

March 31, 2020

TO: DHS Acquisition Workforce

FROM: Soraya Correa
Chief Procurement Officer



SUBJECT: Methods for Virtualizing the Procurement Process

Given the extraordinary circumstances we all find ourselves operating in today due to the public health response to the COVID-19 pandemic, I wanted to stress the importance of continuing best practices related to vendor and procurement team engagement in the procurement process. Specifically, I want to discuss ways to virtualize areas of the procurement process, utilizing not only phone/conference bridges, but also video conference or web-based conference platforms. This memo explores three main areas of execution: 1) conducting virtual industry days; 2) conducting virtual oral presentations; and 3) conducting virtual consensus evaluation.

This guidance is not all encompassing, nor is it an answer to every question, but is intended to assist operational procurement teams who may want to maintain interaction with the vendor community and with each other throughout the procurement process even as we maintain proper social distance to protect the health of ourselves and others. If you have further questions regarding the below information, please reach out directly to the Procurement Innovation Lab at PII@hq.dhs.gov. You can also find referenced resources on the Procurement Innovation Lab site at DHS Connect. For questions concerning procurement policy or other resources available, please reach out to OCPO-APL@hq.dhs.gov.

Technology Platforms and Tools: There are several technology options available for virtualizing industry days, oral presentations and consensus evaluations. Beyond phone/conference calls or video conferences, there are several web-based platforms available that can be used. Work with your Chief Information Officer's office to determine the capabilities available for your organization and determine how best to implement the capability. You will find that in some instances you may be able to leverage existing agency licenses or acquire capability through numerous existing agency or government-wide vehicles.

#1 - Virtual Industry Days

Background: Procurement teams across government have successfully conducted virtual industry days using a variety of platforms. As recently as March 10, a team from the Office of Procurement Operations and Office of the Chief Information Officer conducted a virtual industry day for the Data Center and Cloud Optimization procurement. This team used Adobe Connect, with a separate conference bridge, to accommodate over 200 vendor participants. The team had vendors pre-register with an online link, send in questions prior to the industry day, and had the whole Government team present to answer the questions. Now more than ever, we need to look at efficient and effective ways to conduct industry days so that our mission is not delayed.

Attendance: Similar to in-person industry days, you can create a common cut-off date where companies must confirm attendance so that they can be provided the dial-in number and/or web link for your chosen phone/conference bridge, video conference or web-based conference platform. You can allow industry participants to login with their name and company name, just company name, or simply as guest, as you prefer.

Execution: Virtual Industry Days are very comparable to other webinars or online meetings. You may present slides or other documents, and speakers may present on the agency's requirements, procurement approaches, acquisition status, goals/objectives, etc. Most of the web-based conference platforms also have capabilities to share downloadable documents. You can utilize mute/unmute capabilities of most web-based conference platforms, connect to a separate bridge/VoIP dial-in, or use the chat function available in most web-based conference platforms to receive questions and feedback from participants. The conference facilitator (i.e. the contracting officer) or moderator can compile questions and moderate the responses with the technical speakers. Please be sure to turn off live-stream videos of the government presenters and/or mute the conference bridge lines if the Government team caucuses prior to addressing any questions posed by participants.

Value-Added Functionality: A powerful feature of many web-based conference platforms is the capability to poll the audience in real time. For example, if you have a poll question that asks about the clarity or instruction for a given evaluation factor, the audience's response may help you to assess if you need to make any changes. Poll questions are normally conducted anonymously, which results in a higher likelihood of audience participation.

Documenting Virtual Industry Days: Most of the web-based conference platforms offer the ability to record the proceedings. You can record and then later share/post the industry day engagement on Contract Opportunities or other appropriate platforms to share with those who were unable to join the live event. Questions and answers may also be compiled and shared along with the recording of the Virtual Industry Day.

#2 – Virtual Oral Presentations

Background: The ability to virtually conduct oral presentations for source selection (or evaluation) is not new and is specifically contemplated in the FAR.

FAR PART 15.102 – ORAL PRESENTATIONS

(c)(4) The impact (including cost) on small businesses. In considering the costs of oral presentations, contracting officers should also consider alternatives to on-site oral presentations (e.g., teleconferencing, video teleconferencing).

Prior to today's increased need to use virtual platforms to deliver government services, many procurement teams across the Federal government have already used phone/conference bridges, video conferences, and web-based conference platforms to conduct oral presentations. However, we realize this may be new to many procurement teams across DHS, and indeed across the Federal acquisition community. If you'd like to see a sample solicitation that successfully

utilized virtual oral presentations, a recent PIL webinar, <https://dhsocpo.adobeconnect.com/p7co39x901dz>, shares a story of how a team conducted, evaluated, and documented phone call interviews for their procurement. Attachment 1 to this memo provides sample solicitation language relevant to virtual oral presentations. For more guidance on oral presentations visit the Periodic Table of Acquisition Innovations, <https://www.fai.gov/periodic-table/>, and click on the 'Use Cases' under Oral Presentations, or email the PIL at PIL@hq.dhs.gov.

Execution: Similar to an in-person oral presentation, the contracting officer can control the virtual oral presentation to mitigate any perceived or actual risks in real time. For example, the contracting officer could direct the offeror not to address a question posed by a technical evaluator or could direct the technical evaluation team to disregard information shared by the offeror. The contracting officer must remain in control of the virtual oral presentation to mitigate any risks that arise in real-time, just as the contracting officer would in person. Please see the following GAO bid protest decision that references interactive oral presentations and provides an acid test for what constitutes discussions (i.e., "As noted, offerors were not afforded an opportunity to revise their proposals, which is an essential requisite for the conduct of discussions.") - B-415891.2, Vertical Jobs, Inc., April 19, 2018. See also, B-412163.2, Sapient Government Services, Inc., January 4, 2016.

Documenting Virtual Oral Presentations: Most web-based conference platforms offer the ability to record the proceedings. You can record the oral presentations conducted on web-based conference platforms for your contract file, although it is not required by the FAR. FAR 15.102(e) lists several options for creating a record of oral presentations for your contract file.

#3 – Virtual Consensus Evaluations

Background: Procurement teams across the Federal government are not always co-located, so virtual consensus evaluations will certainly increase as we continue to deliver mission outcomes through the procurement process during this time.

Execution: The process that will be employed for evaluators to meet, arrive at consensus and document consensus outcomes are not incorporated in the solicitation, but may be incorporated in the source selection plan or evaluation plan. For consensus evaluation and documentation, the PIL recommends having all the evaluators read the proposal and take notes (if for a written proposal submission) prior to the virtual consensus meeting. If the proposal was an oral presentation, including virtual oral presentation, the PIL recommends having all the evaluators take notes during the oral presentation and convene immediately after each oral presentation to arrive at and document consensus. The contract specialist should serve as note taker, and the contracting officer should serve as the facilitator during the virtual consensus meeting, to permit the technical evaluation team to focus on their evaluation and findings.

Documentation of Virtual Consensus Evaluations: Documenting the ratings and rationale for the ratings of a virtual consensus evaluation mirrors how you would document the ratings and rationale for the ratings for in-person consensus evaluation. Please see [PIL Boot Camp Workbook](#) Innovation Technique 7 – On-the-Spot Consensus Evaluation and Innovation Technique 8 – Streamlined Evaluation and Selection Documentation.

Attachment 1: Sample Solicitation Instructions Modified for Virtual Oral Presentations