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Contract

DfE/Invest NI: PROCUREMENT OF KEY MARKET RESEARCH AND COMPANY DATABASES: LOTS 1-7

Department for the Economy - Invest NI

F03: Contract award notice

Notice identifier: 2024/S 000-032803

Procurement identifier (OCID): ocids-h6vhtk-047c82

Published 11 October 2024, 1:32pm

Section I: Contracting authority

I.1) Name and addresses

Department for the Economy - Invest NI

Bedford Square, 1 Bedford Street

BELFAST

BT2 7ES

Contact

SSDAdmin.CPDfinance-ni.gov.uk

Email

SSDAdmin.CPD@finance-ni.gov.uk

Country

United Kingdom

Region code

UK - United Kingdom

Internet address(es)

Main address

<https://www.economy-ni.gov.uk/>

Buyer's address

<https://www.finance-ni.gov.uk/topics/procurement>

I.2) Information about joint procurement

The contract is awarded by a central purchasing body

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

DfE/Invest NI: PROCUREMENT OF KEY MARKET RESEARCH AND COMPANY DATABASES: LOTS 1-7

Reference number

5265721

II.1.2) Main CPV code

- 79310000 - Market research services

II.1.3) Type of contract

Services

II.1.4) Short description

Invest NI Business Information Centre (BIC) is operated by the Business Information Services team, based in the Innovation, Research and Development (IRD) Division of Invest NI. It provides a cost-effective information service to any NI company or individual wishing to develop their business, particularly when they intend to sell outside Northern Ireland. The BIC wishes to procure annual subscription licences to 7 online Market Research Information Resources which provide twenty-four seven access through a web browser to secondary market research and market analysis. This Tender has been divided into seven Lots. Each Lot will be evaluated and awarded independently. There are no restrictions on the number of Lots a Tenderer can bid for or be awarded, Tenderers may bid for one, two, three etc or all Lots as they wish. One Tenderer will be awarded per lot based on the Most Economically Advantageous Tender (MEAT). The contract duration for each lot is one year with four optional extension of up to one year each (maximum of up to 5 years).

II.1.6) Information about lots

This contract is divided into lots: Yes

II.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £1,465,000

II.2) Description

II.2.1) Title

Lot 1: Consumer: Market Reports for Ireland; Food and Drink: UK Market Reports and Global Insights

Lot No

1

II.2.2) Additional CPV code(s)

- 73110000 - Research services
- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security
- 64216210 - Value-added information services
- 72221000 - Business analysis consultancy services

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

Invest NI Business Information Centre (BIC) is operated by the Business Information Services team, based in the Innovation, Research and Development (IRD) Division of Invest NI. It provides a cost-effective information service to any NI company or individual wishing to develop their business, particularly when they intend to sell outside Northern Ireland. The BIC wishes to procure annual subscription licences to 7 online Market Research Information Resources which provide twenty-four seven access through a web browser to secondary market research and market analysis. This Tender has been divided into seven Lots. Each Lot will be evaluated and awarded independently. There are no restrictions on the number of Lots a Tenderer can bid for or be awarded, Tenderers may bid for one, two, three etc or all Lots as they wish. One Tenderer will be awarded per lot based on the Most Economically Advantageous Tender (MEAT). The contract duration for each lot is one year with four optional extension of up to one year each (maximum of up to 5 years).

II.2.5) Award criteria

Quality criterion - Name: MR1 - Protective Measures Assurance Form / Weighting: 0

Quality criterion - Name: AC1 - Provision of Market Intelligence / Weighting: 34.8

Quality criterion - Name: AC2 - Social Value / Weighting: 10.2

Quality criterion - Name: AC3 - Quality of Data / Weighting: 6

Quality criterion - Name: AC4 - Distribution rights Market Reports / Weighting: 6

Quality criterion - Name: AC5 - Distribution rights New Product Launch Data / Weighting: 3

Cost criterion - Name: AC6 - Total Contract Price / Weighting: 40

II.2.11) Information about options

Options: Yes

Description of options

Option to extend the Contract for a further four periods of one year each subject to satisfactory performance and budgetary provision.

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 2: Consumer Reports: Global: medium depth including trend analysis

Lot No

2

II.2.2) Additional CPV code(s)

- 73110000 - Research services
- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security
- 64216210 - Value-added information services

- 72221000 - Business analysis consultancy services

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

Invest NI Business Information Centre (BIC) is operated by the Business Information Services team, based in the Innovation, Research and Development (IRD) Division of Invest NI. It provides a cost-effective information service to any NI company or individual wishing to develop their business, particularly when they intend to sell outside Northern Ireland. The BIC wishes to procure annual subscription licences to 7 online Market Research Information Resources which provide twenty-four seven access through a web browser to secondary market research and market analysis. This Tender has been divided into seven Lots. Each Lot will be evaluated and awarded independently. There are no restrictions on the number of Lots a Tenderer can bid for or be awarded, Tenderers may bid for one, two, three etc or all Lots as they wish. One Tenderer will be awarded per lot based on the Most Economically Advantageous Tender (MEAT). The contract duration for each lot is one year with four optional extension of up to one year each (maximum of up to 5 years).

II.2.5) Award criteria

Quality criterion - Name: MR1 - Protective Measures Assurance Form / Weighting: 0

Quality criterion - Name: AC1 - Industry Intelligence / Weighting: 34.8

Quality criterion - Name: AC2 - Social Value / Weighting: 10.2

Quality criterion - Name: AC3 - Distribution Rights / Weighting: 9

Quality criterion - Name: AC4 - Quality of Data / Weighting: 6

Cost criterion - Name: AC5 - Total Contract Price / Weighting: 40

II.2.11) Information about options

Options: Yes

Description of options

Option to extend the Contract for a further four periods of one year each subject to

satisfactory performance and budgetary provision.

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 3: Industrial reports: Global: Markets and Technologies research

Lot No

3

II.2.2) Additional CPV code(s)

- 73110000 - Research services
- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security
- 64216210 - Value-added information services
- 72221000 - Business analysis consultancy services

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

Invest NI Business Information Centre (BIC) is operated by the Business Information Services team, based in the Innovation, Research and Development (IRD) Division of Invest NI. It provides a cost-effective information service to any NI company or individual wishing to develop their business, particularly when they intend to sell outside Northern Ireland. The BIC wishes to procure annual subscription licences to 7 online Market Research Information Resources which provide twenty-four seven access through a web browser to secondary market research and market analysis. This Tender has been divided into seven Lots. Each Lot will be evaluated and awarded independently. There are no restrictions on the number of Lots a Tenderer can bid for or be awarded, Tenderers may bid for one, two, three etc or all Lots as they wish. One Tenderer will be awarded per lot based on the Most Economically Advantageous Tender (MEAT). The contract duration for each lot is one year with four optional extension of up to one year each (maximum of

up to 5 years).

II.2.5) Award criteria

Quality criterion - Name: MR1 - Protective Measures Assurance Form / Weighting: 0

Quality criterion - Name: AC1 - Industry Intelligence / Weighting: 34.8

Quality criterion - Name: AC2 - Social Value / Weighting: 10.2

Quality criterion - Name: AC3 - Distribution Rights / Weighting: 9

Quality criterion - Name: AC4 - Quality of Data / Weighting: 6

Cost criterion - Name: AC5 - Total Contract Price / Weighting: 40

II.2.11) Information about options

Options: Yes

Description of options

Option to extend the Contract for a further four periods of one year each subject to satisfactory performance and budgetary provision.

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 4: Sector reports for key export markets

Lot No

4

II.2.2) Additional CPV code(s)

- 73110000 - Research services
- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security

- 64216210 - Value-added information services
- 72221000 - Business analysis consultancy services

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

Invest NI Business Information Centre (BIC) is operated by the Business Information Services team, based in the Innovation, Research and Development (IRD) Division of Invest NI. It provides a cost-effective information service to any NI company or individual wishing to develop their business, particularly when they intend to sell outside Northern Ireland. The BIC wishes to procure annual subscription licences to 7 online Market Research Information Resources which provide twenty-four seven access through a web browser to secondary market research and market analysis. This Tender has been divided into seven Lots. Each Lot will be evaluated and awarded independently. There are no restrictions on the number of Lots a Tenderer can bid for or be awarded, Tenderers may bid for one, two, three etc or all Lots as they wish. One Tenderer will be awarded per lot based on the Most Economically Advantageous Tender (MEAT). The contract duration for each lot is one year with four optional extension of up to one year each (maximum of up to 5 years).

II.2.5) Award criteria

Quality criterion - Name: MR1 - Protective Measures Assurance Form / Weighting: 0

Quality criterion - Name: AC1 - Industry Intelligence / Weighting: 34.8

Quality criterion - Name: AC2 - Social Value / Weighting: 10.2

Quality criterion - Name: AC3 - Distribution Rights / Weighting: 9

Quality criterion - Name: AC4 - Quality of Data / Weighting: 6

Cost criterion - Name: AC5 - Total Contract Price / Weighting: 40

II.2.11) Information about options

Options: Yes

Description of options

Option to extend the Contract for a further four periods of one year each subject to satisfactory performance and budgetary provision.

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 5: Industrial, consumer reports: High level market and economic reports worldwide

Lot No

5

II.2.2) Additional CPV code(s)

- 73110000 - Research services
- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security
- 64216210 - Value-added information services
- 72221000 - Business analysis consultancy services

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

Invest NI Business Information Centre (BIC) is operated by the Business Information Services team, based in the Innovation, Research and Development (IRD) Division of Invest NI. It provides a cost-effective information service to any NI company or individual wishing to develop their business, particularly when they intend to sell outside Northern Ireland. The BIC wishes to procure annual subscription licences to 7 online Market Research Information Resources which provide twenty-four seven access through a web browser to secondary market research and market analysis. This Tender has been divided into seven Lots. Each Lot will be evaluated and awarded independently. There are no restrictions on the number of Lots a Tenderer can bid for or be awarded, Tenderers may bid for one, two, three etc or all Lots as they wish. One Tenderer will be awarded per

lot based on the Most Economically Advantageous Tender (MEAT). The contract duration for each lot is one year with four optional extension of up to one year each (maximum of up to 5 years).

II.2.5) Award criteria

Quality criterion - Name: MR1 - Protective Measures Assurance Form / Weighting: 0

Quality criterion - Name: AC1 - Industry Intelligence / Weighting: 34.8

Quality criterion - Name: AC2 - Social Value / Weighting: 10.2

Quality criterion - Name: AC3 - Distribution Rights / Weighting: 9

Quality criterion - Name: AC4 - Quality of Data / Weighting: 6

Cost criterion - Name: AC5 - Total Contract Price / Weighting: 40

II.2.11) Information about options

Options: Yes

Description of options

Option to extend the Contract for a further four periods of one year each subject to satisfactory performance and budgetary provision.

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 6: Global: Medium level industrial reports and country risk analysis

Lot No

6

II.2.2) Additional CPV code(s)

- 73110000 - Research services

- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security
- 64216210 - Value-added information services
- 72221000 - Business analysis consultancy services

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

Invest NI Business Information Centre (BIC) is operated by the Business Information Services team, based in the Innovation, Research and Development (IRD) Division of Invest NI. It provides a cost-effective information service to any NI company or individual wishing to develop their business, particularly when they intend to sell outside Northern Ireland. The BIC wishes to procure annual subscription licences to 7 online Market Research Information Resources which provide twenty-four seven access through a web browser to secondary market research and market analysis. This Tender has been divided into seven Lots. Each Lot will be evaluated and awarded independently. There are no restrictions on the number of Lots a Tenderer can bid for or be awarded, Tenderers may bid for one, two, three etc or all Lots as they wish. One Tenderer will be awarded per lot based on the Most Economically Advantageous Tender (MEAT). The contract duration for each lot is one year with four optional extension of up to one year each (maximum of up to 5 years).

II.2.5) Award criteria

Quality criterion - Name: MR1 - Protective Measures Assurance Form / Weighting: 0

Quality criterion - Name: AC1 - Industry Intelligence / Weighting: 34.8

Quality criterion - Name: AC2 - Social Value / Weighting: 10.2

Quality criterion - Name: AC3 - Distribution Rights / Weighting: 9

Quality criterion - Name: AC4 - Quality of Data / Weighting: 6

Cost criterion - Name: AC5 - Total Contract Price / Weighting: 40

II.2.11) Information about options

Options: Yes

Description of options

Option to extend the Contract for a further four periods of one year each subject to satisfactory performance and budgetary provision.

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 7: Company Information – Worldwide product data

Lot No

7

II.2.2) Additional CPV code(s)

- 73110000 - Research services
- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security
- 64216210 - Value-added information services
- 72221000 - Business analysis consultancy services

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

Invest NI Business Information Centre (BIC) is operated by the Business Information Services team, based in the Innovation, Research and Development (IRD) Division of Invest NI. It provides a cost-effective information service to any NI company or individual wishing to develop their business, particularly when they intend to sell outside Northern Ireland. The BIC wishes to procure annual subscription licences to 7 online Market Research Information Resources which provide twenty-four seven access through a web browser to secondary market research and market analysis. This Tender has been divided into seven Lots. Each Lot will be evaluated and awarded independently. There are no restrictions on the number of Lots a Tenderer can bid for or be awarded, Tenderers

may bid for one, two, three etc or all Lots as they wish. One Tenderer will be awarded per lot based on the Most Economically Advantageous Tender (MEAT). The contract duration for each lot is one year with four optional extension of up to one year each (maximum of up to 5 years).

II.2.5) Award criteria

Quality criterion - Name: MR1 - Protective Measures Assurance Form / Weighting: 0

Quality criterion - Name: AC1 - Industry Intelligence / Weighting: 39

Quality criterion - Name: AC2 - Distribution Rights / Weighting: 12

Quality criterion - Name: AC3 - Quality of Data / Weighting: 9

Cost criterion - Name: AC4 - Total Contract Price / Weighting: 40

II.2.11) Information about options

Options: Yes

Description of options

Option to extend the Contract for a further four periods of one year each subject to satisfactory performance and budgetary provision.

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Open procedure

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2024/S 000-021189](#)

Section V. Award of contract

Contract No

1

Lot No

1

Title

Lot 1: Consumer: Market Reports for Ireland; Food and Drink: UK Market Reports and Global Insights

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

26 September 2024

V.2.2) Information about tenders

Number of tenders received: 8

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 8

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

MINTEL GROUP LTD

11 Pilgrim Street

LONDON

EC4V 6RN

Email

mbeckett@mintel.com

Telephone

+44 2076064533

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

<https://etendersni.gov.uk/epps>

The contractor is an SME

No

V.2.4) Information on value of contract/lot (excluding VAT)

Initial estimated total value of the contract/lot: £375,000

Total value of the contract/lot: £375,000

Section V. Award of contract

Contract No

2

Lot No

2

Title

Lot 2: Consumer Reports: Global: medium depth including trend analysis

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

20 September 2024

V.2.2) Information about tenders

Number of tenders received: 8

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 8

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

EUROMONITOR INTERNATIONAL LIMITED

60-61 Britton Street

LONDON

EC1M 5UX

Email

kiran.jaswal@euromonitor.com

Telephone

+44 2072518024

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

<https://etendersni.gov.uk/epps>

The contractor is an SME

No

V.2.4) Information on value of contract/lot (excluding VAT)

Initial estimated total value of the contract/lot: £185,000

Total value of the contract/lot: £185,000

Section V. Award of contract

Contract No

3

Lot No

3

Title

Lot 3: Industrial reports: Global: Markets and Technologies research

A contract/lot is awarded: No

V.1) Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V. Award of contract

Contract No

4

Lot No

4

Title

Lot 4: Sector reports for key export markets

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

23 September 2024

V.2.2) Information about tenders

Number of tenders received: 8

Number of tenders received from SMEs: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 8

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

IBISWORLD LIMITED

Second Floor Artillery House 11-19 Artillery Row

LONDON

SW1P1RT

Email

stuartg@ibisworld.com

Telephone

+44 2072229898

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

<https://etendersni.gov.uk/epps>

The contractor is an SME

Yes

V.2.4) Information on value of contract/lot (excluding VAT)

Initial estimated total value of the contract/lot: £365,000

Total value of the contract/lot: £365,000

Section V. Award of contract

Contract No

5

Lot No

5

Title

Lot 5: Industrial, consumer reports: High level market and economic reports worldwide

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

30 September 2024

V.2.2) Information about tenders

Number of tenders received: 8

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 8

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

GLOBALDATA PLC

John Carpenter House 7 Carmelite Street

LONDON

EC4Y 0AN

Email

clientservices@globaldata.com

Telephone

+44 2079366400

Fax

+44 2079366400

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

<https://etendersni.gov.uk/epps>

The contractor is an SME

No

V.2.4) Information on value of contract/lot (excluding VAT)

Initial estimated total value of the contract/lot: £190,000

Total value of the contract/lot: £190,000

Section V. Award of contract

Contract No

6

Lot No

6

Title

Lot 6: Global: Medium level industrial reports and country risk analysis

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

20 September 2024

V.2.2) Information about tenders

Number of tenders received: 8

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 8

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

FITCH SOLUTIONS GROUP LIMITED

30 North Colonnade

LONDON

E14 5GN

Email

nicky.hulett@fitchsolutions.com

Telephone

+44 2035301105

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

<https://etendersni.gov.uk/epps>

The contractor is an SME

No

V.2.4) Information on value of contract/lot (excluding VAT)

Initial estimated total value of the contract/lot: £300,000

Total value of the contract/lot: £300,000

Section V. Award of contract

Contract No

7

Lot No

7

Title

Lot 7: Company Information – Worldwide product data

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

20 September 2024

V.2.2) Information about tenders

Number of tenders received: 8

Number of tenders received from SMEs: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 8

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

KOMPASS UK LIMITED

2nd Floor, Stag House, 23-27 London Road

EAST GRINSTEAD

RH19 1AL

Email

stephen.hoad@kompass.co.uk

Telephone

+44 1342778565

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

<https://etendersni.gov.uk/epps>

The contractor is an SME

Yes

V.2.4) Information on value of contract/lot (excluding VAT)

Initial estimated total value of the contract/lot: £50,000

Total value of the contract/lot: £50,000

Section VI. Complementary information

VI.3) Additional information

Contract Monitoring. The successful contractor's performance on the contract will be regularly monitored in line with the tender documentation. Contractors not delivering on contract requirements is a serious matter. It means the public purse is not getting what it is paying for. If a contractor fails to reach satisfactory levels of contract performance they will be given a specified time to improve. If, after the specified time, they still fail to reach satisfactory levels of contract performance, the matter will be escalated to senior management in CPD for further action. If this occurs and their performance still does not improve to satisfactory levels within the specified period, it may be regarded as an act of grave professional misconduct and they may be issued with a Notice of Unsatisfactory Performance and the contract may be terminated. The issue of a Notice of Unsatisfactory Performance can result in the Contractor being excluded from all procurement competitions being undertaken by Centres of Procurement Expertise on behalf of bodies covered by the Northern Ireland Procurement Policy for a period of three years from the date of issue. . . .

VI.4) Procedures for review

VI.4.1) Review body

The UK does not have any such bodies with responsibility for appeal/mediation procedures. Instead; any challenges are dealt with by the High Court, Commercial Division, to which proceedings may be issued regarding alleged breaches of the PCR 2015 as amended.

Belfast

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

CPD complied with the Public Contracts Regulations 2015 and incorporated a standstill period (i.e. a minimum of 10 calendar days) at the point information on the award of contract was communicated to tenderers. That notification provided full information on the award decision. This provided time for the unsuccessful tenderers to challenge the award decision before the contract was entered into.