# Contract Award

**Before proceeding with your Contract Award you must ensure you have received, reviewed and approved the most up-to-date supporting documents referred to in the selection stage response e.g. certificates.**

You should now be at a stage where you have identified the successful tenderer(s). From a fraud awareness perspective, the following checks should be made before progressing to the next stage.

Checklist

Checklist

## Contract Award Readiness Checklist

Before a buyer awards a contract they should check the following points:

| Action | Checked? |
|---|---|
| Who was involved in the tender award process? Have there been any changes in staff from those involved during the tender evaluation? | |
| Did any of the tenderers drop out of the process and decide not to proceed with the tender? Consider if an unknown agreement was made. | |
| Review the list of proposed suppliers/sub-contractors to be used by the successful bidder? Did these organisations also bid directly for the tender exercise? Such circumstances can lead to a pre-determined outcome as it would be irrelevant who was awarded the work. This may identify cartel operating. | |
| | |

| | |
|---|---|
| | |

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

# Contract Award Recommendation Report

You should prepare a Contract Award recommendation report.  This should be endorsed by the User Intelligence Group (UIG) prior to receiving approval to proceed by the appropriate authority level within your Organisation.

Quickfire Guide

Quickfire Guide

## Recommendation Report Contents

The report should contain reference to the following:

- Summary of the process to date
- Ensure any decisions for supplier disqualification have been fully documented and that the paperwork is available for inspection
- Recommendation of award & request for approval
- **Selection Stage** evaluation results (if not contained within previous report)
- Technical & commercial evaluation (including any whole life costing) together with details of any clarifications conducted benefits and savings available
- Details of any risks still present and mitigation plans
- **Sustainability considerations** (life-cycle costing, social, economic and environmental)

- Cyber Security Considerations

- Considerations in relation to Community Benefits in procurement exercises equal or greater than £4M

- Details on how the tender outcome will meet the requirements identified in the Commodity/Service Strategy

Once you have obtained approval you can notify both the successful and unsuccessful tenderers of the outcome, and they should be notified as soon as possible.

Information provided to tenderers must, where applicable, include the grounds for any decision:

- Not to conclude a **Framework Agreement;**
- Not to award a contract that has been advertised;
- To recommence the procedure; or
- Not to implement a **Dynamic Purchasing System (DPS).**

Consideration must also be given to **Planning, Sustainable Procurement** and **Risk Management** throughout this stage of the Procurement Journey.

**Remedies**

Open or close

Remedies provide legal solutions to bidders/potential suppliers as a result of procurement law breaches by public bodies or utilities.

This includes:

- stopping entering into a contract or concluding a framework agreement if a court proceeding notice has been issued and served
- changes to remedies/penalties for the most serious breaches of the procurement rules. This includes:
    - ineffectiveness orders (orders which cancel a contract or framework agreement)
    - shortening the duration of a contract or framework agreement
    - imposing a financial penalty on the public body concerned

- time limit changes for bringing court proceedings

Further information can be found in part 3 of the Public Contract (Regulations) 2015. Alternatively, guidance and advice can be sought from your organisations legal department.

**Pre-Contract Award Checklist:**

Open or close

- 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 tenderers?
- Were there any candidates concerned and if so was the Standstill Notice sent to them?
- Has the standstill period actually passed?
- Were any concerned tenderers or candidates not notified electronically? If so, 15 day standstill applies.

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

It is important to include the **Fair Work practice** commitments from the successful tenderer's bid as standard Contract & Supplier Management criteria in the contract terms, including any agency or sub-contractor workers.

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

You must consider who you need to inform when a contract has been awarded and the information they will require e.g. notify stakeholders and users of the contract award providing them with timescales, details of the contract and any migration considerations. Many organisations have a governance process which requires internal approval to be obtained before the contract is awarded to a supplier.

If utilising PCS-Tender, the Contract Award must be activated on the system. Please note that this does not generate correspondence to the tenderers and this should still be issued by the buyer.

The Contract Award Notice must now be created on PCS

## Any documents you need are listed below

**Regulated - mini competition successful no standstill**

(file type: docx)

**Notice Informing Unsuccessful Tenderer of the Contract Award Decision**

(file type: docx)

**Guidance on Contract Renewal and Direct Award without Competition**

(file type: docx)