

## Effective Date of Bulletin: January 30, 2019

### NYS Procurement Bulletin Debriefing Guidelines

#### I. INTRODUCTION

The purpose of this bulletin is to provide guidelines for State agencies on how to offer and conduct a debriefing for suppliers, contractors or service providers that were not selected during a particular procurement process, regarding the reasons why they were not selected in accordance with New York State Finance Law Section 163(9)(c).

#### II. PURPOSE OF A DEBRIEFING

Debriefings are intended to make the procurement process open and transparent and to help the vendor community become more viable competitors for New York State goods and services. When conducting a debriefing, agencies should be prepared to review, at a minimum, the strengths and weaknesses of a vendor's bid/proposal and to provide information as to the relative ranking of that bidder's bid/proposal in each of the major evaluation categories as provided for in a bid solicitation document.

Debriefings not only provide an opportunity to educate the vendor community in this regard, but it also provides an opportunity for an agency to receive additional feedback from the vendor community to potentially help improve specification writing for future solicitations. However, caution should be used when releasing information that may be withheld under the Freedom of Information Law (FOIL), such as trade secrets or information that will impede contract negotiations.

#### III. DEBRIEFING TEXT

Agencies must include language offering a debriefing in the solicitation. The following proposed text includes all of the required elements for notification:

Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the Bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made within 15 calendar days of notification by [AGENCY] that the Bid submitted by the Bidder was not selected for award. Requests should be submitted in writing to a designated contact identified in the Solicitation.

#### IV. DEBRIEFING PROCEDURE:

All unsuccessful bidders must be notified with a written notice from the agency. A bidder may then request a debriefing within the timeframe provided in the notice and to ensure a complete procurement record, the agency may require that the request for a debriefing be submitted in writing. Within a reasonable time of the request for the debriefing, the agency must respond to the request and schedule the debriefing with the bidder. Although "in-person" meetings are preferred, other methods (i.e. telephone conference call, video-conferencing) are permitted upon mutual agreement of the agency and the bidder that is requesting the debriefing.

It is required that agency personnel participating in the debriefing must have either "been involved with", and/or "be knowledgeable about" the procurement as well as the evaluation criteria utilized and the debriefing must include the following:

- the reasons that the proposal, bid or offer submitted by the unsuccessful bidder was not selected for award
- the qualitative and quantitative analysis employed in assessing the relative merits of the proposals, bids or offers
- the application of the selection criteria to the unsuccessful bidder's bid/proposal
- when the debriefing is held after the final award, the reasons for the selection of the winning proposal, bid or offer
- to the extent practicable, general advice and guidance to the unsuccessful bidder concerning potential ways that their future proposals, bids or offers could be more responsive
- any additional questions from bidder (within the scope of a debriefing)

All information shared during the debriefing should be retained.