



Scotland Excel Technical Panels Terms of Reference

April 2025

SCOTLAND EXCEL

Scotland Excel was established as the Centre of Procurement Expertise for the local government sector in 2008. We are a leading non-profit organisation serving Scotland's 32 local authorities and over 150 associate members from across the public and third sector.

In 2023, Scotland Excel published a five-year strategy developed to support our members in meeting the challenges facing local government and the wider public sector. Our strategy comprises five key corporate goals, guided by our vision, mission and values, and supported by annual operating plans.

Vision

To provide collaborative, innovative and transformative solutions that support social, economic and environmental wellbeing.

Mission

We will make the most of our expertise and experience by leading and collaborating on solutions that support local and national aims for fairer, wealthier and greener communities.

Values

- **Professional**
We establish goals and objectives to achieve excellence and demonstrate leadership in everything we do.
- **Courageous**
We achieve the best possible outcomes through our determination, resilience and innovation.
- **Respectful**
We listen with an open mind and respond honestly and constructively.
- **Integrity**
We are transparent and fair in all our actions securing trust and building confidence.

Goals

Through our experience, expertise, innovation and collaboration, we will create and deliver solutions which provide value to our members across key strategic areas:

- Journey towards a net zero Scotland.
- Drive for efficiency to support the financial sustainability of local public service.
- Community wellbeing with equal access to services, economic development and fair work jobs.
- Resilient supply chains that maximise opportunities for Scottish businesses and the third sector.
- Advancement of skills to deliver Scotland's economic transformation.

TECHNICAL PANELS TERMS OF REFERENCE

For any procurement exercise to succeed, it is crucial that key stakeholders from across the participating organisation(s) are actively involved in developing the procurement strategy and tender documentation. This involvement ensures that the resulting contract meets end-users' requirements, leading to higher levels of contract compliance.

Evaluators play a key role in ensuring the tender process is conducted fairly, transparently and consistently. This document is designed to help you understand your responsibilities and give an understanding of how to participate in a compliant evaluation process.

The role of the Technical Panel is to work with Scotland Excel to develop and evaluate technical element of the tender. In your role as a panel member, we ask that you:

- Be suitably experienced in the services, good or works being purchased.
- Be available for the predicted timelines of the tender – this will include input to tender development, technical support during the tender period and technical evaluation.
- Have no conflicts of interest, preventing you from making fair and objective assessments (see Appendix 1).
- Sign Confidentiality and Conflict of Interest Statements (see Appendix 2).

Technical panel members have a key role in helping identify the bidder(s) that will be recommended for award. Panel members should have a well-founded understanding of the services, goods or works being tendered. As a specialist, and member of the technical panel, it is your role to work on behalf of all participating local authorities, with Scotland Excel to develop the tender documents. You will be asked to provide expert advice as required and to score technical questions.

Time taken to evaluate the returned submissions will vary from project to project depending on the complexity and the number of responses received. As part of the tender process Scotland Excel commits to:

- A minimum of two weeks' notice will be provided for key meetings, such as UIGs and Technical Panels. Where possible, multiple date options will be offered, and participants will have the option to attend in person, via telephone, or through online meetings.
- Clear timescales for the tender process, including reviewing tender documents and completing evaluation of method statements will be set out.
- To keep the project on track, Scotland Excel will keep in touch with Technical Panel members and offer additional support or advice if required.

- revisit timescales within the project plan where appropriate if the number of tenders received will either reduce or increase the time required to complete tender evaluation.
- complete the commercial aspects of the evaluation. This evaluation will be carried out as advertised in the tender documents.
- chair consensus meetings and ensure a record is kept of all scoring, any movement from original scores and the reasons why the score was amended.
- the contract owner will also be responsible for recording any points of clarification which may arise as a result of consensus discussions and for issuing these clarification points to the bidders.

Please do not hesitate to reach out to the contract owner in good time if you require any support or advice – we are here to help.

It might be the case that the initial timescales change based on the volume of tenders received – your flexibility is appreciated.

ROLES AND RESPONSIBILITIES TECHNICAL PANELS

The technical evaluation is one of the most important stages of the procurement process. This is the stage of the process that ensures:

- The contract award decision is objective and adheres to the criteria stated in the tender documentation.
- The decision-making process is fair, transparent and auditable.
- Overall, that best value for money is delivered as a result of the technical evaluation conducted.

Good Practice Guide for Evaluators

- If at any point in the evaluation process you feel uncertain on how to proceed, please contact the contract owner for advice. Do not confer with your fellow evaluations, this is to ensure that a consistent and compliant approach can be followed.
- Individually read each tender submission, do not discuss any aspect of the technical submission with the evaluation panel in advance of the consensus meeting,
- Evaluate against the evidence provided in response to the published criteria only, do not take any other information e.g. prior knowledge of the bidder into consideration.
- Record robust and concise reasons for your score on the evaluation score sheet. Wording should be clear and factual as these comments will be included in feedback provided to bidders via successful/unsuccessful letters.
- Be aware that all completed evaluation sheets are subject to FOI, and disclosure should any part of the procurement exercise be reviewed as part of a judicial

process, evaluators should give due consideration to this in the comments that are recorded.

Consensus Meetings

If there are discrepancies in the scores recorded by individual members of the technical panel, Scotland Excel will convene a consensus meeting. The purpose of this meeting is to agree on a moderated score for each bidder and to finalise the consolidated comments for each question. All evaluators are expected to actively contribute to the discussion to ensure a fair and balanced outcome.

The contract owner should go through each question where there is a significant discrepancy in the scores or the comments. This process should try to identify any misinterpretations or missed evidence. It is important that sufficient comments are captured at the moderation meeting to justify the scoring and to meet the requirements of the de-brief/standstill letter.

It is the contract owner's responsibility to chair the meeting and ensure that a record is kept of all scores, any movement in the original score and the reasons why the score was amended. The contract owner is also responsible for recording any points for clarification which may arise as the result of the discussion and for issuing these clarification points to bidders.

Further Training

The following course is available through the Scotland Excel academy ([Home | Scotland Excel Academy](#)) to support members involved in tender evaluations:

Tender Evaluation for Evaluators - Learn effective evaluator tools and techniques within the tender evaluation process.

Why Enrol?

Flexible participation, designed specifically for the needs of Scottish public sector professionals.

How to Access the Courses

1. Visit the academy homepage [here](#) and click on the eLearning link within main page:



2. Scroll down and click on the available courses link.

3. If you do not have a registered account with the Academy then you need to create one. You must create an account using your work email address.

4. Self-enrol on the course of your choice

Please ask your contract owner for further details for enrolment.

APPENDIX 1 - EXAMPLE CONFIDENTIALITY AND CONFLICT OF INTEREST STATEMENT

Scotland Excel

Declarations of Interests for Procurement Processes

Notes

1. Scotland Excel is committed to ensuring that all procurement activity is conducted in line with ethical standards and is fully compliant with the law. To ensure that we fulfil our legal obligations in terms of anti-bribery and fraud we require to seek certain assurances with respect to confidentiality and conflict of interests.
2. For each procurement process, Scotland Excel will require technical/ evaluation panel members to complete this Declaration of Interests and Confidentiality Agreement prior to commencing technical/ evaluation activities.
3. The register of declarations of interests for this procurement will be held by Scotland Excel along with its records of the procurement process. Scotland Excel assumes the role of data controller and will process this data securely in line with the Data Protection Principles set out in the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).
4. The register of declaration of interests will be available for audit purposes and will be available for inspection by officers of Scotland Excel, the Chief Auditor, the monitoring officers, and Audit Scotland on demand and without cause requiring to be shown and that no record will be kept of those members inspecting the register of interests.
5. The register of declarations of interests will be made available for inspection or copied by or for any other person or party as required in terms of law, or on sufficient cause being shown to the Scotland Excel.
6. No other disclosure of the declarations of interests is authorised without the consent of the person concerned.
7. Each panel member will complete the declaration to the best of his/her knowledge and ability.
8. In the event that the information contained within a panel member's declaration of interest's changes, then the panel member, will notify Scotland Excel immediately and complete a fresh declaration of interests form and return it to Scotland Excel as soon as possible.

APPENDIX 2 - CONFIDENTIALITY AND DECLARATION OF INTERESTS

Name:	
Organisation:	
Designation:	
Do you have any actual or potential conflicts of interest in relation to your role as a panel member in this procurement process? If "yes", please give details.	
Do you have a relative or member of your family who has financial or other interests which may present a conflict in relation to your role as a panel member in this procurement process? If "yes", please give details.	

I declare that to the best of my knowledge and belief, the above are my only material interests and those of my family, where known to me, in relation to the matters on which information is sought.

I understand that this information will be held for the purposes of meeting Scotland Excel's audit requirements and Scotland Excel will process my personal information in line with current data protection legislation.

I understand that information submitted by tenderers as well as discussion and decisions made by the Evaluation Group or User Intelligence Group (UIG) must be treated as confidential throughout the evaluation process and I will ensure that all information provided by Scotland Excel for evaluation purposes is returned, deleted or destroyed as appropriate.

Signature:

Date:

APPENDIX 3 -TECHNICAL PANEL CONDUCT

General Procurement Principles:

- The key principles during any procurement process are professionalism, best practice procurement, impartiality, and treating suppliers fairly and equally. Procurement processes conducted by public sector authorities across must be fair, transparent, and open to competition (equitable and non-discriminatory). All activities carried out during the evaluation of tenders must adhere to these principles.
- **During the tender process, strict confidentiality must be maintained at all times.** Contact with bidders should be kept to an absolute minimum and only occur when absolutely necessary. Any queries regarding the content of the Invitation to Tender (ITT) must be limited solely to requests for clarification and, to ensure fairness and transparency, must be shared with all other bidders.
- Members of the panel should have no conflicts of interest, preventing you from making fair and objective assessments. If a member of the group has an 'interest' in a supplier bidding for a contract (e.g., is related to someone working for the supplier), they should disclose this information, as it could be perceived as affecting their impartiality.

Scotland Excel Values

Members are expected to consistently uphold and demonstrate Scotland Excel's core values throughout their participation in the tender process. This includes acting with integrity, promoting transparency, showing respect for all stakeholders, and ensuring fairness and impartiality in all evaluations and interactions.

Professional

- Making sure that roles and responsibilities are clear and understood.
- Encouraging professional and ethical behaviour by staff in all their dealings throughout the supply chain.
- Behaving ethically in all business dealings and rejecting any business practice which might reasonably be deemed improper.
- Declaring any personal interest which may affect or be seen by others to affect impartiality.

Courageous

- Adopting best practices as recommended by the Scottish Procurement Directorate and other relevant organisations.
- Establishing business relationships that are best suited to delivering value for money.
- Defining requirements, outputs, and benefits in a way that allows suppliers to propose cost-effective and innovative solutions.
- Simplifying procurement procedures wherever possible.
- Identifying and eliminating unnecessary costs for both suppliers and customers.

Respectful

- Conducting procurement competitions fairly, transparently, and without bias.
- Adhering to procurement regulations and policies.
- Safeguarding the confidentiality of third parties and supply chain members, particularly when information is protected by Intellectual Property Rights (IPR) or provides a supplier with a competitive advantage.
- Avoiding agreements or practices that could hinder fair competition in the long term.

Integrity

- Individuals should disclose any personal interests that could affect relationships with suppliers, and public bodies must record such disclosures to prevent conflicts of interest.
- Refrain from offering or accepting gifts, hospitality, or other benefits that could compromise personal judgment or integrity.
- Maintain impartiality by resisting improper influence or the prospect of personal gain.