Exclusion, Selection and Award Criteria

There are clear stages in the procurement process:

Exclusion Grounds

There are circumstances in which a bidder must be excluded from the procurement process. There are other circumstances in which you may determine, on a case-by-case basis, whether a bidder should be excluded. These are referred to as mandatory and discretionary exclusion grounds, respectively.

All exclusion criteria must be relevant and proportionate to the subject matter of the contract. You must set out the:

- Specific requirements;
- The relevant exclusion grounds;
- Minimum selection criteria that are relevant for the procurement exercise.

The above should be set out in the Contract Notice or the online SPD Module in Public Contracts Scotland if used.

Statutory Guidance has been published on **Selection of Tenderers and Award of Contracts**.

More information can be found in the **Exclusion Criteria** station.

If you decide to use the online SPD Module on PCS, the exclusion grounds statements will be built into the online SPD.

Selection Criteria

There are different criteria used to determine the suitability of bidders to perform the contract. These are referred to as selection criteria.

These criteria consider a bidder’s suitability:

- To pursue a professional activity,

- With regards to their economic and financial standing
- With regards to their technical and professional ability

Selection criteria must be relevant and proportionate to the contract. Selection criteria do not focus on how a bidder proposes to perform the contract (the bid), this is assessed at the award stage.

Award Criteria

Award criteria are used to determine which bidder is best placed to deliver, and which should be awarded, the contract. You have the discretion to determine what award criteria to apply in relation to your specific procurement exercise.

In all cases award criteria must be proportionate, and should relate to the goods or services to be provided.

What is the Difference Between Selection and Award?

Open or close

The distinction between **selection** and **award** criteria is crucially important:

- Selection criteria are focused on "the bidder"
- Award criteria are focused on "the bid”.

You must maintain a clear distinction between both throughout the procurement process.

This means that issues/questions which are appropriate to the selection criteria must be addressed at that stage and cannot form part of the award stage. This is the case even if they were omitted from the selection stage in error.

Example areas that are commonly known as "selection" and "award" criteria are listed in the table below:

Selection Criteria	Award Criteria
	Price

Technical and professional qualifications, capability including experience	Quality
Economic and financial standing	**In the Award Station**

When Do the Exclusion, Selection and Award Stages Occur?

Open or close

The selection and award criteria must be developed and managed separately. It is possible to conduct these stages simultaneously or in any order where the procedure allows.

For example: when conducting a two stage procedure you may assess the award stage prior to checking the minimum selection criteria are met when only a small number of bids have been received.

By applying exclusion grounds and developing relevant and proportionate selection and award criteria you can ensure the successful bidders are well placed to deliver best value for the Scottish public sector.

Evaluation Criteria

The Evaluation matrix may assist you in your evaluation if you are not using PCS-T. More information on evaluation criteria can be found on the **Award Criteria station** .

Exclusion grounds, selection and award criteria must be clearly defined in the call for competition and/or procurement documents. This will ensure a common understanding of the requirements by all bidders.

These must not be changed or waived during the procurement process e.g. the Contract Notice and the call for competition must contain a list and brief description of criteria regarding the personal situation of bidders that may lead to their exclusion, and minimum and specific requirements detailed.

Reserved Contracts - Supported Business and Supported Employment Programmes

Open or close

A supported business:

- has a main aim of the social and professional integration of disabled or disadvantaged persons;
- has at least 30% of its employees who are disabled or disadvantaged workers

You can “reserve” your competition to supported businesses where it is assessed as appropriate. This is referred to as a Reserved Contract.

It is also possible for your Organisation to provide for a contract to be performed in the context of an employment programme operated by a supported business. This is a way Buyers can encourage involvement of disabled and disadvantaged persons.

The Procurement Reform (Scotland) Act 2014 places a requirement on an organisation to consider:

- how it may involve supported businesses. This can be facilitated by how the procurement process is conducted
- acting in a way to best bring about the involvement of supported businesses where it occurs

SPPN 4/2017 provides further information and guidance on reserving contracts for supported businesses, including:

- Determining whether an organisation meets the definition of a supported business (for the purposes of public procurement legislation)
- Identifying supported businesses
- Monitoring and reporting.

Reserved Contracts - Certain Health and Social Care Services

Open or close

You may also reserve a contract under Regulation 76A of the Public Contracts (Scotland) Regulations 2015. This allows you to reserve the right to participate in procurement for the award of a public contract, framework agreement or specific lot for certain health and social care services to qualifying organisations.

Qualifying organisations will include, but may not be limited to:

- charities;
- voluntary organisations;
- social enterprises; and
- registered social landlords.

Qualifying organisations **will not** include other public sector organisations, agencies, or non-departmental public bodies.

The full 3-part definition of a qualifying organisation is set out in the Regulation.

The CPV codes for the services you are able to "reserve" your competition to qualifying organisations are:

- 75200000-8 - Provision of services to the community
- 75231200-6 - Services related to the detention or rehabilitation of criminals
- 75231240-8 - Probation services
- 79611000-0 - Job search services
- 79622000-0 - Supply services of domestic help personnel
- 79624000-4 - Supply services of nursing personnel
- 79625000-1 - Supply services of medical personnel
- codes in the range beginning with 85000000-9 and ending with 85323000-9 covering health and social work services
- 98133000-4 - Services furnished by social membership organisations
- 98133100-5 - Civic betterment and community facility support services
- 98200000-5 - Equal opportunities consultancy services
- 98500000-8 - Private households with employed persons
- Codes in the range beginning with 98513000-2 and ending with 98514000-9, covering home help, household, and domestic services.

Please refer to SPPN 2/2026 Public Procurement – reserving contracts for qualifying organisations for more information.

Group Bids

Open or close

Groups of suppliers can act together to bid and do not need to take a particular legal form to do so.

You can set contract conditions which are specific to a group bid.

You can explicitly state requirements regarding group economic and financial standing or the criteria relating to technical and professional ability. Such conditions must be justified by objective reasons and be proportionate to the contract.

Depending on the extent to which suppliers will be relied on to perform the contract, you may require particular members of the supplier group to meet all or some of the election criteria.

You may request the supplier group to take a legal form, if required for the performance of the contract, if the supplier group is to be awarded the contract.

Care and Support Services

Open or close

Consider the involvement of people who use the services and their carers (and the nature and level of support they will require), in developing any criteria and preparing questions for use in interviews with potential service providers. An organisation must determine at the planning stage what criteria it will use to select potential suppliers, and what criteria it will use to evaluate tenderers. The mandatory exclusion grounds must be applied and an organisation may also choose to apply discretionary exclusion grounds, selection criteria and award criteria.

Additional guidance on award criteria can be found in **C&SS Award Criteria Guidance** document and please read the Guidance on Contract Renewal and Direct Award without Competition which can be found at the bottom of the page in the documents section.

Exclusion Criteria

Care and Support Services mandatory exclusion grounds (**Regulation 8(1) of the Procurement (Scotland) Regulations 2016**) must be applied to all procurements, and you can also choose to apply the discretionary exclusion grounds.

Selection Criteria

The provisions in Procurement (Scotland) Regulations 2016 in respect of selection criteria do not apply. However, you may choose to use the SPD for this purpose without amending the questions, and it is a matter of best practice to do so.

Evaluation Criteria

An organisation may take account of some other issues when procuring services including:

- the quality of the service;
- the continuity of the service;
- the affordability of the service;
- the availability and comprehensiveness of the service;
- the accessibility of the service;
- the needs of different types of service users;
- the involvement of service users; and
- innovation.

This is not an exhaustive list and there may be other considerations that an organisation may also take account of and which are relevant on a case-by-case basis.

Please read the Guidance on Contract Renewal and Direct Award without Competition which can be found at the bottom of the page in the documents section.

Please also read the Guidance on reserving contracts to qualifying organisations for certain health and social care services on the page in the 'Reserved Contracts' section.

Prompt Payment

Open or close

If your contract will require sub-contractors (and sub-sub contractors) you should evaluate at award stage how bidders will ensure payment of sub-contractors throughout your supply chain. Payment should be made within the standard 30 day payment terms and bidders should communicate how this will be managed.

All public bodies advertising requirements which may require the use of sub-contractors should adopt the statement:

Standard Prompt Payment Statement

Confirmation that you will include the standard clause in all contracts used in the delivery of the requirements, ensuring payment of sub-contractors at all stages of the supply chain within 30 days, include a point of contact for sub-contractors to refer to in the case of payment difficulties and provide evidence and reports to the contracting authority on a regular basis.

If a bidder is unable to confirm acceptance of the award statement then they should be removed from the tendering process.

All exclusion, selection and award criteria must be relevant and proportionate to the subject matter of the contract. You should set out your specific requirements, the relevant exclusion grounds and the minimum standards that are relevant for your procurement exercise in the Contract Notice.

Statutory Guidance has been published on Selection of Tenderers and Award of Contracts.

Any documents you need are listed below

Evaluation Matrix

(file type: xlsx)

Guidance on Contract Renewal and Direct Award without Competition

(file type: docx)