



DEPARTMENT OF THE ARMY
US ARMY MEDICAL RESEARCH AND MATERIEL COMMAND
504 SCOTT STREET
FORT DETRICK MD 21702-5014

MCMR-AAP-A

March 24, 2016

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Procurement Advisory Notice (PAN) 16-03, Vendor Engagement Policy.

1. PURPOSE. The purpose of this memorandum is to establish guidelines for appropriate communications between MRMC personnel and non-federal entities (NFE) that request product/service review and technological evaluations from MRMC. A NFE includes a vendor, manufacturer, academic institution or consultant seeking product/service review and technological evaluations.
2. REFERENCES.
 - a. 41 United States Code 423, Procurement Integrity Act.
 - b. Federal Acquisition Regulation (FAR) 15.201 Exchanges with industry before receipt of proposals.
 - c. FAR 15.6 Unsolicited proposals.
3. SCOPE. The FAR 15.201 encourages exchange between the Government and interested parties, from the earliest identification of a requirement through receipt of proposals, and they should be conducted in a fair and transparent manner
4. APPLICABILITY. This policy is to support and comply with the statutorily mandated rules and regulations intended to maintain the integrity of the acquisition process while not unduly hindering the flow of contractor capability information to the Government.
5. GUIDELINES.
 - a. The primary purpose of NFE product/service review and technology evaluations is to improve the understanding of MRMC requirements and industry capabilities, thereby allowing potential offerors to judge whether or how they can satisfy MRMC requirements and to enhance MRMC's ability to obtain quality supplies and services.
 - b. All MRMC vendor engagements with a NFE shall be done in a manner that is above reproach and done with complete impartiality and no preferential treatment. This means every effort should be made to ensure NFEs have equal access and opportunity

for product/service review and technology evaluations.

c. Government officials must remain sensitive to the need to restrict contact with former DoD officials and retired military officers. A criminal statute (18 USC 207), imposes a 1-year post termination of service restriction on attempting to influence a DoD official or retired officer's former agency. A 2-year post termination restriction is imposed on representing back to the Government on matters in which they were personally and substantially involved.

d. Government officials must avoid the appearance of endorsing a NFE product/service or technology. Be sensitive to whether a meeting, action or release of information might provide another NFE with a competitive advantage, or appear to give an unfair advantage. If any government official meets with a NFE, be prepared to meet with similarly situated representatives. Do not provide preferential treatment to former senior military members present only to discuss business.

e. Do not schedule private discussions with NFE relating to their business or relationships with the Army. Avoid accepting any presentations from a NFE marked as proprietary or confidential information. Do not meet with a NFE regarding any ongoing contractual competitions, current contracts or disputes. We meet with contractors frequently to discuss and resolve current contract issues and disputes.

f. Remind the NFE that only warranted contracting officers may legally bind the Government. Do not promise the NFE Government business or request the delivery of products or services. Any unauthorized delivery/acceptance of products or services constitutes an unauthorized commitment.

6. PRODUCT AND SERVICE REVIEW PROCEDURES.

a. Any product/service review and technological evaluation request from a NFE will receive an initial assessment by the MRMC requiring activity Subject Matter Expert (SME) for viability and usefulness to the Government.

b. The MRMC SME will coordinate all product/service reviews and technological evaluations to the USAMRAA, Chief Business Operations for further assessment and consideration.

c. The Chief, Business Operations will track the status of all product/service reviews and technological evaluations by MRMC SME's and serve as a direct point of contact and reference for communicating with NFE's.

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d. A meeting and/or demonstration could be coordinated by the MRMC SME as part of the product/service evaluation process. Special emphasis shall be made that the meeting or demonstration should be done on the basis of the product, service or technology and not based on any current or previous relationship with a specific individual or organization making the request or coordinating the meeting or demonstration.

e. The MRMC SME will prepare a short Memorandum for Record (MFR) on any vendor meeting or demonstration that captures the participants, key issues discussed, any areas of agreement or concern between the NFE and MRMC. A copy of this MFR will be provided electronically to the USAMRAA Chief, Business Operations.

f. A favorable comprehensive evaluation of a product/service or technological evaluation by a MRMC SME does not, in itself, lead to or justify awarding a contract without providing for full and open competition.

g. MRMC SMEs shall not use any data, concept, idea, or other part of a meeting or demonstration as the basis, or part of the basis, for a future solicitation, or in communications with any other NFE unless the offering NFE is notified of and agrees to the intended use.

h. Unsolicited proposals are official offers received without a government initiated solicitation and are submitted with the intent that the Government may enter into a contractual agreement. All unsolicited proposals received at MRMC will be forwarded to the Chief, Business Operations for additional consideration.

i. Once a unsolicited proposal is submitted to USAMRAA for processing, the requiring activity shall refrain from meeting with any NFEs regarding that requirement.

7. PROPONENT. The proponent for this policy is the Chief, Procurement Policy, Mrs. Carla Diamond, 301-619-2395.

//SIGNED//
BRIAN E. MARTIN
Director