Award and Contract Notice

You can award the contract:

- once the standstill period has elapsed with no challenge from unsuccessful tenderers
- when you have obtained internal approvals your Organisation's governance requires.

Before awarding the contract to the successful tenderer(s) you should check the following.

Checklist

Checklist

Pre-Contract Award Checklist

Action	Completed?
Have you received the most up-to-date supporting documents referred to in the selection stage response e.g. certificates?	
Was the Standstill Notice sent to all bidders?	
Were there any concerned candidates? If so, was the Standstill Notice sent to them?	
Has the standstill period actually passed?	
Were any concerned candidates or bidders not notified electronically? If so a 15 days standstill applies.	

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

Publishing the Contract Award

The contract documentation should be collated and finalised to reflect the successful tenderer's submission and agreed terms and conditions. This documentation must be signed in duplicate by the appropriate authority levels in both the contracting and tenderer's organisations.

You must include **Fair Work practice** commitments from the successful tenderer's bid as standard Contract & Supplier Management criteria in the contract terms. This will include any agency or sub-contractor workers.

You must include terms which will apply to new members of the workforce during the delivery of the contract.

It is also important to include terms, which will apply to any new members to the workforce during the delivery of the contract.

The documentation must be signed in duplicate by the appropriate authority levels in both the contracting and tenderer's organisations.

You must consider who you need to inform when a contract has been awarded and the information they require e.g. notify stakeholders and users of the contract award, providing them with timescales, details of the contract, any migration considerations.

If using **PCS-Tender**, the Contract Award must be activated on the system. This activation does not generate correspondence to the tenderers. As a result you must issue the award on **PCS**.

Contract Award Notice

A Contract Award Notice is a public announcement of the public procurement exercise outcome. This public announcement can be made in two ways:

- if your contract/Framework Agreement/Dynamic Purchasing System was advertised before 11 p.m. on 31 December your Contract Award Notices will be published via the Official Journal of the European Union (OJEU).
- if your contract/Framework Agreement/Dynamic Purchasing System was advertised after 11 p.m. on 31 December your Contract Award Notices will be published via the Find a

Tender Service (FTS).

In both of the above scenarios PCS will automatically direct your Contract Award Notice via the correct publication system.

Publication of a Contract Award Notice is mandatory for ALL Route 3 procurement exercises.

The Contract Award Notice must be despatched no later than 30 calendar days after the contract or framework agreement award date. This also applies when a mini competition is £50k or over and has been called off from a Framework Agreement.

Contract Award Notice(s) must be published on the **Public Contracts Scotland (PCS)** portal. Contract Award Notices published via PCS will contain all of the mandatory information required.

Contract Award Notices for Lots

Open or close

When running a procurement exercise, there may be some circumstances where you wish to award some lots and not others.

For example:

- Delaying a contract award on a specific lot because of a delay to the standstill period but still awarding the other lots in the procurement exercise.
- There are no compliant bids on a specific lot and an alternative exercise may be required for this lot but the bids on the other lots are compliant and can still be awarded.

To support this, in **Public Contracts Scotland (PCS)**, you will have the capability **to award selected lots through separate award notices.**

The process in PCS is:

1. Select your notice and click on “award”
2. The new page will be displayed with all lots (if any). If there are no lots, the award process stays the same
3. You will need to deselect lots you don’t want to award and then click “award”.

There are no changes to the award notice itself and the award process will also stay the same.

Dynamic Purchasing System Contract Award Notices

Open or close

For contracts created via a **Dynamic Purchasing System (DPS),** Contract Award Notices can either be:

- published individually for each and every award, or
- can be grouped together, published on a quarterly basis within 30 calendar days of the end of each quarter.

Contracts Register

Open or close

The **Public Contract Scotland (PCS)** Contracts Register module provides buying organisations a facility to operate a private register of all contracts they have in place, and a public register of these contracts to meet the obligations of the **Procurement Reform Act (Scotland) 2014**.

When you publish a PCS award notice an entry is automatically made in your contracts register. Your organisation will need to make the decision whether to make the contracts register publicly viewable or not.

The PCS contracts register will pull through the contract value from your contract award notice. You should always be as open and transparent as possible when completing this field. This field can be manually amended but all relevant amendments have to be manually duplicated in the Scottish Procurement Information Hub (there is no integration between the two systems for manual amendments).

Even if you withhold the contract value from a contract award notice, this does not exempt the information being subsequently disclosed under the **Freedom Of Information (Scotland) Act 2002 (FOISA)**. To withhold information under FOISA, the information would have to, or be likely to, cause substantial prejudice. Also, the public interest in withholding the information would have to outweigh the public interest in its release.

Detailed contracts register user guidance can be found in **PCS**.

PLEASE NOTE: if you do not use PCS for producing a contract register, you still must produce a publicly available one.

Community Benefits

Open or close

The contract award notice must include a community benefits statement when:

- the estimated value of the contract is equal to or greater than £4,000,000
- the Procurement Documents stated community benefit requirements will be imposed in the contract,

If included, this statement must include the benefits you believe will derive from community benefits clause(s) through the life of the contract.

With-holding Information

Open or close

You can withhold information from the contract award notice or the conclusion of the framework agreement where publication:

a) would impede law enforcement;

b) would be against the public interest;

c) would affect the commercial interests of particular tenderer(s), whether they are public or private, or

d) may impact fair competition between tenderers

Where the publication would affect the commercial interests of particular tenderers, you must demonstrate that the commercial interests of the company concerned would definitely be prejudiced by releasing the information.

As with all stages of the Procurement Journey consideration must also be given to Planning, Sustainable Procurement and Risk Management. For example you must be mindful that there is always a risk of supplier challenge to your procurement exercise. You must therefore do what you can to mitigate such risks.