

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2012 No. 89**

**The Utilities Contracts (Scotland) Regulations 2012**

**PART 4**

**QUALIFICATION AND SELECTION OF ECONOMIC OPERATORS**

**Corporations**

**29.**—(1) A utility must not treat the tender of a services provider as ineligible or decide not to include a services provider amongst those services providers from which it will make the selection of services providers to be invited to tender for or to negotiate a contract or to be admitted to a dynamic purchasing system on the ground that under the law of any part of the United Kingdom the services provider is required to be an individual, corporation or other type of body, if under the law of the relevant State in which the services provider is established, that services provider is authorised to provide such services.

(2) In the case of—

- (a) a services contract;
- (b) a works contract; or
- (c) a supply contract which includes services or siting and installation of operations,

a utility may require an economic operator which is not an individual to indicate in the tender, the indicative tender or in the request to be selected to tender for or to negotiate the contract, the names and relevant professional qualifications of the staff who will be responsible for the performance of the contract.