
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 88

The Public Contracts (Scotland) Regulations 2012

PART 10

REPEALS, REVOCATIONS, SAVINGS, TRANSITIONAL PROVISIONS

Revocations

51. Subject to regulation 52, the instruments specified in column 1 of Part A of Schedule 7 (which have the numbers specified in column 2) are revoked to the extent specified in column 3 of that Part.

Savings and transitional provisions

52.—(1) Where a contracting authority has commenced a contract award procedure or design contest before 1st May 2012, the regulations referred to in regulation 51 continue to have effect on and after 1st May 2012 in relation to that contract award procedure, as if those regulations had not been revoked in accordance with regulation 51.

(2) For the purposes of paragraph (1), a procedure or contest has been commenced before 1st May 2012 if, before that date—

- (a) a contract notice has been sent to the Official Journal in accordance with the Public Contracts (Scotland) Regulations 2006⁽¹⁾ in order to invite offers or requests to be selected to tender for or to negotiate, or to be selected to participate in a dialogue in relation to a contract, in respect of a proposed public contract, framework agreement or dynamic purchasing system;
- (b) in any case where there is no requirement to send a contract notice to the Official Journal in accordance with the Public Contracts (Scotland) Regulations 2006, the contracting authority has dispatched any form of advertisement seeking offers or expressions of interest in a proposed contract, framework agreement or dynamic purchasing system;
- (c) where there is no such advertising, the contracting authority has contacted any economic operator in order to—
 - (i) seek expressions of interest or offers in respect of a proposed contract, framework agreement or dynamic purchasing system; or
 - (ii) respond to an unsolicited expression of interest or offer in respect of a proposed contract, framework agreement or dynamic purchasing system; or
- (d) the contracting authority has sent a notice to the Official Journal in accordance with the Public Contracts (Scotland) Regulations 2006 in order to hold a design contest.

(3) Where a framework agreement has been concluded before 1st May 2012, these Regulations do not apply to the award of any specific contract under that framework agreement.

⁽¹⁾ S.S.I. 2006/1.

Consequential amendments

53. The instruments specified in column 1 of Part B of Schedule 7 (which have the numbers specified in column 2) are amended in accordance with the provisions in column 3 of that Part.