15.201 Exchanges with industry before receipt of proposals.

(a) Exchanges of information among all interested parties, from the earliest identification of a requirement through receipt of proposals, are encouraged. Any exchange of information *must* be consistent with *procurement* integrity requirements (see 3.104). Interested parties include potential *offerors*, end users, Government *acquisition* and supporting personnel, and others involved in the conduct or outcome of the *acquisition*.

(b) The purpose of exchanging information is to improve the understanding of Government requirements and industry capabilities, thereby allowing potential *offerors* to judge whether or how they can satisfy the Government's requirements, and enhancing the Government's ability to obtain quality *supplies* and services, including *construction*, at reasonable prices, and increase efficiency in proposal preparation, proposal evaluation, negotiation, and contract award.

(c) Agencies are encouraged to promote early exchanges of information about future *acquisitions*. An early exchange of information among industry and the program manager, *contracting officer*, and other participants in the *acquisition* process can identify and resolve concerns regarding the *acquisition* strategy, including proposed contract type, terms and conditions, and *acquisition planning* schedules; the feasibility of the requirement, including performance requirements, statements of work, and data requirements; the suitability of the proposal instructions and evaluation criteria, including the approach for assessing *past performance* information; the availability of reference documents; and any other industry concerns or questions. Some techniques to promote early exchanges of information are-

(1) Industry or small business conferences;

(2) Public hearings;

(3) *Market research*, as described in part 10;

(4) One-on-one meetings with potential *offerors* (any that are substantially involved with potential contract terms and conditions *should* include the *contracting officer*; also see paragraph (f) of this section regarding restrictions on disclosure of information);

(5) Presolicitation notices;

(6) Draft RFPs;

(7) RFIs;

(8) Presolicitation or preproposal conferences; and

(9) Site visits.

(d) The special notices of *procurement* matters at 5.205(c), or electronic notices, *may* be used to publicize the Government's requirement or solicit information from industry.

(e) RFIs *may* be used when the Government does not presently intend to award a contract, but wants to obtain 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 RFIs.

(f) General information about agency mission needs and future requirements *may* be disclosed at any time. After release of the *solicitation*, the *contracting officer must* be the focal point of any exchange with potential *offerors*. When specific information about a proposed *acquisition* that would be necessary for the preparation of proposals is disclosed to one or more potential *offerors*, that information *must* be made available to the public as soon as practicable, but no later than the next general release of information, in order to avoid creating an unfair competitive advantage. Information provided to a potential *offeror* in response to its request *must* not be disclosed if doing so would reveal the potential *offeror*'s confidential business strategy, and is protected under 3.104 or subpart 24.2. When conducting a presolicitation or preproposal conference, materials distributed at the conference *should* be made available to all potential *offerors*, upon request.

Parent topic: Subpart 15.2 - Solicitation and Receipt of Proposals and Information