**Applicable to Route 3 – Procurement Journey**

**EU Regulated - elimination - restricted procedure, competitive dialogue, etc**

This template is for use in EU-regulated procurement processes starting on or after 18 April 2016.

It is a requirement to notify candidates/tenderers of their elimination during a restricted procedure, competitive procedure with negotiation, competitive dialogue or innovation partnership.

This template includes lengthy detail to help understand the application of the necessary regulations, 56 and 85 from the Public Contracts (Scotland) Regulations 2015).

This should be used for OJEU value contracts.

Thank you for your request to **[participate/tender**] dated **[insert date of request/tender]** for **[insert title of contract]**. Having evaluated all the

**[requests/tenders]** received for this contract, I am writing on behalf of the **[insert contracting authority]**, to inform you that you will not be invited to **[Draft Note**: **delete according to the procedure being followed.**

**negotiate the contract at the [next/final]** **stage/participate further in the procedure/dialogue/partnership]**

*The table below shows your scores against the published award criteria.*

|  |  |
| --- | --- |
| **PUBLISHED EVALUATION CRITERIA** | **YOUR SCORE** |
|  |  |
|  |  |
|  |  |
|  |  |
| **OVERALL SCORE** |  |

**[Draft Note: Provide reasons why the [the request to participate/tender] was unsuccessful. Unless the contracting authority fulfils one of the following three options, the standstill period cannot be said to have commenced, opening up the possible ineffectiveness remedies.**

1. **Voluntarily** – The contracting authority can at this stage voluntarily provide the unsuccessful [candidate/tenderer] **reasons** for the rejection of its request to [participate/tender] which is considered best practice.
2. **Upon request** – The contracting authority must inform the unsuccessful [candidate/ tenderer] within 15 days of a written request of the **reasons** for the rejection of its request to [participate/tender] (regulation 56(3) of the Public Contracts (Scotland) Regulations 2015).

1. **Standstill notice** – The contracting authority must inform by notice all [tenderers/candidates concerned] of its decision to award the contract. In the case of an unsuccessful candidate concerned, this must include a **summary of the reasons** why the candidate was unsuccessful (regulation 85(2)(e) of the Public Contracts (Scotland) Regulations 2015). In the case of an unsuccessful tenderer, this must include a **summary of the reasons** why the tenderer was unsuccessful and the characteristics and relative advantages of the successful tender (regulation 85(2)(d) of the Public Contracts (Scotland) Regulations 2015).]

**Draft Note**: **in determining whether to provide any information at this stage, public bodies should consider the impact that providing such information may have in maintaining effective and genuine competition, including the potential effect that the elimination of competitors may have on those remaining in the competition and whether such effect could undermine the public body’s ability to maintain effective and genuine competition. Reasons for exclusion should not normally be given at this stage if it has been determined that, on balance, to do so could undermine the on-going competition.]**

If you would like to receive [additional] debrief information on why you were unsuccessful, please contact us in writing. We will respond to you within 15 days of receipt of a written request.

May I take this opportunity to once again thank you for your interest in this contract and remind you that further contracting opportunities from the Scottish public sector can be found on the Public Contracts Scotland portal.

<http://www.publiccontractsscotland.gov.uk/>