

State of Iowa Service Contracting Guide

Notice of Intent to Award – Request for Proposal [Example]

This example Notice of Intent to Award a contract resulting from an RFP is drafted to be used in conjunction with the Model RFP contained in this Service Contracting Guide at Appendix P. Because this model refers to language in the RFP, you should make sure that the RFP that you actually used contains appropriate language. If you did not use the Model RFP in this Guide, you may need to remove the language “As provided in the RFP” if your RFP did not contain provisions similar to sections 2.27 and 2.28 in the Model RFP. In addition, you should make any other changes that are necessary to make the Notice of Intent to Award consistent with the RFP you used.

It is important that any Notice of Intent to Award that your agency issues clearly put the vendor on notice that the Notice does not constitute a formed contract and that you do not have a contract until a written contract is executed by the parties. If you did not include language to that effect in your RFP, you should make sure that your Notice of Intent to Award clearly provides that the award is contingent on execution of a written contract that is acceptable to your agency.

DATE:

TO:

RE: **NOTICE OF INTENT TO AWARD**
REQUEST FOR PROPOSAL NO.

The **[name of agency & the relevant division or any collaborating agencies, etc.]** announces its intent to award the contract for the

[describe the contract or give the name of the contract]

to

[name of vendor]

As provided in the RFP, this Notice of Intent to Award is subject to execution of a written contract and, as a result, this Notice does NOT constitute the formation of a contract between the **[name of agency]** and the apparent successful vendor. The vendor shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions acceptable to **[name of agency]** is executed. If the apparent successful vendor fails to negotiate and execute a contract with the **[name of agency]**, the **[name of agency]** may revoke the award and award the contract to the next highest ranked vendor or

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withdraw the RFP. The **[name of agency]** further reserves the right to cancel this Notice of Intent to Award at any time prior to the execution of a written contract.

If your agency has administrative rules addressing the unsuccessful vendors' appeal rights, you should include a provision advising the vendors of the appeal rights and the time frame in which they must file their appeal. For example:

"This Notice of Intent to Award" starts the **[number of days provided for in agency's rules]** day period in which an unsuccessful vendor may file a vendor appeal pursuant to **[chapter]** Iowa Administrative Code **[section number]**.

Thank you for participating in the competitive selection process. For information about this notice, please contact the undersigned.

[signature block]