
STATUTORY INSTRUMENTS

2016 No. 275

**The Public Procurement (Amendments,
Repeals and Revocations) Regulations 2016**

Transitional provisions

5.—(1) Nothing in these Regulations affects any contract award procedure or design contest commenced before 18th April 2016.

(2) For that purpose, a contract award procedure or design contest has been commenced before 18th April 2016 if, before that date—

- (a) a contract notice has been sent to the Official Journal in accordance with the Public Contracts Regulations 2015⁽¹⁾ in order to invite offers or requests to be selected to tender for, or to negotiate in respect of, a proposed public contract, framework agreement or dynamic purchasing system;
- (b) the contracting authority has had published any form of advertisement seeking offers or expressions of interest in a proposed public contract, framework agreement or dynamic purchasing system;
- (c) the contracting authority has contacted any economic operator in order to—
 - (i) seek expressions of interest or offers in respect of a proposed public contract, framework agreement or dynamic purchasing system; or
 - (ii) respond to an unsolicited expression of interest or offer received from that economic operator in relation to a proposed public contract, framework agreement or dynamic purchasing system; or
- (d) a contest notice has been sent to the Official Journal in accordance with the Public Contracts Regulations 2015 for the purpose of regulation 79 of those Regulations.

(3) Nothing in these Regulations affects the award of a specific contract based on a framework agreement where the framework agreement was concluded—

- (a) before 18th April 2016; or
- (b) on or after that date following a contract award procedure which, by virtue of paragraph (1), was not affected by these Regulations.

(4) Nothing in these Regulations affects the award of a specific contract under a dynamic purchasing system where the system was established—

- (a) before 18th April 2016; or
- (b) on or after that date following a contract award procedure which, by virtue of paragraph (1), was not affected by these Regulations.

(5) Nothing in these Regulations affects a contract awarded—

- (a) before 18th April 2016; or
- (b) on or after that date but where the award itself was not, by virtue of paragraphs (1) to (4), affected by these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) In this regulation, “contracting authority”, “design contests”, “dynamic purchasing system”, “economic operator”, “framework agreement”, “Official Journal” and “public contract” have the same meanings as in the Public Contracts Regulations 2015.

(7) In so far as this regulation relates to contracts affected by the amendments and modifications made by paragraphs 48 to 50 of Schedule 2—

- (a) the reference in regulation 5(2)(a) to the “Public Contracts Regulations 2015” is a reference to the Utilities Contracts Regulations 2006⁽²⁾;
- (b) the references in regulation 5(2)(b) and (c) to the “contracting authority” are references to a “licenced infrastructure provider” or an “incumbent undertaker” (as the case may be) within the meaning of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013⁽³⁾;
- (c) the references in regulation 5(2) to a “proposed public contract” are references to a “proposed contract”.

(2) S.I. 2006/6, amended by S.I. 2007/2157, 3542, 2008/2256, 2848, 2009/3100, 2011/1043, 1441, 1848, 2053, 2012/1659, 2013/610 and 2015/102.

(3) S.I. 2013/1582, amended by S.I. 2015/102.