
Need to Develop an RFP? Read This First!

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You're running late on the way to an important meeting - you didn't know that there was construction taking place nearby.

Your flight time was changed, the plane left without you, and now your vacation is ruined - you didn't remember to re-confirm your departure time with the airline.

The hockey game went into overtime, causing you to get home late. Now, you won't get that report in tomorrow morning because there isn't enough time.

How many of life's frustrations are caused by events truly beyond our control, and how many are the direct result of our failure to plan properly?

When things go wrong, it is often our first reaction to lay the blame on factors outside of our control. However, these situations often truly frustrate us because we know, deep down, that if we had taken the time to plan properly, things probably would have turned out much differently.

But we didn't, the unexpected happens and suddenly, we find ourselves having lost control of the situation.

This is not an uncommon situation for many government managers when faced with the responsibility of executing a competitive procurement and request-for-proposal (RFP) process.

Many managers within government are unaware of the procurement policies, obligations and restraints within which they must operate, and must rely on others to complete and execute a procurement process. The combination of these factors often results in the manager feeling a loss of control over an important project for which they are ultimately responsible, and the inevitable sense of frustration which accompanies this.

Government managers are responsible for ensuring that their programs are well executed, and to this end, that the work required by them and their staff is accom-

plished on time. To assist them in fulfilling these responsibilities, managers often utilize and depend upon the services of qualified external contractors, offering specialized expertise within various disciplines.

From the perspective of a busy and occasionally over-worked government manager, it is often very easy to overlook the demands of planning for the acquisition process to obtain these required services from external contractors.

Program related priorities often arise with little to no lead time or advance warning. Staffing, while always a challenge, has become increasingly difficult in recent years due to growing demographic pressures.

As many managers can attest, planning may be a virtue, but it is often little more than wishful thinking in an environment characterized by pressing deadlines, conflicting objectives and scarce resources.

"It takes as much energy to wish as it does to plan".

Eleanor Roosevelt

Adding to managers' frustrations in this area, the procurement process can be especially time consuming when one considers the required minimum bidding periods for Request for Proposals (RFP's), not to mention the time and expertise needed to define requirements and write the Statements of Work (SOW) and RFP Selection and Evaluation Criteria.

If these obstacles weren't problem enough, the procurement process further restricts the flexibility and discretion of government managers when it comes to issuing contracts. Non-competitive (i.e. sole source) contracting authority has been scaled back in many government organizations. Contract splitting is a perennial no-no, and repetitive sole source contracting with a single contractor will most certainly draw the attention of auditors and contract

review committees. Where standing offers and other anticipatory contracting mechanisms do exist, they often come with restrictions on who can use them, the types of work which can be undertaken, which contractors can be selected, as well as limited \$-values on call-ups/orders placed against the agreement.

Combine these restrictions with the inability of managers to gaze into their crystal ball and accurately predict future requirements, and it should come as no surprise that the process leaves many managers feeling frustrated, and as though they have lost control. It should also come as little surprise that some managers, when faced with this scenario, will end up looking for shortcuts or other ways to by-pass this process.

Burdened as it is with seemingly endless rules, regulations, policies, trade agreements and legal precedents, the competitive procurement process can be an endless source of frustration, and a process in which most government managers have very little knowledge or experience.

However, seeking short-cuts or end-runs around the process are never the best option. In the end, such measures will inevitably result in introducing any one of a number of legal or reputational risks to the manager's organization, and in their more serious form these practices could land a

manager in his/her Deputy Minister's office, in front of a contract review board or tribunal, in court, or worse.

So, if the manager avoids temptation and avoids one or more of these procurement pitfalls, how does he/she then go about maintaining some degree of control within the procurement process, while at the same time compliantly obtaining the required contractor services within a reasonable time-line? Is there an alternative?

Instead of crossing one's fingers and hoping for the best, knowledgeable and experienced managers become well informed, they develop and communicate realistic plans and they make full use of the tools available to them. While offering no guarantees, and short of any magic tricks, following the steps outlined below will almost always gain the manager an increasing degree of control and reduce his/her level of frustration with the contracting process.

Step One: Establish a Plan and be Realistic

Once the manager is aware and informed of the constraints and rules to which his/her intended procurement process is subject, it is imperative that he/she establish a plan of action and a realistic procurement time-line. By developing such a plan and clearly communicating it to key stakeholders, the manager is better positioned to ensure a common understanding of the situation and the associated trade-offs, as well as obtain the necessary buy-in from all stake-

holders.

Know that the competitive procurement process takes time, and be realistic when planning it out. There are a number of key stakeholders involved, including subject matter experts and representatives from legal and procurement. Stakeholder interests may conflict and schedules almost certainly will! So, become aware of and communicate the constraints you're operating within to those involved as early on in the process as possible.

Manage your time accordingly and prepare senior management for a realistic (although perhaps seemingly lengthy) procurement time-line. This is one of the few areas within the procurement process that you are able to maintain some measure of control, so whenever possible, ask for and obtain more time if you absolutely need it. A couple of extra weeks could make all the difference when trying to establish a competitively awarded contract that is compliantly awarded, reflective of your requirements and enforceable at the contract management stage.

While extending your time-line out may prove frustrating to you and other key stakeholders at this stage, this option is assuredly better than announcing to senior management at the last minute that the project is delayed due to poor planning on your part and a failure to communicate the trade-off decisions to all involved. Although difficult to remember at times, the goal is to competitively award an enforceable con-

tract to the bidder representing best value for taxpayers' money, not to play and win a game of "beat the clock".

In the future, to avoid the stress and pressures of delays to your project due to the procurement process, take a closer look at the externally acquired services on which you depend. Know when these contracts or call-ups expire and begin preparations now, if need be. Depending on the dollar-value and complexity of your service requirement, the procurement process may take several months to complete from procurement planning to award of the contract. If so, then it is always best to get ahead of the curve and plan ahead.

Step Two: Assemble Your Team

To assist in the process of defining your requirement, include individuals that are knowledgeable and interested in utilizing the acquired services. These contributors can be invaluable when defining the overall requirement, determining the content of the SOW, including the deliverables and milestones of the work to be completed, as well as in developing the RFP Selection and Evaluation Criteria to be applied in the evaluation of Bidders proposals.

All are elements of an air-tight RFP resulting in a clear and enforceable contract. The decisions made when defining your requirement and developing the SOW will have a direct impact on the amount of time spent by you in managing the contract, once it is awarded. Spending a bit



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more time and effort at this stage, and obtaining the required information and input of your colleagues, will pay off many times over throughout the duration of the contract.

Keep in mind that the team working with you on the requirements definition and evaluation criteria development will also prove extremely valuable at the bid evaluation stage, when it comes time to evaluate the bidders on the technical merits of their proposals.

For particularly complex requirements, and in the interest of saving time and expediting the procurement process, many government managers have opted to obtain the services of knowledgeable external procurement specialists to assist with and expedite the requirements definition process and the writing of the RFP components, including the SOW and Evaluation Criteria.

As with many external contractors, these specialists can provide valuable guidance, knowledge and skills related to their discipline and are experienced in communicating complex requirements to the bidding community. Additionally, a procurement specialist may recommend options not yet considered which may prove to be a more efficient and effective means of procuring your required services, while minimizing the amount of time defining the requirements and determining a meaningful approach to the evaluation of bidders.

A word of caution however, when using the services of an external contractor to assist in this process, always be sure that the individual retained is not a possible bidder on the ensuing RFP, and if necessary take steps to have them sign conflict-of-interest and non-participation waivers as a condition of their contract.

Step Three: Involve your Contracting Authority at the Beginning

A very common (and avoidable) mistake made when executing a procurement process is the oversight to include the responsible Contracting Authority as early on in the process as possible. The earlier

you determine who the responsible Contracting Authority is and include this resource in the process, the better.

A key resource for managers working their way through the maze of the procurement process, the Contracting Authority can provide insight into the rules and regulations applicable to your organization and specific requirement, as well as ensure that you and your organization are protected from the various risks associated with the procurement process. The Contracting Authority can provide you with the knowledge and understanding you may lack with regard to the procurement rules, and allow you to maintain a reasonable amount of control over the management of your procurement process.

“The nicest thing about not planning is that failure comes as a complete surprise, rather than being preceded by a period of worry and depression”.

Sir John Harvey

Do keep in mind that, as with so many other areas in government these days, most internal Contracting groups are greatly understaffed and short on time. The Contracting Authority can only plan for and assist with projects of which they are aware. Therefore, the more lead time you provide to the Contracting Authority, the more likely they will be able to meet your expectations and support your desired project time lines.

Hand anyone a document they didn't know existed, but for which they will ultimately be accountable and responsible, and you can reasonably expect that they will have questions and concerns that need to be addressed prior to its distribution. Wouldn't you?

An oversight on the part of the manager to include their Contracting Officer early on in the process quickly translates into significant delays to the time-line and possibly, a good deal of rework to documents. With a bit of planning, this frustrating situation can be avoided by gaining insight

and understanding of the Contracting Officer's role and responsibilities in the overall procurement process, and the time and information he/she requires to most effectively work with you in executing your procurement process.

Step Four: Know the tools available to you

Combine the massive demographic pressure associated with baby boomers retiring from the public service's Contracting groups, with the lack of standardization across government in developing SOW's and Evaluation Criteria, and the lack of knowledge which exists in this area, and it often amounts to a time consuming and frustrating experience for government managers.

However, there are tools available to government managers to assist them in developing a compliant SOW and meaningful Evaluation Criteria. Available online from RFP Solutions (<http://www.rfpsolutions.ca/reference.htm>), the Statement of Work Writing Guide is the foundation of the Treasury Board of Canada's Professional Development Certification Program's *“How to Write Better Statements of Work and Evaluation Criteria”* course offered through the Materiel Management Institute (MMI).

This helpful tool is available free of charge, and can be downloaded from the RFP Solutions website at the URL above. By following the standards prescribed within the Writing Guide, managers can cut the time associated with developing an excellent SOW down from weeks to days, if not hours.

By having a good understanding of those elements of the RFP process that are within your control and those which are not, planning ahead, establishing a strong team and making use of the tools available, government managers can minimize frustration, achieve better results and make the process work for them. ■