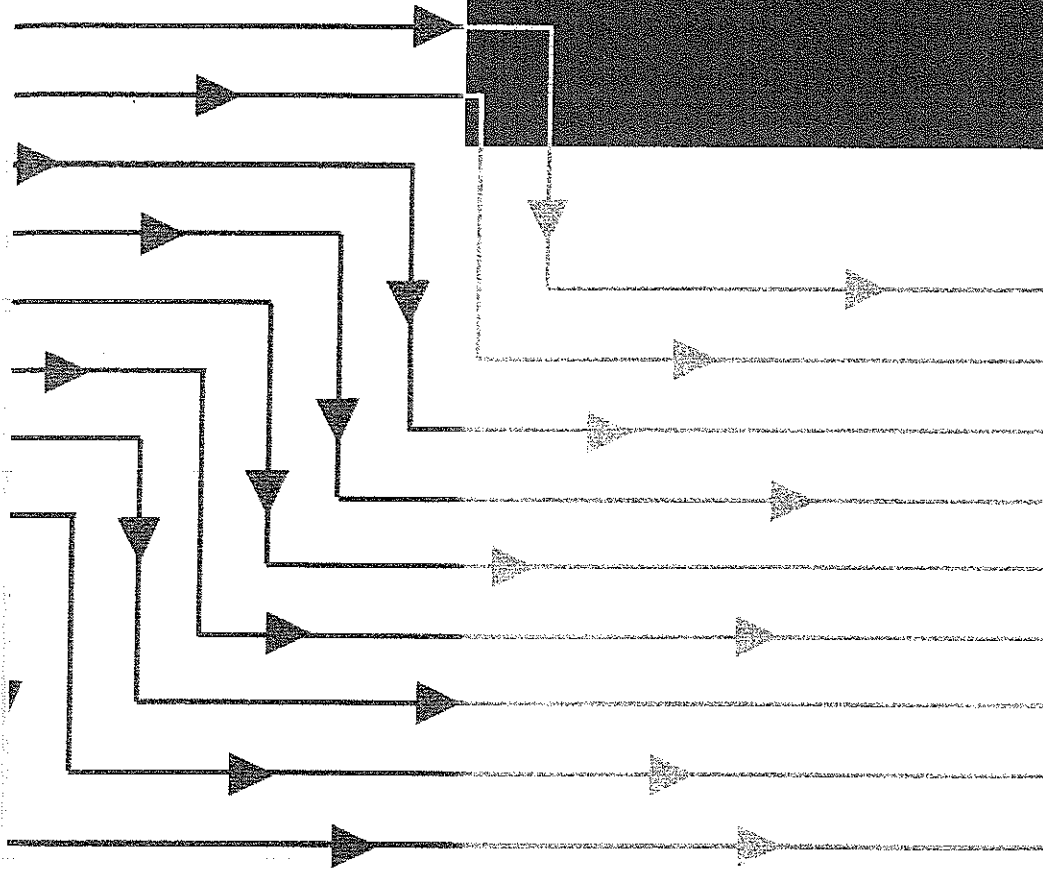


Let's Talk:

**Acquisitions
and
Communications**



October 1998

U.S. Department of Energy

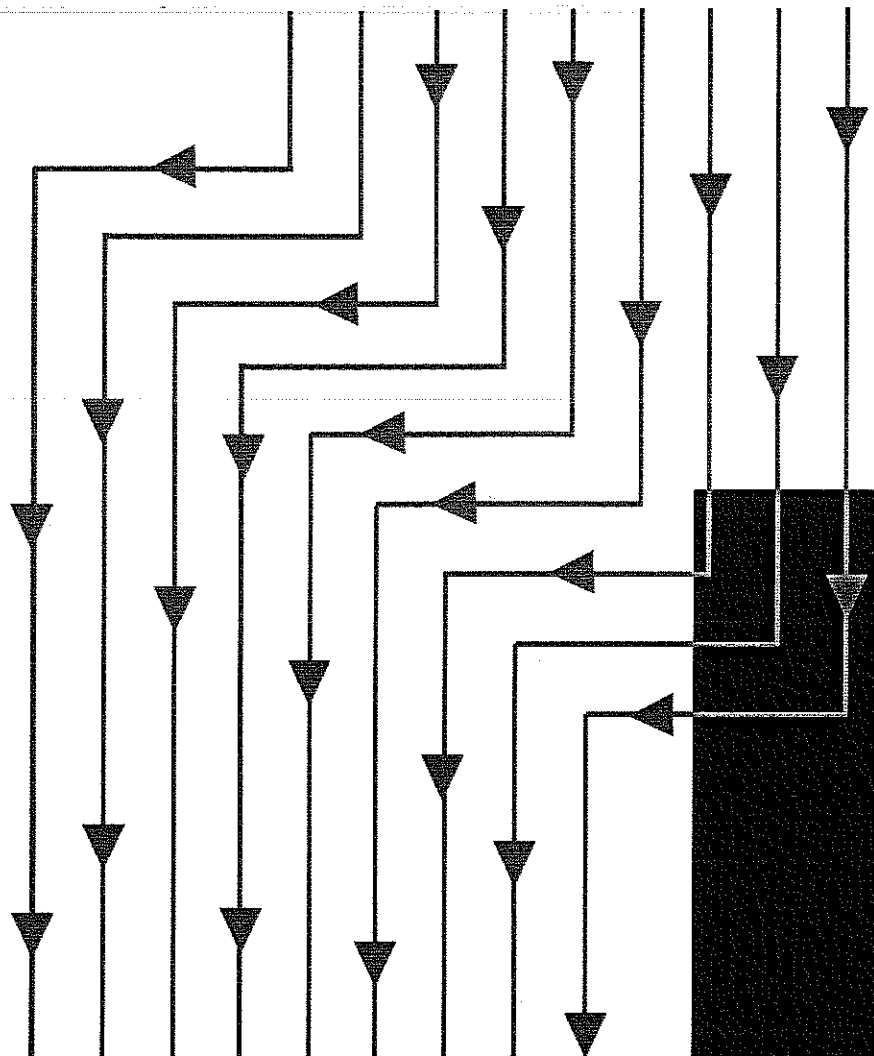
Let's Talk:

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October 1998

U.S. Department of Energy
Washington, DC 20585



Printed with soy ink on recycled paper

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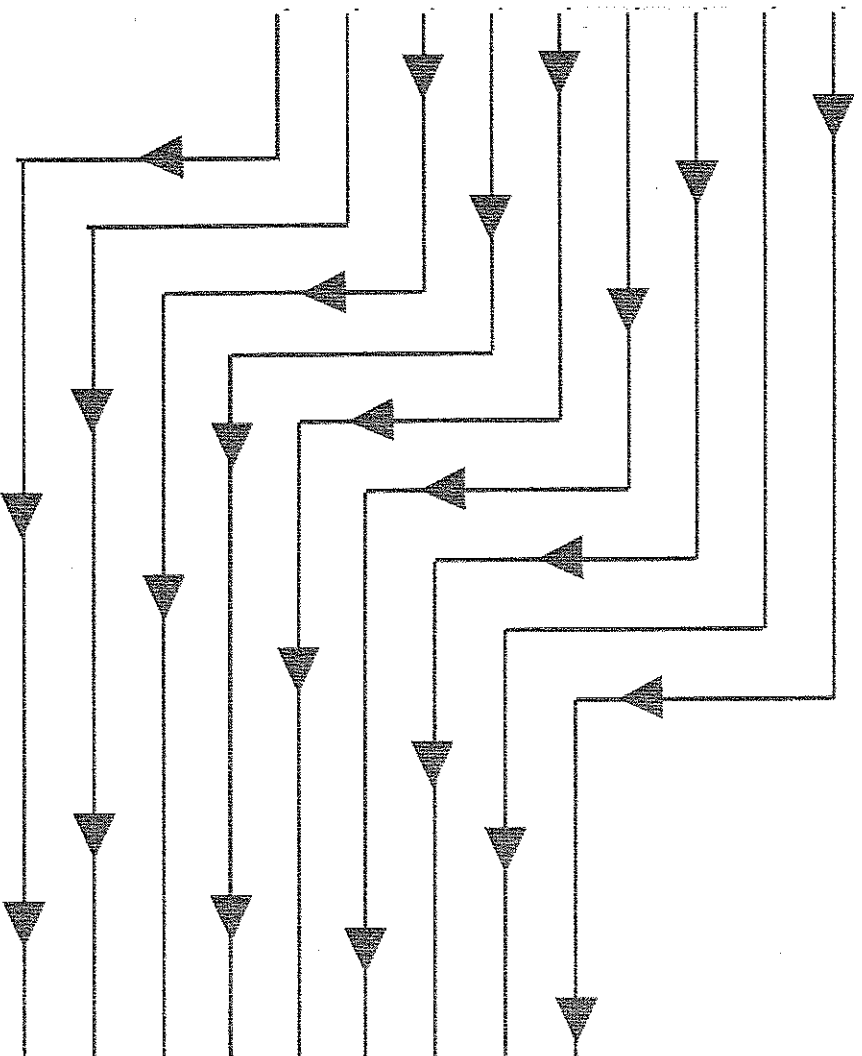
Departmental Philosophy

Our Philosophy

- The Department of Energy's operating philosophy:
- Practice effective communication techniques.
- Listen and respond in a timely manner.
- Use the most effective media for providing information.
- Each employee is a communications ambassador, striving to assist the public, our industry partners, and other stakeholders with the most up to date and useful information possible.

Communications Policy

Open and proper communications are critical to every phase of the Department's acquisitions, from market research through contract performance. It is the Department's policy that employees interpret their responsibilities for information disclosure broadly and disclose the maximum authorized information about Departmental needs to industry during the acquisition process. Laws, such as the Freedom of Information Act and the Procurement Integrity Act, and regulations delineate what is prohibited or restricted disclosure during this process. In order to provide fair and equal access to information, it is also the Department's policy to ensure consistency in the information provided to companies and to demonstrate balance and lack of bias in dealings with the private sector.



General Information

The Department strives to provide customers information on its acquisition system and needs through the following:

Strategies

- Structure
- Home Page
- Business Communications Center
- Policy Development
- Town Meetings
- Small Business Conferences

Structure

The Department operates around five strategic business lines:

- Energy Resources
- Science and Technology
- National Security
- Corporate Management
- Environmental Quality

These business lines most effectively use and integrate the Department's unique scientific and technological assets, engineering expertise, and facilities. The Department uses the acquisition process to meet its objectives for these business lines. In general, this process is decentralized, with significant acquisition activity in field offices. The Department's management and operating contractors, who manage major Government-owned laboratories and facilities throughout the United States, also have important responsibilities in awarding and administering acquisitions.

General Information

Home Page

The Department of Energy Home Page on the Internet provides general information and news about the Department. It has links to the White House Home Page and to the Home Pages of other Federal agencies and other information sources around the world. It is a single address, the "official contact point," for the Department as a whole. To access the Department Home Page on the Internet a computer is needed. The Departmental Home Page address is:

◆ <http://www.doe.gov/html>

The Department address for the acquisition portion of the Home Page is:

◆ <http://www.pr.doe.gov>.

The Home Page is an evolving information resource; some of its features include the following:

- Points of contact at Department Headquarters and all field acquisition directors.
- The Department's Annual Acquisition and Financial Assistance Report.
- Access to the *Commerce Business Daily* and *Federal Register*.
- Information on small business opportunities.
- Departmental industrial competitiveness information, including laboratory business contacts.
- The Reportable Excess Automated Property System.
- Access to the General Services Administration searchable Federal Acquisition Regulation.
- Access to the Department of Energy Acquisition Regulation.

General Information

- Links to Headquarters Program Offices, Field and Operations Offices; National Laboratories and Facilities; Power Administrations; and other Federal sites.

Business Communications Center

The Department of Energy established a Business Communications Center which was supported by the Office of Headquarters Procurement Services. Since its inception, the Center has evolved into a convenient, comprehensive and extensive "one-stop" electronic communications information hub for the Department's customers.

The Department is continually exploring ways to effectively utilize the Internet and other electronic media to make information readily available and accessible to the business community. It is the Department's objective to minimize resource requirements over the long run by maximizing the use of electronic communications for direct user self-help and self-education. Presently, the Department of Energy's Doing Business Page provides a transparent link to a majority of the DOE sites and Laboratories.

Examples of information that is available from these websites are:

- a brief introduction to the operational and functional responsibilities of DOE's procurement organization,
- current business opportunities, including electronically available open solicitations and the current status of competitive solicitations,
- information regarding potential subcontracting opportunities with the Department's prime contractors,
- a Department-wide Forecast of Contracting and Subcontracting Opportunities for the current fiscal year, and

General Information

- information pertaining to the Department's Small Business Innovative Research Program.

We encourage all interested parties to access the DOE Business Communications center at:

➤ <http://www.pr.doe.gov/prbus.html>

Policy Development

Departmentwide acquisition policies are contained in the Department of Energy Acquisition Regulation (DEAR), the Department's supplement to the Federal Acquisition Regulation. Financial assistance policies are contained in Title 10, Code of Federal Regulations, Part 600, available at <http://www.pr.doe.gov/fareg.html>. Proposed new policies and changes to existing regulations are published in the *Federal Register*. The Department actively encourages public participation in this process and carefully considers all comments received. Copies of proposed rules and public comments are made available in the Headquarters Reading Room for interested persons. Final rules are published in the *Federal Register*.

Town Meetings

The Department periodically has town meetings to address many of its more complex program issues. These are typically announced in the *Federal Register*, as well as other places, and welcome comments from the public. This technique has been particularly successful in obtaining input to environmental restoration programs from interested local parties and fostering better understanding of divergent views.

General Information

Small Business Conferences

Since its formation, the Department has actively assisted small businesses, small disadvantaged businesses, and women-owned businesses by providing technical assistance to firms seeking to do business with the Department.

Small business, small disadvantaged business, and women-owned business conferences are regularly held by the Department, the Department's major contractors, and by other groups and organizations to inform newer and smaller companies of how the Department conducts its acquisition activities, what types of products and services it needs, and what organizations can provide technical assistance.

Information about DOE's small business activities is at:

➤ <http://www.hr.doe.gov/floc1.htm>

The Department obtains information on the availability of products, services, and technology and provides feedback on its acquisition process through the following:

Prospective Acquisition Information

Strategies

Acquisition Forecasts

Program Acquisition Conferences

Market Research

Acquisition Forecasts

Annually prepared and released by the Department's Office of Small and Disadvantaged Business Utilization, the "Forecast of Contracting and Subcontracting Opportunities" provides information to industry on planned acquisitions by various program offices as they pertain to small, small disadvantaged, and women-owned small businesses. It is available at <http://vml.hqadmrin.doe.gov80/ed/osdbu.htm>. Other acquisition forecasts may be done by individual program offices and also on a local or site level.

The forecasts provide a general description of requirements well in advance of a solicitation and afford both the Department and companies opportunities to prepare for upcoming acquisitions, coordinate market research activities, establish priorities, and allocate resources. The forecasts provide advance notification that permits companies to investigate and develop solutions to the Department's needs, identify potential subcontractors, and negotiate teaming agreements. The advance information benefits the Department by stimulating alternative concepts and broadening the base of prospective contractors.

Program Acquisition Conferences

The Department conducts periodic conferences with industry to discuss its programs. Such conferences are held in order to allow the Department to explain its overall needs and mission requirements and to solicit questions from industry. Participants have an opportunity to learn the status of programs and the Department's priorities first hand. The Department can

Prospective Acquisition Information

also request companies to provide market information about products and capabilities during these conferences. Such information is an important part of market research. It assists in developing acquisition strategy, maximizing competition, and enhancing the likelihood of program success.

Market Research

Market research is the study and evaluation of a particular type of supply or service. The objective is to obtain information on the availability of products, services, technologies, and capabilities available to meet program requirements.

The research can be accomplished in many ways. Some of the more effective ones the Department uses are the following:

- Internet searches can be made through a number of search engines available on internet browser software programs and through special sites such as Thomas Register Online at <http://www.thomasregister.com>. Procurement links at <http://www.govexec.com/procure> or the Commercial Advocates Forum at <http://www/cadv.org>.
- Attendance at trade shows, exhibits, and conferences.
- Collection and analysis of technical literature and digital media - The Department may request trade literature in formal written request, at conferences, and in other ways; it also receives trade literature informally from a variety of sources.
- Individual meetings with potential sources - The Department usually notifies companies of the opportunity for individual meetings using announcements in the *Commerce Business Daily*, electronic bulletin boards, newspapers, trade journals, and/or correspondence to companies on its mailing lists.

Communications During The Acquisition Process

The Department obtains feedback and commentary during the acquisition process using the following:

Strategies

Presolicitation Practices

- Requests for Information
 - Draft Statements of Work
 - Draft Solicitations
 - Subcontracting Opportunities Conferences
 - Publicizing Solicitations
- #### ***Post-solicitation Practices***

- Preproposal Conferences
- Site Visits/Operations Presentations
- Meaningful Discussions
- Prompt, Complete Debriefings
- Post-Award Meetings

Communications During The Acquisition Process

Presolicitation Practices

Requests for Information

Requests for information typically solicit preliminary information from industry on potential sources and capabilities in such areas as management, engineering, and production. Such requests also help clarify the Department's needs and the private sector's capability to meet programmatic requirements.

Draft Statements of Work

The Department has found it particularly helpful to provide draft statements of work to industry when developing a statement of work for a procurement with uncertainties, new technology, unusual complexities, or similar characteristics. This is usually accomplished through notices in the *Commerce Business Daily*. The technique affords early identification of problem areas, clarification of needs, and a generally speedier development of the statement of work for a formal solicitation. Use of industry comments on draft statements of work must ensure that requirements describe functions and performance and do not incorporate any particular private sector technique or approach.

Draft Solicitations

A related concept to draft statements of work is draft solicitations, which contain draft specifications, evaluation factors, and key terms and conditions. Draft solicitations are particularly useful where the solution is complex, contains unique contractual approaches, or anticipates a performance-based contract. Companies often provide insight, information, and comments which enable the Department to refine its business approach. The document is as complete as possible and usually contains both the technical as well as acquisition approaches contemplated for the acquisition.

Communications During The Acquisition Process

Subcontracting Opportunities Conferences

Conferences to discuss subcontracting opportunities have been especially effective, for larger acquisitions or ones with a number of specialized features. This may also be done in conjunction with a pre-solicitation conference in order to facilitate communication between potential prime contractors and subcontractors. In addition to the Department's own conferences, the Department's management and operating contractors have subcontracting conferences to discuss planned acquisitions. Management and operating contractors may be contacted directly for information on business opportunities.

Publicizing Solicitations

The Department uses the *Commerce Business Daily* as well as other hard copy media (newspaper, trade journals, technical newsletters), as appropriate, to publicize its acquisition opportunities. Electronic means, such as the Home Page and bulletin boards, are also being used to disseminate this type of information.

Post-Solicitation Practices

Preproposal Conferences

Preproposal conferences offer an opportunity for companies to clarify elements of the Department's solicitations. This feedback helps to produce new insights, develop innovative ideas and solutions, avoid unnecessarily restrictive solicitations, and avoid future problems.

Site Visits/Operations Presentations

When appropriate, and particularly in competitive selection, potential contractors may be given an opportunity to observe on-site operations. This opportunity can stimulate innovative as well as cost-effective proposals. Videos, photographs or slides may also be used to illustrate processes and operations.

Communications During The Acquisition Process

Meaningful Discussions

Unless the acquisition meets the conditions for award without discussions, the contracting officer will hold meaningful discussions with offerors in the competitive range. At this time, the contracting officer discloses deficiencies (i.e., areas where proposals do not meet the Government's requirements), resolves uncertainties or apparent mistakes, and gives offerors an opportunity to revise proposals.

Prompt, Complete Debriefings

Prompt award notices and debriefings provide feedback to unsuccessful offerors. The Department conducts debriefings as soon as possible in order to explain the basis of the selection and to provide a timely response to offerors' concerns. Meaningful debriefings may also influence unsuccessful offerors' decisions to participate in future acquisitions with the Department.

In maximizing the effectiveness of the debriefing, the Department:

- Ensures that the proper personnel attend the debriefing to answer questions.
 - Provides the overall evaluated cost and technical ratings of the proposer receiving the award, the overall ranking of all proposals, and a summary of the rationale for the award.
 - Provides information on the offeror's strengths and weaknesses.
- Debriefings do not, however, disclose:
- Point-by-point comparisons with other offerors' proposals,
 - Trade secrets,
 - Privileged or confidential manufacturing processes and techniques, or
 - Privileged or confidential commercial and financial information.

Communications During The Acquisition Process

Post-Award Meetings

At post-award meetings, the contracting officer discusses expectations, practices, and contract administration responsibilities with both Government and contractor personnel involved with the contract. An orientation letter or conference convened promptly after award helps both Departmental and contractor personnel to achieve a clear, mutual understanding of contract requirements. Potential problems can also be identified and resolved. The extent of the post-award orientation depends on several factors, including the type, value, and complexity of the contract; urgency of the delivery schedule; contractor performance history; and contractor size status.

In addition, for major contracts, the Department schedules status meetings between Department and contractor personnel to review performance and priorities. Attendees typically include the key contractor personnel, the contracting officer, the contracting officer's technical representative(s), the Department program manager, and other Department technical personnel. All commitments or directions given by the contracting officer within the scope of the contracting officer's authority are confirmed in writing. All commitments or directions that change the contract also require a contract modification.

Good practices followed at these meetings include:

- Clarifying the scope of the contract, performance evaluation criteria, and administrative procedures.
- Making key Department personnel available to answer contractor questions and clearly defining their roles and authorities.
- Discussing methods for problem resolution.
- Discussing how the contractor should introduce contract changes.
- Providing the contractor with all pertinent technical and managerial information within a specified timeframe.
- Preparing a report on the items discussed at the conference and furnishing a copy to the contractor.

Communications Strategies

The Department provides an environment for open contractual relationships and teamwork using the following:

Strategies

- Follow-up Offeror Surveys***
- General Acquisition Conferences***
- Partnership Agreements***
- Alternative Disputes Resolution Process***
- Contractor/Subcontractor Quality Councils***
- Task and Delivery Order Ombudsman***
- Activity Competition Advocates***
- Commercial Items Advocate***

Follow-up Offeror Surveys

Encouraging offerors to comment either orally or in writing on the solicitation and award process after a major contract award often helps to improve future Department procurements by identifying possible problems. Issues addressed under this type of approach include the clarity of requirements, information exchange between the Department and offerors during the process, and the opportunities for offerors to express concerns.

Communications Strategies

General Acquisition Conferences

The Department conducts periodic conferences with industry to discuss suggestions for improving acquisition and communication practices. Participants may ask questions and provide comments on the Department's acquisition philosophy and practices. To keep the focus on acquisition process improvements, the discussion of specific acquisitions or responses to particular solicitations is deferred to other conferences. Conferences with industry on acquisition philosophy take place at the Headquarters and local levels in an open forum. The Department invites all parties seeking to do business with the Department as prime contractors or subcontractors to participate in these meetings through a special notice in the *Commerce Business Daily*.

Partnership Agreements

Partnering is an agreement, usually in writing, that describes commitments by the parties to a contract and actions that each party will take to meet those commitments.

Partnering agreements often include the following commitments and actions:

- Achieving customer satisfaction through clearly defined goals and strategies.
- Functioning as a team.
- Communicating clearly and candidly.
- Practicing effective contract administration.
- Developing an organizational structure necessary to ensure the partnership's success.
- Maintaining executive level support.
- Working with other contractors in a team environment.

Communications Strategies

Alternative Disputes Resolution Process

The Department and the contractor may establish voluntary alternative disputes resolution procedures in the contract. Use of these procedures often results in lower costs for both the Department and the contractor. If either party has a material disagreement with the other and a mutual understanding cannot be reached, the contracting officer and contractor may use such alternatives as settlement negotiations, conciliation, facilitation, mediation, fact-finding, mini-trials, or arbitration. Officials from both the Department and the contractor can directly resolve the controversy, or a neutral third party can be used under pre-established rules. The procedures include a structure for fact-finding, isolating issues, identifying alternatives, decision making, review, and implementation.

Contractor/Subcontractor Quality Council

In order to improve efficiency and resolve problems early in the performance of a contract, the parties may set up a quality council. The quality council is generally comprised of a senior acquisition member of the Department, a senior member of the prime contractor, and senior subcontractor personnel (where potentially significant teaming arrangements or subcontractor involvement exists). The council resolves key, top level issues which may arise during performance of the contract. A council is particularly useful for acquisitions having a number of different participants, complex inter-relationships between the parties, and/or the need for critical coordination of actions among the parties to achieve program success. Examples include environmental restoration acquisitions involving a number of different stakeholders, site coordination issues, or complex cleanup processes.

Task and Delivery Order Ombudsman

The Department has established a task and delivery order ombudsman with the responsibility to review complaints from contractors and to ensure that all contractors are afforded a fair opportunity to be considered for task and delivery order awards when multiple award contracts are issued. The ombudsman's role has been assigned to the Office of Management Systems, Office of the Deputy Assistant Secretary for Procurement and Assistance Management.

Communications Strategies

Activity Competition Advocates

The Department has appointed a competition advocate to ensure that the Department's procurements promote full and open competition, identify opportunities to achieve full and open competition, and preclude conditions that unnecessarily restrict competition. Activity competition advocates have been established at all major Departmental contracting sites. Among other things, the activity competition advocates are available to address concerns regarding the Department's competition practices, explain opportunities for expanding competition, and resolve solicitation requirements which may unnecessarily restrict competition.

Commercial Items Advocates

Activity competition advocates are also responsible for promoting the acquisition of commercial items, and challenging barriers to commercial acquisition, including such barriers as unnecessarily restrictive statements of need, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.

Disclosure Do's and Don'ts

The Department does periodically provide the following types of information:

- Widely distributed information about programs.
- Widely distributed acquisition forecasts.
- Written materials provided at pre-proposal conferences including responses to questions received.
- Technical documentation and references cited by a solicitation.
- Responses to offeror and requests for clarification.

The Department does not disclose the following types of information:

- Classified information, except under established security procedures.
- Planning, programming, and budgetary data, which is restricted to protect the budgetary process.
- Proprietary information, trade secrets, and confidential commercial or financial information, which is clearly marked by a company as proprietary or which can be established as proprietary.
- Source selection plans, technical evaluation plans, and other source selection information and acquisition information which, if released, would provide an unfair competitive advantage to a company or companies. Individuals who prepare material that includes source selection information must mark such documents with a restrictive legend such as "SOURCE SELECTION INFORMATION-SEE FAR 3.104-5," to avoid inadvertent disclosure.

Disclosure Do's and Don'ts

- Information obtained from prospective contractors and others to prepare Government estimates.
- Information not releasable under specific statutes, such as the Privacy Act.
- Information subject to Department-imposed restrictions.

Key Contacts for Department Plans and Acquisitions

Department of Energy Headquarters

1000 Independence Avenue
Washington, DC 20585
(Information: 202-586-5000).

Department Home Page Address:

- ◆ <http://www.doe.gov>

Acquisition Home Page Address:

- ◆ <http://www.pr.doe.gov>

DOE Business Communications Center

- ◆ <http://www.pr.doe.gov/prbus.html>

DOE Field and Operations Offices Home Page Address:

- ◆ <http://www.doe.gov/people/peopfo.htm>

DOE Power Administrations

- ◆ <http://www.doe.gov/people/peoppa.htm>

DOE Laboratories

- ◆ <http://doe.gov/people/peopnl.htm>

"Forecast of Contracting and Subcontracting Opportunities (annual publication)."

- ◆ Call 202-586-7377.

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Questions/comments:

Fax: 202•586•0545

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