

## Bidder Debriefing Protocol

### 1. Purpose and Interpretation

The purpose of this protocol is to provide assistance and direction to individuals involved in conducting debriefings requested by bidders in respect of a Procurement Project. This protocol should be read in conjunction with the City's Procurement By-law and the Procurement Procedures. Defined terms used in this protocol have the meaning assigned in the Glossary of Terms.

### 2. Purpose of a Bidder Debriefing

The purpose of a debriefing is to provide constructive feedback in respect of the bidder's 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 in the debriefing.

Debriefings are an important component of a competitive process and provide an opportunity to:

- a) Recognize the efforts bidders make in responding to solicitation documents issued by the City;
- b) Provide constructive feedback and suggestions for improvements so that unsuccessful bidders have a better opportunity at winning future bids and the City has access to more qualified bidders that are better able to compete for the City business; and
- c) Address questions and concerns in a non-confrontational manner, which may assist in mitigating the risk of unsuccessful bidders pursuing access to information requests, litigation or initiating procurement protests.

### 3. Responsibility for Conducting Debriefing

Debriefings in connection with an Open Competition must be conducted by representatives of both the Purchasing Branch and the Department responsible for the Procurement Project. The Department representative should be a member of the evaluation team and be knowledgeable in all aspects of the bid and the evaluation process. Where the Procurement Project involves more than one Department, additional representatives may attend, but attendance should generally be limited to two or three individuals.

Debriefings in connection with an Invitational Competition that was managed by the Department must be conducted by the Department and should be attended by two representatives of the Department that are familiar with all aspects of the bid and the

evaluation process. A representative of the Purchasing Branch will attend the debriefing upon request by the Department.

#### **4. Initiation and Scheduling of a Debriefing**

A debriefing is only initiated at the request of a bidder. Requests for a debriefing should be directed to the contact person identified in the solicitation document (the “contact person”). Bidders are expected to make their request within thirty (30) days of the notification of the outcome of the procurement process. Requests for a debriefing that are made after this time period may be considered by the City on a case by case basis.

The contact person is responsible for communicating and scheduling the debriefing with the bidder’s representative. Debriefings may occur in person at the City’s offices or by way of teleconference, depending on the location of the requesting bidder. The Purchasing Branch and Departments should be as flexible as possible, within reason, with respect to scheduling bidder debriefings.

When scheduling the debriefing, the following should be addressed with the bidder’s representative:

- a) Confirm the time and location of the debriefing or dial-in information if the debriefing is being conducted by way of teleconference; and
- b) Explain the purpose of the debriefing and indicate that information regarding other bids or bidders will not be discussed;
- c) Explain that the debriefing is intended to be an informal meeting and that the bidder should not bring legal counsel to the briefing; and
- d) Confirm who will be attending the debriefing to represent the bidder.

#### **5. Preparation for the Debriefing**

Prior to the debriefing, the Department should prepare the necessary materials, including obtaining a copy of the bidder’s bid for references purposes and preparing discussion points based on the suggestions for conducting a debriefing set out below. The materials for the meeting must be distributed in advance to all Department and the Purchasing Branch representatives that will be attending the debriefing.

Where there is reason to believe that the bidder requesting the debriefing may be considering legal recourse against the City in connection with a competitive process, the Purchasing Branch and the Department should consult with Legal Services to discuss any additional considerations.

#### **6. Conducting the Debriefing**

- a) The following is a suggested structure for conducting a debriefing:
  - Introductions and reiteration of the purpose of the debriefing;

- Overview of the bidder's bid, including where the bidder lost significant points in the City's evaluation process;
  - Discussion of suggestions on how the bidder could improve their bid for future opportunities; and
  - Questions and answers.
- b) The following may be discussed in a debriefing:
- General overview of the evaluation process;
  - The name, address, and total price of the successful bidder;
  - Specific evaluation information related to the criteria used to evaluate the bids;
  - Strengths and weaknesses of the bidder's bid in relation to the evaluation criteria;
  - The bidder's evaluation ranking (e.g., 3rd out of 5);
  - Suggestions on how the bidder could improve a future response to a competitive process issued by the City;
  - Specific questions and issues raised by the bidder;
  - Feedback from the bidder on the City's procurement processes and practices; and
  - Any information that was shared publicly as part of the competitive process.
- c) The following should **not** be discussed in a debriefing:
- Information concerning other bidders and bids must not be provided 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.
  - Challenges to the procurement process should not be discussed or debated during the debriefing. If a bidder is dissatisfied with the outcome of competitive process, the Purchasing Branch should inform them that the next step is to formally challenge the Procurement Project, in accordance with the steps outlined in the City's Procurement Protest Protocol.

## **7. Debriefing Follow-up**

Following the conclusion of a debriefing, an internal memo outlining the outcome of the debriefing, including all questions raised by the bidder and any comments or feedback that the bidder might have had about the City's processes, should be prepared and reviewed by the Department and the Purchasing Branch representatives involved and included in the Procurement Project file.

If, following the debriefing, there are concerns that a bidder is contemplating legal action in respect to the procurement process, the Purchasing Branch and the Department should consult with Legal Services.