

Sell2Wales

Notice publication guidance



Llywodraeth Cymru
Welsh Government

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Introduction

The purpose of this document is to inform buyers of the different notice types available through the portal and to instruct on best practice for format and content to limit delay between submission of your notice and publication. If your notice does not adhere to the below guidance it may be “held” from publication by the portal support staff while you are contacted to amend.

Notice Types

Website Notice – Speculative Notice

A *Speculative Notice* is the sub-OJEU version of a *Prior Information Notice*. The purpose of a Speculative Notice is to notify the market that a Contract Notice will be advertised within the next year. It can also be used to obtain market intelligence in advance of a procurement process. This notice type is not intended to be used to invite suppliers to tender and so does not have a deadline function. The following additional options can be used:

- Additional documents
- Noted interest
- Question & answers

Website Notice - Contract Notice

A *Contract Notice* is used to advertise a procurement requirement and call for interested suppliers respond with relevant documentation by a set deadline.



Buyers can create a *Website Contract Notice* for either a single or a dual stage procedure (these are the non-OJEU equivalents of the Open or Restricted/Negotiated procedures). The selected procedure type must match the procedure detailed within the text of the notice.

Website Notice - Contract Award Notice

The purpose of a *Contract Award Notice* is to notify the market that the contract has been awarded.

To create an *Award Notice* buyers should select the “Award” button within the original *Contract Notice* found in the published notice workspace. This links the *Contract Notice* and the *Contract Award Notice*, ceasing the automatic reminders to award the contract. This also saves the buyer time as much of the text is automatically transferred from the original notice.

NOTE: if the contract notice was not created through the new sell2Wales, released on 30th June 2013, the “Award” button is not available and a contract award notice will need to be created from scratch.

OJEU Notice – Prior Information Notice (PIN)

The purpose of a *Prior Information Notice (PIN)* is to notify the market that a Contract Notice will be advertised within the next year. This notice type is not intended to be used to invite suppliers to tender and so does not have a deadline function. The following additional options can be used:

- Additional documents
- Noted interest
- Question & answers



To qualify for the reduction in the contract notice timescales afforded by the publication of a PIN, the *PIN* must be published between 52 days and 1 year before the contract notice is published. If there are fewer than 52 days or over 1 year between publication of PIN and the Contract Notice, the reduction in timescales is not applicable.

OJEU Notice - Contract Notice

A *Contract Notice* is used to advertise a procurement requirement and request that interested suppliers respond with relevant documentation by a set deadline.

It is a legal requirement for public bodies to publish procurement requirements to the OJEU, as detailed in the Public Contracts Regulations (2006), which can be found by [clicking here](#). A document detailing the EU thresholds can be found by [clicking here](#).

On occasion the buyer is not obliged to publish to OJEU but still wishes to do so. In these situations the notice is referred to as being a *voluntary OJEU Contract Notice*, ideally this should be detailed within the text of the *Contract Notice*.

There is a selection of procedure types available when creating an *OJEU Contract Notice*. These include the Open, Restricted, Negotiated and Competitive Dialogue procedures. There are no restrictions in the legislation on the use of the open and restricted procedures. The competitive dialogue and negotiated procedures can only be used in certain specified circumstances. Buyers should seek professional legal advice if unsure whether the “certain specified circumstances” apply to their circumstances.

When creating a *Contract Notice* the selected procedure type must match the procedure detailed within the text of the notice.



OJEU Notice – Contract Award Notice

The purpose of a *Contract Award Notice* is to notify the market and OJEU that the contract has been awarded.

To create a *Contract Award Notice* Buyers should select the “Award” button within the original *Contract Notice*. This links the *Contract Notice* and the *Contract Award Notice*, ceasing the automatic reminders to award the contract. This also saves the buyer time as much of the text is automatically transferred from the original notice.

NOTE: if the contract notice was not created through the new sell2Wales, released on 30th June 2013, the “Award” button is not available and a contract award notice will need to be created from scratch.

OJEU Notice – Additional Information

When adding Additional Information to a published OJEU notice the buyer is provided with a tick box at the top of the page asking whether the Additional Information should be submitted to the OJEU. If the buyer ticks this box then the OJEU Additional Information form is automatically submitted to the Sell2Wales help desk for completion and submission to the OJEU. Changes to timescales or notice cancellation automatically creates an Additional Information form.



Notice content and formatting

When creating your notice please take note of the following restrictions relating to content and formatting.

OJEU notice formatting

- Currency symbols should not be used in OJEU notices. £ signs can be corrupted when the notice is published in different systems, therefore, GBP should be used to denote the currency.
- According to OJEU publication rules all text should be in sentence case.

All notices:

- Bullet points should not be contained in any notice. Bullet points can be corrupted when the notice is published in different systems, therefore, dashes (-) should be used in their place.
- Notice titles must be in sentence case. To maintain consistency in the appearance of notices on the portal please do not provide notice titles in upper case lettering.
- Adequate and appropriate coding and geographical locations should be attached to each notice. The coding you choose will be used to assist suppliers browsing notices and will also determine the notices received in e-mail alerts.
- The Contracting Authority details (section 1.1) must detail the organisation who is signing the contract.

Contract Notices:

- Contract descriptions should provide some indication as to what the requirements are (i.e. they should not just refer to documents). This is to give suppliers a full idea of what the requirements are which will better enable them to make a decision on whether to note an interest.



- If using the restricted, competitive dialogue or negotiated procedure then the question regarding the limitations on the number of operators must be answered. OJEU rules state that the Purchaser should be seen to be looking for a minimum of 5 operators when using the restricted procedure and a minimum of 3 when using the competitive dialogue or negotiated procedure.

- The timescales should be adequate for contract notices. OJEU contract notices have specific minimum timeframes as per the regulations. For website notices at least 5 working days should be provided for the return of the tender documents. If applicable, the time limit for obtaining documents must be reasonable and should never be the next working day.

Within an OJEU contract notice reduction in timescales can be applicable. Please note:

- If using the open procedure and the reduction due to documents then details on where the documents can be found must be included in the notice. Documents must be readily available to qualify for the reduction – this does not include emailing documents.
- If using a *PIN* to reduce the timescales of an Open Procedure then this must have been published between 52 days and 1 year prior and the OJEU reference number must be detailed under “Previous Publications”.
- “Accelerated” procedures are available for both the restricted and competitive negotiated procedures when urgency makes the normal timescale impractical. The legislation makes it clear that the accelerated procedure is to be used exceptionally. The buyer must indicate the reasons within the *Contract Notice*.



PINs/Speculative notices

- The estimated start of the award procedure is the date that it is estimated the Contract Notice will be published.

Contract Award Notices

- To ensure accurate reporting capabilities it is a requirement of the Welsh Government that a valid contract value is included within the *Contract Award Notice*. If the contract is a concessions contract then this must be detailed within the text of the notice.
- The successful bidders in an award notice must be selected from the Sell2Wales database of suppliers. This is to allow for accurate reporting capabilities. If the successful bidder is not registered please ask them to do so before completing your award. All Successful Bidders must be listed separately.
- When entering the Successful Bidder's details it is advised to refrain from entering mobile telephone numbers. The *Contract award Notice* is publicly published and not all suppliers wish for their mobile telephone numbers to be published publicly. The telephone number field is not mandatory.
- The contract award date provided should not be a date in the future. The award notice should not be published until after the contract has been signed and, if required, the stand-still period respected.
- The OJEU reference number for the original *OJEU Contract Notice* must be entered within the "Previous Publications" section. (If using the "Award" button then this will be automatically entered.)