

Session 4 of 4: Procurement Ethics, Conflicts of Interest, and Vendor Debriefings
center4procurement.org/rfp-training-course

**Procurement Ethics,
Conflicts of Interest,
& Vendor Debriefings... Oh My!**

RFP Training Course



Agenda

- **Procurement Ethics**
- **Conflicts of Interest**
- **Unethical Behavior**
- **Vendor Debriefings**



Big Picture



CPE's Foundations of Procurement Excellence

- **Fair:** provide all vendors with an equal opportunity to win.
- **Open:** encourage and maximize competition.
- **Transparent:** provide a clear, concise & accurate process.
- **Value:** optimize the organization's return for the spend.
- **Integrity:** ensure confidence & trust with high ethical standards.



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Why are these Foundations so Important?

- Obvious reason is to stay out of jail or the courtroom
- But this is what drives good vendors to your projects, and gets them to invest their time and effort.



Putting RFP Excellence Into Practice

- Fair
- Open
- Transparent
- Value
- Integrity

Strategic Objective:
Become a “Client of Choice”
and attract
High-Performing Vendors
across your RFPs



5 Foundations of RFP Excellence

CPE supports these 5 Foundations of RFP Excellence in all procurement processes as they enable organizations to become a “Client of Choice” and attract High-Performing Vendors across their entire project portfolio.

Fair: provide all vendors with an equal opportunity to win

Highlighted Practices from CPE:

- Protect the good of the public and the organization
- Follow a realistic procurement schedule
- Minimize bias in evaluations

Open: encourage & maximize competition

Highlighted Practices from CPE:

- Reduce “spitball” restrictions on who can propose
- Avoid burdensome submittal requirements
- Utilize RFPs to solicit alternatives and innovations

Transparent: provide a clear, concise, & accurate process

Highlighted Practices from CPE:

- Clear: release your budget & schedule constraints
- Concise: define what you want (with maximum limits)
- Accurate: seek to maximize differentiation

Value: optimize the organization's return for the spend

Highlighted Practices from CPE:

- No individual evaluation criteria weighted more than 35%
- Keep cost & qualifications completely separate
- Utilize RFPs to generate present solutions

Integrity: ensure confidence & trust with high ethical standards

Highlighted Practices from CPE:

- Train to recognize unethical conduct
- Minimize the risk of protest
- Offer comprehensive debriefings

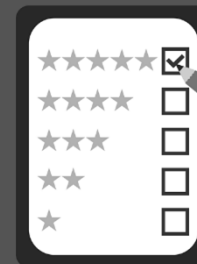
• 5 Foundations Handout

• Includes Highlighted Practices from CPE for each Foundation

Today's Session will focus here!

But all 5 are Important!

Fair: Equal Opportunity to Win



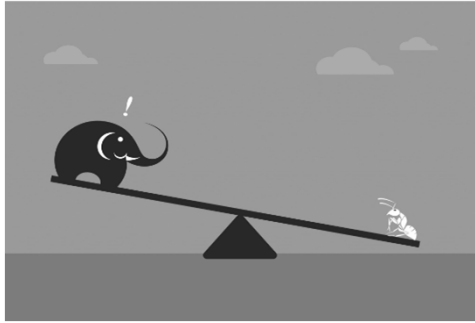
Being a “Client of Choice”
means giving vendors an
equal opportunity to win



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Fair: Equal Opportunity to Win



From a Vendor's perspective,
Clients are not all equal.



Integrity: Ensure Confidence and Trust

Highlighted Practices from CPE:

- Train to recognize unethical conduct.
- Minimize the risk of protest.
- Offer comprehensive debriefings.



Procurement Ethics



Integrity: Ensure Confidence and Trust

There is a wide range of possible unethical conduct...

- | | |
|--------------------------------|----------------------------------|
| • Conflicts of Interest | • Biased Evaluations |
| • Favoritism | • Group Think |
| • Special Interests | • Gifts |
| • Influence | • Lobbying |
| • Confidential Information | • Pressure (internal & external) |
| • Employment & Revolving Doors | • Kickbacks |
| • Financial Interest | • Misrepresentation |
| • Bid Rigging | • And more!!! |



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The Procurement Agent provides safeguards to the Public as it relates to the purchasing process



Procurement Ethics:

In the News...



Integrity: Ensure Confidence and Trust



YOUR REPUTATION

“IT TAKES YEARS TO BUILD YOUR REPUTATION

IT TAKES FIVE MINUTES TO DESTROY IT”

-Warren Buffett



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Petrobras Corruption Scandal 2015

- Operation “Car Wash” by Brazilian Fed Police
- GC paid \$36M in bribes to Petrobras officials (5yrs)
- Brazilian contractors allegedly formed a “cartel”
- Endemic corruption within entire supply chain



Miami Airport 2015

- Iva Valdes became Director of Terminal Maintenance in 2015
- Given authority to authorize purchases
- Ordered 9,000 LED Bulbs (\$9M price vs. \$3.5M wholesale) over 5 years & pocketed \$5M.
- He got caught (boss found out when offered “a box full of cash”)
 - \$98k salary
 - Hand-tailored suits, designer shoes, rented sky boxes for shows, bought \$69k Porsche 911 Carrera



Horsemeat Scandal 2013



- Discovery of horsemeat in processed beef products
- UK supermarket chains and EU suppliers
 - Spread to Nestle, Findus, Compass, etc. recall beef
- Issue of food fraud, not food safety
- Conflicting Motives?
- DNA Testing?



Detroit Public Schools 2016

- Kickback scheme with a school supplies vendor
- Invoiced for supplies that were never delivered to schools.
 - 12 principals and 1 superintendent in on it.
- One principal took \$194k personally.
 - Her defense attorney’s opinion...
- Vendor also charged
 - 5 years and owner forfeited mansion



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Procurement Ethics: What Does it Mean?



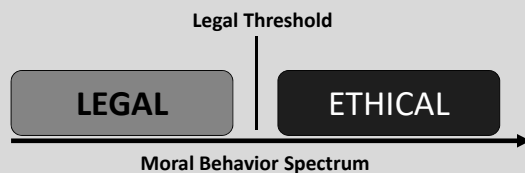
Ethics in Procurement

- Application of moral standards to situations, issues, and decisions confronting procurement professionals.
- Ethics is the practical application of morality within a context established by cultural and professional values, social norms, and accepted standards of behavior.
- Ethics involve determining what is right in a given situation, and then having the courage to do what is right.



Legal vs. Ethical: is there a difference?

- Just because something is LEGAL ...
... does NOT mean that it is also ETHICAL



- Ethics go beyond legal requirements



Illegal but Ethical examples?

- Speeding to get someone to the hospital
- Paying responsible teenagers to babysit, mow lawn, etc. when you know that they will not declare income.



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Legal but Unethical examples?

- Company monitoring employees emails
- Having foreign (out of country) suppliers that do not satisfy ethical expectations of local customers
 - Unsafe working practices, etc.
- Marketing practices taking advantage of segments of the populations
 - e.g. Toys and kids



Ethics and Morals

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Morals<ul style="list-style-type: none">– Relate to norms of society– Rules of conduct with reference to standards of right/wrong | <ul style="list-style-type: none">• Ethics<ul style="list-style-type: none">– Relate to practices within a profession– Rules or standards governing the conduct of the members within a profession |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Poll:

Relative to the professional procurement, “ethics” are defined as the application of:

- Laws and legal codes
- Rules of conduct
- Personal values
- Moral differences between cultures
- All of the above



Codes of Ethics

- Professional skills are important to the well-being of society; professions are regulated by ethical standards
- Objective of ethical standards is to establish rules of conduct and decision-making.
 - Generally, to provide guidance for professionals to “take the correct action”



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Does Procurement Have Ethical Codes of Conduct?

YES!



FAR – Guiding Principles

1.102 Statement of guiding principles for the Federal Acquisition System.

- (a) The vision for the Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives. Participants in the acquisition process should work together as a team and should be empowered to make decisions within their area of responsibility.
- (b) The Federal Acquisition System will—
 - (1) Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service by, for example—
 - (i) Maximizing the use of commercial products and services;
 - (ii) Using contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform; and
 - (iii) Promoting competition;
 - (2) Minimize administrative operating costs;
 - (3) Conduct business with integrity, fairness, and openness; and
 - (4) Fulfill public policy objectives.



Procurement Department Mission Statement

1. The Procurement Department provides leadership and direction to ensure XXXX operates in an efficient and effective manner. Regulations as they relate to the expenditure of public monies for the procurement of all goods, services, and construction.
2. The mission of the Purchasing Department is to facilitate best practices and achieve economies of scale in the procurement process. College and to ensure that such goods and services represents best value, quality service, and timely delivery and that all guidelines mandated by the State. It is the responsibility of the Purchasing Department to maintain and ensure compliance with the highest level of customer service, ethical standards, fairness, and transparency, while welcoming qualified, responsible, and competitive bidders.
3. Ensures that XXX activities are fully compliant with federal laws, regulations, and policies, and that operating practices are consistent with the State's procurement policies.
4. To provide strong leadership in the procurement process with the aim of enhancing efficiencies and cost savings for our customers and to ensure that every purchase represents a fair and reasonable cost to the taxpayer for the required goods and services. To ensure that all purchasing transactions are conducted in a fair and equitable manner.
5. Perform all functions related to purchasing, renting, or leasing of goods, services, supplies, materials and equipment needed to give all vendors an equal opportunity to do business with the State. We are continually improving upon and purifying the procurement process to ensure that it is efficient, effective, and waste within State Government while providing savings to our customers and the taxpayers.

- Comply with laws, regulations, policies

- Make the best use of available funds

- Transparency & Fairness



Model Procurement Code



§1-101 Purposes, Rules of Construction.

- To ensure the fair and equitable treatment of all persons who deal with the procurement system of this [State];
- To provide increased economy in [State] procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds of the [State];
- To foster effective broad-based competition within the free enterprise system;
- To provide safeguards for the maintenance of a procurement system of quality and integrity; and
- To obtain in a cost-effective and responsive manner the materials, services, and construction required by [State] agencies in order for those agencies to better serve this [State's] businesses and residents



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California Public Contract Code PCC § 100



- Purpose of enacting this code:
 - To ensure full compliance with competitive bidding statutes as a means of protecting the public from misuse of public funds.
 - To provide all qualified bidders with a fair opportunity to enter the bidding process, thereby stimulating competition in a manner conducive to sound fiscal practices.
 - To eliminate favoritism, fraud, and corruption in the awarding of public contracts.



Canadian Free Trade Agreement (CFTA)

The Governments of Canada, Ontario, Quebec, Nova Scotia, New Brunswick, Manitoba, British Columbia, Prince Edward Island, Saskatchewan, Alberta, Newfoundland and Labrador, the Northwest Territories, Yukon, and Nunavut

Government Procurement Purpose

- *The purpose of this Chapter is to establish a transparent and efficient framework to ensure fair and open access to government procurement opportunities for all Canadian suppliers. (Article 500)*



New Zealand Government Procurement



- The Government is committed to transparent, accountable procurement processes that ensure all potential suppliers are given impartial and equitable treatment. It is especially important that government procurement takes place in a genuine, open and fair environment.
- As public servants we must comply with 5 interrelated principles of probity in procurement:
 - 1) acting fairly, impartially and with integrity
 - 2) being accountable and transparent
 - 3) being trustworthy and acting lawfully
 - 4) managing conflicts of interest
 - 5) securing commercially sensitive and confidential information.
- Procurement must be conducted with probity in mind, to enable purchasers and suppliers to deal with each other on the basis of mutual trust and respect, and enable business to be conducted with integrity. Probity principles should be integrated into all procurement planning, and not treated as a separate 'add-on'. Agencies must ensure that systems, policies and procedures are established that provide accountability, are able to withstand public scrutiny and which preserve private sector confidence in the procurement process. This means undertaking due process, obtaining appropriate approvals and documenting decisions. Achieving an ethical, transparent approach requires that the procurement rules are clearly stated, well understood and applied equally to all parties.



Role Of The Procurement Agent

- Ensure that the Guiding Procurement Principles are being followed
- Individual that issues the RFP and is ultimately responsible for the conduct of the RFP Process
- May Also Be Called:
- Buyer, Procurement Officer, Contracting Officer



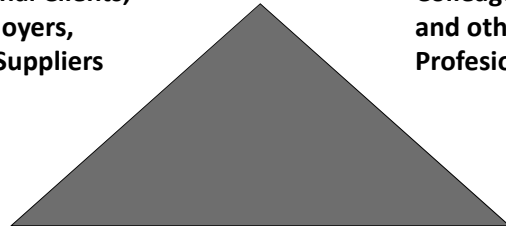
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Scope of Ethical Interactions in Public Procurement

Internal Clients,
Employers,
and Suppliers

Colleagues
and other
Profesionals



Society at large / the public
(#1 highest priority)



Examples from Other Professions

- ASSE code of ethics
 - Serve the public, employees, employers, clients, the Society, and the profession with fidelity, honesty, and impartiality.
- NSPE
 - “Engineers shall hold paramount the safety, health, and welfare of the public.”
- ASCE
 - “Engineers shall recognize that the lives, safety, health, and welfare of the general public are dependent upon engineering decisions.....”
- AIA
 - “... in the Members’ judgment, materially affect adversely the safety to the public of the finished project...” In the commentary of the code ... “the obligation under this rule applies only to the safety of the finished project ...”



Conflicts of Interest



Conflict of Interest

when an employee has financial interest or
personal gain to the procurement

also applies to a member of the employee’s immediate family



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For Each Example – Answer these 3 Questions:

1. Is this OK?
➤ Yes or no.
2. What is the dividing line / tipping point between this being OK vs. Not OK?
➤ Provide examples to illustrate.
3. What are the potential Impacts of the Scenario?
➤ PROs vs. CONs related to the RFP, the evaluation, your organization, being a Client of Choice!



Example – Employee Owning Stock

- An employee for your organization will serve as an evaluator on a new IT system acquisition.
- Software Firm A, was ranked the highest and awarded a multi-million with your organization.
- Stock prices for Software Company A increased as a result of the award. Your employee owns stock of Software Company A.



***...Strictly avoid any
conflict of interest
or even the appearance
of a conflict of interest
in the procurement process...***



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Conflict of Interest

Actual

- is when an individual's judgment or integrity has been compromised



Conflict of Interest

Actual

- is when an individual's judgment or integrity has been compromised

Perceived or Apparent

- is when an individual's judgment or integrity could appear to be influenced, biased, or compromised



**Procurement Agent is
responsible for ensuring
there are no
Conflict of Interest
with the critical personnel
involved on the procurement**

Responsibility

Conflict of Interest Disclosures

- As public procurement officers, you have responsibility to identify and disclose any actual, potential or perceived instances of conflict of interest.

A sample 'Individual Conflict of Interest Disclosure' form. It includes a header for 'City of Los Angeles Department of Public Works & Finance', a title 'Individual Conflict of Interest Disclosure', and a detailed instruction block. The form contains several sections for disclosure, including 'I hereby certify that I have no actual or potential conflict of interest...', 'I hereby certify that I have no actual or potential conflict of interest...', and 'I hereby certify that I have no actual or potential conflict of interest...'. It also includes a section for 'Signature of Procurement Officer' and a section for 'Signature of Vendor Representative'. The form is dated 10/1/11.

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Individuals with any perceived or apparent Conflict of Interest must be precluded from the procurement process

(evaluation, selection, negotiation, payments, etc.)



Example – Family Members

- An employee for your organization will serve as an evaluator on a new IT system acquisition.
- Software Firm A, was ranked the highest and awarded a multi-million with your organization.
- Stock prices for Software Company A increased as a result of the award. Your employee's son owns stock of Software Company A.



Example – Former Employee

- Your RFP requires that the Vendor's proposed Project Manager participates in Interviews.
- One vendor proposes a Project Manager who was a former employee of your organization (the client organization who issued the RFP)



Example – 3rd Party Evaluator

- You are conducting an RFP to hire a Construction Manager
- Your organization wants the Architect who designed the project to serve on the Evaluation Committee to select a Construction Manager.



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Pros / Cons of a 3rd Party Evaluator?

PROs:

CONs:



Unethical Behavior



What Are Unethical Behaviors?

- Questions to ask:
 - Is someone being *deceived*?
 - Is someone being *harmed* or damaged?
 - Is someone placed at a *disadvantage*?
 - Is someone gaining an *unfair advantage*?
- There are situations where actions appear to be unethical but might not be.



Common Violations

- Gratuities & Kickbacks: unethical for any payment
- Employment or Promise of Employment: unethical for any employee to become the employee of any company contracting with the agency
- Sharing or Disclosing Confidential Information: unethical for any employee or former employee to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.



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Example – Tickets to an Event

- A vendor that does work for your organization provides free tickets to a musical event to an employee in your Organization. This employee is commonly involved in the procurement process. The vendor does not plan on going to the event.



Example – Gift

- An employee, who has worked at your company for 20 years, will be retiring in 6 months. This employee has been a lifelong hockey fan. Vendor ABC, who frequently does work with your company, has provided your employee with a signed hockey stick in celebration of their retirement.



Example – Scholarship

- A vendor has provided a financial scholarship to a family member of an employee of your Organization. The scholarship can only be used for tuition.



Example – Employment

- Software ABC has recently won a multi-million contract with your firm. One of your critical evaluators (responsible for giving Software ABC high scores), quit within weeks of this award and has accepted a position with Software ABC.



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Example – Confidential Information

- A former employee for your Organization, who retired several months ago, is doing consulting work. They share critical information that may be considered confidential with a vendor that may propose a project for your Organization. No other vendors have this information or are aware of it.



Example – Anonymous Evaluations

- You are administering an RFP which requires vendors to submit anonymous proposal elements.
- Your Evaluation Team – which includes Executives – strongly pushes to reveal vendor names.



Example – Giving the Cold Shoulder

- Members of the Evaluation Team happen to attend an Industry Conference during the proposal period of a major RFP. Several proposing vendors are in attendance.
- Remembering their Ethics training, the Evaluation Team refuses to engage in any conversation with any vendors during the conference.



What is the Dividing Line / Tipping Point

OK:

Not OK:



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Example – Incumbent Keeps Winning

- Your organization regularly re-competes an ongoing services contract.
- The incumbent vendor has been in place for more than a decade.
- They have been selected multiple times in when the services are re-competed.



Example – Asking Selected Vendor to Lower Price

- Your organization conducts an RFP that results in the selection of a vendor that was \$75K more than the lowest bidder.
- After notifying the vendor that they have been selected, your executive team tells them
“We know there is roughly \$75K of ‘fluff’ in your price. So you need to be cheaper.”



Other Examples of Price Causing Ethical Dilemmas

- Reverse Auctions
- Best-and-Final-Offers
- Negotiation vs. Clarification



Ethics Applies To All Parties

Internal

- Procurement staff
- Customers / clients
- Subject matter experts

External Vendors

- Consultants
- Contractors
- vendors & Subconsultants



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Important to Obtain Ethics Training for Your Organization

Ethics Summary

- Ethics relates to giving all vendors an equal opportunity to win
- Ethics gives the Public the confidence that your organization is acting in the Public's best interest
- 2 major obstacles or challenges to ethics are:
 - Conflict of interest
 - Unethical behaviors
- Procurement agents should seek additional ethics education and training by your agency



The Seven-Step Path to Better Ethical Decisions

1. Stop and Think – recognize the ethical issue
2. Clarify Goals
3. Determine Facts
4. Develop Options
5. Consider Consequences
6. Make a Decision
7. Monitor and Modify



Ethical Behavior

- How do we know ethical behavior?
 - Very rarely black and white!
 - Falls between two extremes of right and wrong (shades of grey)
- Guidelines for ethical behavior
 - 1. Apply the next-day reflection test
 - 2. Apply the front-page test
 - 3. Apply the mirror test
 - 4. Apply the role reversal test
 - 5. Apply the common-sense test



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YOUR REPUTATION

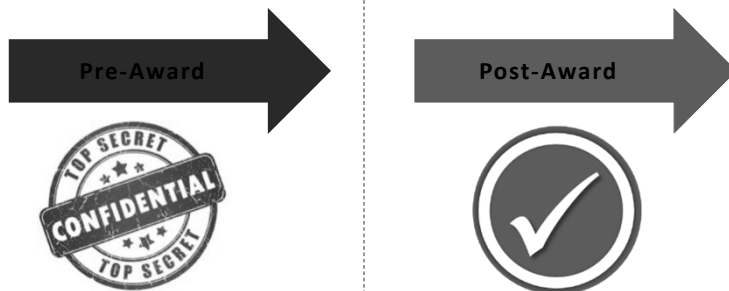
- YOU SHOULD NEVER PUT YOURSELF IN A POSITION WHERE YOU FEEL LIKE YOU OWE SOMEONE SOMETHING
- THERE IS NO SUCH THING AS A FREE LUNCH
- PERCEPTION IS ALL IMPORTANT, ESPECIALLY WITH PERCEIVED CONFLICTS OF INTEREST.



Debriefings



AWARD



Debriefing

- Formal procurement process where vendors or suppliers that were unsuccessful, are informed about the reasons why they were not selected for award.



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Debriefing

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- This can include reasons for low scores or ratings, and areas of weaknesses or opportunities of improvement



Debriefing

- Formal procurement process where vendors or suppliers that were unsuccessful, are informed about the reasons why they were not selected for award.
- This can include reasons for low scores or ratings, and areas of weaknesses or opportunities of improvement
- Debriefings can be done in person or in writing (via email).



Poor Quality Debriefing

- Assumptions about you as a client
- Poor reputation, and low future response rates
- Protest – vendor assumption that you did not follow your process
- Vendor will imagine the worst and assume you selected a favorite/preferred vendor



Integrity: Ensure Confidence and Trust

Offer Comprehensive Debriefings to all Vendors:



- Get better proposals next time
- Greater accountability
- Builds “good-will”



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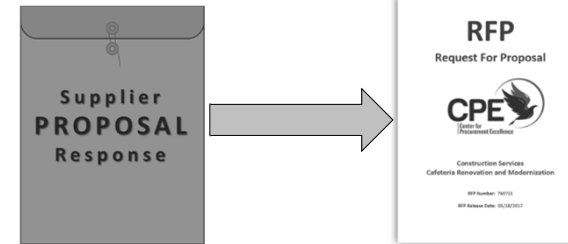
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Integrity: Ensure Confidence and Trust

Vendors should commonly say:

“Wow, we’ve never received this level of feedback before!”

“We put a lot of time and resources into our proposals and this makes it worth it!”



Consider The Following:

Thank you for your proposal submission. We appreciate the time and effort that you put into the response. Your proposal was very comprehensive, but we selected another proposal that was a better fit for our needs. We really appreciate your submission and would encourage you to participate on our future efforts.



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Would A Vendor Be...

- More/less likely to propose on the next project we have?
- More/less likely to invest greater time and resources writing a proposal response?
- More/less likely to assign their best people to your project?



The purpose is not to just explain why they lost!

Provide them with enough comfort that they were treated fairly, so that they will want to propose on our next project

Debriefing Scenario 2

Thank you for your proposal submission. We appreciate the time and effort that you put into the response. Your proposal was very comprehensive, but we selected another proposal that was a better fit for our needs. We really appreciate your submission and would encourage you to participate on our future efforts.

- Factor 1 (Cost): 2nd best
- Factor 2 (Approach): 1st best
- Factor 3 (Experience): 4th best
- Factor 4 (References): 2nd best
- Factor 5 (Qualifications): 4th best
- Factor 6 (Interview): 4th best



Debriefing Scenario 3

- Factor 1 (Cost): 2nd best – (\$55,000)
- Factor 2 (Approach): 1st best (8.4)
- Factor 3 (Experience): 4th best (6.1)
- Factor 4 (References): 2nd best (5.9)
- Factor 5 (Qualifications): 4th best (5.4)
- Factor 6 (Interview): 4th best (5.4)



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Debriefing Scenario 4

- Vendor 1: xxx Points
- Vendor 2: 780 Points
- Vendor 3: xxx Points
- Vendor 4: xxx Points
- Vendor 5: xxx Points



Debriefing Scenario 5

- Vendor 1: 845 Points
- Vendor 2: 780 Points
- Vendor 3: xxx Points
- Vendor 4: xxx Points
- Vendor 5: xxx Points



Public Disclosure & Public Information

Freedom of Information Act (FOIA)

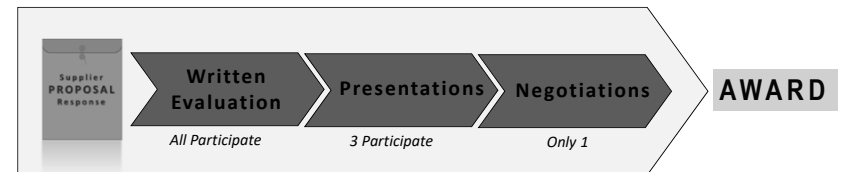
Federal law that allows the public the right to request access to records from any federal agency. Federal agencies are required to disclose any information requested under the FOIA (unless it specifically protected as confidential – such as personal privacy, national security, or law enforcement.)

Public Records Act (States)

Access to Information Act (Canada)



Award



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Recommendation

Provide the vendors with as much information as possible to help them understand why they lost

CPE's "Three S's" to a Great Debriefing

1. Summarize the evaluation process
2. Synthesize evaluator comments
3. State the vendor's relative evaluation scores



Step 1: Summarize the evaluation process

SELECTION PROCESS REVIEW

As outlined in the RFP, the purpose of the debriefing is to provide general feedback on the proposal, discussing strengths and weaknesses with the objective being to assist the firm in preparation of future proposals.

Selection & Evaluation Process:

1. The City received a total of **six (6)** compliant submissions for this RFP.
 - The following proposal forms were reviewed by The City's Procurement Agent to ensure all formatting requirements were met and that no identifying information was present.
 - o Project Methodology (Proposal Form 4)
 - o Technical Approach (Proposal Form 5)
 - o Public Engagement Strategy (Proposal Form 6)
2. Proposal Evaluations
 - From each consultant, sections above were sent to the Evaluation Committee to be reviewed individually.
 - The Evaluation Committee members then submitted their evaluations back to The City's Procurement Agent. The compiled scores for each Proposal Form used to calculate evaluation points.
 - Each consultant's past performance information and narratives of related experience submissions were scored directly by The City's Procurement Agent based upon the number of surveys and the numerical values submitted within each survey.
 - Cost Proposals were entered into the Evaluation Matrix numerically by The City's Procurement Agent.
 - After reviewing the proposals, the Evaluation Committee was provided with the Past Performance Surveys and Narratives of Related Experience.
3. Short List Determination



Step 2: Synthesize evaluator comments

| | | | | | |
|--------------|---|------------------------------------------------------|--------------|---|------------------------------------------------------|
| Consultant A | 5 | Identified process flow, but some steps are missing. | Consultant B | 5 | Identified process flow, but some steps are missing. |
| Consultant B | 7 | Identified process flow, but some steps are missing. | Consultant C | 7 | Identified process flow, but some steps are missing. |
| Consultant C | 5 | Identified process flow, but some steps are missing. | Consultant D | 5 | Identified process flow, but some steps are missing. |
| Consultant D | 5 | Identified process flow, but some steps are missing. | Consultant E | 5 | Identified process flow, but some steps are missing. |
| Consultant E | 5 | Identified process flow, but some steps are missing. | Consultant F | 5 | Identified process flow, but some steps are missing. |

Feedback for Future
RFP Submissions



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Step 2: Synthesize evaluator comments, cont'd

FEEDBACK FOR FUTURE RFP SUBMISSIONS

1. Execution Methodology

o Strengths:

- Detailed schedule and tasks provided.
- Timeline diagram was well-presented.
- Graphic was helpful in understanding the text portion.
- Specifically addressed items requested in our scope and provided specific deliverables and project schedule.
- Consultant provided how's on all 8 items listed in our scope of work. Defined deliverables of their scope too.

o Areas for improvement:

- Order of tasks based on scope instead of logical order – made it slightly more difficult to follow the flow and envision the sequencing.
- The formatting made it hard to read.
- Public mtg and CC not specifically mentioned
- Detailed text was generalized and seemed generic in regards to this project.

2. Technical Approach

o Strengths:

- Survey/questions staff
- Sustainable design option note – change in growth could impact
- Solutions in many items were vague and more related to marketing than addressing the issues of the site and overall project.



Modern law enforcement continually places new demands on police departments to train their officers to meet today's growing needs and demands. The citizens of Lawrence expectations for police officers result in ever higher standards for recruiting, training, accreditation, and certification standards. Architecture for law enforcement, when approached properly, is a powerful tool for police agencies to use to reduce crime, enhance the overall quality of life for their communities, and recruit/retain the very best staff.

This project will begin with a goal-setting exercise and a review of the documents. Much has changed with the city and department since the project 2012—a new chief of police, senior leadership changes, and departmental growth. We will conduct a detailed review with each division to confirm and/or modify the document. We will also review the staffing projections and confirm the growth department. A police department does not grow by adding new divisions; it is in each division—an additional records clerk, a new detective, more patrol officers must be programmed from the beginning to provide the department with the 4 future. Infrastructure and systems are also important to consider when plan undervized water line or electrical service can limit expansion opportunities or future. Using the information gathered, we will update the program. We will also use priorities provided in your outline and cross-reference them with the program square footage of this and subsequent phases.

We will use the updated program and phase priorities to develop a master plan building. The master planning process is critical to the ultimate success of facilities are function-driven buildings. A significant amount of time will stakeholders to review "how" they do their jobs to develop the best building is. The design team will meet with the different divisions in multi-day work program and phases and "test fit" plans.

Understanding the workflow and relationship of the divisions is critical. workflow of a patrol officer at the beginning and end of their shift will influence officers share patrol vehicles and typically carry large patrol duty bags to and the building and their personal car. Placing a duty bag locker near the patrol staff entrance can assist in this workflow. We have provided this feature in positive impact on officer efficiency. Additionally, the location of the locker report-writing stations, patrol equipment area, and shift sergeant offices in the entrance or detract from the efficiency and operations of the staff. During the process, we will discuss each division in this level of detail.

Wall o' text...

...Detailed plan w/ durations

PRE-DESIGN PHASE
During the pre-design phase the design team will complete four primary, but very important tasks: 1) assist in Construction Manager Selection, 2) verification of Space Needs, 3) assessment of the Project Site and 4) analyze the Project Budget.

Step 2: Synthesize evaluator comments, cont'd

Execution Methodology

o Strengths:

- Provided a great deal of detail in certain areas; however, the format was somewhat difficult to review.
- Appeared to have experience with facilities.
- Mentioned public engagement and concerns.

o Areas for improvement:

- Did not provide a timeline for an approximate schedule and duration.
- Proposal felt more like sales language of a general delivery instead of speaking to this particular project.
- Execution methodology read more like a term paper than a proposal.
- Lacked details on schedule.
- Format was terrible, should have subsections or bulleted list.
- Formatting was not ideal. Presentation is important.



Step 3: State the vendor's relative evaluation scores

| NO | CRITERIA | FIRM A | FIRM B | FIRM C | FIRM D | FIRM E |
|----------------|----------------------|------------|------------|------------|------------|------------|
| 1 | Cost/Fee | \$ 248,000 | \$ 249,250 | \$ 252,575 | \$ 257,000 | \$ 263,000 |
| 2 | Approach & Execution | 7.6 | 8.0 | 7.0 | 6.0 | 6.2 |
| 3 | Qualifications | 7.6 | 7.1 | 7.9 | 7.9 | 6.4 |
| 4 | Innovation | 7.5 | 6.1 | 6.0 | 5.8 | 5.1 |
| 5 | References | 9.5 | 10.0 | 9.2 | 9.9 | 9.3 |
| 6 | Interviews | 8.6 | 5.9 | 5.1 | 5.1 | 4.8 |
| OVERALL SCORE: | | 97 | 94 | 91 | 87 | 84 |



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| NO | CRITERIA | FIRM A | FIRM B | FIRM C | FIRM D | FIRM E |
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| 4 | Innovation | 7.5 | 6.1 | 6.0 | 5.8 | 5.1 |
| 5 | References | 9.5 | 10.0 | 9.2 | 9.9 | 9.3 |
| 6 | Interviews | 8.6 | 5.9 | 5.1 | 5.1 | 4.8 |
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| 6 | Interviews | 8.6 | 5.9 | 5.1 | 5.1 | 4.8 |
| OVERALL SCORE: | | 97 | 94 | 91 | 87 | 84 |



Should Not Be Fearful If Procurement Was Performed Fairly

| NO | CRITERIA | FIRM A | FIRM B | FIRM C | FIRM D | FIRM E |
|----------------|----------------------|------------|------------|------------|--------|--------|
| 1 | Cost/Fee | \$ 248,000 | \$ 249,250 | \$ 252,575 | | |
| 2 | Approach & Execution | 7.6 | 8.0 | 7.0 | | |
| 3 | Qualifications | 7.6 | 7.1 | 7.9 | | |
| 4 | Innovation | 7.5 | 6.1 | 6.0 | | |
| 5 | References | 9.5 | 10.0 | 9.2 | | |
| 6 | Interviews | 8.6 | 5.9 | 5.1 | | |
| OVERALL SCORE: | | 97 | 94 | 91 | 87 | 84 |



Example

Detailed Review of the Consultant's Proposal:

A detailed view of Raw Evaluation scores is shown below.

| NO | CRITERIA | Evaluation Scale | Consultant XYZ | Average Score of all Proposals | XYZ's Percentage from Average Score | Average Score of Short List | XYZ's Percentage from Average Score |
|----|-----------------------------------------|------------------|----------------|--------------------------------|-------------------------------------|-----------------------------|-------------------------------------|
| 1 | Project Methodology | 1 - 10 | 5.6 | 5.2 | 8% | 6.7 | -18% |
| 2 | Technical Approach | 1 - 10 | 3.0 | 5.0 | -40% | 6.7 | -55% |
| 3 | Public Engagement Strategy | 1 - 10 | 1.8 | 4.2 | -57% | 5.5 | -67% |
| 4 | Interviews (for short listed) | 1 - 10 | NA | NA | NA | 5.4 | NA |
| 5 | Past Performance Surveys (Project Team) | 1 - 10 | 9.6 | 9.7 | -1% | 9.7 | -1% |
| 6 | Past Performance Surveys (Project Team) | Count | 12 | 11 | 9% | 11 | 9% |
| 7 | Narratives of Related Experience | 1 - 10 | 6.4 | 4.9 | 31% | 5.4 | 19% |

Detailed Review of the Consultant's Proposal:

A detailed view of Evaluation Points received in each weighted category is shown below.

| NO | CRITERIA | Points Possible | XYZ's Points | XYZ's Overall Rank | Average Points of all Proposals | XYZ's Distance from Average | Average Points for Short List | XYZ's Distance from Average |
|-------------|---------------------------------------------------|-----------------|--------------|--------------------|---------------------------------|-----------------------------|-------------------------------|-----------------------------|
| 1 | Execution Methodology | 15 | 11.6 | 4 th | 10.3 | -7% | 13.2 | -17% |
| 2 | Risk Assessment - Controllable + Non-Controllable | 20 | 7.6 | 4 th | 12.6 | -40% | 17 | -55% |
| 3 | Value Assessment | 15 | 4.2 | 6 th | 9.8 | -57% | 12.8 | -67% |
| 4 | Interviews (for short listed) | 35 | 0 | NA | NA | NA | 28.3 | NA |
| 5 | Past Performance Surveys (Project Team) | 5 | 4.9 | 3 rd | 4.7 | 4% | 4.7 | -4% |
| 7 | Narratives of Related Experience | 10 | 8.7 | 1 st | 6.6 | 32% | 7.2 | 9% |
| Total Score | | 100 | 36.4 | 4 th | 44 | -17% | 89.3 | -56% |



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BONUS: Ask the vendors for their feedback!

- At the conclusion of the meeting, ask if the Vendor has any feedback about the evaluation process.

Feedback from Consultant Team:

- We would recommend establishing opportunities for consultants to learn more about the project up front before responding. It is difficult to respond when the scope is open-ended. The city may consider proprietary interviews (i.e. 1 hour per consultant or whatever amount is reasonable)



Poor Quality Debriefing

- Assumptions about you as a client
- Poor reputation, and low future response rates
- Protest – vendor assumption that you did not follow your process
- Vendor will imagine the worst and assume you selected a favorite/preferred vendor



Summary

- Try and help the vendors understand what they could do better and how they can improve their proposal quality
- Try to be as transparent as possible
- Most vendors will really appreciate that



Take-Aways



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Legislative / Policy Recommendations

- CPE can assist in drafting / reviewing legislative action or policies
- Provide education, research, industry best practices
- Advocate for the public's best interest!



Thank you!

RFP Templates

General Construction
Construction Manager @ Risk (CMAR)
Roofing
Food Services Management and Operation

RFP Tools

Source Selection Plan
Reasons to Release Your Budget
SOW Checklist

Would you like a Free Copy of the CPE RFP Roofing template?

Don't see the one you want? Contact us!

Jeff.Sawyer@center4procurement.org

