

PROCUREMENT REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Specific Duties

Selection of tenderers and award of contracts

Section 28 – Selection of tenderers

57. **Section 28** enables the Scottish Ministers to make regulations, subject to the negative procedure, about the selection of economic operators in regulated procurements which are not EU-regulated procurements. The regulations may include provision about the use of minimum standard criteria which are designed to identify the suitability of a potential bidder to be invited to submit a bid in a regulated procurement. A minimum standard criterion is one which relates to the financial health of the potential bidder, its technical ability or any other characteristic referred to in the regulations that this section empowers Ministers to make.
58. The regulations may also specify how a contracting authority determines whether a potential bidder meets the specified minimum standard or not, and section 28(3) sets out criteria which may be specified in the regulations.