

**National Science Foundation (NSF) Vendor Communication Plan
October 19, 2011**

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; d) Identify, in the agency’s published procurement forecast, which procurements are likely to involve opportunity for additional communication with industry; and e) 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:** Jeffery Lupis, 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 already 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 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 intends to (1) improve transparency, collaboration, and participation in the acquisition process, and (2) work 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 the 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) On February 3, 2011 issued a notice forwarding the OMB Memorandum “Myth-Busting”: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process to the NSF acquisition community through the use of an e-mail newsflash.
- 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 Office of Small and Disadvantaged Business Utilization, to ensure that potential procurements are given full consideration for small business participation.

The [Forecast of NSF Contracting Opportunities for FY 2011](#) is currently available on the NSF public website. As indicated above program personnel and the NSF OSDBU are coordinated/consulted in the preparation of the forecast.

- iii) The NSF continues to use and promote our searchable on-line Vendor Resource Library consisting of an internal database of vendors that can be accessed by NSF acquisition personnel for market research purposes and generating source lists for upcoming procurements. The database contains information regarding the capabilities of various businesses that have expressed an interest in doing business with the NSF. NSF Contractors can register and include their capabilities into the [Vendor Resource Library](#) through the NSF public website. The library can be searched by keyword, state, business size, or NAICS code.
- iv) The National Science Foundation (NSF) has embraced the use of the online reverse-auction procurement tool FedBid to provide a dynamic strategic sourcing tool for spot buys and multiple award agency contracts. FedBid has improved sourcing and competition on commonly purchased commodities, provided enhanced documentation of competition information and increased small and minority business utilization. In 90 FedBid assisted purchases in FY

2010 for simple supplies and services, NSF was able to reach out to an average of 4,117.9 sellers for each purchase and received an average of 3.3 sellers responding to each buy. Additionally, in FY 2010, 78% of NSF actions and 61% of the dollars obligated by NSF through FedBid were to small business. This compares quite favorably to the overall percentage of NSF small business for FY 2010 which showed 39% of NSF actions and 15% of the dollars obligated went to small business.

- v) The NSF Division of Acquisition and Cooperative Support (DACS) Focal Point for Small Business holds weekly one-on-one meetings and teleconferences with small business concerns on request. During these meetings/teleconferences, vendors are provided counsel, assistance and are walked through the various resources available to small business at the NSF (Forecast of NSF Contracting Opportunities, Vendor Resource Library, etc.).
- vi) The NSF OSDBU and the DACS Small Business Focal Point work together throughout each year to attend multiple vendor and small business conferences.
 - As of 5/19/2011, NSF has attended the following outreach events:
 - Greater Washington Procurement conference (Mid-Atlantic Hispanic Chamber of Commerce); Chantilly, VA; 10/06/2010
 - Baltimore Washington Corridor Chamber's (BWCC's) 19th Annual Government Procurement Fair; Greenbelt, MD; 10/27/2010
 - Alliance Baltimore Procurement Conference 2010; Baltimore, MD; 11/10/2010
 - Business Matchmaking Procurement-in-the-Round Event; Baltimore, MD ; 11/16/2010
 - Atlantic Procurement Fair; Atlantic City, NJ; 03/10/2011
 - SB Procurement Fair; Largo, MD; 03/16/2011
 - Northern Virginia Technical Council (NVTC) Procurement Meeting; Herndon, VA; 04/14/2011
 - OSDBU Directors Procurement Conference; Chantilly, VA; 04/21/2011(NSF Deputy Director attended)

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

- The following outreach events are scheduled for the remainder of FY 2011:
 - 21st Showcase for Commerce 2011; Johnston, PA; 6/2011
 - New York SBA Procurement Conference 2011; Albany, NY; 9/2011

- vii) NSF maintains an [Acquisition Ombudsman Program](#). The NSF Ombudsman is an experienced senior official who is independent of the contracting officer and program officer. The goal of the program is to establish a more open acquisition process by facilitating communication on an informal basis between the NSF and parties outside the Government. The Ombudsman exercises agency-wide responsibility for reviewing concerns from contractors and ensuring that all contractors are afforded a fair opportunity to be considered.
- viii) In addition to posting requirements to Federal Business Opportunities (FBO) 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 FBO notices for certain high profile programs.
- ix) The following are some of the recent examples of prominent NSF programs that have used a combination of vendor communication techniques in the pre-proposal phase:

Antarctic Support Contract:

Industry participation was sought through the use of (1) early interface with industry in February 2008 through face-to-face roundtable discussions on best practices and industry preferences concerning such issues as contract type and award fee process; (2) issuance of a draft solicitation for industry comment in June 2008; (3) request for capability statements through a sources sought synopsis issued on April 30, 2008; (4) pre-solicitation conference in August 2008 consisting of an approximate week-long interface between NSF and industry; and (5) site visits to Port Hueneme, CA, Antarctica, Christ Church, New Zealand, Punta Arenas, Chile, research vessels occurred in October – December 2008.

Arctic Research Support and Logistics Services (ARSLS) Contract:

A synopsis with a draft Statement of Work (SOW) was posted on the Federal Business Opportunities website on October 8, 2010. An Industry Day was held October 22, 2010 and attended by 19 firms. There were numerous verbal and written comments and suggestions from attendees during and after the Industry Day which were taken into consideration in drafting a revised SOW for RFP release.

Conference Support:

To determine which companies would be considered for 8(a) set aside contract awards for conference support, NSF provided a statement of work and requested capabilities statements relevant to the SOW along with past

performance information through a notice on the Federal Business Opportunities website. Responses were due to NSF by April 16, 2010. NSF received 29 responses. Representatives from the Division of Administrative Services (DAS) and the Division of Acquisition and Cooperative Support (DACS) reviewed the responses to determine which of the companies were best-qualified, based on experience and past performance, to provide support for NSF. Of the 29 responses 10 companies were invited to NSF to make presentations on their capabilities and experience, as related to the SOW. The 8(a) status of all vendors was confirmed. The presentations were open to all NSF personnel who have current needs for contractor support. Therefore, DACS facilitated 9 presentations. Through these market research efforts, NSF has increased its 8(a) presence for conference support services from one 8(a) contractor to six 8(a) contractors in FY 2010 and FY 2011.

Financial Accounting System Modernization Project known as iTRAK:

NSF issued an Request For Information (RFI) via the Federal Business Opportunities web site to collect relative interest level in the marketplace regarding the opportunity iTRAK presents; gather general information and standard industry practices regarding migration to a Commercial off-the-shelf (COTS) Core Financial solution; and collect cost data for use in developing life-cycle cost estimates. In addition, NSF also used data from the RFI responses to determine alternative risks, establish alternative pros and cons, and identify alternative trade-offs. NSF received nine responses to the RFI, two from Federal providers and seven from private sector sources. In January 2011 NSF released an Industry Day announcement on the Federal Business Opportunities website. The announcement instructed interested vendors to submit a capability statement. NSF selected five vendors to present at Industry Day on March 30, 31, and April 1, 2011. On August 19, 2011, NSF posted via the Federal Business Opportunities website a draft set of key documents such as the RFP instructions and SOW in order to encourage industry feedback.

c) Efforts Planned:

- i) Include recommended criteria for identifying which acquisitions should include vendor input and engagement in the pre-award phase in the NSF Contracting Manual;
- ii) Identify, in the agency's published procurement forecast, which procurements are likely to involve opportunity for additional communication with industry; and

- iii) Add requirement to the NSF Contracting Manual to post and update engagement events to include industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, etc. using the existing “special notices” function on www.fedbizopps.gov and/or the NSF Contracting Opportunities public webpage depending on the particular circumstances.
- iv) In accordance with the 25 Point Implementation Plan to Reform Federal IT Management, NSF is planning to explore innovative technological solutions in order to enhance vendor communication during pre-RFP phases such as market research in order to effectively tap the understanding of industry partners if the right fit exists and if it makes sense to do so. Platforms and tools such as those located on Apps.gov and the Better Buy Project will be considered.
- v) Through training and informational tools, 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.

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 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 3.5 of the NSF Contracting 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 Contracting 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, OSDDBU, 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 Chapter 14 of the NSF Contracting Manual.

In regards to the use of Investment Review Board approval for acquisitions at NSF, Chapter VI.H, of the NSF Proposal and Award Manual contains review and approval requirements of the National Science Board (NSB) and Director's Review Board (DRB). This document does not specifically address extent of vendor engagement required by the DRB and/or NSB . The thresholds for these boards are set at a level where few acquisitions are required to obtain DRB or NSB approval. All items requiring NSB action are reviewed by the DRB prior to their submission to the NSB. Items requiring DRB action only include large awards and RFPs in a designated threshold range below the level requiring NSB action. The purpose of DRB review is to assure the Director that all recommendations and proposed action items have undergone thorough review, assessment and discussion. The DRB reviews proposed actions for adequacy of review and documentation; and consonance with Foundation policies, procedures and strategies. The DRB also brings to the Director's attention any policy issues that have been identified. The DRB is the Director's forum for reviewing timely recommendations to the NSB on a variety of critical NSF awards, actions, and information items.

The following items must be submitted to the NSB for approval:

- (1) Large Awards. Proposed awards where the anticipated average annual award amount is 1% or more of the awarding Directorate's or Office's prior year current plan or 0.1% or more of the prior year total NSF budget (enacted level), whichever is greater. This includes any funds transferred from other Federal agencies to be awarded through NSF funding actions. Awards involving funds from two or more Directorates will be the responsibility of the lead-managing Directorate. NSB review will be determined by that Directorate's threshold, using the total amount of the award. See the DRB webpage for the current NSB thresholds.
- (2) New Programs. NSB approval is required for new Programs that: (1) represent a substantial investment of Program resources (threshold defined as the total awards to be made by the proposed Program in a given fiscal year exceed 3% of the awarding Directorate's or Office's prior year current plan); or (2) involve sensitive political or policy issues; or (3) are to be funded as an ongoing Foundation-wide activity.
- (3) Major Construction Projects. Prior NSB approval is required for all awards made from the Major Research Equipment and Facilities Construction (MREFC) account.
- (4) Awards Involving Policy Issues or Unusual Sensitivity. NSB interests may include the establishment of new centers, institutes, or facilities; potential for rapid growth in funding or special budgetary initiatives; research community or political sensitivity; previous expression of NSB concern; or items otherwise identified by the Director or Assistant Directors.
- (5) Requests for Proposals (RFPs) and Solicitations. RFPs and solicitations that expect to result in contracts or cooperative agreements that meet or exceed the NSB approval thresholds must be approved by the NSB prior to release.
- (6) Waivers. Requests for exemption from NSB review and approval of a continuing

project or logistics support arrangement may be requested in routine cases where there are no significant issues or policy implications.

Awards and RFPs below the NSB Amount Threshold Proposed awards with an average annual award amount of 2.5% or more of the awarding Division’s prior year current plan will be reviewed by the DRB. Similarly, DRB review is required prior to release of proposed RFPs expected to result in contracts with average annual award amounts of 2.5% or more of the awarding Division’s prior year current plan.

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 using the existing “special notices” function on www.fedbizopps.gov.

NSF will provide notice of these events on FedBizOpps 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 COTR 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 COTR 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

Official	Vendor Communication Roles and Responsibilities
	<p>the CO about the level of vendor engagement needed to help the Program Official and others conduct effective market research.</p> <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
COTR	<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> – Don't let communications with the contractor 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.
Outreach POC (per MythBuster memo)	<ul style="list-style-type: none"> • <u>Promote vendor engagement</u> – the NSF Outreach POC is responsible for the agency's overall efforts to improve engagement with large and small businesses, increase awareness of the need to communicate with industry, and to seek feedback on engagements to improve the agency's outreach effort on a regular basis
Acquisition Career Manager (ACM)	<ul style="list-style-type: none"> • <u>Keep everyone informed of training or related opportunities</u> - Provide COs, Program Officials, COTRs, 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 in case they start getting inquiries. • <u>Use the Small Business Central Event Listing on FedBizOpps to publicize opportunities</u> – this functionality, recently released, helps small businesses find outreach events and promotes competition
Ombudsman	<ul style="list-style-type: none"> • <u>Experienced senior official who is independent of the contracting officer and program officer</u> - Receive concerns pertaining to specific issues within the NSF acquisition process that cannot be resolved at lower levels

Official	Vendor Communication Roles and Responsibilities
Office of Legislative and and Public Affairs, CIOs and CTOs	<ul style="list-style-type: none"> • <u>Keep up with technology</u> - should offer new media suggestions 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 Outreach POC</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 website (www.caoc.gov) and the Federal Chief Information Officer Council (www.cioc.gov).

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. When a video of one of the Acquisition Learning Seminar's is made available, NSF will promote and encourage viewing of this seminar for those that are unable to attend the original event.

b) NSF acquisition policy personnel plan to regularly access the Federal Chief Acquisitions Council website (www.caoc.gov) and the Federal Chief Information Officer Council (www.cioc.gov) in order 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) NSF acquisition policy personnel plan to regularly access the on-line OFPP and E-Gov Community of Practice concerning improvement of vendor engagement after it becomes operational. 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.

d) 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.

e) In accordance with the OFPP "Myth Busting" February 2, 2011 memorandum, the NSF Vendor Communication Plan will be made available to the NSF workforce and the public, as appropriate included in the NSF Contracting Manual and will update the plan annually.

8) **Links to existing policies:**

The NSF Contracting 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 3.1, Page 24);
- b) the Forecast of NSF Contracting Opportunities (also known as the NSF Advance Acquisition Plan) (Section 3.1, Page 24);
- c) market research (Section 3.3, Page 25);
- d) the importance of communication between the COTR and the CO concerning providing proper technical direction to the contractor in order to avoid changes outside of the Statement of Work (Section 5.2.2, page 67);
- e) encouragement of early communication between the program office and the contracting staff on any prospective noncompetitive acquisition with the Contracting Officer in order to allow adequate time to conduct market research to determine if there are other capable sources that might be interested in the project (Section 7.3, page 91); and
- f) the NSF Acquisition Ombudsman (Chapter 12, pages 113-114).

The documentation indicated directly above has been provided to the Office of Federal Procurement Policy under a separate e-mail.

9) **Follow-up plans**: NSF plans to follow-up with employees and industry representatives within 6 months of posting the vendor engagement plan, to further refine and improve communication. We plan to use Request for Information on FedBizOps (FBO) and interviews/surveys with contracting officers and program personnel for large, complex procurements for feedback.