Exclusion, Selection and Award Criteria Overview

What are Exclusion, Selection and Award Criteria?

There are clear stages in the procurement process:

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Exclusion, Selection & Award Overview

Exclusion grounds	There are circumstances in which a bidder must be excluded from the procurement process. There are other circumstances in which you may decide 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 must 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.

Selection criteria	These are different criteria used to select bidders in terms of their capability and capacity to perform the contract. These are referred to as selection criteria. These criteria consider a bidder's suitability: • With regards to their pursue a professional activity, • With regards to their economic and financial standing; • With regards to their technical and professional ability. Selection criteria must be related and proportionate to the subject matter of 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	Are used to determine which bidder is best placed to deliver, and which should be awarded, the contract. You must base the award on the most economically advantageous tender. You have the discretion to determine what award criteria to apply in relation to your specific procurement exercise. However you must not use price or cost only as the sole award criteria but instead evaluate on the basis of the best price-quality ratio. In all cases award criteria must be proportionate, relate directly to the goods or services to be provided and include the price or cost. The award criteria must ensure the possibility of effective competition. They must be accompanied by specifications which allow bidder information provided to be effectively verified in order to assess how bids meet the award criteria. Information on how to address Fair Work practices can be found in the **Fair Work First in Procurement guidance**.

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.

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Selection and Award Examples

Example areas that are commonly known as selection and award criteria are listed below:

Selection Criteria	Award Criteria
Technical and professional qualifications, capability including experience	Price
Economic and financial standing	Quality

When Do the Selection, Exclusion 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 instance, when using an Open Procedure if you have a small number of bids you may want to assess these bids prior to checking minimum exclusion and selection criteria are met. Where this is done you must still ensure you verify there are no grounds for exclusion and the selection criteria are met. This must be carried out in an impartial and transparent manner so that no contract is awarded to a bidder that should have been excluded or does not meet the selection criteria.

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.

Care and Support Services

Open or close

For **Care and Support Services,** consider the involvement of people who use the services and their carers (taking into account 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.

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.

Publication of Criteria

Open or close

Exclusion grounds, selection and award criteria must be clearly defined in:

- The Contract Notice;
- The call for competition, when used as a Contract Notice.

This is to ensure a common understanding of the requirements by all bidders.

These criteria 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. This must include the situations where bidders may be excluded and detail the, minimum and specific requirements.

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**.

Reserved Contracts - Supported Businesses 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 their 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 requires 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

Additional guidance has been published for certain health and social care services regarding reserving contracts for supported businesses. Please refer to SPPN 2/2026 Public Procurement – reserving contracts for qualifying organisations for more information.

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 bid together and must not be required to take a specific 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 selection criteria.

Your Organisation may require the group to take a legal form but only if they are awarded the contract. For example, to appoint a lead contractor and accept joint and several liability if required for the performance of the contract

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 must 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

Guidance on Contract Renewal and Direct Award without Competition

(file type: docx)