
STATUTORY INSTRUMENTS

2015 No. 102

The Public Contracts Regulations 2015

PART 2

RULES IMPLEMENTING THE PUBLIC CONTRACTS DIRECTIVE

CHAPTER 2

RULES ON PUBLIC CONTRACTS

SECTION 5

Conduct of the Procedure

SUB-SECTION 7 *Choice of participants and award of contracts*

Means of proof

General principles

General principles

60.—(1) —Contracting authorities may require the certificates, statements and other means of proof referred to in this regulation as evidence for the absence of grounds for exclusion under regulation 57 and for the fulfilment of the selection criteria.

(2) Contracting authorities shall not require from economic operators means of proof other than those referred to in this regulation and in regulations 58(16) and 62.

(3) In respect of regulation 63, economic operators may rely on any appropriate means to prove to the contracting authority that they will have the necessary resources at their disposal.

Proving the absence of grounds for exclusion

(4) Contracting authorities shall accept the following as sufficient evidence that none of the cases specified in regulation 57 apply to the economic operator:—

- (a) as regards regulation 57(1) and (2), the production of an extract from the relevant register, such as judicial records or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the ^{F1}... country of origin or the country where the economic operator is established showing that those requirements have been met;
- (b) as regards [^{F2}regulation 57(3), (4)] and (8)(b), a certificate issued by the competent authority in the ^{F3}... country concerned.

(5) Where the ^{F4}... country in question does not issue such documents or certificates, or to the extent that these do not cover all the cases specified in [^{F5}regulation 57(1) to (4)] and (8)(b), they may be replaced by a declaration on oath or, in ^{F6}... countries where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or

administrative authority, a notary or a competent professional or trade body, in the ^{F4}... country of origin or in the ^{F4}... country where the economic operator is established.

Proving economic and financial standing

(6) Proof of the economic operator's economic and financial standing may be provided by one or more of the following references:—

- (a) appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;
- (b) the presentation of financial statements or extracts from the financial statements, where publication of financial statements is required under the law of the country in which the economic operator is established;
- (c) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last 3 financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on those turnovers is available.

(7) Where the references mentioned in paragraph (6) are not appropriate in a particular case, the contracting authority may require the economic operator to provide other information to prove its economic and financial standing.

(8) Where, for any valid reason, the economic operator is unable to provide the references or other information required by the contracting authority, it may prove its economic and financial standing by any other document which the contracting authority considers appropriate.

Proving technical and professional ability

(9) Proof of the economic operator's technical and professional ability may, subject to regulation 58(16), be provided by one or more of the following means, in accordance with the nature, quantity or importance, and the use, of the works, supplies or services:—

- (a) the following lists:—
 - (i) a list of the works carried out over at the most the past 5 years, accompanied by certificates of satisfactory execution and outcome for the most important works; but, where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant works carried out more than 5 years before will be taken into account;
 - (ii) a list of the principal deliveries effected or the main services provided over at the most the past 3 years, with the sums, dates and recipients, whether public or private, involved; but, where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant supplies or services delivered or performed more than 3 years before will be taken into account;
- (b) an indication of the technicians or technical bodies involved, whether or not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, those upon whom the contractor can call in order to carry out the work;
- (c) a description of the technical facilities and measures used by the economic operator for ensuring quality and the undertaking's study and research facilities;
- (d) an indication of the supply chain management and tracking systems that the economic operator will be able to apply when performing the contract;
- (e) where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authority, or on its behalf, by a competent official body of the country in which the supplier or service provider is

- established, subject to that body's agreement, on the production capacities of the supplier or the technical capacity of the service provider and, where necessary, on the means of study and research which are available to it and the quality control measures it will operate;
- (f) the educational and professional qualifications of the service provider or contractor or those of the undertaking's managerial staff, provided that they are not to be evaluated as an award criterion;
 - (g) an indication of the environmental management measures that the economic operator will be able to apply when performing the contract;
 - (h) a statement of the average annual manpower of the service provider or contractor and the number of managerial staff for the last 3 years;
 - (i) a statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract;
 - (j) an indication of the proportion of the contract which the economic operator intends possibly to subcontract;
 - (k) with regard to the products to be supplied:—
 - (i) samples, descriptions or photographs, the authenticity of which must be certified where the contracting authority so requests;
 - (ii) certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to technical specifications or standards.

Textual Amendments

- F1** Words in reg. 60(4)(a) omitted (31.12.2020) by virtue of [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), [6\(41\)\(a\)](#) (with Sch. paras. 3-5)
- F2** Words in reg. 60(4)(b) substituted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), [Sch. 2 para. 15\(2\)](#) (with reg. 5)
- F3** Words in reg. 60(4)(b) omitted (31.12.2020) by virtue of [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), [6\(41\)\(a\)](#) (with Sch. paras. 3-5)
- F4** Words in reg. 60(5) omitted (31.12.2020) by virtue of [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), [6\(41\)\(b\)\(i\)](#) (with Sch. paras. 3-5)
- F5** Words in reg. 60(5) substituted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), [Sch. 2 para. 15\(3\)](#) (with reg. 5)
- F6** Words in reg. 60(5) omitted (31.12.2020) by virtue of [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), [6\(41\)\(b\)\(ii\)](#) (with Sch. paras. 3-5)

Modifications etc. (not altering text)

- C1** Regs. 57-60 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), [52\(27\)\(a\)](#)
- C2** Regs. 59-60 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), [87\(10\)\(c\)](#)
- C3** Regs. 59-61 applied (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), [80\(4\)\(a\)](#)
- C4** Regs. 59-60 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), [80\(4\)\(d\)](#)
- C5** Regs. 59-61 applied (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), [87\(10\)\(a\)](#)
- C6** Regs. 57-61 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), [80\(4\)\(b\)](#)

Changes to legislation:

The Public Contracts Regulations 2015, Section 60 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 54 Sch. 11 para. 5](#)
- reg. 60(4)(a) words omitted by [S.I. 2019/560 reg. 5\(41\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 60(4)(b) words omitted by [S.I. 2019/560 reg. 5\(41\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 60(5) words omitted by [S.I. 2019/560 reg. 5\(41\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 60(5) words omitted by [S.I. 2019/560 reg. 5\(41\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6(15A) words omitted by [S.I. 2023/506 reg. 2\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2023/506 revoked before coming into force by The Public Procurement (International Trade Agreements) (Amendment) (Wales) (No. 2) Regulations 2023 (S.I. 2023/567), regs. 1(2), 6)
- reg. 10(1)(d)(i)(aa) words substituted by [S.I. 2019/560 reg. 5\(9\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 10(1)(d)(i)(bb) words substituted by [S.I. 2019/560 reg. 5\(9\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 18(4) words omitted by [S.I. 2023/506 reg. 2\(4\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2023/506 revoked before coming into force by The Public Procurement (International Trade Agreements) (Amendment) (Wales) (No. 2) Regulations 2023 (S.I. 2023/567), regs. 1(2), 6)