
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 300

The Public Procurement (Agreement on Government Procurement) (Thresholds) (Miscellaneous Amendments) (Scotland) Regulations 2023

Saving where public contract procurement procedures commenced before 1 January 2024

5.—(1) In this Regulation—

- (a) “the Procurement Regulations” means the following and, in relation to any procedure, means whichever of the following applies to that procedure—
 - (i) the Public Contracts (Scotland) Regulations 2015,
 - (ii) the Utilities Contracts (Scotland) Regulations 2016,
 - (iii) the Concession Contracts (Scotland) Regulations 2016,
- (b) the following have the same meaning as in the Procurement Regulations—
 - (i) concession contract,
 - (ii) contract,
 - (iii) contracting authority,
 - (iv) design contest
 - (v) dynamic purchasing system
 - (vi) economic operator,
 - (vii) framework agreement
 - (viii) public contract,
 - (ix) UK e-notification service,
 - (x) utility,
- (c) “procedure” means all processes undertaken by the contracting authority in accordance with the Procurement Regulations, with the intention of awarding a contract, concession contract or public contract but does not include procedures taken for the purposes of modifying a contract, concession contract or public contract.

(2) Nothing in these Regulations affects any procedure or design contest that commenced under the Procurement Regulations before 1 January 2024.

(3) For that purpose, a procedure or design contest has been commenced before 1 January 2024 if, before that date—

- (a) a notice has been submitted for publication on the UK e-notification service in accordance with the Procurement Regulations, in order to—
 - (i) invite offers or requests to be selected to tender for or to negotiate in respect of a proposed contract, concession contract, public contract, framework agreement or dynamic purchasing system, or
 - (ii) advertise an intention to carry out a design contest,

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- (b) the contracting authority or utility has had published any form of advertisement seeking offers or expressions of interest in a proposed contract, concession contract, public contract, framework agreement or dynamic purchasing system, or
- (c) the contracting authority or utility has contacted any economic operator in order to—
 - (i) seek expressions of interest or offers in respect of a proposed contract, concession contract, 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 contract, concession contract, public contract, framework agreement or dynamic purchasing system.