
STATUTORY INSTRUMENTS

1991 No. 2679

The Public Supply Contracts Regulations 1991

PART V

THE AWARD OF A PUBLIC SUPPLY CONTRACT

Criteria for the award of a public supply contract

20. –

(1) Subject to paragraphs (4) and (5) below, a contracting authority shall award a public supply contract on the basis of the offer which–

- (a) offers the lowest price, or
- (b) is the most economically advantageous to the contracting authority.

(2) The criteria which a contracting authority may use to determine that an offer is the most economically advantageous include price, delivery date, running costs, cost effectiveness, quality, aesthetic and functional characteristics, technical merit, after sales service and technical assistance.

(3) Where a contracting authority intends to award a public supply contract on the basis of the offer which is the most economically advantageous it shall state the criteria on which it intends to base its decision, where possible in descending order of importance, in the contract notice or in the contract documents.

(4) If an offer for a public supply contract is obviously abnormally low the contracting authority shall request an explanation of the offer, or of those parts which it considers contribute to the offer being abnormally low, and shall–

- (a) if awarding the contract on the basis of the offer which offers the lowest price, examine the details of all the offers made, taking into account any explanation given to it of the abnormally low tender, before awarding the contract, or
- (b) if awarding the contract on the basis of the offer which is the most economically advantageous, take any such explanation into account in assessing which is the most economically advantageous offer.

(5) A contracting authority may, if it is not satisfied with the explanation of any supplier given in respect of an abnormally low offer, reject that offer but, if a contracting authority which rejects an offer for this reason is awarding the contract on the basis of the offer which offers the lowest price, it shall send a report justifying the rejection to the Treasury for onward transmission to the Commission.

(6) For the purposes of this regulation an “offer” includes a bid by one part of a contracting authority to make available to another part of the contracting authority the goods required by it when the former part is invited by the latter part to compete with the offers sought from other persons.

Contract award notice

21. –

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) A contracting authority which has awarded a public supply contract shall, no later than 48 days after the award, send to the Official Journal a notice, substantially corresponding to the form set out in Part E of Schedule 3, and, subject to paragraph (2) below, including the information therein specified in relation to the contract.

(2) Any of the information specified in Part E of Schedule 3 to be included in the contract award notice may be omitted in a particular case where to publish such information would impede law enforcement, would otherwise be contrary to the public interest, would prejudice the legitimate commercial interests of any person or might prejudice fair competition between suppliers.