Contract Notice and Advertising

Contract Notices should be used to advertise all Route 3 procedures. The only exceptions to this are:

- Use of the negotiated procedure without prior publication (only available in strictly defined and exceptional circumstances).
- For Care and Support Services contracts between £50,000 and the **light touch regime threshold**.

The Contract Notice must contain the minimum and specific requirements for your procurement exercise.

If you are unable to estimate the value of a contract that contract will be explicitly made subject to the procurement rules. More information can be found at What Procurement Route Should I Choose? and Thresholds.

Indicative Budget

You may choose to:

- indicate the available budget for delivering the service in question;
- specify the outcomes desired; and
- invite providers to submit proposals for achieving the outcomes within the resources available.

Stating an indicative budget ensures that bidders' tenders for delivering the service are affordable. This may be appropriate if, for example, a procurement exercise fails and the organisation moves to negotiation with suppliers. In other circumstances, stating an indicative budget may make it difficult for an organisation to assess that the service represents value for money.

Establishing a Timetable for the Procurement Process

This is particularly important if there is an expectation that suppliers will submit consortia bids to allow discussions between suppliers to take place.

Publication of Contract Notices

All Contract Notices must be published on **Public Contracts Scotland** (PCS).

PCS is the national advertising portal which provides suppliers with free access to contract opportunities. It guides you:

- through the process of creating a Notice on its website and
- automatically creates a notice on the Find a Tender Service (FTS)

You will receive a PCS alert after you have submitted the Contract Notice for publication on PCS.

You must retrospectively update your online SPD (Scotland) with your FTS reference number if using the PCS Module.

Accessing the Procurement Documents

Your Contract Notice must contain details of how bidders can access your procurement documentation.

From the date you publish your Notice you must make your Procurement Documents available:

- on the internet;
- in unrestricted and full direct access form; and
- free of charge.

The Regulations define ‘procurement documents’ very widely. This includes all documents related to the procurement i.e. including technical specifications, terms and conditions and tender documents to be used at subsequent stages

In practical terms, it is not always possible to have all documents available at the start of your procurement exercise. Only in an **Open Procedure** are you required to have the ITT available from the outset. For all other procedures you must provide sufficiently precise information. This will allow bidders to understand the

nature and scope of your requirement and decide whether to request to participate.

PCS-T Publication Procurement Documents must not be published in PCS-Tender until the FTS Publications Office confirms the FTS notice has been published.

If Using PCS-T

Open or close

If you use **PCS Tender** you must provide:

- the relevant reference numbers for the specific procurement; and
- set time limits for the receipt of tenders (bearing in mind statutory minimums).

If Using PCS

Open or close

If uploading Procurement Documents to PCS (Advertising) file size restrictions apply. These are:

- 10Mb per document a maximum of 40Mb for the buyer; and
- 10Mb per document with a maximum of 30Mb for the Supplier.

If you are using PCS-Tender, attachments cannot be added to the Contract Notice on PCS Advertising. You must add your documents to PCS-Tender.

Care and Support Services

Open or close

When determining the start date of the contract, an organisation should take into account any process and timescales for registering a care service where this involves a new service or change in the registration of a service. In all cases, an organisation should seek to observe the timescales it has set for decision making.

Electronic auctions should not, in any circumstances, be used for **Care and Support Services** procurement.

You must put the exclusion statement under II.2.14 (Additional Information) of the contract notice, and the selection statements under III.1.4 (Objective Rules and Criteria for Participation) of the Contract Notice.

Please also read the Guidance on reserving contracts to qualifying organisations for certain health and social care services. If you are reserving a contract for this reason, the call for competition shall reference Regulation 76A of the Public Contracts (Scotland) Regulations 2015.

EU Funding

Open or close

All notices above threshold relating to EU funded procurement exercises (even when the original contract notice is published after December 2020) need to be published via OJEU to ensure compliance. The publication of notices will be managed automatically by Public Contracts Scotland (PCS). If you are in doubt whether your procurement exercise is or is not EU funded please seek legal advice.

Please note that the information and guidance provided in the Procurement Journey routes are not designed to cover the specifics that are often applicable to such procurement exercises and we would always advise you to seek specific legal guidance where you need further support.

Selection Criteria and Minimum Standards

Open or close

The Contract Notice must contain the minimum and specific requirements for your procurement exercise. You should include the standardised statements relating to their relevant SPD questions. This is not necessary if using the online SPD module on PCS as the relevant information is contained within the module.

If using the PCS-T SPD, you can create new statements or amend the existing statement(s) included in the **Standardised Statements document.** You will then include the statements within the Contract Notice.

Additional or amended statements should only be used if no suitable standardised statements already exist. You must ensure all statements used in the procurement exercise must:

- relate to a specific question in the SPD;
- reflect the selection criteria; and
- reflect the minimum requirements.

It is important that the Contract Notice provides the scope of the requirement, which could include the value, the volume of goods or the nature and extent of services. In the case of Contract Notices for Framework Agreements it must clearly identify the bodies entitled to use the Framework Agreement.

You must include in your Contract Notice whether your proposed contract is to be a reserved contract. It must also state:

- if you intend to hold an **electronic auction**;
- whether presenting tenders in an electronic catalogues format is acceptable or required;
- whether or not variants are authorised or required; and
- any information in respect of any lots.

Community Benefits in Contracts

Open or close

If you estimate your contract value at or greater than £4,000,000 you must include a community benefit requirements summary in your Contract Notice.

If you do not intend to include community benefits in your contract you must state the reasons why in your Contract Notice.

Prior Information Notice (PIN)

All Organisations may give advance notice of planned procurements. This is done through the publication of a Prior Information Notice (PIN).

Use of a PIN

Open or close

A PIN alerts potential bidders to future planned procurements and allows them time to prepare to bid for the contracts announced.

It can also enable reduction of timescales once the specific Contract Notice has been despatched.

Organisations can issue a PIN as a means to seek information from suppliers to the market when developing a procurement.

- The standard PIN form should be used
- The PIN must have been sent between 35 days and 12 months before the date on which the Contract Notice is sent
- Once a PIN has been published, reductions in timescales for competitions identified in the PIN are possible

The period covered by a PIN must be a maximum of 12 months from the date on which the notice is sent for publication.
