

Government and Industry Engagement: A Key Ingredient in the Recipe for a Successful Federal Acquisition Process

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Government and Industry engagement (“Government/Industry engagement” or “engagement”) is a key ingredient in the recipe for success in the federal acquisition process. However, this indispensable part of a high functioning procurement system is either at best unknown, or at worst, ignored, shrouded in myths, and regarded as something to be feared or avoided. This article attempts to remove that shroud, dispel those myths, and illustrate that when done properly, Government/Industry engagement is vital for better acquisition outcomes. Part I discusses what Government/Industry engagement is and why it is important. Part II lays out the role the acquisition workforce plays in effective Government/Industry engagement and the rules governing that engagement. Finally, Part III describes some success strategies, dispels some myths, and lays out some truths.

Part I: What is Government/Industry Engagement and Why Is It Important?

Government/Industry engagement is the “process” of communication between Government and Industry throughout the acquisition lifecycle. There are several aspects to this process. The first begins with the Government determining what to buy, how to buy, and who to buy from.

Government/Industry engagement is also a “matchmaking” process. In order to create a good match, both sides have to have their needs met. On the one hand, the Government must provide clear requirements that attract and enable responsible contractors who perform good quality work that is on time, and within budget. On the other hand, contractors must understand what the Government is asking for (the requirements) and determine if the project is the right fit. Whether the project is the right fit involves understanding whether the contractor has the ability to meet the Government’s needs, the opportunity cost vs. the return on investment of fulfilling those needs, the ability to compete, win, and execute the work, and whether a reasonable profit can be made.

The final aspect of Government/Industry engagement is that it is a true *partnership* in which there is a weighing and balancing of the interests of both parties. By partnering with each other, the Government’s objectives are met because it receives the best value for the goods and services it procures and industry’s objectives are met when it gets paid to provide the quality goods and services to meet the Government’s requirements.

Now that we know what Government/Industry engagement is, it is equally important to understand what Government/Industry engagement is NOT. Government/Industry engagement is NOT the Government:

- failing to communicate the proposal instructions, process, and ongoing procurement status
- providing the *bare minimum* information necessary to keep Industry off its back
- responding to requests for status updates only with *acknowledgement* via read receipts
- failing to obtain and *openly share* information with *all* interested parties

Government/Industry engagement is also NOT Industry:

- filing protests to find out information about an award instead of requesting debriefs
- making Freedom of Information Act requests for procurement sensitive information

We now turn to why this engagement is important, from both a Government perspective and an Industry perspective. From a Government perspective, early and frequent engagement will result in better procurement outcomes. Such engagement enhances and encourages dialogue to ensure the Government's requirements and proposal submission instructions are clear and concise and provide Industry the opportunity to suggest how to make a solicitation easier for them to respond to (e.g., allowing for more flexibility in the solicitation so that Industry can offer more creative solutions). This dialogue early on in the process not only improves the quality of the solicitations and proposal submission requirements, but it increases competition and results in better quality offers and better work performance.

Industry also views engagement with the Government as vital to the success of the procurement process. Industry has several choices of what to invest time and money in. Because Industry investment planning can span multiple years, often from 18 to 36 months, early engagement between the Government and Industry during the procurement cycle is helpful for Industry in determining how to spend its money. Therefore, early engagement actions such as publicizing procurement forecasts and advanced information about future requirements play a significant role in focusing Industry's attention and helping companies prioritize which opportunities to invest in. These early engagement actions by the Government increase the likelihood that Industry will devote time, money, and resources to a Government agency's needs and give Industry time to think through different approaches, provide unique solutions, acquire needed teaming partners and resources, and prepare quality proposals.

Part II: The Role of the Acquisition Workforce in Effective Government/Industry Engagement and Rules of Engagement

The acquisition workforce plays a crucial role in effective Government/Industry engagement. This is not just the opinion of the authors. The Federal Acquisition Regulation (FAR) requires it. FAR 1.102-2(4) states, “[t]he Government **must** not hesitate to communicate with the commercial sector as early as possible in the acquisition cycle to help the Government determine the capabilities available in the commercial marketplace.” This makes it clear that the acquisition workforce should communicate and engage with industry and there are several other sections of

the FAR that provide the acquisition workforce with the authority to do so.¹ The Office of Federal Procurement Policy (OFPP) also issued a series of Myth Busting Memos which provide additional authority and guidance for the acquisition workforce and Industry to engage with each other.²

Even though it is clear that the acquisition workforce has the authority to engage with Industry during the acquisition life cycle, it is vitally important that the acquisition workforce understands and abides by the rules of engagement. Below is a summary list of the rules of engagement:

1. Foster cooperative relationships between the Government and Industry
2. Exercise personal initiative and sound business judgment
3. Assume a policy or procedure, or a particular strategy or practice, is NOT prohibited if it is in the best interest of the Government and is not specifically addressed in the FAR, nor prohibited by law, either statute or case law, Executive order or, other regulation
4. Communicate with Industry as early as possible in the acquisition cycle to help the Government determine the capabilities available in the commercial marketplace
5. Conduct business with integrity, fairness, and openness
6. Manage risk and shift focus from “risk avoidance” to one of “risk management”
7. Exchange information with Industry prior to proposal receipt
8. Exchange information after proposal receipt subject to limitations in FAR 15.306
9. Treat all contractors and prospective contractors fairly and impartially but they need not be treated the same
10. Conduct market research
11. Comply with the Procurement Integrity Act
12. Avoid conflicts of interests and even the appearance of conflicts of interest³

Following these rules of engagement will not only ensure better procurement outcomes, but will also help to preserve the integrity of the procurement system.

Part III. Strategies for Success, Myths and Truths⁴

Now that we understand what Government/Industry engagement is, why it is important, the role the acquisition workforce plays in effective Government/Industry engagement, and the rules of that engagement, we will explore some success strategies. We will even dispel some myths and lay down some truths along the way. The five strategies are: 1) engage in early and frequent

¹ See FAR 1.102-2, FAR 102-4, FAR 3.104, FAR 10.002, FAR 15.201, and FAR 15.306.

² See [Myth Busting Memo #1](#), [Myth Busting Memo # 2](#), [Myth Busting Memo # 3](#), [Myth Busting Memo #4](#).

³ For more details and the authority for these rules, see FAR 1.102-4-*Rule 1*; FAR 1.102 (d), FAR 1.602-2-*Rule 2*; FAR 1.102 (d)-*Rule 3*; FAR 1.102-2 (a) (4)-*Rule 4*; FAR 1.102-2(c)- *Rule 5*; FAR 1.102-2 (c) (2)-*Rule 6*; (FAR 3.104), FAR Part 15.201-*Rule 7*; FAR 15.306- *Rule 8*; FAR 1.102-2 (c) (3) -*Rule 9*; FAR 10.002-*Rule 10*; FAR 3.104-3-*Rule 11*; and [Code of Federal Regulations, Improper Business Practices And Personal Conflicts Of Interest -Rule 12](#).

⁴ The vast majority of the material in this section is from the Myth Busting Memos cited in footnote 2 above.

communication; 2) conduct live requests for information; 3) put on industry days; 4) engage in one-on-ones; and 5) give debriefings. A more detailed discussion of these strategies, some myths surrounding them and the truths dispelling these myths are below.

1) Engage in Early and Frequent Communication

The first engagement strategy the acquisition workforce can use to ensure a successful procurement is to communicate early and often in the pre-award phase. The optimal period of time for Government/Industry engagement to begin is prior to the issuance of solicitations such as an invitation to bid or a request for proposals (RFP). Communications can start several months in advance of a procurement when the Government publicizes its procurement forecasts. Some agencies, including GSA, use such tools regularly.⁵ Prior to the issuance of solicitations, in addition to publicizing procurement forecasts, the Government can issue sources sought notices and requests for information (RFI), conduct industry days, engage in one on ones with industry, and issue draft RFPs. During this same time period, Industry can identify procurement opportunities by using the procurement forecasting tools, read notifications for sources sought, RFIs and draft RFPs, and participate in industry days and one on ones. These activities help Industry to determine whether or not they are qualified and want to pursue such opportunities and helps them to eventually submit better proposals and bids.

There is a MYTH that greater communication with contractors will involve a substantial disclosure burden. However, the *TRUTH* is that meaningful and constructive communication *early* in the acquisition life cycle can help to:

- mitigate risks and reduce issues that would otherwise potentially lead to a protest
- enhance Industry's ability to respond with non-traditional, ingenious solutions
- increase a contractor's understanding of the requirements
- reduce acquisition lead time
- leverage market capabilities and improve outcomes.

Therefore, these types of early and frequent engagements lead to better procurement outcomes because both parties have the time and information needed to make decisions that ensure the Government receives quality proposals from Industry that meet the Government's needs. Let us now look in more detail at some of the engagement activities mentioned above.

2) Conduct Live Requests for Information

Similar to strategy # 1, conducting live RFIs is employed in the pre-award phase. A common MYTH is that a written RFI is always the best way to engage with Industry. But the *TRUTH* is that written RFIs can often result in merely one-way exchanges. Instead, interactive, in-person

⁵ See [GSA Procurement Forecast](#), [DHS Acquisition Forecast](#), [HUD Procurement Forecast](#).

or virtual sessions can allow Industry, including potential offerors, to demonstrate solutions to the Government's needs. This type of pre-solicitation engagement can:

- improve cost savings and foster non-traditional solutions
- increase effective competition in response to the eventual solicitation
- promote small business participation
- help define / refine technical requirements
- inform the Government on Industry's capabilities and appropriate evaluation criteria

In order to ensure the integrity of the procurement system, it is best to schedule *separate* presentations for potential offerors to maintain confidentiality and safeguard proprietary information.

3) Put on Industry Days

The third strategy for success is to conduct industry days, also during the pre-award phase. These events not only benefit the Government and Industry via the exchange of information between Government and Industry but they also benefit small businesses in particular, by providing them an opportunity to meet other members of Industry and develop relationships or teaming agreements that can increase competition and improve performance. Importantly, industry days should foster two-way communication by, for example, including question and answer sessions so that both Industry and Government attendees can receive additional information that may not have been explicitly addressed in a presentation or panel.

4) Engage in One-on Ones

Another strategy for success in the pre-award phase is to conduct one-on-one meetings. Such meetings are an opportunity to receive input on the requirements, acquisition strategy, and customary business practices. There is a common MYTH that Contracting Officers should not meet one-on-one with Industry because if they meet with one company, they have to meet with all of them. However, the *TRUTH* is:

- Government personnel are encouraged to meet and exchange information with all interested parties before proposals are received
- there's no prohibition on one-on-one meetings, and no requirement that the meetings include all possible offerors

Additionally, many companies will not bid on a solicitation without a level of "customer intimacy" which usually requires meeting to discuss the requirements. These meetings help grow the pool of potential offerors, increasing competition and value to the Government.

Remember, the Government and Industry always benefit from constructive communication with each other.

5) Give Debriefings

The fifth and final strategy is to conduct debriefings during both the pre- and post-award phases. There are several MYTHS surrounding debriefings, and it's important to take the time here to discuss and debunk some of them. The first MYTH is that debriefings lead to protests and are not helpful to either Industry or Contracting Officers. However, the *TRUTH* is that debriefings greatly reduce the frequency of protests and are one of the most valuable events during the acquisition lifecycle.

Remember, protests are incredibly rare and 99% of procurements are NOT protested. In fact, because protests are often driven by a desire to obtain additional information, effective debriefings actively help to prevent protests. An effective and well-presented debriefing can:

- provide offerors a thorough explanation of the basis for award
- give offerors critical insight into their proposals' strengths and weaknesses
- greatly reduce the likelihood of a protest based on misunderstandings
- increase the likelihood of effective competition in future acquisitions

When giving debriefings, it is important to follow the minimum requirements in FAR 15.505 for pre-award debriefing and in FAR 506(d) for post-award debriefing.

There is also a MYTH that debriefings are unpredictable and that there's no way for Government personnel to prepare for them. However, the *TRUTH* is that for most debriefings, Industry seeks to understand and determine these 4 things:

1. What were the strengths and weaknesses in my proposal?
2. How did my bid compare to the winning bid?
3. Was the process handled properly and as advertised?
4. Was I treated fairly?

Therefore, the Government can successfully and confidently prepare for and conduct effective debriefings by responding to these questions.⁶

The final MYTH about debriefings is that companies do not really use the information provided in a debriefing to improve their work. The *TRUTH* is that post-award debriefings help vendors better understand the weaknesses in their proposals. This enables them to make stronger offers on future procurements, which is especially important for small businesses. Debriefings also allow agencies to evaluate and improve their own processes. Agencies that conduct quality debriefings have found a decreased tendency by their supplier base to pursue protests.⁷

⁶ See [DHS' Acquisition Manual](#) for more information and guidance on conducting debriefings.

⁷ For an example of a successful post award Government/Industry engagement initiative, see [GSA's In-Depth Feedback through Open Reporting Methods \(INFORM\)](#) program.

Conclusion

All of the above demonstrates that Government/Industry engagement is vital and a key ingredient in the recipe for success of the federal acquisition process. Engagement is even more critical today because there has been a huge mind-set shift in how we work, due to the COVID-19 pandemic. With working from home, at least part of the time, being the norm for many Government and Industry sectors, engaging and communicating with each other is more important than ever before. However, in order to effectively engage, both parties have to be intentional about their communications. The acquisition workforce can greatly aid this objective by understanding what Government/Industry engagement is, why it is important, knowing the role that the acquisition workforce plays in successful Government/Industry engagement, knowing and following the rules of such engagement, and, finally, employing the strategies outlined above to ensure effective engagement which will result in better outcomes and a more successful federal acquisition process.
