Notification of Contract Award Decision

There are standstill requirements that must be followed before your organisation can enter into a contract.

These do not apply where:

- the contract or framework agreement is exempt from the requirement for prior publication of a contract notice;
- there are no unsuccessful tenderers or candidates concerned; and
- a notice is not required to be given under regulation 85(4) of the Public Contracts (Scotland) Regulations 2015 (notices of decisions to award a contract or conclude a framework agreement).

A mini-competition can be issued with no standstill for Framework Agreements which are already in place. These templates may be used to notify the successful and unsuccessful tenderers in this instance.

Where a standstill period is required, you must send a specific notification to tenderers and candidates concerned (the Standstill Notice), which commences a standstill period. Using a standstill notice you must inform each tenderer and concerned candidate as soon as possible of the contract award decision reached.

A **standstill notice** communicates the intent to conclude the contract. It should be sent as soon as possible after the contract award decision has been made.

A notification must also be issued to each candidate and tenderer providing, where applicable, the grounds for any of the following decisions:

- Not to conclude a framework agreement for which there has been a call for competition;
- Not to award a contract for which there has been a call for competition;
- To recommence the procedure; or
- Not to implement a **Dynamic Purchasing System (DPS)** for which there has been a call for competition.

Responses to a Written Request

In addition to the standstill notice you must respond within 15 days to a tenderer's written request to:

- advise an unsuccessful tenderer of the reasons for rejection of its request to participate;
- inform an unsuccessful tenderer of the reasons for the rejection of its tender. This includes any decision that the goods or services do not meet the performance or functional requirements;
- for an unsuccessful tenderer, which has not been informed by a standstill notice, confirm the characteristics and relative advantages of the successful tender. This includes the name of the successful tenderer;
- if it was the successful tenderer, a description of any improvements the Organisation considers the tenderer could have made to its tender.

If **PCS-Tender** is being utilised, the notification can be issued electronically through the system.

Care and Support Services

Open or close

Specifically in relation to the procurement for **Care and Support Services**, on the award of a contract or conclusion of a framework agreement, you should communicate the outcome of the procurement exercise to the people who use the services and also to their carers.

A supplier should notify people who use the services of a cancellation of a care service's registration and any arrangements which are to be put in place to ensure that those who use its services and their carers receive an on-going and similar service. It would be appropriate for this to be done in collaboration with the organisation. An organisation should also communicate the outcome of the procurement exercise to any existing suppliers that have chosen not to tender.

With-holding Information

Open or close

Your Organisation may withhold certain information, regarding the contract award, where the release of such information would:

- prevent the enforcement of the law;
- be contrary to the public interest;
- would affect the commercial interests of particular tenderer(s), whether they are public or private, or
- may impact fair competition between tenderers.

As with all aspects of the Procurement Journey, the activities at this stage must be carried out in a carefully managed way that supports the **Principles of Procurement**.

Pecos Content Management System (PCM)

Open or close

Please note, if the commodity/service was deemed to be suitable for cataloguing, the buyer should set up the successful tenderer on the Pecos Content Management System (PCM) to ensure that they can prepare the catalogues where it has not already been done.

PCM is not appropriate for Care and Support Services