

## **ADVOCACY FAQs**

### **Why was a new set of guidelines published?**

The original guidelines formed at the inception of the Advocacy Center had remained essentially unchanged since they were written during the 1990s. Bidding in international procurements then was much simpler: Company A, from the U.S. and manufacturing in the U.S., wants to win a contract in Country B. While some contests are still just that simple, many more in recent years have been more complex, with companies from various countries cooperating on bids, each having manufacturing or service assets in various countries, and seeking contracts from entities that are more or less closely associated with governments. Such cases were not easily determined using the old guidelines, and so new practices evolved over time to deal with cases not covered by the old guidelines. The new guidelines are an effort to codify those adaptations to more recent business and government bidding practices as well as the increased importance of exports to the U.S. economy.

### **How are the new guidelines different?**

The new guidelines are not very different from the old ones, but they are more thorough. Many of the cases we see are not as simple as a single company bidding alone on a single contract in a foreign country, sourcing all its goods or services from the United States. The modern nature of business means a much more complex system of ownership, sourcing, partnership, and representation than existed in the 1990s. The new guidelines are an attempt to take some of those differences into account.

### **The 2013 questionnaire looks quite a bit different from the one I'm used to. Is it more complicated?**

We hope not. The new questionnaire was redesigned using suggestions and feedback from companies large and small, our embassies abroad, and other government offices with a role in export promotion. Our goal was to make it flow better, having related information asked sequentially and in a logical chain. While it wasn't a scientific process, we hope it is easier to follow and understand in the new format.

### **Does the new questionnaire ask for different information?**

Not really. The information we ask for is pretty close to what we asked for in the old questionnaire, just in a different and, we think, more digestible order. That is one of the reasons for the redesign.

### **With whom do you share information from my questionnaire?**

The Trade Secrets Act protects any information you provide to us. That means we are prohibited from sharing the information you provide to us with anyone who does not need to know it. The commercial staff at the appropriate U.S. Embassy needs to know about your case so they can help you to win the project. Some offices relevant to your particular product may need to know, in order to support your efforts or recommend actions. And we will share some information with U.S.

government representatives whom we ask to advocate for your project when they meet relevant officials from the other government. But we will only share it with the people who need to know it, and will not share it with other companies, irrelevant government offices, or anyone not involved in advocating your project.

**I am bidding in partnership with another company. Do I need them to sign the Advocacy Questionnaire?**

It depends. If your partner, whether foreign or U.S. based, is the “Bidder of Record” for the project, then yes, we need them to sign alongside your signature on both the first and last pages of the Advocacy Questionnaire. If you are the bidder of record but are working with a non-U.S. partner, we may ask your non-U.S. partner to sign the first and last pages Advocacy Questionnaire as well.

**My situation is a bit different than those described in the Advocacy Guidelines. Does that mean I can't apply for advocacy?**

The Advocacy Guidelines cannot describe every possible situation. To keep things short and manageable, we tried to describe the great majority of cases we deal with. But there are others, and your situation may be one that is not specifically described by the new Guidelines. Don't let that stop you, though. Just because your situation isn't specifically described doesn't mean we can't accept your case. Please refer to our on-line “Staff Directory” to find the Advocacy Center Regional Manager for your country of interest. Contact them first before you begin to fill out the Advocacy Questionnaire.

**Can I get “blanket advocacy” for several projects in the same or different countries?**

No. We evaluate each tender or competition individually. We need a signed Advocacy Questionnaire for each one. The timelines, potential contract values, and decision makers in each case will be different. Just because we accept a case in one country doesn't mean we will accept a similar case in another country or even in the same country. The guidelines outline some of the reasons this might occur.

**I am interested in a project for which there is no established timeline. Is it too early to apply for advocacy?**

Maybe, but not necessarily. We recognize that there are situations in which the pre-tender process may be just as important as the post-bidding evaluations. If there is a real chance of your company being excluded from bidding if the terms of reference are influenced by other governments, or if we can see that other governments are already attempting to gain favor for their own companies, then we may be able to accept a case before the tender is issued. In such situations, it is probably best to discuss the case with the relevant Regional Manager before submitting an Advocacy Questionnaire. Please refer to our on-line “Staff Directory” to find the Advocacy Center Regional Manager for your country of interest.

**Once my case has been accepted, what are my responsibilities?**

Keep us informed about developments in your case. Our Regional Managers do their best to keep up to date on their cases but it is up to you to follow up with them if you learn news relevant to the situation. Also, if your contact information changes, or the bidding process is transferred to another company representative, please let us know so that we know whom to contact if there is an opportunity to advocate for your interests. Many such opportunities are short notice meetings or trips by leaders in other agencies, and our managers may have only hours to submit briefing material; so it is important for them to be able to get in touch with you or the responsible company representative to make sure the information we provide is timely, accurate, and, most importantly, that you want the U.S. Government representative to intercede on your behalf at that time. For example, you may have just been notified that you are the front runner in a tender and don't want us to disturb the situation by pushing more when you are already so close to winning. That's why we will ask you before we submit your case for meetings or other advocacy opportunities that arise.

**Do I need to submit an Advocacy Questionnaire to have an Embassy representative vouch for my company's reputation and abilities?**

Yes. It's quite a normal every day occurrence for our Embassy staffs to assist U.S. interests in meeting appropriate officials, potential partners, agents, or possible clients. That's called "commercial facilitation" and does not need to involve the Advocacy Center. Where the Advocacy Center must be engaged is when you want the Embassy or any U.S. government representative to advocate on behalf of your company for a specific tender.

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