Receipt and Opening of Tenders

Receipt of Tenders

It is best practice to use **PCS-Tender** for the whole tender process including receipt of tenders, if the buyer has access. Alternatively, **Public Contracts Scotland** (PCS) can be used to issue and receipt tenders.

Quickfire Guide

Quickfire Guide

Manual Opening of Tenders

If using a manual system to open tenders, some basic guidelines are provided below:

- All tenders must be returned to the named individual within the **Invitation to Tender (ITT)** document
- Any tenders mistakenly returned to any other person must not be opened. These should be forwarded immediately to the named individual within the ITT document
- To ensure tenders remain unopened until the pre-defined tender opening ceremony, the ITT should include a tender return label. The supplier should attach this label on the exterior envelope or package
- The named individual within the ITT document is responsible for storing the unopened tenders securely.

What if You Haven’t Received Enough Responses?

Open or close

It is best practice to obtain at least three tender responses, where possible. Where tenderers issued with a copy of the ITT do not submit a response, you should ask for reasons why. You should record these reasons on file to aid future strategy development.

If only two tenders are received you should consider whether to:

- continue with the competition or
- review the specification and re-start the process with a view to securing higher levels of engagement.

In making such a decision you should consider:

- the size of the market,
- whether the bids received provide sufficient competition and
- whether there is a risk that one or more of the tenderers would not participate in a new competition.

If only one tender response is received you should consider why this is. For example has the market been restricted in some way or has the opportunity been unattractive?. In such cases you should consider restarting the process.

If you are satisfied that there are no particular reasons for receiving only one bid, and that bid is compliant, then you may consider continuing.

The above should be conducted in accordance with your internal governance procedures.

Non Competitive Action

You may consider the use of a Non Competitive Action (NCA) in cases of exceptional circumstances. You must receive approval from the appropriate person in your Organisation e.g. your Head of Procurement, before proceeding.

Late Bids

Open or close

Tenderers must ensure their bid is submitted under the rules of the competition and before the specified deadline.

In exceptional circumstances a bid that arrived after the deadline maybe accepted into the competition. The policy for addressing late tenders is subject to the internal governance for your organisation, legislation and case law.

If you are in doubt about whether to allow a late bid into the competition professional procurement and/or legal advice should be sought. There must be a clear audit trail of the handling of late bids and any decision taken.

If **PCS-Tender** is being used, you will be able to identify the tenderers who have submitted late tenders. You can then determine whether to open the late tender or reject it.

It is best practice for you to notify the tenderers if the late tender has been accepted or rejected.

Opening of Tenders

If you are using PCS-Tender, this stage of the Procurement Journey will be automated. You should refer to the specific guidance for this system for information on how to manage this stage. It is important to ensure that you select the sealed tender option on any electronic tender system.

If you do not use PCS-Tender, you should refer to your internal policies and procedures for information on how to manage this stage. If you have no internal policies and procedures you may wish to follow the guidelines outlined below.

Prior to the tender return date you should establish a tender opening board consisting of at least two members of your Organisation's staff. The board is responsible for:

- opening,
- checking, and
- recording the details of the returned tender submissions on the tender opening form.

Checklist

Checklist

Tender Opening Board Checklist

The board must check the following:

Action	Completed?
Tender has been signed and dated by the bidder	
Price schedule has been completed in accordance with the ITT instructions	
Standard Conditions of Contract, and all other conditions of contract, issued with the ITT have not been amended, altered or replaced by the bidder	
Record any omissions in writing, and keep within the registered tender file	

Blank rows are provided for your use e.g. to add additional checklist items.

Note: if a tender is incomplete, or doesn't conform to instructions, it may be disqualified. You should refer to the appropriate person in your Organisation e.g. Head of Procurement, for guidance.

If a tender is disqualified, inform the bidder in writing at the earliest opportunity. This communication should include the reason(s) for disqualification.

Retain the completed tender opening form and file as part of the tender audit trail for the procurement.

Any documents you need are listed below

Tender Opening Form

(file type: docx)