

NAVAIR-Industry Communication Plan for Competitive Procurements

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I. INTRODUCTION/PURPOSE

The purpose of this plan is to establish guidelines for Naval Air Systems Command (NAVAIR) program and competency teams to more effectively communicate with Industry partners. The plan is intended to make communication methods/procedures more predictable for all parties and to achieve more effective competitive procurements in support of the warfighter.

NAVAIR is one of the most prominent buying organizations in the United States Government, with tens of billions of dollars spent on acquisitions every year. While the government has at times supported the fleet with a large organic capability across the acquisition life-cycle, most of that effort is currently supported via contracts with Industry, making our Industry partners an essential part of providing products and services to the fleet. NAVAIR's ability to communicate with Industry is critical in understanding the continually changing marketplace and conducting our acquisition programs as effectively and efficiently as possible. However, the complexity of acquisition laws and regulations have made it a challenge to know exactly what, when and how to communicate with business partners in the Industry sector, and NAVAIR has therefore teamed with Industry to develop this plan to help teams understand when open communication is allowed

and beneficial and when communication must be controlled to maintain the integrity of the source selection process.

“Both Government and Industry benefit from procurements where healthy collaboration leads to the best solutions for the warfighter.”

Just like NAVAIR teams, Industry teams are highly motivated to support the fleet. As most understand, businesses are also focused on maintaining profitability and may be trying to grow their position in the marketplace. As in the government, company funds are not sufficient to pay for all efforts, so on-going and future projects must be prioritized, and for competitive procurements, companies must place a higher priority on opportunities that they think they can win. Long before an official government solicitation, companies will often request meetings with government personnel to better understand fleet needs and to determine whether they have an existing product that fits a capability gap. If they don't have an existing product, they may be assessing whether internal investment funds can be applied to develop or improve a product to meet a fleet need in the future. These are important, mutually beneficial conversations on both sides of the partnership.

Industry's business acquisition processes systematically manage evolving requirements throughout the acquisition cycle. However, to be competitive, companies must begin preparing with investments, Independent Research and Development (IR&D), product development, and/or studies 1 to 3 years in advance of Request for Proposal (RFP) release. Like the government, companies have an approval process for allocation of funds, and depending on the size of the company, these processes can be complex – perhaps rivalling the fleet priority, issue sheet, program requirement review process. Continuous insight into such information as operational requirements, performance specifications, schedules, and airworthiness plans are critical inputs to Industry's efforts

justify investments and to develop compliant and competitive proposals. It follows that the more information the Government shares early, the more likely that Industry investments will align with what the Government wants and the Warfighter needs. As such, Industry prefers preliminary data to a vacuum of no data. According to Industry, having seventy percent correct information is far better than having zero information.

However, Industry must also understand and accept the risk that plans, strategies, and preliminary work based on this early information may be negated if the information changes. Additionally, clear and accurate Government forecasts of upcoming procurements (e.g., contract requirements, procurement schedules, draft evaluation criteria) is of utmost importance to Industry, especially for small business contractors that frequently lack the resources to focus on multiple simultaneous proposal opportunities.

Both Government and Industry benefit from procurements where healthy collaboration leads to the best solutions for the warfighter. Government is more likely to affordably achieve the goals of the procurement, while Industry is better able to make the best use of their limited IR&D/Bid and Proposal (B&P) funding. Industry allocates resources to pursue customer opportunities once they are identified. These costs tend to increase commensurate with the time it takes to reach contract award.

Every successful partnership is built on aligned goals, mutual benefits, and shared risk. The practices presented in this plan are intended to facilitate Industry's need for greater sharing of information, with the expectation that the resulting feedback will improve the clarity and requirements of the acquisition. This transparency helps bidders to appropriately plan their IR&D/discretionary investments and to prepare better solutions and proposals. In so doing, they can better serve NAVAIR, the Sailor, and the Marine.

The warfighter ultimately benefits from an optimal balance between the Government's need to prevent the risks of uncontrolled information flow and Industry's desire to produce the best possible solutions through ongoing access to critical information.

II. APPLICATION

This plan should be issued by NAVAIR at the start of each competitive procurement, presumably as part of a Sources Sought and/or Request For Information (RFI) post on

FedBizOpps, as it is likely that some companies interested in a particular procurement will not be aware of this plan. This plan should be tailored or an addendum added as needed to address special needs driven by the nature of the procurement. In either case the plan should be issued **early in the process** to be used as the framework for Government-Industry communication throughout the process.

This plan is broken into competitive phase as follows:

- A. Requirement Generation

- B. Solicitation Process
- C. Proposal Receipt, Evaluation, Selection and Award
- D. Debriefs and Protest Decision.

Coverage of each phase begins with a short process description entitled “Opportunities for Communication,” followed by two parts: (1) Government Intent and Responsibility, and (2) Industry Intent and Responsibility. Following this plan is totally at the discretion of each party, and ignoring it is without consequence except that communication will be degraded for all and that may result in less capability to the fleet.

III. COMMUNICATION PLAN BY COMPETITIVE PROCESS PHASE

A. Requirement Generation

Opportunities for Communication

For new procurements, this phase begins once a program begins to form as a result of an identified capability shortage. Depending on the nature of the new Requirement, this phase may begin before, during or after an Analysis of Alternatives have been conducted. For an existing Requirement or follow-on procurement, **this phase begins when the program office starts its reassessment of the PWS or SOW and Specification of the current procurement; or starts the development of the PWS or SOW and Specification for the follow-on procurement phase (e.g. EMD, Production). In this Requirement Generation phase, the primary purposes of NAVAIR exchanges with Industry are (1) to conduct market research; (2) to increase Industry’s interest in participating in an upcoming competition; and (3) to better understand Industry’s near-term capabilities to inform the development of government requirements and the acquisition strategy. In this phase NAVAIR should be most**

receptive to exchanging ideas that result in effective and efficient requirements, acquisition strategy, contracting approaches, and evaluation approaches that best meet the warfighter's needs. By the end of this phase, a stable set of requirements and the acquisition and contracting strategies should be established.

1. Government Intent and Responsibility

The Government's intent in this interaction is to gain a comprehensive understanding of Industry's technology maturity and capability to provide materiel solutions to the warfighter. As multiple contractor solutions will provide different attributes and benefits to the mission, the Government must prioritize these attributes in planning the acquisition strategy. An interactive dialog will improve alignment and understanding of mission and acquisition needs.

The acquisition planning must define an acquisition strategy that enables value to the mission at a reasonable cost through competition. Selecting a Best Value trade-off competition can either define Threshold and Objective requirements and/or a Value Adjusted Total Evaluated Price (VATEP) methodology. Identifying the differences in Industry capabilities as well as value to the warfighter and a successful program provides the parameters that should be considered in the context of providing Government benefit. These benefits must be evaluated in customer value context, and should not be based on the estimated contractor cost differential. Low Price Technically Acceptable (LPTA) competitions may be considered when the requirements are well defined, risk of unsuccessful performance is small and price is a significant factor in source selection.

- a. Exchanges with Industry can be conducted in two ways: NAVAIR can provide information to Industry, or Industry can provide information to NAVAIR. Examples of these exchanges are described below.
 - i. **Sources Sought/RFIs:** Sources Sought and RFIs may be used by the Government to obtain information on availability of companies in the marketplace, price, delivery, other market information, or capabilities for planning purposes. Responses to these notices are not offers and cannot be accepted by the Government to form a binding contract. There is no required format for Sources Sought or RFIs. The Sources Sought/RFI is posted by a contact specialist at <http://www.fedbizopps.gov> and often by the NAVAIR OSBP at <http://www.navair.navy.mil/osbp> with a notification

to companies registered on the website with matching NAICS code. A Sources Sought/RFI is for information only and can be posted at any time.

- ii. **Industry Days:** As a first draft of the requirements emerges, the Government may introduce Industry to the requirements so that they can give useful feedback toward strengthening the requirements definition. This interaction with Industry can be face-to-face, via an on-line "chat room," or both. There can be more than one or periodic Industry days if there is a need. Industry Days could include presentation and open discussion of RFIs; and may be conducted "virtually" or in person. Virtual Industry Days generally minimize the time and effort required to set up, conduct and attend the event, thereby minimizing everyone's logistical burden

- iii. **Concept/Capabilities or One-On-One Meetings:** These meetings are brainstorming sessions between the Government and one individual company to allow an exchange of ideas as the requirement is further defined by the Government. It provides the Government visibility into what potential technical solutions are available from Industry to develop a required capability.

If used, all companies desiring this type of exchange should be provided an opportunity to participate in likewise sessions.

- iv. Trade Shows: Trade shows provide the opportunity for the Government to interact with a large cross-section of Industry to see what new technologies and new capabilities are available. This can be particularly helpful in the early stages of requirements identification, as trade shows can provide a wide cross-section of technical information and discussion with minimal Government time and travel expense.
 - v. Technical Journals: Journals are generally helpful to Government personnel in providing easily accessible unclassified technical information on most any area of interest. With web access to large online libraries, a Government engineer can quickly see what technologies may be available or adapted to solve a specific new requirement. This is a preliminary step in interacting with Industry and should not be the only step.
- b. Early exchanges between Government and Industry are most important in competitions with new requirements; while these exchanges are most

extensively used for design competitions, they are recommended for follow-on competitions as well. The focus in this phase is on the requirements and draft specifications, Statements of Work (SOWs)/Statements of Objectives (SOOs) and/or Performance Work Statements (PWSs). In fact, there may be several iterations of the draft requirements documents depending on the need. Additionally, if data package and rights are an important part of future performance, the IP strategy and associated definitions for development; form, fit and function; and Operation, Maintenance, Installation, and Training (OMIT) should be a discussion topic at industry days and/or through RFIs in order to help establish an effective acquisition strategy.

- c. During the early stages of a new acquisition, NAVAIR will communicate using one or more media (e.g. Industry Day) the concepts and plans anticipated for this new acquisition. Whenever possible, NAVAIR will share early information (e.g., draft acquisition strategy, Analysis of Alternatives (AoAs), Initial Capabilities Documents (ICDs), Capabilities Development Documents (CDDs), and SOWs/PWSs).
- d. The program manager/project lead and the contracting officer will coordinate these efforts throughout the phase. In this phase, the contracting officer may or may not attend these meetings at his or her discretion.

e. During this phase, NAVAIR does not need to provide Industry Questions and Answers to all parties. Q&As to be shared publically with all interested parties are those that clarify NAVAIR's intent. NAVAIR will not answer questions that essentially request that the Government assess its approach. Additionally, NAVAIR will not publically release questions from individual entities that are provided to the Government with non-disclosure conditions such as "Company Proprietary."

- f. **NAVAIR will periodically provide status of the procurement action and projected timelines for critical events such as anticipated draft RFP and final RFP release dates and an anticipated award date.**

Industry competitors can better manage resources and reduce impacts to current programs if they have some insight (even imperfect insight) into the government's procurement schedule and the progress toward an official solicitation. Understanding that a plan often changes and that many preparation steps are outside NAVAIR's control, Industry competitors appreciate seeing acquisition milestones on a website with status and new forecast dates provided regularly.

- g. NAVAIR may invite Industry to one-on-ones or other meetings. NAVAIR may accept Industry initiated meetings throughout the process, but may limit the number of meetings from any one contractor should they be deemed excessive or non-productive. **NAVAIR will not be obligated to ensure that the number of meetings is the same for each company.** The program manager/project lead or the contracting officer will coordinate these meetings, but will not necessarily attend all of the meetings. The main purpose will be to accomplish a proper and productive technical exchange.

- h. **NAVAIR will not share with others in Industry the capabilities of one prospective offeror or information that the offeror deems proprietary.**

2. **Industry Intent and responsibility**

Industry's intent is to ensure a clear understanding of the Government needs and provide the government a clear picture of potential materiel solutions. In addition to providing the capabilities and attributes of the respective solutions, Industry should strive to define their product features in terms that define the Government benefit. This interaction will help both parties gain alignment with the priorities of the requirement.

- a. Industry must accept the likelihood of changes to schedules, requirements and strategies throughout this phase. Changes may be based on Industry feedback, but may also result from Government stakeholder inputs from within or outside of NAVAIR.

- b. **Industry's expression of concern outside of NAVAIR** due to changes or lack of changes in accordance with Industry comments will only divert attention from necessary work and could have a stifling effect on open communication. Any expression of concern should be provided only to the NAVAIR team involved.
- c. Industry should request information or provide information only as it relates to improving the clarity of the requirements. However, an offeror may provide suggestions that can enhance competition for the procurement from a technical, schedule, cost or risk standpoint.
- d. The offeror should provide information about its capability and help NAVAIR develop a realistic schedule, budget and set of requirements. However, the offeror should not provide advertisement or marketing presentations/information.
- e. **Industry may request additional one-on-one meetings during this phase. The request should be made to the Contracting Officer and the PM/Project Lead. Not all or every request will result in a meeting.**
- f. **Industry should involve people who will be involved in developing the proposal and should include the pertinent subject matter experts to all meetings.** Involving these subject matter experts and proposal writers will inhibit proposals that seem to be disconnected from the Government-Industry communication.
- g. Industry shall ensure that it clearly identifies applicable conditions for handling questions and/or information provided to the Government. **If a given Industry entity wishes its information to have non-disclosure**

conditions, it shall clearly identify this to the Government at time of submittal.

B. Solicitation Process

Opportunities for Communication

This phase starts once it is determined that a stable set of requirements have been established. At the end of the previous phase the Government should have already obtained Industry comments regarding the PWS or SOW and Specification as well as key contract terms and conditions. At this phase, short of any major changes in the requirements or terms and conditions that warrant further Industry review, the Government is focusing on establishing Sections L and M and completing the RFP. Only corrections and minor adjustment to the requirements (PWS/Spec and SOW/SOO) and to the contracting and acquisition strategies are expected. Industry inputs should focus on correction of mistakes and consistency between Sections L, M, and the requirements, as well as any barriers to satisfying the warfighter's needs. NAVAIR is less likely to be receptive to changes to the requirements during this phase. However, NAVAIR recognizes that changes to the requirements, contract terms and conditions, CDRL's etc. may continue throughout this phase and up to final RFP release as industry input is sought and incorporated.

1. Government Intent and Responsibility

The Government's intent is to confirm its understanding of the market research and seek feedback from Industry that the key solicitation documentation is accurate.

- a. **Draft sections of the RFP** may be provided after a stable set of requirements have been established.
- b. Once NAVAIR agrees on the path of Sections L and M, **draft Sections L and M may be released to Industry for review and comment.** The first draft of Sections L and M may only include an outline. Other draft sections of the RFP such as Section B CLIN structure may be released earlier or at the same time. The next L and M draft to be released will be as part of the draft RFP. If the early draft sections can only be delivered a short time before the entire draft RFP can be released, then only the full draft RFP may be released.
- c. A Pre-solicitation Conference may be held within about 2 weeks from release of the full draft RFP or the final RFP. This conference may be held in person or virtually. One-on-ones may be held in conjunction

with the Pre-solicitation conference. The Contracting Officer will coordinate and attend the Pre-solicitation conference and any one-on-ones.

- d. Site visits may be arranged on a case-by-case basis if expected to provide value in helping offerors develop proposals.
- e. **NAVAIR will periodically provide status of the procurement action and projected timelines for critical events such as anticipated draft RFP and final RFP release dates and anticipated Award date.** A website should be kept current with the status vs. key acquisition milestones.
- f. NAVAIR will make its best attempt to answer Industry questions promptly prior to the release date of the RFP.
- g. **Once the final RFP is released, all communications from Industry to the Government regarding the procurement action must solely go through the Contracting Officer** or the Contracting Officer's authorized representative.

2. Industry Intent and Responsibility

Industry's intent at this stage is to confirm understanding of the Government requirements and priorities. The Government's draft RFP will reflect an assessment of the prioritized value of the various attributes available from Industry and Industry will provide feedback to confirm this interpretation. Industry participants whose solutions do not align with the Government value may decide to no-bid.

- a. Industry should also involve people who will develop the proposal and include the pertinent subject matter experts in all meetings.
- b. Industry should ask questions if they are unclear on any aspects of the draft or final RFP.

c. Post-Final RFP, Proposal Receipt, Evaluation, Selection and Award

Opportunities for Communication

In this phase, NAVAIR has already released the final RFP. Also, this section will address activities after the proposal is received and the evaluation starts. If a competitive range is established, then discussions will be held with all offerors

in the competitive range. This phase ends when the contract award is announced.

1. Government Intent and Responsibility

- a. If there are changes from the draft RFP in the final RFP, NAVAIR may highlight changes and may conduct a virtual Pre-Proposal Conference should the extent of the changes warrant it.
- b. All communication will be controlled by and go through the Contracting Officer. Very little communication will occur until the Competitive Range is established and discussions begin or upon award and formal notification to successful and unsuccessful offerors.

c. **NAVAIR will provide status of the evaluation and award timelines if it is anticipated that delays will impact anticipated award date.**

- d. Upon submittal of each batch of Evaluation Notices (ENs) after the competitive range has been established, NAVAIR will conduct a meeting by phone to ensure an understanding of the ENs and obtain preliminary answers. Usually the first round of discussions will be conducted in writing. However, during the discussions period, NAVAIR will maximize use of oral face-to-face and phone-con discussions. When discussions are conducted orally, the proceedings and actions will be put in writing via a mutually agreed upon minutes of the meeting. Use of email and electronic transmittals will be maximized.
- e. Before discussions are closed, NAVAIR will relate to offerors the remaining negative findings or assessments and any issues as a minimum. NAVAIR will attempt to obtain the latest proposal revisions before discussions are closed. NAVAIR's goal is that the offerors can provide a letter for the FPR stating that the last proposal revisions provided during discussions constitute the FPR.

2. Industry Intent and Responsibility

- a. Respond to ENs as quickly and completely as possible with additional documentation if needed.
- b. Support the documentation of oral discussions.
- c. Maintain a record of the latest updates to the proposal and ensure the Government has that record.

D. Debrief and Protest Decision

Opportunities for Communication

In this phase, all offerors have been notified that the award was made and are offered a debrief if requested per FAR 15.505 or 15.506. Also offerors will decide whether or not to protest.

1. Government Intent and Responsibility

- a. Provide a thorough debrief that provides each offeror with a clear understanding of the Government assessment of its specific proposal and the basis for the award decision. Strive to answer the questions from unsuccessful offerors and provide copies of evaluation results and other evaluation documentation to the maximum extent practicable.
- b. Provide information regarding the successful offeror in accordance with the FAR.
- c. Strive to provide a clear picture of why the offeror was unsuccessful in being awarded the contract. Relate the trade-off analysis and rationale for award developed by the Source Selection Advisory Council (SSAC)/Source Selection Authority (SSA).
- d. Offer opportunities for the offeror to upgrade the quality of future proposals.

2. Industry Intent and Responsibility

- a. Ask questions during the debrief to ensure a clear understanding of why their proposal was unsuccessful. Seek alternate resolutions before protesting to GAO. An alternate path could be a discussion with a senior NAVAIR leader (set up by the PCO) or an agency protest official.

