

The Evaluation: A Parable

Jeanne, the city's procurement director, checked the department's Zoom account availability to find available dates for the evaluation committee meeting. She had previously sent the technical and past performance volumes of the proposal to the members of the committee evaluating them. After they scored them, their numerical ratings were sent to her via the Excel workbook that she had provided. Now it was time to have the first meeting since proposals were received.

The Department was leading the procurement of a consolidated case management and timekeeping system for the city attorney's office. The committee was a strong one. The city attorney appointed representatives from her office. John was the litigation lead deputy attorney. Sarah was a fairly new attorney to the office and worked both in contracting and litigation. Rafael was the senior paralegal and set up the systems for monitoring cases. They evaluated the technical aspects of the proposal.

Two other voting members of the team were appointed to look at the past experience/demonstrated capabilities of the proposers. Mei was the IT director for the department of social services; she was previously employed as an IT analyst in a company that supplied various case management systems. Denzel is an IT professional in the city attorney's office; he maintains the current timekeeping and case management systems.

Jeanne reviewed the pricing. Under her city's practice, price proposals were not sent initially to the committee.

Jeanne was on the Zoom a few minutes before the 4:00 meeting, turned on her video, let Mei into the meeting, and asked, half joking, "So, what should you be doing if you weren't on this call?"

"Wow, I'm slammed right now," Mei replied. "We opted for virtual classes for one of our kids. My son's school, though, is only offering at-school classes now. Add a contract dispute my department is having with our IT provider on a new system implementation, and I'm not sure how I get to my real work." "I hope it's not one of our proposers!," Jeanne joked.

Once the rest of the committee joined the meeting, Jeanne opened. "I'd like to thank you all for your timely scoresheet submissions. And for not cc'ing each other with your spreadsheets so we could conduct this consensus meeting with truly independent initial evaluations. As we discussed during our evaluation committee training, we're using a slightly different evaluation approach for this procurement."

"How so?," John asked. John had been with the city attorney's office for over 10 years, but this was his first involvement with a procurement.

"We've segregated price for years," Jeanne explained. "Some studies have found that knowledge of either low or high prices can subconsciously influence the scoring."

"As we discussed at our training—John, you were not able to attend, and my follow-up call with you might have missed this point—we've added a risk element to the RFP and the assessment criteria."

Jeanne added, "Were there any other questions about the training and where we are now?"

Rafael raised his Zoom hand. “Rafael?,” she asked. “We’re a small enough group, just shout out!”

“I’ve been involved in a couple of other procurements in my former department,” Rafael explained. “Keeping price away from evaluators initially, I get. But separating out Mei and Denzel to evaluate the past experience factor is different. Why was that done?,” Rafael asked.

“That’s new too,” Jeanne replied, “Experts have said that to reduce the tendency of groups to jump to premature judgments, it’s best to use truly independent evaluations of major factors if you can. We’re trying it for the first time.”

Jeanne continued. “I’ve combined our scores. But I’m initially going to show where scores vary significantly so we can all benefit from the evaluators’ discussions of them. As we discuss them, please don’t signal your overall preference for proposers. Instead, describe the reasons for your evaluation using the proposal and standards. We’ll start with the technical factors.”

Sarah interrupted. “There are a couple of these proposals that clearly are better.” “Whoa,” Jeanne interrupted. “Let’s hear from everyone before we signal our preferences.” “OK,” Sarah agreed.

Jeanne had reviewed the overall scores and decided to focus on those clearly in line for award based on the initial evaluation. “Here is a recap of the scores of the three evaluators looking at the timekeeping subfactor. There was a fair amount of variation here among proposals and even some among the evaluators on Proposer F.

Eval1	4	5	4	4	5	4
Eval2	4	4	4	4	5	4
Eval3	1	4	3	4	5	3

Jeanne asked, “With respect to Proposer E, LawTime, starting with John, what did you see in the proposal that warranted an excellent rating?” John hesitated, “Before I answer, I notice that numbers are used for evaluator names. Why is that?”

Jeanne answered, “We do it for a couple of reasons. Even though there are no exemptions under our state Open Records law protecting evaluator names, we try to preserve privacy as much as we can. Still, it’s not difficult for proposers to figure out from the file who’s who. Then, there can be some potential influence just by putting names on score sheets like this. We try to eliminate unwarranted influence early on from association of opinions with individuals.”

3	Proposes a sound approach that meets all significant requirements, exceeding mandatory functionalities in some respects. Requires clarification of minor ambiguities and/or limited proposal revisions to correct limited deficiencies and conform to States' requirements.
fair	Fair understanding of project, although limited recognition of non-obvious dependencies that would demonstrate comprehensive understanding of the requirement in the context of the program's environment
	Low to moderate risk of unacceptable or late performance; State's involvement probably will exceed normal contract administration.
4	Proposes a sound approach that meets all requirements, exceeding mandatory functionalities in many respects. Requires only clarification of minor ambiguities, and requires no proposal revisions to conform to States' requirements
good	Good understanding of project, recognizing some non-obvious dependencies that demonstrate more than just surface understanding of the requirement in the context of the program's environment
	Low risk of unacceptable or late performance; States' involvement not likely to exceed normal contract administration.
5	Proposes an excellent approach that meets all requirements and exceeds most mandatory requirements in tangible, clearly advantageous ways. Requires no clarifications and no proposal revisions to conform to State requirements
excellent	Excellent, comprehensive understanding of project, recognizing many non-obvious dependencies that demonstrate in-depth comprehension of the requirement in the context of the program's environment
	Very little to no risk of unacceptable or late performance; State involvement will not exceed normal contract administration

John then started, "LawTime's system was obviously mature and had specific feature descriptions that exceeded all our requirements. The proposal also explained how easy it was to configure. They obviously understood our needs. There was no doubt in my mind that we wouldn't have to spend more than expected effort during implementation for it to be successful."

Jeanne, followed up. "What caused the good rating for Proposer F, MyTime, in contrast to Proposer E (LawTime)?" John answered, "It was a good system also. Very little risk that we'd spend more than expected time during implementation. But I still have a question about how the system captures multiple attorneys' time on one case."

We can ask about that during discussions and orals," Jean noted.

Jean then asked both Sarah and Rafael, "What do either of you have to add about LawTime's strengths?"

"Great timekeeping features!," Sarah exclaimed.

"I agree," Rafael added. "And I don't exactly know who's who on this spreadsheet, but I think I was the one who gave MyTime only a fair on this subfactor."

Rafael explained the reasons for his score, what deficiencies and weaknesses he saw. Jeanne noted them. She worked through the factors, especially those with lots of variation in scores. She informed the committee that they'd soon have a chance to see the overall scores, and that she was focusing on proposals that seemed to have a reasonable chance of being selected for award.

Jeanne concluded this discussion. “From this part of the evaluation, it looks like Proposers D, E, and F—maybe A—could be in line for award given the importance overall of the Technical factor. We’ll have a chance to revisit that in a few minutes. Do you feel like we’ve concluded this portion of the evaluation?”

John, Sarah, and Rafael nodded in agreement. “Then let’s move forward to Past Experience/Demonstrated Capability.”

Jeanne began, “Mei and Denzel rated this factor, and they have submitted a report that also included the results of calls to references. Let me screen share their ratings.”

Recent Projects

Eval4	4	3	3	4	4	4
Eval5	4	4	3	4	4	4

Assigned Personnel: Qualifications and Resumes

Eval4	4	4	3	4	4	4
Eval5	5	4	5	4	5	5

Jeanne added, “There were only two of you, so it will be obvious who is who here. Denzel, you thought everyone was in the good category except Proposer C, CaseTime. What in the documents provided you by CaseTime caused that concern?” Denzel thought a minute and answered. “As I indicated in my

3	• Offeror has personnel who are qualified and have relevant experience with projects similar in scope to this project
fair	• Past performance, experience, and qualifications raise no significant questions about offeror’s ability to complete the project on-time
	Moderate to low risk that experience, past performance history, and qualifications would threaten acceptable and on-time performance; State involvement likely may exceed normal contract administration and that reasonably required to integrate the solution into existing business process, but involvement likely will not exceed available resources.
4	• Offeror and its personnel are well qualified and have meaningful, directly relevant experience with projects substantially equivalent in scope to this project
good	• Past performance, experience, and qualifications create favorable impressions about offeror’s ability to complete the project on-time or perhaps early
	Not more than low risk that experience, past performance history, and qualifications would threaten acceptable and on-time performance; State involvement not likely to exceed normal contract administration, and involvement will not exceed available resources or expected States’ involvement necessary to make the solution viable and achieve successful completion on-time.
5	• Offeror and its personnel are well qualified and have recent, extensive, directly relevant experience with projects substantially equivalent to this project
excellent	• Past performance, experience, and qualifications are exceptional and clearly demonstrate a likelihood of on-time or even early successful completion of the project
	Very little to no risk from past performance, experience, or qualifications that would threaten acceptable and on-time performance. State involvement will not exceed normal contract administration. Little or no States involvement in making the solution viable except as necessary to integrate the solution into the States’ existing processes.

summary, one reference indicated that the schedule was slipped on an implementation for reasons not reasonably attributable to the client city. That city is large and comparable in size to ours. That project was a timekeeping implementation for case workers similar to our attorney timekeeping requirement.”

Jeanne looked at Mei, “You saw it differently. Why?”

Mei paused. “I think I overlooked how similar the project was from that document. And while I have a lot of experience with case management systems, I probably need to rethink the significance of the past experience to this project.”

Jeanne led Mei and Denzel’s discussion about other factors. They answered questions from the other committee members about the reference checks. As well as a few of their ratings.

Jeanne paused the shared screen and told the committee, “I’ll make a note of Mei’s comment. Now, we need to decide whether we have enough information to decide whether to award on receipt of initial proposals or to move to an oral presentation stage. First though, would anyone like a chance to re-score their proposal?”

Mei spoke up. “Do I need to rescore the factor for CaseTime?” Jeanne answered her, “Mei, if you don’t have any other concerns, I’ll make a note of that comment as we move to discuss the overall initial evaluation results. Jeanne continued, “So if everyone else is otherwise OK with their evaluation scores, I’ll now share the evaluation score on the screen except price.”

Jeanne hides the price rows and overall points and rankings. She shares the screen.

Jeanne then asked, “Does anyone have any final questions of other evaluators regarding the Technical and Past Experience factors?”

No one did. John commented, “the overall technical and experience results aren’t surprising.” Everyone had Zoom video on and nodded in agreement.

Jeanne continued, “Our procurement code requires evaluation decisions to be based on the RFP criteria, price included.” Now I’ll show the entire evaluation summary.” Jeanne unhid the pricing sections.

Case Docketing and Information System Initial Evaluation Scores							
Vendors		Vendor A	Vendor B	Vendor C	Vendor D	Vendor E	Vendor F
Prices/Costs		852.5	682.2	910.0	695.7	795.2	710.7
software		549.0	265.5	175.0	250.0	242.5	170.5
data		37.8	80.0	inc	45.0	25.0	73.6
training		25.2	44.0	inc	36.0	inc	36.0
customization		inc	123.8	430.0	137.6	175.8	259.8
maintenance		240.5	168.9	255.0	191.3	276.9	170.8
travel		inc	inc	50.0	35.8	75.0	inc
consulting		\$187.5/hr	\$125/hr	\$161/hr	\$200/hr	\$225/hr	\$175/hr
annual maintenance		\$80.2k/yr	\$37.5k/yr	\$60K/yr	\$45k/yr	\$65.2k/yr	\$40.2k/yr
Vendor Ranks		Vendor A	Vendor B	Vendor C	Vendor D	Vendor E	Vendor F
Weights							
TECHNICAL SCORE	500	423.25	408.32	408.25	425.42	443.45	426.57
Docketing (4.1.1)	30	26.00	27.50	26.50	27.00	26.00	27.50
Scheduling/Calendar (4.1.2)	30	25.00	25.50	23.50	27.50	25.50	25.00
Timekeeping (4.1.3)	50	36.67	47.50	37.50	43.33	47.50	39.17
Billing (4.1.4)	20	16.67	18.00	16.33	17.00	19.33	16.67
Client Reporting (4.1.5)	45	40.50	38.25	36.75	40.50	40.50	38.25
Management Reporting	30	27.00	26.50	25.50	27.00	26.00	25.50
General (4.1.7)	30	24.50	25.00	25.00	27.00	24.50	25.00
End User Interface (4.2.1)	45	35.25	36.82	36.00	40.09	38.45	36.82
Customization Capabilities (4.2.2)	45	40.50	33.75	38.25	40.50	40.50	42.75
Web Technologies (4.2.3)	30	28.50	9.00	25.50	25.50	28.50	27.00
System Level Requirements (4.2.4)	30	27.00	21.00	25.50	24.00	25.50	25.50
Project Management (4.3.1)	30	25.00	26.00	24.00	21.50	26.00	26.00
Data Conversion (4.3.2)	20	18.00	18.00	17.00	16.00	19.00	18.00
Training (4.3.3)	45	36.00	39.00	35.25	33.00	39.00	36.75
Documentation (4.3.4)	10	8.17	8.00	8.17	8.00	8.17	8.17
Warranty, Maintenance and Support (4.3.5)	10	8.50	8.50	7.50	7.50	9.00	8.50
EXPERIENCE/DEMONSTRATED CAPABILITY	150	122.50	120.42	112.50	123.33	128.33	127.92
Offeror Background	25	20.42	19.58	19.17	20.83	22.08	20.83
Scope of Legal Practices Served	25	19.58	19.17	19.17	21.67	20.42	21.25
Recent Projects	50	40.83	39.17	37.50	43.33	42.50	43.33
Assigned Personnel: Qualifications and Resume	50	41.67	42.50	36.67	37.50	43.33	42.50
Subtotal Technical + Experience	650	545.75	528.73	520.75	548.76	571.79	554.48
COST/PRICE	100	80.02	100.00	74.97	98.06	85.78	95.99
TOTAL POINTS	750	625.77	628.73	595.72	646.82	657.57	650.48
Rank		5	4	6	3	1	2
		Vendor A	Vendor B	Vendor C	Vendor D	Vendor E	Vendor F

Jeanne added, "This spreadsheet models our expected decision. But as we discussed during our evaluator training when we tested the spreadsheet with hypotheticals. 'Spreadsheets don't make decisions, people do'."

John commented, "I'm pleased with the process. I don't need to revisit scoring. But I may have some questions I want to ask, maybe even address the cost. It looks like we could award to a higher than otherwise available cost. What are our options?"

Jeanne pointed to the Proposers D through F on the spreadsheet. "Good point, John. That's what *best value* means. It sounds like at least one of you doesn't want to award until you have a chance to talk to the apparent winner. If you choose to move forward with discussions, our procurement code requires discussions with all those considered reasonably in line for award. There is a natural break here between Proposers D through F and the rest. Our procurement permits us to limit the further discussion to to those. The RFP says so too. I'll check with counsel to make sure it's defensible. Any objections?"

Sarah followed up with a question. "Can they change their proposal?" "Yes," Jeanne replied, "but you have to offer an opportunity to everyone on the short list, the competitive range."

Denzel added, "You know, it sounds like we need to perhaps at least talk to those top three, and I'd like to see a demo." Jeanne picked up the theme. "We can have oral presentations. And I'd like to invite our procurement lawyer from the city attorney's office to be there for a discussion about some exceptions to RFP terms and conditions that were identified. We opened up the possibility of exceptions in the RFP, and we want to hammer out the contours of an agreement before we go to the final evaluation."

"Final evaluation?," Mei asked. Denzel added, "If I have this right, and proposers give us best and final offers, we evaluate those. That is the final evaluation."

"You've got it!," Jeanne agreed. "It sounds like the sense of the group is to include the three top proposals in the competitive range. I'll use the weakness and deficiencies that we've identified today for each in their invitation to oral presentations, and I'll tell them about some contractual issues we want to discuss. I'll clear your calendars for two-hour sessions for demos and the discussion. If you have any other weaknesses or deficiencies you think we should inform them of, let me know. Mei and Denzel, I'll also be identifying some weaknesses in the past performance factor that we identified and that need explanation. Am I right that some of those might have come from reference calls?," Jeanne asked. "Most," Mei replied.

"Are there any questions? Nice work! The ball is in my court now," Jeanne said. Denzel followed up with a final question. "Will someone let the other three excluded proposers know?" "Good question," Jeanne replied. "While the procurement code doesn't say so, my practice out of courtesy is to let proposers know when they are no longer in the competition. I'll take care of it."

The Zoom meeting ended at 6:15 PM, longer than anyone had expected. Jeanne wrote a memo of key points and signed a competitive range determination memo that explained the committee's decision to move three proposers to the next phase. She started arranging the oral presentations.

Jeanne sent an email to each of the excluded proposers, thanking them for their interest and participation. The next day, she received an email from an attorney representing one of the excluded companies. It asked, "Can my client please have a debrief about why they were excluded from the competition? And we request access to the procurement file under the Open Records Act."

After reading the email, Jeanne pushed back her chair and hurriedly headed down the hall.