



“Why Ask a Question If They Won't Bother Answering?”



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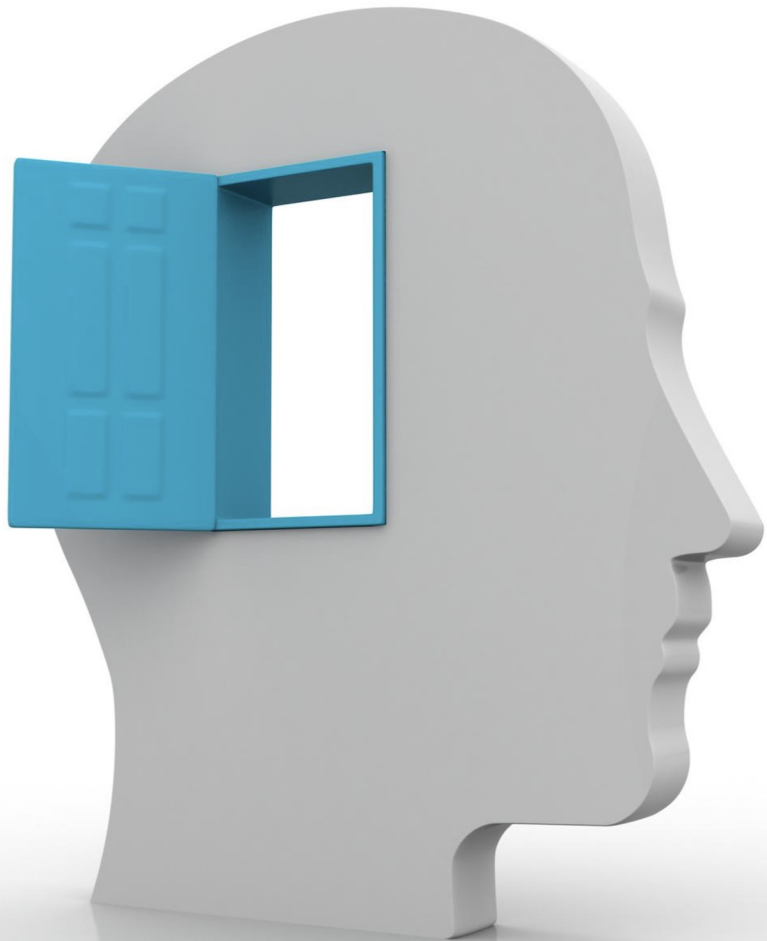
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CIPMM National Workshop 2023



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Bienvenue Welcome!

CIPMM 33rd Annual Workshop 2023

Martin Chénier ... Who's that?



44



18



16



14



26



16



12



4



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Agenda

Start on time

A few minutes here

Take 5 minutes or so

Maybe 15-20 minutes

Expect to wrap up 45 minutes later

- Opening Remarks
- Quick background
- « Translation » of questions
- Case in point examples
- Closing Remarks



Quick poll

(Who's a supplier? Who's a client? Who's procurement?)



Supplier



Client



Procurement





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Background & Context



Top 10 Issues Raised by Stakeholders - 2019-20

- 1) Evaluation was incorrectly conducted
- 2) Bias for or against an individual supplier/class of suppliers
- 3) Department deviated from the terms and conditions of the contract
- 4) Criteria were restrictive
- 5) Contract was wrongfully terminated
- 6) Evaluation criteria were unfair/biased
- 7) Payment was late
- ★ 8) Inadequate response(s) or no response to inquiries
- 9) Contract was awarded to a non-resident
- 10) Department is refusing to pay



Top 10 Issues Raised by Stakeholders in 2021-22

- 1) Evaluation criteria were unfair, overly restrictive or biased
- 2) Evaluation was incorrectly conducted/contract was awarded to wrong bidder
- ★ 3) Department did not respond or responded late to questions
- 4) Department deviated from terms & conditions of contract
- 5) Payment issues (late payment or department refused to pay)
- 6) Debriefings were not provided/info provided was insufficient
- 7) Department inappropriately used non-competitive contracting
- 8) The time lag between bid closing date and contract award was too long
- 9) The solicitation was either confusing, contradictory, and/or had vague information
- 10) There were undisclosed criteria or the criteria changed after bid closing



Top 10 Issues Raised by Stakeholders - 2020-21

- 1) Evaluation criteria were unfair, overly restrictive or biased
- 2) Evaluation was incorrectly conducted/contract was awarded to wrong bidder
- ★ 3) Debriefings were not provided/info provided was insufficient
- 4) Department did not respond or responded late to questions
- 5) Department deviated from terms & conditions of contract
- 6) Payment issues (late payment or department refused to pay)
- 7) Bidding period was insufficient to prepare proposal/department refused to grant extension
- 8) No contract was awarded
- 9) Significant modifications to original scope of work
- 10) Department inappropriately used non-competitive contracting



Fun Fact !?

Ineffective Q&A makes the cut on the OPO Top 10 list of complaints



Some context ...



4.80.5. Handling Questions during the Solicitation Period

- a. Questions from suppliers should be submitted in writing to the contracting officer before the date indicated in the solicitation document.
- b. Simple questions where the answer does not affect other suppliers and how they will respond to the solicitation, may be answered directly to the supplier asking the question.
- c. More complex questions or questions concerning the requirement itself should be forwarded to the client department for response back to the contracting officer. Technical questions and answers, together with questions and answers that can be addressed by the contracting officer, should be accumulated and posted as an addendum/amendment to the solicitation, in the case of public advertisement, or issued directly as an addendum/amendment to the suppliers. When posting questions during the solicitation period, care should be taken to protect the identity of the supplier asking the question(s).
- d. Changes to the solicitation itself, to reflect clarifications resulting from the questions, including extensions to the solicitation period, if granted, must be released as an amendment to the solicitation.
- e. It is the responsibility of the bidder to monitor the Government Electronic Tendering Service (GETS) for any updates or amendments to the solicitation notices.



Bid vs no-bid? ...

Would you consider reducing the number of years?

Under M2, would « bla bla fancy tech jargon » be considered a reasonable alternative?

For your corporate criteria, can you explain why you've set the bar at « 3 similar projects where the contract value was at least \$1.5M each »? Would you consider removing the minimum contract value if projects are identical to the ones described in your SOW?

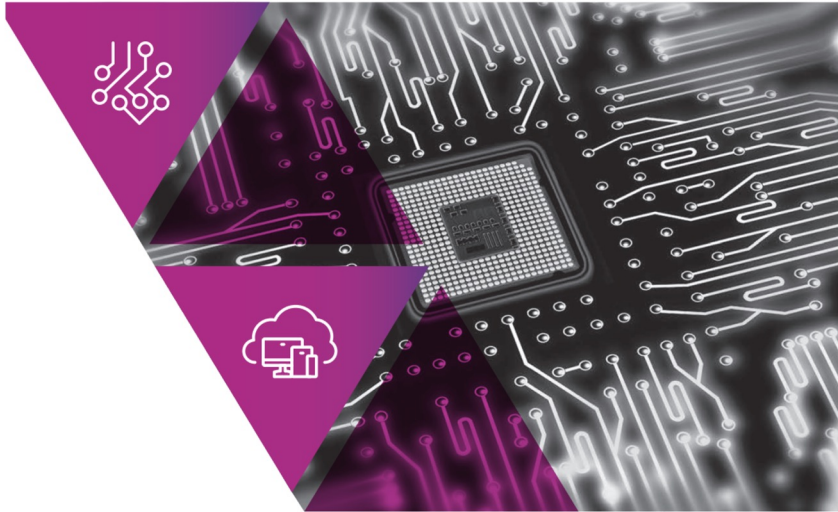
Would you consider lowering or removing your minimum pass mark?



Report 1

Reports of the Auditor General of Canada
to the Parliament of Canada

Procuring Complex Information Technology Solutions



Independent Auditor's
Report | 2021

(Yours truly)

Dear Advisors,

On March 11, 2021, the Public Accounts Committee held a hearing following the tabling of our report in Parliament on [Procuring Complex IT Solutions](#) on February 25th. Many parliamentarians asked questions about the report during the embargoed briefing in February and at the hearing on March 11. The Auditor General also received questions from the media about the report.

I invite you to read the report and on behalf of the audit team, I would like to express a heartfelt thank you for your valuable advice and guidance throughout the audit. We look forward to the opportunity to work with you in the future.



Why this finding matters

1.31 This finding matters because agile procurement processes include more collaboration with suppliers than traditional methods do. Without adequate training, procurement teams may be ill-equipped for these interactions. Also, lack of engagement with key stakeholders in governance mechanisms can lead to problems that are costly and time consuming to solve after contracts are awarded.

Analysis to support this finding

Collaboration with suppliers needs improvement

1.37 We found that the way in which procurement teams collaborated with private sector suppliers on proposed IT solutions needed improvement. In the procurements we examined, a collaborative approach was used with suppliers to define requirements for IT solutions.

1.38 We reviewed a random sample of supplier questions and comments and corresponding responses in the NextGen, Benefits Delivery Modernization, and Workplace Communication Services procurement files. In all 3, we found instances in which procurement teams' responses to suppliers' questions were incomplete, lacked rationale, or did not provide clear answers. These findings were true for a number of responses in the samples for each procurement, including

- 7 out of 22 (32%) of responses to supplier questions and comments for NextGen
- 6 out of 22 (27%) of responses to supplier questions and comments for Benefits Delivery Modernization
- 9 out of 22 (41%) of responses to supplier questions and comments for Workplace Communication Services





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Translation of Questions

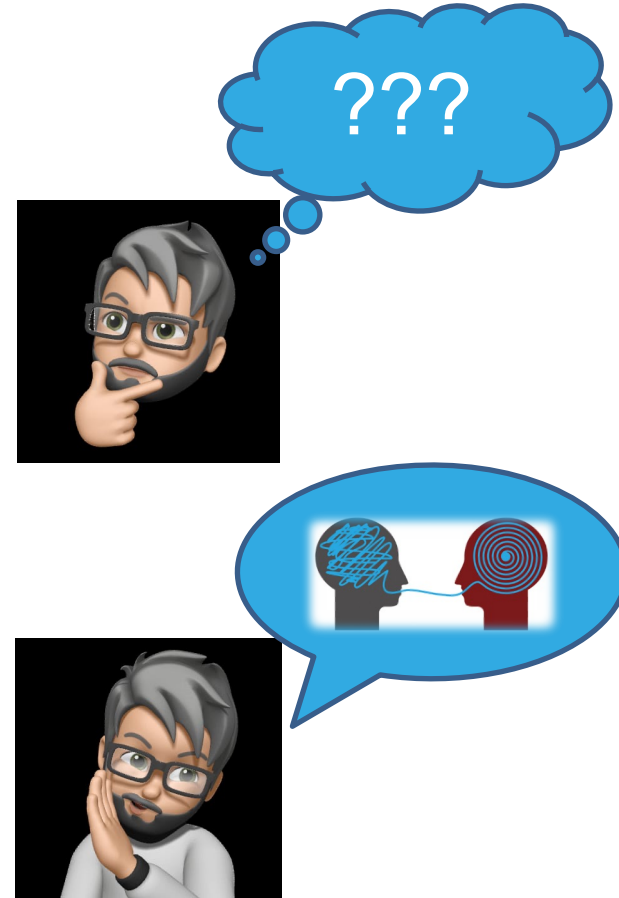


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What do you mean by « TRANSLATION OF QUESTIONS » ?

- ❄️ *What does this question really mean?*
 - ❄️ Consider all different angles of the question.
 - ❄️ Can it be interpreted differently?
 - ❄️ Should we seek clarification from the Bidder?
- ❄️ *What could be the impact of our answer?*
- ❄️ *Avoid assumptions*





« TESTING » YOUR PROPOSED RESPONSE

- ❖ Is the response complete? (Ex: All elements of the question)
- ❖ Are we offering a rationale? (Ex: Explain « why »)
- ❖ Are we being clear? (Ex: Address misinterpretations)



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Examples please



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Anything missing?



Is the response complete?



Do we offer a rationale?



Are we being clear?





sup·pl·er

/sə'pl(ə)r/ : Similar to other “Suppliers” but no eyes

Example #1

« Story » Questions

Question 4

In the pricing schedule it is noted that “should the supplier decide to offer 2 resources which would shorten the timeline to complete the project, the supplier may add an additional resource but the combination cannot surpass the above estimated days. The resource could be at any level”. This will impact the evaluation in that it is very possible, and quite likely, that bidders will not be evaluated against the same criteria, as outlined in this scenario below:

- If Bidder A supplies two resources, they would have the option of splitting the number of days based on who the higher paid resource is. For example: the higher priced resource could be assigned very few days in the financial table of the 130 possible. Bidder A could then put forward an optional resource at a much lower price and give them the rest of the days available. This would make their total cost much lower than Bidder B who submits 1 resource at the full 130 days. Bidder A could be awarded the contract based on this pricing, but only supply their first resource when a call up is issued for the entirety of the contract. In this example, the total evaluated cost at time of bidding would be fictitiously lower for Bidder A and act as an advantage in the evaluation.

In order to ensure a fair and transparent bidding competition, that evaluates each Bidder against the same Technical and Financial Criteria, we therefore ask for the following changes to be made:

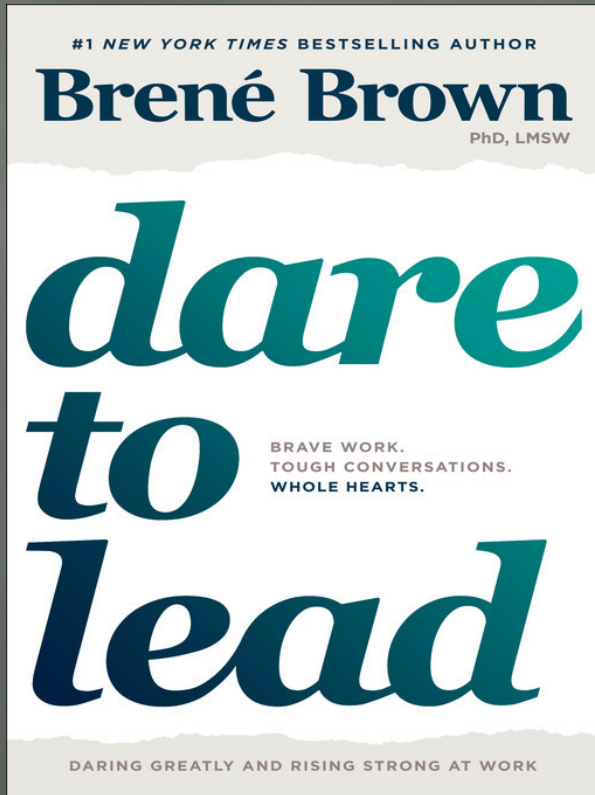
1. Eliminate the second optional resource from the Financial Evaluation.
2. Insert language stating a second optional resource may be added by the winning firm if it is desired to spread the work across more than one individual.

Rather than having “up to 130 days” in the financial table, change to 100 days and note that this is an estimated level of effort for evaluation purposes only.

By making the above changes, there will be parity in the financial evaluation across all firms.



If you give bidders the option to propose a second resource, your current pricing schedule opens the door to an unfair financial evaluation.



« *Assume positive intent* »

Brené Brown





Question 4

In the pricing schedule it is noted that “should the supplier decide to offer 2 resources which would shorten the timeline to complete the project, the supplier may add an additional resource but the combination cannot surpass the above estimated days. The resource could be at any level”. This will impact the evaluation in that it is very possible, and quite likely, that bidders will not be evaluated against the same criteria, as outlined in this scenario below:

- If Bidder A supplies two resources, they would have the option of splitting the number of days based on who the higher paid resource is. For example: the higher priced resource could be assigned very few days in the financial table of the 130 possible. Bidder A could then put forward an optional resource at a much lower price and give them the rest of the days available. This would make their total cost much lower than Bidder B who submits 1 resource at the full 130 days. Bidder A could be awarded the contract based on this pricing, but only supply their first resource when a call up is issued for the entirety of the contract. In this example, the total evaluated cost at time of bidding would be fictitiously lower for Bidder A and act as an advantage in the evaluation.

In order to ensure a fair and transparent bidding competition, that evaluates each Bidder against the same Technical and Financial Criteria, we therefore ask for the following changes to be made:

1. Eliminate the second optional resource from the Financial Evaluation.
2. Insert language stating a second optional resource may be added by the winning firm if it is desired to spread the work across more than one individual.
Rather than having “up to 130 days” in the financial table, change to 100 days and note that this is an estimated level of effort for evaluation purposes only.

By making the above changes, there will be parity in the financial evaluation across all firms.

BIDDER A

The inclusion of volumetric data in this document does not represent a commitment by Canada that Canada’s future usage of the services described in the bid solicitation will be consistent with this data.

Period	All-inclusive fixed Per-Diem Daily Rate	Estimated days	Total
Contract Award to 31 March 2023	A	B	C = A x B
Required Senior Resource (1)	\$900	30	\$27,000
Total Required Resource:			

Should the supplier decide to offer 2 resources which would shorten the timeline to complete the project, the supplier may add an additional resource but the combination cannot surpass the above estimated days. The resource could be at any level.

Period	A	B	C = A x B
Optional Resource	\$650	75	\$48,750
Total Optional Resource:			

Evaluated Price (Applicable Taxes excluded): (CAN) (i.e., sum of: Total Required Resource + Total Optional Resource)	\$ \$75,750
Applicable Taxes	Insert the amount, as applicable: GST: HST: PST:



Hypothetically speaking, Bidder A who submits two resources and plays with the estimated days, could have an unfair advantage over Bidder B who only submits only one resource. #sneakybidderA



Question 4

In the pricing schedule it is noted that “should the supplier decide to offer 2 resources which would shorten the timeline to complete the project, the supplier may add an additional resource but the combination cannot surpass the above estimated days. The resource could be at any level”. This will impact the evaluation in that it is very possible, and quite likely, that bidders will not be evaluated against the same criteria, as outlined in this scenario below:

- If Bidder A supplies two resources, they would have the option of splitting the number of days based on who the higher paid resource is. For example: the higher priced resource could be assigned very few days in the financial table of the 130 possible. Bidder A could then put forward an optional resource at a much lower price and give them the rest of the days available. This would make their total cost much lower than Bidder B who submits 1 resource at the full 130 days. Bidder A could be awarded the contract based on this pricing, but only supply their first resource when a call up is issued for the entirety of the contract. In this example, the total evaluated cost at time of bidding would be fictitiously lower for Bidder A and act as an advantage in the evaluation.

In order to ensure a fair and transparent bidding competition, that evaluates each Bidder against the same Technical and Financial Criteria, we therefore ask for the following changes to be made:

1. Eliminate the second optional resource from the Financial Evaluation.
2. Insert language stating a second optional resource may be added by the winning firm if it is desired to spread the work across more than one individual.
Rather than having “up to 130 days” in the financial table, change to 100 days and note that this is an estimated level of effort for evaluation purposes only.

By making the above changes, there will be parity in the financial evaluation across all firms.

BIDDER B

The inclusion of volumetric data in this document does not represent a commitment by Canada that Canada’s future usage of the services described in the bid solicitation will be consistent with this data.

Period	All-inclusive fixed Per-Diem Daily Rate	Estimated days	Total
Contract Award to 31 March 2023	A	B	C = A x B
Required Senior Resource (1)	\$675	130	\$87,750
Total Required Resource:			

Should the supplier decide to offer 2 resources which would shorten the timeline to complete the project, the supplier may add an additional resource but the combination cannot surpass the above estimated days. The resource could be at any level.

Contract Award to 31 March 2023	A	B	C = A x B
Optional Resource			
Total Optional Resource:			

Evaluated Price (Applicable Taxes excluded):

\$87,750

(CAN) (i.e., sum of: Total Required Resource + Total Optional Resource)

Applicable Taxes

Insert the amount, as applicable:

GST:
HST:
PST:



In this hypothetical scenario, Bidder B would have a higher evaluated price, compared to Bidder A.



And the proposed answer ...

Answer: The Crown will make the following amendment to the request for proposal:

Should the supplier decide to offer 2 resources which would shorten the timeline to complete the project, the supplier may add an additional resource but the combination cannot surpass the above estimated days. The resource could be at a Senior level.

Contract Award to 31 March 2023	A	B	C = A x B
Optional Senior Resource			
Total			
Optional Resource:			


The inclusion of volumetric data in this document does not represent a commitment by Canada that Canada's future usage of the services described in the bid solicitation will be consistent with this data.

Period	All-inclusive fixed Per-Diem Daily Rate	Estimated days	Total
Contract Award to 31 March 2023	A	B	C = A x B
Required Senior Resource (1)		Up to 130 days (within 6 months)	
Total Required Resource:			

Should the supplier decide to offer 2 resources which would shorten the timeline to complete the project, the supplier may add an additional resource but the combination cannot surpass the above estimated days. The resource could be at any level.

Contract Award to 31 March 2023	A	B	C = A x B
Optional Resource			
Total Optional Resource:			

Evaluated Price (Applicable Taxes excluded):		\$ _____
(CAN) (i.e., sum of: Total Required Resource + Total Optional Resource)		
Applicable Taxes	Insert the amount, as applicable:	GST: HST: PST:



We believe the required change consists of specifying how a second (optional) resource **could** be at a Senior level.





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Suggestions on the proposed response?



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If you give bidders the option to propose a second resource, your current pricing schedule opens the door to an unfair financial evaluation.

We changed the « up to 130 days » and replaced with « 100 days ». The estimated level of effort would be for financial evaluation purposes only. As for optional resources, the resulting contract will include provisions allowing for an additional resource proposed at the same rate.



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Example #2

« Can you modify that » Questions

Q1. We would request that the definition of “bidder” be expanded to include “Association of Entities”, recognizing the experience of an organization’s member firms in its global network, parent, subsidiaries or other affiliates of the Bidder?



Our local firm doesn't have this type of experience, but I'm sure one of our sister companies would meet your criterion. Would they count as « Bidder »?





Q1. We would request that the definition of “bidder” be expanded to include “Association of Entities”, recognizing the experience of an organization’s member firms in its global network, parent, subsidiaries or other affiliates of the Bidder?

R1. No.



« Someone » can’t offer an explanation, so the answer is No.

Example #2

« Can you modify that » Questions

MC#1

The Bidder must have experience performing large fancy shmancy projects worth a whack load of money and must have had at least a bucketload of consultants all working at the same time.

Bedoitte. Canada

Bedoitte. USA

Bedoitte. Germany

Bedoitte. Vanier

Bedoitte. Moose Creek

Considerations:

What would be the impact of our answer?
Why would they ask?





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Suggestions on the proposed response?



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Our local firm doesn't have this type of experience, but I'm sure one of our sister companies would meet your criterion. Would they count as « Bidder »?

No. We want to assess the Bidding firm's, and their proposed project team's, ability to deliver similar large-scale solutions as they would be the ones expected to deliver the solution.

Consider explaining « Why? »



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Example #3

« Why GoC ? »

Questions

Question #1

Regarding the MT2 and RT1 requirements, would the Crown accept experience gained in a Provincial, Territorial, or Crown Corporation environment?



Not sure why you'd limit yourself to Federal Government experience ... Would you accept other public sector experience as an alternative?





Example #3

« Why GoC ? »

Questions

MT2	<p>At the time of bid closing, the Bidder MUST demonstrate through the proposed resource's resume that they have a minimum of TWO (2) cumulative* years of experience within the past TEN (10) years, in the following areas:</p> <ul style="list-style-type: none"> Risk Assessments for Federal Government Departments and their Grant & Contribution Program <p>Demonstration of experience MUST include</p>	<p>For each project the Bidder must provide the following information.</p> <ul style="list-style-type: none"> Federal department or client name; Name of Grant & Contribution Program Start and End Date (month-year); Number of months/year for 		
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RT1	<p>The Bidder should demonstrate through the proposed resource's resume that they have ADDITIONAL cumulative* years experience in conducting Risk Assessments in the following areas:</p> <ul style="list-style-type: none"> Risk Assessments for Federal Government Departments and 	<p>For each project the Bidder should provide the following information.</p> <ul style="list-style-type: none"> Federal department or client name; Name of Grant & Contribution Program; Start and End Date (month-year); Number of months/year for the work performed; 	<p><u>Rating Scale</u></p> <ul style="list-style-type: none"> 2+ years to 4 years: 10 points 4 year to 6 years: 15 points 6 years to 10 years: 20 points More than 10 years: 25 points <p>Maximum Points: 25</p>
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	<p>their Grant & Contribution Program</p> <p>Demonstration of experience should include</p> <ul style="list-style-type: none"> Analyzing business processes with the intent to identify opportunities for improvements Recommending and documenting risk mitigation strategies. Preparing a final summary report identifying lessons learnt <p>*Overlapping timelines of projects will not be included towards a cumulative total.</p>	<ul style="list-style-type: none"> Project Authority contact information (name, title, telephone number and/or email); Detailed description of the roles and responsibilities of the bidder's proposed resource <p>NOTE: ESDC reserves the right to contact the reference to confirm the information presented by the Bidder.</p>
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Question #1

Regarding the MT2 and RT1 requirements, would the Crown accept experience gained in a Provincial, Territorial, or Crown Corporation environment?



I know ... and I referenced that already!?

Perplexed Bidder ...

Question #1

Regarding the MT2 and RT1 requirements, would the Crown accept experience gained in a Provincial, Territorial, or Crown Corporation environment?



Not sure why you'd limit yourself to Federal Government experience ... Would you accept other public sector experience as an alternative?

A1:

'Federal Government Department' is explicitly identified in the RFP (MT2 and RT1) as the contract is related to Gs&Cs Program Risk within the Federal Government.



We clearly say « Federal Government experience », which means we clearly want it and won't settle for anything else.

Example #3
« Why GoC ? »
Questions





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Suggestions on the proposed response?



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Not sure why you'd limit yourself to Federal Government experience ... Would you accept other public sector experience as an alternative?

Unfortunately, we cannot accept the proposed modification. Given the unique nature of (bla bla logical explanation justifying federal government experience), and our limited in-house expertise in this area, we are seeking individuals who can provide tailored advisory services.



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Example #4

« Why only one contract » Questions

Q8. Would **TOP SECRET** accept submissions that only have either (a) only one resource or (b) one Junior and one Senior ATIP consultant?

Q10. May **TOP SECRET** consider awarding more than just one contract to allow Bidders to propose only their best candidates?



It will be a challenge finding one Rock Star ... you're asking us to propose two? Why wouldn't you consider awarding « up to two » contracts?

Example #4



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« Why only one contract » Questions

Q8. Would **TOP SECRET** accept submissions that only have either (a) only one resource or (b) one Junior and one Senior ATIP consultant?

R8. No. Submissions must include all the required resources.

Q10. May **TOP SECRET** consider awarding more than just one contract to allow Bidders to propose only their best candidates?

R10. No.



No. We'll stick with one contract as it's way easier to manage than two!





Example #5

« Can you give examples » Questions

Question 4:	Can the department please provide specified examples of what would constitute sustainable capital allocation experience? For example, would development of strategic capital allocation frameworks, development of asset management plans, support for renewable energy project development, M&A transactions services for renewable energy, clean tech, etc. and conducting business planning and business case analysis exercises all count as sustainable capital allocation experience?
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You're asking for specific experience ... Does (fancy words thingamajig blip blip) count as relevant experience?



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Example #5 « Can you give examples » Questions



Yes we can provide examples ... AND we'll even explain why we're asking for this specific experience and how else to test for relevance.

Context



Question 4:	Can the department please provide specified examples of what would constitute sustainable capital allocation experience? For example, would development of strategic capital allocation frameworks, development of asset management plans, support for renewable energy project development, M&A transactions services for renewable energy, clean tech, etc. and conducting business planning and business case analysis exercises all count as sustainable capital allocation experience?
Answer 4:	<p>MT2, RT1, and RT2 relate to the Bidder's and/or team members' experience advising non-financial corporates, financial institutions, pension funds or Crown corporations on sustainable finance issues, including:</p> <ul style="list-style-type: none"> - climate-related financial disclosures; - standards or taxonomies for green or transition finance; - data requirements for tracking and reporting on climate risks; - implementing net zero commitments and/or aligning lending, insurance or investment portfolios with net zero. <p>As it relates to net zero, as stated in the Statement of Work, the Government announced in Budget 2022 that the SFAC will also develop and report on strategies for aligning private sector capital with the transition to net-zero, with support from the Canadian Climate Institute and in consultation with the Net-Zero Advisory Body. The SFAC is in the process of establishing an additional working group to focus on this additional aspect of the SFAC's mandate, and the expectation is that net zero capital allocation strategies will become a primary area of focus for the SFAC in the coming months.</p>

Examples

Reminder



	To the extent that the examples of experience listed in the question link to the sustainable finance issues highlighted in the RFP, the experience would be recognized under the bid evaluation criteria. Bidders are strongly encouraged to articulate specific linkages between their previous experience and the sustainable finance issues outlined in MT2, RT1, and RT2.
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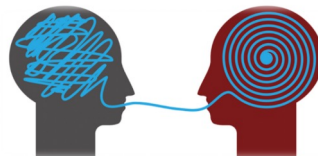


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I get it. Now what?

-  If you're **asking** questions ... consider context (and question marks!!)
-  If you're **answering** questions ... test for completeness, rationale, and clarity
-  Maybe the issue has more to do with **QA** (quality assurance) ... **versus Q&A** (question & answer)





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Merci bonsoir!



martin@procurementalliance.ca



PAC pointers

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EFFECTIVE Q&A

PAC POINTERS

1 REVIEWING QUESTIONS
Considerations when reviewing the questions you receive

For each question you receive:

- Are we clear on what the question really means?
 - Can it be interpreted differently?
 - Have you considered the question from all angles? (Client, Procurement & Bidder)
 - Do you need to seek clarification from the Bidder?

2 PREPARING ANSWERS
Considerations when you prepare answers to supplier questions

For each answer you prepare:

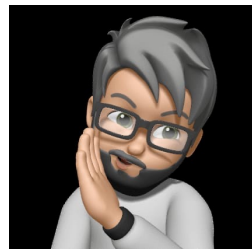
- Have we assessed the impact of our answer?
 - Does your response alter the outcome of the process?
 - Does your response alter the outcome of the mandate?
- Would a rationale help bidders understand our answer?
- Are there other parts of the question we need to address and are we being clear in our response?

3 WHY IT MATTERS?

- Bidders will want to understand the "why" behind the answer to determine whether they should continue with the process or drop it.
- Seeking clarification helps clarify jargon to avoid misinterpretations and misleading answers.
- Logical and defensible answers can help increase the likelihood of receiving bids.

ALLOW US TO HELP REDUCE YOUR PROCUREMENT FRICTION
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UPDATED MAY 2023





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**Questions? Need more examples?
Come see us at our booth!**

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