



Bid Evaluation Orientation *Guide*

“Things to Consider in Preparing for an Evaluation”



Purpose of This Document

Public sector procurement plays an integral role in support of organizational program and service delivery to the public. Often this process is undertaken via competition, whether parties are invited to submit proposals directly or whether an opportunity is publicly posted requesting responses from any interested party.

After needs are defined and documented, the solicitation period is completed and proposals or bids received, the Evaluation Process is the remaining step in the procurement cycle, prior to award of a contract or other form of agreement and project initiation.

Reaching the Evaluation is a milestone – and its successful completion in a fair, consistent and timely manner is a critical step towards obtaining required resources and moving forward with operational activities. While Evaluation is a regular part of the procurement process, it can nevertheless at times appear to be a daunting task.

Given the not inconsiderable effort and resources that are invested in the development and conduct of a procurement process, by both public sector and suppliers alike, the focus at the evaluation stage is not only on ‘getting it done’, but more importantly on ‘getting it done right’, to move successfully forward with the planned initiatives.

We have created this document in an effort to assist public sector employees with the demands of the competitive procurement process, and in particular those associated with the evaluation of supplier proposals/submissions submitted in response to competitive solicitations.

Our hope is that it is of some benefit to managers in their efforts to meet operational procurement needs in a timely manner, while ensuring compliance with the spirit and intent of public sector procurement and contracting policies and the buyer’s duty of fairness.

Any errors or omissions are the sole responsibility of the author. Questions or other enquiries may be directed to:

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Note to Readers

This document was produced by **RFPSOLUTIONS** for training purposes, based on a generic evaluation process, which may be applicable to procurement of goods, services or construction.

While the principles of evaluation are common to procurement regardless of the commodity sought, individual solicitations may expand upon the methodology to be used in the evaluation.

Prior to using the material within this document as an aid in preparing for the evaluation process, readers are advised to carefully review the contents of the competitive solicitation for which the evaluation applies, including any amendments or clarifications issued to industry by the organization, to validate that the approach to evaluation is consistent with that which was committed to in the solicitation and to consult with their Procurement and Contracting colleagues to ensure consistency with their organization's process requirements.

The terms "proposal" and "bid" are used interchangeably throughout the document to mean the submissions by suppliers in response to a competitive solicitation which will be evaluated by the buying organization.

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Things to Consider in Preparing for an Evaluation



Overview of the Evaluation Process

A bid evaluation process is typically comprised of two (2) main components:

Technical Evaluation: being the review and assessment of the compliance of submitted Bidder Proposals with Mandatory Criteria, and where included in the solicitation, further evaluation of compliant Proposals on the basis of Rated Criteria; and

Financial Evaluation: being the review and assessment of the pricing submitted by compliant Bidders.

Completion of evaluation against these two (2) components (Technical and Financial) determines which Proposal(s) will be recommended for award of the contractual agreement.

There are various ways in which Technical and Financial elements are combined to determine the successful Bidder(s) in a competitive procurement process. How this is to be done for a specific procurement action is elaborated within the solicitation document provided to Bidders to support transparency and understanding of the evaluation approach.

Beyond the paper proposals, additional elements may also be introduced within an evaluation process, where they are considered valuable to further assess Bidder offerings and capabilities. Examples include presentations or interviews by Bidders (whether involving a short list or all respondents), site visits, product or offering demonstrations, etc. Depending on the manner in which the procurement is designed, these additional elements may occur after the Technical Evaluation of the paper proposal, or may occur after the Financial Evaluation. The order of their occurrence, which Bidder(s) (i.e. one, some, or all) will be involved in these steps, and how they will be conducted should be clearly specified within the solicitation document.

Upon completion of the Evaluation Process and notification to Bidders of their respective outcomes, in most jurisdictions, suppliers have the opportunity to request a debrief from the buying organization on the details of the evaluation of their Proposal.



Roles in the Evaluation Process

In keeping with the main components of an evaluation process, participation in the process is most commonly divided into two (2) distinct roles:

Technical Evaluation Committee: Typically representative of the Project Authority or Program area who will access the resulting agreement, the Technical Evaluation Committee is responsible for review and evaluation of technical proposals and determining the outcomes of the Technical Evaluation (please see additional detail on this role further in this guide). The Technical Evaluation Committee may also be involved in any Bidder debriefs which are requested following the evaluation process.

Contracting Authority: Responsible for receipt of Bidder Proposals, Where two-envelope processes are used (Technical and Financial), the Contracting Authority is often responsible for the conduct of the Financial Evaluation process (whether individually or as part of a Financial Evaluation Committee) and in the combination of the overall outcomes (Technical and Financial) to identify the successful Bidder(s). The Contracting Authority is typically responsible for all communications with Bidders during and after the procurement and evaluation process, including issuance of clarifications, scheduling of any interviews or presentations, and notification to Bidders of their outcomes and identification of the resulting Awarded Proposal. Depending upon the organization, the Contracting Authority may also lead or participate in any Bidder debriefs.

In addition to these two primary roles, depending upon the procurement need, additional participants may be involved in the Evaluation process. These may include:

Advisory Members: Typically non-voting, these members provide subject matter expertise during the evaluation process to support the Technical or Financial Evaluation Committee in making their determinations.

Non-Voting Observers: These may include the Contracting Authority, other personnel from within the buying organization to support management oversight, to leverage experience for future processes, or for training or orientation purposes; or, may include parties external to the organization who are stakeholders in the initiative for which the procurement is being undertaken.

Process Recorder: Typically non-voting, the Process Recorder supports the Evaluation Committees through the documentation of the evaluation record of decision (i.e.



Roles in the Evaluation Process

outcomes and rationales determined in the Consensus evaluation meetings).

Fairness Advisors: Also called Fairness Monitors or Commissioners, a Fairness Advisor is an impartial, independent third party who oversees the conduct of the evaluation process and provides an opinion at the conclusion of the evaluation on the extent to which the process was fairly conducted, consistent with the process detailed within the solicitation, and in keeping with the buying organization's policies and jurisdictional requirements. These individuals are typically engaged by the buying organization for high profile, high risk, or complex procurement requirements or where the buyer seeks additional assurance that the evaluation process is conducted appropriately.

Depending on the jurisdiction, participants in the evaluation process may be asked to sign confidentiality and non-conflict of interest certifications prior to the start of the evaluation.

This practice can be particularly beneficial when the process includes participants external to the buying organization.



The Technical Evaluation Committee

- Is typically comprised of 3 or more members:
 - They, and the overall process, must be **fair, consistent, objective, unbiased, and impartial.**
 - Should a potential for conflict of interest (real or perceived) arise an evaluator must recuse him or herself from the process.
- Applies the published evaluation criteria to each proposal:
 - Avoids acting in an arbitrary manner.
 - Considers only the evidence presented within Bidder submissions. **No 'prior knowledge'** of a Bidder or their offering may be taken into account.
- Thoroughly documents results and rationales:



The Technical Evaluation Committee

- Providing a basis for de-briefing.
- Determines the “technical” winner.
 - Technical Evaluation results are combined with Financial Evaluation outcomes to determine the overall successful Bidder(s).



Procedure

- Each Committee member should review each Proposal **independently first, followed by Committee Consensus** review and deliberations.
- This **process should be repeated** – once for Mandatory Criteria, and again for any Rated Criteria.
- Committees should **strive for Consensus** rather than averaging scores – results are more readily understood and defensible.
- Ensure a **thorough written rationale** for all findings – remember to demonstrate the negative orientation in the rationale (e.g. what was missing and why).

Reminder: when bids are given to the Evaluation Committee members, the contracting official will usually have completed the process of verifying that each bid meets the “contractual” mandatory requirements (sometimes called administrative requirements). This includes such things as verifying signatures within the bids are from authorized officers of the company, separation of financial bid from technical bid etc.

The key is that the evaluation must be conducted according to the methodology specified in the solicitation documents.



Process Considerations

1. Complete evaluation of each Proposal against each and every Mandatory Criterion – regardless of whether a Bidder passes or fails earlier Mandatory Criteria, it is important that all Mandatory Criteria are evaluated for each Bidder. This becomes particularly important in debriefings:
 - Identify (including Committee consensus) those that have ‘failed’ to meet the Mandatory Criteria, and set them aside.
2. ‘Failure’ in this context means that these bids are simply not eligible for further consideration or award. This becomes more relevant in Bidder debriefing.
3. Bids that fail to meet Mandatory Criteria are not evaluated further against any Rated Criteria. Financial Bids remain sealed.
4. Only those that have met the Mandatory Criteria move to evaluation against any Rated Criteria.
5. Bidders meeting Mandatory Criteria, and (where specified in the solicitation) achieving a minimum score on the Rated Criteria are considered eligible for Financial Evaluation.



The Do’s

1. Strictly **follow the evaluation methodology and criteria** published within the solicitation.
2. Where a two-envelope system is used **ensure a clear separation** between the technical and financial evaluations such that knowledge of financial proposals cannot influence the technical evaluation scoring. Typically each evaluation is conducted by separate parties or separate committees.
3. **Verify whether events** during the solicitation period **have changed the evaluation criteria or methodology**:
 - Industry questions and the buying organization’s answers (Q&A’s) during the solicitation period may have an impact on how the criteria should be applied in the evaluation



The Do's

- Formal solicitation amendments to add to, remove from, or otherwise modify the solicitation are also likely to indicate a need for change in approach or application.
 - Be aware that communication with a potential bidder can amend the solicitation documents, even where that information was not shared with other potential bidders.
4. Evaluate each Proposal **on its own merits** solely against the published evaluation criteria:
 - Proposals cannot be compared one to another to arrive at results.
 5. **Consider the Proposal in its entirety** and only the information provided by the Bidder in its submissions. While information presented within a Proposal may be verified with references provided in the Proposal (where specified in the solicitation), **no prior knowledge** of or experience with a Bidder or its offering on the part of the Evaluation Committee may be taken into account to arrive at an evaluation outcome.
 6. Evaluate from a **Negative Orientation**: All Proposals enter the evaluation process with the view that they are compliant with the requirements and, where point-rated criteria are used in the solicitation, that the Proposal has achieved 100% of the available technical points.

The evaluation criteria are then applied to each Proposal separately to validate that the requirements are in fact demonstrated and to determine whether any of the requirements are not demonstrated to their full extent.

Failure to demonstrate the requirement as stated in the published criteria may result in a finding of non-compliance (in the case of a mandatory element) or a reduction in the number of points achieved (in the case of a rated element); as applicable based on the nature of the criteria being applied and any rating scale specified in the solicitation document;

7. Use a **Rules of Evidence Approach**: Ensure that you find and record 'facts' from within the Proposal (including page numbers) to support the evaluation findings – what was found and what was not?

In light of the published criteria, determine what is the **standard of evidence** that is sought in the solicitation – i.e. what level of detail does a Proposal need to contain in order to demonstrate a requirement is met in full?

In keeping with the duty of fairness, any ambiguities in the published criteria should be interpreted in favour of the Bidders.



The Do's

Watch for “Artful Evasion” and “Deliberate Partial Compliance” – For example, a claim is made to possess the experience that is required in the solicitation, but this experience is not substantiated in the bid. Does the Proposal provide the type and level of evidence required in the solicitation?



Considerations

1. Be certain that evaluators **follow the evaluation methodology set out in the call for bids**:
 - E.g. scoring of the paper proposal on the Rated Criteria before any bidder presentation.
2. The **same evaluators must evaluate all competing proposals** against the same criteria:
 - This is important in large evaluations where there may be different teams of evaluators.
 - Where there are different ‘streams’ within one procurement, a different team can evaluate each stream:
 - There is the potential this could result in the same evaluation criterion being evaluated differently within different streams: ***The key is to ensure consistency within each stream. Consistency can also be aided by periodic consultation between committees to review common questions or process issues.***
3. Evaluation **conclusions are important** at both the individual and consensus level:
 - A separate scoring grid should be used for each Proposal.
 - Documented conclusions are often lacking at the consensus level.
 - **Ensure that there is complete documentation** (what, why) throughout the process.



Considerations

4. Maintain the evaluation “**cone of silence**”:

- **No new information** may be introduced following the close of the solicitation.
- Evaluation proceedings, proposal contents and results should be shared only with those officials participating in the evaluation process (e.g. evaluators, contracting official, and any technical experts participating with the committee) and authorized personnel with a **need to know**.
- Proposals may contain business confidential information. Ensure to appropriately safeguard proposals and your evaluation documents when they are not in use.



Evaluation Challenges

Evaluators must become familiar with and ***consider the entire content of the proposal*** before completing their evaluation.

While responses may be requested in the solicitation to be located in a certain section of a proposal, evaluators cannot ignore information contained outside that section when evaluating.

- Overlooking relevant information within a proposal is considered a breach of the trade agreements and may be cause for legal challenge.

Remember: If you cannot find proof you are looking for in what appears to be the appropriate section of the bid, **make sure** to take the time to read the rest of the bid – it may be there. You **cannot** ignore information just because it is in the ‘wrong’ section of a bid.



Documenting the Results

- **Document, document, document!:** keep *everything* produced in the course of an evaluation:
 - Individual and Consensus Evaluation Grids & Report of Outcomes.
 - Facilitates debrief of Bidders on their outcomes.
 - Facilitates responding to Access to Information requests.
 - Facilitates dealing with any challenges (e.g. courts or tribunals such as the Canadian International Trade Tribunal).
- Where Committee discussion results in consensus decisions different from individual findings, each evaluator should make sure the reason for the consensus is clearly noted in their grids.
- Complete a **Consensus Report of Outcomes (ROO)** signed by the Bid Evaluation Committee:
 - Provide with all evaluation materials to the Contracting Official at the end of the process as the record of decision.
 - Used to establish the resulting Contract Agreement(s).
 - An essential document for de-briefings and responding to potential challenges.

Remember: All documentation may be subject to Access to Information requests and may also be requested in the event of a formal process challenge. Be sure to maintain professional commentary in evaluation grids and reports, and do not write in the Proposals themselves!



What a proper Evaluation Process should avoid

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| <ul style="list-style-type: none"> • Inconsistency • Errors and omissions • Lack of objectivity/ impartiality/fairness • “Benefit of the Doubt” • Deviation from published evaluation methodology and criteria • Use of un-published criteria • Proposal comparison • Reliance on/use of personal knowledge of a bidder, or of information included in a bid | <ul style="list-style-type: none"> • Failure to ensure that all information in a bid is found and evaluated • Ignoring Information in a bid • Bid ‘clarification’ that results in bid repair or destruction • Absence of written rationale for determinations • Incomplete documentation • Destruction of documents (e.g. evaluation grids) • Unauthorized disclosure (before, during or after) |
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The Key to Success

*While each evaluation process may differ based on the methodology and criteria contained within the specific solicitation documents, the key to a successful evaluation is to **maintain an impartial, fair, consistent, documented and confidential evaluation process.***



Other Helpful Reference Documents



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