



# Activities Following RFP Release

# Module 8: Activities Following RFP Release

## In this module, you will:

- Understand best practices for major steps following RFP release, including hosting a pre-proposal conference, evaluating proposals received, and drafting and negotiating your contract.

## 8.1 Best Practices

Below we share best practices related to major steps after you have released your RFP:

### Hosting a Pre-Proposal Conference

The pre-proposal conference is an exciting opportunity for prospective vendors to ask questions and hear about your goals. Take extra care to be well-prepared and identify roles and responsibilities for the pre-proposal conference – this event is often how vendors get their first impression of what your government will be like to work with as a client!

When planning for your pre-proposal conference, note that proposers have different levels of familiarity with your government's contracting rules. Nearly always, proposers will ask questions about your scope of work or requirements during the pre-proposal conference. Make sure to identify who is legally able to provide answers to proposers - in many jurisdictions it must be the contracting officer or the procurement unit. It can be helpful to develop a preparation document ahead of time that includes draft answers to questions you anticipate. If a question asked requires research, you should not feel obligated to answer it on the spot. Share all questions answered during the pre-proposal conference and received by email or phone in a public document or RFP addendum that all prospective vendors can access.

### Receiving and Evaluating Proposals

Generally, once you receive proposals, your government will conduct a “pre-screening” or “threshold review” to make sure that proposals received are responsive and compliant before the evaluation committee conducts its formal evaluation. The evaluation committee will only evaluate proposals that have passed this threshold review (generally called “responsive” proposals). It sometimes can be difficult to ascertain whether a proposer's failure to fill out a page of a form should cause them to be found non-responsive or whether it should be waived as a minor administrative error. Consult with your legal or purchasing team for guidance.

Building your evaluation team is an important part of ensuring that you select the most qualified proposer. As you build your evaluation team, make sure:

- **You are including diverse perspectives and appropriate technical expertise.** Consider including individuals from outside your department or agency, including representatives from community organizations or service recipients. You may also find it helpful to bring in advisory members that can offer additional technical expertise.

- **Your evaluation team understands your vision of what an ideal vendor looks like.** To ensure all evaluators are on the same page, schedule a kick-off meeting or evaluator training to discuss your evaluation plan, review your objectives and come to a shared understanding of what you seek. Useful tools for training evaluators can include: 1) developing a scoring guide that defines strong and weak responses; 2) using a sample response from a prior RFP that everyone scores and reviews together as a practice run; and 3) helping evaluators to look for response quality, not just whether the question was answered (e.g., don't allocate points simply if training was included in a response, but instead gauge the quality of a training plan).
- **Your team has no perceived or apparent conflict of interest, is able to provide an objective and impartial evaluation, and can maintain confidentiality.** In the case of evaluators, a conflict of interest can come from an evaluator having an existing relationship or affiliation with one of the proposers or a stake in having one entity win the contract. Another important conflict to avoid is having two individuals on the evaluation committee where one individual supervises another individual. This could create the appearance that not all members of the evaluation committee have equal say.

Although done rarely, conducting a blind review of proposals may be a tool to allow for a completely unbiased review process when contracting for some types of services. If this is the case, the evaluated proposal documents must not contain any names that might identify who the proposer is and proper instructions to ensure this should be included in the RFP. Additionally, it may be necessary to scrub any additional identifying information off proposals before the evaluation committee reviews.

## Holding Interviews, Demos or Site Visits

In your RFP, you may have specified a second round evaluation of interviews, site visits, or demos with short-listed proposers before making a final selection. Interviews and demos are the primary opportunity to meet and evaluate the key staff members assigned to the project by the proposer and go deeper on proposal substance. If you conduct interviews, best practice is to keep them short and require that the interviewees are staff who will be working directly on the project (rather than marketing or sales staff).

You might consider integrating information from interviews, demos or site visits into your scoring protocol in one of the following ways, depending on your jurisdiction's procurement rules: a) conduct interviews/demos/site visits before scores are finalized and allow reviewers to adjust scores based on additional information gathered; or b) assign interviews a separate set of points that reviewers allocate in addition to points from written proposals.

## Selecting Vendors for Award and Negotiating the Contract

The steps involved in final vendor selection vary from one jurisdiction to another. Regardless of any constraints you face, consider this moment an opportunity to carry out due diligence checks, identify what flexibility you have to adjust the scope of work before it is incorporated into the final contract, and clarify the proposer's planned approach.

The contract negotiation phase offers your team an opportunity to set expectations for vendors around how you will measure performance over the course of the contract as well as a chance to negotiate pricing and other contract terms. Facilitating internal discussions before contract negotiations take place may be helpful for your

team to align on the points they wish to negotiate. The goal from the negotiation is to emerge with an agreement that captures all services required by your government, with a quality level, schedule, and price that is agreeable to both parties.

The negotiation process is the beginning of a good working relationship with the vendor. Establishing mutual goals for a “win-win” situation will help to develop a well-written, comprehensive contract that will further this relationship. Major benefits of a successful negotiation last throughout the contract duration – completion of a successful project or service and a vendor who is motivated to bid on other projects with your government.

## Debriefing Unsuccessful Proposers

Offering unsuccessful proposers a debrief is an opportunity to exchange constructive feedback both ways, allowing you to develop better relationships with prospective vendors and increasing the capacity of small and minority proposers to respond to future RFPs. This debrief can also give you valuable feedback on your RFP process.

Debriefing information given to proposers should be factual and consistent with scoring. In a professional manner, discuss the strengths and weaknesses of their proposal, including sharing in which areas they did not score as high as the successful proposer did. However, you should not feel obligated to provide a point-by-point comparison or direct reference to other proposers.

## Hosting an After Action Review

Following the completion of the evaluation of proposals, it can be helpful to have a meeting with the entire team involved in the procurement to discuss what aspects of the procurement

process succeeded or failed. Sometimes this type of meeting is called an “after action review.” By drawing conclusions about what went well in the procurement process and what could be done differently next time (while information and insights are still fresh!), you can preserve institutional knowledge and identify opportunities to improve the next time a similar RFP process is conducted.

Some questions to ask in this meeting could include:

- How many proposers did we expect and how many proposals did we receive?
- What other actions could we have taken to help a more diverse group of firms/ organizations participate in the RFP process?
- How long did we expect the procurement process to take? How long did it actually take?
- Were any proposers non-responsive? Why did we find them non-responsive? Are there any steps we can take to clarify the requirements better in the future?
- What worked well and why?
- What can be improved and how?

## Managing and Monitoring the Contract

Once you have moved into the contract management phase, one of your key areas of focus is to develop and maintain an environment in which the vendor can succeed. Your vendor is, above all, a partner in helping you achieve your government’s goals and realizing the outcomes you want to see! To be successful, you will need to coordinate and aim towards common goals, motivate your vendor, and establish an environment of trust where vendors can be upfront about the problems they are facing.

As discussed earlier in this guidebook, in most service contracts, it can be hugely beneficial to meet with the vendor regularly to discuss their

performance and look at how they are meeting specific performance metrics that you have established in the RFP and the contract. The motivation for actively managing your vendor is that you:

- Know whether your vendor is providing services at a standard level of quality
- Help your vendor to continuously improve.
- Immediately become aware of defects in the service provision and provide a response.

You can achieve your goals through the following techniques:

- **Regular reviews of real-time performance data.** Frequently reviewing performance metrics associated with your contracts allows you to rapidly identify major problems before they become ingrained or unfixable.
- **Regular, collaborative meetings between vendors and departments.** In these meetings, you can have solutions-oriented conversations that connect current performance to the design and support of a specific project or program. These meetings also facilitate transparency into department decision-making and vendor improvement efforts, resulting in greater trust. Establish the appropriate cadence for these meetings early on. From these meetings, you will jointly identify operational changes and other methods to improve vendor performance.
- **Reports from the vendor and periodic performance reviews.** Establish procedures for receiving reports from the vendor and for preparing evaluations. You may also find it necessary to assess performance through periodic, random spot checks. A formal written evaluation of performance at the end of the contract can provide a helpful record of performance when you consider whether you will renew the contract, or if the vendor bids on future contracting opportunities in your jurisdiction.

## 8.2 Example

To make performance improvement a key focus during the term of a contract, one state government encourages state agencies to incorporate the below language (or an adapted version of it) into their contracts. This language helps to establish an ongoing collaboration with vendors to improve performance.

The State of X seeks to actively and regularly collaborate with the vendor and other stakeholders to enhance accountability and contract management, improve results, and adjust the delivery of products or services based upon learning what works.

As part of this effort, the State expects all awarded vendors to adhere to the following principles of active contract management in order to improve the performance of contracted products and services over time.

**1. Defined Performance Objectives.** The vendor and the State recognize the importance of defining key performance objectives that the contracted products or service (s) are intended to accomplish. Performance objectives inform data fields to be collected, outcome and indicator metrics to be reported, and trends to be monitored.

**2. Reliable Data Collection and Reporting.** The vendor and State recognize that reliable and relevant data is necessary to ensure contract compliance, evaluate contract results, and drive improvements and policy decisions. Sharing data between the vendor and the State on a regular basis can ensure that key stakeholders operate with a common understanding of performance and trends.

**3. Consistent and Collaborative Meetings to Review and Improve Performance.** The vendor and the State recognize that regular reviews of and conversations around performance, results and data, particularly related to the defined performance objectives, will allow the State and vendors to employ real-time information to track performance, identify good practice, and swiftly, collaboratively, and effectively address any challenges.

# MODULE 8: WORKBOOK

## 8.3 DISCUSSION QUESTIONS

Gather your RFP drafting team and discuss the questions below.

1. Who would be most appropriate to include on your evaluation team? How can you represent a diversity of opinions and perspectives, and include sufficient technical expertise?

2. How would holding an interview, demo or site visit help you better assess your proposers' qualifications, expertise, and ideas? What types of questions might be best to ask in this setting?

3. What do you anticipate will be difficult topics of contract negotiation? What research can you do in advance about the selected proposer to be prepared? What negotiation points is your government willing to compromise on with the selected proposer? What do you consider non-negotiable?

## 8.4 DRAFTING PROMPT

Draft language that you will incorporate into your contract that signals to the vendor: 1) how and who will regularly track key performance metrics during the course of the contract, and 2) what conversations and regular meetings will be held during the contract term to discuss contract performance and the vendor's progress toward meeting your overall objectives.