

National Science Foundation (NSF) Vendor Communication Plan (updated January 31, 2020)

A. Background: OMB Memorandum “Myth-Busting”: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process issued on February 2, 2011 requires the 24 Chief Financial Officer (CFO) Act agencies which includes the requirements for the NSF to develop a vendor communication plan; to make these plans available to their workforce and the public, as appropriate; and to update them at least annually.

B. Purpose of Plan: This plan is meant to provide clear, consistent direction to NSF’s workforce and industry partners about how to engage with industry prior to the award of contracts and task and delivery orders.

C. Plan Elements:

1) **Statement of agency commitment:** The NSF is committed to a) Communicate early, frequently, and constructively with industry; b) Include small businesses and subgroups of small businesses in communications with industry; c) Include vendors that the agency has not worked with in the past; and d) Protect non-public information including vendors’ confidential information and the agency’s source selection information.

2) **Identification of senior agency official responsible for promoting vendor engagement:** Patrick Breen, Senior Procurement Executive, Director of the Division of Acquisition and Cooperative Support (DACS)

3) **Brief description of efforts undertaken or planned to reduce barriers and promote engagement:**

- a) NSF engages in significant outreach to industry as part of its acquisition process, and this will continue. NSF provides opportunities for vendors to participate in pre-award conferences, to ask questions and network with other attendees who may be potential teaming partners. The NSF Contracts Branch, Office of Small and Disadvantaged Business Utilization and Contracting Opportunities webpages are excellent places for vendors to learn how to communicate with the NSF. These pages include important links and NSF acquisition contact phone numbers and/or e-mail addresses vendors can use if they have questions and want to communicate with the NSF. In order to reduce barriers and promote engagement, NSF has made strides in (1) improving transparency, collaboration, and participation in the acquisition process, and (2) working with industry and internal customers to identify and address contracting and delivery barriers. NSF will continue working collaboratively to increase communication efforts and eliminate unnecessary barriers that otherwise prevent NSF from engaging in meaningful and responsible dialogue with industry. This will entail gradually altering a culture related barrier that has been taught in the past that it is safer to limit contact with contractors rather than engaging them for fear of a protest or appearance of a conflict of interest. However, NSF officials must always use sound business judgment and adhere to regulatory and statutory requirements when engaging industry.

b) Efforts Undertaken:

- i) NSF DACS Contracts Policy has issued notices forwarding each of the four OMB Myth-Busting memorandums to the NSF acquisition community through the use of an e-mail newsflashes.
- (ii) With the support of our Chief Financial Officer, the NSF Division of Acquisition and Cooperative Support (DACs) Contracts Branch has continued a substantial annual planning effort which includes focus on small business participation. DACs tasks the Program Offices to indicate all of their planned actions, including competitive actions, in a Forecast of Contracting Opportunities. The completed Forecast is placed on the NSF public website which allows businesses to review the document and allow them more time to plan and prepare for the NSF competitive acquisitions. This Forecast of Contracting Opportunities also assists DACs, Program Offices and the NSF Office of Small and Disadvantaged Business Utilization (OSDBU) in the early acquisition planning stage of competitive acquisitions. DACs works closely with the OSDBU, to ensure that potential procurements are given full consideration for small business participation.
- iii) The Forecast of NSF Contracting Opportunities for FY 2020, dated 10/01/2019, includes a list of 42 new or follow-on NSF acquisitions estimated over the simplified acquisition threshold. For each acquisition listed, the Forecast indicates the following: a reference number, title and description of the requirement, whether the acquisition is new or follow-on, NAICs code, current contract number (if follow-on), estimated quarter of solicitation release, and general estimated dollar range. The NSF OSDBU is listed in the forecast as the contact point for inquiries on the acquisition listed in the Forecast.
- iv) In FY 2018 NSF revamped its [OSDBU website](#) to include (1) NSF OSDBU duties and responsibilities, (2) links to the NSF Contracting Opportunities page and NSF Acquisition Forecast, (3) list of typically attended small business outreach events throughout the year, (4) links to education and training resources for small business including the Small Business Administration (SBA) Learning Center, (5) links to other resources for small business including but not limited to System for Award Management (SAM), Women's Business Centers, and Procurement Technical Assistance Centers.
- v) NSF attends small business outreach events each year to speak about opportunities for small and disadvantaged businesses. Below is a list of events the NSF OSDBU typically attends:

1. MEGA Maryland Small Minority Business Conference for AEC: <http://www.same.org/Get-Connected/Find-a-Post/Baltimore/Calendar/MEGA-MD-SBC>
2. Federal Small Business Procurement and Technology Plus Expo: <https://www.uspto.gov/about-us/vendor-information/federal-small-business-procurement-and-technology-plus-expo>
3. National HUBZone Conference: <http://www.hubzonecouncil.org/clubportal/ClubStatic.cfm?clubID=528&pubmenuoptID=29484>
4. ChallengeHER: <https://challengeher.us/challengeher-with-treasury-dept/>
5. US Women's Chamber of Commerce National Small Business Federal Contracting Summit: <https://uswcc.org/events/natl-small-biz-summit-fall-2017/>
6. GovConectx Fall Showcase: <http://www.govconectx.com/fall-showcase.html>
7. GovConectx Maryland Outreach: <http://www.govconectx.com/maryland-outreach.html>
8. Government Agency Procurement Outreach event: <http://www.thebusinessservicecenter.com/>
9. 28th Annual Government Procurement Conference: <https://www.fbcinc.com/e/PROCUREMENT/default.aspx>
10. Third Annual HUBZone Small Business Conference: <https://www.eventbrite.com/e/2018-hud-hubzone-small-business-conference-registration-42477648791>
11. National 8(a) Small Business Conference: <https://www.national8aassociation.org/>

At these events, the NSF OSDBU meet one-on-one with Socioeconomically Disadvantaged Groups and other SB to provide guidance, counsel, and resources on how to do business with the Federal Government and the NSF.

- vi) The [NSF Task-Order and Delivery-Order Ombudsman](#) reviews complaints from contractors related to task-orders and delivery-orders executed under procedures set forth in FAR 16.505 and ensure they are afforded a fair opportunity to be considered, consistent with the procedures in the applicable contract.
- vii) In addition to posting requirements to Opportunities section of Beta.SAM.gov in accordance with FAR 5.101(a)(1) and 5.102(a)(1), NSF also uses its [Contracting Opportunities page](#) to publicize actions in accordance with FAR 5.101(a)(2) and link to Contract Opportunity notices on Beta.SAM.gov for certain high profile programs.

viii) A recent example of a prominent NSF program that used a combination of vendor communication techniques is the Arctic Research Support and Logistics Services (ARSLS). This acquisition was re-competed and awarded in FY 2020 and included the following engagement efforts: industry day, site visits, Draft RFP, and pre-solicitation conference.

c) Efforts Planned:

- i) Through training and informational tools, continue to work to change culture that has led to the belief that it is safer to limit contact with contractors rather than engaging them for fear of a protest or appearance of a conflict of interest.
- ii) Increase small business awards at NSF through:
 - Greater use of market research techniques (e.g. “sources sought synopsis” to identify potential small business sources, allowing for increased use of Set-Asides)
 - Greater use of GSA and GWAC Order Set-Asides (e.g., 8(a) Streamlined Technology Acquisition Resource for Services (STARS), VETS, and Alliant Small Business)
 - Renewed emphasis on innovative contracting methods from senior management, to include early and frequent exchanges with industry
 - Continued outreach to stress importance of small business support (e.g., Staff Memorandum, Statement of Support for NSF Small Business Program)
 - Adding targeted industry days for specific socioeconomic programs

4) 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):

In order to maintain maximum flexibility in our acquisitions, the NSF vendor engagement strategy will highly recommend inclusion of robust market research of vendor input and engagement in the pre-award phase acquisitions involving high-risk, high-profile, large-dollar (over \$10M), and complex programs, such as those for major IT systems and for re-competitions that need to attract new entrants to ensure adequate competition. A high-risk acquisition is considered one in which the approved Acquisition Plan, required in accordance with FAR Part 7 and section 2507 of the NSF Acquisition Manual, indicates high overall risk for technical, cost and schedule in part A7 of the plan. Coordination and approval levels for the Acquisition Plan are located in the NSF Review and Approval Matrix referenced in the NSF Acquisition Manual. In particular, high-risk, high-profile, large-dollar, and complex acquisitions should fully consider:

- including at least one industry day or a pre-solicitation or pre-proposal conference; and
- allowing for a reasonable amount of one-on-one engagement; and
- allowing time for discussions, as needed and in accordance with FAR Part 15, during the proposal evaluation process; or

- including a written justification as to why those steps are unnecessary.

The NSF Contracts Branch has an oversight program in place to ensure program/contracts management, contracts policy, OSDBU (including Procurement Center Representative (PCR) coordination), and legal review is conducted at different stages of a procurement to ensure the appropriate level of vendor engagement is being sought depending on the individual acquisition situation. NSF’s oversight program is detailed in Section 2570 of the NSF Acquisition Manual.

5) **Publication of engagement events**: Engagement events to include industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, etc. shall be posted and updated regularly, as required, using the existing “special notices” function in the Opportunities section of Beta.SAM.gov. NSF will provide notice of these events on Opportunities section of Beta.SAM.gov as a single portal of information for interested firms.

6) **Brief description of roles and responsibilities**

Official	Vendor Communication Roles and Responsibilities
Contracting Officer	<ul style="list-style-type: none"> • <u>Determine the plan</u> - For each appropriate acquisition (especially high-risk, high profile, or complex acquisitions), establish the timing, frequency, and degree of vendor engagement necessary to appropriately develop requirements, acquisition strategy, and performance metrics. • <u>Identify means</u> - Recommend appropriate means of communication (one-on-one meetings, vendor days, draft RFPs, teleconferences, or combination of these methods). <ul style="list-style-type: none"> ○ Consider methods that would generate new entrants to the market to increase competition ○ Work with the OSDBU to identify the best ways to reach out to small businesses. • <u>Communicate to the agency team</u> - Set expectations with the Program Official (and COR if appropriate) about who will conduct vendor engagement efforts and how these sessions will be conducted <ul style="list-style-type: none"> ○ Encourage the Program Official and COR to communicate appropriately for pre-solicitation efforts ○ Be the focal point for vendor communication after the solicitation is issued • <u>Document</u> - Document the file as appropriate • <u>Know the agency procurement forecast</u> – The forecast is used by many small businesses to determine where to invest bid and proposal costs so be as knowledgeable as possible about the content of the document
Program Official	<ul style="list-style-type: none"> • <u>Confer with the CO early</u> – As soon as a need is identified, inform the CO about the level of vendor engagement needed to help the Program Official and others conduct effective market research.

Official	Vendor Communication Roles and Responsibilities
	<ul style="list-style-type: none"> • <u>Evaluate expected level of competition</u> - Assess the need for introducing new entrants to the market and recommend to the CO ways to do this • <u>Notify the CO</u> - Discuss vendor engagements activities with the CO prior to the meetings – the CO may or may not attend but should be aware of all communications • <u>Know the agency procurement forecast</u> – the forecast is used by many small businesses to determine where to invest bid and proposal costs so be as knowledgeable as possible about the content of the document
COR	<ul style="list-style-type: none"> • <u>Focus on post-award opportunities</u> - Identify ways to improve communication after award, such as award kick-off events, vendor boards (for multiple award contracts) • <u>Notify the CO</u> – Keep the CO informed and document as appropriate • <u>Be cautious</u> – Refrain from communications with the contractor that may evolve into constructive changes to the contract, which could cost money and time.
General Counsel & Ethics Officer	<ul style="list-style-type: none"> • Advise the CO and team so they understand what is considered appropriate communications in terms of content, delivery methodology, etc.
Acquisition Industry Advocate	<ul style="list-style-type: none"> • Encourages testing of new ideas and better ways of executing existing practices and working with OMB and other agencies to share best practices and lessons learned.
Industry Liaison	<ul style="list-style-type: none"> • Serves as a conduit among acquisition stakeholders and promotes strong agency vendor communication practices. • At a minimum, the liaison should: <ul style="list-style-type: none"> ○ promote timely responses to general vendor requests where appropriate, including from new entrants and small businesses; ○ help program and acquisition personnel develop strategies for engaging potential vendors that can provide capabilities necessary to achieve agency missions; ○ review and update, as appropriate, the vendor communication plan that the agency developed in 2011 to improve interaction throughout the acquisition lifecycle; ○ work with the agency's AJA and OSDBU to drive practices, such as those in Attachment 1 - as well as those highlighted in prior myth-busting memoranda (summarized in the Attachments 2 and 3 desk guides)- that improve communication with vendors; ○ share stories on the Innovation Hub to promote adoption of good communication practices.

Official	Vendor Communication Roles and Responsibilities
Acquisition Career Manager (ACM)	<ul style="list-style-type: none"> • <u>Keep everyone informed of training or related opportunities</u> - Provide COs, Program Officials, CORs, and others with information on training or awareness activities to improve vendor engagement
OSDBU	<ul style="list-style-type: none"> • <u>Focus on the agency procurement forecast</u> - Ensure that the CO and the contract specialist understand what is in the agency's procurement forecast. • <u>Provide assistance to small business concerns and NSF acquisition personnel</u> – Find resources for educational and training purposes • <u>Develop and implement appropriate outreach programs</u> – Heighten awareness of small business community to the contracting opportunities available at NSF. • <u>Review Market Research and SOW sufficiency</u> - Ensure optimal small business participation • <u>Maintain OSDBU website</u> - Ensure website contains current information • <u>Agency awareness</u> – Create internal NSF awareness of the benefits of working with small business through marketing and training
Task Order/Delivery Order Ombudsman	<ul style="list-style-type: none"> • <u>Experienced senior official who is independent of the contracting officer and program officer</u> – Review complaints from contractors related to task-orders and delivery-orders executed under procedures set forth in FAR 16.505
Office of Legislative and Public Affairs, CIOs and CTOs	<ul style="list-style-type: none"> • <u>Keep up with technology</u> - Should offer new innovative ideas for increasing outreach (social media, new technologies, etc.) and assist the team in developing rules and record keeping
Contract Policy Personnel	<ul style="list-style-type: none"> • <u>Assist Industry Liaison</u> - Seek information and provide best practices to COs and the acquisition community concerning vendor engagement. Leverage tools such as the OFPP and E-Gov Community of Practice, Federal Chief Acquisitions Council and the Federal Chief Information Officer Council websites. • <u>Provide updates to the acquisition community concerning vendor engagement including vendor engagement related systems.</u>

7) **Training and awareness efforts for employees and contractors:**

- a) NSF plans to promote and encourage acquisition personnel attendance at future Acquisition Learning Seminars on the topic of vendor communication hosted by FAI.
- b) NSF acquisition personnel plan to regularly access the Federal Chief Acquisitions Council and Federal Chief Information Officer Council websites to participate and monitor online dialogues to help identify misconceptions, concerns, perceived conflicts of policies and success stories that will help improve communications between government and industry. Information determined to be beneficial to the agency will be shared to the NSF acquisition community through e-mails bulletins and/or through articles published in the NSF Weekly Wire.
- c) The NSF Acquisition Career Manager (ACM) and/or acquisition policy personnel plan to promote the FAI continuous learning module on types of permissible communication to the NSF acquisition community when it is made available.
- d) In accordance with the OFPP “Myth Busting” February 2, 2011 memorandum, the NSF Vendor Communication Plan and subsequent updates will be made available to the NSF workforce and the public, as appropriate, and will update the plan annually.
- e) The NSF OSDBU plans to present training to acquisition personnel on the small business program rule changes and the benefits of the use of small business programs.
- f) The NSF OSDBU plans to coordinate with the Small Business Administration (SBA) Procurement Center Representative (PCR) to present a training to NSF acquisition personnel on the PCR duties, responsibilities and how acquisition personnel can use them to engage small businesses.
- g) On a weekly basis, the NSF OSDBU conducts one-on-one meetings with small businesses who want to do business with the NSF as well as meet and greets with small businesses who are doing business with NSF.
- h) The NSF OSDBU plans to continue to use outreach events to increase awareness of the small business vendor community on how to do business with NSF.
- i) A 3-day Source Selection Bootcamp was held at NSF in October 2019 for contracting personnel. The course is designed to prepare acquisition personnel to plan source selections through critical thinking. Attendees were shown how to design a source selection process that is simple, efficient, and fast, stripping from it all unnecessary and unproductive steps, and using innovative labor-saving and time-saving techniques.

8) **Links to existing policies:**

The NSF Acquisition Manual contains guidance regarding:

- a) Encouragement of early program office communication with contracting staff and the overall importance of timely communication among acquisition team members (Section 2511.101-70(e));

- b) The Forecast of NSF Contracting Opportunities (also known as the NSF Advance Acquisition Plan) (Section 2507.105-70);
- c) Market research (Section 2510);
- d) The importance of communication between the COR and the CO concerning providing proper technical direction to the contractor to avoid changes outside of the Statement of Work (Section 2542.302-70(e));
- e) The NSF Task-Order and Delivery-Order Ombudsman (Section 2516.505-70(b)(8)).
- f) In accordance with the [OFPP “Myth Busting 3” January 5, 2017 memorandum](#) which contains debriefing best practices, NSF has an established Debriefing Policy Guide. This guide contains roles and responsibilities, an explanation of what is/what is not allowed, a sample agenda, and lessons learned. Here are some of the best practices that have been included in the guide:

- A debriefing can be an emotional setting. Try to set your guests (the contractor) at ease. Be gracious. Listen to their statements or questions without interruption.

- Consider a break during the debriefing so the contractors may speak amongst themselves and generate their final questions.

- All debriefings require judgment. We are to make reasonable responses to relevant questions. Our Agency position is that it is better to provide more information than less.

The NSF Acquisition Manual is available on the NSF internal website. It has been provided to the Office of Federal Procurement Policy under a separate e-mail.

9) **Implementation of Innovative Business Practices:**

- a) Efforts undertaken: In FY 2019 NSF experimented with using innovative source selection methods such as down-selection and reduction of evaluation factors with positive results. The procurements involved resulted in shorter acquisition lead times with satisfactory or better contractor performance.
- b) Efforts planned: In FY 2020 NSF plans on continuing the use of down-selection and reduction of evaluation factors as appropriate. NSF is also planning to promote the increased use of oral proposals in order to reduce acquisition lead time and increase direct engagement with contractors.

10) **Follow-up plans**: NSF plans to update this document annually to further refine and improve communication. We plan to continue to use Request for Information notices on the Contract

Opportunities section of Beta.SAM.gov and interviews/surveys with contracting officers and program personnel for large, complex procurements for feedback.

11) **Contact information for the NSF Acquisition Innovation Advocate (AIA) and NSF Industry Liaison**: The NSF AIA is Keith Boyea (kboyea@nsf.gov) and the NSF Industry Liaison is Trina Fisher (tfisher@nsf.gov).