



Highways Maintenance Efficiency Programme

# Official Journal of the European Union – Procedures HMEP Notes for Guidance Version 1 February 2013



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# REVISION SCHEDULE

OFFICIAL JOURNAL OF THE EUROPEAN UNION PROCEDURE  
NOTES FOR GUIDANCE

Rev	Date	Details	Prepared by	Reviewed by	Approved by
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# FOREWORD

## ABOUT THE HIGHWAYS MAINTENANCE EFFICIENCY PROGRAMME

The Highways Maintenance Efficiency Programme (HMEP) is a sector-led transformation initiative that will maximise returns from investment and deliver efficiencies in highway maintenance services. The Programme started in April 2011 with sponsorship from the Department for Transport and is intended to run until 2018.

The Programme is offering local highway practitioners benefits from different ways of working. The vision is that over time, those involved in highways maintenance delivery, the local authorities as clients and their service providers, be they from the private or public sector will adopt an ambitious and longer-term approach to enable them to:

- Continuously find new and improved ways of delivering services to highway users and managing highways assets,
- Make use of collaborative partnerships to improve processes and outcomes, and
- Deliver a sustainable balance between meeting the needs of highways users, improving quality and minimising costs.

The overall Programme has been developed by the Programme Board through key personnel who support HMEP's development. This will ensure that:

- The Programme is truly being driven by what the whole sector needs and wants ('by the sector for the sector'),
- The solutions identified by the sector are relevant, realistic, repeatable, scalable and sustainable, and
- HMEP is benefits-led, driving true transformation of the sector with tangible efficiency gains and a lasting legacy.

As a transformation initiative HMEP is targeting the ways local highway authorities conduct their business. It invites the sector to adopt new ways of working to deliver efficiency savings through:

- **Collaboration & Change** – looking at how alliances between authorities, and clients and their providers, can be formed to deliver efficiencies in the delivery of highway maintenance services. Other projects are looking at changing business processes; for instance by applying LEAN thinking to the processes behind *service* delivery and how services or processes can be streamlined to realise efficiencies.
- **Procurement, Contracting and Standardisation** – advising on the routes to procurement enabling authorities to determine how their current service is aligned to current thinking and which is the best procurement option to realise their future service ambitions. It also provides the tools so that efficiencies can arise through the use of, for instance, a standardised form of contract and highway

maintenance specification which are better aligned to the activities that local highway authorities undertake.

- **Asset Management** – by providing advice to the sector in the form of updated asset management guidance; for both a simplistic and, where appropriate, more complex lifecycle planning tool to determine whole life asset costs, thus moving away from a reactive to a longer-term approach for maintaining highways assets. To provide training specifically targeted at practitioners to help them move towards an asset management approach and to adopt the new HMEP guidance and tools.
- **Benchmarking & Performance** – collecting, sharing and comparing performance data on Customer/Quality/Cost to help both understanding to show how effective local highway authorities are in delivering Value for Money services and drive targeted efficiencies.

Products and tools are being developed for each of these themes and are being designed to be interdependent, but complementary, so that authorities can maximise their returns from their investments.

### ABOUT THIS SUITE OF CONTRACT DOCUMENTS

This suite of contract documents is part of the HMEP Procurement, Standardisation & Contracting theme. Entering into a contract is a time consuming process and there have been many developments in how they should be undertaken in recent years. This HMEP suite of documents compiles the current thinking around procurement and offers tools by which term maintenance services can be procured. It aims to remove the burden of maintaining the many bespoke forms of contract that authorities use and replace them with standard examples based on current good practice within the sector and is expected to be used in conjunction with the HMEP Standard Specification and Standard Details for Local Highway Maintenance to procure term service maintenance contracts or highway maintenance services. The suite comprises:

- Official Journal of the European Union (OJEU) Procedures and Notes for Guidance,
- Pre-qualification Questionnaire,
- Instructions for Tenderers and Notes for Guidance,
- The Form of Contract for Highway Maintenance Services.

These documents are located at [www.dft.gov.uk/hmep/efficiency/standard-form-of-contract.php](http://www.dft.gov.uk/hmep/efficiency/standard-form-of-contract.php).

The suite of contract documents takes practitioners through the procurement stages from advertising the intention to procure to the contract documentation needed to formalise the contractual relationships. It guides strategic thinking around the different considerations when completing these stages. In sequence, the first document, the OJEU, would be used to advertise an impending contract. The second document comprises the Pre-qualification Questionnaire which is used to determine the merits of those service providers that should

be invited to tender from those that should not. The third, the Instructions for Tenderers gives the data necessary for the *Contractor* to return the tender in the required format. Finally, the form of contract which provides the *conditions of contract* and details the Parties' contractual obligations and requirements for performance. These documents will give Local Highway Authority officers the guidance they need to make the right choices while maintaining as much flexibility as possible to increase the scope of works.

Standardisation is one of the key facets of the Programme that will contribute to delivering efficiencies. Local highway authorities need to be aware that any variation to these standard forms, particularly the form of contract, has to be considered carefully and will introduce the need to consult, check and seek appropriate contract and or legal advice. The benefits to an authority of not making changes is that there is greater understanding through the use of these common forms that *Contractors*, in time, will become familiar and confident in using, thereby giving more competitive prices. Any change will detract from the benefit of using the common forms and will have to be measured against the perceived benefit of using other highway authority bespoke forms. Every change introduced increases uncertainty which the *Contractor* has to consider and which potentially leads to an increase in cost. Anything that generates inefficiencies and higher than average costs for construction activities would be considered contrary to the HMEP guiding principles.

### OFFICIAL JOURNAL OF THE EUROPEAN UNION

This publication comprises the OJEU notice and associated notes for guidance. It is based on the European Union example from the Tenders Direct website. An important consideration prior to its use is that the scope of the services you wish to procure as this will influence how the OJEU notice is written. From the experience of others from across the sector, the chosen wording needs to be flexible so that the scope of service is not restricted or confined at the point of conception.

### HOW WILL THIS HELP YOU DELIVER MORE EFFICIENT SERVICES?

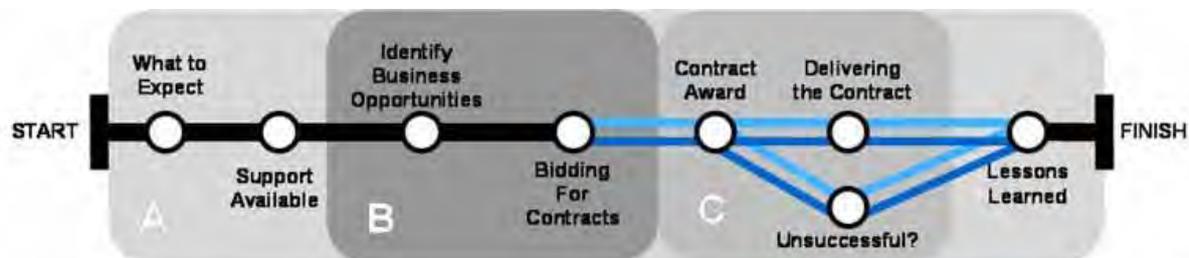
This suite of documents is aimed at local highway authorities to help guide them when procuring highway maintenance services. It is targeted at the head of procurement and head of highway level to guide their strategic thinking around the different considerations when completing their contract documents. It is based on the findings from a survey of the sector in October 2011 and examples of current contracts obtained from those authorities that have most recently procured highways maintenance services.

### COMMENTS AND FEEDBACK

The HMEP Programme Board would welcome any comments and feedback on this suite of documents so that it may be reviewed, improved and refined to give the sector the best advice possible. If you wish to make a comment, please send an email to [highwayefficiency@dft.gsi.gov.uk](mailto:highwayefficiency@dft.gsi.gov.uk) with the header 'Feedback on the HMEP Suite of Contract Documents'.

# 1 INTRODUCTION

- 1.1 The diagram below shows the overall process for preparing, executing and completing a contract. The OJEU procedures fit in the Bidding for Contracts and Contract Award phases of the overall process.



## OFFICIAL JOURNAL OF THE EUROPEAN UNION PROCEDURE

- 1.2 The European Union (EU) has issued a series of public procurement directives to regulate the awarding of contracts for public works and for the purchase of goods and services by public bodies. Directive 2004/18/EC ensures public body contracts are awarded fairly and without discrimination on the grounds of nationality and that all potential bidders are treated equally. Failure to comply with this legislation could result in a legal challenge.
- 1.3 The EU procurement procedure is intended to be fully transparent with the intention of creating a free and competitive Europe-wide market. The rules state that for projects above a specified financial threshold, a contract notice must be published in Supplement 'S' of the OJEU (previously known as OJEC S-Series). The information is available immediately on the web from Simap Europa at:  
<http://simap.europa.eu/enotices/viewFormTypes.do>
- The user will need to register with this site, then login and on the next page select the tab 'eNotices' and select 'start a new form'. The next page gives all the available OJEU forms.
- 1.4 These notes for guidance set out how to access and complete the Prior Information, Contract and Contract Award Notices for the awarding of contracts for public works over a minimum threshold value. The threshold values are usually, but not always, updated in January each year and the January 2012 values are shown overleaf. The figures are set in Euros and an equivalent value in GB pounds is included.
- 1.5 The buyer can advertise the contract more widely outside of the EU procurement directive, but cannot do so before it has dispatched a notice for publication in the OJEU, and is forbidden from including information that isn't given there.
- 1.6 After the prescribed tender return date, the bids are opened and assessed, and the tender with either the "lowest cost" or "most economically advantageous tender" is chosen. The contract award must also be reported in the OJEU. Rejected bidders are granted up to ten days to challenge a decision, and the European Commission routinely acts to police infringements.
- 1.7 The EU procurement process is under constant revision to avoid misuse.

**MINIMUM FINANCIAL THRESHOLD VALUES**

- 1.8 The minimum financial threshold values for Public Sector Contracting Authorities, and the details of differing procedures, are set out below. Where estimated values are below these financial thresholds there is no requirement to follow the OJEU procedure. These threshold values are usually, but not always, reviewed in January of each year and those shown in this document are the January 2012 values.
- 1.9 For Public Sector Contracting Authorities, in this instance Local Highway Authorities, the minimum threshold values requiring publication of a Contract Notice are indicated below:

	<b>Supplies</b>	<b>Services</b>	<b>Works</b>
Public Sector Contracting Authorities	£173,934 (€200,000)	£173,934 (€200,000)	£4,348,350 (€5,000,000)

- 1.10 A Prior Information Notice (or an Indicative Notice) should be published before issue of the Contract Notice if the value of the contract is above the minimum threshold values set out below:

	<b>Supplies</b>	<b>Services</b>	<b>Works</b>
Indicative Notices	£652,253 (€750,000)	£652,253 (€750,000)	£4,348,350 (€5,000,000)

- 1.11 Where the contract includes independent parts, i.e. small lots, the minimum threshold values for small lots requiring publication of a Contract Notice are indicated below:

	<b>Supplies</b>	<b>Services</b>	<b>Works</b>
Small Lots	£69,574 (€80,000)	£69,574 (€80,000)	£869,670 (€1,000,000)

- 1.12 Publication of a Contract Award Notice is required after award of any contract whose value exceeds the minimum threshold value stated above. Contracts with combinations of supplies, services and/or works should be treated as though each were a small lot.
- 1.13 In the tables above, the term 'Supplies' refers to supply of goods, 'Service' refers to provision of a service and 'Works' refers to construction. Taking winter maintenance as an example, provision of rock salt would be 'supplies', gritting would be 'Services' and construction of depots would be 'Works'.

**MINIMUM TIMESCALES FOR OJEU PROCESS**

- 1.14 There are several different procedures available for Public Sector Contracting Authorities. These include the Open, Restricted, Negotiated and Competitive Dialogue procedures. Each of these procedures sets its own limitations on the procuring authority, which must be considered when choosing the appropriate procedure.

- 1.15 The EU has recently published its intention to move to full e-procurement for all public purchases by 2016 and contracting authorities are recommended to move to e-procurement at the earliest opportunity.
- 1.16 The legislative proposals to modernise European public procurement adopted by the European Commission in December 2011 (IP/11/1580) proposed a gradual but ambitious transition towards e-procurement in the EU:
- First by making electronic means of communication mandatory for certain phases of the procurement process (electronic notification of tender opportunities and electronic availability of tender documents) by mid-2014 (at expected transposition of the revised Directive). Central purchasing bodies would also move to full electronic means of communication, including electronic submission of bids by mid-2014
  - Then by making electronic means of communication mandatory for all contracting authorities and all procurement procedures by mid-2016 (two years after the expected transposition of the revised Directive)
  - And by adopting more detailed provisions to encourage interoperability and standardisation of e-procurement processes.
- 1.17 The reference to days in the following descriptions on the various procedures should be treated as 'working days', i.e. 5 days per week.

- **Open procedure timescales**

The normal period from publication of the contract notice in the OJEU to the receipt of tenders is 52 days.

There are 3 sets of circumstances when it is possible to shorten the 52 days. These are outlined below and can, if all requirements are met, be used collectively. However, the number of days cannot be reduced to less than 22.

**PIN notice published**

A PIN notice has been published at least 52 days and not more than 12 months before the despatch of the actual contract notice in the OJEU. The timescale of 52 days may be reduced to 36 days

**Use of electronic notices**

Where the contract award notice has been forwarded to the OJEU in an electronic format (in the SIMAP format), the timescales may be reduced by 7 days. Thus, where

- No PIN was published or it is outside the permitted timeframe, the 52 days may be reduced to 45 days.
- A compliant PIN has been published, the 36 days may be reduced to 29 days.

**Electronic access to all contract documentation**

Where potential tenderers have 'unrestricted and full direct access' to all the contract documentation, the timescale can be reduced by a further 5 days.

Thus, on an assumption that the contract notice was despatched electronically to the OJEU and all the tender documentation is available on the web, then where

- No PIN was published or it is outside the permitted timeframe, the 52 days already reduced to 45 days may be further reduced to 40 days.
- A suitable PIN has been published, the 36 days already reduced to 29 days, may be further reduced to 24 days.

### **Contract Award Notice**

A contract award notice must be published within 48 days of the contract award.

### · **Restricted procedure timescales**

The Restricted procedure is a two-stage process. It is possible to shorten the number of days as outlined below.

#### **Stage 1 - Expressions of interest**

Call for competition to enable potential tenderers to express their interest in participating. The normal period from publication of the contract notice in the OJEU for suppliers to express an interest in taking part in the tender is 37 days.

#### **Use of electronic notices**

Where the contract award notice has been forwarded to the OJEU in an electronic format (in the SIMAP format), the timescales may be reduced by 7 days. Thus, the 37 days may be reduced to 30 days.

#### **Stage 2 - Invitations to tender**

Submission of tenders - After the initial assessment of the requests to participate, firms shall have a minimum of 40 days from the date of issue of the invitation to tender documentation to submit documentation.

#### **PIN notice**

Where a PIN notice has been published at least 52 days and not more than 12 months prior to the publication of the actual contract notice in the OJEU, the 40 days may be reduced to 36 days and under no circumstances can it be reduced to less than 22 days.

#### **Electronic access to all contract documentation**

Where potential tenderers have 'unrestricted and full direct access' to all the contract documentation, the timescales for suppliers invited to submit a tender can be reduced by a further 5 days.

Thus, on an assumption that your notice has been sent electronically to the OJEU, then where

- No PIN was published or it is outside the permitted timeframe, the 40 days may be reduced to 35 days.
- A suitable PIN has been published, the 40 days already reduced to 36 days, may be reduced to 31 days.

**Contract Award Notice**

A contract award notice must be published within 48 days of the contract award.

- **Accelerated restricted procedure timescales**

The Accelerated Restricted procedure is a two-stage process and may be used in clearly defined cases where there is extreme urgency as defined within the legislation.

It is possible to shorten the number of days for Stage 1 only, as outlined below.

**Stage 1 - Expressions of interest**

Call for competition to enable potential tenderers to express their interest in participating. The period from publication of the contract notice in the OJEU for suppliers to express an interest in taking part in the tender is 15 days.

**Use of electronic notices**

Where the contract award notice has been forwarded to the OJEU in an electronic format (in the SIMAP format), the timescale may be reduced to 10 days ie a reduction of 5 days.

**Stage 2 - Submission of tenders**

After the initial assessment of the requests to participate, firms shall have a minimum of 10 days from the date of issue of the invitation to tender documentation.

**Contract Award Notice**

A contract award notice must be published within 48 days of the contract award.

## 2 **Negotiated procedure timescales**

The Negotiated procedure is a two-stage process. Normally, a call for competition must be made, by placing a contract notice in the OJEU. There are specific rules relating to the use of the negotiated procedure.

It is possible to shorten the number of days for Stage 1 only as outlined below.

**Stage 1 - Expressions of interest**

Call for competition to enable potential tenderers to express their interest in participating. The normal period from publication of the contract notice in the OJEU for suppliers to express an interest in taking part in the tender is 37 days.

**Use of electronic notices**

Where the contract award notice has been forwarded to the OJEU in an electronic format (in the SIMAP format), the timescales may be reduced by 7 days. Thus, the 37 days may be reduced to 30 days.

**Stage 2 - Submission of tenders**

There is no minimum period stipulated for the return of tender documentation however, it must be reasonable and should reflect the complexity of the exercise.

**Contract Award Notice**

A contract award notice must be published within 48 days of the contract award.

**3 Accelerated negotiated procedure timescales**

The Accelerated Negotiated procedure is a two-stage process and may be used in clearly defined cases where there is extreme urgency as defined within the legislation.

It is possible to shorten the number of days for Stage 1 only as outlined below.

**Stage 1 - Expressions of interest**

Call for competition to enable potential tenderers to express their interest in participating. The period from publication of the contract notice in the OJEU for suppliers to express an interest in taking part in the tender is 15 days.

**Use of electronic notices**

Where the contract award notice has been forwarded to the OJEU in an electronic format (in the SIMAP format), the timescale may be reduced to 10 days ie a reduction of 5 days.

**Stage 2 - Submission of tenders**

There is no minimum period stipulated for the return of tender documentation however, it must be reasonable and should reflect the complexity of the exercise.

**Contract Award Notice**

A contract award notice must be published within 48 days of the contract award.

**4 Competitive dialogue timescales**

The Competitive Dialogue procedure is a two-stage process. It is possible to shorten the number of days for Stage 1 only as outlined below.

**Stage 1 - Expressions of interest**

Call for competition to enable potential tenderers to express their interest in participating. The period from publication of the contract notice in the OJEU for suppliers to express an interest in taking part in the tender is 37 days.

**Use of electronic notices**

Where the contract award notice has been forwarded to the OJEU in an electronic format (in the SIMAP format), the timescales may be reduced by 7 days. Thus, the 37 days may be reduced to 30 days.

**Stage 2 - Submission of tenders**

Tenders are submitted after a period of dialogue with the participating suppliers during which different solutions may be developed. When the time comes for the formal submission of tenders, there is no minimum period

stipulated however, it must be reasonable and should reflect the complexity of the exercise.

**Contract Award Notice**

A contract award notice must be published within 48 days of the contract award.

1.18 Competitive Dialogue should be used where service scope, contract mechanisms, performance frameworks etc. are unclear. Competitive Dialogue can be costly when compared to the other procurement routes, but in cases can provide better outcomes. It should not be seen as the default procedure for all complex procurements.

1.19 The above timescales are summarized in the table below;

<b>Procedure</b>	<b>Receipt of request to participate</b>	<b>Receipt of Tenders</b>	<b>Contract Award Notice (to be published within)</b>
<b>Open</b>		ECN 45 days	48 days
		ETD 40 days	
		PIN 36 days	
		PIN + ETD 29 days	
		ECN + ETD + PIN 24 days	
<b>Restricted</b>	ECN 30 days	40 days	48 days
		ETD 35 days	
		PIN 36 days	
		PIN + ETD 31 days	
<b>Restricted (Accelerated)</b>	ECN 10 days	10 days	48 days
<b>Negotiated</b>	ECN 30 days	Not specified	48 days
<b>Negotiated (Accelerated)</b>	ECN 10 days	Not specified	48 days
<b>Competitive Dialogue</b>	ECN 30 days	Not specified	48 days

**Key**

ECN: Electronic Contract Notice (standard approach)

ETD: Electronic Tender Document

PIN: Prior Information Notice (up to 52 weeks prior to Open Journal of the European Union and published for a minimum of 52 days)

## REGULATIONS GOVERNING PROCEDURES AVAILABLE

- 1.20 The EU Public Sector Directives permit contracting authorities to apply the open procedure and the restricted procedure when awarding public contracts. Only under specific circumstances, defined by the law, can the negotiated procedure and the competitive dialogue procedure be used.
- 1.21 DIRECTIVE 2004/18/EC, Regulation 30 covers **Cases justifying use of the negotiated procedure with prior publication of a contract notice.**
- 1.22 It can be summarised, using the regulation numbering, as:
1. *Contracting authorities may award their public contracts by negotiated procedure, after publication of a contract notice, in the following cases:*
    - (a) *in the event of irregular tenders or the submission of tenders which are unacceptable, in response to an open or restricted procedure or a competitive dialogue insofar as the original terms of the contract are not substantially altered;*  
*Contracting authorities need not publish a contract notice where they include in the negotiated procedure all of, and only, the tenderers which, during the prior open or restricted procedure or competitive dialogue, have submitted tenders in accordance with the formal requirements of the tendering procedure;*
    - (b) *in exceptional cases, when the nature of the works, supplies, or services or the risks attaching thereto do not permit prior overall pricing;*
    - (c) *in the case of services, inter alia services, and intellectual services such as services involving the design of works, insofar as the nature of the services to be provided is such that contract specifications cannot be established with sufficient precision to permit the award of the contract by selection of the best tender according to the rules governing open or restricted procedures;*
    - (d) *in respect of public works contracts, for works which are performed solely for purposes of research, testing or development and not with the aim of ensuring profitability or recovering research and development costs.*
  2. *In the cases referred to in paragraph 1, contracting authorities shall negotiate with tenderers the tenders submitted by them in order to adapt them to the requirements which they have set in the contract notice, the specifications and additional documents, if any, and to seek out the tender most economically advantageous or lowest price only.*
  3. *During the negotiations, contracting authorities shall ensure the equal treatment of all tenderers. In particular, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others.*
  4. *Contracting authorities may provide for the negotiated procedure to take place in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria in the contract notice or the specifications. The contract notice or the specifications shall indicate whether recourse has been had to this option.*

1.23 DIRECTIVE 2004/18/EC, Regulation 31 covers **Cases justifying use of the negotiated procedure without prior publication of a contract notice.**

1.24 It can be summarised, using the regulation numbering, as:

*Contracting authorities may award public contracts by a negotiated procedure without prior publication of a contract notice in the following cases:*

- (1) for public works contracts, public supply contracts and public service contracts:
  - (a) *when no tenders or no suitable tenders or no applications have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of contract are not substantially altered and on condition that a report is sent to the Commission if it so requests;*
  - (b) *when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular economic operator;*
  - (c) *insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the contracting authorities in question, the time limit for the open, restricted or negotiated procedures with publication of a contract notice as referred to in Article 30 cannot be complied with. The circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.*
- (2) for public supply contracts:
  - (a) *when the products involved are manufactured purely for the purpose of research, experimentation, study or development; this provision does not extend to quantity production to establish commercial viability or to recover research and development costs;*
  - (b) *for additional deliveries by the original supplier which are intended either as a partial replacement of normal supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire material having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance; the length of such contracts as well as that of recurrent contracts may not, as a general rule, exceed three years;*
  - (c) *for supplies quoted and purchased on a commodity market;*
  - (d) *for the purchase of supplies on particularly advantageous terms, from either a supplier which is definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, an arrangement with creditors, or a similar procedure under national laws or regulations.*
- (3) for public service contracts, when the contract concerned follows a design contest and must, under the applicable rules, be awarded to the successful candidate or to one of the successful candidates, in the latter case, all successful candidates must be invited to participate in the negotiations.
- (4) for public works contracts and public service contracts:
  - (a) *for additional works or services not included in the project initially considered or in the original contract but which have, through unforeseen*

*circumstances, become necessary for the performance of the works or services described therein, on condition that the award is made to the economic operator performing such works or services;*

*when such additional works or services cannot be technically or economically separated from the original contract without major inconvenience to the contracting authorities.*

*or*

*when such works or services, although separable from the performance of the original contract, are strictly necessary for its completion.*

*However, the aggregate value of contracts awarded for additional works or services may not exceed 50 % of the amount of the original contract.*

- (b) for new works or services consisting in the repetition of similar works or services entrusted to the economic operator to whom the same contracting authorities awarded an original contract, provided that such works or services are in conformity with a basic project for which the original contract was awarded according to the open or restricted procedure.*

1.25 As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authorities when they apply the threshold amounts. This procedure may be used only during the three years following the conclusion of the original contract.

1.26 DIRECTIVE 2004/18/EC, Regulation 29 covers **Use of the competitive dialogue procedure.**

1.27 It states:

1. *In the case of particularly complex contracts, Member States may provide that where contracting authorities consider that the use of the open or restricted procedure will not allow the award of the contract, the latter may make use of the competitive dialogue in accordance with this Article.*

*A public contract shall be awarded on the sole basis of the award criterion for the most economically advantageous tender.*

2. *Contracting authorities shall publish a contract notice setting out their needs and requirements, which they shall define in that notice and/or in a descriptive document.*
3. *Contracting authorities shall open, with the candidates selected in accordance with the relevant provisions tender, a dialogue the aim of which shall be to identify and define the means best suited to satisfying their needs. They may discuss all aspects of the contract with the chosen candidates during this dialogue.*

*During the dialogue, contracting authorities shall ensure equality of treatment among all tenderers. In particular, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others.*

*Contracting authorities may not reveal to the other participants solutions proposed or other confidential information communicated by a candidate participating in the dialogue without his/her agreement.*

4. *Contracting authorities may provide for the procedure to take place in successive stages in order to reduce the number of solutions to be discussed during the dialogue stage by applying the award criteria in the contract notice or the descriptive document. The contract notice or the descriptive document shall indicate that recourse may be had to this option.*
5. *The contracting authority shall continue such dialogue until it can identify the solution or solutions, if necessary after comparing them, which are capable of meeting its needs.*
6. *Having declared that the dialogue is concluded and having so informed the participants, contracting authorities shall ask them to submit their final tenders on the basis of the solution or solutions presented and specified during the dialogue.*

*These tenders shall contain all the elements required and necessary for the performance of the project.*

*These tenders may be clarified, specified and fine-tuned at the request of the contracting authority. However, such clarification, specification, fine-tuning or additional information may not involve changes to the basic features of the tender or the call for tender, variations in which are likely to distort competition or have a discriminatory effect.*

7. *Contracting authorities shall assess the tenders received on the basis of the award criteria laid down in the contract notice or the descriptive document and shall choose the most economically advantageous tender.*

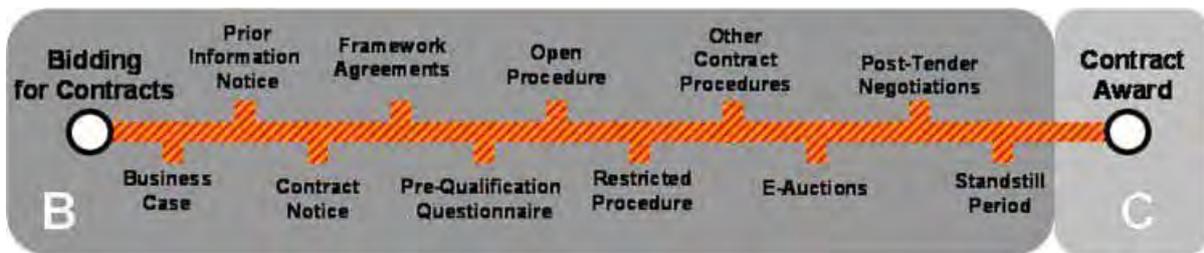
*At the request of the contracting authority, the tenderer identified as having submitted the most economically advantageous tender may be asked to clarify aspects of the tender or confirm commitments contained in the tender provided this does not have the effect of modifying substantial aspects of the tender or of the call for tender and does not risk distorting competition or causing discrimination.*

8. *The contracting authorities may specify prices or payments to the participants in the dialogue.*

In conclusion, the competitive dialogue may be summarised, by way of simplification, as a particular procedure which has features in common with both the restricted procedure and the negotiated procedure with the publication of a contract notice. The dialogue mainly distinguishes itself from the restricted procedure by the fact that negotiations concerning every aspect of the contract are authorised and from the negotiated procedure by the fact that, essentially, negotiations are concentrated within a particular phase in the procedure.

## 2 PRIOR INFORMATION NOTICE

- 2.1 When the estimate for a contract is worth more than a certain threshold authorities may issue a prior information notice (PIN) - this is considered best practice, but is not a mandatory requirement for the buying organisation.
- 2.2 PINs allow potential bidders to prepare to bid for the contract before the procurement process officially begins. They also make it possible to reduce the time needed to complete a competition.
- 2.3 Generally speaking, public bodies will publish a PIN for supplies and services as soon as possible after the start of the financial year. This PIN will give details of supply and services contracts for which the public body expects to seek tenders in the next 12 months.
- 2.4 For works contracts, a PIN must be issued as soon as possible after the planned work or works is approved.
- 2.5 PINs will follow a standard form and will outline: who the buyer(s) is/are; what is required; the anticipated contract value; the type of contract; and when the requirement should be fulfilled.
- 2.6 One benefit of PINs is that they can make reductions in timescales for competitions possible.
- 2.7 The diagram below shows procedures that should be followed between identifying the Business Case and Contract Award and indicates where the Prior Information Notice fits into the process.



- 2.8 Only one of 'Open Procedure', 'Restricted Procedure' and 'Other Contract Procedure' would be used.
- 2.9 The following pages list the questions raised in the PIN, in italics. The requirements of the Public Sector Contracting Authority that is issuing the notice are in normal text.

2.10 The electronic version of the Prior Information Notice is obtained by accessing web site [http://simap.europa.eu/buyer/forms-standard/index\\_en.htm](http://simap.europa.eu/buyer/forms-standard/index_en.htm) and following the link 'e-Notices on-line forms'. The Procurement Officer will need to be registered with simap.europa.eu and be logged into the site to complete the notice. **It is intended that the user will use this guide with the e-Notice displayed on their monitor.**

2.11 Complete the Preliminary Questions, Sections I to IV and VI on the e-Notice as follows:

### PRELIMINARY QUESTIONS

No	Question	Answer
	<i>Select type of contract and procedure</i>	Tick 'Works', 'Supplies' or 'Services' as appropriate. If 'Services' or 'Supplies' enter quantity from Section 2B.

The term 'Supplies' refers to supply of goods, 'Service' refers to provision of a service and 'Works' refers to construction.

### SECTION I: CONTRACTING AUTHORITY

Section I sets out details of the Contracting Authority and indicates the point for all contact with the Authority which should be the Procurement Officer or equivalent.

No	Question	Answer
I.1	<i>Name, address and contact point(s)</i>	Insert appropriate Official name and ID of Authority, if known, postal address, contact point(s) and internet address(s).  Select either <i>Further information can be obtained from</i> <ul style="list-style-type: none"> <li>· <i>the above named contact point(s), or</i></li> <li>· <i>other, which requires completion of Annex A.I</i></li> </ul>
I.2	<i>Type of the contracting authority</i>	Tick 'Regional or local authority'.
I.3	<i>Main Activity</i>	Tick 'General public services' and 'Environment'.
I.4	<i>Contract award on behalf of other contracting authorities</i>	Tick 'yes' or 'no' box as appropriate. If 'yes', complete Annex A for each other contracting authority and the ' <i>Quantity of Annex A.V</i> ', ie the number of 'other contacting authorities'.

Complete Section II.A for Works AND/OR Section II.B for Supplies of Services.

SECTION II.A: OBJECT OF THE CONTRACT - WORKS

Section II.A is for 'Works' only and details the work and how and when it will be procured.

No	Question	Answer
II.1	<i>Title attributed to the contract by the contracting authority</i>	Insert title of contract.
II.2	<i>Type of contract and location of works</i>	<p>The category 'Works', 'Supplies' or 'Services' specified in the Preliminary Questions appears automatically.</p> <p>Insert location of works and enter appropriate NUTS (Nomenclature of territorial units for statistics) code(s) commencing 'UK' from <a href="http://simap.europa.eu/codes-and-nomenclatures/codes-nuts/codes-nuts-table_en">http://simap.europa.eu/codes-and-nomenclatures/codes-nuts/codes-nuts-table_en</a>.</p> <p>For example, code 'UKK12' would signify the works were in the location of 'Bath and North East Somerset, North Somerset and South Gloucestershire'.</p>
II.3	<i>Information on framework agreement</i>	Tick 'yes' or 'no' as appropriate.
II.4	<i>Short description of nature and scope of works:</i>	Insert text to describe the nature and scope of works and, if known, estimated cost or range of cost excluding VAT in GBP (£ sterling). The scope should be described broadly so that activities can be added or removed later on in the contract period. Tick 'yes' or 'no' as appropriate to state if the contract is divided into lots and the ' <i>Quantity of lots</i> '.

No	Question	Answer
II.5	<i>Common procurement vocabulary (CPV)</i>	Enter appropriate CPV code(s) for the main and any additional object(s) under the title Main Vocabulary from the list at <a href="http://www.cpv.enem.pl/en">http://www.cpv.enem.pl/en</a> , and the appropriate Supplementary Vocabulary CPV code(s) from the list at <a href="http://www.cpv.enem.pl/en/sup">http://www.cpv.enem.pl/en/sup</a> .  For example the Main Vocabulary CPV code for Highway Maintenance Work is 45233139-3 and the Supplementary Vocabulary CPV code for resurfacing is IA18-0.
II.6	<i>Scheduled date for start of award procedures and duration of the Contract.</i>	Insert 'scheduled date for start of award procedures', contract duration and start and completion dates for the works.  Ensure award date tallies with end date for existing framework(s) and allows sufficient time for procurement through OJEU.
II.7	<i>Information about Government Procurement Agreement (GPA)</i>	Tick 'yes'. (The GPA sets the international rules for access to the procurement contracts of government bodies found at <a href="http://www.wto.org/english/docs_e/legal_e/gpr-94_e.pdf">http://www.wto.org/english/docs_e/legal_e/gpr-94_e.pdf</a> ).
II.8	<i>Additional information</i>	Enter any additional information that Tenderers may find useful; i.e. date proposed for Contract Notice.

## SECTION II.B: OBJECT OF THE CONTRACT - SUPPLIES AND SERVICES

Section II.B is for 'Supplies and Services' and details the supplies and/or services and how and when they will be procured.

Insert remaining information in a similar fashion as for Section II.A above with the exception of II.2 below.

Use this section as many times as needed but do not mix supplies and services in part II.2.

No	Question	Answer
II.2	<i>Type of contract and place of delivery or of performance</i>	If supplies, select 'supplies' and if services, select; 'services' and insert service category from Annex C.

### SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

Section III contains information relating to the contract and conditions for participation.

#### **III.1) Conditions relating to the contract**

No	Question	Answer
III.1	<i>Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them (if known)</i>	For works contracts only, enter 'main financing conditions and payment arrangements and/or reference to the relevant provisions governing them' i.e. NEC3 Options A, C or E as amended by one of the other HMEP products - Conditions of Contract.

#### **III.2) Conditions for participation**

No	Question	Answer
III.2.1	<i>Information about reserved contracts (if applicable)</i>	Tick either box if appropriate. (Sheltered workshop refers to an organisation or environment that employs people with disabilities separately from others whilst sheltered employment is a system of support for people with disabilities in regards to ongoing employment in integrated settings).

### SECTION VI: COMPLEMENTARY INFORMATION

No	Question	Answer
VI.1	<i>Information about European Union funds</i>	Tick 'yes' or 'no' box as appropriate to advise if the contract is financed in part or wholly by European funds. (if yes) insert reference to project(s) and/or programme(s)
VI.2	<i>Additional information (if applicable)</i>	Insert any additional complementary information that Tenderers may find useful, i.e. bidders event etc.

No	Question	Answer
VI.3	<i>Information on general regulatory framework</i>	<p><a href="http://www.hmrc.gov.uk/thelibrary/legislation.htm">http://www.hmrc.gov.uk/thelibrary/legislation.htm</a> for tax legislation, <a href="http://www.legislation.gov.uk/ukpga/1990/43/contents">http://www.legislation.gov.uk/ukpga/1990/43/contents</a> for environmental protection legislation and <a href="http://www.direct.gov.uk/en/Employment/Employees/index.htm">http://www.direct.gov.uk/en/Employment/Employees/index.htm</a> for employment protection and working conditions.</p> <p>Tick box 'For additional details about relevant governmental services where information can be obtained on taxes, environmental protection, employment protection and working conditions, please fill Annex A.II-IV if applicable'</p>
VI.4	<i>Date of dispatch of this notice</i>	<p>The dispatch date will be automatically updated when the notice is submitted for publication.</p> <p>The Authority must allow for the requisite number of days between publication of the PIN and the Contract Notice dependent on the procedure adopted.</p>

# ANNEXES

Appropriate annex forms will open in the e-Notice if they are required

## ANNEX A - ADDITIONAL ADDRESSES AND CONTACT POINTS

Required if answer I.4 in the PIN is 'yes'.

No	Question	Answer
I	<i>Addresses and contact points from which further information can be obtained</i>	Complete with the Authority's details.
II	<i>Address, contact points and internet site of the relevant government service from which information can be obtained about taxes.</i>	Enter appropriate details for the local office of HM Revenue and Customs.
III	<i>Address, contact points and internet site of the relevant government service from which information can be obtained about environmental protection.</i>	Enter appropriate details for the local office of the Environment Agency.
IV	<i>Address, contact points and internet site of the relevant government service from which information can be obtained about employment protection and working conditions.</i>	Enter appropriate details from the web site <a href="http://www.direct.gov.uk/en/Employment/Employees/index.htm">http://www.direct.gov.uk/en/Employment/Employees/index.htm</a> .
V	<i>Address of the other contracting authority on behalf of which the contracting authority is purchasing.</i>	Enter appropriate details of other authority/authorities if applicable.

## ANNEX B - INFORMATION ABOUT LOTS

Required if answer II.4 in the PIN is 'yes'.

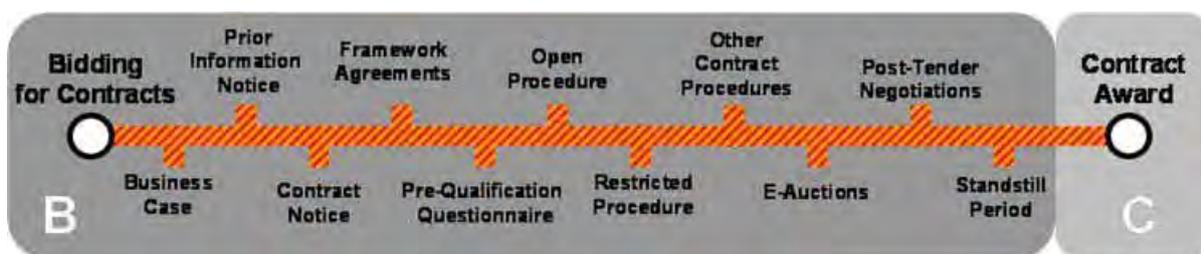
No	Question	Answer
	<i>Title attributed to the contract by the contracting authority.</i>	Enter contract Title, Lot number(s) and Lot title(s).
1	<i>Short description.</i>	Complete as appropriate.
2	<i>Common Procurement Vocabulary</i>	Enter CPV codes as at II.5 above.
3	<i>Quantity and Scope</i>	Enter estimated cost or range of cost excluding VAT in GBP (£ sterling), if appropriate. The estimated cost could be calculated by looking at last years spend multiplied by the length of the contract and assuming inflation would be offset by year on year efficiencies.
4	<i>Indication about different date for start of award procedures and/or duration of contract (if applicable)</i>	Insert 'scheduled date for start of award procedures', contract duration and start and completion dates for the work.
5	<i>Additional information about lots</i>	Insert any additional information on lots that Tenderers may find useful.

## ANNEX C – GENERAL PROCUREMENT

Annex C is used to record the Service Category no. required from PIN Section IIB, item II.2 'Type of contract and location of works, place of delivery or of performance'.

### 3 CONTRACT NOTICE

- 3.1 A contract notice is how a public body formally advises all potential suppliers about a public sector contract opportunity.
- 3.2 The diagram below shows procedures that should be followed between identifying the Business Case and Contract Award and indicates where the Contract Notice fits into the procedure.



- 3.3 Only one of 'Open Procedure', 'Restricted Procedure' and 'Other Contract Procedure' would be used.
- 3.4 The Contract Notice repeats the information on the PIN but includes more detailed information on the Contract. The additional information is summarised in the table below:

No	Sub Section Title	Additional Information/Information not provided elsewhere
I.1	<i>Name, addresses and contact point(s)</i>	Internet addresses for: <ul style="list-style-type: none"> <li>· Electronic access to information.</li> <li>· Electronic submission of tenders and requests to participation.</li> </ul> Where Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained. Where Tenders or requests to participate must be sent to.
II	<i>Object of the contract</i>	PIN Sections II.A and II.B combined.
II.1.3	<i>Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)</i>	Tick boxes added for: <ul style="list-style-type: none"> <li>· The notice involves a public contract.</li> <li>· The notice involves the setting up of a dynamic purchasing system (DPS).</li> </ul>

No	Sub Section Title	Additional Information/Information not provided elsewhere
II.1.4	<p><i>Information on framework agreement</i></p> <p><i>Duration of the framework agreement</i></p> <p><i>Estimated total value of purchases for the entire duration of the framework agreement</i></p>	<p>PIN tick box replaced by tick boxes for;</p> <ul style="list-style-type: none"> <li>· Framework agreement with several operators (Number or maximum number of participants to the framework agreement envisaged).</li> <li>· Framework agreement with a single operator.</li> </ul> <p>New section: duration in years or in months with justification for a framework agreement, the duration of which exceeds four years.</p> <p>New section: estimated value excluding VAT or range. Frequency and value of the contracts to be awarded.</p>
II.1.8	<p><i>Lots</i></p>	<p>Tick boxes added for tenders may be submitted for:</p> <ul style="list-style-type: none"> <li>· one lot only.</li> <li>· one or more lots.</li> <li>· all lots.</li> </ul>
II.1.9	<p><i>Information about variants</i></p>	<p>Yes/no tick boxes added for variants will be accepted.</p>
II.2	<p><i>Quantity or scope of the contract</i></p>	<p>New sub section covering:</p> <ul style="list-style-type: none"> <li>· total quantity or scope.</li> <li>· information about options.</li> <li>· information about renewals.</li> </ul>
III.1	<p><i>Conditions relating to the contract</i></p>	<p>Additional sub sections added;</p> <ul style="list-style-type: none"> <li>· deposits and guarantees required.</li> <li>· legal form to be taken by the group of economic operators to whom the contract is to be awarded.</li> <li>· Other particular conditions.</li> </ul>

No	Sub Section Title	Additional Information/Information not provided elsewhere
III.2	<i>Conditions for participation</i>	Additional sub sections added; <ul style="list-style-type: none"> <li>· personal situation of economic operators, including requirements relating to enrolment on professional or trade registers.</li> <li>· economic and financial ability.</li> <li>· technical capacity.</li> </ul>
III.3	<i>Conditions specific to services contracts</i>	New sub section covering: <ul style="list-style-type: none"> <li>· information about a particular profession.</li> <li>· Staff responsible for the execution of the service.</li> </ul>
IV	<i>Procedure</i>	New section covering: <ul style="list-style-type: none"> <li>· type of procedure.</li> <li>· limitations on the number of operators who will be invited to tender or to participate.</li> <li>· reduction of the number of operators during the negotiation or dialogue.</li> <li>· award criteria.</li> <li>· information about electronic auction.</li> <li>· file reference number attributed by the contracting authority.</li> <li>· previous publication(s) concerning the same contract.</li> <li>· conditions for obtaining specifications and additional documents or descriptive document.</li> <li>· time limit for receipt of tenders or requests to participate.</li> <li>· date of dispatch of invitations to tender or to participate to selected candidates.</li> <li>· language(s) in which tenders or requests to participate may be drawn up.</li> <li>· minimum time frame during which the Tenderer must maintain the tender.</li> <li>· Conditions for opening tenders.</li> </ul>

No	Sub Section Title	Additional Information/Information not provided elsewhere
VI	<i>Complementary information</i>	Additional sub sections added; <ul style="list-style-type: none"> <li>· information about recurrence.</li> <li>· body responsible for appeal procedures and body responsible for mediation procedures.</li> <li>· lodging of appeals.</li> <li>· service from which information about the lodging of appeals may be obtained.</li> </ul>

- 3.5 The following pages list the questions raised in the Contact Notice, in italics. The requirements of the Public Sector Contracting Authority that is issuing the notice are in normal text.
- 3.6 The electronic version of the Contract Notice is obtained by accessing web site [http://simap.europa.eu/buyer/forms-standard/index\\_en.htm](http://simap.europa.eu/buyer/forms-standard/index_en.htm) and following the link ‘e-Notices on-line forms’. The Procurement Officer will need to be registered with simap.europa.eu and be logged into the site to complete the notice. **It is intended that the user will use this guide with the e-Notice displayed on their monitor.**
- 3.7 Complete the Preliminary Questions, Sections I to IV and VI on the form as follows:

PRELIMINARY QUESTIONS

No	Question	Answer
	<i>Select type of contract and procedure</i>	Tick ‘Works’, ‘Supplies’ or ‘Services’ and ‘open’, ‘restricted’, ‘ accelerated restricted’, ‘negotiated’, accelerated negotiated’ or ‘competitive dialogue’ as appropriate.

SECTION I: CONTRACTING AUTHORITY

Section I sets out details of the Contracting Authority and indicates the point for all contact with the Authority which should be the Procurement Officer or equivalent. The details should be the same as those listed at Section I on the PIN.

No	Question	Answer
I.1	<i>Name, addresses and contact point(s)</i>	<p>Insert appropriate official name and ID of Authority, if known, postal address, contact point(s) and internet address(s).</p> <p>Select either <i>Further information can be obtained from:</i></p> <p><input type="checkbox"/> <i>The above mentioned contact point(s) or</i></p> <p><input type="checkbox"/> <i>Other : (please complete Annex A.I) as appropriate.</i></p> <p><b>Select either</b> <i>Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:</i></p> <p><input type="checkbox"/> <i>The above mentioned contact point(s) or</i></p> <p><input type="checkbox"/> <i>Other: (please complete Annex A.II) as appropriate.</i></p> <p><b>Select either</b> <i>Tenders or requests to participate must be sent to:</i></p> <p><input type="checkbox"/> <i>The above mentioned contact point(s)</i></p> <p><input type="checkbox"/> <i>Other: (please complete Annex A.III)</i></p>
I.2	<i>Type of the contracting authority</i>	Tick 'Regional or local authority'.
I.3	<i>Main Activity</i>	Tick 'General public services' and 'Environment'.
I.4	<i>Contract award on behalf of other contracting authorities</i>	Tick 'yes' or 'no' box as appropriate. If 'yes', complete Annex A. for each other contracting authority and the ' <i>Quantity of Annex A.IV</i> ', ie the number of 'other contacting authorities'.

SECTION II: OBJECT OF THE CONTRACT

**II.1) Description**

Section II.1 sets out how the contract is intended to operate.

No	Question	Answer
II.1.1	<i>Title attributed to the contract by the contracting authority</i>	Insert contract title as II.1 on the PIN.
II.1.2	<i>Type of contract and location of works, place of delivery or of performance</i>	<p>The category 'Works', 'Supplies' or 'Services' specified in the Preliminary Questions appears automatically.</p> <p>If 'Works' select 'Execution', 'Design and execution' or 'Realisation, by whatever means of work corresponding to the requirements specified by the contracting authorities' as appropriate.</p> <p>If 'Supplies' select 'Purchase', 'Lease', 'Rental', 'Hire purchase' or 'A combination of these' as appropriate.</p> <p>If 'Services' select 'Service category no.' from Annex C.</p> <p>Enter 'Main site or location of works, place of delivery or of performance:' description and appropriate NUTS (Nomenclature of territorial units for statistics) code(s) commencing 'UK' from <a href="http://simap.europa.eu/codes-and-nomenclatures/codes-nuts/codes-nuts-table_en.htm">http://simap.europa.eu/codes-and-nomenclatures/codes-nuts/codes-nuts-table_en.htm</a>.</p> <p>For example, code 'UKK12' would signify the works were in the location of 'Bath and North East Somerset, North Somerset and South Gloucestershire.</p> <p>These details will be as II.2 on the PIN.</p>
II.1.3	<i>Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)</i>	Select 'The notice involves a public contract', 'The notice involves the establishment of a framework agreement' or 'The notice involves the setting up of a dynamic purchasing system (DPS)' as appropriate.

No	Question	Answer
II.1.4	<p><i>Information on framework agreement (if applicable)</i></p> <p><i>Duration of the framework agreement.</i></p> <p><i>Justification for a framework agreement, the duration of which exceeds four years</i></p> <p><i>Estimated total value of purchases for the entire duration of the framework agreement</i></p> <p><i>Frequency and value of the contracts to be awarded</i></p>	<p>Select 'Framework agreement with several operators' or 'Framework agreement with a single operator' as appropriate.</p> <p>If 'Framework agreement with several operators' is selected insert the number or maximum number of participants to the framework agreement envisaged.</p> <p>Enter duration in years or months.</p> <p>Enter justification if applicable.</p> <p>Give figures for estimated value or range excluding VAT in GBP (£ sterling) if applicable. The estimated cost could be calculated by looking at last years spend multiplied by the length of the contract and assuming inflation would be offset by year on year efficiencies.</p> <p>Enter Frequency and value if known.</p>
II.1.5	<p><i>Short description of the contract or purchase(s)</i></p>	<p>Insert text to describe the contract or purchase(s) as II.4 on the PIN.</p>
II.1.6	<p><i>Common procurement vocabulary (CPV)</i></p>	<p>Enter appropriate CPV code(s) for the main and any additional object(s) under the title Main Vocabulary from the list at <a href="http://www.cpv.enem.pl/en">http://www.cpv.enem.pl/en</a>, and the appropriate Supplementary Vocabulary CPV code(s) from the list at <a href="http://www.cpv.enem.pl/en/sup">http://www.cpv.enem.pl/en/sup</a>.</p> <p>For example the Main Vocabulary CPV code for Highway Maintenance Work is 45233139-3 and the Supplementary Vocabulary CPV code for resurfacing is IA18-0.</p> <p>These details will be as II.5 on the PIN.</p>
II.1.7	<p><i>Information about Government Procurement Agreement (GPA)</i></p>	<p>Tick 'yes' box.</p>

No	Question	Answer
II.1.8	<i>Lots</i>	Select 'yes' or 'no' to the question 'This contract is divided into lots'.  If 'yes', select Tenders may be submitted for 'one lot only', 'one or more lots' or 'all lots'. For information about lots, complete Annex B as many times as there are lots.
II.1.9	<i>Information about variants</i>	Select 'yes' or 'no' as appropriate.

## II.2) Quantity or scope of the contract

Section II.2 sets out what is included in the contract.

No	Question	Answer
II.2.1	<i>Total quantity or scope</i>	Insert text to describe the total quantity or scope. The total quantity or scope should be described broadly so that items or activities can be added or removed later on in the contract period. If applicable, give figures for estimated value or range excluding VAT in GBP (£ sterling) for all lots, renewals and options.
II.2.2	<i>Information about options</i>	If applicable, select 'yes' or 'no'.  If yes, describe the options and the provisional timetable for recourse to these options in months or days from the award of the contract.
II.2.3	<i>Information about renewals</i>	If applicable, select 'yes' or 'no'.  If yes, enter the number or range of possible renewals, if known, and in the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts in months or days from the award of the contract.

## II.3) Duration of the contract or time limit for completion

Section II.3 sets out timing for the contract.

No	Question	Answer
II.3	<i>Duration of the contract or time limit for completion</i>	Enter the duration in months or days from the award of the contract, or insert start and completion dates.

**SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION**

Section III contains information relating to the contract, for participation and Conditions specific to services contracts.

**III.1) Conditions relating to the contract**

No	Question	Answer
III.1.1	<i>Deposits and guarantees required</i>	Insert details of deposits and guarantees required where applicable.
III.1.2	<i>Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them.</i>	Insert details, if appropriate as section III.1 on the PIN.
III.1.3	<i>Legal form to be taken by the group of economic operators to whom the contract is to be awarded</i>	Insert details as appropriate.
III.1.4	<i>Other particular conditions</i>	Select 'yes' or 'no' and if 'yes', describe the particular conditions.

**III.2) Conditions for participation**

No	Question	Answer
III.2.1	<i>Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers</i>	Insert Information and formalities necessary for evaluating if the requirements are met.
III.2.2	<i>Economic and financial ability</i>	In Column 1, insert 'Information and formalities necessary for evaluating if the requirements are met' and in column 2 'Minimum level(s) of standards possibly required'.
III.2.3	<i>Technical capacity</i>	In Column 1, insert 'Information and formalities necessary for evaluating if the requirements are met' and in column 2 'Minimum level(s) of standards possibly required'.

No	Question	Answer
III.2.4	<i>Information about reserved contracts</i>	Tick either box, if appropriate, as section III.2.1 on the PIN. (Sheltered workshop refers to an organisation or environment that employs people with disabilities separately from others whilst sheltered employment is a system of support for people with disabilities in regards to ongoing employment in integrated settings).

**III.3) Conditions specific to services contracts**

No	Question	Answer
III.3.1	<i>Information about a particular profession</i>	Select 'yes' or 'no' and if yes insert 'reference to the relevant law, regulation or administrative provision'.
III.3.2	<i>Staff responsible for the execution of the service</i>	Answer 'yes' or 'no' to the statement 'legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service'.

**SECTION IV: PROCEDURE**

Section IV contains information on the type of procedure, award procedure and other administration information.

**IV.1) Type of procedure**

No	Question	Answer
IV.1.1	<i>Type of procedure</i>	The type of procedure specified in the Preliminary Questions appears automatically.  If 'Negotiated', answer 'yes' or 'no' to the question 'Some candidates have already been selected' and if yes, provide names and addresses of economic operators selected under Section VI.3 Additional information.

No	Question	Answer
IV.1.2	<i>Limitations on the number of operators who will be invited to tender or to participate</i>	For restricted and negotiated procedures and competitive dialogue, enter the envisaged number of operators or envisaged minimum number and (if applicable) maximum number.  Insert objective criteria for choosing the limited number of candidates.
IV.1.3	<i>Reduction of the number of operators during the negotiation or dialogue</i>	For negotiated procedure and competitive dialogue answer 'yes' or 'no' to the statement 'recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated'.

**IV.2) Award criteria**

No	Question	Answer
IV.2.1	<i>Award criteria</i>	Tick 'Lowest price' or 'The most economically advantageous tender in terms of' and 'the criteria stated below' or 'the criteria stated in the specifications, in the ITT or to negotiate or in the descriptive document'.  Insert 'Criteria' and 'Weighting' in the table with the award criteria given with their weighting or in descending order of importance where weighting is not possible for demonstrable reasons.
IV.2.2	<i>Information about electronic auction</i>	Select 'yes' or 'no' and if yes, insert additional information about electronic auction.

**IV.3) Administrative information**

No	Question	Answer
IV.3.1	<i>File reference number attributed by the contracting authority</i>	Enter Authority's file number if appropriate.
IV.3.2	<i>Previous publication(s) concerning the same contract</i>	Select 'yes' or 'no' if a PIN or Notice on a Buyer Profile has been previously published. If yes, insert OJEU publication number and date of publication.  Tick box if there has been any other previous publication, and if applicable, insert OJEU publication number(s) and date(s) of publication.
IV.3.3	<i>Conditions for obtaining specifications and additional documents or descriptive document</i>	In the case of a competitive dialogue, enter date and time limits for receipt of request for documents or for accessing documents.  Select 'yes' or 'no' if a payment is required for documents. If yes insert price in GBP and provide information on terms and method of payment.
IV.3.4	<i>Time limit for receipt of tenders or requests to participate</i>	Enter date and time limits for receipt of tenders or requests to participate.
IV.3.5	<i>Date of dispatch of invitations to tender or to participate to selected candidates</i>	In the case of restricted and negotiated procedures, and competitive dialogue insert date for dispatch of invitations to tender or to participate to selected candidates.
IV.3.6	<i>Language(s) in which tenders or requests to participate may be drawn up</i>	Select 'Official EU language(s):' and enter English.
IV.3.7	<i>Minimum time frame during which the Tenderer must maintain the tender</i>	Insert date until or duration during which the Tenderer must maintain the tender.
IV.3.8	<i>Conditions for opening tenders</i>	Enter date, time and place, if applicable, for the opening of tenders.  If applicable, select 'yes' or 'no' for persons authorised to be present at the opening of tenders. If yes, insert additional information about authorised persons and opening procedure.

**SECTION VI: COMPLEMENTARY INFORMATION**

Section VI provides information on occurrence, if EU funds have been awarded, any other complementary information procedures for appeal and the date of despatch of the notice.

No	Question	Answer
VI.1.1	<i>Information about recurrence</i>	If applicable, select 'yes' or 'no' if this is a recurrent procurement. If yes, insert estimated timing for further notices to be published.
VI.1.2	<i>Information about European Union funds</i>	Tick 'yes' or 'no' box as appropriate as VI.1 on the PIN. If yes, insert reference to project(s) and/or programme(s).
VI.1.3	<i>Additional information</i>	If applicable, insert any additional appropriate information as VI.2 on the PIN.

**VI.4) Procedures for appeal**

No	Question	Answer
VI.4.1	<i>Body responsible for appeal procedures</i>	Enter official name, select country 'United Kingdom' and complete as appropriate.
VI.4.2	<i>Lodging of appeals</i>	Insert precise information on deadline(s) for lodging appeals.
VI.4.3	<i>Service from which information about the lodging of appeals may be obtained</i>	Enter official name, select country 'United Kingdom' and complete as appropriate.

**VI.5) Date of dispatch of this notice**

The dispatch date will be automatically updated when the notice is submitted for publication.

The Authority must allow for the requisite number of days between publication of the PIN and the Contract Notice dependent on the procedure adopted.

**ANNEXES**

Appropriate annex forms will open in the e-Notice if they are required.

**ANNEX A - ADDITIONAL ADDRESSES AND CONTACT POINTS**

Annex A is used to record information required from Contract Notice Section I, items I.1) Name, addresses and contact point(s) [at 3 locations] and I.4) Contract award on behalf of other contracting authorities.

No	Question	Answer
I	<i>Addresses and contact points from which further information can be obtained</i>	Complete as appropriate as Annex A no. I on the PIN.
II	<i>Addresses and contact points from which specifications and additional documents can be obtained</i>	Complete as appropriate.
III	<i>Addresses and contact points to which tenders/requests to participate must be sent.</i>	Complete as appropriate.
No	Question	Answer
IV	<i>Address of the other contracting authority on behalf of which the contracting authority is purchasing</i>	Complete as Annex A.V on the PIN.

Use Annex A Section IV as many times as needed.

**ANNEX B - INFORMATION ABOUT LOTS**

If the answer to Contract Notice Section II, item II.1.8. is yes, Annex B is used to record the information required about Lots. The details should be the same as those listed at Annex B on the PIN.

No	Question	Answer
	<i>Title attributed to the contract by the contracting authority.</i>	Enter contract Title, Lot number(s) and Lot title(s) as Annex B on the PIN.
1	<i>Short description.</i>	Complete as appropriate as Annex B.1 on the PIN.

No	Question	Answer
2	<i>Common Procurement vocabulary (CPV)</i>	Enter appropriate CPV code(s) for the main and any additional object(s) under the title Main Vocabulary from the list at <a href="http://www.cpv.enem.pl/en">http://www.cpv.enem.pl/en</a> , and the appropriate Supplementary Vocabulary CPV code(s) from the list at <a href="http://www.cpv.enem.pl/en/sup">http://www.cpv.enem.pl/en/sup</a> as Annex B.2 on the PIN.  For example the Main Vocabulary CPV code for Highway Maintenance Work is 45233139-3 and the Supplementary Vocabulary CPV code for resurfacing is IA18-0.
3	<i>Quantity and Scope</i>	Insert text to describe the total quantity or scope of the Lot. The total quantity or scope should be described broadly so that items or activities can be added or removed later on in the contract period. Enter estimated cost or range of cost excluding VAT in GBP (£ sterling), if appropriate as Annex B.3 on the PIN.
4	<i>Indication about different date for start duration of contract or starting/completion (if applicable).</i>	Insert contract duration or starting and completion dates for the work as Annex B.4 on the PIN.
5	<i>Additional information about lots</i>	Complete as Annex B.5 on the PIN.

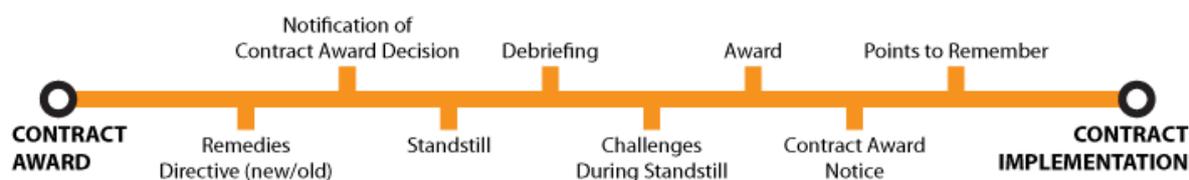
Use this Annex as many times as there are lots.

### ANNEX C1 – GENERAL PROCUREMENT

Annex C is used to record the Service Category no. required from Contract Notice Section II, item I.2) *Type of contract and location of works, place of delivery or of performance*. The category should be the same as that listed at Annex C on the PIN.

## 4 CONTRACT AWARD NOTICE

- 4.1 The Contract Award Notice is a public announcement of the outcome of a public procurement exercise in the OJEU.
- 4.2 The publication of a Contract Award Notice is mandatory for ALL procurement exercises exceeding the value of the EU advertising threshold, including those that did not require full advertising at the outset of the process e.g. service contracts.
- 4.3 The notice must be published within 48 days of the contract award date.
- 4.4 The 48 days allow for a challenge period of at least 10 days between the date suppliers are notified about the outcome of the tender process and the date on which the buyer proposes to enter into the contract, known as the ‘Alcatel’ mandatory standstill period. This period is extended to at least 15 days if any suppliers are notified only by post.



- 4.5 The following pages list the questions raised in the Contract Award Notice, in italics. The requirements of the Public Sector Contracting Authority that is issuing the notice are in normal text.
- 4.6 The electronic version of the Contract Award Notice is obtained by accessing the web site [http://simap.europa.eu/buyer/forms-standard/index\\_en.htm](http://simap.europa.eu/buyer/forms-standard/index_en.htm) and following the link ‘e-Notices on-line forms’. The Procurement Officer will need to be registered with simap.europa.eu and be logged into the site to complete the notice. **It is intended that the user will use this guide with the e-Notice displayed on their monitor.**
- 4.7 Complete the Preliminary Questions, Sections I and II and IV to VI on the form as follows:

### PRELIMINARY QUESTIONS

No	Question	Answer
	<i>Select type of contract and procedure</i>	Tick ‘Works’, ‘Supplies’ or ‘Services’ and ‘open’, ‘restricted’, ‘accelerated restricted’, ‘negotiated’, accelerated negotiated’ or ‘competitive dialogue’ as on the Contract Notice.

In case of a contract award without prior publication of a contract notice in the OJEU the contracting authority/entity has to provide a justification at Annex D3

SECTION I: CONTRACTING AUTHORITY

Section I sets out details of the Contracting Authority and indicates the point for all contact with the Authority which should be the Procurement Officer or equivalent.

No	Question	Answer
I.1	<i>Name, addresses and contact point(s)</i>	Insert official name and ID of Authority, if known, postal address, contact point(s) and Internet address(s) as I.1 on the Contract Notice.
I.2	<i>Type of the contracting authority</i>	Tick 'Regional or local authority'.
I.3	<i>Main Activity</i>	Tick 'General public services' and 'Environment'.
I.4	<i>Contract award on behalf of other contracting authorities</i>	Tick 'yes' or 'no' box as appropriate. If 'yes', complete Annex A for each other contracting authority and the 'Quantity of Annex A.I, ie the number of 'other contacting authorities'.

SECTION II: OBJECT OF THE CONTRACT

II.1) Description

Section II.1 sets out how the contract is intended to operate.

No	Question	Answer
II.1.1	<i>Title attributed to the contract</i>	Insert contract title as II.1 on the PIN and II.1.1 on the Contract Notice.
II.1.2	<i>Type of contract and location of works, place of delivery or of performance</i>	<p>The category 'Works', 'Supplies' or 'Services' specified in the Preliminary Questions appears automatically.</p> <p>If 'Works' select 'Execution', 'Design and execution' or 'Realisation, by whatever means of work corresponding to the requirements specified by the contracting authorities' as appropriate.</p> <p>If 'Supplies' select 'Purchase', 'Lease', 'Rental', 'Hire purchase' or 'A combination of these' as appropriate.</p> <p>If 'Services' select 'Service category no.' from Annex C.</p> <p>Enter 'Main site or location of works,</p>

No	Question	Answer
		<p>place of delivery or of performance:', description and appropriate NUTS (Nomenclature of territorial units for statistics) code(s) commencing 'UK' from <a href="http://simap.europa.eu/codes-and-nomenclatures/codes-nuts/codes-nuts-table_en.htm">http://simap.europa.eu/codes-and-nomenclatures/codes-nuts/codes-nuts-table_en.htm</a>.</p> <p>For example, code 'UKK12' would signify the works were in the location of 'Bath and North East Somerset, North Somerset and South Gloucestershire.</p> <p>These details will be as II.2 on the PIN and II.1.2 on the Contract Notice.</p>
II.1.3	<i>Information about a framework agreement or a dynamic purchasing system (DPS)</i>	Select 'The notice involves the establishment of a framework agreement' or 'The notice involves contracts based on a dynamic purchasing system (DPS)' as appropriate
II.1.4	<i>Short description of the contract or purchase(s)</i>	Insert text to describe the contract or purchase(s) as II.4 on the PIN and II.1.5 on the Contract Notice.
II.1.5	<i>Common procurement vocabulary (CPV)</i>	<p>Enter appropriate CPV code(s) for the main and any additional object(s) under the title Main Vocabulary from the list at <a href="http://www.cpv.enem.pl/en">http://www.cpv.enem.pl/en</a>, and the appropriate Supplementary Vocabulary CPV code(s) from the list at <a href="http://www.cpv.enem.pl/en/sup">http://www.cpv.enem.pl/en/sup</a>.</p> <p>For example the Main Vocabulary CPV code for Highway Maintenance Work is 45233139-3 and the Supplementary Vocabulary CPV code for resurfacing is IA18-0.</p> <p>These details will be as II.5 on the PIN and II.1.6 on the Contract Notice</p>
II.1.6	<i>Information about Government Procurement Agreement (GPA)</i>	Tick 'yes' box.

**II.2) Total final value of contract(s)**

No	Question	Answer
II.2.1	<i>Total final value of contract(s)</i>	<p>Give figures for total final value or lowest and highest offer in GBP (£ sterling) for all contracts, lots, renewals and options. Tick 'Excluding VAT' or 'Including VAT' and enter 'VAT rate (%)'.</p> <p>Information about individual contracts is entered at section V - Award of contract.</p>

**SECTION IV: PROCEDURE**

Section IV contains information on the type of procedure, award criteria and other administration information.

**IV.1) Type of procedure**

No	Question	Answer
IV.1.1	<i>Type of procedure</i>	<p>The type of procedure specified in the Preliminary Questions appears automatically.</p> <p>If 'Award of a contract without prior publication of a contract notice in the OJEU' is selected, justification for the award of the contract is required on Annex D1.</p>

**IV.2) Award criteria**

No	Question	Answer
IV.2.1	<i>Award criteria</i>	<p>Tick 'Lowest price' or 'The most economically advantageous tender in terms of'.</p> <p>Insert 'Criteria' and 'Weighting' in the table with the award criteria given with their weighting as IV.2.1 on the Contract Notice.</p>
IV.2.2	<i>Information about electronic auction</i>	<p>Select 'yes' or 'no' and enter any information provided at IV.2.2 on the Contract Notice.</p>

**IV.3) Administrative information**

No	Question	Answer
IV.3.1	<i>File reference number attributed by the contracting authority</i>	Enter Authority's file number if appropriate as IV.3.1 on the Contract Notice.
IV.3.2	<i>Previous publication(s) concerning the same contract</i>	Select 'yes' or 'no' if a 'PIN' or 'Notice on a Buyer Profile', a 'Contract Notice' or 'Simplified contract notice on a dynamic purchasing system', 'Voluntary ex ante transparency notice' or 'Other previous publications' if applicable. If yes, tick appropriate box(s) and insert OJEU publication number(s) and date(s) of publication as IV.3.2 on the Contract Notice.

**SECTION V: AWARD OF CONTRACT**

No	Question	Answer
V	<i>Award of Contract</i>	Insert 'Contract No.', 'Lot No.' and 'Lot Title'.
V.1	<i>Date of contract award decision</i>	Enter date.
V.2	<i>Information about offers</i>	Enter number of offers received and/or number of offers received by electronic means.
V.3	<i>Name and address of economic operator in favour of whom the contract award decision has been taken</i>	Enter official name, select country 'United Kingdom' and complete as appropriate.
V.4	<i>Information on value of contract</i>	Enter 'Initial estimated total value of the contract' and 'Total final value of the contract' or 'lowest offer' and highest offer' in figures only as GBP (£ Sterling) and select 'Excluding VAT' or 'Including VAT' and 'VAT rate (%)'.  If the value is yearly or monthly insert 'Number of years' or 'Number of months'.

No	Question	Answer
V.5	<i>Information about subcontracting</i>	<p>Tick 'yes' or 'no' box as appropriate. If yes, insert 'Value or proportion of the contract likely to be sub-contracted to third parties' in figures excluding VAT in GBP or as a proportion (%). If the value or proportion is not known select 'Not known'.</p> <p>Enter a 'Short description of the value/proportion of the contract to be sub-contracted' if known.</p>

Use section V as many times as needed for each lot.

### SECTION VI: COMPLEMENTARY INFORMATION

Section VI provides information on recurrence, if EU funds have been awarded, any other complementary information procedures for appeal and the date of dispatch of the notice.

No	Question	Answer
VI.1	<i>Information about European Union funds</i>	Tick 'yes' or 'no' box as VI.1 on the PIN and VI.1.2 of the Contract Notice. If yes, insert reference to project(s) and/or programme(s).
VI.2	<i>Additional information</i>	If applicable, insert any additional appropriate information as V1.2 on the PIN and VI.1.3 of the Contract Notice.

#### VI.3) Procedures for appeal

No	Question	Answer
VI.3.1	<p>Body responsible for appeal procedures</p> <p><i>Body responsible for mediation procedures</i></p>	Enter official name, select country 'United Kingdom' and complete as VI.4.1 of the Contract Notice.
	Fill in heading VI.3.2 or, if need be, heading VI.3.	
VI.3.2	<i>Lodging of appeals</i>	Insert 'Precise information on deadline(s) for lodging appeals' as VI.4.2 of the Contract Notice.

No	Question	Answer
VI.3.3	<i>Service from which information about the lodging of appeals may be obtained</i>	Enter official name, select country 'United Kingdom' and complete as VI.4.3 of the Contract Notice.

**VI.4) Date of dispatch of this notice**

The dispatch date will be automatically updated when the notice is submitted for publication.

The Authority must ensure that the Contract Award Notice is published no longer than 48 days after the contract award date.

**ANNEXES**

Appropriate annex forms will open in the e-Notice if they are required.

**ANNEX A – ADDITIONAL ADDRESSES AND CONTACT POINTS**

Required if answer I.4) is yes.

No	Question	Answer
I	<i>Addresses of the other contracting authority on behalf of which the contracting authority is purchasing</i>	Complete as Annex A.V of the PIN and Annex A.IV of the Contract Notice.

Use Annex A as many times as needed.

**ANNEX C1 - GENERAL PROCUREMENT**

Annex C is used to record the Service Category no. required from Contract Award Notice Section II.1.2 – ‘*Type of contract and location of works, place of delivery or of performance*’. The category should be the same as that listed at Annex C on the PIN and Contract Notice.

**ANNEX D1 – GENERAL PROCUREMENT**

This annex must be completed if ‘Award of a contract without prior publication of a contract notice in the OJEU’ was selected in Section IV.0.0.

- 1) *Justification for the choice of the negotiated procedure without prior publication of a contract notice in the OJEU in accordance with Directive 2004/18/EC*

Select the appropriate boxes.

- 2) *Other justification for the award of the contract without prior publication of a contract notice in the OJEU*

Select the appropriate box.

In order to benefit from the reduced time-limit referred to above, in addition to the box(s) to be ticked, an explanation of the following question in a clear and comprehensive manner in no more than 500 words is required.

Why the award of the contract without prior publication of a contract notice in the OJEU is lawful, by stating in any case the relevant facts and, as appropriate, the conclusions of law in accordance with Directive 2004/18/EC?

## 5 POINTS TO REMEMBER

- 5.1 After publication of the Contract Award Notice, the Authority should ensure that the following points are checked prior to Contract Implementation.



- 5.2 Tenderers are entitled to a written explanation of the reasons why their tender was unsuccessful.
- 5.3 Care must be taken to ensure that all information provided to a supplier can be justified in the event of a formal complaint and/or legal action being made against the procuring organisation.
- 5.4 It is essential that the tenderer understands that any discussion is being carried out with the object of mutual longer term benefits and that the company will be told honestly of strengths and areas for improvement contained in their tender/quotation. The meeting must not be viewed as a forum for debate as to the validity of a tender.
- 5.5 The tenderer should be informed at the start of the briefing that the evaluation was carried out by a multi-skilled tender evaluation team.
- 5.6 It must be made clear to each tenderer that only their own tender will be discussed in relation to the successful tender. Under no circumstances will such things as commercial terms, innovative ideas put forward by another tenderer etc. be disclosed.
- 5.7 The briefing must be accurate and factual.
- 5.8 Debriefing meetings must be carefully planned and executed and only carried out by experienced personnel.
- 5.9 At the end of the interview, suppliers should be asked if they have any constructive comments on the ITT documentation and the tendering process generally.
- 5.10 A record of the debriefing meeting must be made and placed on the appropriate registered file.

# ACKNOWLEDGMENTS

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## HMEP Project Board

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Martin Duffy	The Chartered Institution of Highways & Transportation (CIHT)
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# GLOSSARY OF TERMS

Body governed by public law	<p>Any body:</p> <ul style="list-style-type: none"> <li>a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;</li> <li>b) having legal personality; and</li> <li>c) financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law.</li> </ul>
Central purchasing body	<p>A contracting authority which:</p> <ul style="list-style-type: none"> <li>a) acquires supplies and/or services intended for contracting authorities, or</li> <li>b) awards public contracts or concludes framework agreements for works, supplies or services intended for contracting authorities.</li> </ul>
Contract Award Notice	An OJEU notice that is a public announcement of the outcome of a public procurement exercise in the OJEU.
Contract Notice	An OJEU notice that is the means for a public body to formally advise all potential suppliers about a public sector contract opportunity.
Common Procurement Vocabulary (CPV)	The reference nomenclature applicable to public contracts.
Competitive dialogue	A procedure in which any economic operator may request to participate and whereby the contracting authority conducts a dialogue with the candidates admitted to that procedure, with the aim of developing one or more suitable alternatives capable of meeting its requirements, and on the basis of which the candidates chosen are invited to tender.
Contracting authorities	The State, regional or local authorities, bodies governed by public law, associations formed by one or several of such authorities or one or several of such bodies governed by public law.

Contractor, Supplier and Service provider	Any natural or legal person or public entity or group of such persons and/or bodies which offers on the market, respectively, the execution of works and/or a work, products or services.
Design contests	Those procedures which enable the contracting authority to acquire, mainly in the fields of town and country planning, architecture and engineering or data processing, a plan or design selected by a jury after being put out to competition with or without the award of prizes.
Dynamic purchasing system	A completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the contracting authority, which is limited in duration and open throughout its validity to any economic operator which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.
Economic operator	Covers equally the concepts of contractor, supplier and service provider.  An economic operator who has submitted a tender shall be designated a Tenderer. One which has sought an invitation to take part in a restricted or negotiated procedure or a competitive dialogue shall be designated a candidate.
Electronic auction	A repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or new values concerning certain elements of tenders, which occurs after an initial full evaluation of the tenders, enabling them to be ranked using automatic evaluation methods.  Consequently, certain service contracts and certain works contracts having as their subject-matter intellectual performances, such as the design of works, may not be the object of electronic auctions.
Electronic means	Using electronic equipment for the processing (including digital compression) and storage of data which is transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means.

Framework agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Negotiated procedures	Those procedures whereby the contracting authorities consult the economic operators of their choice and negotiate the terms of contract with one or more of these.
Network termination point	All physical connections and their technical access specifications which form part of the public telecommunications network and are necessary for access to, and efficient communication through, that public network.
Open procedures	Those procedures whereby any interested economic operator may submit a tender.
Public contracts	Contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services.
Public service contracts	Public contracts other than public works or supply contracts having as their object the provision of services.  A public contract having as its object both products and services shall be considered to be a 'public service contract' if the value of the services in question exceeds that of the products covered by the contract.  A public contract having as its object services and including activities that are only incidental to the principal object of the contract shall be considered to be a public service contract.
Public supply contracts	Public contracts other than those referred to as Public works contracts having as their object the purchase, lease, rental or hire purchase, with or without option to buy, of products.  A public contract having as its object the supply of products and which also covers, as an incidental matter, siting and installation operations shall be considered to be a 'public supply contract'.
Prior Information Notice (PIN)	An OJEU notice that allows for the contracting authority to prepare to bid for the contract before the procurement process officially begins.

Public telecommunications network	The public telecommunications infrastructure which enables signals to be conveyed between defined network termination points by wire, by microwave, by optical means or by other electromagnetic means.
Public telecommunications services	Telecommunications services the provision of which the Member States have specifically assigned, in particular, to one or more telecommunications entities.
Public works concession	A contract of the same type as a public works contract except for the fact that the consideration for the works to be carried out consists either solely in the right to exploit the work or in this right together with payment.
Public works contracts	Public contracts having as their object either the execution, or both the design and execution, of works or a work, or the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority.  A 'work' means the outcome of building or civil engineering works taken as a whole which is sufficient of itself to fulfil an economic or technical function.
Restricted procedures	Those procedures in which any economic operator may request to participate and whereby only those economic operators invited by the contracting authority may submit a tender.
Service concession	A contract of the same type as a public service contract except for the fact that the consideration for the provision of services consists either solely in the right to exploit the service or in this right together with payment.
Telecommunications services	Services the provision of which consists wholly or partly in the transmission and routing of signals on the public telecommunications network by means of telecommunications processes, with the exception of broadcasting and television.
Written or in writing	Any expression consisting of words or figures which can be read, reproduced and subsequently communicated. It may include information which is transmitted and stored by electronic means.