

# Navigating a procurement challenge: *bidders*



## Act quickly

If you sense something is wrong with a procurement, contact us within the first few days of receiving a debrief letter - the standstill and limitation time-scales for bringing a challenge are very tight.

We can advise you if you have grounds to challenge, what documents you are entitled to early disclosure of, and prepare correspondence advancing your complaints.



## Consider your objectives

Most bidders want a fair chance of winning the contract, rather than seeking compensation for being wrongly deprived of it. Seek advice early to understand your options to pursue a complaint. This may involve offering the contracting authority the opportunity to abandon or to rewind the procurement to remedy the issues.



## Putting a claim through the courts

If the contracting authority continues to resist or to ignore your complaints, it may be necessary to issue a protective claim in the courts. This stops them from awarding the contract.

We can prepare the court documents setting out your complaints. This may include an application to make the contracting authority provide more documents.



## Resisting an application to lift the contract suspension

The contracting authority may apply to the court to lift the contract award suspension to enable them to contract with the preferred bidder. We have experience in these applications. If the opportunity to win the contract is paramount, we can act on your behalf to defend an application.



## Negotiation / mediation / expedited trial

Even if the court lifts the suspension, enabling the authority to award a contract to the preferred bidder, we can assist in pursuing compensation for your losses from being wrongly deprived of the contract.

We can manage a dispute that proceeds to trial in a cost-effective way.