

## 7 BIDDER DEBRIEFING PROTOCOL

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### 7.1 PURPOSE

The purpose of this protocol is to provide assistance and direction for conducting debriefings requested by Bidders who have submitted a compliant Bid.

### 7.2 INTERPRETATION

This protocol should be read in conjunction with the Nova Scotia Sustainable Procurement Policy. Terms used in this protocol are as defined in the Nova Scotia Sustainable Procurement Policy.

Where terms conflict between this protocol and the Public Sector Entity's Procurement policy, the Public Sector Entity's Procurement policy shall supersede.

### 7.3 PURPOSE OF A BIDDER DEBRIEFING

The purpose of a debriefing is to provide a Bidder with constructive feedback about their evaluated Bid. The debriefing process is not a complaint process and should not be treated as such.

Information about Bids submitted by other Bidders must not be discussed or disclosed by the Province and other Public Sector Entities in the debriefing.

Debriefings are an important part of a Competitive Process. They provide an opportunity to:

- Recognize the efforts Bidders make in responding to Solicitation Documents issued by the Province.
- Provide constructive feedback and suggestions for improvements so that unsuccessful Bidders are better prepared for future opportunities, giving the Province and other Public Sector Entities, in turn, access to more qualified Bidders that are better able to compete.

### 7.4 RESPONSIBILITY FOR CONDUCTING DEBRIEFING

Best practice requires that debriefs for Open and Invitational Competition, where Procurement is involved, be conducted with representatives of both Procurement and at least one member of the evaluation team responsible for the Procurement Project.

In situations where it is impractical to have both a Procurement and evaluation team member representatives at the debrief (i.e. time limitations, low-value award, low complexity), the debrief may be held by the Procurement representative only. The Bidder should be advised ahead of time and should be given the option to reschedule to a time when an evaluation team member can be included, where practical. Following the debrief with the Procurement representative only, should additional clarification be required for the debrief that can only be provided through a member of the evaluation team, a subsequent session may be scheduled with additional attendees or that information may be provided through an alternative method.

The evaluation team representative should be knowledgeable in all aspects of the Bid and the evaluation process. If the Procurement Project involves more than one Public Sector Entity, additional representatives may attend.

For an Invitational Competition where there was no Procurement involvement, debriefs should be conducted by two representatives familiar with all aspects of the Bid and the evaluation process.

## 7.5 INITIATION AND SCHEDULING OF A DEBRIEFING

Debriefings are only initiated at the request of a Bidder. Requests for a debriefing are directed as identified in the Solicitation Document. Bidders are expected to make their request within thirty (30) days of the notification of the outcome of the procurement process unless otherwise specified in the solicitation document. Requests for a debriefing made after this time period may be rejected but are considered on a case by case basis.

Following receipt of a request for a debriefing from a Bidder, the Province or the Public Sector Entity will endeavor to:

- Provide an appointment date for the debriefing within thirty (30) days.
- Complete the debriefing no later than ninety (90) days from the request for debriefing.

Debriefs are generally scheduled for no more than thirty (30) minutes.

When scheduling the debriefing, the Province or the Public Sector Entity will address the following matters with the Bidder's representative:

- Explain the purpose of the debriefing;
- Explain that the debriefing is intended to be an informal meeting without the presence of legal counsel; and
- Confirm attendees.

## 7.6 INTERNAL PREPARATION FOR THE DEBRIEFING

Prior to the debrief the Procurement representative shall meet with the lead evaluation team representative in attendance (if required), to review the Debriefing Protocol, debrief summary (if applicable), and evaluation notes to ensure the roles and responsibilities are understood.

## 7.7 CONDUCTING THE DEBRIEFING

The following is a suggested structure for conducting a debriefing:

- Introductions and reiteration of the purpose of the debriefing;
- Summary of the evaluation;
- Overview of the Bidder's Bid;
- Discussion of suggestions on how the Bidder could improve future Bids;
- Questions and answers related to the Bidder's Bid; and
- Feedback from the Bidder on procurement processes and practices

The following may be discussed in a debriefing:

- A general overview of the evaluation process.
- Name and aggregate pricing of the successful Bidder if the information is available or known. No unit pricing will be provided.
- Specific evaluation information related to the criteria used to evaluate the Bids.
- Bidder's evaluation score and strengths and weaknesses of the Bidder's Bid in relation to the evaluation criteria.
- Suggestions on how the Bidder could improve future responses.
- Bidder's overall evaluation ranking (e.g., 3rd out of 5).
- Specific questions and issues raised by the Bidder as it relates to their Bid.
- Any information that was shared publicly as part of the Competitive Process or in accordance with the Procurement Release of Information Protocol.

The following is **not** permitted in a debriefing:

- Bidder's legal representation is not permitted to attend.
- Recording devices are not allowed; however, parties may take notes if they wish.
- Provision of scores of individual evaluators; only the final consensus score assigned by the evaluation committee as a whole will be provided to the Bidder.

- Disclosure of scores and/or ranking of other Bidders
- Comparisons to any other Bids.
- Provision of information concerning other Bidders and/or Bids by the Province or Public Sector Entity. This must not be provided to a Bidder during a debriefing as it may relate to confidential, third-party proprietary information that is subject to general common law confidentiality duties and protection under access to information legislation.
- Discussion of issues unrelated to the evaluation criteria or the Competitive Process in question.
- Disrespecting or intimidating the Procurement or evaluation team representative. Should this occur, the debrief will be called to an immediate conclusion.

## 7.8 DEBRIEFING FOLLOW-UP

Following the conclusion of a debriefing, a note is placed in the project file indicating a debriefing took place, the date it was conducted, who was in attendance and any relevant information.