
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 145

The Procurement (Scotland) Regulations 2016

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Procurement (Scotland) Regulations 2016 and come into force on 18th April 2016.

Interpretation

2. In these Regulations—

“the 2015 Regulations” means the Public Contracts (Scotland) Regulations 2015⁽¹⁾;

“the Act” means the Procurement Reform (Scotland) Act 2014;

“candidate” means an economic operator that has sought an invitation to or has been invited to take part in a procurement procedure;

“contract notice” means a notice published on the Public Contracts Scotland website in accordance with these Regulations;

“contracting authority” means the State, a regional or local authority, a body governed by public law or an association formed by one or more such authorities or bodies;

“CPV Code” means a code used in the Common Procurement Vocabulary as adopted by Regulation (EC) No 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary⁽²⁾;

“the Directive” means Directive 2014/24/EU of the European Parliament and of the Council on public procurement and repealing Directive 2004/18/EC⁽³⁾;

“prior information notice” means a notice published on the Public Contracts Scotland website in accordance with these Regulations and referred to in regulation 49, or, where relevant, regulation 75(1)(b) of the Public Contracts (Scotland) Regulations 2015;

“procurement” means the process leading to the award of a public contract for the acquisition of works, supplies or services from an economic operator;

“procurement document” means any document produced or referred to by the contracting authority to describe or determine elements of the procurement or the procedure, including the contract notice, the prior information notice where it is used as a means of calling for competition, the technical specifications, the descriptive document, proposed conditions of contract, formats for the presentation of documents by candidates and tenderers, information on generally applicable obligations and any additional documents;

(1) S.S.I. 2015/446.

(2) OJ L 340, 16.12.2002, p.1, last amended by Commission Regulation (EC) No. 213/2008 (OJ L 74, 15.3.2008, p.1).

(3) OJ L 94, 28.3.2014, p.65.

“public service contract” has the same meaning as in the 2015 Regulations;
“public supply contract” has the same meaning as in the 2015 Regulations;
“public works contract” has the same meaning as in the 2015 Regulations;
“tenderer” means an economic operator that has submitted a tender.