



September 2024

Government Procurement Services

This newsletter informs government purchasing and contracting professionals about public procurement topics.

UPCOMING CLASSES:

Ethics & Fraud in Contracting

(Arlington, TX)

September 25, 2024

Specification Writing

(Arlington, TX)

September 26, 2024

Fundamentals of Public Purchasing

(Arlington, TX)

October 8-9, 2024

Procurement Management Academy

(Virtual)

October 16, 2024

Writing Statements of Work

(Arlington, TX)

October 22, 2024

Negotiation Skills

(Arlington, TX)

October 23, 2024



Bid Protests (Part 2) How to Prevent Them



Last month, I told you about the Government Accountability Office (GAO) report on bid protests and the most prevalent reasons for them. Which are:

1. Unreasonable technical evaluation
2. Flawed selection decision
3. Unreasonable cost or price evaluation

Let's look at these reasons and see if we can find ways to avoid them.

The first reason is **Unreasonable Technical Evaluation**. Often, this happens because team members are only used for a specific solicitation in which they are considered subject matter experts. The time between solicitations may be long, and they may forget how the process works due to their lack of involvement. Ensure that at least one

Training Schedule



Group Discounts Available

**CONTRACT
ADMINISTRATION**
November 5, 2024

**ESSENTIALS OF
CONTRACT
MANAGEMENT**
December 4-5, 2024

**ETHICS AND FRAUD IN
CONTRACTING**
September 25, 2024
November 19, 2024

**FUNDAMENTALS OF
PUBLIC PURCHASING**
October 8-9, 2024
November 12-13, 2024

NEGOTIATION SKILLS
October 23, 2024

evaluation team member is experienced in conducting evaluations.

Training the team members on their responsibilities is essential—every time. Ensure they understand the solicitation document, the evaluation criteria, and how to evaluate the responses independently. Of most importance is for the evaluators to know that they must evaluate the proposals against the criteria outlined in the solicitation document— no exceptions.

Consistency in your evaluation procedures is also critical, both in how the evaluation criteria are developed and in how they are evaluated.

The second reason is a **Flawed Selection Decision**. I struggle to see how this can happen because if your criteria are well thought out and clear, and the evaluation team appropriately evaluates the proposals, the selection decision should be a "no-brainer." You award to the vendor with the highest overall score.

Another issue is vendor bias. We have all seen it, but how do you prevent it? The easiest way is to have frank discussions with the evaluation team and tell them that personal bias is unacceptable and is not tolerated at your entity. You can also consider:

- Blind evaluations - removing identifiable information from the proposals to ensure they judge the content rather than the provider.
- Incorporate a diverse group of evaluators to promote a more balanced perspective.

PROCUREMENT MANAGEMENT ACADEMY

**October 16, 2024
December 10-11, 2024**

PURCHASING 101 FOR EVERYONE

December 4, 2024

SPECIFICATION WRITING

**September 26, 2024
December 19, 2024**

USING REQUEST FOR PROPOSALS

November 21, 2024

WRITING STATEMENTS OF WORK

**October 22, 2024
November 7, 2024**

- Train procurement staff to look for bias by looking at the scores. If everyone scores a particular vendor a 2 or 3, but one evaluator scores them a 5, additional discussion is necessary. It could be something as simple as the evaluator failing to see the information in the proposal, or it could be vendor bias.

The last reason is **Unreasonable Cost or Price Evaluation**. The evaluation team and the procurement representative should carefully review the cost or price criterion to ensure it is fair and appropriate.

In my opinion, cost or price is calculated—not evaluated. I recommend withholding the prices from the evaluation team so they only evaluate the technical aspects of each proposal. The Procurement Office calculates the cost or price scores. The evaluators can see the prices once the technical scoring is complete. If the evaluators know the pricing upfront, they can manipulate the scores to favor particular vendors.

Another best practice is to hold the evaluations in a conference room with all evaluation members in attendance. This lessens distractions and speeds up the process. In addition, the purchasing representative stays with the evaluation team for the duration of the evaluations. The purchasing representative is there to assist and guide the team and ensure that no inappropriate conversations occur. I have facilitated evaluation committees in this manner my entire procurement career, and I find it to be

the most fair and transparent way to conduct evaluations.

Consider taking the virtual [Using Request for Proposals class on November 21, 2024](#), for more in-depth information about evaluation teams and evaluating proposals.

QUESTION OF THE MONTH

Question:

"I am new to doing Request for Proposals and have difficulty ensuring that I covered all my bases in the proposal document. Do you have any methods you use to help with ensuring the document is complete?"



Answer:

Yes. Once I have completed the solicitation, I review it for the "3-way match." This 3-way match differs from the typical "3-way match" you are used to, where the purchase order, the receiving document, and the invoice must match to pay a vendor.

My 3-way match matches the 1) Evaluation Criteria to the 2) Statement of Work to the 3) Submission Documents.

1. **Evaluation Criteria** - Used to score the proposals.
2. **Statement of Work** - Describes the work to be performed.

3. Submission Documents - Outlines information the vendors must submit with the proposals.

Find the requirement in the solicitation document for each evaluation criterion and ensure it measures what you want to evaluate. Next, look at the submission document requirements and ensure vendors are required to submit the information you need to evaluate. If this all aligns, you have a 3-way match.

Example: A **Quality Assurance Program** is one of many evaluation criteria for a software development service.

- Review the Statement of Work to confirm the requirement for a Quality Assurance Program.
- Ensure that the Submission Document section requires each vendor to submit a copy of their Quality Assurance Program.
- If these match, continue the process until you complete the 3-way match all evaluation criteria.

I hope that helps.