



STAFFORDSHIRE PARISH COUNCILS' ASSOCIATION

Principles of Tendering

Introduction to Tendering post 24 February 2025:

The Procurement Act 2023 is a major overhaul of UK public procurement rules, replacing the EU-derived Public Contracts Regulations 2015.

It received Royal Assent in October 2023 and is set to come into force on 24 February 2025.

This new regime introduces significant changes aimed at simplifying processes, promoting transparency, and giving local authorities (including town and parish councils) more flexibility to achieve value for money and wider social benefits in their purchasing. Below is an overview of key changes and what they mean for town and parish councils, including new thresholds, procedures, transparency measures, and steps to prepare for compliance.

Key Changes Introduced by the Act (Compared to Previous Rules).

- **Single New Framework vs. EU Rules:** The Act **replaces the previous EU-based procurement regulations** (like the Public Contracts Regulations 2015) with a single UK framework
- **Updated Thresholds (Including VAT):** Procurement Act 2023 applies only to contracts *above certain value thresholds*. These thresholds are now **quoted inclusive of VAT** (unlike previous rules which were net of VAT). The main thresholds relevant to local councils are in Appendix I of their NALC financial regulations.
- **Simplified Procedures:** The Act streamlines the number of official procurement procedures to **two main types** (replacing the multiple EU procedures like Open, Restricted, Competitive Dialogue, etc.): **Open Procedure** and **Competitive Flexible Procedure**
- **Award Criteria – From MEAT to MAT:** Under previous EU rules, contracts were awarded based on the “Most Economically Advantageous Tender (MEAT)”. The new Act shifts this to “**Most Advantageous Tender (MAT)**”
- **Core Principles and Objectives:** The Act encodes several **overarching principles** that contracting authorities *must* follow, where previously these were implicit or in guidance.
- **Transparency and Notices:** The new regime places heavier requirements on **publishing information** at key points: for above-threshold procurements, councils will need to publish a

Contract Notice (advertisement), a **Contract Award Notice** after choosing a winner, and a **Contract Details Notice** with key contract information within 30 days of award

- **Ability to Consider “Non-Commercial” Factors:** The Act relaxes old restrictions that prevented councils from considering certain “non-commercial” matters. Under the Local Government Act 1988 (section 17), councils were historically **prohibited from taking into account things like supplier location or workforce welfare** in procurement.
- **Other Notable Changes:** The Act introduces many technical improvements, such as a new centralised **debarment list** for excluded suppliers (to better manage poor-performing or unethical suppliers across the public sector), a **mandatory 30-day payment term** implied in all contracts (to ensure prompt payment down the supply chain)

Impact on Town and Parish Council Procurement Processes

For town and parish councils, which often handle smaller contracts, the Procurement Act 2023 will mostly affect *larger procurements or projects* that exceed the thresholds – but it also reinforces good practice for smaller purchases. Key implications for processes include:

- **Thresholds and When the Act Applies:** As noted, the Act’s full procedures apply **only to contracts above the values** (~£5.37M for works, £214k for goods/services)
- **Below-Threshold Procurements:** For contracts **below the thresholds**, town and parish councils have **more flexibility** and can follow their own Financial Regulations or standing orders for obtaining quotes. The Act does not impose the full tender process on these smaller procurements. However, it does expect councils to uphold the core principles (value for money, fairness, etc.) even for low-value deals
- **Above-Threshold Procurement Process:** If a town/parish council does have to undertake a larger tender above the threshold, the process under the Act will typically involve:
- **Emphasis on Documentation and Compliance:** Town and parish councils will need to maintain good documentation of their procurement decisions. The Act’s transparency focus means councils should **document evaluation decisions, conflicts of interest handled, and justifications** for any procedure choices or supplier exclusions. This is important in case of audits or legal challenges. While smaller councils may not have dedicated procurement staff, it’s crucial that clerks or responsible officers understand these requirements when managing a tender above threshold to avoid inadvertent non-compliance (which can lead to challenges by dissatisfied bidders)
- **Continuing Use of Contracts Finder:** For low-value procurements (often above £25,000) town/parish councils were already required by transparency rules to publish opportunities and awards on **Contracts Finder**. The new Act is expected to continue this practice via a central portal. Local councils should ensure they are registered on the government’s procurement publishing systems and prepared to post notices as required. This will increase the visibility of their tenders and help meet the Act’s transparency obligations.

Impact on Transparency, Competition, and Value-for-Money

The Procurement Act 2023 is designed to strengthen **transparency**, enhance **competition**, and secure better **value for money** in public procurement – all of which affect how local councils operate:

- **Transparency:** The Act embeds transparency as a core principle “throughout the commercial lifecycle”
- **Competition:** The Act aims to **open up procurement to more bidders**, especially **SMEs (small and medium enterprises) and VCSEs (voluntary, community, and social enterprises)**
- **Value for Money (VfM):** Achieving VfM remains paramount, but the Act **broadens the concept** beyond just lowest price.

For local councils:

In summary, the Act’s changes push councils to conduct procurements in a way that the **process is visible and fair, more suppliers can compete, and the winning offer delivers the best overall value** (financially and socially). For well-run councils, this aligns with what they aim to do already, but the Act provides clearer authority and some new tools to do it.

New Obligations and Opportunities for Local Councils

Under the Procurement Act 2023, town and parish councils face some **new obligations** to comply with, but also gain **new opportunities** to improve their procurement outcomes:

New Obligations (Compliance Requirements for Councils):

- **Adherence to Principles:** Councils must ensure their procurement practices align with the Act’s **five objectives** – value for money, public benefit, transparency, integrity, and fairness
- **Follow the New Procedures & Timescales:** If conducting an above-threshold tender, councils are obligated to use either the Open or Competitive Flexible procedure and follow the rules around how each is run (e.g. minimum advertising periods, etc.)
- **Adopt “Most Advantageous Tender” Award:** When awarding contracts, councils are now **legally required to choose the most advantageous tender** according to the disclosed criteria
- **Adhere to Transparency Requirements:** There are new **reporting and publication duties**. Councils must publicly publish award details for contracts over the thresholds (and some form of notice even for below-threshold competitions)
- **30-Day Supplier Payments:** The Act mandates **30-day payment terms** down the supply chain. **All local councils must ensure their contracts include a clause that they (and their contractors to any subcontractors) will pay invoices within 30 days**
- **Actively Facilitate SME Participation:** Rather than just considering SMEs, councils now have a duty to **“actively remove barriers”** for smaller businesses in procurement
- **Consider the National Procurement Policy Statement (NPPS):** A new NPPS is being prepared to align with the Act
- **Training and Capability:** Indirectly, the Act creates an obligation for councils to ensure staff and members involved in procurement are **knowledgeable about the new rules**. While not a legal clause, the complexity of compliance (and the increased scrutiny) means councils should treat training as essential. The government and LGA have produced free training modules and guidance

New Opportunities (Flexibilities and Advantages for Councils):

- **Local Supplier Preferences for Small Contracts:** As noted, the relaxation of Section 17 LGA 1988 allows councils, **for below-threshold procurements, to prefer local suppliers** or even limit competition to firms in a particular area (e.g. your county) if desired

- **Greater Weight on Social Value:** The shift to MAT and the explicit mention of social value means councils can **build social, environmental, or community benefit goals into their procurements** more freely
- **Flexible Procurement Design:** The new **Competitive Flexible procedure** gives councils the freedom to design a process that suits them. For complex projects, a parish council could, for instance, run a two-stage process (an initial request for supplier qualifications/ideas, then a second stage for detailed bids) – which might attract better proposals. They could also negotiate with top bidders to refine offers. This flexibility can result in **better outcomes** than a one-size-fits-all approach, especially for unique local projects, and can reduce the risk of procurement failure by allowing adjustments during the process. *(Note: Using this flexibility will require expertise, but it's an opportunity to be innovative when needed.)*
- **Simplified Regulation = Easier Compliance:** By reducing the number of procedures and clarifying rules, the Act may make it **easier for small councils to navigate procurement law**. The rules are more clearly written in one place (with lots of Cabinet Office guidance). A parish clerk, for example, may find the new **guidance and training** more straightforward, enabling the council to run tenders in-house rather than hiring expensive consultants or avoiding tenders altogether. In the long run, this can save money and build internal capacity.
- **Collaboration and Joint Procurement:** The Act does not explicitly introduce new joint procurement powers, but with the common framework and timing, **councils might find it easier to collaborate on procurements**. All councils will be using the same rules, so a cluster of parish councils could jointly tender for a service (like grounds maintenance) to get economies of scale, knowing that the process and thresholds are uniform. Also, the transparency portal will allow councils to see each other's contract notices more easily, potentially spurring cooperative opportunities.
- **Digital Procurement Systems:** The emphasis on electronic communication and a forthcoming "seamless digital platform"

In essence, while the Act does require councils to follow new rules, it also **empowers local councils to be more strategic** with procurement – leveraging it to support local goals, engage more suppliers, and ultimately get better value and outcomes for their communities.

Practical Steps for Councils to Prepare for Compliance

With the Procurement Act 2023 going live in early 2025, town and parish councils should use the lead time to get ready. Here are practical steps and best practices to ensure compliance from day one:

1. **Educate and Train Key Personnel: Familiarize yourselves with the new requirements** and train anyone involved in purchasing
2. **Review and Update Internal Policies:** Conduct a thorough **review of current procurement processes, standing orders, and financial regulations**
3. **Plan Your Procurement Pipeline:** Look ahead at projects and contracts coming up in the next 12–18 months (known as your **procurement pipeline**). Identify any that might hit the new thresholds or that will be strategically important
4. **Engage with the New Digital Platform:** Ensure the council is registered on the government's procurement portals. Currently, Contracts Finder (for sub-OJEU notices) and Find a Tender (for above-threshold notices) are in use – these may evolve into a new unified digital platform by 2025. **Register an account and familiarize yourself with posting notices** so you're not learning the system at the last minute. You may also consider using e-procurement software (some are low-cost or provided via county associations) to manage the tender process electronically, as the Act prefers electronic communications.
5. **Consult Guidance and Get Advice:** Keep an eye out for the **official guidance on [gov.uk](https://www.gov.uk)** and the new National Procurement Policy Statement when released

6. **Embed the Principles in Practice:** Start adopting the Act's principles now in smaller procurements to build habit. For example, practice publishing more information about how you award contracts (transparency), make sure to invite some local SMEs for quotes (SME access), and document your value-for-money reasoning even if the law doesn't yet require it for a £15k purchase. This will set the stage for seamless compliance later and show auditors that the council is aligning with expected standards.
7. **Prepare Evaluation and Reporting Processes:** Set up a clear internal process for how you will evaluate bids under the new rules. Determine who will draft criteria and how you will score tenders. Make templates for evaluation reports and bidder feedback letters (the Act mandates giving a summary of the assessment to all bidders on award).
8. **Monitor for Changes and Local Support:** As implementation nears, stay connected with sector bodies (e.g. your County Association of Local Councils, Society of Local Council Clerks, or the LGA) for any last-minute updates or sector-specific advice. They may provide model templates or checklists tailored for parish councils. Given the Act's delay to Feb 2025, guidance may be updated – so keep informed via official channels or newsletters. Being proactive will ensure you're not caught off guard by any nuance in the final regulations.

Early preparation will also help councils seize the opportunities the new regime offers – enabling smoother, fairer procurement processes that stand up to scrutiny and deliver better value and outcomes for local communities.

As we navigate these changes, it's clear that the Procurement Act 2023 presents both challenges and opportunities for town and parish councils. The shift towards greater transparency, flexibility, and accountability means that councils must be proactive in adapting to the new rules. While the details may seem overwhelming, the core principles are straightforward—ensuring fair competition, securing value for money, and making procurement decisions that genuinely benefit our communities. With modern AI toolkits, we can now deep dive into multiple sources of information, surfacing the most relevant details quickly and efficiently. This level of insight allows us to not only stay compliant but also make more informed, strategic decisions that will shape the future of local government procurement.

Appendix I

1. Works/Construction Threshold: **£5,372,609** (including VAT)
2. Goods Threshold: **£214,904** (including VAT)
3. Services Threshold: **£214,904** (including VAT)

Added additional context from a recent NALC update in March 2025:-

*The National Association of Local Councils (NALC) has released new **Model Financial Regulations** to support councils in aligning their internal procurement processes with the requirements of the **Procurement Act 2023**. These updated regulations provide specific guidance tailored to town and parish councils and are designed to help clerks and responsible officers ensure legal compliance and best practice. Councils are strongly encouraged to review and adopt the latest model. Further information is available on the [NALC website](#).*

What key principles govern the process of evaluation of tenders?

- **Non-discrimination:** This principle means that any discrimination with regard to tenderers on the basis of nationality is forbidden and tenderers from other member states must not be discriminated against in favour of domestic tenderers.

- **Equal treatment:** This principle means that all tenders submitted within the set deadline are to be treated equally. They must be evaluated on the basis of the same terms, conditions and requirements set in the tender documents and by applying the same preannounced award criteria.
- **Transparency:** This principle means that detailed written records must be kept (normally in the form of reports and minutes of the meetings held) of all actions of the evaluation panel. All decisions taken must be sufficiently justified and documented. In this way, any discriminatory behaviour can be prevented and if not prevented, then monitored.
- **Confidentiality** – Apart from any public tender opening, the process of evaluation of tenders must be conducted *in camera (in private)* and must be confidential. During the process of evaluation, the tenders should remain in the premises of the Council and should be kept in a safe place under lock and key when not under review by the evaluation panel. This safeguard is recommended in order to avoid any leaking of information. Information concerning the process of evaluation of tenders and the award recommendation is not to be disclosed to the tenderers or to any other person who is not officially concerned with the process, until information on the award of the contract is communicated to all tenderers.

How does the evaluation panel operate?

The process of evaluation of tenders will be carried out by an evaluation panel/committee. The Proper Officer will co-ordinate, give guidance and control the process of evaluation of tenders. The RFO/Parish Manager will provide support to the committee/panel, carrying out the administrative tasks linked to the evaluation process, and keeping the minutes of each meeting.

The members of the evaluation panel/committee will assess the tenders jointly free from external influence. An evaluation panel has only the mandate to identify the best tender and to make a recommendation as to the award of the contract to the Council. A Committee may have the delegated authority in Standing orders. Please refer to your Standing orders, however it is advisable to report back to Full Council for affirmation of the decision.

Process of evaluation of tenders:

There are two key stages in the evaluation process: (1) receipt and opening of tenders, and (2) evaluation of tenders - which normally results in the recommendation of the contract award made by the evaluation panel/committee to the Council.

Receipt and opening: On receiving the tenders, the Council must register them, recording the names of the tenderers as well as the exact date and time of receipt of the tenders. The summary of tenders received is then annexed to the tender opening report.

The envelopes containing the tenders must remain sealed and must be kept in a safe place under lock and key until they are opened, and afterwards they must be kept in a safe place under lock and key until the contract award.

Your Financial Regulations may detail that both an officer and member open the tenders together.

Late tenders are rejected and then returned to the tenderers concerned un-opened. A record is made of this decision.

How does the evaluation panel evaluate tenders?

It's vital that all tenders are treated equally and blind evaluations (i.e. the panel/committee do not know the company names) provides the best way to protect the council against legal challenge due to any preceded bias or unfair treatment. We recommend that this principle is built into your financial regulations.

The evaluation should be done in a single process, free of outside influence and documents are treated with complete confidence during the process.

The evaluation panel/committee must make sure that the tenders received are complete and that they comply with all of the requirements set by the contracting authority in the tender documents. The evaluation panel can then apply the pre-announced award criteria (either the lowest price criterion or the MEAT criterion) to evaluate the tenders.

The evaluation panel/committee will usually carry out the following activities:

- Formal compliance check
- Technical and substantive compliance check
- Choice of the best tender on the basis of the pre-announced award criteria: either the lowest-price criterion or the MAT criterion
- Recommendation for the award of the contract

Formal compliance check: The formal compliance check consists of establishing which tenders are compliant with the procedural requirements and formalities set by the Council in the tender documents. These procedural requirements include, for example, the submission of tenders with the correct number of copies and including all documents requested.

Technical and substantive compliance check: The technical and substantive compliance check consists of identifying the tenders that are compliant with:

- the specifications
- the contract conditions and other fundamental substantive requirements

Non-compliance with fundamental requirements: non-compliance with fundamental procedural requirements, specifications and other fundamental substantive requirements must, as a general rule, result in the rejection of the non-compliant tenders. It is against the principle of equal treatment to accept tenders that do not comply with such requirements.

The reasons for rejecting a tender for non-compliance with specifications and other substantive requirements must be clearly and exhaustively explained and documented in the evaluation report.

Non-compliance with non-fundamental requirements: Generally speaking, noncompliance with non-fundamental procedural requirements and specifications and other nonfundamental substantive requirements would not constitute a reason for the rejection of a tender, but it would lead instead to a request for clarification.

In principle, the correction of non-compliant tenders in these instances would not give rise to abuse. On the contrary, it would be wasteful for the Council and against the principle of effective procurement to reject an advantageous tender only because it failed to meet some minor specifications or other minor substantive requirements.

When a tenderer, following a request for clarification, is allowed to bring its tender into compliance, this correction must be made in compliance with the principle of equal treatment. Therefore, any tenderer failing to comply with the same requirement or with other non-fundamental specifications or non-

fundamental substantive requirements must be treated equally and must also be allowed to bring its tender into compliance.

Some notes on the clarification process

The evaluation panel may, at its discretion and at any time during the process of evaluation of tenders, ask tenderers for clarifications of their tenders.

Some examples of when requests for clarifications may be needed

- When the tender contains inconsistent or contradictory information about the specific aspect of the tender
- When the tender is not clear when describing what it is offering
- When the tender contains minor mistakes or omissions
- When the tender is non-compliant with the non-fundamental formal and/or substantive requirements set in the tender documents

In accordance with the principle of equal treatment, no substantial alterations to tenders are to be sought or accepted through requests for clarifications. Therefore, re-requests for clarifications cannot, for example:

- allow a non-compliant tender to be brought into compliance with the set mandatory fundamental specifications;
- allow a change in the tendered price (except for the correction of arithmetical errors discovered in the evaluation of the tenders, if applicable).

Some important points to keep in mind:

- Requests for clarifications do not imply negotiations
- Any request for clarification and the corresponding response must be in writing
- The evaluation panel must agree on any request for clarification before it is sent to the tenderer concerned
- Any agreed request for clarification must be sent to the tenderer exclusively through the chairperson of the evaluation panel. Individual members of the evaluation panel are not to be allowed to contact the tenderers directly in order to seek clarifications of their tenders
- The clarification correspondence exchanged must be summarised in detail in the evaluation report, with a clear indication of whether the answers received are satisfactory to the evaluation panel, and if not why not. For the purpose of transparency, the exchanged correspondence must also be annexed to the evaluation report
- Any clarification submitted by a tenderer with regard to its tender that is not provided in response to a request by the evaluation panel is not to be considered

Choice of the best tender

Rather than automatically accepting the lowest price, the tender evaluation process applies weighting for skills, quality, experience and previous performance in a manner to ensure value for money.

To assess tenders, a system of criteria intended to encapsulate the competence of the tendering organisation to undertake a particular project is used to rate the tenderer's bids. All relevant information requested in the tender documents and provided with the tender is used in the tender evaluation.

Selection criteria are intended to assess the competence of the tendering organisations to achieve the required project outcome and are used to rate each of the tenders.

The criteria are usually selected from the following:

- relevant experience;
- appreciation of the task;
- past performance;
- management and technical skills;
- resources;
- management systems;
- methodology; and
- price.

Generally, no more than five criteria will be used. The criteria must be relevant to the project, they must be able to be evaluated in a meaningful way and they must be able to be used to allocate a score to the tender submissions.

Guidance information on some of the example criteria is set out below.

Relevant Experience

Previous experience of the tenderer needs to be assessed in relation to the fields of expertise required to achieve the intended outcomes of the project. Recent experience is more valuable than historic experience. The company's previous experience in technical areas comparable to the tendered project, the scale of past projects and the role undertaken within those projects should be considered.

Information required could include a list of relevant projects undertaken and for each project provide:

- description and relevance to the tendered project;
- role of the tenderer;
- project cost; and
- duration of project.

Past Performance

The tendering organisation's performance in completing past projects to the quality standards required, time performance, within budget, claims history, project management, and product value need to be assessed.

Extension to the contract completion date and claims for variations also give an indication of performance capability. Similarly, the satisfaction of previous clients regarding the management of the project and project outcome provide useful subjective information on performance of the tenderer.

The information required could include the following information on each project:

- project name;
- client's project manager (name and phone/fax numbers);
- quality standards, target performance levels;
- tender price, variations and final cost;
- completion date and extensions of time granted

Technical Skills

The competence of key management, professional and technical personnel that the tenderer proposes to employ on the project needs to be assessed with particular emphasis on the skills and experience in technical areas comparable to the project.

Management Skills and Systems

The availability within the tenderer's organisation of personnel with appropriate management skills together with effective management systems and methods appropriate to the successful management of the project.

Resources

The equipment, including facilities and intellectual property, which the tenderer proposes to use on the project need to be assessed.

Methodology

The procedures or innovative methods the tenderer proposes to use to achieve the specified end results, or the special processes detailed in tender documents.

The tenderer should be able to demonstrate its capability to bring the contract to a satisfactory conclusion by describing the methodology of approach to accomplish the project's required outcomes.

The information required could include the following:

- program of works;
- key performance indicators;
- division of works into subcontracts;
- innovative procedures to be used;
- reporting and recording systems; and
- Quality Plan.

Price

The price is the sum that the Council would be required to pay to the tenderer for the work or service provided. This must include all costs over the duration of the contract. Depending on the contract, this could include:

- fixed capital cost;
- variable tender costs during the contract period;
- special adjustments during the contract period;
- maintenance costs; and
- operating costs.

Evaluating based on pre-announced Award Criteria

The evaluation of the tender stage will be done using the award criteria based on the **most advantageous tender (MAT)**.

Tenders submitted that:

- meet the set procedural requirements and formalities, and
- meet the set mandatory specifications and other set mandatory substantive requirements

will be evaluated by applying the specific criteria and their relative weighting.

Some important points to keep in mind:

- The pre-announced criteria and weightings, as well as any pre-announced evaluation methodology cannot be changed or waived during the process of evaluation of tenders. Any criteria and methodology must be applied as they stand.

- To obtain a meaningful evaluation, the members of the evaluation panel must take a consistent approach when scoring the tenders, and the same scoring rationale must be used.

Before evaluating and scoring the financial aspects of the tenders, the evaluation panel must:

- make sure that all costs are included;
- correct any arithmetical errors;
- investigate any tender that appears to be abnormally low

Evaluation grids/matrices are used to score the tenders. For the purpose of transparency, these grids/matrices must then be attached to the evaluation report.

The weighting range for the Selection Criteria could be within the following:

| Range | Criteria | Minimum –Maximum |
|---------|----------------------------|------------------|
| Quality | 10-40% Relevant Experience | 5 – 20% |
| | Past Performance | 5 – 20% |
| | Technical Skills | 0 – 20% |
| | Resources | 0 – 20% |
| | Management Skills | 0 – 20% |
| | Methodology | 0 – 20% |
| Price | 60-90% | |

Evaluation of Price

A standard formula for calculating the price score is as follows:

$$\frac{\text{Lowest Total Tender Price}}{\text{Tender Price (Tender under consideration)}} \times \text{total marks available (\% x 10)} = \text{points awarded Bidders Total}$$

For example if the **total mark attribute to price was 750** and the tendered prices for each bidder were Company A - £100,000, Company B - £120,000 and Company C - £80,000, then the price scores would be as follows:

| Tendered Prices | Price Score |
|----------------------|-------------|
| Company A - £100,000 | 600 marks |
| Company B - £120,000 | 499 marks |
| Company C - £80,000 | 750 marks |

Evaluation of Quality

Quality would typically be broken down into a number of sub-criteria which must also be disclosed in the tender documentation. For example, if the **total mark attributable to quality was 250**, this could be broken down into:

50 marks for relevant experience
 50 marks for past performance
 50 marks for technical skills
 50 marks for methodology
 50 marks for resources

Each of the sub-criteria should be scored using the scoring mechanism detailed in the tender documentation. A suitable scoring mechanism is detailed below:

Score 5 marks - where the evidence demonstrates that all of the tender requirements have been met. Response provided is excellent.

Score 4 marks - where the evidence demonstrates that most of the tender requirements have been met. Response provided is good.

Score 3 marks – where the evidence demonstrates that some of the tender requirements have been met. Response provided is satisfactory.

Score 2 marks – where the evidence demonstrates clear gaps in meeting the tender requirements and is not comprehensive. Response provided is below average.

Score 1 mark – where the evidence demonstrates a significant flaw in meeting the tender requirements. Response provided is poor.

Score 0 marks – where no information is provided for the relevant criteria.

The scoring mechanism is applied to each sub-criteria to arrive at a total quality score for each company. Example below:

Score out of 5

| | Total marks available | Company A | | Company B | | Company C | |
|---------------------|-----------------------|-----------|----------------|-----------|----------------|-----------|----------------|
| | | Score | Marks | Score | Marks | Score | Marks |
| Relevant Experience | 50 | 4 | 40 (4/5*50) | 2 | 20 (2/5*50) | 1 | 10 (1/5*50) |
| Past Performance | 50 | 5 | 50 (5/5*50) | 0 | 0 (0/5*50) | 1 | 10 (1/5*50) |
| Technical Skills | 50 | 4 | 40 (4/5*50) | 5 | 50 (5/5*50) | 0 | 0 (0/5*50) |
| Resources | 50 | 4 | 40 (4/5*50) | 4 | 40 (4/5*50) | 1 | 10 (1/5*50) |
| Methodology | 50 | 5 | 50 (5/5*50) | 4 | 40 (4/5*50) | 1 | 10 (1/5*50) |

| | | | | | | | | |
|----------------------------|--|--|------------|--|------------|--|-----------|--|
| Total Quality Score | | | 220 | | 150 | | 40 | |
|----------------------------|--|--|------------|--|------------|--|-----------|--|

Total MEAT Score

This is arrived at by adding the total price score to the total quality score. Using the previous examples, the total MEAT score of each company would be as follows:

| | Company A | Company B | Company C |
|-------------------------|------------------|------------------|------------------|
| Price Score | 600 marks | 499 marks | 750 marks |
| Quality Score | 220 marks | 150 marks | 40 marks |
| Total MEAT Score | 820 marks | 649 marks | 790 marks |

The company with the highest overall MEAT score will win the tender. In the example, Company A have achieved the highest MEAT score even though Company C is the cheapest. This demonstrates that best value does not always mean the cheapest tender.

Recommendation to award the contract: The evaluation panel has the mandate to issue only a recommendation to the Council regarding the award of the contract, and not to make the final award decision.

Evaluation report: The recommendation for the award of the contract is contained in the evaluation report, which is normally prepared by the chairperson of the evaluation panel with the support of the RFO/Clerk and members of the panel.

Information that should be contained in the evaluation report: The evaluation report must confirm who the members of the panel are, describe the contract which is the subject to the evaluation process, confirm the recommendation of the panel and name the proposed tenderer and those tenderers who have been unsuccessful. The report should summarise in a clear way the activities carried out by the evaluation panel during the process of evaluation of tenders and provide a clear and detailed analysis of those activities and their results. There should be a clear justification for any recommendation made. The evaluation report must have attached to it all of the documentation drawn up by the evaluation panel during the performance of its tasks.

Recommendation or obligation to cancel the tender process – There are a number of situations where the evaluation panel may not make a recommendation for the award of a contract. National legislation may also specify grounds for mandatory cancellation. Examples of these situations include:

- No tenders have been received at all;
- None of the tenders received has been found to be compliant;
- All admissible tenders exceed the budget available;
- None of the tenderers (when using the open procedure) satisfies the set selection criteria
- The circumstances of the contract have been fundamentally altered;
- Irregularities occurred during the process of evaluation of tenders.

In this case, the evaluation process recommends, in the evaluation report, the cancellation of the tender process or sets out the mandatory grounds for cancellation. It will then be up to the Council to decide, on the basis of the circumstances of the case and the applicable national legislation, how to proceed (for example, by entering into a negotiated procedure or re-advertising the tender process).

Contract conclusion:

For all contracts over the OJEU (Official Journal of the European Union) threshold, a mandatory standstill period must be observed between notification of the contract award and the conclusion of the contract.

The reason for this is to give the unsuccessful tenderers the opportunity to challenge the award decision before the contract is concluded. It is very important that the standstill period is adhered to where this is required otherwise the Council will be open to a legal challenge.

For contracts under the OJEU threshold, the Council may proceed with the award of the contract using the contract conditions that were included in the tender documents and accepted by the successful tenderer. The Council will notify the successful tenderer in writing that their submission has been accepted for the contract award. All other tenderers must also be notified of the final decision to award.