



NATIONAL LABOR RELATIONS BOARD

**Vendor Communication Plan
October 2024**

A. Introduction

The National Labor Relations Board (NLRB), Office of the Chief Financial Officer (CFO), Acquisitions Management Branch (AMB) is pleased to provide the Vendor Communication Plan outlining the intent, cadence, and agency framework to communicate with Industry.

In February 2011, the Office of Management and Budget (OMB) Office of Federal Procurement Policy (OFPP) issued a [memorandum](#), “Myth-Busting”: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process, requiring federal agencies to develop a high-level vendor communication plan outlining efforts to reduce unnecessary barriers, publicize communication opportunities, and prioritize engagement opportunities for high-risk, complex programs or those that fail to attract new vendors during re-competitions.

The Vendor Communication Plan represents NLRB’s commitment to the requirements of OMB’s 2011 memorandum as well as continued and increased dialogue, and exchange of information with vendors during the pre-award, award, and post-award acquisition phases. NLRB recognizes early engagement with industry can add significant value and create efficiencies in the acquisition process as we continue to satisfy our mission to safeguard employees’ rights to organize, and act to prevent and remedy unfair labor practices committed by private sector employers and unions.

B. Purpose

The purpose of this Vendor Communication Plan (also referred to as Plan/The Plan) is to increase collaborative communication among the NLRB acquisition office, program offices and industry. The Plan will address issues concerning the acquisition process, reduce barriers and promote increased vendor collaboration and engagement within the acquisition program.

The Plan provides consistent direction to the acquisition community on engagement with industry during both pre-award and post-award phases of the acquisition cycle, to include task and delivery orders under the Federal Supply Schedule, government wide acquisition contracts, and other indefinite delivery/indefinite quantity contracts. By adopting and implementing this Plan, NLRB intends to improve the quality and effectiveness of its acquisition program and reaffirm the agency’s commitment to meaningfully engage with industry partners.

C. Methods

The Plan provides guidance for NLRB acquisition personnel and the broader community, regarding methods and means of government-industry communication to:

- a. Dispel common misconceptions agency personnel may have regarding government and industry communication;
- b. Build upon our current communication policies and practices;
- c. Bridge communication gaps between the agency and industry partners;
- d. Enhance our understanding of current industry capabilities/conditions; and
- e. Improve the overall efficiency and quality of our acquisition program.

To further strengthen communication between the acquisition community and industry, NLRB supports the following best practices:

- a. Frequent, early, and constructive communication with industry;
- b. Adequate market research to identify small businesses and subgroups of small businesses;
- c. Expand competition to include vendors the agency has not previously done business with in the past;
- d. Agency published procurement forecast which identifies acquisitions that are likely to involve opportunities for communication with industry; and
- e. Protection of non-public information, which includes vendors' confidential information and the agency's source selection information.

D. Industry Liaison

The Industry Liaison (IL) with support from the Acquisition Innovation Advocate (AIA) is responsible for promoting vendor engagement on behalf of the NLRB. The IL and AIA may be contacted at:

Raina Baker, IL

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National Labor Relations Board
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Washington, D.C. 20003

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E. Reducing Barriers and Promoting Vendor Engagement

To reduce barriers, foster better communication and promote vendor engagement; NLRB commits to the following:

- a. Encourage wide dissemination of The Vendor Communication Plan;
- b. Educate NLRB personnel on methodologies to openly communicate and have constructive exchanges with industry;
- c. Release draft solicitations for large and/or complex requirements, to receive industry input as appropriate, to include the availability of commercial solutions, capabilities of small business concerns, proposed acquisition strategy, feasibility of requirement and evaluation criteria and;
- d. Publicize procurement forecasts to increase small businesses participation and utilization.

F. Vendor Input

NLRB will ensure requirements for high-risk, large-dollar, and complex programs, such as those for major IT systems will include a comprehensive vendor engagement strategy inclusive of vendor input during the pre-award phase. Specifically, when practicable, NLRB will support the following methodologies:

- Pre-solicitation or pre-proposal conference(s)
- Vendor demonstrations
- Adequate review of capabilities of small businesses concerns
- Draft solicitation(s)
- Industry day(s)

G. Publication of Engagement Events

AMB Contracting Officers are highly encouraged to publish vendor engagement events to include, but not limited to industry days, small business outreach sessions, pre-solicitation conferences, etc., as far in advance, as practicable. These notices will typically be published in SAM.gov.

H. Additional NLRB Roles and Responsibilities

Brief descriptions of the acquisition team members' roles and responsibilities are provided below:

Contracting Officers (COs)/ Contract Specialists (CSs)

- Responsible for serving as the focal point to communicate with industry during all active acquisitions;
- Determine the timing, frequency, and degree of vendor engagement necessary;
- Provide guidance and direction to integrated project team members, as needed; and
- Document market research efforts, as appropriate.

Contracting Officer's Representatives (CORs)

- Responsible for providing contract administration functions, technical direction and oversight to the contractor;
- Monitor contractor performance, reviewing and accepting/rejecting contractor invoices, and representing the CO, as delegated by the CO in writing;
- Identify ways to improve communication after award, such as holding post-award administration meetings; and
- Continued engagement in vendor outreach and market research activities.

Special Counsel

- Special Counsel is responsible for providing legal interpretation of applicable laws and regulations, and contract terms and conditions, as necessary and appropriate; and

- Provide advice to COs and other acquisition personnel regarding appropriate communication strategies.

Senior Procurement Executive (SPE)

- The SPE is responsible for promoting vendor engagement and overseeing the Head of Contracting Activity (HCA) implementation of the Plan.

Head of Contracting Activity (HCA)

- The HCA is responsible for removing any unnecessary communication barriers and taking active steps to increase engagement with industry, including large and small businesses.
- Implementation of the Vendor Communication Plan and updating the Plan as needed.

Competition Advocate

- This individual is responsible for promoting competition throughout the acquisition process within NLRB.

Ethics Official

- This individual is responsible for developing written and enforceable rules that set the standards for ethical conduct.
- Develop and maintain a personal financial disclosure system to help detect and resolve potential conflicts of interest.

I. Training & Awareness Efforts for Government Employees and Contractors

NLRB has implemented the following mechanisms to provide training, supplemental information and awareness efforts to government employees and contractors:

- Web-based training modules;
- Desk references/job aids; and
- Informal and formal training.

J. NLRB Existing Policies

Freedom of Information Act (FOIA)

- [NLRB FOIA Manual](#)
- Guidance and information on [How to File a FOIA Request](#)

Acquisition

- [Acquisitions Management Branch](#)
- Best Practices for Meeting with Industry Representatives (Attachment A)

K. Future Vendor Engagement

NLRB intends to follow-up with employees and industry representatives within twelve months of posting The Vendor Communication Plan, and periodically thereafter, to further refine and improve communication and engagement.

Best Practices for Meeting with Industry Representatives

Program offices are encouraged to talk with representatives from both large and small businesses, so NLRB acquisitions reflect an adequate understanding of the commercial marketplace. The following guidelines will help program managers and other staff develop a framework and set of sound business practices when meeting with vendors.

1 AVOID UNAUTHORIZED COMMITMENTS. Only warranted Contracting Officers can bind the Government. Any agreement between vendors and agency personnel is not binding because the Government representative making the agreement lacks the proper authority to enter into such agreement.

Good Practice: End each vendor meeting with the statement: “Nothing discussed in this meeting authorizes you to work, start work, or bill for work. Any understanding on your part to the contrary is a mistake.”

2 TREAT ALL VENDORS FAIRLY AND IMPARTIALLY. The exchange of information between NLRB employees and industry representatives must take place within a framework that treats all vendors fairly and impartially.

3 CONDUCT BUSINESS WITH INTEGRITY, FAIRNESS, AND OPENNESS. The actions of each NLRB employee must reflect integrity, fairness, and openness. To protect the integrity of the acquisition process, employees shall avoid Organizational Conflicts of Interest or even the appearance thereof. For reference, the acquisition process begins at the point when the agency needs are established.

4 UNDERSTAND YOUR ETHICS RESPONSIBILITIES. Consult the Acquisitions Management Branch (AMB) or the Ethics Office if you have questions or concerns related to government and legal ethical requirements of employees or procurement integrity.

5 BEFORE ACCEPTING A MEETING, NOTIFY YOUR CONTRACTING OFFICER. Program offices should coordinate with AMB early in the acquisition planning process to avoid any potential procurement integrity violations. During acquisition planning and throughout the development of the Government’s requirements, Contracting Officer’s may advise program offices and other personnel of the negative consequences and prejudicial impact of improperly providing information to potential prospective vendors.

6 CONTROL THE MEETING AND ITS AGENDA. Always prepare and follow a meeting agenda. Before the meeting, identify specific information that you want the vendor to address. You may limit the number of attendees and specify the mix of the vendor’s business development and technical staff who are permitted to attend.

7 EMPHASIZE THE PRIMARY PURPOSE OF THE MEETING IS FOR MARKET RESEARCH PURPOSES ONLY. The meeting is an opportunity for the government to learn about industry practices and the marketplace. When conducting market research it's always better to communicate needs in **general terms**. Ask questions to get an understanding of the advantages associated with a particular approach or business practice. This is an opportunity to ask the vendor clarifying questions, but it is not appropriate to express opinions, preferences or represent your personal views as those of the NLRB. The meeting should not be the basis for further action and should not unintentionally solicit a proposal from the vendor. Invite your Contracting Officer. The earlier they are involved in the process, the better.

8 PROVIDE THE SAME INFORMATION TO ALL VENDORS. Information concerning proposed acquisitions shall be restricted to those having a legitimate interest and need. Any release of information shall be made to all prospective bidders, and as nearly as possible at the same time, so that one prospective bidder shall not be given an unfair advantage over another. Exchange of information, before proposal submission, must be shared among all interested parties and consistent with procurement integrity requirements.

9 ENSURE IMPARTIALITY. Do not render to, give, or accept preferential treatment from any private party (e.g., VIP visitor treatment for vendors such as government vehicle rides from the airport, officially hosted free dining.) Also, avoid private discussions about a vendor's business and its relationship with NLRB.

10 DOCUMENT THE RESULTS OF THE MEETING. Ensure the results of the meeting are properly documented. The documentation, at a minimum shall include: date, location, meeting participants and their respective title and contact information. This documentation shall be labeled as procurement sensitive and distributed only as necessary.