



## Pre-bid Conferences (Policy §C-5)

Lunch & Learn Q&A – June 20<sup>th</sup>, 2023

### Q&A for June 20, 2023 Lunch ‘n Learn meeting: C.5 Pre-bid Conferences

1. Question: Is there any consideration of making a change to the definition of “complex solicitation”? There was concern that four months making it complex - some agreements based on time frame may not make them complex.

DES Response: We are currently exploring a revision to the definition of “complex procurements” in the SDP Handbook.

2. Question: Can you explain the rationale behind the 4-month contract being included in the criteria of complex contract? It seems that this would result in almost 99% of competitive procurements/ contracts being included or defined as complex.

DES Response: Yes. We adopted part of the OCIO definition of complex solicitation for use with this policy. We are aware that the OCIO have since changed the time period to six months. We are currently exploring a revision to the definition of “complex procurements” in the SDP Handbook.

3. Question: To circle back to when a pre-bid is required: our contracts last at least 6 months, even for a \$5k value. Would this qualify for the exemption?

DES Response: Perhaps. The requirement to host a pre-bid conference is for competitive solicitations only. Exceptions to the competitive process, such as direct buy purchases and sole source contracts (see [RCW 39.26.125](#) for a full list) do not require pre-bid conferences. A \$5,000 purchase is most likely a direct buy; please review the [direct buy purchases](#) policy to confirm.



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4. I'm finding that program staff understand the value of the pre-bid conference but are still resistant to holding them due to soft skills issues like social anxiety or fear that they'll say the wrong thing. Are there any trainings or other resources that address these issues?

DES Response: Yes. There are some public speaking classes that are available on the Washington State Learning Center site, they can help with that. But there is one thing to consider about public speaking during a pre-bid conference. The pre-bid template in the Virtual Handbook contains a disclaimer that states, “bidder should only rely on written postings and amendments issued via WEBS. All other communications shall be considered unofficial and nonbinding. Should bidders rely on any other communication they do so at their own expense.” This allows the free exchange of solicitation-related information without the onus of having to be completely error-free which in turn, reduces anxiety. The Virtual Handbook also contains general [pre-bid guidelines](#) that are very helpful.

Remember, the point of a pre-bid conference is to present information on questions raised by the participants. It should be answered in an official Q&A. It is ok if you do not know the answer at the time of the conference. It is best to be transparent that you don't know the answer, and say, “that's a great question. We'll jot it down and we'll answer it in the Q&A.” You want to get people excited about the solicitation. The conference is designed to be helpful to all potential bidders and to reduce barriers to information.

5. So, if we have posted a Q&A Amendment to WEBS and have questions come in after that, we are allowed to answer them? Then, I would assume, post another amendment?

DES Response: Yes. If you get questions on day one after your Q&A deadline and you want to answer them, go ahead and answer them. You can always do more Q&A and more amendments if needed. From our experience, it's better to continue engaging in the Q&A process earlier rather than later. It serves the state best to get all vendor concerns aired out before closing the bidding. Businesses deserve to know what your agency's answers are.



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At DES typically we compile all the questions from the pre-bid. It might take us a day or two to answer them. Then, we post that out on WEBS. Usually, a week or so later there's another question about those materials posted to WEBS. So yes, you can certainly do multiple Q&As.

### 6. Are the Pre-Bid templates in the Supplier Diversity handbook?

DES Response: Yes! The handbook contains the following resources:

- [DES pre-bid conference suggested practices](#)
- [DES sample pre-bid presentation template](#)
- [DES sample pre-bid checklist](#)

### 7. Would it be possible to get an example timeline for running solicitations? For example:

Bid posting	Day 0
Pre-bid	Day 7
Questions due	Day 14
Bid closing date	Day 45

DES Response: Yes! The handbook contains the following resource:

- [DES Solicitation Timeline Calculator](#)

In practice, DES schedules pre-bid conferences about a week after the bid posts to WEBS so that bidders have an opportunity to at least skim and/or read the solicitation. But beyond the pre-bid conference, there should be ample time for vendor questions and DES's answers. The timing for Q&As is usually based on when the bid closes. For that reason, some bids are open for 30 days, but most are open for 45 days. Some DES bids are open for 60 days.

Our complaint and protests template says that the Q&A period has to end at least five business days before bids are closed. However, some practitioners prefer two weeks, which allows for extending the Q&A period without having to extend the bid due date. And also, because some vendors wait until the last minute to provide their questions to the agency, scheduling in a two-week period before closing gives a little more time to go to the sourcing team if needed to respond to the vendor questions.



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Generally, it is a good idea to have Q&A open for as long as possible so that people submit their questions. At DES, we want that feedback, and rely on it to identify any information gaps or areas of ambiguity in the solicitation. More time between the close of the Q&A period and closing the bid also gives us enough time to change the solicitation if needed.

8. I work for a small agency with a lot of scientists. I am NOT a scientist. I feel like it would be extremely beneficial for program staff to be a part of pre-bids in this case. Is that acceptable?

DES Response: Yes, although there are a few things to consider.

It can be helpful to have subject matter experts (i.e., scientists or R&D people) in the pre-bid conference. However, the pre-bid is a procurement process and procedure that agency procurement staff must manage. Typically, subject matter experts have not been trained on how to present a pre-bid conference, and they probably have not had rudimentary anti-bias training. Therefore, you should be ready to coach them prior to the pre-bid conference and to ensure they do not compromise the process.

One helpful way to think about their involvement is an analogy to meetings in which you have voting members and non-voting members. Subject matter experts are non-voting members. Their participation can be helpful to the solicitation process and it may be extremely helpful to have them hear a bidder's input and concerns. But they need to be coached on their role.

9. Is the expectation that pre-bid conference questions are answered separately from when we post the Q&A amendment? Or can the pre-bid questions/answers and Q&A be combined in one posted document?

DES Response: Thank you for the question. Before we answer we need to clarify our terms, specifically, "Q&A amendment." Sometimes we refer to Q&A documents as "amendments" because DES's mechanism for posting them is the amendment queue in



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WEBS. But most of the Q&A documents do not actually include amendments to the actual solicitation.

Amendments to the solicitation should be posted separately and clearly labeled as a solicitation amendment. That is why, when a Q&A results in a solicitation amendment, there are usually two separate documents. In that case, we say “this Q&A document did result in changes and there will be an amendment posted soon that will detail those changes.”

Back to the question of whether pre-bid conference questions should be answered separately, the answer is “yes.” The point of doing a pre-bid conference is to get information out to vendors and get the conversations flowing from there. If I am a business and I had a question in my pre-bid I'm going to be waiting for an answer. It serves your purpose of accomplishing a successful solicitation to get the questions from the pre-bid conference out there in WEBS as soon as possible. It'll help you and it'll help the vendors go through that iterative process. Remember, the point of the pre-bid is to instill enthusiasm for the solicitation in vendors and maintain that enthusiasm.

Combining the pre-bid questions and answers with later Q&As is not recommended because of the delays to producing responses to pre-bid conference questions. It has been our experience that delays may reduce vendor participation in a solicitation. Remember that the larger purpose of the Supplier Diversity Policy is to rekindle interest in working with the state and increase vendor faith in us as trading partners. Think of it in terms of repairing some damage to the state's reputation from past practices. We are working to rebuild a reputation that says that Washington State agencies are in fact very effective professional organizations that provide great customer service regularly.

10. What are the authorized file types to upload to WEBS after a pre-bid conference? We tried to upload our pre-bid conference (recorded in Teams), but was unable to upload, so we reverted to posting the questions only through the form of an amendment instead of the entire pre-bid conference. Any suggestions or best practices?

DES Response: Allowable document types are Word, PDF, and Excel. Maximum file size is 4 MB. Documents larger than 4MB will need to be split up and named



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accordingly. For recordings, they must be made available because they are public records. The recordings also have the 4MB size limitation. So, when we record a pretty big conference, we typically have to do something maybe outside of WEBS for that, perhaps using DropBox. But before your agency conducts a large pre-bid conference, it would be advisable to consult with DES so that you can set up a mechanism for sharing the conference afterwards.

11. Our pre-bids are conducted via TEAMS and require an RSVP. They are usually scheduled a couple of days before the deadline for questions. This allows us to address any raised concerns during the pre-bid. Is an RSVP a good practice or should we consider making changes?

DES Response: Not in our view. Using RSVPs can be problematic, for the same reason as requiring pre-bid attendance to be mandatory in order to bid. Both practices could represent a barrier to participation by small or veteran-owned businesses. Although RSVPs are great for learning roughly how many people will attend the conference, they could exclude people who did not receive one in the first place. So, we generally counsel against them.

12. If the pre-bid questions are answered during the pre-bid conferences, I assume we do not need to answer them in a formal Q&A document, am I correct?

DES Response: No. The reason is that we want our questions and answers to be public because we want all bidders to know what these questions and the answers are. If I answer it in the pre-bid conference, you can say well, why not give people who attended the pre-bid a benefit? Well, that's an inappropriate barrier. What if I couldn't attend the pre-bid, but I'm still interested in bidding? I should have every opportunity for the same information that everyone else has publicly available from there, so it is our standing practice that we write down the questions and publish them with their answers in WEBS.

In addition, most solicitations have some variation of this language, which requires written responses that make any change to the solicitation: “bidder should only rely



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on written postings and amendments issued via WEBS. All other communications shall be considered unofficial and nonbinding. Should bidders rely on any other communication they do so at their own expense.”

Here is another practice tip: have someone else with you at the conference to help take notes. I always require my contract assistants to help my contract specialists at conferences. If you don't have an assistant that's fine. But find someone else to help write down all the questions and answers and publish that officially in a Q&A in WEBS.

This is a best practice for transparency. As with many of these questions, there is a good customer service reason for this practice. Experience has shown that if a vendor has a question and there is a delay in answering it, vendors get pretty annoyed and may end up not bidding.

### 13. And is that type of Q&A (not amendment) document allowed to be addressed after the Q&A deadline laid out in the solicitation?

DES Response: Yes, and it should be done as soon as possible. We have all had the experience where we get a question that comes in at 4:59 PM on the last day of the Q&A period. It's not fair to give the soliciting agency only one minute to answer the question, especially in the absence of a relevant subject matter expert. It may be necessary to go to the expert for answers on the following business day. This would mean the agency will answer Q&A's after the deadline.

At DES we are more concerned with informing vendors when they ask questions about our solicitations even if they come in after the deadline. This is another example of good customer service.

### 14. With this required solicitation process to increase small & Veteran business bidding, is there anyone that will be locating and reaching out to small / Veteran businesses in the Cities, Counties and/or throughout the State directly,



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rather than just posting the solicitation and looking in WEBS?

DES Response: Yes. All agencies are provided relevant guidance in Section C.2 (Outreach) of the Supplier Diversity Handbook Resources in the [PIE Outreach Strategy Steps.docx \(live.com\)](#).

15. Do you recommend that any answers provided at the pre-bid conference are unofficial but answers to questions will be provided via a written Q&As?

DES Response: Yes. The pre-bid template in the Virtual Handbook contains a disclaimer that states, “bidder should only rely on written postings and amendments issued via WEBS. All other communications shall be considered unofficial and nonbinding. Should bidders rely on any other communication they do so at their own expense.” This allows the free exchange of solicitation-related information without the onus of having to be completely error-free which in turn, reduces anxiety.

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