



Probity Issues for Vendor Debriefs

The conduct of debriefing unsuccessful offers to a procurement process can prejudice integrity of a procurement process if not managed with care and attention to probity.

Most public companies and government organisations will provide a debrief to a vendor, whether successful or unsuccessful; but mostly it is the unsuccessful vendor which seeks or can benefit from debrief. It is in the buyer's interest to encourage competition and act in good faith with the suppliers, which have gone to some time, trouble, and expense to tender.

Protocols:

The protocols of Post-tender debrief are:

- Maintain **confidentiality** of the procurement processes and competing tender's information;
- Advise vendors on the **strengths and weaknesses** of their offer and performance;
- Tell them the **name of the successful tender(s)** if it is not already public information;
- **Never speak in comparative terms**; and
- Debrief is **only for vendors who submit a tender**, whether complying, timely or otherwise.

Principles:

1. The conduct of vendor debriefs is to assist vendors to:
 - improve their competitiveness;
 - better understand the organisation's procurement processes; and
 - be transparent about the 'winner', but
 - **not to defend 'why' or 'how'**.
2. Debriefs support the principles of transparency and accountability.
3. It is **not** a forum to defend why the procurement was conducted the way it was; nor to defend the procurement content, requirements, conditions, or formats.
4. The Vendor can ask questions, but you may decline to answer the question(s)
5. You should not defend the processes or outcomes, and you must never breach the above protocols.
6. Keep a file record – minutes and copies of documents used in debrief.
7. A Vendor's right to any other information of the buyer's organisation is vested only in common law rights; or with Government, the relevant freedom of information legislation.
8. Avoid written debriefs as it may be misused against the interests of the corporation.

Guidelines:

To support these protocols and principles:

- The **Buyer must be in control** of all aspects.
- **Explain the purpose of the debrief at the start** (Principles 1 to 5 above) and ensure the vendor understands.
- The Buyer **may decline to answer any question** and refer the vendor to the organisation's Complaints Management processes.
- The vendor entitled to attend debrief is **that which submits an offer**, including a consortium, but not attended by sub-contractors or supply chain parties to the vendor.
- Have **prepared notes only on the vendor's offer and evaluation** prepared for the interview.
- **Do not provide comparative information where a vendor rated** against other vendors.
- **Do not have information on any other vendor**, such as the evaluation report or worksheets, able to be seen by the recipient of the debrief.
- **Do not go through a vendor's offer in detail**. Restrict information to strengths and weaknesses.
- **Not all vendors are satisfied**; but attempt to leave the vendor feeling that debrief had some benefit.
- **It is not necessary to have a Probity Adviser/auditor or your legal adviser present** unless the situation is sensitive or you have concerns over the vendor's reaction.