

Employer Instructions

Letter to Unsuccessful Candidate (MF1.2h) – Procurement Below The EU Threshold - Cross Border Interest

Introduction The need to notify candidates that have been unsuccessful in their application to be placed on a tender list where the procurement for works is below the EU threshold but there is a cross-border interest will arise in the context of satisfying the Treaty principals.

Informing candidates The letter that should issue may be sent at any time up to award of the contract. However as a matter of best practice the letter should issue as soon as possible after the short-list is complete so that the unsuccessful candidates know where they stand and can be in a position to pursue other procurement opportunities that may since have arisen.

Model letter The Model Letter that should be used should be MF1.2h. There is provision in this Letter for contracting authorities to provide details of the scores that were awarded to the unsuccessful candidate and those of the lowest ranked successful candidate. This is to enable unsuccessful candidates be aware of their marks so as to improve their performance next time round. Furthermore contracting authorities have the discretion to only release the scores awarded to the unsuccessful candidate, or they may decide not to release any details at all. This is entirely at the contracting authority's discretion.
If qualitative selection is not used to short-list candidates, but instead random selection is used, then the need to disclose marks will not arise.

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