

	<b>Department of Social Services Debriefing and Appeal Process For Competitive Procurements</b>	
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**1.0 Purpose**

To establish a consistent method for facilitating Debriefings and Appeals of a competitive procurement.

**2.0 Definitions and Acronyms**

Specialized acronyms and definitions identified in this Debriefing and Appeal Process are defined below.

**2.1 Acronyms**

“CA”	The Department of Social Services Contract Administrator
“CP”	The Department of Social Services Contract Procurement Unit
“Department”	The State of Connecticut Department of Social Services
“FOIA”	Freedom of Information Act
“PD”	Procurement Document

**2.2 Definitions**

Agency Head – The Commissioner, Deputy Commissioner or other highest ranking individual designated to manage and oversee activities of the Department.

Contract Administrator – The Department Director responsible for the Contract Procurement Unit.

Official Contact – The Department representative designated in the Procurement Document (PD) responsible for the oversight, facilitation and coordination of activities related to the procurement.

Procurement Document – The Request for Proposals (RFP); Request for Qualifications (RFQ) or Request for Applications (RFA) published by the Department in order to contract for, buy, purchase, rent, lease or otherwise acquire or dispose of supplies and/or services, including but not limited to, contracts for purchase of service and personal service agreements.

Respondent – The entity or individual that presented a response in accordance with the requirements of the Procurement Document.

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### 3.0 Process

The following processes for the facilitation of a request for Debriefing and for the facilitation of an Appeal are the responsibilities/actions to be performed by participants having contributed to the procurement and evaluation process:

#### 3.1 Debriefing

**The primary purpose of a debriefing is informational. The Respondent may request documents related to the evaluation of its submission including the evaluation process, the evaluation tool and the strengths and weaknesses of the Respondent’s submission as documented through the recorded scores. Debriefings should provide Respondents with information that would help to improve future submissions. In addition, a Debriefing may also include a meeting during which time the Respondent shall discuss with the Department the evaluation process and the Respondent’s submission.**

- 3.1.1 Any Respondent may request a Debriefing of the procurement process and its submission. The process through which a Respondent may request a Debriefing, including the timing, content and submission instructions for the request, shall be specified in each Procurement Document issued by the Department.
- 3.1.2 A Debriefing may include a request for and distribution of instructions to the evaluators, a copy of the evaluation tool, and a copy of the Respondent’s scores including any notes pertaining to the Respondent’s submission.
- 3.1.3 If a Respondent requests the previous stated information in accordance with the process to request a Debriefing, as set forth in the Procurement Document, such request shall be considered to be part of the Debriefing Process and not a request pursuant to the FOIA.
- 3.1.4 If a Respondent requests the documents identified in Section 3.1.2 in accordance with the instructions in the Procurement Document, the Department shall release the requested information within five (5) business days of the Department’s receipt of the request. The requested information may be transmitted through e-mail or written transmission.
- 3.1.5 If a Respondent requests information in addition to the documents identified in Section 3.1.2, such request shall be reviewed by the

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**Official Contact** identified in the **Procurement Document**. The Official Contact shall determine if the additional information requested may be released as part of the Debriefing Process or if the Respondent must be directed to submit such request pursuant to the FOIA. The Official Contact shall release the information if, following a review of the scope of the request, the Official Contact determines that the release of the additional information would be consistent and in compliance with contract procurement restrictions and/or Department procedures. If necessary the Official Contact may consult with the Department’s Contract Administrator or designee.

- 3.1.6** Requests for information and/or documentation pertaining to other Respondents’ submissions must be requested through the FOIA. Such requests, if received by the Official Contact, CA or CP staff shall be immediately directed to the Department’s Public and Government Relations Unit.
- 3.1.7** Respondents may request a Debriefing meeting to discuss the procurement process. The process, through which a Respondent may request a Debriefing meeting, shall be specified in each Procurement Document issued by the Department.
- 3.1.8** The CP shall schedule and conduct Debriefing meetings that have been properly requested, within **fifteen (15) days** of the Department’s receipt of a request.
- 3.1.9** The Debriefing meeting shall be facilitated by the Official Contact identified in the Procurement Document and the scope of the Debriefing meeting shall be limited to a review and discussion of the procurement process including the evaluation materials and the Respondent’s submission. **The Debriefing meeting must not include or allow any comparisons of any submissions with other submissions, nor should the identity of the evaluators be released.**
- 3.1.10** The Official Contact may, after consultation with the Contract Administrator or designee, identify and select Program and CP staff involved with the procurement process to attend the Debriefing meeting, if the participation of such additional staff is deemed to be required or helpful.
- 3.1.11** The Debriefing process shall not be used to change, alter, or modify the outcome of a competitive procurement.

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### 3.2 Appeal

**3.2.1** The process through which a Respondent may file an Appeal of the results of a competitive procurement, including the timing, content and submission instructions for the filing, shall be specified in each Procurement Document issued by the Department. The process may not, however, be any more restrictive than the following:

- a. Any time after the submission due date, but **not later than thirty (30) days** after the Department notifies Respondents about the outcome of a competitive procurement, **Respondents** may submit an Appeal to the Department. The e-mail sent date or the postmark date on the notification envelope will be considered “day one” of the thirty (30) days.
- b. Respondents may appeal any aspect of the competitive procurement; however, such appeal must be in writing and must set forth facts or evidence in sufficient and convincing detail for the Department to determine whether during any aspect of the competitive procurement there was a failure to comply with the State’s statutes, regulations, or standards concerning competitive procurement or the provisions of the Procurement Document.
- c. Appeals must be submitted by a **Respondent**, in writing, to the **Agency Head with a copy to the Contract Administrator**. The **Respondent** must include the basis for the Appeal and the remedy requested.
- d. **The filing of an Appeal shall not be deemed sufficient reason for the Department to delay, suspend, cancel, or terminate the procurement process or execution of a contract.**

**3.2.2** **Contract Procurement staff**, other than the **Official Contact**, will coordinate the review of facts and allegations set forth in the Appeal, on behalf of the **Agency Head**, and will perform any required review of the evaluation/review process and provide a detailed report to the Agency Head, through the **CA**, outlining the findings and a determination of merit associated with the Appeal.

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- 3.2.3** The **Agency Head** will review the documentation submitted, the procurement file and, at a minimum consult with the **CA** and **CP** on the procurement process.
- 3.2.4** Following the Agency Head’s review of the documentation submitted and consultation with the **CA** and **CP**, but not later than **thirty (30) days** after receipt of any such Appeal, the **CA** will prepare a written decision on behalf of, and to be issued by, the **Agency Head**. **CP** will deliver a copy of the decision to the **Respondent** who filed the Appeal and any other **interested party**. The decision will:
- a. Summarize the Department’s process for the procurement in question; and
  - b. Indicate the **Agency Head's** finding(s) as to the merits of the **Respondent's** Appeal.
- 3.2.5** **The Agency Head** may:
- a. render a decision,
  - b. request further review, and/or
  - c. convene a meeting of Department staff and Respondent for further review.
- 3.2.6** In the event such Appeal does not set forth facts or evidence in sufficient and convincing detail that the Department’s process failed to comply with the **State’s statutes, regulations, or standards concerning competitive procurement or the provisions of the Procurement Document**, or if such Appeal is found to lack merit, the Appeal will be dismissed.
- 3.2.7** In the event that a process violation has occurred and that violation had a substantial effect on the procurement, corrective action will be implemented not later than thirty (30) days after the date of such a determination.
- 3.2.8** If any corrective action is warranted and implemented a summary report explaining the corrective measures will be generated by **CP** and submitted to the **CA**.
- 3.2.9** **Any determination issued by the Agency Head will be final and not subject to further Appeal.**