



U.S. Department of Housing and Urban Development
Washington, D.C. 20410

CHIEF PROCUREMENT OFFICER

1) STATEMENT OF COMMITMENT. The Department of Housing and Urban Development's policy for our acquisition workforce staff at all levels of the Department is to have early, frequent, fair, even, and transparent dialogue with the commercial base on matters of mutual interest (such as identifying best practices and policies, removing barriers to competition; identification of technology trends and development objectives security challenges, etc.) in a manner that protects sensitive information, operations, sources, methods and technologies. As such, the Department of Housing and Urban Development is committed to:

- a) Recognizing, promoting, and committing to early vendor communication consistent with existing law and regulation;
- b) Ensuring small-business in general, and subgroups of small-business in particular, are included in HUD's communications with Industry, including vendors with which HUD has not previously worked; and
- c) Ensuring non-public information, including vendors' confidential information and HUD's source selection information, is protected.

Subject to sound business judgment (and the statutory limitations identified herein), officials within the Department are encouraged to communicate with industry as necessary to conduct official business. (It is not required, desired, or practicable that industry outreach be centralized.) Ethics laws and rules per se do not prohibit communications with industry representatives. They do, however, mandate fair and even treatment such that communication opportunities with HUD officials must be made available to all interested outside parties. All methods of communication, unless statutorily prohibited, are permitted. Communication with a wide and diverse variety of businesses of all sizes and with industry organizations is often the best overall strategy to ensure the communication is fair, even and transparent. The following are statutorily based limitations on communicating with firms:

- Conflict of Interest Prohibition (18 USC 208). Government officials may not participate in a matter that presents an actual or apparent conflict of interest.
- Procurement Integrity Act (41 USC 423). Government officials may not disclose proprietary- or source selection information.

- Competition in Contracting Act (CICA) (10 USC 2304). Government officials may not give unauthorized preferential treatment to any firm(s) and must treat all firms equally.
- Trade Secrets Act (18 USC 1905). Government officials must not disclose trade secrets or other proprietary information without permission of the owner of the information, and Government officials must protect procurement-sensitive information as well as information that would not otherwise be disclosed to the public under the Freedom of Information Act (FOIA).
- Federal Advisory Committee Act (5 USC App2). Government officials must comply with the Federal Advisory Committee Act when seeking consensus advice or recommendations from a group that includes non-government employees.

2) SENIOR AGENCY OFFICIAL. The Senior Agency Official responsible for promoting vendor engagement at HUD is the Chief Procurement Officer (CPO), located at the Headquarters in Washington, DC. The Office of the Chief Procurement Officer ensures that early vendor communication is part of the acquisition process through Requests for Information (RFIs) and Sources Sought Inquiries. The Office of Small and Disadvantaged Business Utilization (OSDBU) also ensures early vendor communication through Small-Business Outreach events and industry days for individual projects and publishing annual, multi-program forecasts. The Departmental management team is committed to meeting socio-economic goals, ensuring small businesses are afforded maximum opportunities to compete, and that all non-public information is protected, regardless of the source.

3) REDUCE BARRIERS AND PROMOTE ENGAGEMENT. HUD's commitment to reducing communication barriers and promoting vendor engagement involves the following efforts:

- a) Identify requirements appropriate for industry involvement in the Strategic Procurement Planning process and build such involvement into individual acquisition plans.
- b) Meet with potential offerors to exchange general information and conduct market research related to an acquisition prior to release of solicitations;
- c) Have outreach events and industry days with industry facilitated by OSDBU and other program office participants in the acquisition process to discuss upcoming procurement actions, small business, 8(a) set asides, service-disabled veteran-owned small business, woman-owned, HUBZone and competitive requirements.

- d) Ensure that whenever appropriate in competitive negotiated acquisitions, the source selection process includes discussions with offerors to ensure HUD obtains the best value in each such acquisition.
- e) Ensure pre- and post-award debriefings are not only available for every offeror but are highlighted and encouraged in the pre- and post-award notification letters to unsuccessful offerors.

The commercial base on which the Department depends should be knowledgeable of, and aligned with, the Department's strategic and tactical objectives. Early, frequent, and clear communications among the Department and its current- and potential suppliers helps the Department achieve its acquisition goals. Ensuring this communication is fair, even and transparent helps the Department:

- maximize service support to its stakeholders;
- set realistic expectations and technologically achievable requirements;
- enhance the ability of organizations to meet cost, schedule, and performance objectives; and
- establish policies and business practices that promote the long-term viability and competitiveness of the commercial base supporting the Department.

Such dialogue helps industry make informed investment and business decisions as necessary to meet near and longer-term requirements of the Department.

4) CRITERIA. HUD ensures the following types of acquisitions receive more focused attention:

- a) Bundled requirements previously fulfilled through separate contracts;
- b) On-going or routinely needed services both to ensure greater awareness in the marketplace and obtain new participants in HUD's acquisitions, and in the event the requirement has been substantially changed since the last contract award; and
- c) Acquisitions for high-risk, and/or complex requirements, and those valued at \$10M *per annum* or more.

Each of these types of acquisitions will have Vendor Communications as a significant element within the Acquisition Plans and will be addressed specifically by the Integrated Acquisition Teams that are normally assigned to these projects. In addition, the vendor engagement strategies for each of these types of acquisitions will include:

- At least one industry day, or pre-solicitation/pre-proposal conference that allows for a reasonable amount of one-on-one engagement between the government and vendors;

- Enough time for discussions in accordance with FAR Part 15, during the proposal evaluation process; or
- Written justification as to why these efforts are unnecessary.

5) PUBLICATION. HUD ensures the public is notified of Vendor Engagement Events, to include Industry Days, Small-Business Outreach Sessions, Pre-Solicitation conferences, RFI/P question-and-answer sessions, etc. These sessions are posted and updated regularly at <https://beta.sam.gov/>.

6) ROLES AND RESPONSIBILITIES. The following are brief descriptions of the various roles and responsibilities of individuals involved in vendor communications:

- a) **CONTRACTING OFFICER (CO):** An appointed government employee who has been given authority to enter into, administer, and/or terminate contracts and make related determinations and findings.
- Determine the plan - For each appropriate acquisition, establish the timing, frequency, and degree of vendor engagement necessary to appropriately develop requirements, acquisition strategy, and performance metrics.
 - Identify communication method - Recommend appropriate means of communication (one-on-one meetings, vendor days, draft RFPs, pre-solicitation conferences), using one of these methods).
 - Consider methods that would generate new entrants to the market to increase competition.
 - Work with the OSDDBU and small business specialist to identify the best ways to reach out to small businesses.
 - Convey roles to the agency team - Communicate expected roles and responsibilities of the Project Manager (PM) and Contracting Officer Technical Representative (COTR) concerning the vendor engagement efforts and how these sessions will be conducted.
 - Encourage the PM and COTR to communicate appropriately for pre-solicitation efforts.
 - Be the focal point for vendor communication after the solicitation is issued.
 - Document - Document the file with the results of the industry communication, including the ultimate effects it had on the acquisition (e.g., revision or clarification of work statement).

- Discuss the agency procurement forecast – Be knowledgeable of the content in the procurement forecast to discuss upcoming procurements with small business so that they may determine how best to focus their resources to place bids and proposals.
- b) PROGRAM MANAGER: A designated individual with responsibility for and authority to accomplish program objectives for the development, production, and sustainment to meet the user’s operational needs.
- Confer with the CO early – As part of the acquisition planning process, as soon as a need is identified, inform the CO about the level of vendor engagement needed to help the PM and others conduct effective market research.
 - Evaluate expected level of competition - Assess the level of competition through market research.
 - Notify the CO - Discuss vendor engagements activities with the CO prior to the meetings – the CO may not be able to attend but should be aware of all communications.
 - Discuss the agency procurement forecast_– Be knowledgeable of the content in the procurement forecast to discuss upcoming procurements with small business so that they may determine how best to focus their resources to place bids and proposals.
- c) COR: CORs must receive authorization in writing by the contracting officer to perform contract-specific technical and/or administrative functions.
- The COR is authorized to act on behalf of the program office head and Contracting Officer in activities involving those technical aspects of the proposed contract that are the responsibility of the program office.
- d) COUNSEL consists of the attorney(s) on staff within a governmental legal department.
- Encourage communication to the maximum extent practicable - Advise the CO and team so they understand what is considered appropriate communications in terms of content, delivery methodology, etc.
- e) ETHICS OFFICERS prevent conflicts of interest on the part of Government employees, fosters high ethical standards for employees, and strengthens the public's confidence that the Government's business is conducted with impartiality and integrity.

- Include vendor communications in annual ethics training - Ensure ethics training clearly explains what is permissible – not only what is prohibited.
- f) THE OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION (OSDBU) exchanges information on methods, initiatives, and best practices with the acquisition workforce to support the implementation and execution of the Federal small business contracting programs.
- Focus on the agency procurement forecast - Ensure the agency's acquisition workforce is aware of all actions listed in the agency's procurement forecast and the importance of ensuring small businesses are afforded maximum opportunities to compete for contracts.
 - Use the Small-Business Central Event Listing on <https://beta.sam.gov/> to publicize opportunities. This functionality helps small business find outreach events and promotes competition.

7) TRAINING EFFORTS. HUD's commitment to training and awareness efforts is demonstrated through OSDBU's annual outreach conferences for Women-Owned, Service Disabled Veteran-Owned and HUBZone small businesses and IT Industry day for both Contractors and Government personnel held during HUD's outreach sessions, and its aggressive promotion of vendor communication functions and events within beta.sam.gov. The outreach conferences are an integral part of HUD's efforts to reach out to both Contractor and Government communities. The Government beta.sam.gov portal is used to provide the widest possible dissemination of information regarding specific acquisition-related events and the OSDBU's outreach session announcements. Additionally, OCPO will continue to disseminate myth-busting guidance issued by OMB to all HUD acquisition workforce.

8) IDENTIFICATION OF EXISTING POLICIES. HUD's internal contracting guidance (Acquisition Instructions and other related policy materials) are strictly procedural and are located within its internal webpages and are not available to the public. However, links to information and regulatory guidance available to the public can be found at the following websites:

Office of Small and Disadvantaged Business Utilization (OSDBU):
http://portal.hud.gov/hudportal/HUD?src=/program_offices/sdb.

Office of the Chief Procurement Officer Home Page:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/cpo

Procurement Forecast:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/sdb/4cast

Possible Subcontracting Opportunities:

https://eweb1.sba.gov/subnet/client/dsp_Landing.cfm

Federal Acquisition Regulation (FAR): <https://www.acquisition.gov/far/>

HUD Acquisition Regulation (HUDAR):

https://portal.hud.gov/hudportal/HUD?src=/program_offices/cpo/hudar/

HUD Procurement Handbook:

https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpo

9) **PLANS TO REFINE COMMUNICATIONS.** The Chief Procurement Officer will coordinate with the Director of OSDDBU monthly to help HUD determine whether HUD's communication and outreach efforts are working, and what changes, if any, need to be implemented.

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Date