Debriefing Bidders



Canadian Institute for Procurement and Materiel Management

Housekeeping

- Schedule, break, lunch
- Cell phone and Blackberries
- Washroom
- Recycling and Trash
- Certificate
- Copy of presentation



Introduce yourself

What is your name?

Where do you work?



Topics to be covered today

- Bidder's Reaction
- Purpose of debriefing
  - Impact of debriefings
  - Legislative obligations
- Types of Debriefings
- Disclosure of Information
- The debriefing
- Psychology of debriefings
- Challenge Process

How would you react??

If you were an unsuccessful bidder, how would you react?

Take 5 minutes to talk about it at your table



Negative reactions



Confrontational

- Threaten to go to court, Minister's office
- Have the bids re-evaluated
- Determine evaluation team's expertise (or lack thereof)
- Complain about the winner bidder
- Government is paying too much

Purpose of debriefings

Explain to unsuccessful bidders why their bid was not accepted….[it] demonstrates fairness openness, and transparency…

PWGSC Supply Manual 7.40

Impact of debriefings

- Legislative obligations
- Impact on stakeholders
  - Positive outcomes for suppliers
  - Positive outcomes for government
- Negative Consequences

Legislative obligations

NAFTA – Article 1015, 6

An entity shall:

(a) on request, promptly inform suppliers participating in tendering procedures of decisions on contract awards and, if so requested, inform them in writing; and

(b) on request of a supplier whose tender was not selected for award, provide pertinent information to that supplier concerning the reasons for not selecting its tender, the relevant characteristics and advantages of the tender selected and the name of the winning supplier.

Positive outcomes for suppliers

- Build a closer relationship to government
- Learn strength and weaknesses of their bid
- Help them bid (and win) on future requirements
- Reduce future bid preparation time
- Become more competitive
- Acknowledge investment of time and money

Positive outcomes for government

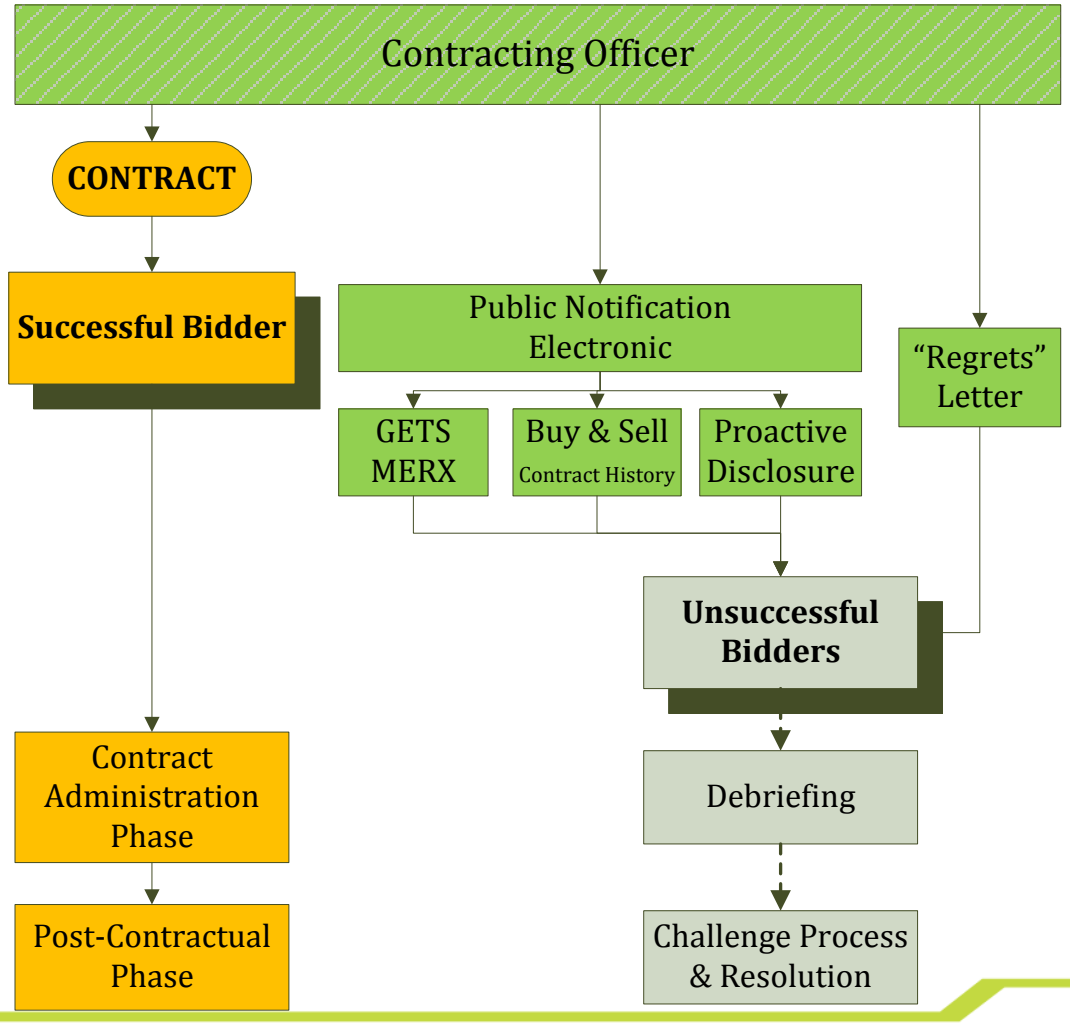
- Build a stronger relationship with industry
- More competitive bids in the future
- Win-Win situation
- Open, Fair and Transparent
- Avoid litigation
- Improve procurement practices

Negative consequences

If we do not provide adequate debriefings:

- Lengthy and costly litigation
- Loss of credibility and public trust
- Embarrassment for department

Notification to Bidders



Procurement Ombudsman

2008-2009 Report

suppliers are unaware they may request a debriefing and consequently they have not received on. Others who have received debriefings feel frustrated by a lack of what they consider relevant and adequate feedback.

Finding

- Giving suppliers more consistent information […] should reduce the number of challenges and complaints;
- Reward outweighs risks;

Recommendations

1. inform suppliers of their right to request a debriefing and recourse mechanisms;
2. develop consistent core principles and an approach to ensure […] a clear understanding and expectation of what a debriefing will or will not include;
3. establish clear instructions on options for delivering a debriefing;
4. ensure procurement personnel have the appropriate skills and are adequately trained.

1. Request a debriefing:

Every solicitation must include a provision stating that bidders may request a debriefing

PWGSC Supply Manual 7.40.a.ii

Go above and beyond!!!



2. Disclosure of information

- the name of the successful bidder;
- the total estimated cost of the contract;
- the successful bidder's total score or evaluated price;
- very general information on the relative strengths of the successful bid, ensuring that confidential and commercial information is not divulged; and
- an outline of the reasons the bidder being debriefed was not successful according to the evaluation criteria and selection methodology.

3. Types of debriefings

- In writing
- Telephone
- In person

We'll see all three shortly



4. Training

How to give people bad news?

You showed up today!



Regret Letters

ADVANTAGE

- Record of decision
- Suppliers get pertinent information
- Less risk
- Most suppliers content after this

DISADVANTAGE

- May not contain enough information to satisfy bidder
- Impersonal
- No feedback for government

Over the phone

ADVANTAGE

- Fast and efficient
- Use for low dollar value
- Use a script

DISADVANTAGE

- Impersonal
- No body language
- Won’t know if anyone is recording it
- Don’t want to regret saying something
- May need to follow up in writing anyways

Face to face

ADVANTAGE

- Open, fair, transparent
- Two way dialogue
- Builds relationships

DISADVANTAGE

- Anything can happen!

Let’s watch a video on face to face debriefings



Prior to the meeting

Things to consider:

- Review documentation
- select appropriate location
- determine how many people will be coming
- provide teleconference option
- determine role of those in attendance
- Set an agenda
- request questions in advance
- Let bidder know purpose of meeting

Who should attend

1. Legal
   - If the bidder has legal representative

2. Technical authority
   - Critical that everyone is on the same page

3. Fairness monitor
   - If they were involved on file

During the meeting

Things to consider:

- Determine what information you need
  - Consensus report
  - Bidder's proposal
  - Copy of the solicitation document
- Be in control of the meeting
- Introduce everyone
- Go over agenda, expectations of meeting

During the meeting (cont'd)

- Explain that a team of experts evaluated bids
- Set a tone of cooperation
- Review methodology of the solicitation
- Start with bid's strengths
- Review the consensus scores of their bid
- Address the bidder's questions

What if you notice an error?

- Discuss with supplier where they feel mistake was made
- Reschedule the meeting
- Discuss with evaluation team and management
- If you cannot answer a question, let them know you'll get back to them



Things to avoid:

- Don’t discuss other bids
- Do not discuss other requirements
- Do not show favouritism
- Keep comments objective
- Be prepared
- Be professional
- Be Respectful



After the meeting

Follow up with:

- Challenge process if requested
- Constructive feedback to improve process next time
- Put a record of the meeting on file
- Follow up with management if need be
- Properly document

Activity

At your tables, practice these cases:

1. Bidder does not understand government process
2. Bidder lost on price (better technical)
3. Bidder lost on technical (better price)
4. Bidder notices a mistake
5. Bidder wants to talk to the ADM
6. Bidder threatens to go to media
7. Bidder is crying, going to lose their job
8. Bidder tries to bribe you
9. Bidder is very intimidating and aggressive

Cancelling and re-issuing

Feedback session (SM 7.40 b and c)

- which mandatory they failed
- more information is given only if re-solicitation is not significantly modified
- no information on new solicitation or other bids

Re-solicitation

- highlight area of concern in new solicitation
- bidder's conference
- debrief is available
- whether evaluation was completed

Challenge process

1. Canadian International Trade Tribunal (CITT)

2. Office of the Procurement Ombudsman (OPO)

3. Action in Court



CITT

- 10 working days to file a complaint
  - When they should have known they had a complaint
- Be very clear and definitive with your debriefing
- Document information for tribunal
- How to file a complaint, CITT website

Ombudsman

- Below AIT Thresholds for contract award
- Any contract management issues
- How to file a complaint on OPO website
- Canadian suppliers



End!

Thank you for your participation

Enjoy the rest of the conference

Contact your trainer for course offerings at PWGSC



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