**Applicable to Route 3 – Procurement Journey**

**EU Regulated - mini competition - unsuccessful - no standstill**

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

It is not a requirement to notify tenderers which are unsuccessful in a mini-competition or when a contract is awarded under a dynamic purchasing system of the decision in relation to the contract however it can be considered good practice.

Public bodies do not have to follow the standstill rules when awarding a call-off contract under a framework agreement. However, where an EU-regulated contract is awarded by mini-competition, following the standstill rules on a voluntary basis (including summary reasons) can protect the contract from ineffectiveness, if challenged in court.

This should be used for OJEU value contracts.

Thank you for your tender dated **[insert date of tender]** for **[insert title of contract]**. Having evaluated all the tenders received in response to the **[mini-competition/invitation to tender]** for this contract, I am writing on behalf of the [insert contracting authority], to inform you that it is our intention to award a contract to **[insert name of successful tenderer]**.

***[The table below shows the individual scores given against the published criteria in respect of your submission and those of [insert name of successful tenderer]].***

|  |  |  |
| --- | --- | --- |
| ***PUBLISHED EVALUATION CRITERIA*** | ***YOUR SCORE*** | ***WINNING TENDERER’S SCORE*** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| ***OVERALL SCORE*** |  |  |

We are also required to provide a summary of reasons for why you were unsuccessful.

**Draft Note*:* sufficient information must be detailed here to enable the tenderer to identify why it has not been awarded the contract including the characteristics and relative advantages of the successful tender.**

We intend to observe a ‘standstill period’, during which we will refrain from entering into the contract with the winning tenderer*.* For the purpose of this contract the standstill period shall run for a period of **[refer to the note below on standstill period for number of days]** days commencing the day after the date that this letter is despatched to you and is anticipated to end on **[insert date]**.

**[Draft Note: Section 86 of the Public Contracts (Scotland) Regulations 2015 provide specific detail on standstill periods.**

**Under this section, where notice is sent to all economic operators by facsimile or electronic means, the standstill period is a period of 10 days ending at midnight at the end of the 10th day after that on which the last notice is sent.**

**Where the notice is sent to any economic operators only by other means, the standstill period is a period of 15 days at midnight at the end of the 15th day after that on which the last notice is sent. ]**

Unless court proceedings are served on **[insert the contracting authority]** during the standstill period or **[insert the contracting authority]** considers that it would be unlawful to award the contract, we intend to award the contract to the winning tenderer as soon as possible after the expiry of the standstill period.

If you would like to receive further 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 there are likely to be further contracting opportunities under the framework agreement/dynamic purchasing system*]. Other contracting opportunities from the Scottish public sector can be found on the Public Contracts Scotland portal.

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