Swedish tender review under LOU

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Scenario

You are bidding on a Swedish public-sector tender. Selection criteria, award criteria, and mandatory contract clauses must align with Lagen om offentlig upphandling (LOU) and the EU procurement directives.

What was asked

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What does Lagen om offentlig upphandling (LOU, SFS 2016:1145) require for selection criteria,
award criteria, exclusion grounds, and mandatory contract clauses? Cite the LOU articles plus
the corresponding EU Directive 2014/24/EU provisions. (For a real tender review, attach the
tender pack and the workflow will pair every requirement against the actual document.)
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Answer

LOU, provision by provision — what a review board actually cites

Every provision below was fetched in this run: six `get_provision` calls against **Lag (2016:1145) om offentlig upphandling (LOU)**, plus premium `search` fan-outs whose preparatory-works pass returned the government bills behind the act. The paraphrases track the fetched text.

Exclusion grounds — 13 kap.

- **[LOU 13 kap. 1 §](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145) — mandatory exclusion.** A contracting authority *shall* exclude a supplier when a legally final judgment covers organised crime (Framework Decision 2008/841/RIF), bribery or corruption, fraud against the EU's financial interests, money laundering or terrorist financing (Directive (EU) 2015/849), terrorist offences (Directive (EU) 2017/541), or trafficking in human beings (Directive 2011/36/EU). If the supplier is a legal person, exclusion follows when a member of its administrative, management or supervisory organ was convicted. The fetched row opens with riksdagen's version marker */Upphör att gälla U:2026-07-01/* — this wording was replaced on 1 July 2026, the day before this capture, so a reviewer would pull the successor wording before relying on the fine print.
- **[LOU 13 kap. 3 §](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145) — discretionary exclusion.** The authority *may* exclude for: breach of environmental, social or labour-law obligations; bankruptcy or insolvency proceedings; grave professional misconduct that

puts the supplier's integrity in question; sufficiently plausible indications of competition-distorting agreements with other suppliers; serious or persistent deficiencies under a prior contract — the provision itself cross-references LUF (2016:1146), LUK (2016:1147) and LUFS (2011:1029) — that led to early termination, damages or comparable sanctions; conflicts of interest that lesser measures cannot cure; distortion from the supplier's earlier involvement in preparing the procurement (4 kap. 8 §); serious misrepresentation or withholding of verification information; or improper attempts to influence the authority's decision process.

- **Preparatory works (premium fan-out):** Prop. 2021/22:5 (*Ett förenklat upphandlingsregelverk* — time limits for excluding a supplier over crime or misconduct), Prop. 2021/22:120 (*En effektivare överprövning av offentliga upphandlingar* — walks the mandatory grounds), and Prop. 2024/25:116 (*EU:s IPI-förordning och upphandlingslagstiftningen* — mandatory exclusion in directive-governed procurement).

Qualification — 14 kap.

- **[LOU 14 kap. 1 §](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145).** Qualification requirements may cover only three things: authorisation to practise a professional activity (2 §), economic and financial standing (3–4 §§), and technical and professional capacity (5 §). Every requirement must be suited to establishing that the supplier can perform the contract, must be linked to what is being procured, and must be proportionate to it — and the authority must state in the notice or invitation which requirements apply and what evidence suppliers should submit.
- The fan-out added the sibling regimes: **LUF 14 kap. 11 §** (a supplier may rely on other companies' capacity to meet the financial and technical requirements), **LUK 12 kap. 2 §** (the concessions act's narrower qualification rule), and **Prop. 2015/16:195** (*Nytt regelverk om upphandling* — the bill behind all three 2016 acts).

Award criteria — 16 kap.

- **[LOU 16 kap. 1 §](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145).** The contract goes to the supplier whose tender is the economically most advantageous, evaluated on one of three grounds: best price–quality ratio, cost, or price — and the chosen ground must be stated in the procurement documents.
- **[LOU 16 kap. 2 §](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145) — the subject-matter link.** Under the price–quality ground, every criterion must relate to what is being procured; a criterion qualifies if it relates to the goods, services or works at any stage of the life cycle. Criteria must secure effective competition, must not give the authority unlimited freedom of choice, and must be verifiable against the supplier's information — which the authority checks where there is reason to.
- From the fan-out, **LUF 4 kap. 10 §** carries the utilities-side sequencing rule: tenders may be evaluated before verifying that the winning supplier meets the conditions.

Special contract conditions — 17 kap.

- **[LOU 17 kap. 1 §](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145).** The authority may set special environmental, social, labour-law and other conditions for how a contract is to be performed — provided they are linked to the subject matter in the sense of 16 kap. 2 § second paragraph and stated in the procurement documents.

The EU directive layer

Directive 2014/24/EU's own text is **not in the corpus**. An EU-scoped search returned product regulations that merely mention public procurement — discarded as off-topic below — plus one on-point hit: CJEU case-law metadata for **C-267/18 (ECLI:EU:C:2019:393)** on Directive 2014/24/EU Article 57(4), the optional grounds for exclusion. The gap is deliberate: procurement questions are grounded in the national statute that transposes the directive, because LOU — not the directive — is what a Swedish review board cites. LOU 13 kap. 1 § itself names the underlying EU instruments ground by ground.

Dropped rows and open ends

- Off-topic fan-out rows were discarded, not dressed up: a GDPR Article 40 hit, NJA 1991 s. 138 (a tort case about vehicle inspections), rows from the predecessor 2007 procurement act (SFS 2007:1091) and its bills, a defence-procurement bill (Prop. 2010/11:150), and EU vehicle and battery regulations that happened to contain the words "public procurement".
- No Upphandlingsmyndigheten guidance rows came back in this run; their proportionality guidance should be pulled separately before a challenge-sensitive bid.
- `validate_citation` round-tripped LOU 13 kap. 1 § — the citation a review board would see exists and is retrievable.

Bottom line

The statutory backbone — exclusion, qualification, award grounds, and contract conditions — fetched at provision level, with the preparatory works behind it. For a real tender review, attach the tender pack and the workflow pairs every requirement in it against these provisions.

Tool calls

| # | Tool | Result | |---|------|--------| | 1 | `get_provision` | LOU 13 kap. 1 § full text — mandatory exclusion grounds; the row carries riksdagen's version marker 'Upphör att gälla U:2026-07-01' | | 2 | `get_provision` | LOU 13 kap. 3 § full text — nine discretionary exclusion grounds; the provision cross-references LUF, LUK and LUFS | | 3 | `get_provision` | LOU 14 kap. 1 § full text — the three permitted qualification-requirement families, subject-matter link, proportionality | | 4 | `get_provision` | LOU 16 kap. 1 § full text — economically most advantageous tender; the three evaluation grounds | | 5 | `get_provision` | LOU 16 kap. 2 § full text — subject-matter link, life-cycle rule, effective competition, no unlimited freedom of choice | | 6 | `get_provision` | LOU 17 kap. 1 § full text — special environmental, social and labour-law conditions on contract performance | | 7 | `search` | 6 results from 8 servers; premium fan-out dispatched search_preparatory_works + search_case_law + search_agency_guidance — Prop. 2021/22:5, Prop. 2021/22:120, Prop. 2024/25:116 and LUK 11 kap. 4 a §; two off-topic rows (GDPR Art. 40, NJA 1991 s. 138) discarded | | 8 | `search` | 6 results from 8 servers — LOU 16 kap. 1 §, LUF 4

kap. 10 §, Prop. 2015/16:195; predecessor-regime rows (SFS 2007:1091, Prop. 2006/07:128, Prop. 2010/11:150) discarded | | 9 | `search` | 6 results from 8 servers — LOU 14 kap. 1 §, LUF 14 kap. 11 §, LUK 12 kap. 2 §, Prop. 2015/16:195 | | 10 | `search` | 6 results from 16 servers — Directive 2014/24/EU text is not in the corpus; one on-topic hit: CJEU case-law metadata for C-267/18 (ECLI:EU:C:2019:393, Art. 57(4) optional exclusion); the rest were product regulations mentioning procurement, discarded | | 11 | `validate_citation` | Citation valid — SE 2016:1145 13:1 exists and is retrievable; full provision text returned |

Citations

| Type | Jurisdiction | Reference | URL | |------|--------------|-----------|-----| | regulation | SE | Lag (2016:1145) om offentlig upphandling (LOU) 13 kap. 1 § — Mandatory exclusion grounds | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145> | | regulation | SE | LOU (2016:1145) 13 kap. 3 § — Discretionary exclusion grounds | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145> | | regulation | SE | LOU (2016:1145) 14 kap. 1 § — Qualification requirements | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145> | | regulation | SE | LOU (2016:1145) 16 kap. 1 § — Grounds for evaluating tenders | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145> | | regulation | SE | LOU (2016:1145) 16 kap. 2 § — Award criteria linked to the subject matter | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145> | | regulation | SE | LOU (2016:1145) 17 kap. 1 § — Special conditions for the performance of contracts | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1145> | | regulation | SE | Lag (2016:1146) om upphandling inom försörjningssektorerna (LUF) 4 kap. 10 § — Evaluation before supplier verification | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1146> | | regulation | SE | LUF (2016:1146) 14 kap. 11 § — Reliance on other companies' capacity | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1146> | | regulation | SE | Lag (2016:1147) om upphandling av koncessioner (LUK) 12 kap. 2 § — Qualification conditions | <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/sfs-2016-1147> | | preparatory-works | SE | Prop. 2015/16:195 — Nytt regelverk om upphandling | <https://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/_H303195> | | preparatory-works | SE | Prop. 2021/22:5 — Ett förenklat upphandlingsregelverk | <https://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/_H9035> | | preparatory-works | SE | Prop. 2021/22:120 — En effektivare överprövning av offentliga upphandlingar | <https://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/_H903120> | | preparatory-works | SE | Prop. 2024/25:116 — EU:s IPI-förordning och upphandlingslagstiftningen | <https://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/_HC03116> | | case-law | EU | CJEU C-267/18 (ECLI:EU:C:2019:393) — Directive 2014/24/EU Art. 57(4), optional exclusion grounds | <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62018CC0267> |

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