SAGC-EF Date

SUBJECT: Legal Review - PEO CS & CSS and PM-MEP Technology Maturation for

Small Tactical Electric Power (STEP) Industry Day

1. This responds to your request for a review of the preliminary conference request for PEO CS and CS and PM-MEP to hold the STEP Industry Day scheduled for 13 November 2013 at Ft. Belvoir, VA. I find this event does not meet the definition of a formal conference under the DoD Conference Policy and therefore need not be processed for approval under the Army conference policy.

2. References.

a. Memorandum, Deputy Chief Management Officer, 6 Nov 2013, subject: Implementation of Updated Conference Oversight Requirements / DoD Conference Guidance.

b. Army Directive 2014-01.

3. Background.

a. The PCR indicates the purpose of the STEP Industry Day "will allow for the exchange of information regarding the identification of future PEO CS & CSS and PM-MEP acquisitions and the STEP Program. This exchange of information will improve industry's understanding of the STEP Program, including the Government's Key Performance Parameters (KPP) delineated the in Capability Production Document (CPD), as well as gain insight on the Army's operational and functional needs. This enhanced understanding will allow potential offerors to judge whether or how they can satisfy the Government's requirements. This Industry day will benefit the Government

because it will be an opportunity to address the feasibility of future requirements and identify what is currently on industry's design tables. The information gained as a result of this Industry Day will enhance the Government's ability to obtain quality supplies and services at reasonable prices and will increase efficiency in upcoming solicitation preparation."

b. The event will be held in a government facility at Ft. Belvoir, VA. The attendees for the STEP Industry Day will consist of three local military, 10 local DACs, five local contractors, and approximately 35 industry representatives. The Army will incur no TDY travel or other costs to participate in this event.

c. There is no registration fee or formal registration process, and does not involve government participation outside of the Army. There is an agenda and scheduled speakers will brief the industry representatives.

d. The Federal Acquisition Regulations Section 15.201 encourages such meetings with industry before issuing a formal solicitation and anticipates that one-on-one meetings may occur. Project Managers (PMs) are required to conduct industry days to execute acquisitions for the Army. This is a normal business practice necessary ensure that PMs accurately communicate the Government requirements for acquisitions to their industry partners. When a PM determines that an Industry Day is required to posture the Government for a successful acquisition, the industry day becomes a PM staff oversight function necessary for successful execution of the acquisition for the

product/service.

3. Discussion.

a. Under the DoD Conference Policy, "conference" is defined as "a meeting, retreat, seminar, symposium, or event that involves attendee travel." This definition, however, is only a starting point. What constitutes a conference for the purpose of the DoD Conference Policy is a fact-based determination based on an evaluation of the criteria established in the Conference Policy.

b. Indicia of a formal conference often include but are not limited to registration, registration fees, a published substantive agenda, and scheduled speakers or discussion panels. Individual events may qualify as conferences without meeting all of the indicia listed above, but will generally meet some of them.

c. Industry Day events are acquisition-related meetings directly linked to PEO mission responsibilities. Industry Days constitute one method of the FAR market research process to arrive at the most suitable approach to acquiring, distributing, and supporting supplies and services. They are considered essential to internal decision-making and business processes.

d. This industry day event is being held in a government facility; involves no TDY travel or other Army costs; includes program updates followed by one-on-one sessions between attending Army and industry representatives; does not involve participation by multiple agencies; has a registration process only for industry representatives, but no registration fee; has no discussion panels, no government furnished meals, no honorariums or speaker fees, and no spouse travel. As such, I find this event does not

have sufficient indicia of a formal conference to fall under the DoD Conference Policy.

e. Since the event does not meet the definition of a conference for purposes of the DoD Conference Policy, there is no requirement to process it for approval under the DoD or Army conference policies. The event may be approved through the appropriate ASA(ALT) industry day approval process.