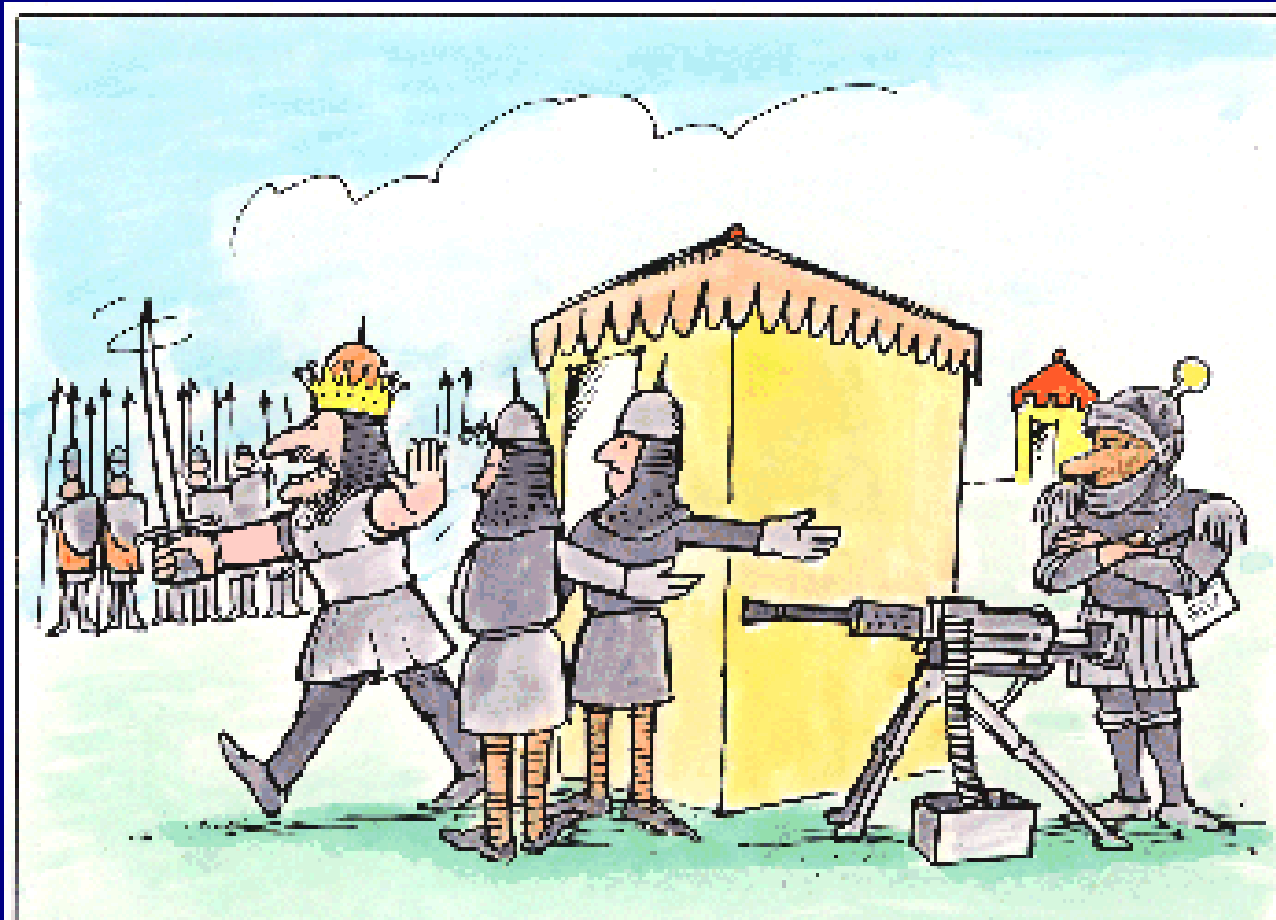
DFARS § 215.306

"For acquisitions with an estimated value of \$100 million or more, contracting officers should conduct discussions"

Misperception # 5

“If the government meets with vendors, that may cause them to submit an unsolicited proposal and that will delay the procurement process.”

Vendor Perception



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Government Perspective



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FAR § 15.603

Unsolicited proposals allow unique and innovative ideas that have been developed outside the Government to be made available to Government agencies for accomplishing their missions. Unsolicited proposals are offered with the intent that the Government will enter into a contract with the offeror for research and development or other efforts supporting the Government mission.

Fact # 5

“Submission of an unsolicited proposal should not affect the schedule. Generally, the unsolicited proposal process is separate from the process for a known agency requirement that can be acquired using competitive methods.”

Misperception # 6

“When the government awards a task or delivery order using the Federal Supply Schedules, debriefing the offerors isn’t required so it shouldn’t be done.”

Vendor Perspective

**Feedback
enables
future
improvement**



Govt Perspective

**Too
busy!**



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FAR § 1.102-3

The definition of acquisition team includes contractors.

Acquisition is a continuum “beginning with the customer and ending with the contractor of the product or service.”

George Bernard Shaw

“Success does not consist in never making mistakes but in never making the same one a second time.”

Fact # 6

“Providing feedback is important, both for offerors and the government, so agencies should generally provide feedback whenever possible.”

Misperception # 7

“Industry days and similar events attended by multiple vendors are of low value to industry and the government because industry won’t provide useful information in front of competitors, and the government doesn’t release new information.”

Government Perspective

*Of
Vendors*



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Vendor Perspective

*of
Industry
Day*



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Fact # 7

“Well-organized industry days, as well as pre-solicitation and pre-proposal conferences, are valuable opportunities for the government and for potential vendors - both prime contractors and subcontractors, many of whom are small businesses.”

Feedback = Better Result



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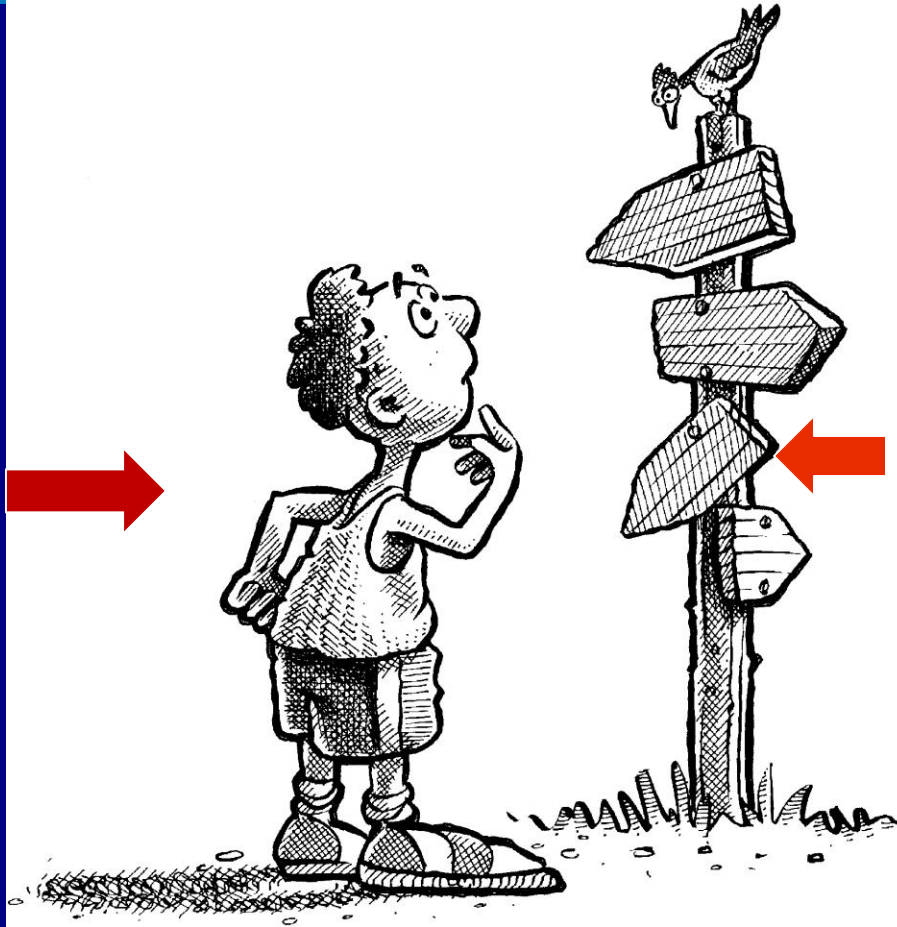
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Misperception # 8

“The program manager already talked to industry to develop the technical requirements, so the contracting officer doesn’t need to do anything else before issuing the RFP.”

Vendor Perspective

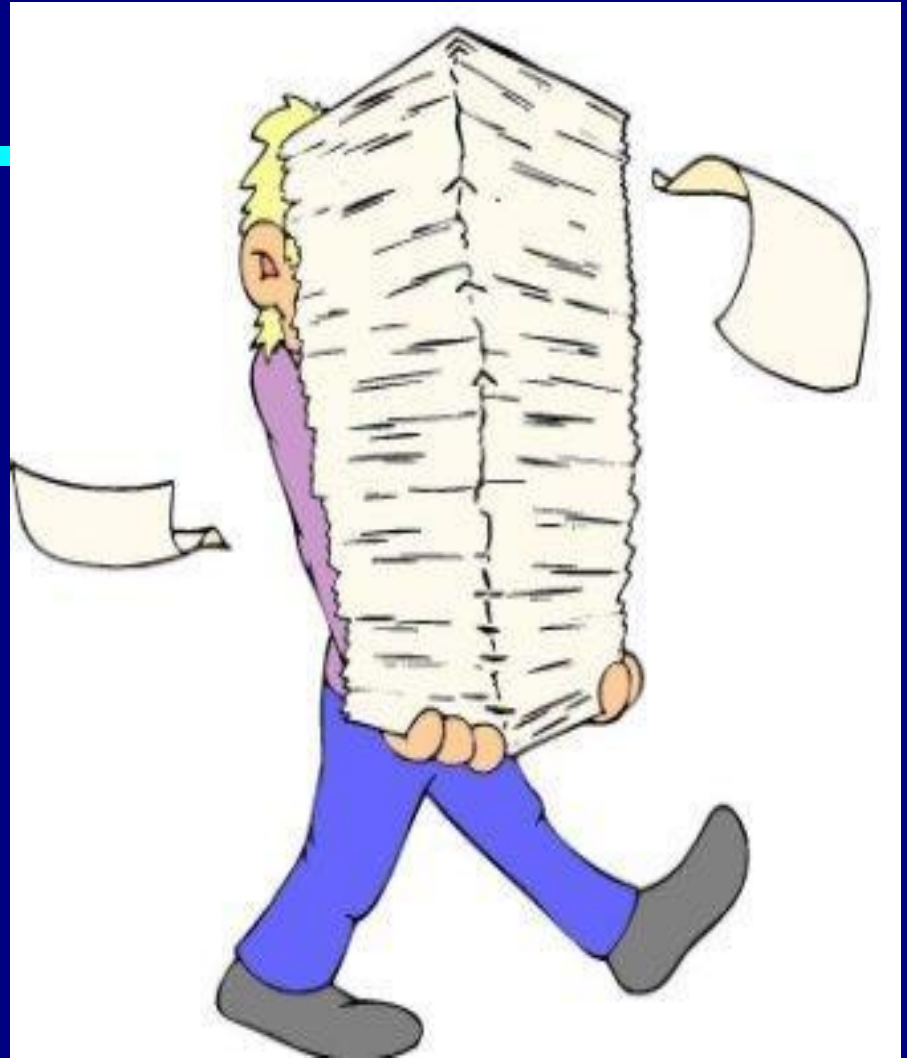
Vendor



Solicitation



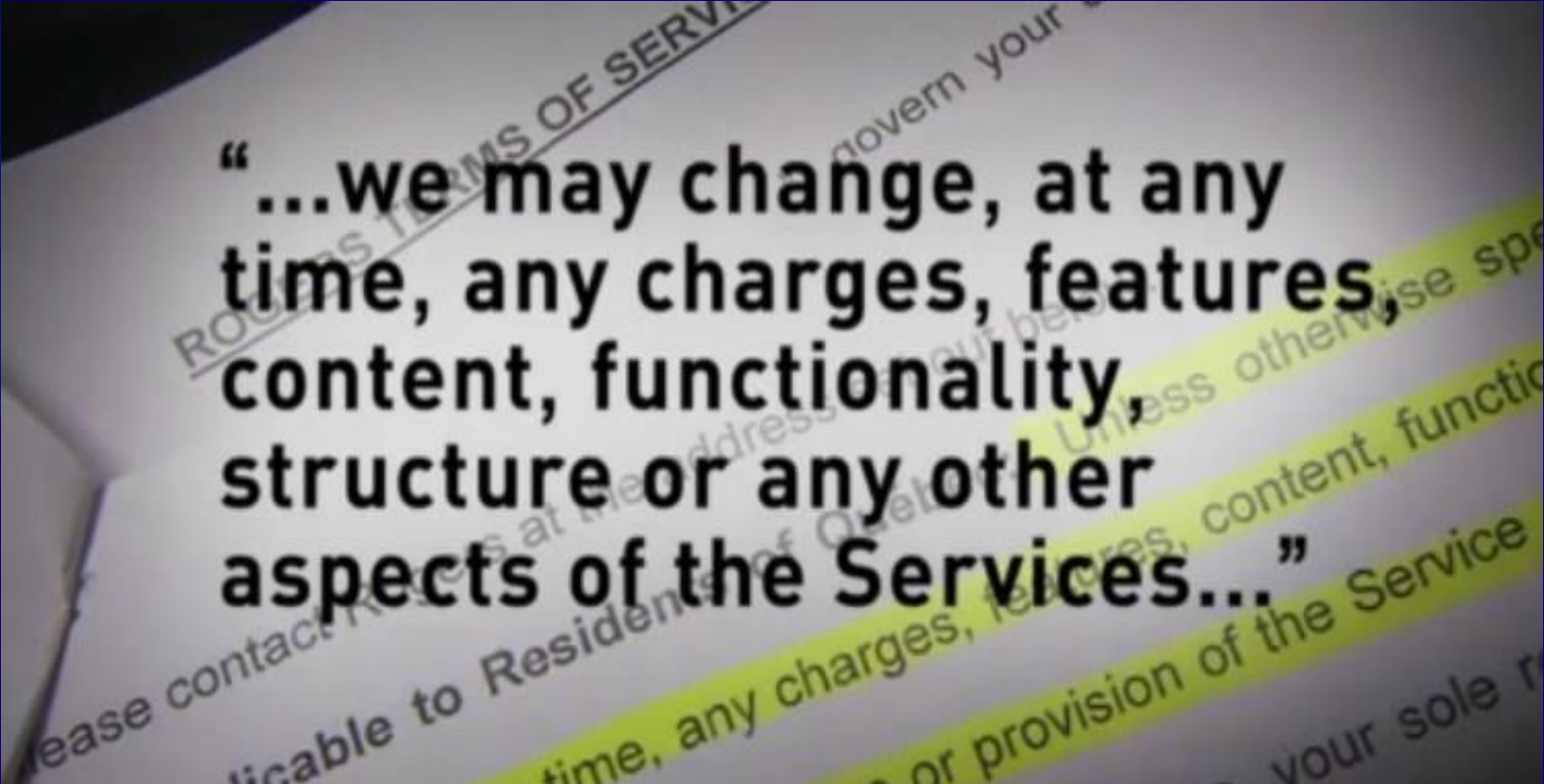
Government
Program
Manager's
perspective:
*“its only
paper...”*



Fact # 8

“The technical requirements are only part of the acquisition; getting feedback on terms and conditions, pricing structure, performance metrics, evaluation criteria, and contract administration matters will improve the award and implementation process.”

Unreasonable Risk Allocation?



“...we may change, at any time, any charges, features, content, functionality, structure or any other aspects of the Services...”

Misperception # 9

“Giving industry only a few days to respond to an RFP is OK since the government has been talking to industry about this procurement for over a year.”

Vendor Perspective



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Gov't Perspective



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Fact # 9

“Providing only short response times may result in the government receiving fewer proposals and the ones received may not be as well-developed - which can lead to a flawed contract. This approach signals that the government isn’t really interested in competition.”

Misperception # 10

“Getting broad participation by many different vendors is too difficult; we’re better off dealing with the established companies we know.”

Gov't Perspective



DON'T TRUST
STRANGERS

Vendor Perspective

*Incumbent
contractors*



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Small Business Perspective



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Taxpayer Perspective



Fact # 10

“The government loses when we limit ourselves to the companies we already work with. Instead, we need to look for opportunities to increase competition and ensure that all vendors, including small businesses, get fair consideration.”

Summary Of Misperceptions

*Failure to
appreciate
the symbiotic
relationship
between
industry
and
government*



Conclusion

*Procurement
Is complex;
to reduce
risk
communicate*

