

STANDARD LETTER UNSUCCESSFUL TENDERER OR CANDIDATE OF THE CONTRACT AWARD DECISION (ABOVE OJEU THRESHOLD)

Thank you for your tender dated [date of tender] for [title of contract]. We have now completed our evaluation of all the tenders received for this contract and, on behalf of Orkney Islands Council, we 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 [name of winning tenderer].

AWARD CRITERIA	YOUR SCORE	WINNING TENDERER'S SCORE
OVERALL SCORE		

Regulation 32 of the Public Contracts (Scotland) Regulations 2006 (SSI 2006/1) (as amended) requires us to summarise the reasons why you were unsuccessful and to explain the characteristics and relative advantages of the successful tender. (*Draft Note*: sufficient information must be included here to enable the tenderer to identify why it has not been awarded the contract.)

Regulation 32 also requires us to observe what is known as the 'standstill period' – during which we must refrain from entering into contract with the winning tenderer. For the purpose of this contract the standstill period shall run for a period of ***x*** days commencing the day after the date that this letter is despatched to you by email. (*Draft Note*: Rewording will be required if letter is sent other than by email. Also, purchaser must ensure that standstill period is a minimum of 10 calendar days from day after date of despatch if the letter is sent to all recipients by email or fax or 15 calendar days from day after date of despatch if the letter is sent to any recipients by other means).

The bringing of court proceedings against (*contracting authority*) during the standstill period will automatically continue the prohibition on entering into the contract until the court proceedings are determined, discontinued or disposed of, or the court, by interim order, brings to an end the prohibition. The remedies that may be awarded by the courts before the contract has been entered into include the setting aside of the decision to award the contract to the winning tenderer. The bringing of court proceedings against (*contracting authority*) after the contract has been entered into will not affect the contract unless **grounds for the imposition of special penalties under** the 2006 Regulations can be established. Otherwise, the remedies that may be awarded by the courts where the contract has been entered into are limited to the award of damages.

If you require further clarification, please contact us in writing. We will respond to you within 15 days of receipt of a written request.

May we take this opportunity to once again thank you for your interest in this contract.