

PROCUREMENT REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Specific Duties

Giving of reasons

Section 32 – Giving of reasons to unsuccessful participants

68. The section applies only to regulated procurements which are not also EU-regulated procurements. It imposes an obligation on contracting authorities to notify any supplier that submitted a pre-qualification questionnaire of the contracting authority's decision at pre-qualification stage (section 32(2)). Section 32(4) imposes an obligation on contracting authorities to notify all unsuccessful tenderers of its contract award decision as soon as reasonably practicable after awarding the contract or the framework agreement.
69. An economic operator who was excluded from participating in the procurement before submitting a tender must be given a notice with the information set out in section 32(3). An economic operator who was an unsuccessful tenderer must be given a notice of the decision with the information set out in section 32(5).