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PROCUREMENT PONDERABLE

Assuring the Quality of the Public Procurement Workforce

Stephen B. Gordon, Ph.D, FNIGP, CPPO

Procurement Ponderable Assuring the Quality of the Public Procurement Workforce June 4, 2018 The quality of the procurement workforce unquestionably affects how much the procurement function can contribute to the strategic success of public organizations. However, what should and can be done to assure that the public procurement workforce in a public organization is what it must be, and who should take the action that is needed? Hiring procurement staff with the needed knowledge, skills, and experience is a good but incomplete answer to the first part of the question. Even if the knowledge, skills, and experience specified in a position description are right for a particular position; and assuming, moreover, that the person hired for the position meets or exceeds the specified requirements, there is no guarantee that the individual hired or the procurement program in which he or she will work will perform in a way that optimizes results for the procurement unit or the organization as a whole. Recent research shows that in any area of public administration, including procurement, the values and personal attributes of job applicants are important considerations in hiring decisions. For example, regarding values, it is important that individuals who are hired place a high premium on public service; and that regarding personal attributes, that they are willing and able to do what must be done to assure the public interest. Then, there is the matter how well the individual being considered for a position will fit into the existing procurement team. There are times when an applicant for a position may possess the required knowledge, skills, experience, values, and personal attributes, but still should not be hired. Should all public organizations do as one state government has done and approach the hiring process as a strategic decision-making process in which procurement personnel are recruited in the open market, stakeholders outside the procurement operation participate, and positions filled are executive service instead of civil service? It will not be necessary or appropriate for all public organizations to replace their current processes for hiring procurement officials with this one state's hiring processes. However, they do need to encourage their human resources and procurement teams to explore with colleagues in other functional areas what can be done to improve the quality of their procurement workforces.

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SHOULD WE BE WORRIED ABOUT PROCUREMENT'S POLITICAL TIES?

By Jean Clark

> **G**enerally speaking, procurement shouldn't be political; however, public-sector procurement is influenced by public policy. So, while procurement shouldn't be politically charged, procurement can and will always be both directly and indirectly influenced by the politicians in charge.

Therefore, contracting professionals need to astutely understand the political climate in which they're currently operating. Leadership changes can lead to a re-prioritization of programs, which can

and the other's insistence on sourcing first from disadvantaged business entities. I also found it easier to decisively greenlight certain solicitations that I knew all candidates would support and, occasionally, stall other solicitations until after the ballots have been tallied and I was confident that there would be no conflicts of interest. This was especially true when it came to issuing new (or re-issuing expiring) education, infrastructure and technology contracts. The last thing you need to do is award a multi-year, multi-million-

dollar contract for a program that you know a particular candidate plans to defund if elected.

You also don't want to enter into such a long-term contract whose terms and conditions are hoped to be adjusted under a new administration appointment. For example, many new state CIOs show a preference for innovative and technologically advanced IT systems that vary widely in architecture specifications. And, we frequently see variance when it comes to state leaders' eProcurement technology preferences. Even governors' procurement priorities vary. The outgoing leader may support



result in a revamping of purchasing priorities and contract structures. Purchasing authorities can be overhauled – and centralized – which can lead to both team and technology system restructuring. Of course, regulations, legislation, statutes and other government contracting rules seem to change by the minute. In other words, procurement isn't immune to change. In fact, we may be more exposed to – and impacted by – government leadership changes despite our long-engrained fundamental procedures.

I learned that firsthand in my decade-long tenure as the state procurement administrator for Arizona. I also learned to proactively monitor candidates' platforms during their campaigns. By tuning into their socioeconomic priorities and studying their legislative stances, I could effectively plan for procurement policy changes that may occur should they be elected – such as one candidates' preference for outsourcing

a transaction fee approach and require weekly spending audits while the other may be vehemently opposed to transaction fees and care less about weekly reports, trusting that the procurement function is self-policing spend. As such, government buyers must watch for signals of forthcoming change and be ready to adjust procurement strategies in order to align with each new Administration's agendas, whether enacted at the federal, state, city, county or municipal levels – or all of the above.

My takeaway after 30+ years in state and local government procurement and 10 years at the top of Arizona's purchasing totem pole? Sometimes it's better to "wait and see" what happens in the political environment before taking a procurement action that you can't take back. With each election cycle, I became better at tracking the procurement-political "relationship" and taking pre-emptive actions

to ensure a smooth transition occurred between administrations for both my internal customers and my vendors. After all, regardless of our varying job titles, both public sector procurement officials and politicians are mutually charged with serving the best interests of their constituents. We're all employees of the same government "business." That means we must find a way to work together to bring value to our customers (i.e. taxpayers), regardless of party lines. If the new "boss" decides that our "product" or "service" portfolio needs to change, it is our responsibility as procurement professionals to re-allocate resources, re-structure contracts and adjust buying processes accordingly.

Case in point: The recent expiration of \$400 billion in federal contracts grabbed headlines because the government is no longer obligated to proceed with certain programs as previously defined – many as long as 10 years ago. President Trump has the opportunity to reprioritize agency programming and "redirect" funds accordingly, which will demand new procurement obligations. Some agencies may have to redefine the evaluation criteria applied to each proposal, adjust the length and terms of awarded contracts or even change the utilization frequency of certain contract vehicles. Much of which will require a fast re-allocation of procurement resources; a feat not possible if you've been buying blind to the political environment and get caught off guard.

If you really want to mitigate the risk of certain procurement decisions in an election year or simply avoid making procurement an impediment to an administration's agenda, make sure you're not suffering from tunnel vision or operating in a silo. Be respectful to your "boss", or bosses, and do what you can to represent their agendas, even if you don't agree on everything. Most of all, remember that there is a big difference between playing politics and paying attention to politics. The former breeds questions about procurement's ethical standards while the latter empowers procurement to effectively meet taxpayer rising expectations and government leaders' evolving standards within budget parameters. It is also easier for an agency to accomplish

its goals, and respond to supplier contract protests when government leaders and procurement leaders are in sync on policy, processes and priorities.

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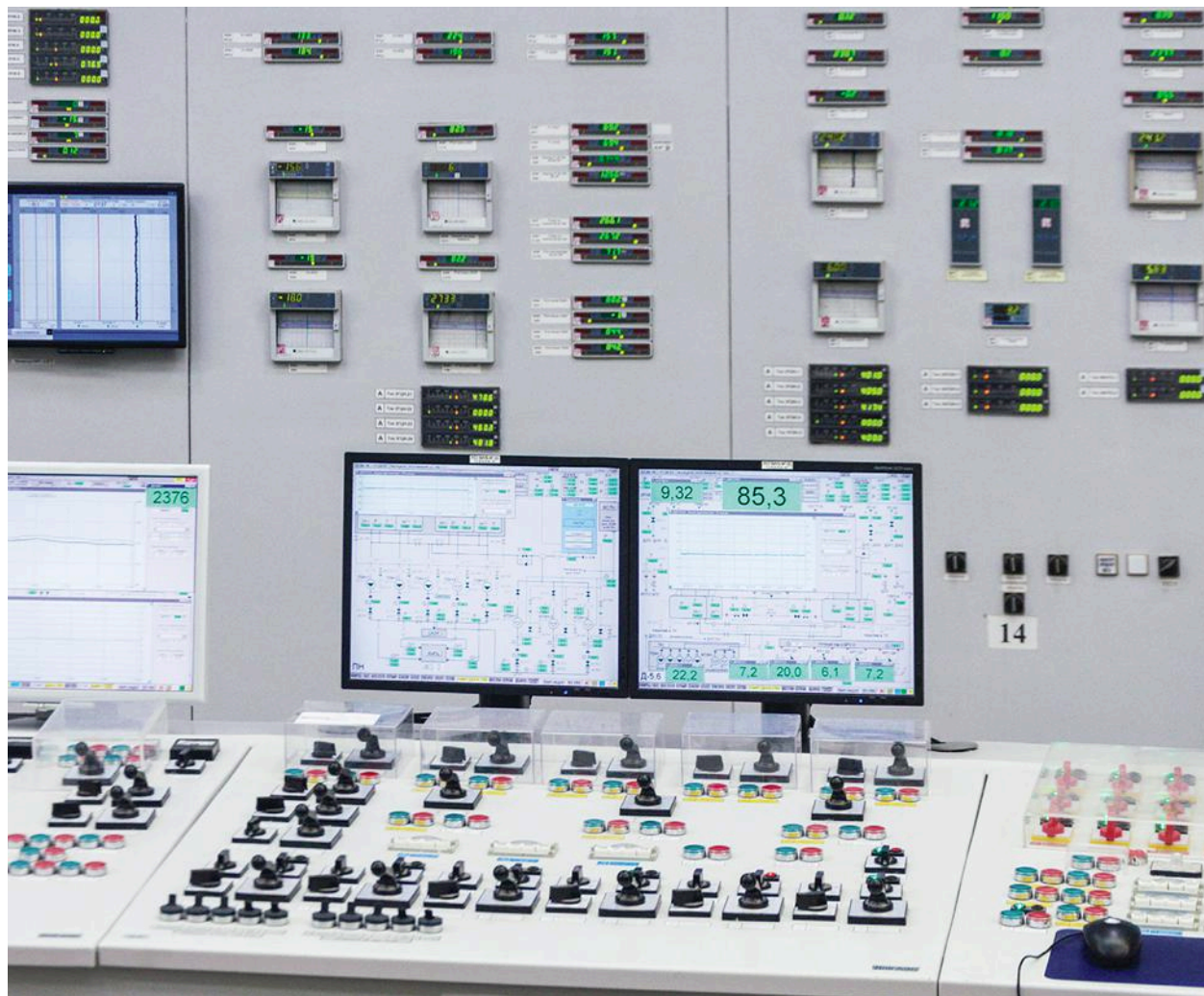
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Five Keys to Negotiating Energy Supply Agreements

PART FOUR: USAGE BANDWIDTH

By Bob Wooten

If you have been following along with our five-part series on negotiating energy supply agreements, we are now up to part four where we will discuss the issue of usage bandwidth. Our final part in the next issue will highlight material change language, and we will circle back on how all of these pieces contribute to an energy supply agreement that is either in your favor or in the supplier's favor.

We talk a lot about risk when we negotiate an energy supply agreement, and each of the

five key aspects highlighted in this series contributes a different piece to that risk puzzle:

1. Payment terms
2. Termination fees
3. Adding and deleting accounts
4. Usage bandwidth
5. Material changes

The risk (and the associated cost) is either shouldered by you, the buyer, or by the supplier. As with all of these aspects, the final negotiation



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typically falls somewhere in the middle where there is an equal amount of risk borne by both parties. But this requires attention on your part to make sure your contract terms are favorable.

The concept of usage bandwidth has to do with the certainty of how much energy you will use (electricity or natural gas) in any given month. The risk taken on by the supplier is that they plan on you using a certain amount of energy. If you use significantly more or less than they anticipated, the supplier must then buy extra energy or sell unused energy back potentially at a loss to them financially. Addressing usage bandwidth in your supply contract is the supplier's way of potentially shifting that risk burden back over to you, the buyer.

So now, let's take a look at the most common ways usage bandwidth is addressed in supply contracts in its full range from language that puts all the risk on you the buyer to language that shifts all the risk back onto the supplier.

ZERO BANDWIDTH

Zero bandwidth (or "swing," as it's referred to in some electricity contracts) means that the contract rate you have secured applies specifically to the estimated

Equitably managing risk requires attention to make sure your contract terms are favorable.

usage stated in the contract at the time of signing. Many contracts will have an attachment that shows how much energy you are estimated to use in each month of the contract. If you have zero bandwidth, your bill each month will be based on your contract rate applied to the estimated usage for that month.

Since only a clairvoyant would know exactly how much energy you are going to use in the future, you will then have additional line items on the bill to address the actual usage for that month. Any energy use over your estimated quantity is billed at some type of market rate reflective of actual market pricing for that month. If you use less energy than estimated, the excess quantity is sold back to the market and

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you are credited back based on the market rate and/or profit/loss of the supplier for that transaction.

The key to this contract language in many cases is how the supplier defines market rate. That definition can range all the way from a clearly defined index to a vague number set by the supplier. As a savvy buyer, it is your responsibility to negotiate this language so that you are comfortable with how this would be applied.

Your organization can be helped or hurt from a cost standpoint, depending on what direction the market has moved since securing your fixed contract rate. Unused energy could potentially be credited back to you at a higher rate than what you are paying for the fixed portion. If the market has risen, though, you will end up paying more for excess energy you use. The bottom line is that a zero-bandwidth contract puts more risk on the buyer, and makes budget certainty very difficult to achieve.

BANDWIDTH AS A PERCENTAGE OF USAGE

A more middle-of-the-road solution to addressing this issue is to have bandwidth defined as a percent of usage in the contract. Commonly, this ranges from 10 percent to 25 percent. The same concept applies

as in zero bandwidth language, but after applying these percentages. The contract estimates your monthly energy quantities, but if your usage exceeds the percentage level, you are charged a market rate for those quantities exceeding the percentage. The same equation applies if you use less energy than estimated: You are credited for the portion of unused energy that falls below your estimated percentage.

Let's say you have a 25 percent bandwidth electricity contract at a fixed rate of \$0.05/kWh for an estimated monthly volume of 100,000 kWh. Your actual usage for that month is 135,000 kWh. Based on the 25 percent usage bandwidth language, the fixed rate of \$0.05/kWh applies to 125,000 kWh. The remaining 10,000 kWh is charged at the market rate for that month, which in a rising market could be, say, \$0.065/kWh. This approach really splits the risk between the buyer and seller in terms of planning on energy usage and quantities. It also provides more of a stable budget than the zero-bandwidth contract.

UNLIMITED BANDWIDTH

This approach is the best way to achieve budget certainty with an energy contract. This option



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places all the risk back on the supplier; therefore, there is typically a higher price attached to this type of contract. Unlimited bandwidth can also be presented as 100 percent bandwidth. In some cases, contract language will specifically state 100 percent bandwidth (meaning, technically, you could double your estimated usage with no change in price), or there may be no language at all in the contract – indicating unlimited bandwidth.

This type of contract is as it sounds. You use as much energy or as little energy as you need, and you are still only charged the fixed price for the energy you use. The supplier runs the risk of having to sell back unused energy into the market or buy extra energy, but it gives the buyer the peace of mind that the price is the price.

As we've learned with all of these terms in negotiating energy supply agreements, price shifts with risk. When a supplier accepts contract language – resulting in them taking on the risks associated with each of these areas, such as usage bandwidth – this is typically considered a premium from a contracting standpoint. And premiums tend to come at additional cost.

As you negotiate these terms within your contract

to be more favorable to you, the contract price for the supply of energy will go up. Conversely, if you accept terms more favorable to the supplier, you can typically secure a lower rate.

All of this must be evaluated together to see what the overall impact will be to you on your price. It is not always the best position to just push all of the risk back on the supplier if the end result is a much higher price for you. Usage bandwidth tends to be one of those areas with significant room for negotiation – it just depends on your comfort level for risk and the amount of budget certainty you seek.

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LANGUAGE MATTERS: DISTINGUISHING BETWEEN RESPONSIVE AND RESPONSIBLE

By Lisa Premo

  One of the recurring themes in this series is distinction - the articulation of a unique feature that differentiates terms. In previous issues, we distinguished between an invitation for bids (IFB), which is a solicitation, and bids, which are the submitted responses to an IFB. Scope of work, which is the basis for the solicitation, was distinguished from statement of work, which is the basis for the contract.

Another theme explored in this series is the difference between theory and practice. Theory allows us to clearly differentiate terms. Practice acknowledges that those clean lines are often blurred. The specifications global best practice document on the NIGP website, for example, asserts two types of specifications, performance and design. Our day-to-day practice of writing specifications tells us that the two types may be combined to satisfy needs and achieve desired outcomes.

This article focuses on the terms responsive and responsible. We define and differentiate between them. Then, we discuss what they look like in practice.

We begin with the NIGP Dictionary of Procurement Terms:

“Responsive Bid/Proposal: A bid or proposal that fully conforms in all material respects to the Invitation for Bids (IFB)/Request for Proposals (RFP) and all its requirements, including all form and substance.”

“Responsible Bidder/Proposer: A business entity or individual who has the capability and financial and technical capacity to perform the requirements of the solicitation and subsequent contract.”

The basic difference between these two terms is that “responsiveness” refers to the offer, which is the bid or proposal, whereas “responsibility” refers to the offeror, who is the bidder or proposer. In each case, a determination must be made. Responsiveness can be thought of, literally, as how closely the offer “responds” to, or matches, what is requested that the supplier provides in their response. This would be like ordering books and then checking off the titles on the original purchase order to ensure that all items were delivered. Responsibility can be thought of as the skills and resources the supplier would need to successfully complete the contract. The individual or business entity must have the capability and capacity

to perform the requirements stated in the solicitation.

The discussion becomes more complicated when we view the actual determination of responsiveness and responsibility, especially for a proposal. With a bid, the determination of responsiveness is typically straightforward, often done on a pass/fail basis and conducted by a procurement professional. The IFB clearly states requirements for the goods or services to be procured. A responsive bid fulfills the requirements stated in the IFB, for example:

- Quantity and price as described in the IFB
- Delivery terms
- Warranty documentation
- Required forms and signatures
- Acceptance of the entity’s terms and conditions
- Addenda acknowledgment

Once responsiveness of the bid has been determined, the bid with the lowest price is identified and, subsequently, a determination of responsibility is made.

With a proposal, the initial determination of responsiveness is like that of a bid. This determination of responsiveness is typically performed by a procurement professional but may be done in partnership with the end user or with the evaluation committee.

An initial proposal responsiveness determination check may include:

- Insurance/bonding
- Addenda acknowledgment
- Implementation plan
- Pricing

Whereas responsiveness of a bid is easily determined, responsiveness of a proposal requires more than a check of whether the items required were submitted. With an IFB, we state exactly what we need. Typically, we are looking only for a supplier that can provide our goods or services at the lowest price. With an RFP, we know the desired outcomes, but we don’t necessarily know how to achieve those outcomes. Evaluation of the supplier’s proposal requires an evaluation committee with the requisite expertise to determine whether the approach described in each proposal responds to the RFP’s scope of work and other requirements,

such as implementation, training and reporting.

The initial determination of proposer responsibility may involve more of a responsive-like “checking off” of required forms, documents, certifications, etc. As the proposal evaluation progresses, the evaluation committee scores the technical approach against the evaluation criteria. They would also consider evidence of responsibility, which is the proposer’s ability to carry out the proposed solution. Examples include the proposer’s experience and references; integrity, perseverance and reliability; capacity, facilities and equipment; and financial strength. Once the evaluation committee identifies the best value proposal, a second check would be conducted to gather further proof of the proposer’s responsibility. This validation would be obtained through:

- Interviews with references
- Review of work history
- Confirmation of insurance, financial standing, and capacity to fulfill bonding requirements
- Confirmation of manufacturing and equipment capacity and staffing skills

Whether an IFB or RFP, the responsiveness of an offer and responsibility of an offeror must be met for the offer to qualify for award. However, there isn’t always a clear-cut difference between the offer (responsive) and the offeror (responsible).

In the example above, does insurance fall under responsiveness or responsibility? We verified that the proposal included an indication that the proposer has the specified insurance, which qualifies as responsiveness. At the same time, don’t insurance and any required financial statements help determine responsibility of the proposer? For example, a statement that asserts the proposer can access a line of credit helps determine responsiveness. That same statement helps establish responsibility. We will, of course, need to contact the bank and verify the line of credit.

To distinguish between responsiveness and responsibility, we provide a general rule of thumb: If you can check off an item, you are determining responsiveness; if you are using the information contained in a form or document to evaluate the capability or capacity of the proposer to perform, you are determining responsibility. Read more about responsiveness and responsibility in the global best practice on the NIGP website titled “Invitation for Bids (IFB) aka Invitation to Tender (ITT).”

LISA PREMO, NIGP Global Practices Manager, collaborates with public procurement practitioners and academics to conduct research and develop useful guidance on public procurement topics.



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TELLING A STORY

By David E. Nash

> **T**his year's NIGP Forum is returning to Nashville, Tenn., and I can't help thinking about all of the great music that has come out of there over the years. So much so that Nashville is appropriately nicknamed the Music City. Legendary country music venues include the Grand Ole Opry House, home of the famous "Grand Ole Opry" stage and radio show, as well as the Country Music Hall of Fame and Museum and the Ryman Auditorium. I've been fortunate to visit these places several years ago and am excited by the chance to return.

When a musician sits down to write a song, he needs two things - a melody and lyrics. The lyrics most often tell a story - of hard times; lost loves; humorous situations. Whatever the story, the writer has to craft it in such a way that his audience will understand what he's trying to say and perhaps react in a certain way. The song attempts to inform us, appeal to our emotions or maybe get us to change our hearts and minds.

In a similar manner, we in the public procurement field have an audience to reach and that is the vendor community. We all procure a vast number of commodities and services necessary to our agencies and their various departments. It is therefore incumbent upon us to be as clear as possible in telling the vendors what we want and that is most often done through the specifications and scopes of work.

Every project or solicitation needs to be evaluated for six specific types of risk and one of the more important of these is known as proposal risk. It describes the item of service purchased through the specifications and legal documents. In essence this risk warns us that if we are not clear and concise in what it is we are attempting to procure, then how will our vendors know what it is that we are asking for and respond accordingly. This makes the writing of the specification or scope of work vitally important to the success of any procurement action. So much so that an anecdote has circulated among National Aeronautics and Space Administration (NASA) astronauts for years about their lives depending on space craft containing 150,000 pieces of equipment - all bought from the lowest bidder.

As humorous as that may seem, we can rest assured that NASA was very careful in how they wrote the specifications for that equipment. We all need to keep in mind that a specification is a minimum requirement and part of our responsibilities as purchasers is to consult with our users to determine where that

minimum needs to be set. Too high, and we pay too much. Too low, and it doesn't accomplish the mission.

I have been fortunate to have my presentation "Spectacular Specifications - the Art of Getting What We Want" selected for this year's Forum, and what follows is the session description of the workshop I will be presenting on Sunday, Aug. 19 at 3:45 p.m.

Procurement professionals know the questions to ask that get them the items their clients need, but more often than not, customers either don't want to provide those answers or they can't understand why there's a question in the first place. Learn how to craft an easily understandable solicitation document, exploring the myriad of things that can be done to create a proper solicitation the first time, every time.

The session will cover many of the characteristics of a good specification, such as whether it is capable of being checked, tested or evaluated; allows for competition; and provides for an equitable award at a reasonable price. I will also touch on the qualifications necessary to be a good writer of specifications, such as being able to think clearly; put thoughts into words; and being familiar with various standards. And you certainly don't want to miss my "watch out" list where I touch on things like whether we should be using a vendor's brochure to write a specification.

"The Introduction to Public Procurement" textbook tells us that solicitation development and supplier selection are the heart of the public procurement function. And one of the primary principles within this phase is specifications. It is the key to quality acquisitions since the award depends entirely on how accurately and concisely we have described the desired product or service. Luckily, we don't need to come up with a melody. We just need to write a good lyric.

Spectacular Specifications - the Art of Getting What We Want will be presented on Sunday, August 19, 3:45 p.m.

DAVID NASH is a retired procurement specialist from Fort Lauderdale, Fla. Since creating the online "Question of the Day" in 2007, he has helped thousands of people prepare for their certification exams. Those wishing to participate may register at qoftheday.net.

JUST LIKE A COUNTRY LOVE SONG?

By Tammy Rimes



teams have used innovative ways to solve their problems, by obtaining those services through a cooperative contract. With the changing cooperative landscape, I will also share what's on the horizon with recent acquisitions and re-branding efforts.

Toward the end of the session, using the "NCPP Road Map for a Cooperative Procurement Strategy," a panel of cooperative partners will address issues that any procurement team might be faced with. For example, what are the right questions to about any cooperative contract? What are considerations that the agency might want to take consider regarding the specific supplier?

With Nashville, Tenn., as the host city for the upcoming NIGP Forum, it's an interesting concept to have a presentation entitled "Cooperative Procurement: Just Like a County Love Song!"

My presentation will bring forward the idea of how cooperative procurement and country music have a lot in common. Considering my famous singing cousin, LeAnn Rimes, I feel inspired by the country music setting for this presentation.

I am working on a farm is in my family's blood. Growing up, my brothers and I helped pick vegetables for my grandparents' farm stand, tag calves in the spring and put up hay in the summer. In fact, the whole idea of cooperative purchasing started in small towns and communities, where farm families would pull together to leverage their combined spend to purchase seed, equipment and livestock. You could say that country living might have 'invented' the idea of cooperative buying.

Independent surveys have shown that the use and choices of cooperative contracts is growing, no longer relegated to a few well-defined commodity categories. For many public procurement teams, it has become a staple in the government procurement toolbox to gain commodities and services.

The session will share ways in which this contracting method can help with emergency preparedness, and unique services and construction projects. Real case studies will be highlighted, where procurement

Where are the resources to assist in this effort?

While the session is designed to have an entertaining element, the audience will take away real ideas and strategies. Whether you work in a big city or a small country town, you will sing a different "tune" by taking your cooperative strategy to the next level.

Cooperative Procurement: Just Like a Country Love Song will be presented on Monday, August 20 from 10 a.m. - 11:15 a.m.

TAMMY RIMES, MPA, served as Purchasing Agent for the City of San Diego, the 9th largest city in the nation and as EOC liaison during the 2007 Witch Creek Fires that raged for 17 days and destroyed over 2,000 homes. Under her leadership, the city consolidated its warehouse operations, centralized all purchasing and contracting operations, and moved to a more customer-focused approach. Now, as the Executive Director of the National Cooperative Procurement Partners (NCPP), she is passionate about helping government and supplier clients take their cooperative procurement strategy to the next level. As an author, keynote speaker and procurement consultant, Tammy strives to motivate and recognize great procurement teams across the nation and support their efforts in solving tough procurement problems.



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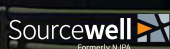


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FAIR AND TRANSPARENT SCORING: WITHER THE COIN TOSS

By Eddy Jin

> I magine you are debriefing a supplier at the end of a request for proposal (RFP) project and just informed them that they lost the multi million-dollar contract to a competitor by five points. Understandably, they are disappointed but eager to learn about why they didn't win it. As a starting question they ask, "what was the margin of error in the scoring?" It would be a slippery slope for you as the RFP authority to answer that question if your process did not incorporate statistical variation as part of your evaluation methodology.

Unlike pure tenders where the lowest priced bid is awarded the contract, valued based request for proposals require a broader assessment of varying criteria in determining the awardee(s). In other words, multiple categories in addition to pricing are used in assessing RFP bids. Common categories in addition to price are specifications, performance, warranties

and experience. Scoring an RFP is straightforward when there is a single evaluator but more often than not, teams or committees perform evaluations with multiple scorers. For a single evaluator, the decision to award to the highest scoring proponent is straightforward. Let's take for example Scenario I; where suppliers, A, B and C were given scores of 109, 138 and 134, respectively. In this scenario, Supplier B would be awarded the contract as it has the highest score as evaluated by the 'Single Evaluator'.

When teams evaluate an RFP, individual scores are typically combined by calculating the average of all scores for each evaluation component and of the overall score. Although rare in practise, tied scores can occur in value based procurements and often agencies identify the use of a 'coin toss' to determine the winner of those RFPs. Let's consider another example scenario where the scores for suppliers



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A, B and C are 109.1, 135.1 and 135.1, respectively. Suppliers B and C are tied. Supplier B's and C's fate would now be determined by a simple coin toss.

Statistically, averaged scores are a representation of the variation between the different evaluators. While it is common to only calculate averages in the final tally of bid submissions, suppliers would argue that they'd like to know how much (evaluator) variation was in their final score. From a numerical perspective, they could easily request for the statistical variation (or often called, the margin of error) of, at the very least, their score. The credibility of scoring fairness and accuracy of averages are significantly reinforced when the statistical variation around the value is provided.

The tool to calculate the statistical variation in averaged scoring is the standard deviation (SD) of the average. The SD provides a precise measurement that reinforces the credibility of the evaluation process and perhaps more importantly, demonstrates the numerical rigor that the agency is applying. This builds confidence to the bidders on the fairness of the scoring results with the corollary that the bidding process is far more defensible for the procuring organization.

Interpretations of evaluation scoring results are different when you calculate and show the variance measurements as part of the final scores. Let's assume a scoring methodology with standard deviations calculated for each of the suppliers in Scenario I, above. The scores for suppliers A, B, and C are $109.86+4.02$, $138.12+4.86$ and $134.46+3.04$, respectively (the + value is the SD). Although the final scores are the same for Supplier B with averaging (i.e. 138.1) and without averaging (i.e. 138), the decision to award to Supplier B is not necessarily a straightforward decision when you include standard deviation calculations. Why is that?

From a statistical interpretation, Supplier B (with a score of $138.12 + 4.86$) and C (with a score of $134.46+3.04$) now have overlapping scores (i.e. B's scoring ranges from 133.26-142.98*; C's scoring ranges between 131.42-137.50*). This overlap means that there is no 'definitive' high score - there is a statistical tie between Suppliers B and C. At this point it would be a difficult to argue, statistically, that Supplier B is the 'clear' winner. In other words, Supplier C could potentially argue that because their score is statistically tied with that of Supplier B, it should be considered for the award. In a statistical tie, it would be very difficult to defend an award given to the 'highest averaged score', alone. How then would an organization resolve this overlapping scoring scenario?

One possible approach is the use of the previously mentioned, coin toss. Common across many areas beyond procurement (cf. FIFA soccer), the coin toss is utilized by many organizations as the de

facto solution in procurement projects where there is a 'tie' in evaluations. RFP scoring supported by standard deviation calculations will most likely produce a significant number of outcomes with overlapping scores. Since overlapping scores are essentially tied scores, it would be very impractical to determine, what potentially could be, a significant number of contract awards on a simple coin toss. So how else can tied scores be resolved?

Ideally, the solution to differentiate statistically tied scores should be based on the supplier that offers the best value within the RFP's spectrum of requirements. In other words, a decision matrix should be developed that addresses evaluation outcomes when there are statistical tied scores. This matrix is used in the RFP drafting process to select the statistical tie-breaking method, should it arise in the evaluation. The tie-breaking method then becomes part of the details in the RFP document to provide transparency of the awarding process.

As an example, one could state in the RFP document that, "in a statistical tie in the scoring, the supplier with the best price would be chosen as the winner." Another example could be, "in a statistical tie, the supplier who has the most first place scores across all evaluations categories will be selected as the winner".

In summary, organizations need to create a series of tie-breaking options and select one (or more) as dictated by each project's needs. The tie-breaking method(s) is/are then scripted into the solicitation document whenever standard deviation calculations are applied to averaged scores.

As a final remark, the combination of applying variance measurements and publicized tie-breaking rules provides a fairer and more objective scoring process for competitive procurements. Returning to our debriefing scenario at the top of this article, applying both statistical rigor and transparent decision rules brings a more defensible process to a procurement program – and it will certainly make your debriefings less risky.

*Scoring range is calculated by both subtracting and adding the standard deviation value to the average score.

EDDY JIN is a principle consultant at EJ & Associates with over 20 years public procurement experience. He was the former director of procurement at the University of Toronto. He can be reached for further details on defensible evaluation techniques at eddy@eddyjin.ca.



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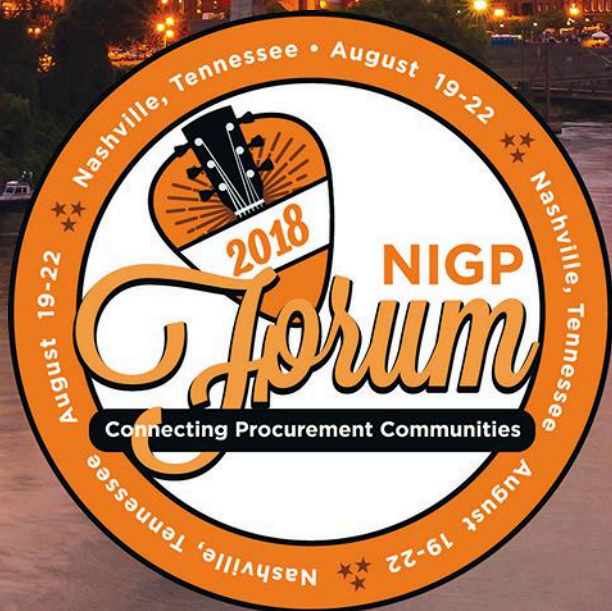
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part of the vibe as more than 1,000 public procurement professionals from federal, provincial, state and local government agencies in the U.S. and Canada pump-up the volume on procurement at the Gaylord Opryland in Nashville, Tenn., for the NIGP Annual Forum.

The NIGP Forum is the largest North American conference exclusively for public procurement. The Forum is NIGP's showcase educational event providing an ideal environment to jam and network with colleagues and suppliers, attend over 70 educational workshops on trending topics led by subject matter experts in the field and being motivated and inspired by professional speakers that bring music to your ears.

Attendees can also visit with over 225 suppliers during the Products Exposition on Monday and Tuesday (August 20 – August 21). The Expo provides an opportunity for one-on-one interaction and networking with suppliers as well as a real hands-on experience with the latest products and services available to the government.

More than 70 specialized educational workshops and formal networking opportunities are available to jam with colleagues as well as improve skills, learn best practices or provide a platform to gain support from colleagues on issues that are faced every day. Attendees return strengthened and energized with new ideas and improved professional skills.

FORUM HIGHLIGHTS

SUNDAY, AUGUST 19

8:30 a.m. – 10 a.m. Opening Ceremonies and Keynote Speaker: Jimmy Wayne

The real-life story of a homeless kid with a horrendous childhood who becomes a country music star, best-selling author and advocate for the foster-care system. An emotional journey about the power of love.

10:15 a.m. – 12:25 p.m. Agency-based Networking Session

Like-minded colleagues from similar agencies across the country come together to share ideas and triumphs. From authorities to cities to counties to higher education - the discussions are relevant, practical and energizing.

2:15 p.m. – 5 p.m. Educational Workshops

6:30 p.m. – 10:30 p.m. Social Event at the Country Music Hall of Fame

Experience the heart and soul of Nashville with exhibits and live acts throughout the evening. Current exhibits include:

- American Currents
- The music of 2017;
- Sing Me Back Home
- Folk Roots to the Present; Outlaws and Armadillos – Country's Roaring 70's. Music – the universal language strikes a chord in all of us.

“Attending the Forum has provided me with motivation that will last the entire year!”

Desiree Belding, CPPB
Buyer II
Placer County, Auburn, CA

MONDAY, AUGUST 20

8:30 a.m. - 9:45 a.m. Plenary Session –The MVP's in the Fight Against Procurement Fraud and Corruption presented by Special Agent Kyle Scheatzle, Federal Bureau of Investigation

10 a.m. – 2:30 p.m. Education Workshops

2:30 p.m. – 6 p.m. Products Exposition

TUESDAY, AUGUST 21

8 a.m. – 11 a.m. Products Exposition

11 a.m. – 12:15 p.m. Educational Workshops

12:30 p.m. – 2:30 p.m. Awards Luncheon

2:45 p.m. – 5:30 p.m. Educational Workshops

WEDNESDAY, AUGUST 22

8:30 a.m. – 10 a.m. Extreme Networking

10 a.m. – 11 a.m. Plenary TED Talk Style: Kate Vitasek, Davide Rabiner, Mike Martinet

1:15 p.m. – 3:15 p.m. – Deep Dive Sessions: Vested: Five Rules that Will Transform Business Relationships

– Kate Vitasek, University of Tennessee, Knoxville, Tenn.

Let's Negotiate: Taking Your Negotiating Skills to a New Level

– David Rabiner, CSP, Rabiner Resources, Portland, Ore.

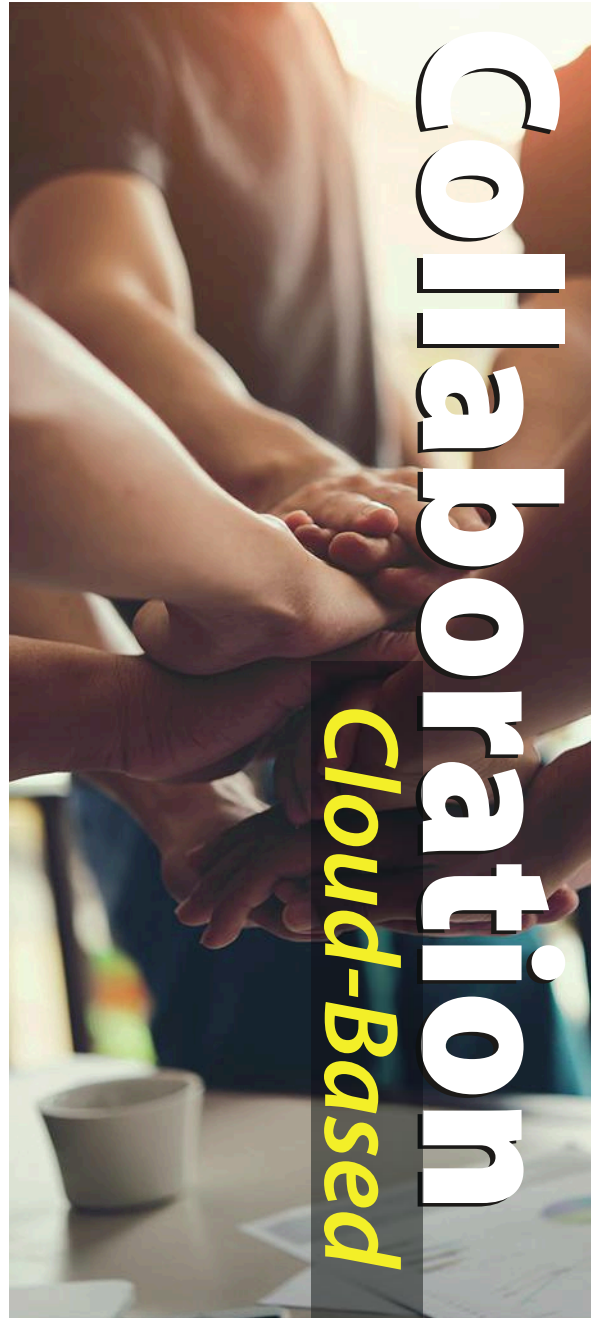
Local Government Purchasing: The Disaster After the Disaster

– Mike Martinet, The Martinet Group, LLC, Torrance, Cal.

3:30 p.m. – 4:45 p.m. – Closing General Session with Keynote Speaker Carey Lohrenz, first female F-14 Tomcat Fighter Pilot in the U.S. Navy



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WORKSHOP TOPICS

A preview of this year's sessions:

Improving the Bid: Understanding Qualifications, Responsiveness and Responsibility

Clarity is the hallmark of good procurement, but the language can be difficult to understand. As such, articulating the difference between responsiveness and responsibility can be a confusing task, especially when you have to balance qualifications alongside the mix. Learn the differences between these terms, acquire tools to assist in the evaluation portion of bid responsiveness and understand the different types of qualifications.

Securing Clarity: Unlocking the Mysteries of Bonds and Insurance

Bonds and insurance are designed to reduce the risks associated with construction projects for public agencies. Unfortunately, sureties and insurance companies operate in a world of their own, featuring find print, obscure exclusions, complex forms and a discipline-specific archaic vocabulary. Learn what you need to look for when reviewing bonds and evidence of insurance to protect your agency.

The ABCs of XYZs: Managing Generational Expectations

Each generation brings new expectations with it, and as a result, organizations must adapt and meet, or surpass, those expectations in order to find better ways to attract and retain the top talent crucial for organizational success. Discover what the modern worker cares about and the strategies to keep them around, engaged and happy.

The Final Score: Deep-Dive into RFP Scoring & Methodology

How do you determine the final score, and what is your current process for doing so? Take a deep dive into RFP evaluation scoring options and methods to learn a new, potentially better, way to evaluate the bid.

The Perfect Storm: Lessons Learned from the 2017 Hurricane Season

The 2017 hurricane season was one of the most active, devastating, and costly in U.S. history. The true horror however, was after the storm, when contractors abandoned their negotiated contracts and fled to other areas for more lucrative opportunities. Procurement professionals owe it to their organizations to not only learn from these experiences, but to structure solicitations and contracts with the greatest degree of protection so that this doesn't happen to you.

Writing What You Know: Revising to Ensure Efficiency

Contract language is a critical part of the procurement process, but it is often overlooked as a mere formality. This session explores how poor contract language created audit problems for the University of Tennessee. Learn the value of taking a holistic approach to contract template creation and maintenance and how misused "FOB" shipping term creates problems. FOB doesn't mean what most people think! Workshops subject to change.

KEYNOTE SPEAKERS



Jimmy Wayne

Sunday, August 19

8:30 a.m.

Imagine yourself a 13-year old hundreds of miles away from home, in a strange city, and your mom leaves you at a bus station parking lot and drives off into the night with her lover.

That's the real-life story of

country music star, Jimmy Wayne. Jimmy is a former foster kid turned award-winning country recording artist whose songs and story highlight his mission to raise awareness for children in foster care.



Special Agent Kyle Scheatzle, Federal Bureau of Investigation

Monday, August 20

8:30 a.m.

Plenary Session – Procurement Officials: The MVP's in the Fight Against Procurement Fraud and Corruption.

Follow an FBI agent through six public corruption investigations

involving procurement cycle fraud and corruption and see how these investigations uncovered the many ways the procurement cycle can be corrupted. Leave with an expanded list of the "red flags" of procurement cycle fraud.



Carey Lohrenz

Wednesday, August 22

3:30 p.m.

The first female F-14 Tomcat Fighter Pilot in the U.S. Navy, having flown missions worldwide as a combat-mission-ready United States pilot, Lohrenz is used to working in fast moving, dynamic environments where

inconsistent execution can generate catastrophic results. Carey shares her fascinating experiences operating in one of the world's most challenging environments – an aircraft carrier. She is uniquely qualified in the fundamentals of winning under pressure, reducing errors and overcoming obstacles.



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FRIDAY, AUGUST 17

Practical Specification Writing

Instructor: Theresa Gerhardt, CPPO, CPPB
Specifications are critically important to any procurement. Poorly written specifications can lead to lack of competition, purchasing an inappropriate commodity, protests, contract disputes and cost overruns. This course starts with problem statements within a specification, builds to problem specifications and culminates with strategies to approach specifications for unclear and difficult procurements.

FRIDAY, AUGUST 17 AND SATURDAY, AUGUST 18

CPPB Prep

Instructor: William Tommie, Jr., CPPO

CPPO Prep

Instructor: Lynda Allair, CPPO
In an effort to prepare candidates for the computer-based written CPPB and CPPO exams containing 190 questions, this course provides a review that addresses key information on topics identified in the 2013 UPPCC Body of Knowledge. Considered as a tool to help the student in assessing their own strengths and weaknesses as they relate to the subject matter, this course is only a part of the candidates' overall study plan for preparation

Contracting for Construction Services

Instructor: Kenneth Hayslette, CPPO, CPCM, C.P.M.
This course examines the many processes and techniques that contribute to successful public works projects. Understanding how construction projects are initially defined and budgeted, the responsibilities of the project manager, major methods of construction, and how to select contractors is critical to every capital development program. By defining terms that may be unique to infrastructure development and clarifying the many elements of the pre-, mid-, and post-construction phases, this course is very useful to both beginning and experienced construction contract managers.



“As a person new to the profession, Forum has given me a safe place to ask questions to seasoned professionals outside of my local network. I have a chance to learn from others’ experiences beyond my state level. This is invaluable to me.”

Julie Maxwell
Procurement Specialist
City of Knoxville, Tenn.



SATURDAY, AUGUST 18

Financial Analysis for Procurement Professionals

Instructor: Lourdes Coss, CPPO
Understanding financial statements helps procurement professionals make good decisions about suppliers. This course focuses on the key areas of the financial statements that are relevant to the agency when selecting a supplier. The course covers the level of analyses, relevant ratios and why they are important for procurement categories.

Pre-registration is required.

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- > CobbleStone Systems Corp.
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- > Connection (Formerly GovConnection)
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- > Cushman / E-Z-Go
- > Daikin Applied
- > Diamond Pharmacy Services and Medical Supply
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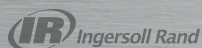
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Women in procurement

Celebrating Successes and Battling
Challenges Every Day

By Marcheta Gillespie

It's 1986 and I'm a high school senior and a contestant in the Miss Yuma County pageant, part of the Miss America scholarship program. Walking across the stage in a swimsuit, I'm struck by the irony of being judged on my appearance to earn scholarship money. It didn't seem to be a fair or logical assessment of any young woman's scholastic worthiness. But, being from a single parent household, the

reality was that I needed to find a way to pay for college.

Overall, being part of that pageant was a great experience. I learned how to conduct myself in an interview, I performed in front of a large audience, and I had my first experience volunteering in my community. Over the years, any time I would see or hear about the annual pageant, I wondered when they would move past judging the contestants on their appearance.



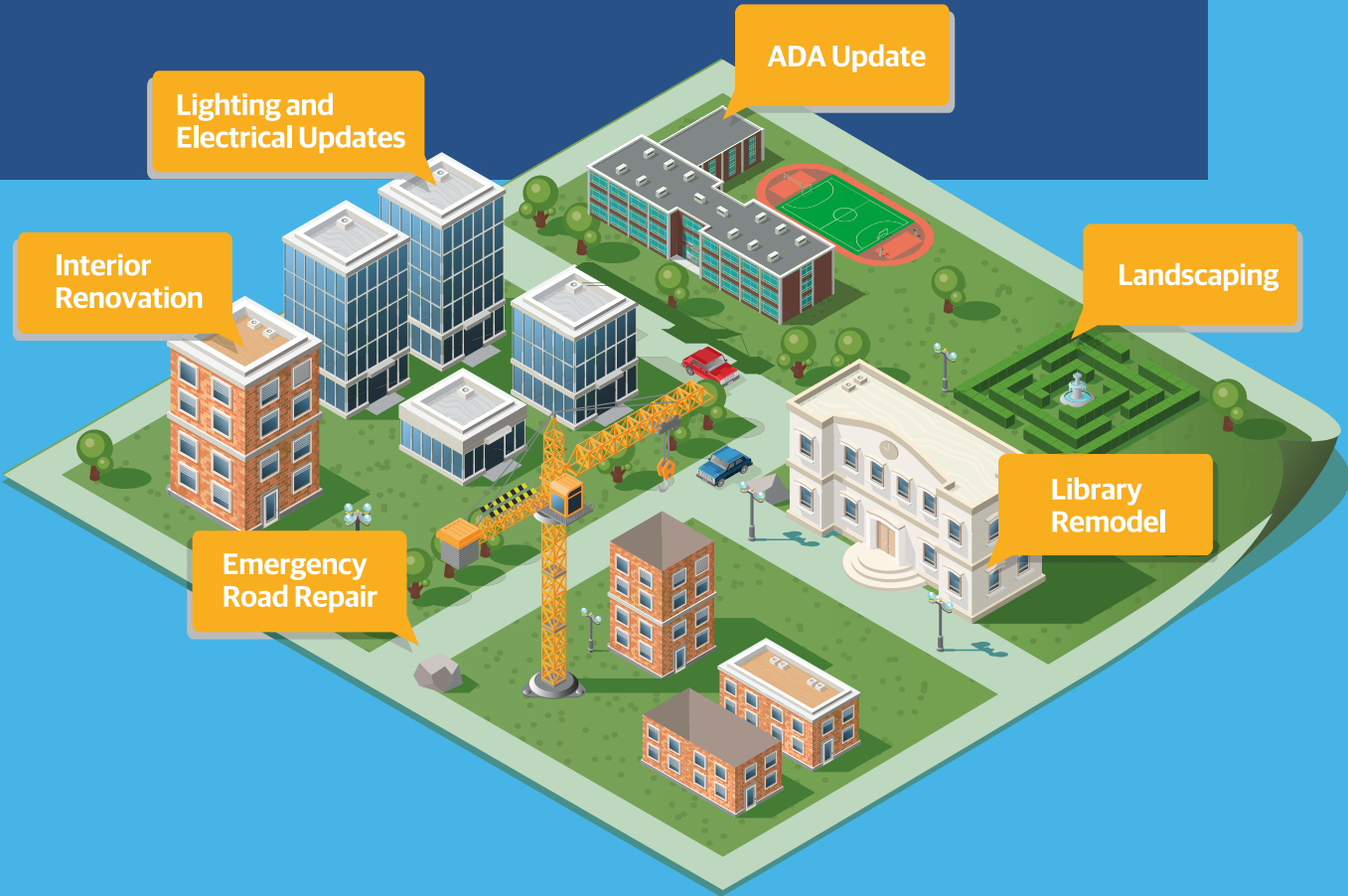
From left to right, top row: Ginny Justiniano, Lourdes (Maria) Coss; bottom row: Tammy Rimes, Sharon Lewis, Marcheta Gillespie



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As I have observed the #MeToo and #TimesUp movements this past year, I thought about that experience in the Miss Yuma County pageant and about what it's like now to be a woman in the world of business. These movements have inspired many men and women to honestly assess their own environments – regardless of industry – and their own possible contributions to or complicity in disparate treatment of women. I also thought about our procurement community and whether it offered a place where women were comfortable sharing their own challenges. Are women talking openly about the obstacles they've faced and how they overcame them? Are they sharing and learning from their failures? These conversations are so vital to developing and supporting the next generation of female procurement professionals.

As I started talking with some of the women I most admire in our profession, I realized we shared some similar experiences and challenges which did not align with our profession's core values of integrity, professionalism and accountability. I was struck by the revelation that, in spite of our years of friendship, it was the first time we had really sat down and shared those pains of our past.

It's time for women and men in procurement to begin our own dialogue to address the various challenges and disparities many women continue to face today; not to lay blame, but rather to create awareness and work together to make meaningful change. Through dialogue, we can build our community of support for today's working women and for future generations of women in procurement.

At this year's NIGP Forum, I have assembled a diverse panel of a few of today's women in procurement who will share their stories and experiences. The panel will share challenges they have faced, highlighting successes, acknowledging failures and important lessons learned. I hope that we will reach the countless women who don't have mentors to guide and support them, who don't make it to Forum or similar conferences, who don't realize they have a strong and diverse community of women in this profession to stand up with them against their struggles as well as celebrate their triumphs.

The women of procurement are strong. We are leaders of teams and organizations and teachers and mentors to the next generation of procurement professionals. We are volunteers, servings on boards and committees who juggle career, family and friends. We come from all backgrounds, races and religions. We are young professionals and seasoned veterans. We are the backbone of our families, businesses and organizations. We bring unique skill sets, perspectives and approaches to life and business and see the world through a different set of eyes. We allow our hearts to collaborate with our brains as we strive to connect and build strong relationships. We serve the roles of caregiver, facilitator, organizer, mediator, cheerleader, advocate and compassionate healer. We support, encourage and lead all at the same time.

And women have so much to celebrate! We make up 60

percent of the public procurement workforce. We represent 65 percent of NIGP's membership. Half of the states are led by female Chief Procurement Officials. We provide a significant contribution to the public procurement profession. We are recognized leaders in associations. Although the early years in NIGP saw only men as presidents and Albert H. Hall award winners, later years have given us seven female NIGP presidents and eight female award recipients, including last year's recipient Bobbie Matthews.

However, alongside all our victories and accomplishments, there are those who still struggle with various disparities. We must critically assess and strive to address those realities. For example, women hold approximately six percent of government executive and leadership positions. And our private sector partners lag even further behind, with only 3.6 percent of Fortune 500 CEO positions being held by women. A 2017 ISM salary survey identified women are earning 30 percent less than our male counterparts. And while the salaries for men have grown by over 8 percent, those for women have paled in comparison at roughly 3 percent. And it isn't just salary disparities that affect women; there is still more work to be done.

As we countdown to Forum, I asked a few of our panelists to share their thoughts on what it means to be a woman in procurement today. Here's a glimpse of what you'll hear in Nashville this August:

"I have experienced the joys and the sorrows of trying to break into the mold of being a leader in the public procurement arena. As a young minority woman who's eager to learn, be a mentor and build a good reputation both in the public sector and the vendor community, it has taken lots of hard work and dedication to this profession. Having said that, being a part of the NIGP 2.0 has carried me through to where I am today. I have found that a lot of women need to be heard and that everyone has a story to tell." - Ginny Justiniano

"When I started as an admin trainee over 20 years ago, the workforce was very different. At the time, and to the best of my recollection, there was only one female director and very few women in management, despite the fact that the Mayor at the time was a woman. Back in those days, it seemed that those few women in power did not show their femininity or "soft skills" due to the expectation that they should be as "tough" as the men. In some cases, as a woman, I found them more difficult to work for than their male counterparts. It was almost as if they chose to be harder on women employees than males subordinates. I truly believe that work conditions are changing for the better. More women in supervisory and leadership roles reflect the demographics within the population and more flexible policies for both men and women in the areas of family leave and childcare." – Tammy Rimes.

"It has been said that behind every strong woman is a tribe of other successful women who have her back. My tribe includes graceful and strong women who take their



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IN DEPTH [women in procurement]

place at the table unapologetically without yielding to the discomfort of the prejudiced. Women too busy empowering others to worry about taking down the patriarchy. As the world takes increased notice of women, it is important that we use our influence to support a wider spectrum of inclusion. The rise of women does not mean the fall of man or achieving elitism. Instead, we must all do our part to give encouragement freely, advocate deliberately and support colleagues based on the merits of their contributions and achievements.” – Zulay V. Millan

“I believe that one of the biggest challenges I have faced, as a woman in procurement is allowing myself to be conditioned to believe that other people are much more valuable for the profession than I am. The majority of directors and managers were different from me; therefore, there was a subliminal understanding that I couldn’t be in those positions because I didn’t fit the mold. Ironically, it took the encouragement and mentorship from a very accomplished man to help me see the opportunities available to me. It also took a very strong negative message (a challenge) from a different man to make me see that I had grown complacent and it was time for me to expand my growth within the profession. I must admit, however, that I still catch myself doubting my abilities and accomplishments.

It’s a mindset I must work on often to change. As I see it, it continues to be our responsibility to assist and encourage one another to keep growing.” – Stacy Gregg

“Resilience and confidence have been my friends throughout my career! I don’t believe it’s possible to prosper in any field without resilience, especially for women. You have to know what you’re doing, and you have to come to terms with the possibility of difficulties, including discriminatory, disparaging or inappropriate comments, and unfair treatment. As a woman and a Latina, such unfortunate events are sure to come my way. I worked very hard to become better primarily because of my love for learning new things. Unfortunately, some people don’t think twice about their words or actions. I decided very early on in my career that it’s not worth spending energy on ignorance. Yes, there have been mourning periods when the blows came out of the blue. After all, I am human! At some point, the pity party gets old, you spring back up again, and make it a learning experience.” – Lourdes (Maria) Coss,

As I reflect on the past 30 years since walking that stage in Yuma, I’m reminded about all the great and positive changes we women have seen in our world, both personally and professionally. I’ve thought about all the many opportunities and struggles I’ve been blessed with. Each of these challenges were valuable contributions to my own growth and development. I didn’t set out to become a procurement professional, but I was fortunate to meet some incredible people early in my career who became amazing mentors and who helped me find my passion.

I was blessed to have strong, supportive women and men in my life to advocate for me, encourage me and cheer me on every step of my journey. I was raised by a woman who faced many hardships and struggles in life as a foreigner to this country and a single mom for many years. She taught me to never let being a woman limit my possibilities, to never let adversity define me and to never stand by when others are treated poorly. My journey, like many other women, certainly hasn’t been without its challenges. Yes, I have experienced adversity, but I let it motivate me to push for change. I had my amazing procurement community beside me, helping me through. And after all, isn’t that what a community is all about?

Women all have experiences, lessons learned and successes to share. We need to share those stories because it’s how we strengthen our community and it’s how we encourage and inspire others to act. It’s how we all continue to make improvements in our agencies and in this great profession. So, it’s time to tell your story. What better place to tell that story than in Nashville, the storytelling capital of country music? I hope you’ll join me and our panel of women in procurement as we start the dialogue. Ladies, it’s time to stand up, speak up and push for progress.

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Elvis and Procurement

> **I**'m a big Elvis Presley fan. In addition to listening to his music since I was a kid, I have many of his movies in my DVD collection (my favorite is "King Creole") and have also been known to impersonate him. At several NIGP functions over the years, I have donned my sequined jump suit and belted out some of his hits. If you are wondering how this bald, aging guy could pull this off, just send me an email and I will gladly reply with digital evidence.

In this column, I want to relate some famous Elvis songs to public procurement. Please bear with me while I attempt to undertake this effort. I am convinced of their relevance.

"Return to Sender" – This is an easy one to relate to. In just about any procurement office, a bid received late will be returned to the bidder unopened. Several years ago my agency conducted a formal bid for waste hauling

services; a multi-year contract worth millions. After four weeks on the street, a local company responded seven minutes late. Return to sender!

"It's Now or Never" – This song makes me think of professional development, as I believe "now" is the time to pursue professional certification (CPPO, CPPB, etc.) and education. It is easy to put this off, but I say there is no time like the present. As someone who attended grad school in their 40s, I can definitely say it's an investment in yourself and your career that will always pay off.

"Little Sister" – As one of the smaller schools in the University of California system, we often feel like a little sister. We benefit from our relationship with campuses like UCLA and Cal-Berkeley, as their purchasing volumes help us secure lower contract pricing. Cooperative procurement is here to stay and one of its greatest benefits is that smaller agencies can have the clout of a larger one.

"Don't Be Cruel" – Over the years I have become convinced that how we treat our suppliers today is how they will treat us tomorrow. It just makes sense to be cordial and professional to our suppliers and also to be as fair as we can. Skills that support supplier relationship management are more important than ever.

"Can't Help Falling in Love" – I have to admit it. I love public procurement. It has been such a rewarding field for me for many years. The experiences I have gained over the years are something I consider to be invaluable. They allow me to teach and lecture around the world, but the biggest benefit

for me has been the people I have met in public procurement. I have learned so much from people I have worked with, and many of them have become lifelong friends.

Several years ago, I spoke at a conference in Biloxi, Miss., and as part of my arrangement, I dressed in a black jump suit and pompadour wig to mingle with the attendees. When a longtime friend and colleague (Fred Marks, Port Authority of New York) approached me, he said, "your behavior really concerns me." I took this as a compliment.

These are just some of the reasons I really love public procurement (and Elvis).

You may think procurement and Elvis have nothing in common. You might be wrong.



DARIN MATTHEWS, FNIGP, CPPO, CPSM, is the director of procurement for the University of California, Santa Cruz. He has extensive management experience, speaks throughout the world on procurement issues, and has published several books and articles on supply chain management. Contact Matthews at darin@ucsc.edu

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