

Supplier management

Supplier debriefing

openness

quality feedback

improving future bids

understanding the market better

encouraging young companies

mutual benefits



Office of Government Commerce

Supplier debriefing guidance

This supersedes CUP No. 56 debriefing

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Supplier debriefing

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One: Introduction

- 1.1 Debriefing is important for several reasons but mainly because it helps suppliers to improve their competitive performance. Regulations also require departments to debrief candidates/tenderers who request it, where they have been unsuccessful at either the selection or tender stages in contracts which exceed the prescribed EC and World Trade Organisation Government Procurement Agreement (GPA) thresholds. However, debriefing – or providing and obtaining helpful feedback – is regarded as general good practice and should therefore be seen as an integral part of a quality approach to procurement, one firmly based on continuous improvement principles and closely linked with establishing sound communications throughout.
- 1.2 OGC strongly recommends that departments should also make the offer of a debriefing session to candidates who have not been selected or where the tenderer was not awarded the contract in procurements that are below the prescribed threshold.
- 1.3 Many suppliers do not take up their right to request debriefing and some departments seem reluctant to encourage suppliers to exercise this right.
- 1.4 In fact debriefing provides a valuable opportunity for both parties to gain benefit from the process. Debriefing helps suppliers to improve their competitive performance, which means they stand a better chance of winning future business, perhaps in wider markets. Departments benefit from a potentially wider range of providers so increasing the potential for improved value for money (VFM) in future orders, and they can also use the debriefing sessions to gain more information on the marketplace in general and supplier specialisation in particular. Departments should therefore seek to be constructive and open, rather than defensive in providing their views.
- 1.5 This guidance will assist all of those who may be involved in debriefing by outlining the rationale, setting out a possible approach and providing more detailed suggestions about the debriefing session itself. However, in deciding whether or not to hold a debriefing – where this is not required by regulation and the level of resources to commit to the debriefing itself – departments should consider the value and complexity of the procurement and the possible benefits that debriefing might produce. The guidance is generic and departments may wish to adapt it accordingly.

Two: Benefits of effective debriefing

- 2.1 Debriefing should be an important and integral part of good procurement practice because it is a useful learning tool for both parties. The high-level goal of continuous improvement requires that we should all take the time to reflect on what has happened and how it might be improved in future. Time constraints and other pressures inherent in procurement sometimes mean that there is pressure to move to the next phase, but this should not be at the expense of the opportunity to draw lessons from the preceding stage and provide positive feedback, where needed, as in the long term this will help to improve the process overall.
- 2.2 Effective debriefing requires time and effort, and also carries some element of risk (see below), but these are outweighed by the potential benefits:

Potential benefits for the buyer department or agency:

- identifies ways of improving the process for next time
- suggests ways of improving communications
- makes sure best practice and guidance is updated to reflect any relevant issues that have been highlighted
- encourages better bids from those suppliers in future
- gets closer to how that segment of the market is thinking (enhancing the intelligent customer role)
- helps establish a reputation as a fair, open and ethical buyer with whom suppliers will want to do business in future.

Potential benefits for government and the wider public sector:

- demonstrates commitment to good practice and openness
- can contribute to intelligence gathering about the market and its segments
- educates the market that the public sector is value-driven and not cost-driven.

Potential benefits for the supplier:

- may help companies to rethink their approach so that future bids are more successful
- offers targeted guidance to new or smaller companies to improve their chances of doing business in the public sector
- can provide reassurance about the process and their contribution or role (if not the actual result)
- can provide a better understanding of what differentiates public sector procurement from the private.



- 2.3 As well as the benefits listed above, some risks and costs that may arise are considered in the following paragraphs.
- 2.4 Procurement staff can be concerned that as a result of the debriefing infraction proceedings against the government could be invoked or that legal proceeding against the contracting authorities themselves might be taken in the High Court. The fear is that a disappointed candidate or tenderer might try to take the information revealed in the debriefing session out of context, especially where the criteria underpinning the decision might seem subjective. However, effective debriefing should always reduce the likelihood of legal challenge because it will prove to suppliers that the process has been carried out correctly and according to the rules of procurement and propriety.
- 2.5 If the procurement is carried out in accordance with the rules for government procurement and departmental guidance, the risk of legal challenge should not arise, the key principle being that if the correct decision was made and properly documented you should be able to explain it or even defend it, if necessary, during debriefing. Essentially, if all decisions taken are sound and well documented, and if there has been the proper emphasis on good communications channels throughout the procurement process, then debriefing should be reasonably straightforward.
- 2.6 The principal debriefing costs for the department should only be in time and resources. However, it is important to realise that the supplier will have already incurred costs in preparing and developing their bid and the debriefing should therefore be arranged so that it adds very marginally to their costs in terms of comparable time and resource expenses.

Three: When to debrief

- 3.1 The opportunity for supplier debriefing should be built into the timetable for all public sector procurements. The meeting itself should take place at the earliest mutually convenient time after the result of the selection exercise or award of contract. For contracts subject to the UK Public Procurement Regulations (see Annex A), debriefing must take place within 15 days of the candidate's/tenderer's request being received, and it is worth noting that the Regulations provide for debriefing to take place following both selection and award stages of the procurement.
- 3.2 In addition to providing debriefings for the unsuccessful candidates, it can also be useful to debrief successful suppliers after the award stage in order to confirm good practice, establish good working relationships and provide a starting-point for developing a register of contract risks.



- 3.3 The list of points where debriefing is required or may be appropriate therefore includes:
- selection: where the candidate is not selected for a bid list (where the restricted procurement procedure is being used) or where the candidate is not selected to negotiate a contract (under the negotiated procedure)
 - award: where the tenderer was not awarded the contract after evaluation of proposals/tender
 - if any potential supplier is asked to withdraw or withdraws during the procurement.
- 3.4 Debriefing of those suppliers who have submitted tenders takes place after the contract is awarded or procurement is otherwise concluded and after all parties have been informed.

Four: Where debriefing takes place

- 4.1 In most circumstances, debriefing sessions will be held at the department's premises and take the form of a face-to-face meeting. In some circumstances debriefing may occur over the telephone or by videoconference, for example
- where the procurement is relatively straightforward and simple
 - where a supplier is based overseas
 - if suppliers find the proposed venue inconvenient.

Whichever format is used, the basic approach should be the same and this is covered below and amplified in Annex B.

- 4.2 Where an unsuccessful candidate or tenderer is based at a distant location and they subsequently request a face-to-face debriefing, consideration should be given to reducing their overall cost burden by meeting at a mutually convenient place.

Five: Approach to debriefing

- 5.1 After selection and award, a letter must be issued to all participants thanking them for their interest and confirming the outcome. The letter should include an offer to debrief. In other cases a debriefing could be of mutual benefit and it would be best practice to make a similar offer. The offer of a debriefing should set out the scope and likely format and should make clear that the process will not be used to change the selection decision or reopen the award procedure.



- 5.2 Some departments do not wait for a formal request, but issue questionnaires to both successful and unsuccessful candidates to build a better picture of supplier perceptions. However, this is not a substitute for debriefing. An example of a sample questionnaire, developed by HM Customs and Excise, has been included as Annex C in case departments consider that something along those lines might be useful.
- 5.3 Where a request for debriefing is received, departments should respond promptly and the response should include information about timing, venue and who will be attending.
- 5.4 It is vital to plan and structure the session properly. For larger procurements, a formal debriefing plan should be drawn up by procurement staff and approved in advance by senior management.
- 5.5 When debriefing, the needs of small or niche players may be quite different from large consortia or multinationals. Larger suppliers may have considerable experience of different procurement techniques and policies and may be able to offer useful observations based on this experience. Conversely, small companies new to public sector procurement may have fresh insights or ask searching questions. You should adapt your approach to reflect the interests and needs of the individual(s) you are meeting, so far as is reasonable and of course always within the constraints of commercial confidentiality and the Data Protection Act. The unwarranted disclosure of information that could harm the competitive position of a third party – including commercial confidences, trade secrets or intellectual property – should be avoided.
- 5.6 Suppliers should be informed that only their own submissions or bids will be discussed and that an opportunity will be given for them to air their views. The sensitivity of any information likely to be communicated should be carefully assessed before the meeting. Examples include the identity of the selected candidates, prices and future business plans. Decisions are likely to depend on the stage of the procurement and the nature of the specific marketplace. Where the debriefing occurs after award, some information about the successful candidate can be supplied. For example, the identity of the successful tenderer and the value of the contract will be in the public domain.
- 5.7 It may be helpful, as part of the post-selection notification, to ask all candidates who were not selected if they would wish their names to be passed to successful candidates with a view to their forming sub-contractor relationships. This might be of particular help to Small and Medium Enterprises, (SMEs) for example. However, it is essential that this cannot be construed as a recommendation to form such relationships.

Six: Who should attend?

- 6.1 Attendance should be kept small, with a rough equivalence of numbers on each side. Ideally, the supplier will field those directly involved in making the submission or bid.
- 6.2 Departmental attendance will be determined by the nature of the contract. The debriefing session should be chaired by senior procurement personnel who have been involved in the procurement. End-user representation can be included where appropriate. In procurements that are more technical in nature it may be helpful if specialist or professional staff are also present. The guiding principle should be, who can contribute to the exchange of views and who can do something about taking on board and applying any lessons learned? Roles and responsibilities of all attendees should be agreed in advance.
- 6.3 Debriefing should never be delegated to staff who do not have the necessary experience or sensitivity to carry out the interview successfully. Inaccurate debriefing has led to complaints resulting in the European Commission beginning infraction proceedings against the UK and legal proceeding against the contracting authorities themselves in the High Court.

Seven: The debriefing meeting

- 7.1 If possible, the meeting should strike a balance between informality (this is not a formal interview) and practicality (participants will want to refer to notes or other paperwork). You should expect each session to last no more than about two hours, but is important not to cut it short artificially.
- 7.2 At the beginning of the session departments should make it clear that no formal record should be kept of the meeting, but both parties may keep informal notes for their own records.
- 7.3 The sequence will normally cover the following:
 - welcome and introductory points
 - description of the selection/evaluation processes
 - debriefing – highlighting strengths and weaknesses with the aim of helping candidates/tenderers understand
 - why they were not selected for the bid list
 - why they failed to win the contract
 - discussion
 - closing statement from supplier
 - closing statement from the department.



- 7.4 After any introductions, the chairman will set the scene by explaining the background to the selection stage, evaluation approach and, in broad terms, the methodology used. S/he will describe as fully as necessary the roles involved in selection/evaluation, including approvals and sign-off, to demonstrate that it is an iterative and consensus-based approach. It will be made clear that the merits of the selection outcome or award are not for discussion, but that the intention is to be as frank and open as possible. The objectives of debriefing should be understood and acknowledged by both parties.
- 7.5 The first stage of the meeting is thus largely procedural and should if possible be uninterrupted by questions or discussion. The second stage will concentrate on the strengths and weaknesses of the supplier's bid and will include ample opportunity for exploring the issues raised by the selection/evaluation criteria in relation to the supplier's expression of interest/tender. Information to illustrate these strengths and weaknesses can normally be extracted from;
- the formal 'recommendation for award of contract'
 - the 'tender analysis summary' document produced by the tender evaluation board
 - for candidates not selected for the bid list, the pre-qualification summary.

Finally, the supplier will be asked to describe their view of the process and raise any concerns or questions.

- 7.6 The purpose of the second stage is to give a balanced view of the strengths and weaknesses of the bid in question. The debriefing team will, however, need to be tactful when referring to perceived weaknesses and wherever possible balance this by references to any perceived strengths. Without discussing competitors' bids, you should indicate the strength of the field, how many were unsuccessful and (optionally) the supplier's overall placing. You should explain how their bid scored against the main evaluation criteria, bringing out any relevant softer or cultural issues that may have had a bearing on the scores.
- 7.7 You need not go into too much detail about the evaluation model itself, as tenderers will already have been advised of the criteria and their relative priorities in the context of the requirement. If the evaluation method was well designed and fairly applied, there should be no reason to feel defensive or reticent about explaining the results. In most cases, suppliers should welcome this openness and respond positively to the feedback.
- 7.8 At all stages you must avoid revealing anything about other bids where the information is commercially sensitive or has been supplied in confidence. Where a bid is price – competitive, this should be openly acknowledged, but it must be explained that this was outweighed by other factors in the selection/award decision.

- 7.9 However, after award of contract, there may be no reason to conceal comparative pricing information (for example, measured against the successful bid, which may soon be in the public domain).

Eight: After the debrief

- 8.1 Following the debriefing, an informal note of the meeting should be made for the record. It is as well to be aware that any supplier who remains disgruntled may seek to pursue concerns with senior management or others. The debrief team should take time to record any lessons, either about the information gleaned during the meeting, or about the process itself.
- 8.2 Information or issues of use to the procurement unit should be formally passed to them with recommendations about the action to be taken. This may take several forms:
- suggestions for updating or amending guidance
 - recording market intelligence
 - additions to the list of issues or any register of lessons learned
 - consider revising best practice or support tools.
- 8.3 Lessons from the procurement need to be recorded as part of the overall ongoing process of evaluation (they may feature in subsequent Gateway reviews or Post Project Reviews).

Nine: Further advice and tips

- 9.1 When meeting candidates or suppliers, there are several areas that may usefully be explored in order to arrive at a better understanding of their perspective
- how does a candidate/supplier decide whether to bid?
 - how did they put the bid together?
 - were the timescales for response adequate?
 - were candidate/supplier meetings and other presentations helpful?
 - what improvements should be made to the procurement process?
- 9.2 There may be a similar opportunity to communicate some of the main lessons that have emerged from earlier procurements. Candidates/suppliers should learn:
- to read the requirements carefully and deal with them comprehensively
 - not to assume that reputation or prior knowledge will suffice
 - not to try to fudge or conceal lack of compliance
 - to follow the accompanying guidance/format instructions fully
 - to ask questions and seek clarification where necessary
 - to meet as many of the desirable requirements as possible.



A: Annex – Legislative context

Reference in this document to the ‘EC rules’ is to the EC Treaty, the EC procurement directives as implemented in UK legislation, rulings of the European Court of Justice and other relevant EC law. Departments can obtain further advice and guidance on the EC rules from OGC (details can be found in the procurement community pages) or directly from the europa (www.europa.eu.int/) or simap web sites (<http://simap.eu.int/>).

Under the UK Public Procurement Regulations, which implement the EC public procurement directives, contracting authorities are subject to specific requirements for debriefing on contracts for supplies, works and Part A services that exceed certain thresholds (advice on current thresholds can be obtained from the sources listed in the preceding paragraph).

The key requirements in respect of debriefing under the UK Public Procurement Regulations are broadly similar for supplies, works and services. The contracting authority shall, within 15 days of the date on which it receives a request from any supplier who was unsuccessful (at either the selection or tender stage) inform that supplier of the reasons for being unsuccessful and, if the supplier was unsuccessful at the tender stage the contracting authority shall inform him of the characteristics and relative advantages of the successful tender as well as the name of the person awarded the contract.

Additionally, information must be made available to candidates and tenderers through contract award notices. These need to be sent for publication in the Official Journal of the European Communities not later than 48 days after contract award and the form of notice is prescribed in the relevant Regulations.

B: Annex – Possible format for debriefing

Departments should follow their departmental guidelines when debriefing suppliers. The meeting should be properly structured and controlled, without being overly formal or rigid. You should agree who will deal with particular areas and be clear about who is leading the discussion at each point.

Part one: Opening Statement

Procedural

- welcome (introductions, roles, expectations)
- purpose and parameters
- intention (constructive, improve shared understanding of process and procedures)
- open (but will not reveal commercial or other confidential information)
- opportunity will be given for supplier to give feedback later in session.

The following points should be made by the department:

- debriefing is offered on an informal basis with the aim of offering an explanation of how the department made its selection decision and to assist in future bids for government business
- the department will provide honest feedback, highlighting any particular strengths or comparative weaknesses in the response that contributed to the decision
- the team will note any points made, and will welcome feedback from the supplier on how the process was seen (so that the team may in future manage procurement with an awareness of such feedback) but the merits of the decision are not for debate
- the department will discuss this supplier's response but not any other company's (recognising that comments are inevitably comparative in some sense).

Part two: Supplier Assessment

Supplier performance

- outline criteria used and role of advisers
- describe evaluation strategy (compliance issues, weighting, scoring)
- outline the size of the field and their relative position
- show how supplier scored against main criteria (strengths as well as weaknesses)
- offer constructive criticism
- assess overall performance (including cost).



It is important to emphasise that:

- the submission or bid was evaluated against an evaluation model which included a weighting model that was agreed before responses were opened
- there was an evaluation team, with each member of the team evaluating all responses
- evaluation was carried out individually and as a group to arrive at a collective recommendation.

Part three Supplier feedback

- opportunity to comment or ask questions.

Part four General wash-up

- any views about the procedure or process?
- any surprises in the feedback received?
- how could the procurement experience be improved?
- was the feedback useful?



C: Annex – Sample questionnaire

HM Customs and Excise
Logistics

Supply questionnaire



Contract tendered for:

Contract reference no:



Tender Package

Please answer all questions where possible

	Yes	No
Have you completed a tender for HM Customs and Excise (HMC&E) before?	<input type="checkbox"/>	<input type="checkbox"/>
Did you find the Instructions to Tenderers easy to understand?	<input type="checkbox"/>	<input type="checkbox"/>
Did the specification clearly identify what HMC&E wanted?	<input type="checkbox"/>	<input type="checkbox"/>
Were the questions in the Technical Questionnaire easy to understand and answer?	<input type="checkbox"/>	<input type="checkbox"/>
Were the questions and schedules easy to complete in the Commercial Questionnaire?	<input type="checkbox"/>	<input type="checkbox"/>
Was the time for response reasonable?	<input type="checkbox"/>	<input type="checkbox"/>

General view of package

What is your assessment of the overall documentation?

	Excellent	Good	Average	Poor
Layout				
Content overall				



Comments

Tender Departmental Contacts

Contact with HMC&E

	Yes	No
Did you refer to the HMC&E to clarify issues?	<input type="checkbox"/>	<input type="checkbox"/>
If so, were the queries dealt with professionally?	<input type="checkbox"/>	<input type="checkbox"/>
Was it easy to contact HMC&E staff?	<input type="checkbox"/>	<input type="checkbox"/>
Were queries dealt with speedily?	<input type="checkbox"/>	<input type="checkbox"/>
Did you find staff helpful and courteous?	<input type="checkbox"/>	<input type="checkbox"/>
Were staff able to answer technical questions?	<input type="checkbox"/>	<input type="checkbox"/>



Do you have any further comments on the support received?

Tender Advertisement

How did you find out about the tender?

- EC Journal Government Opportunities Trade Journals Other (please specify)
-

Tender Workload

Compared to other Public Sector tenders, did you find the amount of work associated with the tender to be:

- Similar to other ITT packages More than other ITT packages



Tender Feedback

Yes No

If unsuccessful, were you offered a debrief?

If an offer was accepted, was the feedback provided useful and constructive?

What other information did you request?

General

To improve our overall service what suggestions for improvement, if any, would you recommend? For example, systems in place, documentation, service levels.



Any there other areas you could suggest for improvement?

Signed: _____

Company: _____

Date: _____

Thank you for completing this survey – the results will be used to improve the service of Commerce Division within HM Customs and Excise.

Please return by post to:

or e-mail:

Further information

About OGC

OGC – the UK Office of Government Commerce – is an office of HM Treasury.

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OGC customers can contact the central OGC Service Desk about all aspects of OGC business. The Service Desk will also channel queries to the appropriate second-line support. We look forward to hearing from you.

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