

## SCHEDULE

### TRANSITIONAL AND SAVINGS PROVISIONS

#### PART 2

#### PROCUREMENTS PENDING ETC. ON IP COMPLETION DAY

##### **Saving for procedures launched, but not finalised, before IP completion day**

**3.—**(1) Steady state amendments do not affect any procedure launched by a contracting authority or a utility under the Procurement Regulations if the procedure—

- (a) was launched before IP completion day, and
- (b) was not yet finalised by IP completion day.

(2) But regulation 62 (recourse to e-Certis) of the Public Contracts (Scotland) Regulations 2015 (which is omitted by regulation 4(44) of these Regulations) ceases to be saved at the beginning of the day that is 9 months after the day on which IP completion day falls.

##### *Meaning of ‘procedure’*

(3) In sub-paragraph (1), “procedure” includes—

- (a) a procedure using a dynamic purchasing system,
- (b) a procedure for which the call for competition takes the form of—
  - (i) a prior information notice,
  - (ii) a periodic indicative notice, or
  - (iii) a notice on the existence of a qualification system.

##### *Meaning of ‘launched’*

(4) For the purposes of sub-paragraph (1), a procedure is launched—

- (a) when a call for competition or any other invitation to submit applications has been made in accordance with the Procurement Regulations,
- (b) where the Procurement Regulations do not require such a call or invitation, when the contracting authority or utility contacted economic operators in relation to the specific procedure.

##### *Meaning of ‘finalised’*

(5) For the purposes of sub-paragraph (1), a procedure is finalised—

- (a) upon publication of a contract award notice in accordance with the Procurement Regulations,
- (b) where the Procurement Regulations do not require the publication of such a notice, upon conclusion of the relevant contract,
- (c) where the contracting authority or utility decided not to award a contract, upon informing the tenderers, or persons otherwise entitled to submit applications, of the reasons why the contract was not awarded.