NY GovBuy

Delivering an Effective Debriefing

May 4 & 5, 2022
Today’s Focus

• Today we’ll learn about the debriefing process in an effort to help businesses improve on future bids they submit
• We’ll cover the who, what, where, when, why, and how of debriefing

Speakers

• John Normile  • Seth Johnson  • Brett Bush
What is a Debriefing?

• It is the act of informing businesses that were not selected during a bid of the reasons why they were not selected

• This helps businesses:
  – Learn how to prepare a better bid
  – Identify strengths and weaknesses in the bid they submitted
  – Understand why they were not selected
Why Do We Have to Offer Debriefings?

- New York State Finance Law (SFL) Section 163(9)(c)
- Amended in 2016-17 budget
  - Established more consistent practices across agencies
  - Provided more detail regarding procedural requirements and contents of debriefing
You Must Provide Notice to All Bidders

• All unsuccessful bidders must be provided with written notice

• Previously, not explicitly required by the statute
  – Agency practices varied
When Do Debriefings Happen?

• Tied to notice that bidder was unsuccessful
  – Clock starts

• Bidders may request a debriefing within 15 calendar days of notice that they were unsuccessful

• Previously, “within a reasonable period of time”
  – Agency practices varied
What is the Procedure?

• Agency will schedule debriefing “within a reasonable time of such request”

• Default method is in-person meeting, but other methods are permitted upon mutual agreement
  – Conference call
  – Videoconference

• Agency personnel participating in the debriefing must have:
  – “Been involved with” the procurement and evaluation
  – Be “knowledgeable about” the procurement and evaluation
What Does a Debriefing Include?

- The reason the bid was unsuccessful
- How the bid was evaluated
- Application of the selection criteria to the unsuccessful bid
- After final award, the reason for the selection of the winning bid
- To the extent practicable, general advice and guidance on ways to improve future bids or be more responsive
Helpful Resource

NYS Procurement Council Debriefing Guidelines

- Overview guidance document created in 2009
- No changes when guidelines were updated in 2014
- Reiterates debriefing is required as part of the overall goal of State Finance Law to be fair, open and transparent
- Allows flexibility concerning requests for debriefing
Helpful Resource

NYS Procurement Council Debriefing Guidelines

- Every solicitation must contain notice of the availability of the debriefing opportunity
  - Model language for solicitations is available (OGS Appendix B)

- Basic elements for request
  - When to request
  - How to request
  - To whom the request should be sent
When and How to Request a Debriefing

When to Request

• SFL requires a request within 15 days of notification of non-award
• Consult with your counsel’s office for a determination of what is best for your entity and your solicitation

How to Request

• OGS requires a written request
  o Doesn’t need to be a formal – email is sufficient
  o Provides some documentation for the procurement record
How Does the Actual Debriefing Take Place?

- Can be carried out in a variety of formats, or a combination thereof
  - Phone
  - Face-to-face
  - Webinar
- Default method is in person
- The purpose is to provide information as to why a vendor was not awarded a contract
A Best Practice

• OGS requests vendors submit questions in writing prior to the debriefing
  – Not required by statute, but is helpful
  – Allows us to pull together the information needed
  – We can be certain that all appropriate people are present
Things to Consider

• A debriefing will vary depending on the timing of the request
  – Prior to award, OGS limits the debriefing to a review of that vendor’s bid
  – After award, we will give a more comparative debriefing

• Vendors want feedback
  – A lot of time/money is invested into preparing a bid
  – Looking to improve their next submission
Debriefing Process

• Use a debriefing as an opportunity to educate the business community

• Use the debriefing as an opportunity to get feedback from the business community and improve future solicitations
Let’s Watch a Debriefing!

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Helpful Hints

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Helpful Hints

• Debriefing is just one example of the overall information exchange that is part of the procurement cycle
  – Not the most effective; too late
  – May be avoided with better utilization of the other information exchange opportunities
  – Learning experience for both parties
• Communicate before the solicitation is released
• Encourage Q&A
Helpful Hints

- Be proactive – procurement is a constant information exchange with two main types:

**Pre-Proposal**
- Draft solicitation released for feedback from vendor community
- Roundtable discussions
- Q&A sessions
- Solicitation addendums (may result from any of the other exchanges)

**After Receipt of Bids**
- Public openings
- Publishing of bid tab
- Debriefing
- Protests
- Responsibility determination process
Helpful Hints

• Encourage vendors to utilize pre-procurement exchanges
  – The best time to ask questions is before the bid is submitted!
  – During these exchanges, be sure to answer questions as directly as possible

• Don’t be vague or ambiguous – this is not helpful
  – Whenever possible, answer “yes” or “no” and then elaborate
  – Access Q&A responses online as part of a bid update
Helpful Hints

• After bid opening, be proactive
  – Post bid results
  – Include as much detail in non-award letters as possible
    o Vendor will not need further information from debriefing
Questions?

We are here to help!

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