The 2013

Contracting *with* CMS Conference

Building and Maintaining Relationships to Achieve Results

May 13th, 2013
9:00am - 4:00pm

Department of Health & Human Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244

DEPARTMENT OF HEALTH & HUMAN SERVICES • USA

CMS
CENTERS FOR MEDICARE & MEDICAID SERVICES
OFFICE OF ACQUISITION
& GRANTS MANAGEMENT

WELCOME!

We will be providing a "Locker Room Area" from 10:00am to 3:30pm for teambuilding and networking with contractor and government personnel throughout the day!

This area is STANDING ROOM ONLY and will be marked accordingly for easy locating. See you there!

Government Personnel at the "Locker Room Area"

Information Technology Contracts

- Andrew Mummert, Director, Division of Information Systems Contracts
- Christopher Hagepanos, Director, Division of Data Center Contracts

Medicare Support Contracts

- Brian Hebbel, Director, Division of Quality Contracts
- Theresa Schultz, Director, Division of Program Integrity & Financial Mgmt. Contracts
- Juanita Wilson, Director, Division of Medicare Support Contracts / Marketplace Contracts - CCIIO

Medicare Administration Contracts

- Linda Hook, Director, Medicare Administrative Contracts Group
- Kathy Markman, Director, Division of Southern Medicare Administrative Contracts
- Desiree Wheeler, Director, Division of Eastern Medicare Administrative Contracts
- Jaime Galvez, Director, Division of Western Medicare Administrative Contracts

Grants & Division of Support Contracts

- Mary Beth Greene, Director, Division of Grants Management
- John Cruse, Division of Support Contracts
- Richard Asher, Division of Support Contracts

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AGENDA

♦	9:00AM - 9:10AM	Welcome – Daniel Kane, Director, Office of Acquisition & Grants Management
♦	9:10AM - 9:25AM	Guest Speaker - Michelle Snyder, Deputy Chief Operating Officer
♦	9:25AM - 9:40AM	Daniel Kane, Director, Office of Acquisition & Grants Management
♦	9:40AM - 9:55AM	HHS Small Business – Teresa Lewis, Director, Office of Small & Disadvantaged Business Utilization
♦	9:55AM – 10:15AM	(Break)

PRESENTATIONS

♦	10:15AM - 10:35AM	Jim Kerr, Deputy Center & Operations Director, Center for Consumer Information & Insurance Oversight
♦	10:35AM - 10:55AM	Tony Trenkle, Director & CMS Chief Information Officer, Office of Information Systems
♦	10: 55AM - 11:15AM	Karen Jackson, Director, Medicare Contractor Management Group, Center for Medicare
♦	11:15AM - 11:35AM	Peter Budetti, Deputy Administrator & Director, Center for Program Integrity
♦	11:35AM - 11:55AM	Sean Cavanaugh, Deputy Director, Center for Medicare & Medicaid Innovation
♦	11:55AM – 1:00PM	(Lunch on your own - Refer to Page 24 for dining options)

INFORMATIONAL BREAKOUT SESSION SCHEDULE

**Due to a high demand of Topics 2 & 3, we will conduct one session of each topic in the Grand Auditorium in lieu of two separate sessions.*

- **1:15 PM – 2:15 PM (Breakout Session #1)**

  Topic #1: Organizational & Personal Conflict of Interest – **Room C110**
  Division of Program Integrity & Financial Mgmt. Contracts: Theresa Schultz, Director
  Division of Audit, Compliance, & Closeout: Greg Gesterling

  Topic #2* Small Business – How to Do Business with CMS – **Grand Auditorium**
  Division of Support Contracts: Carol Sevel, Director
  Small & Disadvantaged Business Utilization Specialists: Anita Allen & Nikisha Goins
  Small Business Administration: Claude Cable

  Topic #4 Cost Reimbursement Contracting – DACC – **Media Center**
  Division of Audit, Compliance, & Closeout:
  Mark Werder, Director / Sharon Brause / Todd Vanderdonck / Denize-Joyce Hammond
  PwC LLP: Phil Koos, Partner / Richard Meene, Director
  McKenna Long & Aldridge LLP: Steve Masiello, Partner

  Topic #5 Contract Administration Issues – **Room C112**
  Division of Western Medicare Administrative Contracts: Jaime Galvez, Director

  Topic #6 GSA Contracting – As a Contractor & Government Review – **Room C114**
  GSA Applications: John Warren, President & National Sales Director
  Division of Medicare & Medicaid IT Support Contracts: Don Knode, Director

- 2:15PM – 2:30PM: (Break – Move to next Breakout Session location)

- **2:30 PM – 3:30 PM (Breakout Session #2)**

  Topic #1 Organizational & Personal Conflict of Interest – **Room C110**
  Division of Program Integrity & Financial Mgmt. Contracts: Theresa Schultz, Director
  Division of Audit, Compliance, & Closeout: Greg Gesterling

  Topic #3* Large Business Mentoring – **Grand Auditorium**
  Randall Johnston, Supervisory Procurement Center, U.S. Small Business Administration

  Topic #4 Cost Reimbursement Contracting – DACC – **Media Center**
  Division of Audit, Compliance, & Closeout:
  Mark Werder, Director / Sharon Brause / Todd Vanderdonck / Denize-Joyce Hammond
  PwC LLP: Phil Koos, Partner / Richard Meene, Director
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  Topic #6 GSA Contracting – As a Contractor & Government Review – **Room C114**
  GSA Applications: John Warren, President & National Sales Director
  Division of Medicare & Medicaid IT Support Contracts: Don Knode, Director

- 3:30 PM – 3:45 PM: (Break – Move to the Grand Auditorium for Closing Remarks)

- 3:45 PM – 4:00 PM: Closing Remarks - **Grand Auditorium**
  Famane Brown, M.P.A., Director of Policy, Workforce & Systems

SPEAKER BIOGRAPHIES

Daniel F. Kane

Director

Office of Acquisition & Grants Management (OAGM)

Daniel Kane is the Director of the Office of Acquisition and Grants Management of the Centers for Medicare and Medicaid Services (CMS). As CMS' senior contracting official, he is responsible for the award and administration of all CMS contracts that are subject to the Federal Acquisition Regulations. Mr. Kane also serves as the Chief Grants Management Official for CMS. In this position, he is responsible for the award and administration of all CMS discretionary grants.

Prior to assuming this role, Mr. Kane served as a Deputy Office Director, Group Director, Division Director, Contracting Officer and Contract Specialist. Mr. Kane has over 25 years experience in federal procurement of which 20 of those years are with CMS. Before joining CMS in 1991, Mr. Kane served as a Contracting Officer with the National Aeronautical and Space Administration (NASA) and the Department of Defense.

Mr. Kane received his undergraduate degrees from the University of Maryland in Business and holds a Masters Degree in Business Administration (MBA) from Central Michigan University and a Masters Degree in National Resource Strategy from the National Defense University in Washington DC. Mr. Kane also completed the Council for Excellence in the Government Fellows Program.

Michelle Snyder

Deputy Chief Operating Officer

Michelle Snyder is the Deputy Chief Operating Officer (DCOO) for the Centers for Medicare & Medicaid Services (CMS). With the COO, she oversees daily operations and staff of nearly 5,000, providing leadership in the implementation of Agency-wide program initiatives in the Central and Regional Offices. Ms. Snyder is also responsible for integrating Affordable Care Act (ACA) driven work into existing CMS business activities wherever possible while standing up new programs and activities required by the ACA.

Michelle has partnered effectively and strategically with the Department around HIT priorities and initiatives including EHR and PHR projects, championed the Agency's Resource Analysis Project to ensure employees are appropriately carrying out the CMS mission, and is working to ensure the seamless transition of the Medicare Fee-for-Service workloads to a competitive environment to achieve long term savings to the Medicare Trust Funds.

In her role as Acting Deputy Administrator for CMS, Michelle continuously fostered collaboration among CMS senior leadership to ensure that the strategic goals and initiatives of CMS were implemented and managed successfully. Formerly, she was CMS' Director of the Office of Financial Management and the Agency's first Chief Financial Officer. Under her leadership, the CMS achieved its first clean audit opinion, and developed its first comprehensive strategic plan on program integrity.

Michelle's executive positions have spanned both administrative and program areas. At the Health Resources and Services Administration, she provided executive direction and leadership to the National Organ Donation Collaborative that in one year doubled the rate of organ donation in this country; expanded the number of health centers in this country that serve the Nation's most vulnerable citizens; and oversaw the Hospital Preparedness program under which states strengthened the ability of hospitals and other health care facilities to respond to bioterrorism attacks, infectious disease outbreaks, and natural disasters.

Michelle has also been a manager in the HHS budget office and had assignments with the Office of Management and Budget, Congress, the Social Security Administration, and as a management consultant in the private sector.

She holds advanced degrees in Clinical Psychology and Legal Studies and Administration. Michelle has received numerous awards and honors including the Presidential Meritorious Service Award and the Presidential Rank Award for Distinguished Executives, which is selectively given annually to only 50 Senior Executive Service managers in the U.S. Federal government.

Teresa Lewis

Director

Office of Small & Disadvantaged Business Utilization

Teresa is a member of the Senior Executive Service. She assumed her duties as the Director, Office of Small and Disadvantaged Business Utilization (OSDBU), Department Health and Human Services, on November 6, 2011. Teresa is responsible for implementing and managing the Department's small business program. She is responsible for ensuring that all small businesses have the "maximum practicable opportunity" to participate in providing goods and services to the Department of Health and Human Services.

As OSDBU Director at the Department of the Treasury, March 30, 2008 – November 5, 2011, Teresa ensured that small businesses were able to market their goods and services; and receive their fair share of contracting opportunities. Under Teresa's leadership, Treasury met four of its five prime contracting goals in Fiscal Year 2010 and all of its prime contracting goals in Fiscal Year 2011, including goals for service-disabled veteran-owned small businesses and small businesses located in historically under-utilized business zones (HUBZone).

Prior to her assignment at the Treasury Department, Teresa served in several positions at the U.S. Small Business Administration (SBA), such as Director, Office of Management and Technical Assistance/8(a) Business Development Program; Assistant Administrator, Office of Federal Contract Assistance for Veteran Business Owners; Procurement Policy Analyst/Office of Policy Research, Office of Government Contracting; Area Director (East Coast)/HUBZone Empowerment Program Office and Senior Eligibility Specialist, Team Leader/Office of Small Disadvantaged Business Certification and Eligibility. She joined SBA in June 1998, following six years of Government contracting experience as a contract specialist with the Department of the Air Force and the Department of Commerce.

Teresa is a retired Major of the United States Air Force. A native of High Point, NC, she received a Master of Arts Degree, with honors, in Procurement and Acquisition Management from Webster University, St Louis, MO and a Bachelor of Science Degree in Business Administration from the University of North Carolina at Greensboro.

Teresa is the recipient of the 2011 SBA Administrator's Leadership Award.

Jim Kerr

Deputy Center & Operations Director

Center for Consumer Information & Insurance Oversight (CCIIO)

Jim Kerr currently serves as the acting Deputy Director of Operations in the Center for Consumer Information & Insurance Oversight (CCIIO). CCIIO is charged with implementing numerous major provisions of the Affordable Care Act. Jim is working to operationalize major national policies that set and enforce standards for health insurance that promote fair and reasonable practices to ensure affordable, quality health care coverage is available to all Americans.

Jim is also currently serving as the Administrator of the Consortium for Medicare Health Plans Operations (CMHPO) at the Centers for Medicare & Medicare Services (CMS). He supervises approximately 400 staff in CMS's 10 regional offices that provide daily oversight to approximately 750 contracts delivering Medicare Advantage and Prescription Drug services to more than 33 million beneficiaries nationwide. Mr. Kerr was formerly the CMS Regional Administrator in the New York Office.

Mr. Kerr came to CMS in 2003 with more than 25 years experience in top level executive positions in commercial insurance and New York City government. He was the Vice President of Government Health Plans for United Healthcare's New York Tri-State market where he launched their managed Medicare product, had profit and loss oversight for United's Medicare and Medicaid HMO products and operational control over several major plan management functions.

He was previously the Chief Operating Officer of Sanus Health Plan of New York and New Jersey, a 100,000-member individual practice association HMO.

Mr. Kerr has a Master of Science in Management and a BA in Mechanical Engineering from the Rensselaer Polytechnic Institute. He also earned an MBA in Health Care Administration from the Mount Sinai School of Medicine, Baruch College. He received the Presidential Meritorious Executive Rank Award in October 2007.

Tony Trenkle

Director & CMS Chief Information Officer

Office of Information Systems (OIS)

Tony Trenkle is the Chief Information Officer (CIO) and the Director of the Office of Information Services (OIS) in the Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services (HHS). In this position he provides oversight and leadership to CMS over $1 billion dollar annual expenditures on Information Technology (IT) products and services. He chairs the CMS IT Investment Review Board and works closely with the HHS Chief Technology Officer (CTO) and CIO on overarching IT strategies. As the head of OIS, he directs a complex national operational infrastructure that supports CMS claims processing and other business services.

Prior to his current position, Tony was the Director of the Office of E-Health Standards and Services (OESS) from March 2005 to December 2010. In that position, he was the CMS lead executive for directing the Health Information Technology for Economic and Clinical Health (HITECH) Act provisions of the American Recovery and Reinvestment Act, including the regulations covering the meaningful use criteria for the Medicare and Medicaid Electronic Health Records (EHR) incentives programs and the program management for CMS operational implementation. In that capacity he worked closely with the leadership of the Office of the National Coordinator to coordinate national Health Information Technology (HIT) strategies. Tony is also a member of the HIT Policy Committee.

OESS was also responsible for the overall coordination of CMS e-Health initiatives as well as regulations, enforcement and outreach for the Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification standards (with the exception of privacy and security) and the administrative simplification provisions of the Affordable Care Act. He was also responsible for the Medicare Modernization Act e-prescribing program.

Before joining CMS in 2005, Tony held a number of leadership roles for several Federal agencies. These included the Social Security Administration (SSA) where he oversaw the development and implementation of SSA's Internet on-line services for the public, including the first on-line retirement application. Prior to SSA, he was the General Services Administration's Director of the Office of Electronic Commerce and the Co-Director of the Federal Electronic Commerce Program Office where he led the Federal implementation of standards and systems to support the first government-wide electronic commerce initiatives including on-line procurement systems.

Tony has received a number of awards recognizing his accomplishments including the Healthcare Information and Management Systems Society (HIMSS) 2010 Federal Leadership Award and the Senior Executive Service Presidential Rank Award.

Karen E. Jackson

Director

Medicare Contractor Management Group (MCMG)

Center for Medicare (CM)

Karen Jackson is the Director of the Medicare Contractor Management Group in the Centers for Medicare & Medicaid Services (CMS), with responsibility for program management of the fee-for-service claims administration contractors, including the implementation, administration and performance over-sight of the Medicare Administrative Contractors. Her team serves as the technical lead for operational issues related to Medicare program changes, and works closely with CMS's payment and coverage policy components to ensure that program changes are implemented timely and correctly.

She and her team serve as the agency focal point for providing program direction to Medicare claims administration contractors, including assuring the clarity and consistency of requirements originating from multiple agency components. Karen joined CMS in 1992 as a Presidential Management Intern. She holds a Master of Public Policy degree from the Gerald R. Ford School of Public Policy at the University of Michigan and an undergraduate degree from James Madison College at Michigan State University.

Peter Budetti

Deputy Administrator & Director

Center for Program Integrity (CPI)

Dr. Peter Budetti is Deputy Administrator for Program Integrity of the Centers for Medicare and Medicaid Services (CMS), US Department of Health and Human Services, and Director of the CMS Center for Program Integrity. He has principal responsibility for program integrity policies and operations in the Medicare and Medicaid Programs. Before joining CMS, Dr. Budetti worked in a number of health care positions in government and the private sector.

Dr. Budetti's previous government service includes six years as Counsel, Subcommittee on Health and Environment, U.S. House of Representatives, under the Chairmanship of Congressman Henry A. Waxman. He was also a member of the professional staff, Senate Finance Committee, under the Chairmanship of Senator Daniel Patrick Moynihan and was a core legislative drafter for President Bill Clinton's Health Security Act. In his academic life, he founded and directed health policy research centers and held tenured professorships at Northwestern University and The George Washington University, and was a member of the faculty of the Philip R. Lee Institute for Health Policy Studies, University of California, San Francisco. Immediately before his appointment at CMS in February, 2010, Dr. Budetti had been the Edward E. and Helen T. Bartlett Foundation Professor of Public Health, Department of Health Administration and Policy, College of Public Health, University of Oklahoma, for over six years. During the 2009-2010 academic year he was on sabbatical, working with the National Association of Insurance Commissioners in Washington, D.C., on antifraud initiatives. Dr. Budetti was a member and long-time Chairman of the Board of Directors of Taxpayers Against Fraud (TAF), a nonprofit, public interest organization dedicated to combating fraud against the Federal Government.

Dr. Budetti's medical degree is from Columbia University College of Physicians and Surgeons. He holds a law degree from Boalt Hall, University of California, Berkeley and an undergraduate degree from the University of Notre Dame. A board-certified pediatrician and member of the California Bar (inactive), he was elected to the National Academy of Social Insurance in 1996.

Sean Cavanaugh

Deputy Director

Center for Medicare & Medicaid Innovation (CMMI)

Sean Cavanaugh is the Acting Deputy Director, Programs and Policy, in the Center for Medicare and Medicaid Innovation at the Centers for Medicare and Medicaid Services (CMS). Previously, Mr. Cavanaugh was director of health care finance at the United Hospital Fund in New York City. He has also served in senior positions at Lutheran Healthcare (Brooklyn, NY), the New York City Mayor's Office of Health Insurance Access, and the Maryland Health Services Cost Review Commission. He started his career on Capitol Hill working for a member of the Ways and Means Health Subcommittee. He attended the University of Pennsylvania and the Johns Hopkins School of Hygiene and Public Health.

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GENERAL INFORMATION & RESOURCES

Dining

- CMS Cafeteria (Lower Level)
- Panera Bread (1 mile)
- McDonalds (1 mile)
- Food Court at Security Mall (1 mile)
- Five Guys Burgers and Fries (1 mile)
- Chipotle (1 mile)
- Las Vegas Mexican Restaurant (1 mile)
- Ledo's Pizza (1 mile)

Coffee

- CMS Cafeteria (Lower Level)
- Jazzman's Coffee Stand (Lower Level Lobby)
- Dunkin Donuts (1.48 miles)
- Panera Bread (1 mile)

Pharmacies

Rite Aid (1 minute / 0.47 miles)
7153 Security Blvd., Windsor Mill, MD 21244
410-944-6400

Walgreens (3 minutes / 1.15 miles)
2204 Rolling Road, Baltimore, MD 21244
410-265-8593

Nearest Hospital:

Northwest Hospital (12 minutes / 4.70 miles)
5401 Old Court Road, Windsor Mill, MD 21244
410-521-2200

WEBSITES TO BOOKMARK

- **Central Contractor Registration**
  http://www.ccr.gov

- **CMS External Webpage**
  http://www.cms.gov/About-CMS/Contracting-With-CMS/ContractingGeneralInformation

- **Excluded Parties List System**
  http://epls.arnet.gov

- **Federal Business Opportunities**
  http://www.fedbizopps.gov

- **General Services Administration**
  http://www.gsa.gov

- **Government Agency Links**
  http://www.usa.gov/Agencies.shtml

- **SBA Government Contracting and Business Development.**
  http://www.sba.gov/gcbd/

- **Small Business Administration**
  http://www.sbaonline.sba.gov

- **Systems for Award Management**
  http://www.sam.gov

Women-Owned Businesses Links:

- **National Association of Women Business Owners**
  http://www.nawbo.org

- **Small Business Administration: Contract Assistance for Women Business Owners**
  http://www.sba.gov/aboutsba/sbaprograms/onlinewbc/index.html

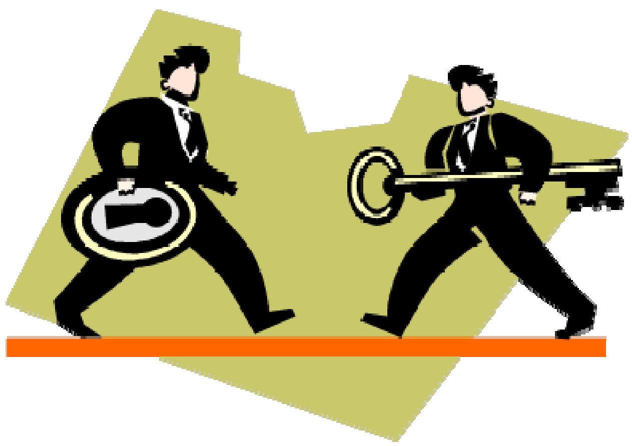
- **Women's Business Centers**
  http://www.awbc.biz

- **Women Impacting Public Policy**
  http://www.wipp.org

CMS THANKS YOU!

The CMS Family would like to thank you for your interest and participation at this event. We value your efforts as we work together to achieve contracting excellence.

Together, we can make a difference.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL PROCUREMENT POLICY

May 7, 2012

MEMORANDUM FOR CHIEF ACQUISITION OFFICERS SENIOR PROCUREMENT EXECUTIVES CHIEF INFORMATION OFFICERS

FROM: Lesley A. Field
Acting Administrator for Federal Procurement Policy

SUBJECT: "Myth-Busting 2": Addressing Misconceptions and Further Improving Communication During the Acquisition Process

Early, frequent, and constructive engagement with industry leads to better acquisition outcomes, which is why it is one of the key tenets of the Office of Management and Budget's 25 Point Implementation Plan to Reform Federal IT Management.[1] Such engagement is especially important for complex, high-risk procurements, including (but not limited to) those for large information technology (IT) projects.

To that end, the Office of Federal Procurement Policy (OFPP) last year issued the "Myth-Busting" memorandum on "Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process."[2] In the subsequent months, Federal agencies have taken significant additional steps to improve communications between Federal agencies and the vendor community. These developments are discussed further below.

To continue to make progress in improving these communications, OFPP is issuing this second "Myth-Busting" memorandum. Whereas we focused last year on the misconceptions on the part of Federal agencies, we want to continue the discussion by addressing in this memorandum the misconceptions that may be held by some in the vendor community. As we did last year, we highlight the misconceptions in the Attachment and, for each one, provide the facts about the Federal procurement process, with the goal of improving the productivity of our communications. The Attachment also provides additional information and strategies for both agencies and vendors to promote more effective communication.[3]

We encourage you to share this information with current and potential industry partners – especially those new to government contracting – as part of your outreach efforts to ensure that we are collectively making the best use of our engagement opportunities.

1 The 25 Point Implementation Plan to Reform Federal Information Technology Management is available at http://cio.gov/documents/25-Point-Implementation-Plan-to-Reform-Federal%20IT.pdf

2 The OFPP memorandum of February 2, 2011, is available at http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/Myth-Busting.pdf

3 Nothing in this memorandum should be read to alter, or authorize violations of applicable ethics rules, procurement integrity requirements, or other statutes or regulations that govern communication and information sharing.

As part of the ongoing, government-wide effort to improve vendor communication, OFPP and OMB's Office of E-Government and Information Technology worked with the Chief Financial Officers (CFO) Act agencies to develop vendor communications plans for:

- reducing barriers to communication,
- incorporating more industry input into agency acquisitions,
- publicizing engagement events, and
- providing training and awareness to employees and vendors.

To increase vendor awareness of these plans and upcoming engagement opportunities, the Chief Acquisition Officers Council worked with the Integrated Acquisition Environment team at the General Services Administration to add a new vendor collaboration feature on the FedBizOpps homepage (www.fbo.gov). Through this Vendor Collaboration Central Event Listing, vendors have quick and easy access to agencies' engagement opportunities, such as industry days, pre- Request for Proposal (RFP) conferences, vendor forums, etc. (Agencies are encouraged to post their upcoming events in accordance with the instructions found on FedBizOpps.)

Since the first "Myth-Busters" memorandum was issued last year, agencies have taken strong steps to promote effective strategies for engagement, including the following examples:

- The Nuclear Regulatory Commission uses several avenues for vendor outreach:
    - Quarterly Business Seminars to educate vendors about the agency,
    - One-on-one discussions between vendors and project managers regarding current technology and future requirements, and
    - Technical counseling sessions for market research on specific requirements.
- The Department of Education held a webinar with prospective offerors in the presolicitation phase of the English Language Learners Professional Development Network procurement.
    - The webinar was advertised on FedBizOpps, and 55 vendors participated. Afterwards, a transcript was posted to FedBizOpps along with the solicitation.
    - This strategy increased competition and resulted in a better solution using innovative ideas that had not previously been considered.
    - This virtual outreach can save time and money and increase participation.

To further assist agencies in these efforts, an Acquisition Collaboration Toolkit has been added to the "vendor engagement collaboration community of practice" at https://max.omb.gov/community/x/_INBIg. To facilitate their early communication with vendors, agencies have multiple tools at their disposal, ranging from wikis and blogs to webinars and meetings. The Acquisition Collaboration Toolkit provides tips, checklists, and additional information on how to use various media tools to host early vendor engagement opportunities. If you have additional best practices and success stories regarding ways to facilitate vendor collaboration, please send them to Joanie Newhart at the email address below.

More effective vendor engagement results from a change in culture in both government and industry organizations. Government professionals must incorporate vendor engagement strategies into their acquisition planning and execution whenever possible. Industry professionals should understand that agencies must balance their limited resources, and that expansion of vendor engagement must begin in those areas most likely to produce positive outcomes in the form of greater efficiency, contract savings, or better requirements development. Together, our efforts will result in more effective solutions to the government's needs and provide a better value proposition for all of us as taxpayers.

Thank you for your commitment to this important matter. Please contact Joanie Newhart on (202) 395-4821 or jnewhart@omb.eop.gov if you have any questions.

Attachment –Vendor Misconceptions about Communications with
the Federal Government

cc:
Agency General Counsels and Solicitors
Agency Ethics Officers

Attachment

Vendor Misconceptions about Communications with the Federal Government

1.	**Misconception –"The best way to present my company's capabilities is by marketing directly to Contracting Officers and/or signing them up for my mailing list."**
	Fact – Contracting officers and program managers are often inundated with general marketing material that doesn't reach the right people at the right time. As an alternative, vendors can take advantage of the various outreach sessions that agencies hold for the purpose of connecting contracting officers and program managers with companies whose skills are needed.

Contracting and program offices are often inundated with marketing material, and this fact lowers the chances that a vendor's reliance on marketing material will enable these offices to focus on the firm's capabilities.

A more effective approach is to make your capabilities known through outreach sessions that agencies hold to provide information on how best to do business with the agency, and to provide information on future requirements. Many times these outreach sessions will provide an opportunity for vendors to meet with program managers and contracting officials to generally discuss items on annual procurement plans. Vendors are also encouraged to attend pre-proposal conferences to receive more detailed information about specific agency requirements.

A new Vendor Collaboration Central Event Listing has been added to the FedBizOpps homepage, www.fbo.gov, which provides quick and easy access to agency vendor communication plans and upcoming vendor collaboration events or engagement opportunities, such as industry days, pre-RFP conferences, vendor forums, etc. The FedBizOpps homepage also has a Small Business Central Event Listing where agencies post small business events, such as conferences and training, which can also help you make contact with the appropriate individuals within an agency.

Being familiar with already-available information reduces the burden on the workforce generally, and will make your conversations more targeted and productive. There are several resources that are available to help you find information about existing contracts and upcoming projects. For example, www.usaspending.gov can be queried to get information about current contracts that may be expiring soon; agency websites often have their advanced acquisition forecasts posted,[4] and appropriations acts can be a good place to look to see what the agency plans to acquire in the coming year. Another resource is the Government Printing Office's (GPO's) Federal Digital System (FDSYS), available at http://www.gpo.gov/fdsys/. FDSYS has electronic copies of the U.S. Government Budget, Code of Federal Regulations, and other helpful information. To better understand agency market research practices, the Department of Homeland Security's Market Research Guide[5] details the process and can provide insight on how and why market research is conducted.

Best Practices

- ✓ *The Department of Homeland Security's (DHS) recent Industry Day was conducted via live webcast and was attended or viewed by nearly 2,700 vendors. The event, hosted by the Office of the Chief Procurement Officer (OCPO), provided a valuable opportunity for industry stakeholders to learn early in the acquisition process about the Department's acquisition goals and expectations and other matters that affect their ability to compete for contracts. In an effort to involve industry more in the outreach, DHS asked industry leaders to moderate the panel discussions and lead the questioning of DHS panelists about issues involving the top DHS spend categories -- professional services, science and technology, screening technology, and cyber security/ intelligence. Industry's response to the new format and the event itself was overwhelmingly positive.*

- ✓ *The U.S. Agency for International Development (USAID) holds small business vendor outreach sessions that are posted on www.fbo.gov. At these sessions, USAID typically provides information on doing business with USAID, has a prime contractor discuss its current role in supporting the agency's mission and relief efforts overseas, and offers a small business success story.*

- ✓ *It's always a good idea for an agency to find out why vendors did* ***not*** *bid on a solicitation. It's worth taking the time to call the vendor in case there were competition- limiting items in the solicitation or practices in the acquisition process. Obtaining this information allows the agency to improve future acquisition processes.*

- ✓ *Agency contracting professionals do not find mass emails helpful as these professionals are frequently inundated with generic marketing materials. It is much more effective to target your e-mails to them on specific capabilities or projects.*

[4] A list of Federal agencies with links to their websites is available at http://www.usa.gov/directory/federal/index.shtml.
[5] Appendix I to the Department of Homeland Security Acquisition Manual, available at http://www.dhs.gov/xlibrary/assets/opnbiz/cpo_hsam.pdf

2.	**Misconception – "It is a good idea to bring only business development and marketing people to meetings with the agency's technical staff."**
	Fact – In meetings with government technical personnel, it's far more valuable for you to bring subject matter experts to the meeting rather than focusing on the sales pitch.

Agency personnel are interested in better understanding the marketplace, advances in technology, and your firm's capabilities. In order to gain this understanding, it is usually more helpful for them to discuss technical issues than business development issues.

Industry professionals can benefit by conducting research about the agency in advance of scheduled meetings with agency professionals. Valuable time during one-on-one meetings is often spent sharing commonly available information, which is not helpful to either party. Before meeting with agency personnel, review information on the agency's website, such as the agency's mission, structure and organization; its advanced acquisition plans; and its budget. In addition, information on existing contracts in your areas of interest is available at www.usaspending.gov, and information on the specific program of interest is at http://business.usa.gov/find-resources. This information will enable you to tailor your presentation to agency officials.

Your technical team may be in the best position to provide the information that the agency needs, and therefore they should be included in these meetings.

Best Practices

- ✓ *The Nuclear Regulatory Commission (NRC) has several avenues for industry outreach: 1) Quarterly Business Seminars which educate vendors about the agency, its mission and business opportunities, as well as NRC's technical programs, 2)Reverse Green Technology Fairs which feature one-on-one discussions between vendors and Project Managers regarding current technology and future IT requirements, and 3) One-on-One Technical Counseling Sessions which provide vendors with technical guidance on how to conduct business with NRC. Once a specific requirement opportunity is identified, a meeting is coordinated between the specific Project Manager and the vendor. NRC's Office of Small Business and Civil Rights facilitates these vendor outreach sessions.*

- ✓ *Vendors should bring their technical experts to meetings with agencies. Their knowledge of advances in technology and your firm's capabilities are much more helpful to agencies than generic sales presentations.*

3.	**Misconception - "Attending industry days and outreach events is not valuable because the agency doesn't provide new information."**
	Fact – Industry days and outreach events can be a valuable source of information for potential vendors and are increasingly being used to leverage scarce staff resources.

The purpose of industry days and outreach events is to communicate the agency mission and upcoming requirements to industry. This information will assist you in deciding whether to invest valuable resources in developing a bid or proposal in response to the government's solicitation requirements. Vendors may have the opportunity to hear from and speak to agency representatives about their requirements, and can often meet one-on-one with agency personnel before or after the event. Many times, agencies hold sessions designed to help new vendors do business with them. In these sessions, agency personnel are on hand to answer any questions about how to do business with the agency. Gaining a better understanding of an agency will help you more effectively target your outreach, thereby saving valuable resources, and helping you respond to solicitations more effectively. In addition, industry days are a great way to network and make potential subcontract contacts. The Vendor Collaboration Central Event Listing on the Federal Business Opportunities webpage (www.fbo.gov) can help you identify events being held.

Best Practices

- ✓ *More agencies are beginning to hold these meetings virtually to save time and money and increase competition. For example, the Department of Education held a webinar with prospective offerors in the presolicitation phase of the English Language Learners Professional Development Network procurement. This webinar was advertised in advance on FedBizOpps, and 55 vendors participated. Afterwards, a transcript was posted to FedBizOpps along with the solicitation. In addition, the new toolkit for increasing pre-RFP communication encourages agencies to use a variety of social media to engage vendors. If your travel dollars are limited, ask agencies to make their industry days more accessible by offering them online or using other, widely-accessible technologies.*

- ✓ *Agency events can be very valuable. Not only do vendors learn more about the agency, they also get a chance to talk to agency contracting and program professionals face-to face. Vendors should take advantage of agency outreach opportunities.*

4.	**Misconception – “Agencies generally have already determined their requirements and acquisition approach so our impact during the pre-RFP phase is limited.”**
	Fact – Early and specific industry input is valuable. Agencies generally spend a great deal of effort collecting and analyzing information about capabilities within the marketplace. The more specific you can be about what works, what doesn’t, and how it can be improved, the better.

Agencies appreciate industry’s valuable input into their acquisition strategies and solicitation packages because it may result in a better solution to their requirements. Simply providing suggestions and comments prior to formal requirements development will not trigger an organizational conflict of interest, as long as the vendor is not then hired to develop the requirements. Suggesting detailed solutions to your concerns is even more valuable. Agencies may issue a Request for Information (RFI) as part of market research to investigate the industry and marketplace in accordance with Federal Acquisition Regulation (FAR) Part 10, to determine if commercial items are available, to determine if small businesses are capable of meeting the agency’s needs, and for many other planning purposes. Agencies may also issue a draft RFP to obtain comments and suggestions from potential vendors on how to improve the solicitation. Agencies may hold pre-solicitation or pre-proposal conferences or webinars, or post wikis to
explain the requirements, solicitation process, and evaluation factors.[6] These engagement opportunities often allow for vendor questions and feedback. You should take advantage of every opportunity to provide the kind of targeted suggestions you’d like to see in the finished product.

Additionally, FAR 15.201 encourages exchanges with all interested parties, beginning at the earliest identification of a requirement through receipt of proposals. After release of a solicitation, the contracting officer is the focal point of any communications with the government to ensure a fair competition is conducted. Many times, a question and answer period is included in the acquisition process, allowing time for potential offerors to review the solicitation and submit questions. Should that not be the case, you are still encouraged to ask the contracting officer any questions that you have, in a timely manner, in order to ensure you understand the solicitation. Contracting officers generally prefer questions via e-mail so that they can ensure they understand the question and so they can facilitate obtaining an answer. Should the contracting officer decide to make any changes to the solicitation, it will be done via an amendment to the solicitation and posted for public viewing.

[6] Government personnel can learn more about creating productive pre-RFP engagements in the Acquisition Collaboration Toolkit available on the vendor engagement collaboration community of practice at https://max.omb.gov/community/x/_INBIg.

Best Practices

- ✓ *In trying to get the best value for their agency and for the taxpayers, contracting and program professionals want to know when products or services are available in the marketplace that can save money or provide a better solution or both. It is most helpful to provide that information early in the procurement cycle.*

- ✓ *Be specific and clear in your feedback. For example, if an agency is considering a performance-based contract for services but, in your firm's view, has not adequately defined the performance standards, provide the agency with specific suggestions for how the work should be evaluated based on your experience and expertise.*

- ✓ *The General Services Administration's Central Contracting Office recently sought input on the procurement of the next generation of the agency's enterprise IT services and support. Through RFIs, the agency first sought input on the current challenges and strategic technology initiatives, asking industry how it would recommend the agency approach those challenges. A subsequent RFI was issued to seek more specific input to the draft solicitation. A pre-proposal conference, attended by over 50 vendors, helped to further refine agency requirements.*

5.	**Misconception - “If I meet one-on-one with agency personnel, they may Share my proprietary data with my competition.”**
	Fact – Agency personnel have a responsibility to protect proprietary information from disclosure outside the Government and will not share it with other companies.

Agency personnel have a responsibility to protect any information that was received in confidence from an offeror. During source selection, the Procurement Integrity Act and its implementing provisions in the FAR[7] prohibit Federal procurement officials from disclosing – prior to award of the relevant contract – contractor bid, proposal information or source selection information to any person other than a person authorized to receive such information.
Procurement officials take this prohibition very seriously; if a violation occurs, there may be criminal and civil penalties.

While the protections of the Procurement Integrity Act do not apply prior to source selection, other protections remain. In many cases, the Trade Secrets Act[8] will prohibit Federal employees from divulging protected information, including confidential commercial or financial data, trade secrets, operations, processes, or style of work. Also, the Freedom of Information Act (FOIA) allows agencies to protect commercial or financial information that is privileged or confidential.[9]
In cases where a vendor is concerned that existing protections are insufficient and engaging in pre-solicitation communication will be beneficial, agencies should consider the use of appropriate non-disclosure agreements (NDAs) to ensure that proprietary information will be kept from potential competitors.

7 48 C.F.R. § 3.104-1-11, available at http://www.gpo.gov/fdsys/pkg/CFR-2010-title48-vol1/pdf/CFR-2010-title48- vol1-part3.pdf

6.	**Misconception - "Agencies have an obligation not to share information about their contracts, such as prices, with other agencies, similar to the obligation they have not to disclose proprietary information to the public."**
	Fact – There are no general limitations on the disclosure of information regarding existing contracts between agencies within the Government. In fact, agencies are encouraged to share pricing information to ensure that we are getting the best value for our taxpayers.

As explained above, agencies have a responsibility to protect proprietary information from disclosure outside the Executive Branch. Restrictions on such outside disclosure prevent harm both to the competitive position of the contractor amongst its competitors and to the interest of the Government in being able to maintain a robust and competitive marketplace.

By contrast, the flow of information among and between agencies within the Executive Branch does not cause such harm. Moreover, such sharing among and between agencies can enable the Federal Government to root out wasteful duplication and negotiate better deals for the taxpayer.

Therefore, while there might be occasional circumstances where an agency could benefit from signing an NDA that would restrict its sharing of information with another agency, agencies should generally avoid NDAs that prohibit sharing of information – particularly pricing information – within the Government. Price visibility is critical to ensuring that the Government gets the best prices and that agencies are not paying more for the same products or services being bought under the same circumstances. As agencies face increasingly constrained budgets, it is critical that they share more pricing information with their Federal colleagues to ensure that the Federal Government is obtaining the best prices for the taxpayer.

Best Practice – *GSA's SmartBuy Federal Strategic Sourcing Initiative (FSSI) provides a collaboration area for their interagency Commodity Team members to post their software orders and awarded contracts in order to share prices, and terms and conditions. This sharing of information will allow agencies to compare their requirements with those already procured by the Federal Government to ensure they get the best value for taxpayer dollars. Agencies are encouraged to participate in the Commodity Team. To request membership, send an e-mail to the SmartBuy team at smartbuy@gsa.gov.*

7.	**Misconception – "To develop my new proposal, I don't really need to tailor my solution to the specific solicitation since the government won't read my proposal that closely anyway."**
	Fact – Offerors should tailor each proposal to the evaluation criteria, proposal instructions, and specific requirements of the solicitation to which they are responding. Contracting Officers and evaluation team members read proposals closely for compliance with the proposal instructions and must evaluate them against the evaluation factors and the statement of work in the solicitation.

Each proposal should be tailored to the final solicitation which lists the requirements, instructions to offerors on how to propose, and evaluation factors. Using your proposal, Government evaluators will determine the strengths and weaknesses of your proposal and also your firm's ability to perform the prospective contract successfully. If you cut and paste from previous proposals or repeat the solicitation, your proposal may miss the mark in explaining your solution. Offerors that are not responsive to the solicitation risk being eliminated from the competition, thereby wasting valuable time and resources used to prepare the proposal.

You should attend a pre-solicitation or pre-proposal conference if it is offered by the agency. At that conference, the agency will provide you with a better understanding of the procurement and what is required in the proposal, which will help you develop a more comprehensive proposal addressing the requirements.

If you are looking for some assistance in how to be most responsive to government solicitations, there are several resources available to assist you:

- ***Business Breakthrough***: GSA has recently created this program to help businesses better understand how to successfully navigate government contracting, including strategies to prepare a winning proposal.[10]
- ***Procurement Technical Assistance Program***: Created by Congress in 1985 to help businesses seeking to compete successfully in Federal, state and local government contracting, the nationwide network of Procurement Technical Assistance Centers provide one-on-one counseling sessions, classes, seminars and matchmaking events at little or no cost.[11]

10 More information is available at http://www.gsa.gov/portal/category/101431.
11 More information is available at http://www.aptac-us.org/new/index.php.

- ***Offices of Small and Disadvantaged Business Utilization (OSDBU)*****:** OSDBUs are the primary advocate within each Federal executive agency responsible for promoting the maximum practicable use of all designated small business categories within the Federal acquisition process. You can find a listing of agency OSDBUs at http://www.osdbu.gov/members.html.

- ***Veterans First Contracting Program:*** The Department of Veterans Affairs has created the Center for Veterans Enterprise (CVE), which is solely dedicated to assisting veterans in starting and building businesses. CVE has a web portal for veteran-owned businesses which is available at http://www.vetbiz.gov.

- ***BusinessUSA.gov:*** A new website, BusinessUSA at http://business.usa.gov, was recently developed to be a one-stop shop to help small businesses and businesses of all sizes find information about available Federal programs and opportunities without having to spend time navigating from one Federal agency to another. BusinessUSA combines best practices and information from government agencies.

Best Practices

✓ *It is helpful to develop a checklist of solicitation requirements to ensure that a response is provided for each requirement and that it is in the format requested in the solicitation. If you follow the solicitation instructions, it will facilitate evaluation of your proposal.*

✓ *Proposals in which vendors simply cut and paste from the RFP or use the same language from a previous proposal often miss important evaluation factors or misunderstand the nuances of the requirements are rarely selected for award.*

✓ *Vendors should be fully responsive to all evaluation factors, including past performance information. Some vendors falsely assume they will get credit for good performance since the government was aware of its work, even if the vendor doesn't mention it in its proposal.*

8.	**Misconception - "If I lose the competition, I shouldn't bother to ask for a Debriefing. The Contracting Officer won't share any helpful information with me."**
	Fact – Unsuccessful offerors should ask for a debriefing to understand the award decision and to improve future proposals.

In a formal procurement, the process by which offerors request and receive an explanation of the award decision is the debriefing. Asking for a debriefing is the best way to find out why you were not awarded the contract or order.

In accordance with FAR 15.505 and 15.506, agencies must provide debriefings to unsuccessful offerors in negotiated procurements upon written request either when excluded from the competitive range prior to award, or upon notification of award. These debriefings can be provided in person or in writing, depending on the agency's preference. When conducting competitions under FAR Part 8, agencies must provide a brief explanation to unsuccessful offerors on awards that are based on factors other than price alone. You can use the information provided to adjust your proposal strategy in future procurements to be more competitive.

We recognize that agencies can sometimes do a better job of letting vendors know why they didn't receive an award. This is especially true in cases where award is based on other than price alone. While agency procurement personnel are extremely busy, often handling multiple solicitations and contracts at the same time, OFPP's February 2, 2011 "Myth-Busting" memorandum encouraged agency contracting professionals to not only provide debriefs, but to provide as much information as possible in the debriefing.

Best Practices

- ✓ *One agency encourages the debriefing of the* ***winning*** *offeror. This way, the vendor can get specific, targeted feedback on what it did right in the proposal and what it could do even better in the future.*

- ✓ *Another agency writes its selection memorandum with detailed information about the strengths and weaknesses of all the offers so that everyone who bid can understand the outcome. This has reduced protests and received positive feedback from participants.*

- ✓ *Agencies appreciate when unsuccessful vendors request debriefings because it gives contracting professionals an opportunity to point out weaknesses in the vendor's proposal and provide them with the rationale for award. This valuable information can help vendors be more competitive on future proposals.*

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