
Report: Amendment to Procurement Contract Procedure Rules

Appendix D – Procedural Note: Late Quotation / Tender Submissions

Procedural Note: Late Quotation / Tender Submissions

NOTE: This Procedural Note forms part of the Procurement and Contract Procedures and shall be read in conjunction with those Procedures and any associated Procedural Notes

Background

- 1) This Procedural Note outlines the steps to be taken where a quotation or tender is submitted late (i.e. beyond the published specified time or date for submission).

General

- 2) Where a Quotation or Tender is received late, the default position will be for the tender not to be evaluated or taken further in the procurement process.
- 3) In such cases it will be necessary to carry out the following actions to establish the reasons why this may be the case to ensure as far as possible from the information to hand that the cause of the Quotation or Tender being late was not as an error on the part of the Council:
 - i. Establish when the documentation was received by the Council (including whether submitted or attempted submission via e-tendering, or email accounts / email filters, or physically and the key entry points such as building receptions, dispatch / post room, plus colleagues likely to deputise for receipt of mail / documents in event of absence).
 - ii. If appropriate, obtain further information from the supplier who submitted the quotation / tender to confirm when they submitted, how submission was made and to whom.
 - iii. The evaluation process shall be put on hold until it is possible to make a determination on whether or not the Quotation / Tender is deemed to have been submitted late.
- 4) If, following identification of reasons around a suspected late submission, on the balance of probabilities it is considered that the Quotation / Tender would have been in the Council's possession at the required specified time and date, then the Responsible Officer / Procurement Team shall record justification for this position before taking forward the Quotation / Tender for evaluation.
- 5) In the event of issues arising from electronic submissions, an understanding of the reasons will be critical around this. For example, in particular late submissions due to technical issues reasonably expected to be beyond the control of the supplier such as issues with the electronic system or wider network issues by service providers, as opposed to matters which could otherwise have been avoided (e.g. supplier attempting to upload large volumes of data near to or their bid submission on or near to the closing time of the Quotation / Tender submission).

- 6) Considerations around Late Submissions shall be carried out in the most expedient manner possible, and seek to consider a resolution as efficiently as possible within four working days.
- 7) Where, following investigation, it is deemed that the Quotation/Tender was not received by the required submission deadline and is confirmed as having been submitted late, the following procedures apply:
 - i. The Responsible Officer / Procurement Team lead shall inform the supplier as soon as practically possible as to the decision (and justification) to exclude their Quotation / Tender from further consideration in the process.
 - ii. In any such communication the supplier shall be informed of their right to appeal the decision using the Appeals Process detailed in Sections 8 and 9 of this Procedural Note.

Appeals Process around Late Submission

- 8) Where a Quotation / Tender is deemed as received late then it shall not be accepted or considered for evaluation, however the supplier who's quotation / tender is deemed to have been late shall have the right to appeal the initial decision, and the following process shall be followed in relation to the Appeals Process:
 - i. Where a supplier considers that their quotation / tender was not late (or there are reasonable and justifiable grounds for it to be considered not late, they shall notify the Responsible Officer leading on the procurement process as to the wish to exercise the Appeals Process and provide all necessary supporting information in writing within 3 working days of being notified of the decision.
 - ii. Where an appeal is sought this shall be notified to the Procurement Manager who shall seek to determine the circumstances behind the late receipt.
 - iii. Where the Procurement Manager is satisfied that the grounds are exceptional, that could not reasonably have been otherwise avoided, and there is no chance of the information within the response being unfairly disclosed or made available, then the response may be taken forward for evaluation where following all considerations it is appropriate to do so.
 - iv. Where the Procurement Manager upholds the decision to exclude the tender then the response shall not be considered further, and the supplier concerned shall be informed of the Council's decision not to further consider their response.
 - v. The justification for the Procurement Manager decision shall be recorded and available for disclosure on request.
- 9) Any further appeal from the supplier should be considered a formal complaint and conducted using the Council's Complaint process.