

MANDATORY STANDSTILL PERIOD FOLLOWING TENDER EVALUTION

EU Procurement Law now requires a minimum Mandatory Standstill Period of 10 clear days **AFTER** notifying unsuccessful bidders and **BEFORE** the Contract Commencement (or Purchase Order Placed) for all European Tenders.

Notification should contain the following information:-

- Award criteria
- Where **appropriate** the tenderers score
- Where **appropriate** the winning tenderers score
- The name of the winning tenderer.

(It should be noted however, that the EU directives allow that purchasers not release certain confidential information, which could be deemed as 'Commercial in Confidence', such as pricing).

This allows unsuccessful bidders the opportunity to request feedback prior to the Contract Commencement.

The timescale for the process is as follows:-

Day 0	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Day 11
Notify tenderers of award decision by fax or email and in writing	Tenderers must request additional debriefing by the close of the 2nd working day following notification. Excludes Saturday / Sunday and Bank Holidays	Provide additional debriefing, if requested. Subject to the request being received by the end of the 2nd working day after notification, purchasers must provide additional debriefing. Includes Saturday / Sunday and Bank Holidays.						Three full working days are required following the additional debriefing to the end of the standstill period. Excludes Saturday / Sunday and Bank holidays			Contract awarded / purchase order placed as long as there is no Legal Challenge

Note:

Standstill period may have to be extended to allow for the three working days after debriefing

If there is no request for additional debriefing at the end of day 2, purchasers should still wait until after day 10 to commence the contract.

If a request for a debriefing is requested within the 10 days but after the two working days ,it is not mandatory to debrief within the standstill period (although it may be if you consider appropriate) but a debrief within 15 days is required after receipt of a written request.

If a legal challenge is brought during the extended mandatory standstill period purchasers must wait to see whether interim measures are granted before proceeding to contract conclusion.

When interim measures are granted purchasers should await the outcome of the legal proceedings before concluding the contract.

