



Ministry of Transportation

Engineering Services Debriefing Guideline

Contract Management Office

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1. Purpose of the Guidelines

In accordance with the Ontario Public Service Procurement Directive, for all services procurements valued at \$30,300 or more, the Ministry of Transportation (Hereinafter referred to as “the Ministry”) must ensure that all proponents/bidders are offered an opportunity for a debriefing. The debriefing is to be provided on the assignment which has been executed by the Ministry and the successful proponent. The Engineering Services Debriefing Guidelines is intended to promote the Ministry of Transportation procurement staff in implementing the best practice for debriefing Proponents/Bidders. The debriefing process is an opportunity for communication between Proponents and the Ministry to assist Proponents to better understand the process and to provide improved proposals in the future.

This guideline is designed to help the Ministry staff provide debriefings consistently with the requirements. The guideline is to ensure that the Ministry staff is familiar with the debriefing process, including what to consider prior to disclosing information and what to document and retain with the procurement file.

2. Terminology

2.1 Debriefing

A debriefing is a meeting with the Ministry procurement staff requested by a Proponent, who typically has been eliminated from the competition after contract award.

The debriefings shall facilitate:

- Open, appropriate, and meaningful information exchanges that reduce misunderstandings and disputes;
- A clear understanding of the Ministry’s evaluation process and the basis for the selection decision;
- An opportunity to show the Ministry followed the rules and conducted the acquisition in an objective and fair manner;
- An opportunity to positively affect the quality of Proponents’ future proposals by providing meaningful feedback for improvement in future proposals;
- An opportunity to obtain feedback from the debriefed proponents of their views of the procurement process for that particular project.

2.2 Procurement Request Document

A Procurement Request Document is any one of the documents utilized by the Ministry staff when conducting a procurement process including Request for Proposal or Request for Quotation or Retainer Assignment.

2.3 Proponent

A Proponent may be an individual or a business entity that responds to a Procurement Request Document. Those firms are not considered “Proponents” if their proposals/quotations are not received by the Ministry prior to the submission deadline.

2.4 Assignment Administrator

The Assignment Administrator is the individual identified in the Procurement Request Document as the Ministry's contact person and who is responsible for coordinating and leading all procurement activities. The Assignment Administrator is responsible for providing business and technical information related to a specific procurement. The functional offices should not conduct independent debriefings.

3. Benefits

Debriefings are beneficial to all parties involved in a competitive procurement process. A debriefing:

- Provides an opportunity to explain to a Proponent why their submission was not selected by referring to the procurement and the evaluation process;
- Recognizes the effort a Proponent has invested in preparing the submission, and the Proponent is provided with information that may assist in improving their future submissions; and
- Promotes two-way communication between the Proponent and the Ministry staff conducting procurements. Such discussion helps foster better relationships and allows perspectives to be shared, which may result in enhancements to future procurement activities and improve project results.

4. Debriefing Request

4.1 Debriefing Entitlement

Any Proponent that has participated in a procurement process conducted by a Ministry is entitled to a debriefing. Successful Proponents/Bidders are also entitled to a debriefing.

The Ministry may provide debriefings to the Service Providers who submit late debriefing requests. However, the Ministry staff should inform the Proponent that because the request is late, the debriefing is voluntarily provided by the Ministry solely as an accommodation to assist the proponent in improving future proposals.

The Ministry does not provide subcontractors with separate debriefings. However, with the prime consultant's consent, subcontractors may attend debriefings provided to their prime consultant.

4.2 Timing of Debriefing

Debriefings for Proponents can be conducted only after the legal agreement between the successful proponent(s) and the Ministry has been signed. The debriefing opportunity should allow for the Proponents sixty (60) calendar days following the date of the written notification to respond.

4.3 Debriefing Procedure

Once the successful Proponent and the Ministry have signed the legal agreement, the Assignment Administrator must send notification letters to each unsuccessful Proponent informing them they are entitled to a debriefing. The letter should identify the Assignment Administrator contact information. Notification letters (See Appendix A for a sample notification letter) should be sent by mail or email. The copy of the letter can be uploaded into RAQS ESP portal which will notify the Proponent electronically.

Debriefings must be conducted individually for every Proponent who responds to the notification letter confirming their interest in a debriefing. Proponents have sixty (60) calendar days following the letter date to respond. Copies of correspondence must be retained in the procurement file.

4.4 The Ministry Personnel

The Assignment Administrator is responsible for coordinating the debriefings and may either conduct the debriefings or designate this responsibility to another team member involved in the procurement. The best-qualified individuals to conduct the debriefing are those adequately involved with and knowledgeable of the procurement. Typically, the Assignment Administrator convenes the debriefing, facilitates introductions, discusses the agenda for the debriefing, lays the ground rules and discusses the solicitation and acquisition process.

A Fairness Commissioner, if used during the procurement process, should not conduct debriefings.

4.5 The Proponent Personnel

Normally, there should be no limitation on the number of proponent personnel in attendance at the debriefing subject to space limitations of the Ministry facilities. The Assignment Administrator should ensure that the proponent personnel consist of corporate level individuals familiar with the proponent's efforts in relation to the procurement. It is imperative to request the list of attendees, company affiliation and title prior to the debriefing so that appropriate accommodations may be made.

5. Debriefing Preparation

A successful debriefing requires preparation. Experience has shown that going into a debriefing unprepared is the surest way to lose the confidence of the Proponent and lose the opportunity to effectively communicate the Ministry position.

Preparation must start prior to the notification to the unsuccessful proponents and/or before announcement of contract award, because debriefings may occur promptly following the notification and/or after a contract is awarded.

All Ministry personnel attending the debriefing must be briefed on their roles and expected behaviour during the debriefing. Argumentative or defensive conduct should be forbidden, and the personnel should be instructed to make the debriefing in a positive manner.

The extent of preparation necessary varies considerably with the complexity of the procurement. Sometimes, merely preparing debriefing talking points is sufficient. Other times, dry run

rehearsals are necessary. Dry runs may be routinely performed prior to complex or high-dollar value procurement debriefings.

5.1 Arrangements

The Assignment Administrator must consider special accommodation requirements for the Proponents/Bidders as related to the “Accessibility for Ontarians with Disabilities Act (AODA) 2014” when making arrangements.

The Assignment Administrator is responsible for arranging a location for the debriefings and ensuring all required participants attend such as Ministry senior management, the functional office personnel and/or the Fairness Commissioner (if used). The same participants should participate in all debriefings conducted for a procurement.

The Assignment Administrator should select a suitable location for the debriefing that ensures a professional debriefing in a non-distracting environment. The debriefing may be provided via telephone, video conference, or a face-to-face meeting. A debriefing may be conducted orally or in writing.

A conference room of appropriate size will normally suffice. The Assignment Administrator should consult with the Proponents and arrange for adequate seating. Sometimes, it will be financially prohibitive for the proponent to attend in person. The proponent’s needs should be afforded due consideration when determining the method of conducting the debriefing.

The Assignment Administrator is responsible for providing written confirmation of the debriefing session to all parties. Written notification can be sent by e-mail, or mail. See Appendix B for a sample debriefing confirmation letter.

5.2 Internal Pre-debriefing meeting

A pre-debriefing meeting is strongly recommended for all internal staff participating in the debriefing meeting(s). The objective of a pre-debriefing meeting is to prepare for the debriefings including:

- Review the submission, particularly responses to rated criteria;
- Review comments noted during evaluation;
- Review strengths and weaknesses of the Proponent submission;
- Discuss and agree on suggestions for improvement to be conveyed to the Proponent;
- Discuss potentially contentious issues and determine responses to them;
- Ensure roles and responsibilities at the debriefing meeting are understood such as who will present /respond to questions at the debriefing; and
- Identify the Freedom of Information and Privacy Office contact information (it may be requested by the Proponent during debriefing).

If contentious issues are identified at the pre-debriefing meeting, the Assignment Administrator should seek advice from the most appropriate source such as Ministry senior management, legal counsel, or staff in Supply Chain Management in order to be fully prepared for the debriefing meeting.

6. The Debriefing Session

As aforementioned, debriefing meetings can be conducted via telephone, video conference, or face-to-face in consideration of the needs of the Proponent. Debriefings conducted in-person is the preferred means.

6.1 Suggested Debriefing Format

6.11 Debriefing Personnel

The Assignment Administrator is responsible for the debriefing and must never lose control of the debriefing. The Section Head or Manager at a level higher than the Assignment Administrator with thorough knowledge of the procurement may serve as the debriefing chair in more complex, high dollar value procurements.

6.12 Speak with One Voice

It is important for the debriefing team to have a unified voice. Disunity may impair teamwork, consistency and ultimately, credibility. Likewise, inconsistency with statements or conclusions can lower the Proponent's confidence that the Ministry acted appropriately in making their decision. Thus, the debriefing team must speak with one voice; a voice that is consistent with the procurement documents and decision.

6.13 Introduction and Objective

The debriefing should begin with a brief introduction of all attendees. The Assignment Administrator should advise the Proponents of the objective of the debriefing (i.e., the basis for their selection and to share the strengths, weaknesses, and deficiencies of their proposal in furtherance of helping them with future competitive endeavors).

6.14 Ground Rules

The Assignment Administrator should inform the Proponents of the ground rules for the debriefing, any time constraints, and the debriefing agenda.

Some suggested ground rules include:

- Establish the appropriate time for raising questions;
- State the Ministry's intent to share as much information as practical with the debriefed proponent; however, the debriefing is not a forum for a debate;
- The Ministry will not engage in a point-by-point comparison between the debriefed proponent's proposal and the winning proposal;
- The Ministry will not divulge information from the selected proponent's proposal or other proponents' proposals;
- The Ministry will not indulge in hypothetical questions (e.g., "if we had proposed this, how would you have rated it?")

6.15 Selection Process

The Assignment Administrator should briefly explain the process used in evaluating proposals. The identities of the evaluators, other than those present at the debriefing, may also be

disclosed at the discretion of the concerned parties. The Ministry should convey to the Proponents only MTO qualified personnel evaluated the proposals.

6.16 Evaluation Factors

The evaluation factors, weights of scored factors, and relative importance of evaluation factors, as disclosed in the solicitation, should be restated as the foundation for discussing the evaluation results.

6.17 Questions

The debriefed proponent is permitted to ask relevant questions pertaining to whether Ministry personnel followed the selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities. The Assignment Administrator must make every effort to provide reasonable responses to those questions. However, caution must be exercised not to inadvertently disclose proprietary information of other proponents or get into debating hypothetical questions that may undermine the credibility of the selection.

Normally, responses should stay within the confines of the guidance stated above. If the Assignment Administrator is unprepared to answer a specific question at the debriefing, the Assignment Administrator should obtain the answer immediately following the debriefing and promptly furnish it to the proponent. The debriefing is the forum for answering reasonable questions. The Proponents should not be invited to submit questions after the debriefing.

6.18 Feedback

Prior to concluding the debriefing, the Assignment Administrator often solicits the debriefed proponents' comments regarding the solicitation and the procurement process. This is an opportunity for the Ministry to obtain valuable input regarding the proponent's perspective.

6.19 Closing

The Assignment Administrator should ensure that the Proponent understands that the debriefing is officially concluded unless outstanding questions remain. If follow-up is required to answer questions, the Assignment Administrator should ensure that the Proponents understand that the debriefing will be concluded as soon as the answers are provided.

6.2 Bid Disclosure

The following outlines what information can be discussed and released:

- General overview of evaluation process;
- The name(s) and address(es) of all Proponents who participated in the procurement (including qualified and disqualified Proponents as well as those who submitted "no bid");
- Name, address of the successful Proponent;
- Winning price of the successful Proponent;
- For RFP Retainers and RFQ Retainers the winning bid is either the total weighted composite rate for the proposed team, or the lump sum fee for all sample assignments;

- Specific evaluation information related to the criteria used to evaluate the Proponents submissions;
- Evaluation scores of the debriefed proponent, if more than price is used as evaluation criteria, of the Proponents submission;
- Strengths and weaknesses of the Proponent's submission in relation to the evaluation criteria and the Proponent's evaluated score;
- Suggestions on how the Proponent's submission may be improved in the future;
- Proponent's evaluation ranking (e.g., 3rd out of 5);
- Specific questions and issues raised by the Proponent;
- Feedback from the Proponent on current procurement processes/practices; and,
- Contract Award Notice information that has been shared publicly.

Upon completion of the debriefing, the Assignment Administrator should assemble and complete all relevant documentation including a summary of the debriefing meeting.

6.3 Information not to be disclosed

Information concerning other Proponents must not be provided during a debriefing as it may contain confidential third-party proprietary information subject to the mandatory third-party exemption under the Freedom of Information and Protection of Privacy Act (FIPPA). If a Proponent requests such information, they should be advised that a formal freedom of information request can be submitted to the Ministry's Freedom of Information and Privacy Office. The Assignment Administrator should ensure that FOI is available during debriefings.

Any questions raised to challenge the procurement process should not be responded to during the debriefing and should be noted as out of scope based upon the debriefing process agreed to in the procurement documents.

Documents unrelated to the Proponent submission being discussed should not be brought to the debriefing session.

7. Successful Debriefing

Unsuccessful proponents are often able to accept negative findings in a debriefing if they perceive that the Ministry has acted with fairness, consistency, objectivity and in accordance with the evaluation criteria described in the solicitation. However, the debriefing is unlikely to alter opinions and perceptions that arise earlier in the process. Thus, the Ministry's credibility and rapport with a debriefed proponent begins upon the first contact with the proponent.

The factors for successful debriefings include:

- Cordial treatment of the proponents by procurement personnel
- Development of evaluation factors that help identify "key swingers" and that favor no particular proponent
- Development of professional work products (e.g., the draft solicitation, the solicitation, questions to proponents)
- Meaningful consideration of issues received during any pre-proposal conference
- Establishment of a transparent policy prior to the communications blackout used to help potential proponents become familiar with the Ministry's requirements

- Sincere and apparent effort to obtain good competition
- Fair and unbiased approach employed and conveyed by procurement personnel
- If these steps are taken during the course of the procurement, the debriefing has a good prospect of opening with a degree of rapport that can foster a productive and successful meeting.

8. Documentation

8.1 Debriefing Memorandum

The Assignment Administrator must include a summary of each debriefing in the procurement file. Detailed debriefing memorandums are essential especially if the procurement is re-opened or re-solicited as a result of a protest or otherwise within one year of the contract award date.

The debriefing memorandum should include at a minimum:

- A list of all attendees.
- A summary of the information disclosed during the debriefing. If charts were used at the debriefing, they may be attached as an efficient means to summarize disclosed information.
- The substance of all questions and answers discussed at the debriefing. Include answers provided after the debriefing.

8.2 Documents to be retained

The following information must be retained in the procurement file:

- Copies of all correspondence relevant to the debriefing sessions;
- E-mails that were exchanged with the Proponent; and
- The Debriefing Memorandum from the debriefing meeting.

8.3 Contentious Issues

The Assignment Administrator is to notify appropriate parties of contentious issues to determine appropriate next steps. This may include Ministry senior management and Supply Chain Management. A briefing/issues note may be required.

Appendix A

Sample Notification Letter to Unsuccessful Proponent/Bidder

(Note – The original letter should be sent by mail. Copies of the original letter may also be sent by e-mail.)

Date

Company Name

Address

City, Province

Postal Code

Attention:

Dear *****

Re: ***(Insert Procurement Document Request name and number)***

I would like to take this opportunity to thank you for responding to the above referenced procurement opportunity for the provision of ***(Insert Project Description)***. This letter is to advise that you were not the successful candidate and that the contract has been awarded to ***(Insert Name of the successful Proponent/Bidder)***.

In accordance with section ***(Insert from the Procurement Request Document)***, within 60 days from the date of this letter you may confirm your interest to participate in a debriefing meeting which will provide you with feedback on your submission. If you wish to participate in a debriefing meeting, please let me know either via return letter or via e-mail by ***(Insert date)***. Thank you for your interest and time in responding to this procurement.

Yours truly,

Assignment Administrator's Name

Title

Phone #

E-mail address

Appendix B

Sample - Confirmation of Scheduled Debriefing Meeting

(Note: This communication can take the form of an e-mail or letter. The sample text should be formatted to best reflect how the communication will be sent.)

Date

Company Name

Address

City, Province

Postal Code

Attention:

Dear *****

Subject: Debriefing Notification ***(Insert Procurement Request Document name and number)***

I am pleased to confirm that your debriefing session has been scheduled as follows:

Insert Date

Insert Time

Insert Location

Insert Teleconference # (if applicable)

Insert Link for virtual meeting (if applicable)

This notification is in response to your request for a debriefing for the above procurement. The purpose of the debriefing is to review the procurement and evaluation process, discuss the strengths and weaknesses of your submission, and receive your feedback on the procurement process.

If you are unable to attend at this time, please let me know as soon as possible.

Yours truly,

Assignment Administrator's name

Title

Phone #

e-mail address