

## **Selling to the U.S. Government: A Primer for Small-to-Medium-Size Enterprises**

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**Based on a paper presented at the 2008 Global Business Innovation and Development Conference, Rio de Janeiro, Brazil, 16-19 January 2008 (abstract citation):**

Lilly, Daniel, John (Jack) Chopoorian and D. Steven White (2008), "Business-to-Government Marketing: Selling to the U.S. Federal Government" in *Innovation and Development for Economic Growth in the Global Environment*, Proceedings of the 2008 Global Business Innovation and Development Conference, G. Ariguzo et al. (eds.), Rio de Janeiro, Brazil, 16-19 January 2008, pp. 54-55.

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### **Abstract**

Until recently, business- to-government (B2G) marketing has received relatively little attention in academic journals and proceedings (Reid and Plank, 2000). Times are changing, however, and businesses of all sizes today are encouraged to pay renewed attention to the government market as they develop their marketing strategies (Dickover, 2006; Kennedy and Cannon, 2004). Government investment in information systems is leading the way by creating efficiencies in both the procurement and marketing processes. The major economic powers, such as the G7, as well as rapidly developing economies, such as India, are in the forefront of developing e-government programs that are impacting the buyer-seller interface. The model for them all, however, is the United States Federal Government. With spending for goods and services exceeding \$341.4 billion per year (2004), the United States Federal Government is easily the world's largest consumer. Web sales of \$3.6 billion, principally in bonds and treasury notes, also makes the federal government the country's largest electronic retailer, surpassing even Amazon (Stone, 2000). And, with the growth of e-commerce, it is has been reported that 15 percent of all federal procurement is now electronic and rapidly expanding (Frook, 2003). The aim of this article, together with the references provided, is to assist marketing executives, especially in small or minority-owned businesses, to become more fully informed in order to develop successful strategies to compete in the government market.

**Keywords:** Business-to-Government (B2G) marketing, small-to-medium-size enterprises (SMEs), US government procurement

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## **Introduction**

A focus on marketing to the United States (US) government may seem counter-intuitive. The bidding processes for government sales and rigid adherence to specifications often makes profit margins unattractive. The 1990's saw firms diversifying away from government business, especially in the defense sector after the end of the cold war and the dramatic tearing down of the Berlin Wall. But the events of September 11<sup>th</sup>, 2001, the ensuing global war on terror and the prospect of regional military or political conflicts have changed all this and are making the US government market an attractive prospect once again. A prime example is US government investment in information technology (IT). Federal agencies are planning to spend \$64.3 billion on IT in the fiscal year 2007, accounting for almost 19 percent of all federal procurement, highlighting the impact of increased security efforts driven by the analysis of data and the push for efficiency in the process (Zalund, 2006). The government market has thus become a bonanza for the technology sector as numerous agencies are upgrading intelligence systems critical to "connecting the dots" in a timely manner or to achieving effective operational control. A useful overview analysis of potential spending strategies can be found on the National Priorities Website (National Priorities Project, 2006) <http://www.nationalpriorities.org/>. This organization provides historical government spending breakdowns, the proposed fiscal year 2007 budget with percentage changes and scenario papers on the impact of war and its carryover to the revenue crises of states and cities.

While the government buys exclusive items that we see on the nightly news - laser-guided missiles, jet fuel, mortar cartridges and homeland security - it also buys almost everything we can find at our local retailer: computers, milk, tools, guns and clothing (Hobson, 2002). Entry into this market can often be confusing. This market is governed by regulations that are written by U.S. Congress, interpreted by policy makers, and implemented by a bureaucracy. In response, many major corporations have chosen to address this unique market by creating a separate sales force dedicated solely to pursuing contracts with the federal government. There are helpful texts (Herman, 2001; Garvin 2002) for locating government information on the Internet and a major government portal ([www.firstgov.gov](http://www.firstgov.gov)), but the information contained in both may be overwhelming to government marketing neophytes.

Short of developing a specialized sales force, this overview of government marketing strategy addresses the major segments of the federal market, the primary contract vehicles associated with them, and the processes involved in their pursuit. The descriptions and methods recommended can be applied within the standard marketing or product management group. All sources used are available through the World Wide Web or via telephone. There is no focus by industry since the regulations and processes presented are common to most types of federal contracts in most industries; however, attention will be given to how these processes and regulations affect small businesses (Small Business Administration, 2006) <http://app1.sba.gov/faqs/faqindex.cfm?areaID=15>

## The US Federal Market

The US federal market can be simplified into four main market segments:

- Solicitations for products and services expected to cost in excess of \$100,000
- Solicitations for products and services expected to cost less than \$25,000
- Blanket Purchase Agreements
- Subcontracts

Each government agency has different, individual authority to purchase; therefore, the marketing efforts associated with each must vary accordingly. A company may be properly positioned for success in one of these segments, but may be entirely ill suited to compete in another. It is essential that potential marketers have a basic understanding of these four market segments, the benefits of competing in each, and a basic understanding of the nuances of each.

In fiscal year 2006, there were over 60 US federal offices, agencies, departments, boards, commissions, endowments, and institutions with the authority to spend appropriations from the United States Federal Budget. Nearly all are required to report their procurement information to the Federal Procurement Data Center. These figures were analyzed to produce the snapshot outlined in the following paragraphs (Federal Procurement Data Center, 2006).

During fiscal year 2004, there were 10,364,815 purchases made. These purchases, in all areas of business, by all reporting agencies totaled \$341.4 billion. These purchases were made by federal government entities in the United States, and overseas. Of these expenditures 69.7 percent, or \$238.1 billion, were made by the Department of Defense. The Department of Energy, The General Services Administration, and The National Aeronautics and Space Administration, Veterans' Administration and Health and Human Services combined to account for another 19.2 percent of the total. The remaining dollars were spent by approximately 56 federal entities, led by Homeland Security who made 1.8 percent of the total purchases.

Table 1: 2004 Purchases by the US Federal Government

<u>Agency:</u>	<u>\$ Billions</u>	<u>%</u>
Department of Defense	238.1	69.7%
Department of Energy	22.1	6.5%
General Services Administration	13.7	4.0%
National Aeronautics and Space Administration	12.5	3.7%
Veterns' Administration	8.9	2.6%
Health and Human Services	8.2	2.4%
Department of Homeland Security	6.3	1.8%
Approx 55 Other Agencies	31.6	15.6%
Total	341.4	100.0%

## Defense Spending

With 69.7 percent of total federal procurement emanating from the Department of Defense, this is obviously an important agency to highlight. The Department of Defense Directorate for Information Operations and Reports (DIOR) tracks the spending of the various branches of Defense. A detailed breakdown of spending by industry is available through fiscal year 2004 (2005 is not currently available) and shows that \$103.6 billion was spent for supplies and equipment; \$55.7 billion was spent on services and \$15.8 billion on construction (Department of Defense Directorate for Information Operations and Reports, 2006). A more detailed breakdown by specific industry is available through the DIOR website. It is important for marketing managers to review this site in considering plans to enter the defense market and shows the rather substantial amounts of procurement from small and minority owned businesses <http://SIADAPP.DIOR.WHS.MIL>

## **Procurement Procedures**

The principal concept that defines the direction of government procurement both in the U.S. and abroad is that we are seeing a streamlined acquisition process. Through acquisition reforms in the mid 1990's the U.S. Federal Government moved to improve the efficiency of the federal workforce, and a procurement system was created that was more responsive to the needs of users and of marketers of the products or services being purchased. These changes created a less rigid purchasing system and provided buyers with more flexibility to exercise their own judgment.

As marketing theory has traditionally classified government markets as a variation in buying methodology, it is important for marketing managers to understand how the U.S. has classified procurement processes. These can be summarized as i) micro purchases, ii) simplified acquisitions – fixed price and indefinite contracts, iii) formal acquisitions – open competition, sealed bid, and negotiated proposals, and iv) GSA (General Services Administration) schedules. The GSA is, simply put, a purchasing agency for any and all other agencies and departments of the government needing its assistance in making purchasing decisions. In many developing countries, this is the first step in developing an up to date technology driven procurement process. A single agency is created to handle procurement. In the U.S., as super agencies such as Department of Defense handling their own procurement, the role of the GSA has somewhat diminished. Each of these procurement processes is explained in the following sections.

### Micro-purchases

A Micro-purchase is the acquisition of supplies or services with an aggregate amount that does not typically exceed \$2,500 (Federal Acquisition Regulations, 2005). These purchases often utilize the government-wide purchase card, which is little more than a standard credit card from the perspective of a vendor looking to accept a micro-purchase order. There is no requirement that a proposed micro-purchase or purchases up to \$10,000 be advertised in any formal manner. Proposals and bids may be submitted in any number of formats or media including, verbally, e-mailed, or via fax. Typically, the individuals responsible for purchasing products and services using micro-purchase procedures, are the users and not part of the acquisition workforce.

There are many individuals throughout the Federal government with the authority to make micro-purchases and it has been criticized for its alleged abuse. “In all, the government has 3.1 million active charge cards – enough to equip three of every four workers. At least 15 agencies have more credit cards than employees (Hobson, 2001).” While the number of people with authority to purchase using credit cards is high, creating many potential customers, marketing through micro-purchase procedures may have limited utility. They are often one-time purchases for immediate non-recurring needs. Small dollar items that have a higher frequency of use, or are considered commodities, are typically purchased using structured contracts servicing multiple agencies and offices. Since the Federal Acquisition Regulation has provisions for these recurring needs, finding an individual that has a recurring need that will be met using micro-purchase procedures may be difficult at best.

Marketing to individuals for micro-purchase buys may prove effective in the short term or for purposes of sampling a product of interest, but will likely prove to be an ineffective long-term strategy.

### Simplified Acquisition

Simplified acquisition of supplies or services refers to acquisitions typically between \$2,500 and \$100,000 (Federal Acquisition Regulations, Part 2.101, 2005). There are two basic ways that simplified acquisitions are carried out. These are firm-fixed-price purchase orders (sometimes, but rarely, with economic price adjustment) or Indefinite-delivery contracts where the prices are established based on a firm-fixed-price model with multiple deliveries. As contracts of this size constitute such a great potential market for small businesses, special attention will be paid to these procedures. The government-wide commercial purchase card is authorized for use in making purchases under these guidelines, and is often the preferred method of payment for contract actions of this size (Federal Acquisition Regulations, Part 13.301, (2005).

“All purchases between \$2,500 and \$100,000 are reserved exclusively for small businesses provided that the Contracting Officer expects to obtain offers from at least two small businesses. Essentially, this means that the purchasing official or Contracting Officer can simply obtain two quotes from qualified businesses and award to the lowest, qualified bidder with a demonstrated history of successful past performance, with either the federal government or commercial clients.” (Selling to the Department of Commerce, 2005)

Contracts expected to be valued between \$2,500 and \$10,000 are typically purchased using a price comparison between at least two companies. These comparisons can be as simple as reviewing two catalogs or price lists, reviewing past purchase orders, or calling a firm directly. Contracts expected to be valued between \$10,000 and \$25,000, are advertised by displaying a synopsis of the proposed action in a public place for at least 10 days, or by appropriate electronic means. One or more of the following methods of advertising these leads may also be used: preparing handouts listing proposed contracts, assisting trade associations in disseminating information to members, issuing press releases. The government contracting officer must in this case review the prices of at least two potential vendors.

Interested business firms may submit a response to the advertised bid opportunity which, if received in a timely fashion, must be considered for possible award by the agency (Acquisition Regulations, Part 5.1, 2005). Responses to solicitations of this type can be made in a number of formats as with micro-purchases, but there tend to be more formalized responses to requests for proposals as seen in larger dollar contracts.

Contract actions expected to exceed \$25,000 are, in most instances, advertised by displaying a synopsis of the proposed action at the government-wide point of entry (GPE) for at least 15 days (Federal Acquisition Regulations, Part 5.203, 2005). GPE is “the single point where the public can access government business opportunities greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated information, electronically. The GPE is located at the website below (Federal Acquisition Regulations, Part 2.101, 2005).” This site synthesizes the work to be accomplished under the contract and contains information about how to receive the documents necessary to submit a bid.  
<http://www.fedbizopps.gov>

It is important to note the processes involved with the purchase of commercial items. In the case of products that are deemed to be commercial items, a contracting officer has the option to utilize simplified acquisition procedures for purchases above \$2,500 that are not expected to exceed \$5,000,000. In general terms, a commercial item is defined as follows:

- “(1) Any item, other than real property, that is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and- i) has been sold, leased, or licensed to the general public; or ii) has been offered for sale, lease, or license to the general public
- (2) Any item that evolved from an item described above, through advances in technology or performance, and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a government solicitation” (Federal Acquisition Regulations, Part 2.101, 2005)

This definition can include a great number of items being offered for sale to the federal government. Marketers should note that the federal government using Simplified Acquisition Procedures can purchase almost any item.

### *Fixed-price Contracts*

Under Simplified Acquisition Procedures, a firm fixed-price contract provides a price that is not subject to adjustment on the basis of the contractor's cost experience in performing the contract. This contract type places upon the contractor maximum risk and full responsibility for all costs and resulting profit or loss. It provides maximum incentive for the contractor to control costs and perform effectively and imposes a minimum administrative burden upon the government contracting party (Federal Acquisition Regulations, Part 16.202, 2005). This is the most traditional form of contracting, and the process most often used by the federal government.

It is important for marketers to note that federal contracts contain inherent risk not present in commercial contracts. As in entering any new market, it is important to understand the

associated risk. There is a clause, although rarely exercised, that can create real problems for unwitting contractors experiencing delivery problems. If a contractor is unable to perform work in the agreed upon manner, a clause titled "Repurchase against contractor's account" enables the federal government to purchase an item when the incumbent contractor does not deliver as agreed. The clause states "If repurchase is made at a price over the price of the supplies or services terminated, the contracting officer shall, after completion and final payment of the repurchase contract, make written demand on the contractor for the total amount of the excess (Federal Acquisition Regulations, Part 49.402, 2005)." If the contractor does not pay, the federal government can begin the process of collecting contract debts due the federal government and these debts accrue interest if unpaid. Knowing this, a potential federal contractor must recognize their capabilities and bid only on work they are certain to deliver in a timely manner. While seldom exercised, this clause can be disastrous for some companies.

### *Indefinite Contracts*

Indefinite contracts may be the most important contracts within the federal government today. These contracts have two basic forms called blanket purchase agreements (BPA), and indefinite delivery/indefinite quantity contracts. Both types of contract actions commit the government to accepting, for a specific period of time (typically not more than three years), a price for a particular product as being fair and reasonable. Blanket purchase agreements do not commit the government to purchasing anything from the companies with which they sign these agreements. However, indefinite delivery type agreements commit the government to buying a small amount and having the option for purchase of much more.

A blanket purchase agreement is a simplified method of filling anticipated repetitive needs for supplies or services by establishing "charge accounts" with "qualified sources of supply" (Federal Acquisition Regulations, Part 13.303, 2005). The blanket purchase agreement is typically used to buy commodity products and, at times, services. Contract opportunities are made known through an informal process determined by the government agency. Once a firm has been awarded a blanket purchase agreement, prices are determined at the time of ordering, and acceptable potential vendors are chosen. In most instances, several or more BPA's are awarded for each item. This competition is the driver that assists the government in receiving a high level of service from vendors. This helps the government to avoid vendors that do not provide the necessary service or delivery time. Once a blanket purchase agreement has been awarded, representatives of the awarding agency will utilize the terms of the agreement when seeking additional vendors. Conversely, it is customary for the agency to provide the potential marketer with a list of people or positions authorized to make purchases under the blanket purchase agreement. Those on the list requiring the products must simply place an order with the potential supplier when necessary. It is thus good practice for marketing managers to contact and promote to the authorized people on such lists to ensure that they are not overlooked in the purchasing process. Especially for electronic purchases, websites need to be marketed and the government credit card inscription/logo displayed on the homepage, or government buyers can take the course of least resistance.

There are three types of indefinite contracts: requirements, definite-quantity, and indefinite-quantity contracts.

"A requirements contract provides for filling all actual purchase requirements of designated Government activities for supplies or services during a specified contract period, with deliveries

or performance to be scheduled by placing orders with the contractor (Federal Acquisition Regulations, Part 16.503, 2005).” A realistic estimate of the total quantity required by the federal government is typically contained in the solicitation. However, the estimate does not commit the federal government to purchasing the estimated quantity. The contract will sometimes contain a maximum quantity to be ordered over the term of the contract limiting the contractor’s total obligation to the federal government. It may also set minimum and maximum quantities that the government may request in each individual order. Requirements contracts are similar to Blanket Purchase Agreements in that they are typically used to meet recurring commodity requirements for products and, at times, services. Typically awarded to a single contractor, a requirements contract typically commits an agency to purchase all products or services covered by the contract from the contractor for the period of the contract. “...The government shall order from the contractor all the supplies or services specified in the schedule that are required to be purchased by the government activity or activities specified in the schedule (Federal Acquisition Regulations, Part 52.216-21, 2005).”

This contract type is designed to acquire products and services that are required on a recurring basis. These are typically put in place for the purpose of ensuring that a product or service will always be available as requirements arise.

Indefinite-quantity contracts are almost identical to requirements contracts. A small minimum order is guaranteed under the contract. Multiple vendors may be awarded these contracts. Indefinite-quantity contracts are used when no actual figure for the total quantity required by the federal government is available. These contracts also include a stated maximum order in the solicitation. Indefinite-quantity contracts and requirements contracts utilize the same implementation regulations.

“Delivery or performance shall be made only as authorized by orders issued in accordance with the ordering clause. The contractor shall furnish to the government, when and if ordered, the supplies or services specified in the schedule up to and including the quantity designated in the schedule as the "maximum." The government shall order at least the quantity of supplies or services designated in the schedule as the "minimum” (Federal Acquisition Regulations, Part 52.216-22, 2005).

At times, awards are made to multiple vendors. In these instances, each vendor is guaranteed a minimum amount of work. Any work requirements in the areas covered by the award will be awarded to those companies receiving contracts. In effect, this amounts to awarding a small contract to several firms and including them on a short list of preferred vendors for future requirements. “In this instance, it is left to the judgment of the contracting officer to determine what vendors will receive any further. The contracting officer may exercise broad discretion in developing appropriate order placement procedures... In addition, the contracting officer need not contact each of the multiple awardees under the contract before selecting an order awardee, if the contracting officer has information available to ensure that each awardee is provided a fair opportunity to be considered for each order” (Federal Acquisition Regulations, Part 16.505, 2005). Therefore, it is possible for a vendor to receive a minimum order, and never receive another order, despite the number of requirements that arise, during the period of contract performance. Again, a noteworthy issue for marketing managers is the package of service, quality and communications that are needed to succeed.

“A definite-quantity contract provides for delivery of a definite quantity of specific supplies or services for a fixed period, with deliveries or performance to be scheduled at designated locations upon order” (Federal Acquisition Regulations, Part 16.502, 2005). These contracts function very much like firm-fixed price contracts for a fixed amount. The distinction is that under this arrangement the place of delivery is to be determined by need, and payments for shipping are priced accordingly as delivery is determined.

### *Formal Acquisitions*

Formal acquisitions are acquisitions that are not eligible to use micro-purchase or simplified acquisition regulations. These acquisitions are for contracts expected to exceed \$100,000. These acquisitions are governed by some regulations that are different from those governing smaller acquisitions. There are two basic types of acquisition methods used for formal acquisitions, sealed bidding and negotiated proposals.

Whether, a sealed bid or negotiated acquisition is being utilized, a potential vendor’s past performance is scrutinized and evaluated. This is done to ascertain the likelihood that the federal government will receive the products or services being solicited as promised within the time identified by the contract. In formal acquisitions, a company is required to provide a listing of past contracts, a history of the firm’s performance on that contract, and a point of contact at the customer that can verify that accuracy of the statements made about the performance. Poor past performance can and often will result in the rejection of an otherwise acceptable bid.

### *Open Competition*

It is the aim of the federal government, mandated by legislation, to attempt to provide the greatest amount of competition for contracts. The “head of an agency in conducting a procurement for property or services shall obtain full and open competition through the use of competitive procedures in accordance with the requirements of this chapter and the Federal Acquisition Regulation; and shall use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.”(United States Code) This does not always mean that full and open competition for a contract will materialize. There are provisions contained within the Federal Acquisition Regulation that allow for the reduction of competition in order to maintain contractors with specific skills, help new contractors gain these types of skills, and for the sake of national security.

Publicizing of formal acquisitions, as is the case with those contract actions estimated to exceed \$25,000, are typically carried out by displaying a synopsis of the proposed action at the government-wide point of entry (GPE) for at least 15 days. The same regulations govern the publicizing of both types of acquisitions. The GPE is located at <http://www.fedbizopps.gov>.

### *Sealed Bid*

Sealed bidding is typically utilized for formal acquisitions when the federal government can fully describe its requirements clearly and without ambiguity. Sealed bidding is characterized by its structure and formality. With sealed bidding, competitive bids are submitted in a very standardized format, then sealed and submitted for consideration. The federal agency receiving the bid will open all bids submitted for consideration for a particular contract in a public ceremony. A contract award will be made to the lowest-priced qualified bidder with the proper

delivery schedule and determined to be capable of providing the product or service as promised (Federal Acquisition Regulations, Part 14, 2005).

“Award will be made with reasonable promptness to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the government, considering only price and the price-related factors included in the invitation (Federal Acquisition Regulations, Part 14, 2005).” This means that no other factors other than price and the ability to deliver are considered. This means that typically only those products that are easily identified, and which vary little from vendor to vendor, are purchased using this process. The federal government has been utilizing this type of contract with decreasing frequency in recent years.

#### *Negotiated Proposal*

Purchases over \$100,000, while at times made through sealed bidding, are normally made using competitive and negotiated proposals. Negotiated proposals can be used for either competitive or sole source acquisitions. When using negotiations for a sole source acquisition, the request for proposal will be tailored to the essential information describing the work to be done by the intended recipient. Competitive proposals allow flexibility in defining the exact requirements or the terms and conditions of an intended competitive procurement. Both sole source and competitive acquisitions are typically publicized in government-wide points of entry (Procurement Information, 2006). For an example, see:

<http://www.nswc.navy.mil/supply/procinfo.htm#principles>

“When contracting in a competitive environment, the procedures of this part are intended to minimize the complexity of the solicitation, the evaluation, and the source selection decision, while maintaining a process designed to foster an impartial and comprehensive evaluation of offerers' proposals, leading to selection of the proposal representing the best value to the government”.

Although these negotiation processes can vary slightly, they are all governed by the same regulations. When the Federal government is in need of a highly technical product or service, a Request for Proposal (RFP) is designed. “In a typical RFP, the government will request a product or service it needs, and then solicit proposals from prospective contractors on how they intend to carry out that request, and at what price (Small Business Administration, Contracting 101, (2006).”

Negotiations may take several forms including, oral presentations and multiple iterations of written proposals. After reviewing the proposals received, the contracting officer will typically negotiate with those suppliers that have submitted acceptable proposals, seeking the most advantageous contract for the Federal government.

In many cases, the lowest price is not the driving factor for award. The federal government, in all of its contracts, but most specifically noted in formal acquisitions, may use "best value" as the criteria for award. In this instance, low price is not the sole criteria for award. This means that all factors are considered when deciding a contract award. The best value source selection process weighs factors other than price, such as technical ability, management, and past performance; instead of focusing solely on lowest price. These factors, especially past

performance are deemed good measures of likelihood for a vendor to perform as required. The factors to be considered, and the relative weight that each factor will be given, should be clearly defined by the solicitation. This will allow vendors to focus their responses on addressing those factors, in order to increase their chances of winning the contract. Past performance will always play an important role in evaluation.

#### *GSA (General Services Administration) Schedules*

Federal Supply Schedules, also known as GSA schedules, are unique contract mechanisms that are administered by the General Services Administration. These contract vehicles are utilized for government-wide acquisitions. Schedules are arranged by category of product or service to be purchased. Contracts are issued to vendors under these categorized schedules. They are similar in many ways to indefinite delivery contracts. The GSA schedule establishes a price for the provision of an item to any federal government agency at any point within a predetermined geographic area. This price will include shipping costs, and will not change based on volume. Minimum and maximum order sizes are determined at the time of contract negotiation.

The Federal Supply Schedule program “provides federal agencies with a simplified process of acquiring commonly used supplies and services in varying quantities while obtaining volume discounts. Indefinite-delivery contracts (including requirements contracts) are awarded using competitive procedures to commercial firms. The firms provide supplies and services at stated prices for given periods of time, for delivery within a stated geographic area such as the 48 contiguous states, the District of Columbia, Alaska, Hawaii, and overseas. The schedule contracting office issues Federal Supply Schedules that contain information needed for placing orders. Each schedule identifies agencies that are required to use the contracts as primary sources of supply. Federal agencies not identified in the schedules as mandatory users may issue orders under the schedules. Contractors are encouraged to accept the orders.” (Federal Acquisition Regulations, General Services Administration Department of Defense National Aeronautics and Space Administration, 2006)

Under these arrangements, a price is determined by the Federal Supply Schedule contract, and the federal government agrees that this price is acceptable. Any agency wishing to purchase this product or service from a potential vendor, need only find the funding with which to pay for them. There is no need for the contracting officer or end user to seek competition for the acquisition since the Federal Supply Schedule was competed for initially, and a contract vehicle was put in place. However, contracting officers are required to compare the prices of at least three companies in receipt of a contract under GSA schedule, prior to award. These contracts can spell big government-wide orders for those companies properly capitalizing on the Federal Supply Schedule.

After a contract has been awarded under the Federal Supply Schedule, the real work begins for the vendor. Systems have been created to alert buyers to those companies holding Federal Supply Schedule contracts. However, it is imperative that companies that have received Federal Supply Schedule contracts advertise that contract and the products that it covers to potential buyers, including easy access to their website. The systems that are currently in place to alert buyers to the lists of Federal Supply Schedule contracts can sometimes be cumbersome to use. Furthermore, if a buyer is looking for a product and already is aware of a contract holder, he or

she may not ever look at the advertising points. Again, these are opportunities for marketing managers to compete for a greater market share.

The place where a government buyer typically would look if trying to find a Federal Supply Schedule contract holder is the General Services Advantage program. This online system allows buyers to search for the products and services they require, and order them on-line from the website. This system can also be used by potential vendors considering applying for a Federal Supply Schedule contract to investigate current pricing for the products that they are considering offering to the Federal government. This competitive information, which is accessible through the advanced search portion of the website, can be crucial to companies as they consider entering the market. The General Services Administration Advantage website is located at:

<http://www.gsaadvantage.gov>.

## **Registration Procedures**

Having considered the procurement process, the next step is to assure that the business firm is positioned to gain entry to this lucrative market through a wide range of registration options. Following are the major registrations and related efforts that the government market entry should include.

### *Government-Wide Point of Entry*

There are a number of websites and lists through which vendors should register in order to successfully compete for federal government contracts. Some of these will require a written registration, some will be available on-line. The number of registrations that can assist a potential federal vendor can be very high. They will vary by industry. This overview will focus on the major registrations that must be completed by most vendors.

Some initiatives included herein do not require registration but can assist in the acquisition process or provide information that will be necessary in order to register at other sites. As outlined earlier, the <http://www.fedbizopps.gov> website is the distribution point for all Federal government solicitations expected to exceed \$25,000. It is not required that a potential vendor register at this site. However, a potential vendor has the option to either register at this site and receive notification of potential bidding opportunities, or to review the site often (possibly daily) to receive information about bid opportunities. Registration will allow e-mail notification of bidding opportunities above \$25,000.

### *NAICS Code / SIC Code Identification*

North American Industry Classification System (NAICS) was designed to replace the U.S. Standard Industrial Classification (SIC) system. Both of these systems were designed to properly identify industrial activity. SIC was replaced by NAICS because it was a more detailed system, and because it was accepted and used by the United States, Canada, and Mexico. It allows robust analysis of industrial activity on the continent and provides detailed categorization options to properly identify business output.

Many registries require a full listing of a vendor's SIC and / or NAICS codes. A full listing with keyword search capability is available through the United States Census Bureau at: <http://www.census.gov/epcd/www/naics.html>.

#### Federal Supply Classification Codes / Product and Service Codes

“Federal Supply Class (FSC) codes are how the federal government categorizes the products it buys. Over time, the need emerged to categorize the services the government buys, as well. The classifications for services are known as Product Service Codes (PSCs)” (Bidsource, 2006). These codes, as well as SICs and NAICS, are necessary for companies attempting to present their products or services to federal government buyers. These codes will be important in a number of registration processes for the federal government. These codes will allow potential customers to properly identify the products or services being offered by a potential vendor. FSCs and PSCs can be identified at: <http://www.dlis.dla.mil/H2/default.asp>

#### Central Contractor Registration

“Central Contractor Registration (or CCR) is a government database of past, current, and potential vendors. According to Defense Department regulation, vendors must be registered in CCR prior to the award of a contract” (Department of Defense Business Opportunities, 2006). Registration in this database is an important step for marketing managers. Without this registration, in most instances, no defense contract in excess of \$2,500 can be made to a potential vendor. Additionally, as this database becomes more widely accepted, an increasing number of agencies are requiring registration be completed before contracts can be awarded. This was recently combined with a program within the SBA called ProNet that advertises companies' information to federal agencies. By registering at <http://www.ccr.gov>, both registrations will be accommodated.

Finally, to complete the registration process CCR registration process an online representations and certifications application (ORCA), DUNS number and Federal Tax Identification Number will be needed.

#### *ORCA*

This representation and certifications application is an on line registry accessible through a link in the ccr website or directly at [www.ORCA.BPN.gov](http://www.ORCA.BPN.gov). It is universally required for all contracts of a significant size and saves time and repetitive paperwork providing a profile of essential information on a contractors quality and other certifications of ability to perform to specifications.

#### *Data Universal Numbering System (DUNS)*

The Data Universal Numbering System is a unique nine-character identification number provided by the commercial company Dun & Bradstreet (D&B). This number is required for CCR and other registrations. The process to request a DUNS number takes about 10 minutes and is free of charge. Many companies have a DUNS number prior to calling but are not aware of it. If a new number is created it will take a few days to process. Prospective vendors need to mention that this number is being requested to register on CCR in order to ensure that there is no charge. Registration for a DUNS number can be done at Dun & Bradstreet's web site: <https://www.dnb.com/product/eupdate/requestOptions.html>, or by calling 1-800-333-0505

### *Federal Tax Identification Number*

A Federal Tax Identification Number, also known as an EIN or Tax ID Number, can be obtained by completing and filing IRS Form SS-4. This number, which varies from business to business, is used to track business activity for taxation purposes. All CCR registrants operating a business other than as a sole proprietorship, must have a Tax ID number. Those operating sole proprietorships may use their social security numbers. Information about obtaining a Tax ID number can be obtained from the Internal Revenue Service at 1-800-829-1040

### **Socio-Economic Programs**

The U.S. Federal Government procurement process pays special attention to inclusivity. It is widely recognized that all of the net new jobs in the economy emanate from the small business sector. To keep small business healthy and growing, a variety of special programs assure their participation. Of special interest to owners and marketing managers of small to middle sized businesses are the variety of programs with the goal of helping socially disadvantaged persons, women-owned businesses, service disabled veterans and others.

The Federal Government has set a goal of 23% of Federal prime contract and subcontract dollars to be awarded to small businesses. Within that 23% are independent goals for certain sectors of small businesses. These individual sector goals are also outlined below.

### *Set-Asides for Small Business*

A small business set-aside acquisition is governed by legislation designed to increase the participation of small businesses in the acquisition process. “The purpose of small business set-asides is to award certain acquisitions exclusively to small business concerns. A "set-aside for small business" is the reserving of an acquisition exclusively for participation by small business concerns. A small business set-aside may be open to all small businesses.”

Most acquisitions exceeding \$2,500 but not expected to exceed \$100,000 are “automatically reserved exclusively for small business concerns and shall be set aside for small business, unless the contracting officer determines there is not a reasonable expectation of obtaining offers from two or more responsible small business concerns that are competitive in terms of market prices, quality, and delivery” (Federal Acquisition Regulation Part 19.502, 2005). If a contracting officer wishes to remove the set-aside status from a contract, he or she must inform the agency’s Small Business Specialist, and the Small Business Administration’s cognizant procurement center representative. If these two individuals find that there will indeed be problems identifying the proper small businesses to compete, then the set-aside status will be removed. Otherwise, the set-aside status will be upheld.

The definition of the term small business is determined by the small business administration. The definition of a small business, in general terms, is a company with an employment or an average annual sales level for the preceding three years that does not exceed the following terms: (Small Business Administration, 8(a) Business Development, 2006)

<http://app1.sba.gov/faqs/faqindex.cfm?areaID=15>

500 employees for most manufacturing and mining industries  
100 employees for all wholesale trade industries  
\$6 million for most retail and service industries  
\$28.5 million for most general & heavy construction industries  
\$12 million for all special trade contractors  
\$0.75 million for most agricultural industries

### Small Disadvantaged Business Program

U.S. Congress has set a goal for 5% of all Federal prime contract and subcontract dollars to be awarded to Small Disadvantaged Businesses. This program is designed to assist companies that are both socially and economically disadvantaged. Eligible companies “must be a small business, must be unconditionally owned and controlled by one or more socially and economically disadvantaged individuals who are of good character and citizens of the United States, and must demonstrate potential for success.” These companies must also meet the requirements of being a small business as defined by the Small Business Administration.

The program assists qualified firms, within specific industries identified by the Department of Commerce, by providing them a price evaluation adjustment when bidding for contracts in excess of \$100,000. These industries can change annually, and are chosen by the low participation by disadvantaged businesses in them. This adjustment is carried out by adding a predetermined percentage of the total bid price of an other than small disadvantaged business to its price when comparing that price to that of a small disadvantaged business. This could mean that despite being higher, a small disadvantaged business could be deemed to have an acceptable price.

Social disadvantage is an important part of the small disadvantaged business designation. Historically, this has meant that the individual that owned and controlled a company was a member of a minority group. While this is still a considered a qualifier for social disadvantage status, there are other qualifiers. Any person who is not included in the aforementioned groups, in order to gain recognition as being socially disadvantaged, must provide, “At least one objective distinguishing feature that has contributed to social disadvantage, such as race, ethnic origin, gender, physical handicap, long-term residence in an environment isolated from the mainstream of American society, or other similar causes not common to individuals who are not socially disadvantaged.”

The guidelines for determining that an individual is economically disadvantaged are more straightforward. In basic terms, it means that a firm is owned and controlled by a person with a personal net worth that does not exceed \$250,000. The value of the individual’s home and value of the firm are not considered in this figure. Further information is available at:

<http://www.sba.gov/sdb/>.

### 8(a) Business Development Program

The 8(a) program is named after a section of the Small Business Act. The requirements for certification are almost identical to those of the Small Disadvantaged Business Program. However, the benefits available as an 8(a) certified company, in addition to those available as a certified small disadvantaged business, can be of great assistance to firms attempting to penetrate

the federal government market. By becoming certified as an 8(a) contractor, a firm is automatically certified as a Small Disadvantaged Business.

8(a) certified firms can receive sole-source contracts, up to a ceiling of \$3 million for goods and services and \$5 million for manufacturing. In this instance, the contract is actually awarded to the Small Business Administration, which accepts responsibility for the contract. The work is awarded through a subcontract by the Small Business Administration to a qualified 8(a) certified firm. That firm will do the work associated with the contract. These contracts may also be awarded through a limited competition, where two or more 8(a) certified firms bid for the work, the Small Business Administration is awarded the contract, and it is then awarded to the 8(a) firm that submits the best proposal.

Certain direct contracts will be awarded directly to 8(a) firms through acquisitions limited to their participation. Through memoranda of understanding with a number of different agencies, the Small Business Administration has created processes that allow a contracting office the ability to solicit bids from 8(a) certified bidders alone, then award the contract directly to one of those bidders. This is becoming more and more prevalent in federal contracts. Further information about the 8(a) business development program is available at [www.sba.gov/8abd/](http://www.sba.gov/8abd/).

#### Historically Underutilized Business Zone (HUBZone) Certification

“The HUBZone Empowerment Contracting Program stimulates economic development and creates jobs in urban and rural communities by providing federal contracting preferences to small businesses. These preferences go to small businesses that obtain HUBZone (Historically Underutilized Business Zone) certification in part by employing staff that live in a HUBZone. The organization must also maintain a "principal office" in one of these specially designated areas” with 35% of its employees residing therein (HUBZone, 2002). This program was designed to help geographic areas of the country that have historically been participating in economic activity at a rate less than the national average. This is an acquisition process that is increasing in use. More information is available at <http://www.sba.gov/hubzone/>

U.S. Congress has set a goal for 2% of all Federal prime contract and subcontract dollars to be awarded to HUBZone certified businesses. In order to qualify for this program, a firm must be a small business owned and controlled by a United States citizen. The location where the greatest number of employees performs their work must be located within a HUBZone. These areas are designated by statute or are chosen by the United States Census Bureau. A firm can determine if it is located within a HUBZone by checking at the Small Business Administration’s HUBZone Website. <http://map.sba.gov/hubzone/init.asp#address>.

The HUBZone program allows certified firms to participate in acquisitions, with a dollar value expected to exceed \$100,000, that are limited to competition between HUBZone firms. This means that if two or more qualified HUBZone certified firms can be identified, then the contract may be set-aside for HUBZones firms. Additionally, if only one HUBZone company that can provide a product or service being sought can be identified, a federal contracting officer can make a sole source award to the identified firm provided that the product can be provided at a fair market price.

#### Service Disabled Veteran Owned Businesses

The Veterans Entrepreneurship and Small Business Development Act of 1999 created a program requiring federal agencies to increase assistance to veterans. “It also amended the Small Business Act (15 U.S.C. 631 et seq.) to include veterans and veterans with service-connected

disabilities in its programs. The Act also requires that federal contracting agencies establish and achieve a participation goal of 3% of the total value of all prime contract and sub-contract awards for each fiscal year for small businesses owned and controlled by veterans with service-connected disabilities” (Veterans' Owned Small Business Procurement Program, 2006). See: <http://www.sba.gov/GC/indexprograms-vets.html>

The Veterans’ Administration is working toward achievement of this goal as soon as possible. This program is relatively new, but is getting a good reception in the contracting community. While, it is not currently attaining the goal of awarding 3% of federal procurement dollars to service disabled businesses, there has been an increase in those numbers.

There is no certification process for recognition as a service disabled veteran owned business. To be a recognized service disabled veteran owned business, a firm must be 51% owned, and controlled by a service-disabled veteran. One need not be fully disabled in order to qualify for this program.

For more information about the service disabled veteran owned business assistance is available at <http://www.va.gov/OSDBU/contacts/contacts.htm>

#### Women-Owned Businesses

The federal government has a goal of awarding 5% of all Federal prime contract and subcontract dollars to women-owned businesses. There are no set-aside contracts for women-owned businesses.

In order to qualify for this program, a firm must be found to be economically disadvantaged. “The limit for individual net worth upon entering the program is less than \$750,000 after subtracting both the equity in the primary residence and the equity in the applicant business. The woman/women disadvantaged owner(s) must own at least 51% of the business. The firm must be managed and controlled by the women owners. The business must be small as measured by SBA’s size standards. The applicant or applicants must be U.S. citizens” (Contract Assistance for Women Business Owners (CAWBO), 2006). Except in the case of Department of Transportation contracts, there is no certification process for recognition as a women-owned business. Find more about the Department of Transportation certification at: <http://www.dotcr.ost.dot.gov/asp/dbe.asp>

#### Subcontracting Requirements

The Federal government requires that the same goals that are set forth for Federal agencies, are passed on to large business firms receiving federal contracts. This means that the same percentages for the award of contracts that were outlined above, are passed on in requirements for the award of subcontracts at the same levels.

“Public Law 95-507 requires contractors (except small business concerns) receiving a federal contract exceeding \$500,000 (\$1,000,000 in the case of construction), which offers subcontracting possibilities, to establish subcontracting plans that provide maximum contracting opportunities for small and small disadvantaged business concerns” (Department of Agriculture, FY 2002 Subcontracting Opportunities Directory, 2006). If a prime contractor fails to meet the goal of subcontracting a certain portion of this work to small businesses, it can count negatively

toward that firm's performance rating. This can make it difficult for a large firm to be awarded subsequent contracts.

Large firms receiving contracts with these subcontract requirements will be required by the federal government to provide "The name of the individual employed by the offeror who will administer the offeror's subcontracting program, and a description of the duties of the individual" (Federal Acquisition Regulation Part 52.219-9, 2006). The duties of this individual will be reviewed by the federal government to ensure that every effort is being made to attain the goal. These duties include interviewing small businesses for potential subcontracting opportunities. These individuals are typically referred to as Small Business Liaison Officers.

Many agencies will provide a list of Small Business Liaison Officers to the small business community. Contacting these individuals can be a good way to market large businesses in receipt of these contracts. These individuals do not typically widely publicize the opportunities at the large business that they work for. Therefore, it is a good practice to contact them. These are a few links to the on-line listing of these individuals:

<http://www.sba.gov/GC/indexcontacts-sbsd.html>

<http://www.acq.osd.mil/sadbu/publications/subdir/>

It should be noted that there are many more listings of these individuals than those listed above. Standard Internet search tools should be able to provide more lists of individuals who hold these positions.

## **Conclusions and the Future**

Certainly by virtue of its size and enormous growth potential, the U.S. Federal Government market is worthy of consideration by marketing executives. While defense spending consumes over two-thirds of federal spending on goods and services, non-defense expenditures still represent an enormous market, and taken together the federal government market offer numerous future opportunities. By extension, the global market for government business at the federal or country level is an enormous and growing customer category. It can be concluded from the U.S. experience that the scope and intensity of e-government will become a global opportunity driven by information technology. The burden of world population growth and the attendant problems of energy costs, water supply and, of course, the continuing challenge of terrorism; make growth in government procurement inevitable. It should merit the attention of marketing and business executives in every industry.

In addition to these mega trends, we can reasonably expect continued dramatic escalation of government spending due to a variety of systemic drivers seen in the U.S. experience (Frook 2001):

- New streamlined purchasing procedures, including credit cards.
- Government paper reduction act requiring federal agencies to move to electronic forms.
- Appointment of chief information officers by federal agencies and, under consideration, an overall chief for information technology, making it easier to identify e-commerce decision makers

- E-government itself, creating efficient e-procurement mechanisms for identifying and competing for business opportunities. This is particularly important for small to medium sized firms that can qualify for set asides and preferences.

Entry into the U.S. government market would seem to be particularly attractive as a market development strategy for either established businesses or small to medium sized growing organizations with the ability to supply a quality product or service in commercial quantity. Manufacturers, distributors, value added resellers (VAR's), catalog companies and service providers should be able to use the guidelines and references provided here to research the government market and develop a communications, pricing and distribution strategy for participating in this market. Product development and diversification strategies are inherently riskier and are more appropriate in the government market for firms with an already established base and reputation.

A three-step process is suggested for companies interested in exploring the federal market:

- Research and register at the major agency portals (Registration section above)
- Identify and establish procurement processes that match with the company's product-market niches (Procurement Processes section above)
- Determine whether the company qualifies for set aside or preference programs (Socio-Economic section above)

As in marketing to any customer type, a company embarked on a market development strategy to the federal government must bring its core competencies to bear in a way that differentiates it from competitors. In particular it will be important to have a competitive communications strategy with targeted and integrated promotional efforts, including a web presence. Increasingly customer relationship management tools are also being employed in this market to create high satisfaction and to attract and hold customers (Frook, 2001).

A survey of government buying habits showed a dramatic increase in web buying and browsing habits and predicted the growth of the web as a tool for information gathering and buying, especially among government credit card holders (Amtower, 2001). Amtower suggested web attributes for a federal market presence:

- Easy navigation
- Quick page loads
- Accurate information
- Good presentation and indexing
- Current links
- The government credit card logo.

Without these baseline "musts" there would be little hope of success in selling to the fed's via a website or even gaining a return visit to the site. Furthermore, the website must be marketed to a target audience in coordination with a calculated program of direct mail, newsletters, personal selling and trade ads (all promoting the company URL, logo, (opt-in) e-mail, fax and phone features) to create a preference on the part of potential buyers (Amtower, 2000). Technically, attention also needs to be given to meta-tags and embedding words and phrases on each page throughout the website to maximize the probability that search engines will locate the site.

Small businesses in the can and may wish to seek help with this process. Free or low cost management assistance is available through a growing number of Procurement Technical

Assistance Centers throughout the country. A listing of these centers is available at:  
<http://www.dla.mil/db/procurem.htm>

For certain of the buying processes such as purchases on schedule by the GSA, the Federal Supply Service (FSS), which administers the GSA schedule programs, provides assistance to companies that are new to the process. Other organizations that can help are the National Contract Management Association, the Institute for Supply Management, and the National Institute of Government Purchasing (Santo, 2001).

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