DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND
1777 HARDEE AVENUE SW
FORT MCPHERSON GEORGIA 30330-1062

REPLY TO
ATTENTION OF

AFLG-PROM

24 March 1997

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Contracting Information Letter (CIL) 97-26

1. This CIL contains information on the following subjects:

a. Freedom of Information Act (FOIA),

b. Oral Presentations,

c. Army Acquisition Corps/Workforce (AAC/AAW) Policy memorandum No. 96-02, Individual Development Plan for the Army Acquisiton Workforce,

d. Continuing Education, and

e. Contracting for a Civilian Enterprise Publication.

2. Freedom of Information Act (FOIA).

a. Effective immediately, the contracting officer shall state whether some or all of the information regarding procurement records requested under FOIA should be denied. The contracting officer shall prepare a proposed response giving consideration to the time constraints in accordance with AR 25-55 and conclude with a paragraph worded in accordance with the AFARS 24.202(b)(i). Forward the proposed response and copies of the records recommended for denial to the Principal Assistant Responsible for Contracting for release.

b. For additional information, please contact Ms. Julie Grace, DSN 367-5690.

3. Oral Presentations.

a. This is the first of a series of articles on the subject. As lessons are learned, the information gathered will be shared with all DOCs. FORSCOM is looking for ways to streamline the source selection process. We believe that the use of oral

presentations, where appropriate, in lieu of written technical and management proposals is one of the most effective streamlining techniques available to contracting professionals.

b. The use of oral presentations is a technique which provides offerors with an opportunity to present information through verbal means as a substitute for information traditionally provided in written form under the cover of the offeror's proposal. The oral presentation is not a mere restatement or replication of written proposal information, but is in lieu of it.

c. The purpose of using the oral presentation technique is to eliminate, or greatly reduce, the need for written material, where information can be conveyed in a more meaningful and efficient way through verbal means. Oral presentations test the offeror's knowledge of the requirements of the prospective contract.

d. Federal Register, Vol 61, No. 178, offers some information on oral presentations (encl 1).

e. Enclosure 2 is an example of a good schedule plan for oral presentations.

f. Enclosure 3 provides some practical hints on the use of oral presentations. The entire document, "Guidelines for the Use of Oral Presentations", can be found on Internet Explorer http://www.pr.doe.gov/oral.html.

g. For additional information, please call Ms. Susan Clark at DSN 367-5602.

4. Army Acquisition Corps/Workforce (AAC/AAW) Policy Memorandum No. 96-02, Individual Development Plan for the Army Workforce.

a. Reference memorandum, SARD-ZAC, 30 December 1996, SAB (encl 4).

b. DOD 5000.52-M, Acquisition Career Development Program,

mandates a formal Individual Development Plan (IDP) for each Army acquisition workforce civilian employee until Level III is achieved. This policy has been changed and a five-year IDP, updated annually, is now required for each acquisition workforce civilian employee, regardless of grade or certification level.

c. For additional information, please contact Clyde Thomas at DSN 367-6372.

5. Continuing Education.

a. Reference memo (encl 5), SARD-ACP, dtd 30 September 1997, subject: Interim Policy on Continuing Acquisition Education and Training (with enclosures).

b. SARDA has issued an interim policy which requires all acquisition workforce members who have completed all training and education requirements for the position they hold to obtain an average of forty hours annually (or eighty hours every two years) of continuing education and training. The types of training may include:

(1) DAU courses
(2) Acquisition reform training
(3) Executive development and training for SES members
(4) College/University courses
(5) Senior service colleges and fellowships
(6) Career program training under ACTEDS
(7) Government and non-government acquisition career field related conferences and seminars
(8) Professional associations
(9) OPM courses
(10) HQDA leadership development core curriculum
(11) In-house training
(12) Other service unique acquisition training

c. The mode of delivery may be gained by:

(1) Resident

(2) Correspondence
(3) Satellite broadcast
(4) Distance learning
(5) On-site
(6) Computer based
(7) VTC

d. Each Director must ensure that this requirement is being met within his/her organization. Workforce supervisors shall ensure that FY 97 Individual Development Plans prepared for their personnel include opportunities for participating in continuing acquisition education and training. **It will be necessary for the DOC to track the progress of each individual in detail, since not meeting the continuing education requirement may be grounds for losing certification!!**

6. Contracting for a Civilian Enterprise (CE) Publications.

a. Reference:

(1) AR 360-81 (encl 6)
(2) DODI 5120.4. This reference may be located on the internet at http://web7.whs.osd.mil/didiss/instructions /instruc2.htm or http://www.dtic.mil/adm.

b. Contracting for CE publications should generally follow the same FAR procedures as those followed for any Government contract and will be executed by local contracting officials.

c. For additional information, please contact Ms. Suzy Lyon at DSN 367-5407.

6 Encls
as

TONI M. GAINES
Chief, Contracting Division, DCSLR
Principal Assistant Responsible
for Contracting

(b) *First phase notice.* In the first phase, the Government shall publish a notice (see 5.205) that provides a general description of the scope or purpose of the acquisition, identifies the criteria that will be used to make the initial down-select decision, and solicits responses. Alternatively, the Government may issue a solicitation that provides a more specific description of the supplies or services to be procured. The notice or solicitation may also inform offerors of the evaluation criteria or process that will be used in subsequent down-select decisions. The notice or solicitation shall contain sufficient information to allow potential offerors to make an informed decision about whether to participate in the acquisition. The notice or solicitation shall advise offerors that failure to participate in the first phase will make them ineligible to participate in subsequent phases.

(c) *First phase responses.* Offerors shall submit the information requested in the notice or solicitation described in paragraph (b) of this section. Information sought in the first phase may be limited to a statement of qualifications and other appropriate information (e.g., proposed technical concept, past performance information, limited pricing information).

(d) *First phase evaluation and down-select.* The Government shall evaluate all offerors' submissions in accordance with the criteria in the notice or solicitation and make either a mandatory or advisory down-select decision.

(1) The Government may make a "mandatory" down-select if it identified the criteria or process that will be used to evaluate offers in all phases and requested sufficient information (including cost information) for there to be binding offers. A mandatory down-select allows the Government to prohibit offerors from participating in subsequent phases based on the evaluation criteria set forth in the notice or solicitation.

(2) If the Government did not request sufficient information for there to be binding offers that the Government could accept without further submissions, the Government must make an "advisory" down-select. In conducting an advisory down-select, the Government shall—

(i) Request selected offerors provide a proposal for the next phase of the acquisition;

(ii) Inform offerors not selected that, based on the offeror's initial submission, they are unlikely to receive an award and provide them supporting rationale. Such offerors may, at their option, submit a proposal for the second phase which the Government must evaluate; and

(iii) Debrief offerors as required by 15.805 and 15.806 only when they have been formally excluded from the competition. Advisory down-selects do not constitute such exclusion.

(e) *Subsequent phases.* Additional information shall be sought in the second phase so that a mandatory down-select or competitive range determination can be performed or an award made without discussions. If the criteria to be used in making decisions in the second phase were not stated in the original notice or the solicitation, they shall be identified to all remaining offerors at the start of this phase. If desired, the Government may conduct additional phases.

15.104 Oral presentations.

(a) Except for certifications, representations, and a signed offer sheet (including any exceptions to the Government's terms and conditions), the SSA may require offerors to submit all, or part of, their proposals through oral presentations. Oral presentations may occur either before or after a competitive range (if any) is established. Generally, oral presentations are most beneficial when they substitute for, rather than augment, written information.

(b)(1) In deciding which information to obtain through an oral presentation, consider the following:

(i) Whether the information can be reasonably and adequately presented to permit evaluation by the Government;

(ii) Whether there is a need to incorporate any of the information into the resultant contract, and if so, the ease of incorporation; and

(iii) The impact oral presentations will have on the efficiency of the competition.

(2) Information pertaining to such areas as an offeror's capability, work plans or approaches, staffing resources, transition plans, sample tasks or other tests may be suitable for oral presentations.

(c) Where oral presentations are required, the solicitation shall provide offerors with sufficient information to prepare them. Accordingly, the solicitation may describe—

(1) The scope of the presentations, including the types of information to be presented orally and the associated evaluation criteria that will be used;

(2) The personnel that will be required to provide the oral presentation(s);

(3) The requirements for, any limitations and/or prohibitions on, the use of written material or other media to supplement the oral presentations;

(4) The impact oral presentations will have on the small businesses;

(5) The location at which the oral presentations will be made;

(6) The restrictions governing the time permitted for each oral presentation; and

(7) The extent of communication that may occur between the Government's participants and the offeror's representatives as part of the oral presentations (e.g. will communications encompass discussions).

Subpart 15.2—Solicitation and Receipt of Proposals and Information

15.200 Scope of subpart.

This subpart prescribes policies and procedures for—

(a) Preparing and issuing requests for proposals (RFP's) and requests for information (RFI's); and

(b) Receiving proposals and information.

15.201 Presolicitation exchanges with industry.

(a) Exchange of information by all interested parties involved in an acquisition from the earliest identification of a requirement through release of the solicitation is encouraged. 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, thereby enhancing the Government's ability to obtain quality products and services at reasonable prices, and increase the efficiency in proposal preparation, proposal evaluation, negotiation and contract award.

(c) Agencies are encouraged to promote early exchange of information about future acquisitions. An early exchange of information can efficiently and effectively 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; the availability of reference documents and information exchange approaches; and any other industry concerns or questions. Techniques to promote early exchange of information include—

SCHEDULE PLAN

8:00-9:00	Formal presentation (uninterrupted)
9:00-9:45	Caucus to prepare questions
9:45-10:00	Break
10:00-11:30	Question and answer period
11:30-12:30	Evaluate and score presentations

PRACTICAL HINTS ON THE USE OF ORAL PRESENTATIONS

- Presenters should not include overly detailed, technical information on slides. Attempting to put a written technical proposal on presentation slides makes it difficult for evaluators to read and follow.
- Ask for briefing materials in advance of the presentation so that it can be reviewed by the evaluators attending the presentation. This will improve the evaluators ability to understand the presentation.
- The setting for the oral presentation should be comfortable and free from disturbance and interruption.
- The proposal preparation instructions should clearly state whether the information in the oral presentation will be used solely for evaluation purposes in selecting the contractor, or whether such information may constitute part of the offer.
- The Government should not accept any materials that were not actually part of the oral presentation.
- Where time limits or restrictions on the amount of presentation material will be used, such restrictions should be clearly identified in the solicitation.
- Allow sufficient time between presentations to permit the evaluation team to caucus and reach consensus.
- If practicable, score the oral presentations immediately after each presentation is made.
- Require the offeror's key personnel to make the oral presentation.
- Schedule the oral presentations as soon as practicable after receipt of proposals.
- If award on the basis of initial proposals is not contemplated, if possible, limit the oral presentations to only those firms in the competitive range.
- Do not replicate information already requested in the written proposal in the oral presentation.
- Judiciously select evaluation criteria to those evaluation factors most important to the source selection and clearly identify the factors that apply to the oral presentation

Return to Guidelines Homepage

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

December, 30 1996

REPLY TO
ATTENTION OF

SARD-ZAC

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Acquisition Corps/Workforce (AAC/AAW) Policy Memorandum No. 96-02, Individual Development Plan for the Army Acquisition Workforce

The Department of Defense 5000.52-M, Acquisition Career Development Program, mandates a formal Individual Development Plan (IDP) for each Army acquisition workforce civilian employee until certification at Level III is achieved. Army Acquisition Corps/Workforce (AAC/AAW) Policy Memorandum 96-01, subject: Career Development as a Mission, 1 April 1996, requires a five-year IDP, updated annually, for each acquisition workforce civilian employee, regardless of grade or certification level. The IDP provides a written framework for enhancing performance and preparing the employee for future higher-level assignments. It defines the needs of the employee in terms of the three major components of career development; training, education, and experience. Developed jointly by the supervisor and employee, it supplements the annual performance appraisal.

Enclosed is the IDP implementing guidance, instructions, and form (Enclosure 1) as discussed in AAC/AAW Policy Memorandum No. 96-01.

The Army Acquisition Corps Quality Achievement Factors, page 5 of the instructions, are furnished as a guide to supervisors and employees in for-mulating career plans for the IDP. These factors are a combination of training, education, and experience designed to make individuals competitive in filling top critical positions within the acquisition community at the various grade levels shown. The factors themselves are not mandatory requirements, nor will they be used for rating and ranking or pre-board screening purposes. By using QAFS as a roadmap, the IDP should reflect planned job assignments that build on each other with increasing levels of responsibility supported by management and leadership training. The goal is to develop highly trained and broad-based acquisition professionals ready to take on a variety of challenging key acquisition assignments.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

REPLY TO
ATTENTION OF

30 SEP 1996

SARD-ACP

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Interim Policy on Continuing Acquisition Education and Training

Enclosure 1 is an interim policy on continuing acquisition education and training for members of the acquisition workforce. I enthusiastically endorse this policy. The acquisition business continues to change at an unprecedented pace. Maintaining currency through continuing education and training courses is key to continued success.

Since this is a new program, only limited funding is available. We will work to improve our funding posture for the future. In the meantime, I urge you to consider current acquisition education and training programs listed at enclosure 2 to meet valid continuing education and training needs.

I also want to solicit your ideas on how we might execute continuing education and training as outlined in the interim policy. Please send your ideas to Mr. James Welsh, Acquisition Education and Training Division, SARD-ACP, DSN 655-4161, comm 703-805-4161, FAX 703-805-4163, e-mail (preferred) welshj@aim.belvoir.army.mil.

Keith Charles
Deputy Director
Acquisition Career Management

Enclosures

DISTRIBUTION:
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COMMANDER, U.S. ARMY SPACE AND STRATEGIC DEFENSE COMMAND
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ACQUISITION AND
TECHNOLOGY

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

12 AUG 1996

MEMORANDUM FOR CHAIRS, ACQUISITION CAREER MANAGEMENT
FUNCTIONAL BOARDS
DIRECTORS, ACQUISITION CAREER MANAGEMENT
DEPUTY DIRECTOR, ACQUISITION CAREER MANAGEMENT,
OUSD(A&T)
PRESIDENT, DEFENSE ACQUISITION UNIVERSITY

SUBJECT: Continuing Acquisition Education and Training

I am forwarding two memoranda recently issued by the Deputy Under Secretary of Defense (Acquisition Reform). These memos: (1) establish an interim policy on Continuing Acquisition Education and Training effective for FY 1997; and (2) ask us to arrive at a permanent policy on continuing education and training by October 1997, as part of a comprehensive policy on professional development for the workforce.

Ms. Jeanne Carney on my staff is responsible for coordinating this long-term project. Assisting her are staff at the Logistics Management Institute (LMI) who are conducting three studies relevant to the establishment of education and training standards for the workforce, including those for continuing education and training. These studies are designed to lay the foundation for a professional development program for the workforce; validate the "mandatory" and "desired" degree requirements established by the Functional Boards for specific career fields; and (3) examine the core requirements for the Defense Acquisition University.

As a first step in accomplishing the tasks Mrs. Preston has outlined in her memorandum to us asking that we develop a permanent policy, we will soon be contacting you to arrange a time when Ms. Carney and the LMI researchers can brief you (and your staff or board members, as appropriate) on the three studies and what we need to do to accomplish Mrs. Preston's tasking.

In the interim until we are able to arrange these briefings, please feel free to contact Ms. Carney at 602-8703 if you have questions.

James S. McMichael
Director, Acquisition Education,
Training and Career Development

Attachments

Encl 1

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

07 AUG 1996

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Continuing Acquisition Education and Training for Acquisition Workforce Members - Interim Policy

This memorandum establishes interim policy on continuing acquisition education and training for members of the Department's acquisition workforce.

This interim policy will enable acquisition workforce members who have completed all training and education requirements for the positions they encumber to have the opportunity to maintain their currency via continuing education and training courses. Final policy development defining acquisition workforce standards and a comprehensive program for professional development, including continuing education and training, is expected to be completed in 1997.

The attached interim policy is effective immediately for FY 1997.

Colleen A. Preston
Deputy Under Secretary of Defense
(Acquisition Reform)

Attachment

DISTRIBUTION:
Deputy Assistant Secretary of Defense (Civilian Personnel Policy)
Deputy Assistant Secretary of Defense (Military Personnel Policy)
Component Acquisition Executives
Director, Acquisition Career Management, OASA(RD&A)
Director, Acquisition Career Management, OASN(RD&A)
Director, Acquisition Career Management, OASAF(A)
Deputy Director, Acquisition Career Management, OUSD(A&T)
Chairs, Acquisition Career Management Functional Boards
President, Defense Acquisition University

We are piloting this hard-copy form now to familiarize employees and supervisors with the requirement for an IDP and to encourage them to place more emphasis on career planning. Automation efforts are underway to permit employees to complete their IDP on the web. A web database will be created from employee/supervisor IDP input and will be used by this office to collect training data for program planning and budget projections.

Request a copy of this memorandum and enclosures be furnished to each civilian acquisition workforce employee as well as to the civilian and military supervisors of these employees. To facilitate this distribution, instructions for accessing this information electronically are provided in Appendix A, page 4.

A professional corps of highly trained and educated acquisition leaders is the ultimate goal and vision of the Army Acquisition Corps. Carefully formulated career plans, documented on the IDP, are the means to achieve this goal. I solicit your comments and feedback as you implement the guidance in this memorandum within your Army Acquisition Workforce employees. Please provide your comments on any aspect of this initiative to Ms. Diane Schaule, DSN 655-4042, commercial (703) 805-4042, FAX DSN 655-4163; email schauled@aim.belvoir.army.mil.

KEITH CHARLES
Deputy Director
Acquisition Career Management

Enclosures

DISTRIBUTION:
OFFICE, SECRETARY OF THE ARMY (JDPES-W)
CHIEF, NATIONAL GUARD BUREAU
COMMANDER IN CHIEF
U.S. ARMY, EUROPE AND SEVENTH ARMY

COMMANDER
FORCES COMMAND
U.S. ARMY CORPS OF ENGINEERS
U.S. ARMY MATERIEL COMMAND
U.S. ARMY TRAINING AND DOCTRINE COMMAND
EIGHTH U.S. ARMY

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

QUISITION AND
ECHNOLOGY

07 AUG 1996

MEMORANDUM FOR DIRECTOR, ACQUISITION EDUCATION, TRAINING AND CAREER DEVELOPMENT
CHAIRS, ACQUISITION CAREER MANAGEMENT FUNCTIONAL BOARDS
DIRECTORS, ACQUISITION CAREER MANAGEMENT
PRESIDENT, DEFENSE ACQUISITION UNIVERSITY

SUBJECT: Attached Interim Policy on Continuing Acquisition Education and Training

I have just issued the attached interim policy establishing continuing acquisition education and training requirements for the acquisition workforce for Fiscal Year 1997. I have reviewed the comments we received in response to an earlier draft policy on continuing education and training, and realize that there are a number of issues which you and others have raised that must be resolved before we can establish a permanent standard for continuing education and training for workforce members.

As noted in the attached policy, during FY 1997 I am asking you to participate in assessing the possible approaches to establishing a program of continuing education and training for the acquisition workforce as part of a comprehensive program of professional development, and arrive at a coordinated policy and proposed program by October 1997. Specifically,

1. To support the development of a comprehensive policy and program, the Functional Boards are asked to provide an analysis of the types of courses that should comprise a program of continuing education and training applicable to each career field. This analysis should encompass a review of existing standards for education and training courses established as "desired" for each career field and consideration of additional disciplinary or functional courses desired for workforce members not now a part of standards published in DoD 5000.52M. The Boards' review should include: (a) accredited courses offered by post-secondary educational institutions in the academic disciplines (e.g., the sciences, engineering, business) that underpin acquisition functions; (b) courses in specific acquisition functional areas (e.g., contracting) offered by post-secondary educational institutions, DoD schools (including DAU), other governmental organizations, professional societies and associations, and private organizations; and (c) courses in management and leadership skills required by the workforce. The Functional Boards shall complete this review and forward their recommendations to the Director, AET&CD by January 15, 1997. Thereafter, the Functional Boards will conduct this review of additional continuing education and training needs as part of their annual review and certification of career field standards for the USD(A&T) required by DoDI 5000.58.

2. The DAU will obtain the accreditation necessary to award Continuing Education Units (CEUs) for DAU and non-DAU courses. Upon certification of DAU's status as a CEU-granting institution, DAU will establish and publish the number of CEUs that will be granted for the successful completion of each DAU mandatory and assignment-specific course, and for training offered through DAU's Acquisition Reform Communications Center. In addition, DAU will establish and publish a procedure for the Components and others to use in requesting DAU's evaluation of training courses, conferences and other continuing education activities for the purpose of obtaining CEUs for workforce members.

3. In conjunction with the Functional Boards and the Directors of Acquisition Career Management, the Director AET&CD will develop by October 1997 a policy addressing continuing education and training as part of a comprehensive policy and program for continuing professional development of the acquisition workforce. In developing this policy and program the Director, AET&CD will take into account the results of the following efforts: the recommendations of the Functional Boards; the results of two studies now underway, one validating non-statutory academic standards established by DoD Functional Boards for certain positions and the other making recommendations for the design of a professional development program; preliminary results of the Personnel Demonstration; and lessons learned during the implementation of this Interim Policy. Besides substantive issues of program standards and content, the policy shall provide for funding support if it is determined that continuing education and training are to be part of the mandatory program, as well as a process for ensuring that personnel are credited with either continuing acquisition education and training hours or CEUs, as is appropriate. The Director, AET&CD and the President DAU will seek additional funding necessary to implement the recommended comprehensive program of professional development and continuing education.

Colleen A. Preston

Colleen A. Preston
Deputy Under Secretary of Defense
(Acquisition Reform)

Attachment

INTERIM POLICY
ON CONTINUING ACQUISITION EDUCATION AND TRAINING

INTRODUCTION: DoD 5000.52M; *Career Development Program for Acquisition Personnel*, establishes the education, training and experience standards through Level III for acquisition personnel in each career field. The "Interim Policy on Continuing Acquisition Education and Training" which follows will test the feasibility of adding a new dimension of continuing acquisition education and training to existing education and training standards.

INTERIM POLICY: It is OUSD(A&T) policy that members of the acquisition workforce, who have completed all training and education requirements for the positions they encumber, be afforded the opportunity to receive an average of 40 contact hours annually of continuing education and training, or 80 contact hours over a two-year period. This policy is inapplicable to acquisition workforce personnel who have not yet completed mandatory training required for the positions they encumber. However, such personnel are encouraged to participate in continuing education activities to stay current with new acquisition policy initiatives. This interim policy is in effect for the period of FY 1997.

Continuing education and training hours may be satisfied in a variety of ways to be agreed upon between the workforce member and the supervisor, including participation in:

1. a recommended 16 hours annually of acquisition reform training, e.g., conferences, roadshows, satellite broadcasts, and AR Day activities;
2. academic course work to meet statutory standards for either the individual's career field or for membership in an Acquisition Corps;
3. mandatory and assignment-specific training required for higher levels of certification in one's career field;
4. course work to meet standards considered "desired" in one's career field, until both mandatory and desired education and training standards through Level III have been satisfied;
5. cross-training to attain certifications in multiple acquisition career fields; and
6. other acquisition-related courses, training conferences, seminars, distance learning, and comparable activities sponsored by DoD, its Components and schools, or by private and public organizations, institutions of higher education, and professional associations representative of acquisition career fields.

COSTS: During FY 1997, in keeping with current practice, costs for students attending Defense Acquisition University (DAU) mandatory or assignment-specific acquisition courses will be borne by the DAU, while the Components will pay tuition, travel and per diem for participation in all non-DAU courses. The DAU should program resources for a major expansion of continuing education offerings for future years in anticipation of a permanent policy requiring an average of 40 hours of continuing education and training annually for members of the Acquisition Corps and others who have completed all mandatory training.

RESPONSIBILITIES: Workforce supervisors shall ensure that FY 1997 Individual Development Plans prepared for their personnel include opportunities for participating in continuing acquisition education and training. The Director, Acquisition Education, Training and Career Development (AET&CD), together with the Chairs of the Functional Boards, the Directors of Acquisition Career Management, and the President DAU will assess possible approaches to establishing a program of continuing education and training for the acquisition workforce, and arrive at a coordinated policy and proposed program by October 1997.

CONTINUING EDUCATION AND TRAINING

Defense Acquisition University Courses:
- Next Higher Level Training in Current Career Field
- Desired Training within Current Career Field
- Cross-Functional Training for Multiple Certification(s)
- Assignment Specific Training

Acquisition Reform Training:
- Roadshows
- Satellite Broadcasts
- Acquisition Reform Day Activities

Executive Development & Training for SES Members

College/University Courses

Senior Service Colleges and Fellowships

Career Program Training under Army Civilian Training Education, and Development System (ACTEDS)

Government & Non-Government Acquisition Career Field Related
- Professional Conferences
- Seminars
- Professional Associations

Office of Personnel Management Courses

HQDA Leadership Development Core Curriculum

Other Service Unique Acquisition Training

DELIVERY MODES

- Resident
- On-Site
- Correspondence
- Computer Based
- Satellite Broadcast
- Video Teleconferencing
- Distance Learning

Encl 2

b. Content meant to urge participation in a fund-raising campaign, to include editorials, will focus on the period of the campaign, the command's position, and reader participation. Statements or implications that specifically target percentages of the command to participate, will not be used. Also, no organization is to receive selective benefit from editorial opinion.

2–19. Games of chance

a. AF and CE publications are prohibited from publishing advertisements or editorial material about "games of chance." Exceptions are authorized by section 1307, title 18, United States Code with regards to state lotteries and section 2720, title 25, United States Code with regards to any gaming conducted by an Indian tribe pursuant to the Indian Gaming Regulatory Act.

b. Section 1302, title 18, United States Code, prohibits the mailing of publications containing advertisements of any type of lottery or scheme that is based on lot or chance. For this reason, such advertising or editorial material will not be carried in AF or CE publications.

c. Lottery is defined as containing the following elements:

(1) Prize (whatever items of value are offered in the particular game).

(2) Chance (random selection of numbers to produce a winning combination).

(3) Consideration (requirement to pay money in order to play).

d. The provisions of this paragraph do not apply to activities that require no payment of money or other consideration in order to play.

2–20. Advertising

a. No AF newspaper or CE publication may—

(1) Contain material that implies that the Army or any of its components endorses or favors a specific commercial product, commodity, service or affiliated private organization.

(2) Carry any advertisement that implies discrimination (para 2–12*l*(2)(a)).

b. Advertising in any Army publication is prohibited except as specifically provided in this regulation.

2–21. Use of color

Procedures for use of color in AF and CE publications are as follows:

a. Use of both spot color and full-color process in AF publications will be governed by AR 25–30. Color must be functional and make a valuable contribution to the publication. Color will not be used just for color's sake or availability. PAOs will be sensitive not only to availability of funds, but also to the degree to which the use of color contributes to the communication process.

b. Color use in CE publications is limited only by contract and the CE printer's ability to make color available.

2–22. Source information

a. AF and CE publications will credit sources of all material other than local, internal sources. This includes, but is not limited to, the ARNEWS, the AFIS, and the command news services.

b. Editors may use bylines over stories. Use of rank is optional but will be consistent in style.

Section V
Civilian Enterprise Publications

2–23. General

CE publications are an economical means to support CI objectives. The civilian printer sells advertising to cover costs and secure earnings, prints the publication, and makes all or part of the distribution. Periodically, qualified civilian printers have the chance to compete for the contract to print these publications. Neither appropriated nor nonappropriated monies may be used to pay for any part of the civilian printer's costs incurred in producing a CE publication.

2–24. Name

The name of the publication may include the name of the command or installation, or the name of the command or installation may appear separately in the nameplate. The emblem of the command may also be included in the nameplate. However, use of the Department of the Army or other defense organization's plaque or shield emblem is prohibited except as authorized by AR 840–1.

2–25. Assignment of personnel

a. Soldiers and DA civilians may not be assigned duty at the premises of the civilian printer to perform any job functions that are part of the business activities or contractual responsibilities of civilian printers, their officials or employees.

b. Public affairs staff members who produce the editorial content may work on the premises as installation liaison and to specify and coordinate layout and other details provided for in the contract to get the most effective possible presentation of news and information.

c. Members of the public affairs staff will review page proofs to prevent mistakes and policy violations.

2–26. Sources of news material

a. Material to appear in the editorial portion of the CE publication will be provided to the printer and approved only by the commander or public affairs officer, as the commander's representative. This authority may be delegated in writing, but the commander *retains* ultimate responsibility. The printer may provide material to the public affairs office; the commander will decide what will be used.

b. The paper may publish civilian community news and announcements for the benefit of the readership.

c. Employees of the printer will not be supervised by the public affairs staff to produce editorial copy or other content. Printer employees may seek technical guidance and information from the public affairs staff to clarify questions they might have regarding individual stories and photos.

2–27. Contracting for a CE publication

a. Commanders authorized to publish a CE publication will complete a written contract. The underlying premise of the CE concept is that the Government will save money by transferring certain printing and distribution functions to a civilian printer selected by a competitive solicitation process.

(1) The commander offers rights and authorizations instead of money as legal contractual consideration for printing and distribution of a CE publication.

(2) The right to sell and circulate advertising in the CE publication provides the printer revenue to cover costs and secure earnings.

b. In establishing CE contracts, the commander will seek to have the printer perform as many of the printing and distribution functions as possible to maximize savings to the Government. However, CI needs and requirements will be paramount in the contractual relationship.

c. A written contract with the selected printer will be established by the commander for each CE publication. The contract will include provisions that reflect appropriate guidance from this regulation and cover local requirements.

d. The commander will select a civilian printer based on the recommendation of a selection committee that the commander appoints. The committee's recommendation should be based on the printer who offers the best product and services. However, care must be taken not to overburden the printer with additional services which may cause the printer's inability to meet the terms of the contract.

(1) The chairperson will be a senior member of the command, at the O–6 level, such as the chief of staff or deputy installation commander. MACOMs may waive this requirement when valid circumstances exist and only on a case-by-case basis.

(2) Membership will include representatives across the command including public affairs personnel. However, public affairs personnel will not constitute a majority of the voting members.

(3) Voting membership will consist of the chairperson and a minimum of four other members.

(4) Legal and contracting officials will serve as nonvoting advisors.

(5) The PAO will serve as a voting member.

(6) The installation contracting officer shall execute the contract according to this regulation. This contract does not [illegible]

e. CE contracts may be awarded for 1-year periods with four 1-year options for a total of 5 years. extended to 6 y

(1) A CE contract will not be renewed if the commercial publisher has not executed the provisions of the contract in a satisfactory manner.

(2) Contracts will contain a termination clause to cover default

Appendix G
Contracting for Civilian Enterprise Publications

G–1. Contracting for civilian enterprise publications should generally follow the same Federal Acquisition Regulations procedures as those followed for any Government contract and will be executed by local contracting officials. The right to circulate advertising constitutes contractual consideration instead of money to pay for these Army publications. The contract also grants certain first-use rights of command prepared information to the contracted printer. They and the printing plates become the property of the command, installation, or intended recipient upon delivery according to the terms of the contract. All materials should be returned to the PAO after distribution.

G–2. The underlying premise of the CE concept is that the Army will save money by transferring certain printing and distribution functions to a private sector printer selected by competitive bid.

G–3. The public affairs officer will develop a list of specifications necessary to produce the kind of publication required. The specifications, along with a contract solicitation, will be mailed by the designated contracting officer to prospective printers considered capable of producing the desired publication. Printers should be given a reasonable amount of time to respond, as determined by local contracting officials. Bids will be received and consolidated by the local contracting official for review by a selection committee as prescribed by paragraph 2–26d.

G–4. Figure G–1 is for use in contracts between the U.S. Government, represented by the contracting officer and the contractor to produce a CE newspaper. With appropriate modifications, it can also be used for CE publications other than newspapers. Contracting officers may modify, or omit provisions which conflict with or are not applicable to local or host nation practices or laws, after consultation with the local Staff Judge Advocate and host nation or local counterpart.

G–5. Items within parentheses in figure G–1 are variables and are provided for illustrative purposes only. All other provisions are required for CE contracts. They implement the provisions of this regulation.

G–6. The letter format in chapter 2 may be used to aid the representatives of the CE printer in obtaining advertising for the CE publication. Copies in sufficient quantities for CE printer's sales personnel may be made.

Sample CE Publication Contract.

SECTION II

Statements of Work

The following are the minimum provisions needed to legally execute a contract under this regulation and are included in the format used by contracting officers. Information in parenthesis is variable and may be changed to provide the best possible product and services to both the command and the printer.

CIVILIAN ENTERPRISE NEWSPAPER CONTRACT

SECTION C—Description/Specifications/Work Statement

TABLE OF CONTENTS

SECTION C–1—GENERAL
SECTION C–2—DEFINITIONS
SECTION C–4—CONTRACTOR FURNISHED ITEMS AND SERVICES
SECTION C–5—SPECIFIC TASKS

SECTION C–1

GENERAL

1.1 SCOPE OF WORK. The Contractor shall provide all personnel, equipment, labor, supplies, tools, materials, supervision and other items necessary to print and distribute a (weekly, monthly, etc.) civilian enterprise newspaper for (name of installation or command).

1.2 PERSONNEL.

1.2.1 Contract Manager. The contractor shall provide a Contract Manager who shall be responsible for the performance of the work. The name of this person and an alternate(s), who shall act for the Contractor when the manager is absent, shall be designated in writing to the Contracting Officer within (15) days after contract award.

1.2.1.1 The Contract Manager or alternate shall have full authority to act for the Contractor on all contract matters relating to daily operation of this contract.

1.2.1.2 The Contract Manager or alternate shall be available for discussions with Government officials during normal duty hours upon request to promptly plan, coordinate and produce the newspaper.

1.2.1.3 The Contract Manager and alternate(s) must be able to fluently read, write, speak and understand English.

1.2.2 Employees.

1.2.2.1 Within (15) days after award date, the Contractor shall provide personnel who are fully competent in the following areas of duty assignment under the contract.

1.2.2.1.1 Advance design and planning. Able to understand and implement modern newspaper design and techniques and plan for production requirements of future issues of the newspaper.

1.2.2.1.2 Assist in the design of the newspaper. Provide technical assistance in the design and layout of the newspaper to better communicate to the intended (command or installation) audience and design the newspaper to accomplish the internal communications and information needs the commander desires.

Figure G–1. Sample CE publication contract

changing of monies and therefore, adherence to the Federal Acquisition Regulations (FAR) in selecting the lowest bidder is not required. However, FAR procedures will be followed where possible.

(7) The command will solicit for proposals from the widest possible selection of civilian printers available. Geographical distance may be considered in the source selection. Specifications may include any number of services or products such as photographic processing, computer terminals, special inserts, color processes, etc.

(8) The selection committee will review written data by prospective civilian printers or their representatives, secure and review independent data, and may hear presentations or visit potential printers' facilities to gather information upon which to base their recommendation.

(9) The selection committee will consider the competence, reliability, technical expertise, production capabilities, business practices and resources of each bidder.

(10) In selecting a printer, *fair and equal opportunity* will be afforded any bidder who submits a proposal to print the CE publication.

(11) Advice to the committee on reviewing bids should include the following as a minimum:

(a) Bidder's tie-in with the community. Does the prospective printer own an established firm, or is he a "first time" bidder who might encounter problems with printing or ad sales—especially where more than one product "published in the interest of the installation" exists? It is important the printer is successful in this enterprise.

(b) Bidder's financial stability. Does the bidder clearly show he operates on a financially sound basis?

(c) Bidder's track record. What kinds of similar services has the bidder provided other customers on- or off-base, and are those other customers satisfied?

(d) General services. Can the printer provide a product that looks credible, that will be printed and delivered on time, and in sufficient quantity to designated distribution points? Does the bidder offer a variety of type styles, use of spot and process color, adequate number of pages per issue, and acceptable paper stock?

(e) Special (optional) services. Does the bidder offer services such as a text editing system and/or electronic link (modem) between his plant and the PAO for transmitting material? Does the bidder offer part or full-time services of his employee(s) to help produce editorial material for the paper? Use of photo facilities? Desktop publishing availability? Mailing to subscribers?

(f) Bidder's proximity. Is bidder's plant so far away from the installation as to make time and distance a critical element? Are electronic services offered to overcome this problem?

(g) Bidder's hours of operation. Will printer be available when needed? What priority will the CE newspaper receive from the printer in relation to his other jobs?

(h) Committee's charter. Weigh the relative advantages of each service offered by each bidder. Just because a printer may not offer all that was solicited, is no reason to consider his bid weak; the printer who offers "everything and then some" may have a weak financial base or may not be established enough to sustain the services offered.

(12) When only one source is available, the contracting officer may negotiate the best possible service or product before making a decision whether to accept the offer. The committee may recommend the offer not be accepted if it does not conform to the terms and conditions of the statement of work. Under this condition, a request may be made to the appropriate MACOM to produce an AF newspaper (para 2–7).

and convenience (e.g., mobilization) provisions.

(3) Contracts will not contain escape clauses such as "Contract provisions are based upon revenues anticipated at time of awarding." Failure or inability of the printer to obtain sufficient advertising revenue will not be the basis for modification of services or products for which the printer has contracted.

(4) The contracting officer and PAO will perform annual reviews to recommend exercise of option renewals. Should renewal not be exercised, another selection committee will be convened to select another printer.

(5) If a CE newspaper contract is terminated, it may be necessary to temporarily establish an AF newspaper with MACOM approval. This may be granted telephonically or electronically, with written follow-up. A copy will be forwarded to HQDA (SAPA–CI) WASH DC 20310–1510.

f. All CE contracts will contain a provision that prohibits CE civilian printers from entering exclusive advertising or dealing agreements with any firm, broker, or individual.

(1) Exclusive advertising or dealing agreements are defined as those agreements between a CE newspaper contractor and a national advertising representative broker or individual. Such arrangements are an express violation of DODI 5120.4 and are usually illegal under current antitrust laws and Federal Trade Commission acts.

(2) An "exclusive advertising or dealing" agreement exists when this agreement restricts acceptance of advertising from other advertising sources or there is a commitment by a buyer to deal with a particular seller and the contract prevents other potential buyers from competing with the exclusive dealer. In other words, an exclusive arrangement is found when a buyer is precluded from, or penalized for, purchasing a particular item from anyone except the seller, and other competitors are denied access to the buyer in the arrangement.

g. CE contracts will provide that the commander or public affairs staff will specify design and layout of editorial content. Contracts will require that the CE printer perform typesetting, paste-up, distribution and other related production work, as specified. The commander or public affairs staff may specify advertising placement to enhance communications effectiveness of the publication.

h. Text-editing-system pagination, copy terminals or other equipment owned by the civilian printer may be placed in the command or installation public affairs office for use by the public affairs staff to specify layout and prepare editorial materials. All associated costs, to include routine maintenance and repair, should be borne by the civilian printer and must be specified in the contract.

(1) Equipment furnished by a CE printer may be used only by PAO personnel in the production of the CE publication according to the terms of the contract.

(2) The contract must establish the terms and conditions to govern the use of the printer-furnished equipment and assign responsibility for its maintenance and security.

ATTACHED

i. Basic statement of work provisions for Army CE newspapers is at appendix G. This statement of work establishes the minimum provisions needed for a CE contract. Additional specifications may be added, as long as they do not contradict this regulation.

j. The PAO, or his designee, will serve as the contracting officer representative (COR) for the duration of CE contract periods. The COR may be changed based on military requirements by the contracting officer.

k. PAOs will forward one copy each of the CE solicitation (during the solicitation process) and final contract to both HQDA (SAPA–CI–PMN), WASH DC 20310–1510 and the appropriate MACOM.