**Procurement Journey**

**Standstill notice to unsuccessful tenderer**

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| **The purpose of this template** |
| **EU Regulated - letter informing unsuccessful tenderer of the contract award decision - with standstill**  **Applicable to The Procurement Journey - Route 3**  **This template is for use in EU-regulated procurement processes starting on or after 18 April 2016.**  **This should be used for OJEU contracts.**  **You should delete this guidance page prior to sending the letter.** |
| **Notes to help you complete this template** |
| When deciding what information should be issued to unsuccessful tenderer you should consider regulation 85 of the Public Contracts (Scotland) Regulations 2015 and pay particular attention to 85(2) and 85(3) when completing this template: <http://www.legislation.gov.uk/ssi/2015/446/made>  For the purposes of issuing a standstill letter, a candidate is someone that was excluded at the selection stage but has not both been informed of its exclusion and the reasons for it.  The feedback you are required to give at this stage of the process is detailed specifically in regulation 85(2). This is the minimum information you must provide. Failure to provide sufficient information to the unsuccessful tenderer or candidate may delay the commencement of the standstill period.  You may, however, choose to provide more information than the summary required under regulation 85(2).  The unsuccessful tenderer can request more detailed feedback on why they were unsuccessful. Regulation 85(6) of the Public Contracts (Scotland) Regulations 2015, outlines the obligation to respond within 15 days. You should, in this circumstance, insert the following paragraph:  *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.*  Regulation 86 of the Public Contracts (Scotland) Regulations 2015 gives specific detail on standstill periods. <http://www.legislation.gov.uk/ssi/2015/446/part/3/chapter/5/made>  This regulation states, 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 (e.g. post), the standstill period is a period 15 days ending at midnight at the end of the 15th day after that on which the last notice is sent.  You should also take cognisance of regulation 2(4) of the Public Contracts (Scotland) Regulations 2015 where it describes how you calculate a period of time when informing tenderers or candidates : <http://www.legislation.gov.uk/ssi/2015/446/made> |
| **Notes to help you complete the annex** |
| Regulation 85(2) of the Public Contracts (Scotland) Regulations 2015 requires the contracting authority to summarise the reasons why the tenderer or candidate was unsuccessful and to explain the characteristics and relative advantages of the successful tender. Sufficient information must be included to enable the tenderer to identify why it has not been awarded the contract. <http://www.legislation.gov.uk/ssi/2015/446/part/3/chapter/5/made> |

Thank you for your tender dated **[insert date]** for **[insert title of contract]**. We have now completed our evaluation of tenders received for this contract and, on behalf of the **[insert contracting authority]** I must inform you that on this occasion your tender has not been successful. The table below shows the individual scores given against the published criteria in respect of your submission and those of the winning tenderer **[insert name of winning tenderer]**.

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| **Published evaluation criteria** | **Your score** | **Winning tenderer’s score** |
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| **Overall score** |  |  |

[Annex A](#Annex_A) to this letter provides a summary of the reasons why you were unsuccessful and the characteristics and relative advantages of the successful tender.

We are now required to observe a standstill period during which we must refrain from entering into contract with the winning tenderer. The standstill period shall run for a period of **[insert 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]**.

As soon as possible after the expiry of the standstill period, unless court proceedings are served on **[insert the contracting authority]** prohibiting the entering into of the contract, or any other circumstances arise which may cause the contract not to be awarded, it is intended to award the contract to **[insert the successful bidder]**.

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/>

**Annex A**

**[Insert summary of the reasons why the tenderer was unsuccessful**

**and the characteristics and relative advantages of the successful tender]**