



State Procurement Reform: A Work in Progress

2015 Governing Institute's Survey of State Procurement

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FORUM2016



Governing's Interest

- Effective Procurement - at the heart of government's ability to deliver service and maintain the public's trust
- Procurement Improvement - a growing topic of discussion at Governing events
- Bring Visibility - what is working well and help create support for improvement where needed
- Nearly Three Decades of Procurement Reform – what is the progress?

Background

- Governing Procurement Summit, February 4, 2015
Washington DC
- 25 Public procurement experts identified key attributes and practices of an effective state procurement organization
- Revised the initial attributes to reflect ideas that came from summit.
- Survey based on attributes and categories validated and identified in the Summit.
- Survey launched in September 2015

Overview and Scope

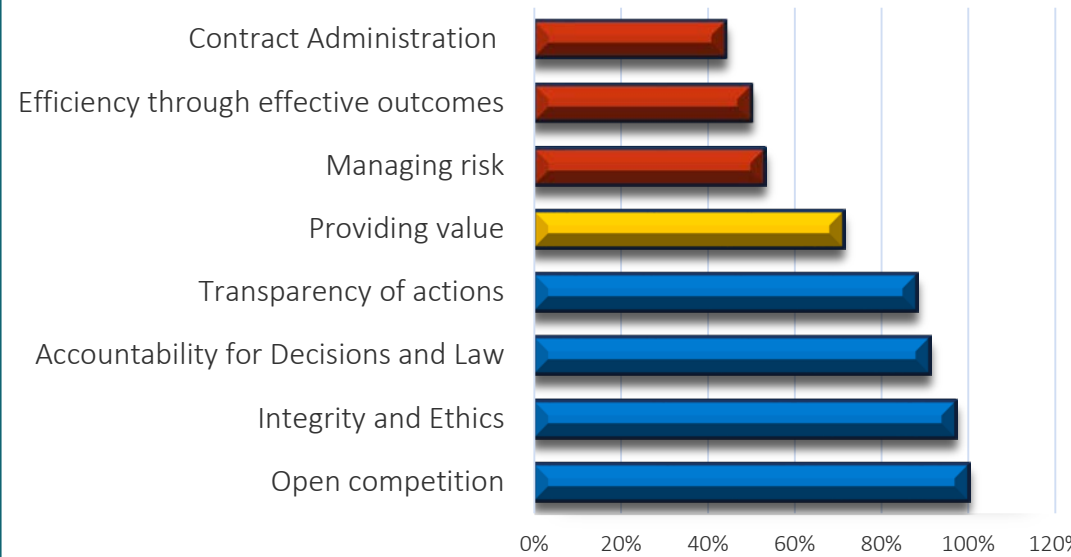
- Organizational Structure and Authority
- Workforce, Training and Certification
- Relationship Management
- Pre-Sourcing and Procurement Planning
- Sourcing
- Post Award and Contract Administration
- Organizational Culture and Leadership
- Use of Technology
- Performance Measures
- Information Communication Technology Procurement

Organizational Structure and Authority

Which rules are provided for guidance?

- Less than half (44%) have rules guiding contract administration
- Statewide rules should apply to all agencies that administer contracts
- Promote accountability, consistency for contract administration
- ✓ **Improvement Opportunity –**
- ✓ Develop rules to guide all state contracting agencies
- ✓ Create guidance and expectation for effective outcomes
- ✓ Guidance needed to assess and manage risk in all stages

Rule Guidance Comparison

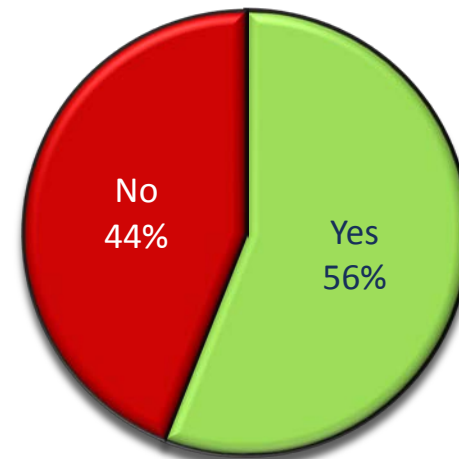


Organizational Structure and Authority

Are delegated procurement responsibilities included in position description?

- A little more than half of the states include responsibilities and authorities delegated to staff in their official position description
- Gap in personal accountability for procurement performance in 44% of states
- ✓ **Improvement Opportunity** – include official procurement responsibilities and authorities in official position description.
- ✓ Align job performance with procurement responsibilities to create accountability for execution of procurement responsibilities and authority

Delegated Duties included In Position Description

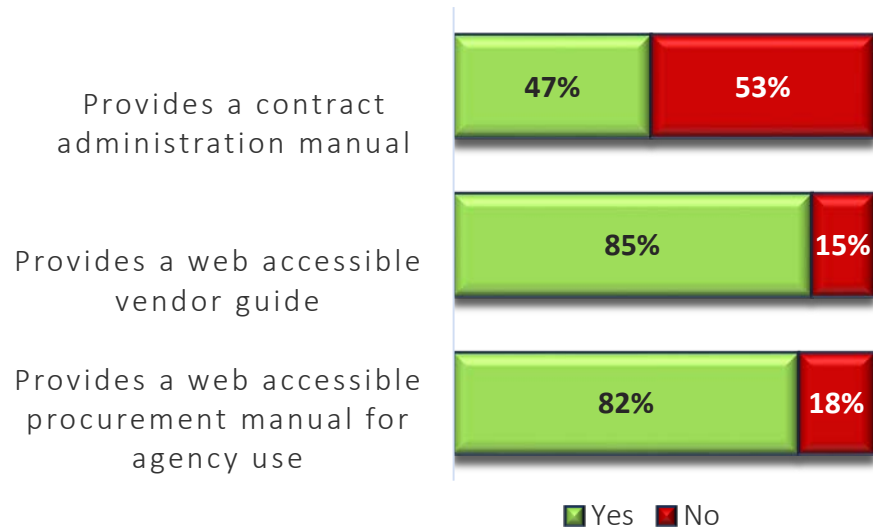


Organizational Structure and Authority

Does Central Procurement provide manuals for guidance?

- Over half of the states do not provide guidance to state contracting staff through a contract administration manual
- Far less guidance for contract administration than for other procurement activities
- ✓ **Improvement Opportunity** – develop rules to guide all state contracting agencies
- ✓ Include at a minimum disposition of contract claims, contract disputes, decision rights for contract actions and appointment of a contract administrator

Guidance Through Manuals

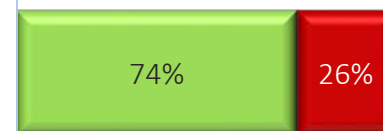


Workforce, Training and Certification

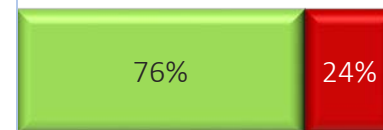
- Skill gaps exist when addressing new and emerging procurement challenges
 - 24% have a full range internal program that certifies basic, intermittent, advanced and contract administration
 - Limited use of Standards of Conduct – 56% of respondents said Integrity was the most important leadership objective - yet only 65% have a SOC document
- ✓ **Improvement Opportunity –**
- ✓ Assess training needs first
 - ✓ Seek out training often from non – conventional sources to provide specific training needs and organizational fit.
 - ✓ Integrate training into strategic plan and operations to maintain effectiveness

Workforce and Training

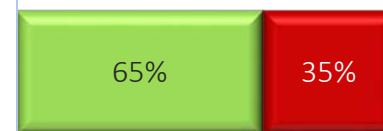
Does training provide skills to create effective forward facing procurement solutions to meet new procurement challenges?



Does training provide skills to analyze changing and evolving needs and markets?



Is there a “Standards of Conduct” document for procurement staff guidance?



Workforce, Training and Certification

Workforce Resources – Weakness, bad trade offs that do not support improved outcomes

- 24% said workload kept them from trying new approaches, yet 91% say they are eager to develop and improve procurement methods
- 21% said workload prevents them from doing market analysis
- Only 29% use some form of a workload management system to plan, prioritize, manage and report work load

✓ **Improvement Opportunity** –

- ✓ Use technology to manage work load
- ✓ Use automation to reduce work load and improve efficiency
- ✓ Growing use of Quality Management and Lean improving work flow
- ✓ Track workload, head count and performance and report

Ranking the States: Workforce, Training & Certification

Best Practices

VA – Certification program a blend of internal providers and private sector organizations; includes 3 tier certification program plus IT and Virginia Construction Contracting Officer certification.

GA - Role based training delivered through an LMS designed for individuals with specific roles and job functions involving procurement including approving managers and end users; state certification program and processes provide individuals with distinct certifications they need; online catalog of course offerings.

MN - Multiple types of training provide skills for changing conditions; tiered certification program; Individual employee training goals reviewed & established annually between employees & managers; delegation of procurement authority carefully matched to individual's skills & certification level.

MT – Extends procurement training to cabinet-level

1. Virginia

1. Georgia

3. Minnesota

4. Oregon

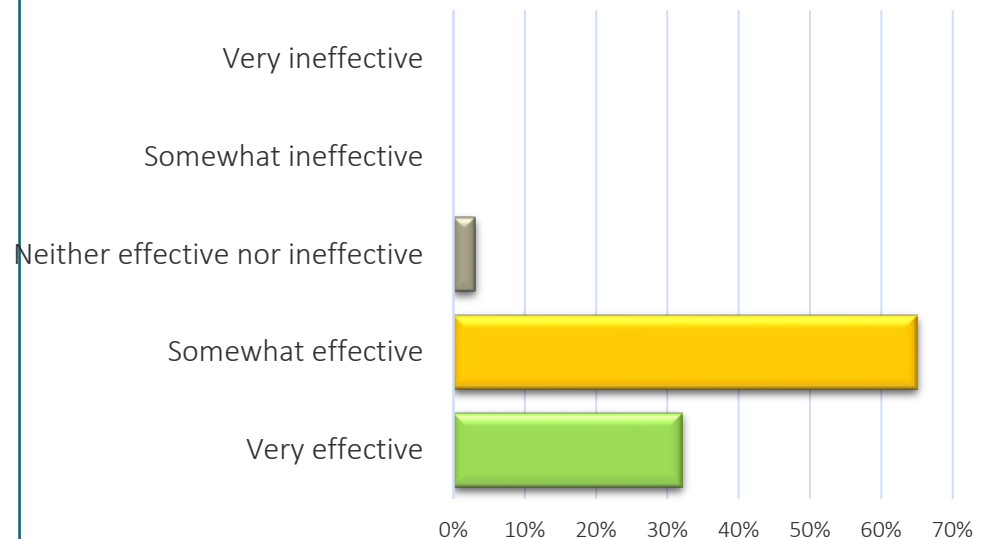
5. Montana

Relationship Management

Effectiveness providing information customers, vendors and the public want, in ways that they want to receive it?

- The majority of the states believe they are effective in providing information to customers, vendors and public in ways they want to receive it.
- Best Practice is to provide information in ways that is readily digestible by the user
- ✓ **Improvement Opportunity –**
- ✓ Internal and external web based platforms
- ✓ Customer engagement – crowd sourcing, focus groups
- ✓ Communications Plans
- ✓ Advisory Councils
- ✓ Social Media

Self Rated Effectiveness in Information Provided

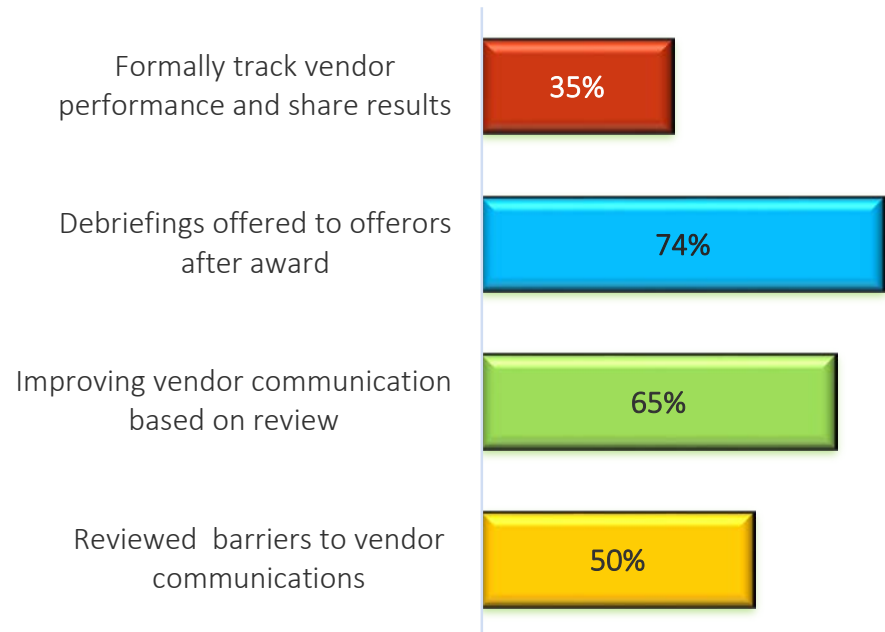


Relationship Management

Select statements that apply to vendor relations

- Half have reviewed barriers to Vendor Communications, but of those only 65% are making improvements
- Most States (74%) offer a debriefing after award
- Only 35% have formal vendor performance tracking and share results
- ✓ **Improvement Opportunity –**
- ✓ Review Barriers to Vendor Communication and implement improvement plan
- ✓ Create Vendor Performance Tracking Systems and share results with vendors and with and between client agencies

Vendor Communications



Ranking the States: Relationship Management

Best Practices

OH- Continuous measurement of internal and external customer feedback; building strong agency and vendor relationships.

GA- Process Improvement Mailbox and Help Desk answers questions from customers, suppliers and potential suppliers; provides guidance on projects or challenges to achieve the best solutions; feedback campaign includes voice of the end-user in policy, process & ongoing planning

MN- 2015 EO aimed at promoting participation and inclusion in the state's contracting processes; new committees looking at barriers to participation, making recommendations for change and figuring out ways to measure progress.

VA –Strategic plan with metrics that are shared

UT – One- on-one meeting with every state agency to discuss performance of state purchasing; customer service reps assigned to each agency; Policy Board gives voice to all state and local public

1. Ohio

2. Georgia

3. Minnesota

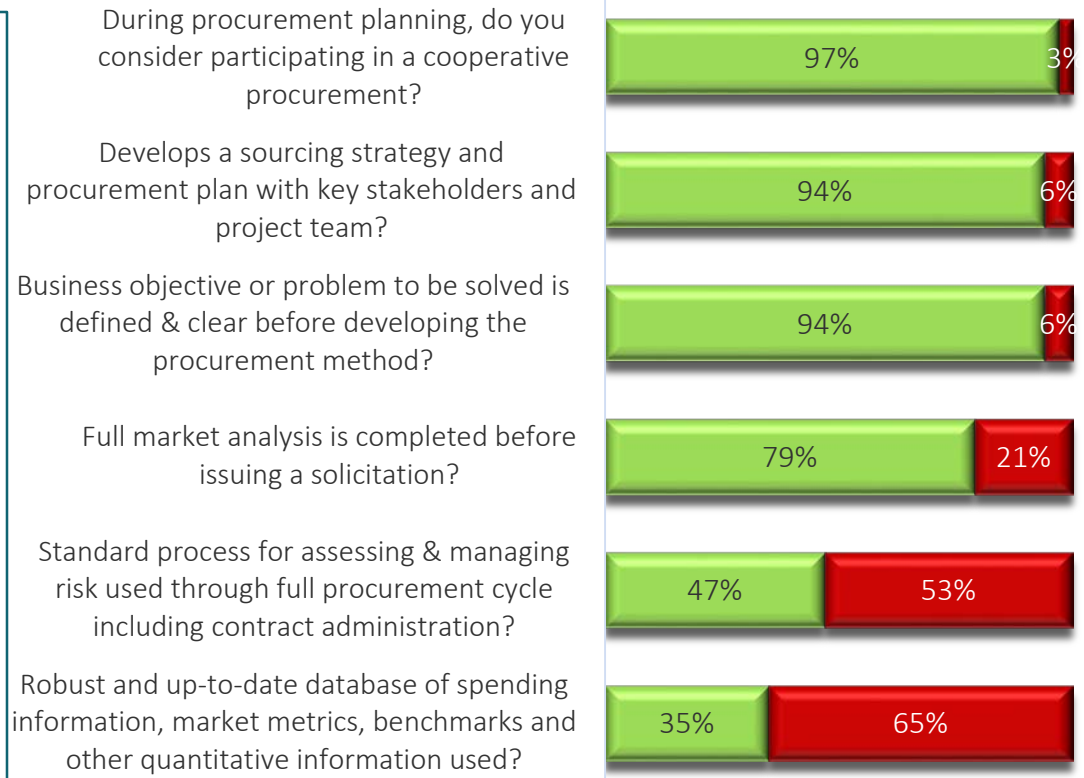
4. Virginia

5. Utah

Pre Sourcing and Procurement Planning

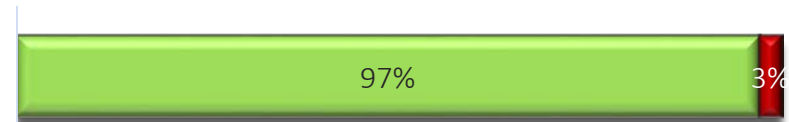
Select the statements that best describe your pre-sourcing planning

- For large and complex procurements nearly all states report they develop a sourcing strategy and procurement plan
- Surprisingly 94% report that business objectives or problem to be solved are well defined before developing a sourcing method. Yet only 60% answered yes in IT procurement
- ✓ **Improvement Opportunity –**
- ✓ Improve risk assessment and risk management framework applied through full life cycle.
- ✓ Capture spending data and key information and benchmarks
- ✓ Market Analysis before procurement



Pre Sourcing and Procurement Planning

During procurement planning, do you consider participating in a cooperative procurement?



A robust and up-to-date database of spending information, market metrics, benchmarks and other quantitative information is used?



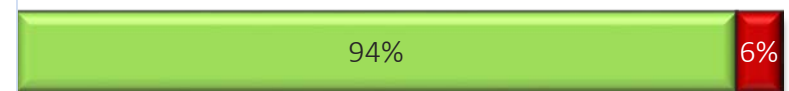
Standard process for assessing and managing risk is used for large projects through the life of the procurement and contract management is used?



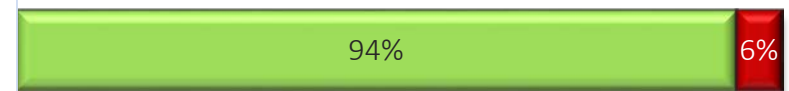
Full market analysis is completed before issuing a solicitation?



Business objective or problem to be solved is defined and clear before developing the procurement method?



Develops a sourcing strategy and procurement plan with key stakeholders and project team?



Ranking the States: Pre-sourcing & Procurement Planning

Best Practices

GA, MA - Very mature and effective pre-sourcing and planning process through the 7-Step Strategic Sourcing Methodology; cross-functional teams develop requirements and engage for the full life cycle.

GA - Up-to-date data base of spending information, market metrics and other information to support effective sourcing.

OH - Data-driven assessments to identify optimal sourcing strategies for meeting agency needs; conducts “opportunity assessments.” analysts evaluate similar procurements to encourage creativity and improvement; close work with using agencies & end users.

WA, OH, MN –Lean tools and other forms of interaction with client agencies to develop/improve procurement processes and solutions that add value and bring about desired outcomes for the client agency.

1. Georgia

2. Utah

3. Virginia

4. Ohio

5. Oregon

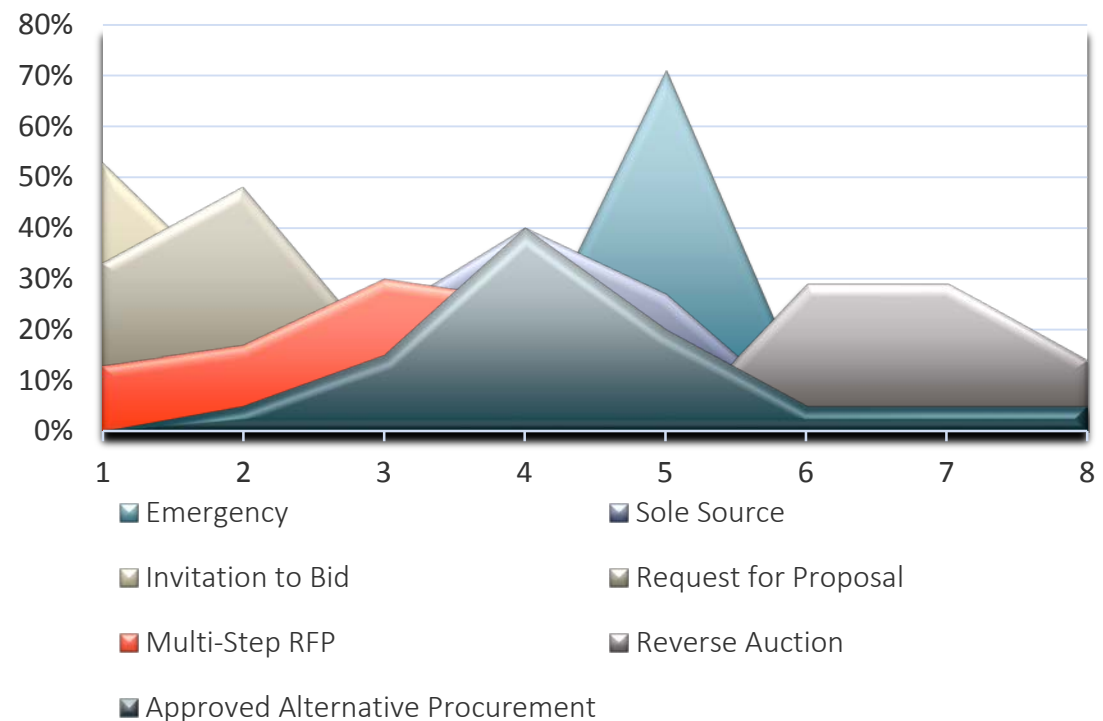
Sourcing

Rank methods of source selection

- ITB still first priority method
- RFP with weak following on Multi-step RFP
- High level of sole source (4th ranked)

- ✓ **Improvement Opportunity -**
- ✓ Use of more RFPs
- ✓ Multi-Step RFPs can provide the ability to get better value through comparative competition
- ✓ Use ITB when price is main consideration
- ✓ Alternative or Special Procurement can provide the best competitive alternative as markets emerge
- ✓ Sole source is not a substitute for competition

Methods of Source Selection

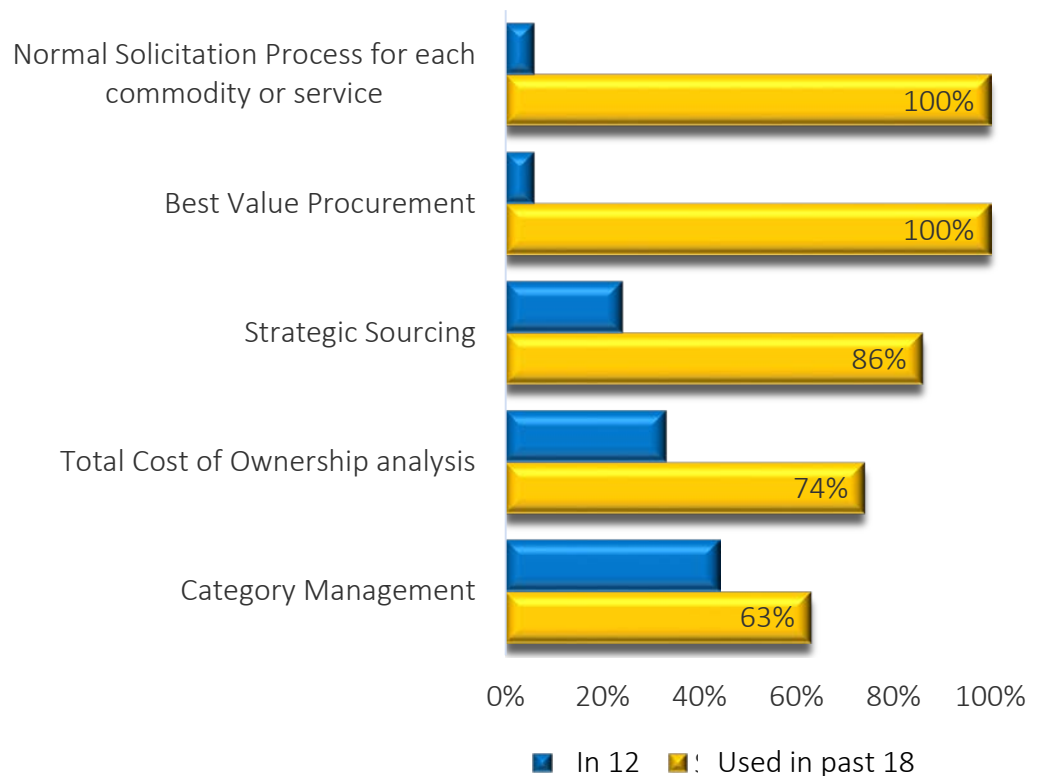


Sourcing

Over all sourcing strategies in use or plan to be used in 18 months?

- Shift to Best Value appears to be complete, yet 53% say ITB is their first priority sourcing method.
- High level of use of strategic sourcing, but only 2 states (GA & MA) demonstrate high levels of maturity as the default overall sourcing strategy
- ✓ Improvement Opportunity
- ✓ Total Cost of Ownership gaining momentum 33 % planning to use
- ✓ Improve capture and analysis of spend data
 - Most states say they use Strategic Sourcing, yet only 67% access spend information by agency, commodity, vendor and contract
- ✓ Category Management shows promise, but only one state (MI) demonstrates maturity

Strategies used in past 18 mo./ plan to use in 12 mo.

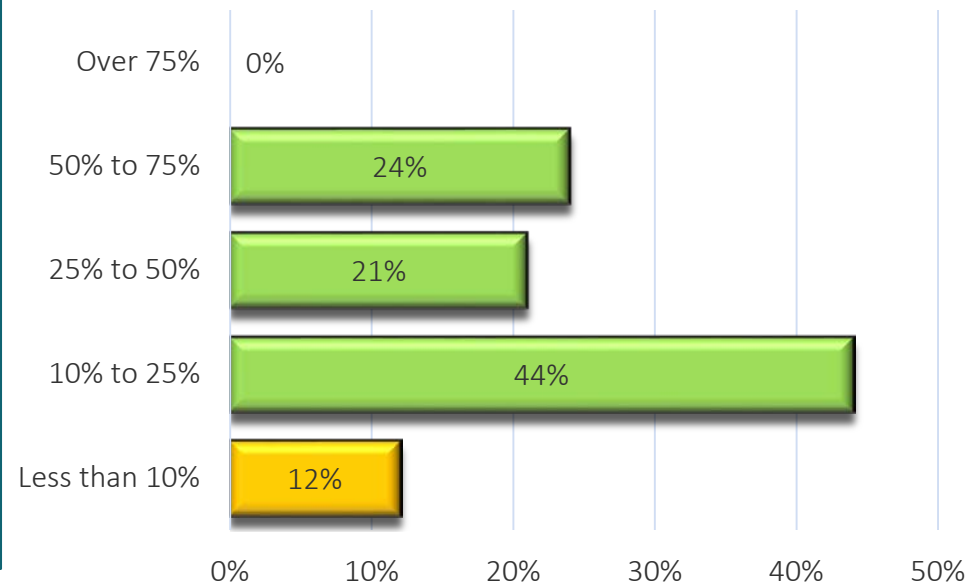


Sourcing

Of the solicitations awarded last year, what percentage is estimated to be solution-based rather than prescriptive solicitations?

- Significant use of solution based solicitations
- Improves chances for better outcomes particularly in IT
- Not the right answer when you can develop solid specification or for known commodities
- ✓ **Improvement Opportunity -**
- ✓ More difficult to use in ITB process
- ✓ Good match with multi-step RFP

Use of solution based rather than prescriptive solicitations during past year



Sourcing

Select processes that apply during the during sourcing process?

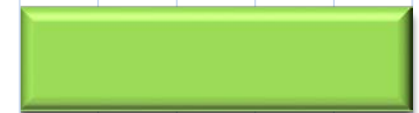
- 74% of states apply vendor past performance beyond just responsibility determination in award process
 - All states responding permit proposers to clarify proposals during discussions (significant progress)
 - All state report they have authority and flexibility to develop terms and conditions consistent with the products or services to be purchased
- ✓ **Improvement Opportunity -**
✓ In technology procurements terms and conditions do not always match the service or technology to be purchased

Select statement that apply

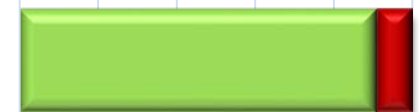
Is vendor past performance included as a factor in the evaluation of responses to...



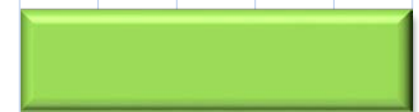
Proposer permitted to clarify their proposal before award through negotiations or discussion?



Solicitations reviewed by someone other than the issuing procurement officer for accuracy,...



Have authority and flexibility to develop solicitations with terms and conditions (except those...



0% 20% 40% 60% 80% 100%

Ranking the States: Sourcing

Best Practices

MN - Long history of best value solicitation method; authority to negotiate terms and conditions to get the best deal & factor in vendor past performance; flexibility to develop T&Cs and approaches to match the need.

VA - A minority in states that has a robust and up to date database of spending information, market metrics and benchmarks; strong focus on customer service; emphasis on spend analysis to understand needs.

GA - Fast Track RFP Process uses advanced market notification and streamlined RFP process to accelerate awards for contracts; “Mathelets” or data analysts for deep dives on contact & spend related data resulting in better solutions based on historical data and projected purchasing demand.

MA - Significant flexibility to achieve best value through an array of sourcing methods; mature and effective use of strategic sourcing as the core sourcing strategy.

DE- Anticipative procurement planning.

1. Minnesota
2. Virginia
3. Delaware
3. Massachusetts
3. Oregon

Post Award and Contract Administration

Is a qualified individual named as a contract administrator ?

- CPO generally agree that all contracts have a named administrator
- Only 42% agree that administrators have specific contract responsibilities identified in writing
- ✓ **Improvement Opportunity** – Make clear delegation of roles and responsibilities to qualified individuals

Agreement with Statements

All contracts have a qualified individual named as the contract administrator by the contracting authority.

68%

All contract administrators have specific responsibilities and authorities delegated to them in writing.

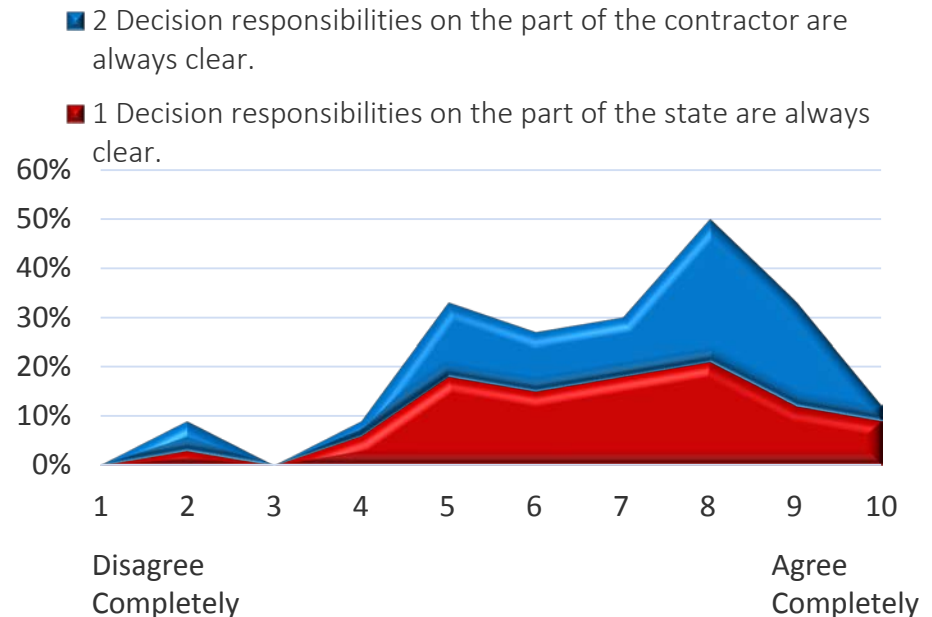
42%

Post Award and Contract Administration

Are decision right and responsibilities clear?

- CPO Offices generally agree that contractor decision responsibilities are clear
 - 28% do not have clear decision rights for all IT projects and contracts
 - Lower clarity of decision responsibilities on the part of the state
 - Decision rights, roles and responsibilities of the state team needs more clarity
- ✓ **Improvement Opportunity** -identify clear contract decision responsibilities on the part of both the contractor and the state teams

Agreement on Decision Responsibilities

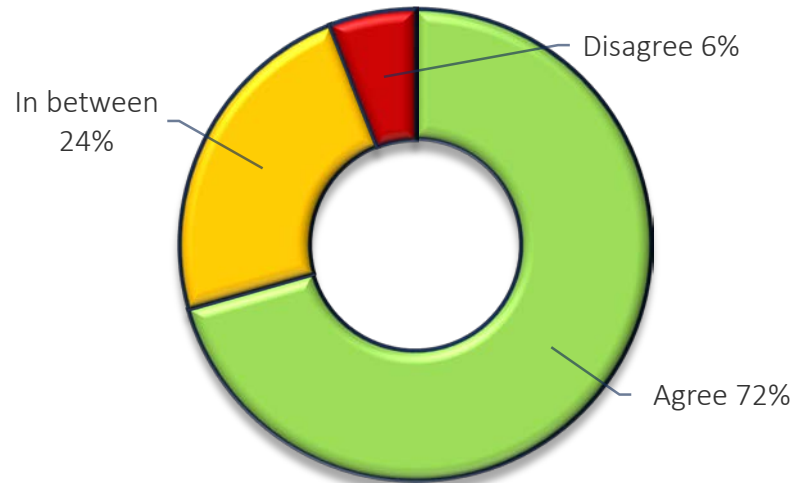


Post Award and Contract Administration

Are contract administration plans developed for high-dollar high-impact projects?

- Strong Agreement - states prepare administration/management plans for high dollar or high impact contracts
- 30% not in strong agreement that they prepare plans
- ✓ **Improvement Opportunity** – for service contracts & critical contracts develop a contract administration plan
- ✓ Incorporates pre-award documents and information from solicitation and negotiation, performance expectations and how to address and correct conflicts
- ✓ Integrate with project management activities and reporting
- ✓ Include post award & start up conferences to set expectations and tone

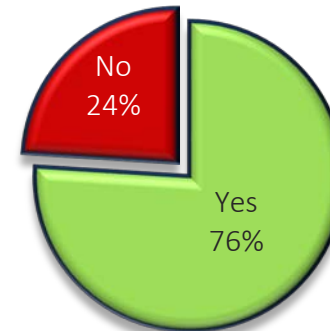
For Critical Contracts Plans are Developed



Post Award and Contract Administration

Are contract administrators getting the training they need?

- Most Procurement Offices (76%) believe contract administration training is at the appropriate level
 - Contract Administrator Certification Programs lag behind the perception of adequate training
 - Only a few strong examples of internal contract management certification
- ✓ **Improvement Opportunity** – Increase rigor of training and develop certifications requirements
 - ✓ Integrate training into strategic plan and operations
 - ✓ Assess skills needed and tailor training to need



Which Contract Certifications are Recognized or Provided by Policy?

Certified Professional Contracts Manager (NCMA)

18%

Internally Developed Certification

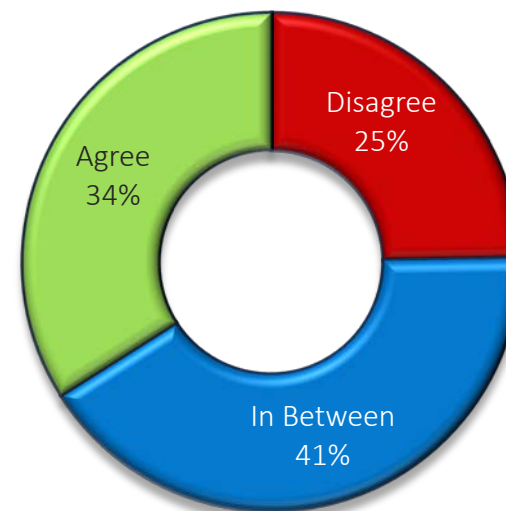
24%

Post Award and Contract Administration

Are there Clear Contract Close Out Procedures?

- Only about 1/3 use clear and audited close out procedures
- Half or more states need to establish or improve procedures
- Close out procedures are basic and a minimum for responsible contract management
- ✓ **Improvement Opportunity** – Establish close out procedures and audits for all contracting agencies
- ✓ At a minimum include documented acceptance process, release of claims, appropriate certifications, warranties and transmittals before final payment.
- ✓ Vendor performance reports
- ✓ Audits

Clear and audited close out procedures
always used

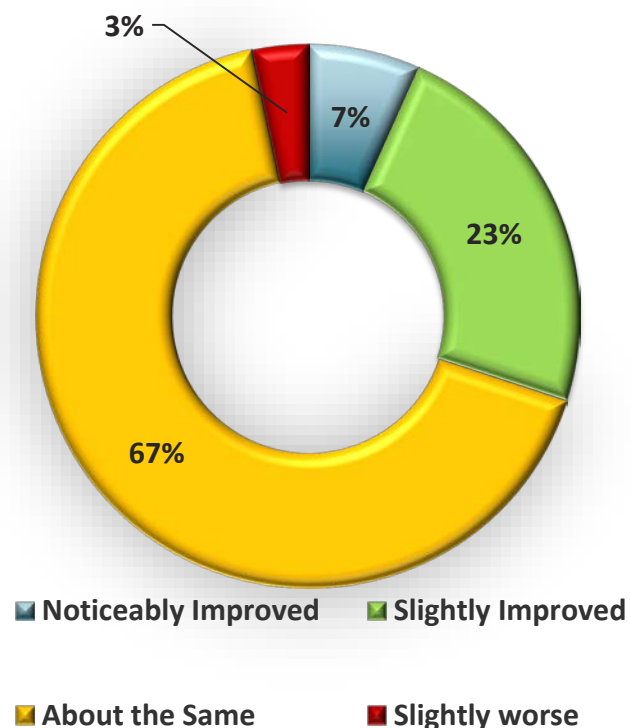


Post Award and Contract Administration

How does contractor performance compare to last year?

- Contractor Performance – About the same
 - Generally status quo to optimistic view from the Central Procurement Authority on improvement in contractor performance
 - Contractor performance -meeting terms and achieving deliverables is about the same or improving slightly over last year
 - Only 3% see contractor performance slightly worse
- ✓ **Improvement Opportunity**– About the same as last year is should not be good enough

Overall contractor performance



Ranking the States: Contract Administration

Best Practices

MO – New contract mgmt. office & process for agencies with contract oversight working collaborative with a network of department liaisons.

GA - On-line Vendor Reporting tool shared across all state entities provides positive & negative reports of supplier performance; gives visibility into supplier performance, trends and behaviors.

WA – Project plan; data to measure success; audits.

MI - Contract Mgmt. tool kits provide clear instructions from start to closeout; yearly contract compliance report rates contractor performance & identifies performance issues & authorities delegated in writing; all contracts have qualified contract administrators with responsibilities in writing.

MN – Vendor mgmt. specialist assists in resolving performance issues; major savings from contract negotiation assistance.

FL – Strong contract administration certification and training program.

1. Georgia

2. Missouri

3. Washington

4. Michigan

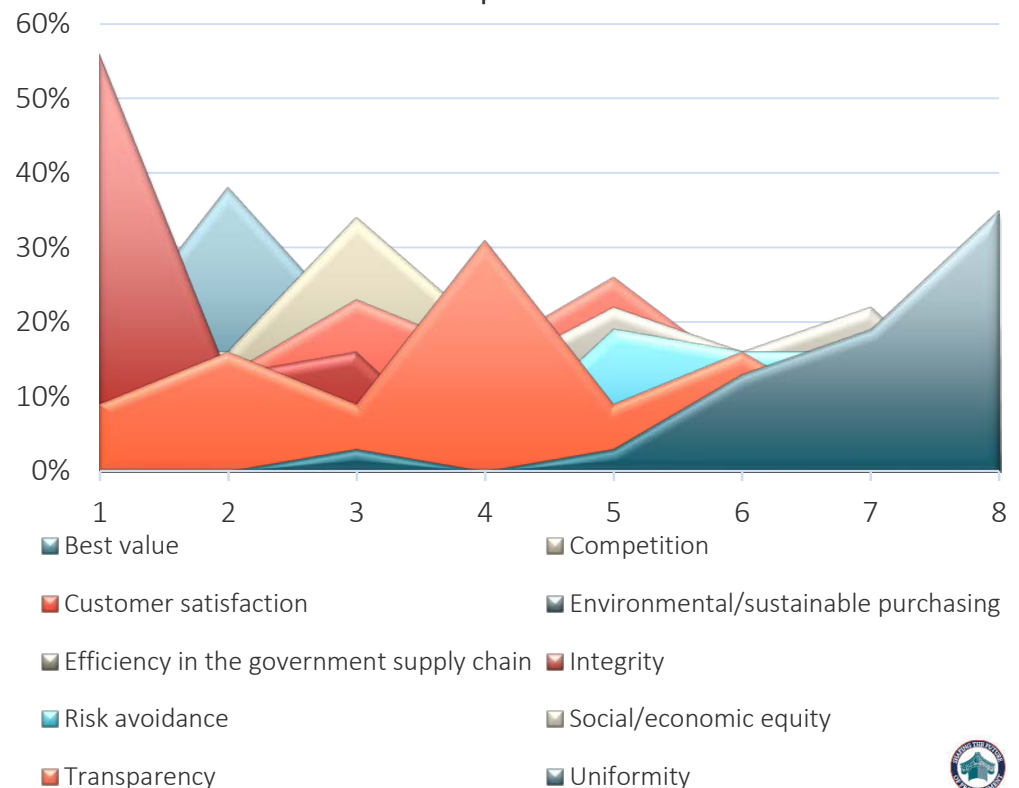
5. Florida

Organizational Culture and Leadership

What are agency leadership's most important objectives?

- Integrity, Best Value, Competition and Transparency expected by leadership
 - Customer Satisfaction behind the scenes and lower priority
 - Risk Avoidance and Uniformity less important
 - Social / Economic Equality
- ✓ **Improvement Opportunity** –
 - ✓ Set values in strategic plan after engagement with client agencies, end users and leadership
 - ✓ Measure the values & priorities

Leadership Priorities

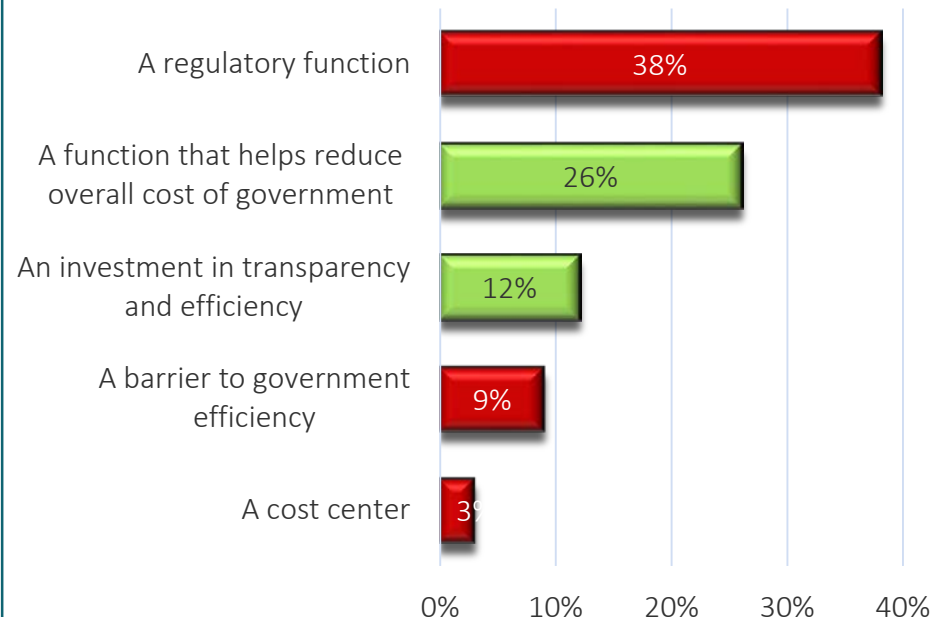


Organizational Culture & Leadership

Which statement most closely resembles stakeholder perception of practices?

- Nearly 40% stakeholders view Central Procurement practices as regulatory – n
 - 1 in 4 believe that it is a critical strategic function that helps reduce overall cost of government
 - Less than 10% see central procurement practices as a barrier to government efficiency
- ✓ **Improvement Opportunity** – Opportunity to demonstrate value
 - ✓ 50% have no formal Quality Management – engage in QM
 - ✓ Survey client agencies, end users, vendors perceptions
 - ✓ Address and report in strategic plan and take actions to create the type of procurement organizations

Stakeholder perception of procurement practices



Ranking the States: Organizational Culture & Leadership

Best Practices

GA – Purchasing Advisory Panel give feedback that is acted on for improved procurement outcomes and customer service.

VA- Strategic plan is in place, with performance measures, as is a formal quality improvement program; data collection and analysis is viewed as critical to success; innovation is valued and there is a desire to develop new and improved procurement methods; client agencies and vendors are tapped for ideas.

OH –Lean Six Sigma tools with client agencies to develop and improve procurement processes & solutions to add value and bring about outcomes that agencies want; collaborative approach to work with agencies and agency head in advance to develop specifications, scope of work and scouring criteria for the procurement.

WA - Uses Lean processes to review and improve procurement processes for efficiency by working with teams of vendors and client agencies.

1. Georgia

2. Utah

3. Virginia

4. Ohio

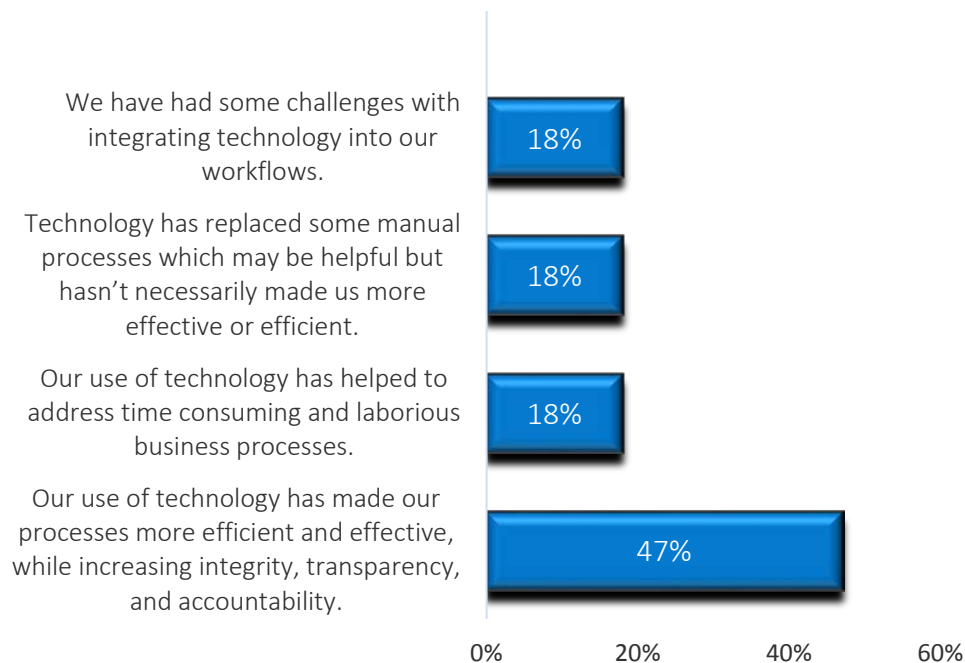
5. Oregon

Use of Technology

Rate the use of technology in your state procurement office?

- Only 47% believe technology has improved efficiency, effectiveness while increasing integrity and accountability
 - 12% no e-proc system
 - 12% only manages internal requisitions in the central office
 - 68% primary means submission & tracking requisitions in gov.
 - 61% integrated or interfaced with accounting system
 - 61% with full work flow through out gov.
 - 28% includes data analytics and BI for spend analysis and projections
- ✓ **Improvement Opportunity** – Next generation e-proc systems with BI
 - ✓ Some need an e-proc system
 - ✓ Frustration with technology implementation

Attitudes towards technology



Ranking the States: Use of Technology

Best Practices

VA - New e-procurements system is one of the most complete of the new generation systems; extensible to any public agency in the state & interfaces with over 40 state accounting systems.

CA - Uses technology to drive transparency, competition, policy adherence, training and improved procurement outcomes.

MA - Although the new COMMBUYS system still has missing pieces, the technology makes processes more efficient and effective, increasing transparency and accountability. Great example of on-line market place with all statewide contracts, over 1,100 vendors and 18 catalog punch outs with 13 more in progress.

UT - e-procurement system for use by all public entities within the state; includes contract management and data collection modules; participating in online ordering system; system includes business intelligence software.

1. Georgia

1. Virginia

3. California

4. Massachusetts

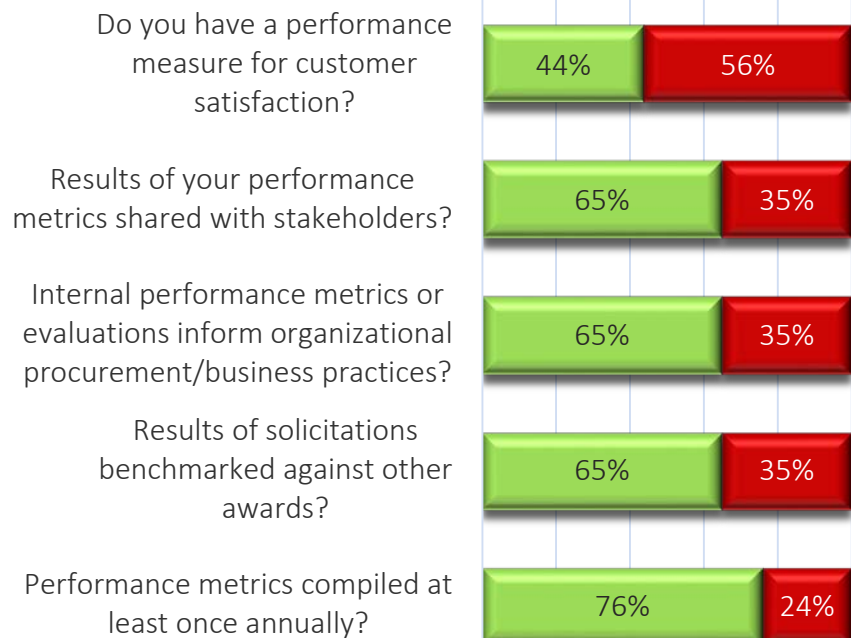
5. Utah

Performance Measures

Select the statement that most closely reflects your use of performance measures?

- Lack of customer satisfaction measurements in a function now defined by customers
 - 1/3 do not share performance metrics with stakeholders
 - 1/3 do not drive or inform organizational procurement or business practices by performance measurement
- ✓ **Improvement Opportunity –**
- ✓ Measure and report on performance including customer satisfaction
 - ✓ Include performance reporting in strategic planning process both on reporting results and shaping the plan
 - ✓ Benchmark results of procurements

Performance measures



Ranking the States: Performance Measures

Best Practices

MI - Customer surveys after each sourcing event. Key performance indicators – including progress on category savings- are measured monthly and submitted to the Director’s Office and reviewed in meetings with client agencies on a regular basis.

MN - Results-Based Accountability focuses on setting goals based on “the difference we are trying to make.” Performance measures for , how well did we do it and is anyone better off.” Solicitation benchmarked.

VA – Monthly reporting on multiple topics, including both workload & outcome measures; used to inform organizational processes. Performance measures benchmarked .

GA – Two pronged approach to benchmarking performance captures data and information that is used to review and modify polices to better support customers. 2. Individual score cards and self audit tool are made available online to help end-users assess and verify compliance.

1. Michigan

2. Minnesota

3. Virginia

4. Washington

5. Georgia

Information Communication Technology Procurement

Do the IT procurement processes support civic initiatives, hackathons, technology accelerators or other open challenges that engage civic into creating new technology solutions for government?



For procurements related to IT projects, are procurement staff embedded into the project team?



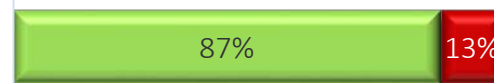
Is there a market engagement strategy designed to inform potential providers of the state IT needs, validate requirements and provide visibility into pending procurement events?



For IT project services contracts, do the key personnel listed in the proposal response to the RFP usually remain on the project throughout the life of the contract?



Does the IT procurement organization in coordination with internal and external stakeholders regularly review and update IT terms and conditions to manage risk and keep terms and conditions commercially reasonable and relevant?



Do the award processes permit limited negotiation of terms and conditions after tentative award but before contract signing for IT procurements?



Do the evaluation processes permit clarification of proposals after evaluation, but before award?



Information Communication Technology Procurement

Are sourcing methods specifically designed to achieve IT project results consistent with the state technology architecture and business owner needs?



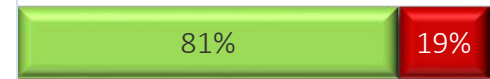
Are the terms and conditions reviewed and adjusted for the specific IT service in advance of the solicitation release?



Before deciding a sourcing method is a thorough market analysis conducted using broad and open communication with vendors through techniques to develop a clear view of market conditions, technology alternatives, proven innovation, pricing and other alternative solutions?



Have procurement processes been reviewed to identify and remove barriers to communication between the vendor and state?



Is a sourcing strategy and procurement plan included in each major IT project plan with a procurement/s?



Clear and concise decision rights and escalation procedures exist in all charters and documents to manage questions, disputes, changes and delays in the procurement and contract administration?



Is the problem or challenge to be solved always clearly defined and understood by the proposer?



Ranking the States: Information Technology Procurement

Best Practices

VA - IT sourcing changed to include a market survey, negotiation strategy and supplier financial analysis tools, with the result of streamlined solicitation and contracts.

CA - Procurement staff embedded in project team for IT projects; regularly updates IT terms and conditions to keep current with commercially reasonable practices in coordination with internal and external stakeholders.

MA –Multistage solicitation process where industry responses to a draft RFP; IT processes support civic initiatives, hackathons, technology accelerators and other open challenges designed to create new technology solution; uses rolling vendor pool to keep IT providers –including emerging technology vendors- fresh and to streamline the execution of IT projects.

MN - IT symposium held annually; centralized license tracking provides more efficiency and control.

GA - “High touch” procurement approach with several interactive dialogs - GTA shared their vision & listened to advice from contractors, which was incorporated into a revised & replicable procurement strategy.

1. Virginia

2. California

3. Massachusetts

4. Minnesota

5. Georgia

Ranking the States: Overall Top 25

1.....	Georgia	13.....	Delaware
2.....	Virginia	14.....	West Virginia
3.....	Minnesota	15.....	Maine
4.....	Utah	16.....	California
5.....	Massachusetts	17.....	Mississippi
6.....	Ohio	18.....	Indiana
7.....	Missouri	19.....	Vermont
8.....	Washington	20.....	Idaho
9.....	Michigan	21.....	Florida
10.....	Montana	22.....	North Dakota
11.....	Oregon	23.....	Wisconsin
12.....	Pennsylvania	24.....	Arkansas
		25.....	Oklahoma

State Procurement Reform: A Work in Progress

Questions ?

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