

ATTACHMENT 5



Department of
Civil Service

New York State Department of Civil Service
Debriefing Guidelines
9/23/2020

In accordance with NYS State Finance Law §163(9)(c), the Department shall make a debriefing available to any entity that submitted an unsuccessful proposal or bid in response to a given solicitation after notification is made by the Department. All Offerors shall be given written notice of the tentative contract award.

Timeframes associated with requesting/conducting a Debriefing:

A debriefing must be requested by an unsuccessful Offeror in writing, either via postal mail or electronic mail, within fifteen calendar days of the Department's written notification that an Offeror's offer is unsuccessful.

Any unsuccessful Offeror, upon request, will be afforded an opportunity for a debriefing. An unsuccessful Offeror's failure to timely request a debriefing shall not extend the time period to file a protest.

How Debriefings shall be conducted by the Department:

A debriefing may be requested by any unsuccessful Offeror regarding the reasons that the submitted proposal or bid was not selected for award. While a debriefing is typically conducted in person, it may be conducted by video conference, over the phone, or through written summaries, upon the mutual agreement of the Department and the Offeror.

A debriefing is intended to make the procurement process open and transparent and to help the vendor community become more viable competitors for New York State goods and services. A debriefing will include:

1. The reasons that the proposal, bid or offer submitted by the unsuccessful Offeror was not selected for award. The Department will not discuss specific details of other Offerors' proposals.
2. The qualitative and quantitative analysis employed by the agency in assessing the relative merits of the proposals, bids or offers;
3. The application of the selection criteria to the unsuccessful Offeror's proposal; and
4. When the debriefing is held after a final award, the reasons for the selection of the winning proposal, bid or offer. The debriefing shall also provide, to the extent practicable, general advice and guidance to the unsuccessful Offeror concerning potential ways that a future proposal, bid or offer could be more responsive.

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General Conditions Applicable to All Debriefings:

1. The Department will schedule the same amount of time for each Offeror who requests a debriefing.
2. A debriefing will not be scheduled for more than one hour.
3. A debriefing will be held individually with each requesting unsuccessful Offeror.
4. The Department's Designated Contact (i.e., the Procurement Manager) is the sole person authorized to schedule a debriefing.
5. The Offeror must provide a list of their intended attendees prior to the debriefing, including their titles or relationship to the Offeror and notify the Department if the Offeror is intending to have legal counsel participate, so that the Department can notify agency legal counsel.
6. At least two Department employees must be present at each debriefing.
7. Debriefings will not be taped or transcribed by the Department, and Offerors are prohibited from taping the Debriefing.
8. Requests for copies of documents made by an Offeror at the debriefing must be handled in accordance with the Department's Freedom of Information Law procedures.