



The State University
of New York

Office for Capital Facilities Guidance Document

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Debriefing

A reference guide for debriefing of bidders
on construction and consultant contracts.

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Debriefing

Debriefing is defined as the practice where, upon the request of an offerer, a state agency advises of the reasons why that offerer's qualifications, bid or proposal were not selected for an award. State Finance Law requires a state agency to provide a debriefing, if requested, to any unsuccessful offerer that responded to a solicitation above the discretionary thresholds for procurements. SUNY's Discretionary Thresholds are as follows: Commodities and Services: \$125K or \$200K for awards to minority and woman owned businesses; Construction: \$20K; and Construction Related Consultants: \$25K.

State Finance Law §163

"A state agency shall, upon request, provide a debriefing to any unsuccessful offerer that responded to a request for proposal or an invitation for bids, regarding the reasons that the proposal or bid submitted by the unsuccessful offerer was not selected for an award. The opportunity for an unsuccessful offerer to seek a debriefing shall be stated in the solicitation."

The opportunity for an unsuccessful offerer to seek a debriefing must be stated in the solicitation. An unsuccessful offerer must request a debriefing within fifteen (15) calendar days of receipt of a written notice that the firm's offer was unsuccessful. An example of language included in a solicitation is provided below.

Sample Solicitation Language

Upon notification of that an offer was unsuccessful, offerers may request in writing a debriefing of the results of their response to this solicitation. Requests for debriefing must be received within fifteen days of receipt of a written notice that the firm's offer was unsuccessful.

Debriefings must be conducted in person, unless the parties mutually agree to other means including by telephone, video-conferencing or other types of electronic communications. It is strongly recommended that a campus request questions in writing from the unsuccessful offerer prior to the debriefing. Depending on the nature of the debriefing consultation with, or attendance by, campus counsel may be appropriate.

A debriefing shall include, but need not be limited to:

- (A) the reasons that the proposal, bid or offer submitted by the unsuccessful offerer was not selected for award;
- (B) the qualitative and quantitative analysis employed by the agency in assessing the relative merits of the proposals, bids or offers;
- (C) the application of the selection criteria to the unsuccessful offerer's proposal; and
- (D) when the debriefing is held after the 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 offerer concerning potential ways that their future proposals, bids or offers could be more responsive.

During the debriefing, campuses should:

- Limit the discussion to the reasons why that offerer's qualification, bid or proposal was not successful
- Provide advice and guidance to the offerer to improve future offers
- Be prepared to review the strengths and weaknesses of a the offerers qualifications, bid or proposal
- Be prepared to provide information as to the relative ranking of that offerer's qualifications, bid or proposal in each of the evaluation categories as provided for in the solicitation document. Information on relative ranking to other evaluated bids could be provided in various forms, including:
 - a comparison and explanation of the unsuccessful offerer's ranking to the maximum score available in each category
 - a comparison of the unsuccessful offerer's score to the average score in that category

It is not recommended that information regarding the winning offer, or a comparison to it, be provided prior to contract award, as it has the potential to impact the integrity of the award. Focus the debriefing on the unsuccessful offer and how that offerer could improve future bids or proposals. A comparative review providing information about the winning offer may be considered after the contract is awarded. Separate from the debriefing process described in this guidance document SUNY Procedure 7561 addresses the process for contract award protests.

Training

The Procurement Council has issued a one page bulletin on debriefing, which includes sample solicitation language. Please take a moment to review the [Debriefing Language Bulletin](#). However, it is important to note that the bulletin, and the recorded training sessions referenced below, were created prior to the 2016 changes to State Finance Law 163 Section 9 (c). The following training sessions are available on the [Office for General Service's](#) website.

OGS Training Session: Debriefing (2011)

Training Presentation: [YouTube Video](#)

This pre-recorded session will provide the legal basis and requirements for debriefing and some guidance on best practices. The recording includes a "mock debriefing" by a fictitious agency with vendor representatives, to illustrate the types of issues that may arise during a typical debriefing. The recording will run as a continuous loop in a designated training room at the Forum, allowing interested attendees to drop in and view it as their schedule allows.

Resources

[Debriefing Language Bulletin](#), New York State Procurement Council
[SUNY Procedure 7561: Contract Award Protest Procedure](#)
State Finance Law §163, Section 9 (c)