



Procurement Process: Vendor Sessions Protocol

Procurement

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Vendor Sessions Protocol

1.1 PURPOSE

The purpose of this protocol is to set out the reasons and processes for vendor sessions, which include but are not limited to, proponent and bidder briefings, information sessions and site visits.

1.2 OVERVIEW

A vendor session is recommended when the nature of the construction or service is such that certain aspects of the scope requires further examination, explanation or necessitate a visit to view the location and/or restrictions. The focus of these vendor sessions is around the specification and delivery of the product.

There are two type of vendor sessions: non-mandatory and mandatory

1.3 TIMING

- A vendor session should be conducted after allowing sufficient time for the vendors to review and examine the RFX documents in order to ensure the vendor session is purposeful and to provide enough time to prepare a submission before the deadline of the RFX.
- There is no standard duration for vendor sessions; time allotment is contingent on individual RFX factors.
- The RFX should not close until at least a week after the vendor session in order to allow vendors time to incorporate information gathered from the vendor session into their bids.

1.4 PLANNING

Prior to publishing the RFX:

- Confirm the details of the vendor session:
 - Full address and specific room numbers where the vendor session will be held;
 - Contact information or other details associated with getting access to the space;
 - If more than one location will be included, consider the order of visiting and the logistics of ensuring all attendees move between the locations;
 - Determine if Personal Protective Equipment (PPE) or identification is required for attendees;
 - Review vendor session Protocol with all attendees representing your organization; and
 - Take into consideration the logistics of the meeting when scheduling the vendor session, e.g. traffic time, parking, holidays, hours of work, locked building

General:

- Remarks and explanations at the vendor session will not supersede the terms of the RFX or specifications, unless in writing via addendum.
- There should be only one vendor session.
- During the vendor session, sufficient time should be allowed for a high-level question and answer period.
- Since nothing said during a vendor session will amend any provision of the RFX, the Lead is to encourage vendors to submit questions in writing to allow for the procuring entity to respond through an addendum.
- A vendor session should not be used to replace the development of quality contract documents or to introduce or modify the scope of the work to be completed.
- Any information which is introduced during a vendor session that may not appear in the original specification must be documented in an addendum.
- Consider the physical limitations of the site (e.g. room size, restricted areas, security access). If limiting the attendance and number of representative allowed, you must indicate this in the RFX.
- All attendees must be advised that unless the RFX is amended in writing, it will remain unchanged and that if an amendment or addendum is issued, normal procedures relating to the acknowledgment and receipt will apply.

Remember that emergencies and site closings will happen. In instances where weather conditions or other emergency circumstances could occur, consideration should be given as to how communication would be distributed to notify vendor session attendees of changes or cancellation (e.g. Addenda, email, social media) and you may wish to document this in the RFX.

Other matters to consider in the planning:

- Will video/photography be permitted?
- Will there be an attendance auditor for the sign-in sheet?
- Will on-site questions be permitted?
- How will privacy and the release of sensitive information be presented?
- Will pre-registration be required?
- If this is a meeting only, will teleconferencing services be available?
- Is this a secured/restricted area, do you need to bring additional identification?
- Safety concerns?
- Are there security concerns about the location?

1.5 PROCESS

1.5.1 Guidelines for Non-Mandatory Vendor Sessions

For non-mandatory vendor sessions, the RFX documents must clearly state that the vendor session is optional and that the vendors who do not attend are not precluded from submitting a bid. You can state, however, that attendance is highly recommended, and in some cases that points may be awarded

for attending. Should you choose to award points for attendance, the percentage of points should be kept minimal, and the attendance requirement must be clearly written in the RFX document.

Revisions to the RFX as a result of the vendor session will be issued as an addendum. Non-attendance at non-mandatory vendor session will not be a cause for disqualification of a bid.

1.5.2 Guidelines for Mandatory Vendor Sessions

It is important to avoid creating unnecessary mandatory vendor sessions since a proponent/bidder's failure to attend a mandatory meeting creates compliance issues. Furthermore, if only one proponent/bidder attends your mandatory vendor session, this can result in a situation where that proponent/bidder will know that it has no competition when it is preparing its price. Unless a vendor session is essential to your RFX process, make your disclosures through documented processes rather than in-person meetings.

For a mandatory vendor session, the RFX documents must clearly state:

1. that the vendor session is mandatory;
2. that failure to attend (or be prompt) will result in the bid being declared non-responsive;

Any revisions to the RFX because of the vendor session will be issued as an addendum.

Non-attendance and late arrival (i.e. after the meeting has officially started) at mandatory vendor sessions during the documented time, date and location, will be a cause for disqualification of a bid. Clearly state in your RFX the parameters of the visit and that lateness and early departure will or will not be allowed.

A sign-in sheet to take attendance (name of the company, representative name and signature) must be taken at the beginning of the vendor session only. The sign-in sheet should be circulated before the start of the meeting and collected by the Lead once the meeting officially begins.

The Lead on site must make it clear to vendors when a vendor session begins and announce when the formal portion has officially ended.

Careful consideration should be given when identifying a meeting mandatory, and should only be called as such when it is essential that vendors be present to observe conditions of the work or project, or where the information provided is significant.

Examples of when a vendor session may be mandatory:

- Scope/Complexity demands that this be required
- Understanding of requirement can only be facilitated by viewing site (i.e. environmental clean-up)

1.5.3 General Guideline

The following disclaimer should be presented (orally or through the presentation) at the beginning of the vendor session:

“Remarks and explanations given in response to questions at this [site visit/information session/proponent meeting] shall not alter any requirements of the solicitation unless we issue a written amendment. All notifications, clarifications, responses to questions, amendments that are to be communicated will be posted as an addendum with the solicitation”.

For RFx documents originally posted, the minutes may also be posted on the Nova Scotia government website and/or the owner’s website (if applicable).

Best practice would require that a Procurement representative attend all vendor sessions. Should this not be possible, clear instructions must be given to the department Lead as to how to run the meeting. If it is a mandatory vendor session a Procurement official must be in attendance.

The Lead should request that questions asked at the vendor session be submitted in writing for a formal response.

Where procurement did not attend a vendor session, the department Lead must advise their Procurement contact of any clarifications, or changes in the specifications resulting from the vendor session. The original RFx must then be amended to reflect these changes or clarifications (through addenda).

For mandatory vendor sessions, listing of attendees to the vendor session may be released as part of an addendum.

If released, the addenda should clearly indicate the following in case the company name listed on the sheet is the not the name on the submission (i.e. minor spelling errors, representatives, affiliates):

The following names appeared on the attendance list:

1.5.4 Media Coverage

Should the media contact the Lead to confirm attendance to the vendor session, the Lead must contact their communications department contact for further direction.

1.6 SAMPLE CLAUSES

1.6.1 Non-Mandatory

A non-mandatory [information meeting / proponent briefing/ site visit] will be provided to prospective [proponent/bidders] to ensure all parties are aware of the details and services expected of them.

Meeting will be held at the following location and time:

Date: [Date, month, year, time]

Location: [Street Address, Suite, City]

[Proponent/Bidders] who do not attend the site meeting will not be precluded from submitting a [bid/proposal].

Prospective [proponent/bidders] planning to attend the meeting should register and email the following information to the [Procurement Authority] no later than 4:00 p.m. on the business day prior to the [information meeting / proponent briefing/ site visit]:

- Attendee's full name;
- Job title; and
- Company name

The [information meeting/proponent briefing/ site visit] will be canceled if the [Procurement Authority] does not receive confirmation of intention to attend from any prospective [proponents/bidders] by the deadline as noted above.

1.6.2 Mandatory

A mandatory [information meeting/proponent briefing/ site visit] will be provided to prospective [proponent/bidders] to ensure all parties are aware of the details and services expected of them.

The [proponent/bidder] (or proponent's/bidder's representative with a letter of authorization from the proponent/bidder) must be in attendance for the entire duration of the [information meeting/proponent briefing/ site visit], late arrival and early departures will not be allowed and will result in ineligibility to bid. A sign-in sheet will require mandatory sign in and will be provided at the commencement of [information meeting/proponent briefing/ site visit]. Once the [information meeting/proponent briefing/ site visit] has officially started, as noted by the onsite [Procurement Authority] lead, attendees will not be allowed to sign-in. The [Procurement Authority] lead will indicate when the [information meeting/proponent briefing/ site visit] has officially ended; any early departure will be noted on the sign-in sheet.

The meeting will be held at the following location and time:

Date: [Date, month, year, time]

Location: [Street Address, Suite, City]

[Proposals/Bids] will only be accepted from [proponents/bidders] who had a company representative(s) attend in person the [information meeting / proponent briefing/ site visit]. [Proponent/Bidders] who do not attend the mandatory briefing **will** be precluded from submitting a [bid/proposal]. Teleconferencing option will not be available.

[Proponent/Bidders] who do not attend the site meeting **will** be precluded from submitting a [bid/proposal].

Prospective [proponents/bidders] planning to attend the meeting should register and email the following information to the [Procurement Authority] no later than 4:00 p.m. on the business day prior to the [information meeting/proponent briefing/ site visit]:

- Attendee's full name;
- Job title; and
- Company name

The [information meeting/proponent briefing/ site visit] will be cancelled if the [Procurement Authority] does not receive confirmation of intention to attend from any prospective [proponents/bidders] by the deadline as noted above.

1.7 DEFINITIONS

RFx: Catch-all term that captures all references to Request for Information (RFI), Request for Proposal (RFP), Request for Quote (RFQ), Request for Qualification and Request for Construction (RFC).

Lead: Refers to the individual leading the vendor session, which may be a representative from procurement or the client department.

Affiliate: Shall be described any person controlled by, that controls or that is under common control with such listed persons.

Representative: Means any employee, advisor, consultant, key personnel, contractor, subcontractor, director, office or agent of a Party.

**This is general information and should not be relied upon as legal advice. Should you need legal advice or guidance please contact your procurement lawyer.*

Sample Sign-In Template

RFx [Number]
Vendor Session - [Date and Time]

By signing below I am acknowledging that I have read and understood the following:

No statement, consent, waiver, acceptance, approval or anything else said or done in a vendor session by the [Procuring Entity] or any of its advisors, employees or representatives shall amend or waive any provision of the [RFx], or be binding on the [Procuring Entity] or be relied upon in any way by [bidder(s) / proponent(s)], [bidder / proponent] team member(s) or their advisors except when and only to the extent expressly confirmed in a written addendum to the [RFx].

By signing below, you acknowledge and agree that you represent the below-noted Company and consent to the release of the information collected herein.

Company Name (Representative or affiliates must identify who they are representing)	Print Name	Signature

Vendor Session Checklist

RFx Name:	
RFx #:	
Vendor Session Date	
Vendor Session Start Time:	
Inquiry Closing Date:	
Closing Date:	
RFx Contact Name:	
RFx Contact Information:	

Disclaimer to be stated at the start of the vendor session:

Remarks and explanations given in response to questions at this vendor shall not alter any requirements of the solicitation, unless we issue a written amendment. All notifications, clarifications, responses to questions, amendments that are to be communicated will be posted as an addendum with the solicitation.

Do's and Don'ts:

Process Do's	Process Don'ts
<ul style="list-style-type: none"> • Lead is to indicate to attendees when the vendor session officially begins and ends. • Lead is to take note of official start and end times. • Have everyone sign-in and put away the sign in sheet once the vendor session has officially kicked off. 	<ul style="list-style-type: none"> • Don't allow late attendees to sign-in to mandatory vendor session. • Don't hold additional vendor sessions for late attendees.
Do answer questions related to	Don't answer questions related to
<ul style="list-style-type: none"> • Any information contained on the drawings or other documents that were provided. • Information that is included in the RFx. • Information that is in the public domain. <p><u>When answering please keep in mind</u></p> <p>The vendor session Lead should, at all times, address <i>individual</i> questions and comments made by vendors during the visit in a consistent manner such as: “Please address your question when the entire group can hear your question/comment.” Consultants must adhere to the same protocol to ensure consistency in responses to the vendors.</p> <p>It is recommended that any discussion with vendors be avoided during the vendor session unless ALL vendors are able to hear the same information.</p>	<ul style="list-style-type: none"> • Information that would provide any vendor with an advantage (e.g. the condition of equipment that would be maintained); unless the same information is provided equitably to all vendors. • Information about the evaluation criteria or process. • Information about the site, facilities, agreement or operations that was not provided in the procurement documents. • Comments on the feasibility or practicality of scenarios posed by the vendors.