
STATUTORY INSTRUMENTS

2015 No. 102

The Public Contracts Regulations 2015

PART 4

MISCELLANEOUS OBLIGATIONS

CHAPTER 7

ADDITIONAL RULES FOR PART 2 PROCUREMENTS

Qualitative selection

107.—(1) Contracting authorities shall have regard to any guidance issued by the Minister for the Cabinet Office in relation to the qualitative selection of economic operators.

(2) In this regulation, “qualitative selection” means the processes by which, in accordance with regulations 57 to 65, contracting authorities—

- (a) select economic operators to participate in procurement procedures; and
- (b) decide whether to exclude economic operators from such participation.

(3) Such guidance may, in particular, relate to—

- (a) the use of questionnaires for the purposes of qualitative selection, including the avoidance of burdensome, excessive or disproportionate questions;
- (b) the assessment of information relevant to qualitative assessment.

(4) Where a contracting authority conducts a procurement in a way which represents a reportable deviation from the guidance issued under this regulation, the contracting authority shall send to the Cabinet Office a report explaining the deviation.

(5) For that purpose, something is a reportable deviation only if it falls within criteria laid down for that purpose in guidance issued under this regulation.