

PUBLIC SUBMISSION

As of: 11/18/20 1:12 PM
Received: November 16, 2020
Status: Posted
Posted: November 16, 2020
Tracking No. 1k4-9k4g-2nff
Comments Due: November 16, 2020
Submission Type: Web

Docket: FAR-2017-0014
Proposed

Comment On: FAR-2017-0014-0010
Federal Acquisition Regulation: Use of Acquisition 360 To Encourage Vendor Feedback

Document: FAR-2017-0014-0011
Comment on FR Doc # 2020-18375

Submitter Information

Name: Alan Chvotkin
Address:
4401 Wilson Blvd., Suite 1110
Arlington, VA, 22203
Email: chvotkin@pscouncil.org
Phone: (703) 875-8059

General Comment

See attached file(s)

Attachments

PSC Acquisition 360 Comments



November 16, 2020

General Services Administration
Regulatory Secretariat Division (MVCB)
1800 F Street NW, 2nd Floor
Washington, DC 20405

Ref: FAR Case 2017-014

Via email: <http://www.regulations.gov/>

On behalf of the Professional Services Council (PSC)¹, I am pleased to submit comments on the FAR proposed rule titled *Use of Acquisition 360 to Encourage Vendor Feedback*, published in the *Federal Register* on September 15, 2020.² The rule would revise the FAR to encourage use of voluntary feedback mechanisms, where appropriate, to support continual improvement of the acquisition process. These mechanisms were largely developed through pilot efforts implementing the Acquisition 360 survey tool, a voluntary online survey to elicit industry feedback on the pre-award and debriefing processes in a consistent and standardized manner.

As the leading trade association of companies that contract with the federal government, facilitation of communication between government and industry through dialogue and effective feedback is among PSC's core missions. PSC has a legacy of support for initiatives that encourage greater communication between federal contractors and the government, especially in support of "Acquisition 360" techniques. On March 1, 2017, PSC submitted comments on the Advanced Notice of Proposed Rulemaking titled "Effective Communication between Government and Industry";³ we supported that rulemaking and also recommended that communication must be of sufficient (1) breadth with the full range of stakeholders able to participate; (2) depth, where agency leadership demonstrates investment; and (3) magnitude, where incentives and evaluations make a difference. Otherwise, improvements would be limited in scope and short-lived in duration.

¹ PSC is the voice of the government technology and professional services industry, representing the full range and diversity of the government services sector. As a trusted industry leader on legislative and regulatory issues related to government acquisition, business and technology, PSC helps build consensus between government and industry. Our 400 member companies represent small, medium, and large businesses that provide federal agencies with services of all kinds, including information technology, engineering, logistics, facilities management, operations and maintenance, consulting, international development, scientific, social, environmental services, and more. Together, the trade association's members employ hundreds of thousands of Americans in all 50 states.

² Federal Acquisition Regulations: FAR Case 2017-014, Use of Acquisition 360 To Encourage Vendor Feedback, Proposed Rule, Federal Register Vol. 85, No. 179: <https://www.govinfo.gov/content/pkg/FR-2020-09-15/pdf/2020-18375.pdf>

³ PSC Comments Regarding FAR Case 2016-005: Effective Communication between Government and Industry, March 1, 2017: <https://www.pscouncil.org/Downloads/documents/Advocacy-Policy%20Docs/PSC%20Comments%20on%20FAR%20Case%202016-005%20Effective%20Communication%20between%20Government%20and%20Industry%2003-01-17.pdf>

PSC commends OFPP and the FAR Council for their initiative in advancing to this proposed rule stage for public comment. We support the proposed rule but also recommend criteria for upholding the integrity and lasting value in implementing best communication practices.

Acquisition 360 Improvements

PSC suggests that “Acquisition 360” techniques would be most effective by implementing a true 360-degree rollout, including adding questions that would identify both contract type and non-bidders, and by publishing responses without attribution.

The proposed rule encourages contracting officers to use a new provision at 52.201–XX, Acquisition 360: Voluntary Survey, to solicit feedback from actual and potential offerors, in accordance with agency procedures. While this is encouraging language, more should be provided to ensure the full accomplishment of the Acquisition 360 initiative and achieve the objective to obtain actionable feedback on the acquisition process. Additionally, PSC encourages expanding the feedback survey to satisfy the original communication objectives of Acquisition 360.

While the Acquisition 360 pilot was a good start for providing a channel for industry-government communication to mutually assess acquisition processes and identify initial estimates of burden, it fell short by failing to publicly report information acquired from such evaluations, and by not including post-award experiences or acquisition outcomes in the evaluation. Instead, the pilot efforts focused only on the steps leading up to contract award.

Office of Federal Procurement Policy’s original intent of the Acquisition 360 initiative, as stated in its March 18, 2015 Memorandum,⁴ was to obtain feedback to provide:

- full 360-degree industry ratings on an agency’s acquisition process;
- the program office rating on the contracting office; and
- the contracting office rating on the program office.

As OFPP stated:

“Many agencies use customer satisfaction tools to assess how well their contracting offices are meeting the demands of their program clients. While this is an important element of the acquisition process, contracting offices also depend on effective program offices and other team members as partners.”

Furthermore, the current version of the Acquisition 360 survey is still geared to receive feedback only from industry. PSC recommends reviving the original intent by using the pilot program version of the survey questions in the [Acquisition 360](#) portal and adding three options: “contractor”, “program office” and “acquisition office” to route survey participants to the appropriate version of the survey. This would also enable the government to collect information from all participants in the acquisition process to ensure continual improvement in government-industry interactions and contracting-customer

⁴ OMB Memorandum Regarding Acquisition 360 – Improving the Acquisition Process through Timely Feedback from External and Internal Stakeholders, March 18, 2015

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/procurement/memo/acquisition-360-improving-acquisition-process-timely-feedback-external-internal-stakeholders.pdf>

satisfaction. This will help answer the question, “did the acquisition meet the needs of the program office that required the contract?” which is just as important.

The current Acquisition 360 survey ends with the question: *Are you a small business?* PSC recommends adding an additional question: *Contract Type*, with a drop-down selection for fixed price, cost reimbursement, incentive, or indefinite delivery. Adding this question would provide an additional refinement of the data to better categorize responses for more targeted action for enhancing communications. For example, with the recent emphasis on competition at the task order level in large, even unpriced, IDIQ contracts such as GSA’s upcoming ASTRO solicitation, it would be beneficial to understand acquisition performance from an industry perspective in an evolving contracting mechanism compared with other contracting models. Adding a *contract type* question would also allow better analysis of data relevant to particular stakeholders.

In addition, data gathered from those who choose not to submit a bid can be just as valuable as data from competitors and from awardees. With this data, industry and government might be provided a better understanding of what triggers a “no-go” response to a solicitation. PSC recommends offering a checkbox question of “did not bid” and an accompanying freeform segment if the checkbox is selected to give these respondents an opportunity to explain their no-bid decisions and offer their “360 view” of the acquisition process.

The previous Acquisition 360 survey limited respondents’ focus to pre-award performance, with little feedback on any debriefing or on outcome after award. Furthermore, while the 33 percent response rate of the Acquisition 360 pilot is fine for a pilot program, more can be done to ensure a high response rate. PSC recommends more direct language to encourage participants’ feedback.

PSC suggests that survey data be collected through Office of Management and Budget’s (OMB) centralized survey portal, which should facilitate greater data submission, access and analysis across the Government. PSC also recommends language that allows this portal to anonymously categorize the data for publication; this information can be used in federal forecasting and assist in identifying procurement administrative lead time and more streamlined acquisition processes and communications techniques.

Other Feedback Mechanisms

PSC believes in the value of government-contractor communication that goes further than the targeted approach of implementing the Acquisition 360 survey. PSC also recommends language to encourage the use of other mechanisms where government and industry may also provide input through a freeform response on the OMB portal. For example:

Contracting Officers are encouraged to utilize additional feedback mechanisms to gauge efficiency in procurement, such as Reverse Industry Days, debriefs, and forecasts, which may be reported through the OMB Centralized Survey Portal.

In this way, supplemental information may be captured from stakeholders who had not responded to the Acquisition 360 survey but may be encouraged to participate. Alternative feedback mechanisms also enable stakeholders to self-report in a more flexible, less rigid, environment that could capture

more thematic, otherwise unreported, information than a fixed survey would. There should be a mechanism for the lessons learned from these events to be collected from both government and industry participants.

Practical Utility

The proposed rule requests feedback on whether this collection of information is necessary for the proper performance of the FAR, including whether the information will have practical utility. In our view, if better communication aids in the proper performance of FAR functions, both the information and the initiative to promote voluntary feedback has merit. In PSC's 2020 interviews of over 60 government officials, most respondents mentioned government-industry miscommunication as a hindrance to optimal procurement progress. With the government estimate of 10 minutes to complete the survey, and a total burden of only 762 hours, PSC finds this to be a worthy time investment to facilitate effective communication that could prevent delays or errors due to miscommunication.

Conclusion

Acquisition 360 is a tool that, if implemented with full 360-degree published feedback from stakeholders, would value and gauge the efficiency and effectiveness of the federal procurement process. Our recommended modifications to the proposed rule would ensure greater opportunities to analyze and facilitate more effective and impactful government-industry communications.

PSC values the OFPP and FAR Council's initiative on this matter. We look forward to seeing this rulemaking advance rapidly to a final rule. In the interim, if you have any questions or need any additional information, please do not hesitate to contact me at (703) 875-8059 or at chvotkin@pscouncil.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Chvotkin".

Alan Chvotkin
Executive Vice President and Counsel