

Directorate of Acquisition Management

COMMUNICATION WITH INDUSTRY

BY ORDER OF THE DIRECTOR



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AUTHORITY: This directive is established in compliance with the Federal Acquisition Regulation (FAR), the Defense Federal Acquisition Regulation Supplement (DFARS), and the Defense Commissary Agency Acquisition Regulation Supplement (DeCAARS).

MANAGEMENT CONTROLS: This directive does not contain Management Control provisions that are subject to evaluations, testing and other requirements of DeCAD 70-2, Management Control Program and DeCAD 70-3, Management Control Plan, and as specified by the Federal Managers' Financial Integrity Act.

APPLICABILITY: This directive applies to all employees of the Defense Commissary Agency (DeCA) organizational components and support field operating activities.

HOW TO SUPPLEMENT: Supplementation of this Directive is strictly prohibited without express authorization from HQ DeCA, Directorate of Acquisition Management.

HOW TO OBTAIN COPIES: This Directive will be included on DeCA Publications CD, which is distributed quarterly.

SUMMARY: This directive addresses requirements to safeguard the integrity of the procurement process while improving the lines of communication with contractors or potential contractors.

SUPERSEDES: DeCA Directive 10-10, January 31, 1995
OFFICE OF PRIMARY RESPONSIBILITY (OPR): HQ DeCA/AM
COORDINATORS: HQ DeCA/DF/IM/PL/DP/FM/GC/IG/IR/PA/DO/SA/RA/EE/MB/EA/EU/MW/WP
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1. **PURPOSE.** This directive outlines the considerations and prohibitions derived from the Federal Acquisition Regulation (FAR), the Defense Federal Acquisition Regulation Supplement (DFARS), the Defense Commissary Agency Acquisition Regulation Supplement (DeCAARS) for DeCA personnel with regard to communication with industry.

2. **POLICY.** To safeguard the integrity of the procurement process while improving the lines of communication with contractors or potential contractors, DeCA personnel must comply with the requirements addressed in this directive.

3. **GENERAL.** Unauthorized contact by DeCA personnel with contractors or potential contractors is prohibited. This does not include personnel conducting market research and analysis to determine if commercial products exist that will meet the Government's need(s) or obtaining information when preparing Government estimates. Unauthorized contacts involve, but are not limited to, obtaining price quotes, disclosing Government estimates, giving direction to contractors to proceed with work, providing advance notice to a potential contractor of a definitive Government requirement which has not been publicized. Selective release of advanced procurement information, such as requirements, specifications, selection criteria, acquisition strategies, and acquisition priorities is prohibited. Such activity compromises established contracting procedures and seriously jeopardizes the confidence of the public in fair and impartial Government buying practices. In addition, any unauthorized exchange of procurement sensitive information, whether before or after award, hinders the Contracting Officer's ability to make independent decisions. Individuals engaging in unauthorized contacts may be subject to criminal prosecution, may be held financially liable for their actions, and may subject themselves to agency administrative discipline.

4. **RESPONSIBILITIES.** It is the responsibility of all DeCA personnel to forward any acquisition information and requests or questions for acquisition information to appropriate contracting personnel to ensure acquisitions are conducted in a fair and impartial environment. Contracting authority has been delegated to relatively few individuals. Specifically only those persons appointed in writing by the Director, Acquisition Management may serve as Contracting Officers. Only Contracting Officers may contact contractors to establish binding agreements or contracts that obligate the Government. Within DeCA, Contracting Officer's Representatives (CORs), Ordering Officers and Blanket Purchase Agreement (BPA) callers are by written appointment authorized designees of the Contracting Officer for the purposes, and within the limitations, stated in their appointment. Unauthorized personnel are not permitted to:

- a. Contact contractors to negotiate prices or delivery of an item.
- b. Solicit price quotes or technical proposals for any purpose, including "planning" purposes.
- c. Provide contracting information or Government price estimates to contractors.
- d. Tell contractors about their competitor's bids or proposals.
- e. Permit or instruct a contractor to change the technical provisions of a contract.
- f. Modify or alter the scope of effort prescribed in an existing contract.

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g. Make statements regarding a contract, bid project, or proposal which may be construed as a commitment by the Government.

h. Sign letters of intent to purchase.

i. Request or accept from a contractor free samples or additional work. For the resale merchandise exception, see DeCA Directive 40-13, Merchandising Program. For loaned equipment or free on-site demonstrations, see DeCA Directive 10-3, Vendor Demonstration/Presentation and Loan/Testing of Supplies, Equipment or Services (excluding commissary resale products).

j. Provide assistance to a potential contractor in the development of a product or service to meet a specific Government requirement.

5. **SUMMARY.** The Federal Acquisition Regulation (FAR) prescribes procedures applicable to each of the above situations, as well as prohibitions under the Procurement Integrity Program, which includes the requirements regarding access to and disclosure of proprietary and source selection information. The Contracting Officer may delegate some of the above responsibilities to his representatives. Circumvention of established procedures to expedite an action may give a particular contractor an advantage over others and is expressly prohibited. Accordingly, all DeCA personnel, not specifically delegated contracting authority, must avoid participating in any of the above-cited acts. The integrity of the Government Contracting system demands strict adherence to statutes and regulations by all Government personnel. See DoD Directive 5500-7 for Standards of Conduct and DoD 5500.7-R for the Joint Ethics Regulation.