

PROCUREMENT REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: General Duties and Procurement Strategies

General duties

Section 9 – Sustainable procurement duty

20. **Section 9(1)** sets out the specific requirements of the sustainable procurement duty on a contracting authority. This duty includes considering, before starting a procurement competition, how, by the way in which it conducts the procurement process, it might improve the economic, social and environmental well-being of the authority's area, how it might facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses, and to consider how it can promote innovation. Section 9(1) (b) requires an authority to conduct its procurements in a way designed to secure the improvements identified.
21. **Section 9(2)** makes clear that the improvement activity considered must only extend to those matters which are relevant to what is being procured and to the extent that such matters are proportionate to the procurement.
22. **Section 9(3) and (4)** defines and explains certain terms used in section 9.