

## SCHEDULE

### TRANSITIONAL AND SAVINGS PROVISIONS

#### **Savings in relation to procurements commenced before exit day**

5.—(1) The amendments made by these Regulations described in sub-paragraph (2) do not affect any procurement commenced before exit day.

(2) The amendments are—

- (a) the amendments to the following provisions of the Public Contracts (Scotland) Regulations 2015—
  - (i) the definition of “ESPD” in regulation 2(1) (interpretation),
  - (ii) regulation 26 (conditions relating to the GPA and other international agreements),
  - (iii) regulation 35(24) (which, as unamended, refers to a renewed ESPD as a means of proof in relation to dynamic purchasing systems),
  - (iv) regulation 43(8) (which, as unamended, refers to a legal act of the EU in relation to mandatory accessibility requirements in technical specifications),
  - (v) regulation 58 (exclusion grounds),
  - (vi) regulation 59 (selection criteria) and the related omission of schedule 5 (professional and trade registers etc),
  - (vii) regulation 60 (European Single Procurement Document),
  - (viii) in regulation 63 (quality assurance standards and environmental management standards), paragraph (2) and the words after paragraph (4)(c),
  - (ix) regulation 71(7) (which, as unamended, refers to ESPDs in respect of subcontractors),
- (b) the amendments made to regulation 40 (exclusion grounds) of the Concession Contracts (Scotland) Regulations 2016,
- (c) the amendments made to the following provisions of the Utilities Contracts (Scotland) Regulations 2016—
  - (i) regulation 41 (conditions relating to the GPA and other international agreements),
  - (ii) regulation 58(8) (which, as unamended, refers to a legal act of the EU in relation to mandatory accessibility requirements in technical specifications),
  - (iii) in regulation 79 (quality assurance standards and environmental management standards), paragraph (2) and the words after paragraph (4)(c),
  - (iv) regulation 85(7) (which, as unamended, refers to ESPDs within the meaning of regulation 60 of the Public Contracts (Scotland) Regulations 2015).

(3) To the extent that it is saved by paragraphs (1) and (2)(a)(vii), regulation 60(11)(a) of the Public Contracts Regulations (Scotland) 2015 has effect as if the reference in it to “any member State” continued to include the United Kingdom.