
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 1

The Public Contracts (Scotland) Regulations 2006

PART 8

MISCELLANEOUS

Publication of notices

42.—(1) Any notice required by these Regulations to be sent to the Official Journal shall be—

- (a) in the correct format and contain the necessary information specified by Commission Regulation (EC) No. 1564/2005 and contain any other information which the contracting authority considers useful; and
- (b) subject to paragraph (2), sent to the Office for Official Publications of the European Union by electronic means in the format and in accordance with the procedures specified in paragraph (3) of Annex VIII to the Public Sector Directive or by other means.

(2) Where the contracting authority is applying the restricted procedure or the negotiated procedure and, for reasons of urgency, is applying the provisions of regulation 16(6), 16(17) or 17(8) the notice shall be sent by facsimile or by electronic means in the format and in accordance with the procedures referred to in paragraph (3) of Annex VIII to the Public Sector Directive.

(3) Where a notice is not sent by electronic means in accordance with paragraph (1)(b) or (2), it shall not contain more than 650 words.

(4) The contracting authority shall not place a notice in any publication—

- (a) before the date on which the notice is despatched in accordance with paragraph (1)(b) or (2); or
- (b) which contains any additional information to that contained in the notice despatched in accordance with paragraph (1)(b) or (2) or published on the contracting authority's buyer profile in accordance with regulation 11(1).

(5) The contracting authority shall refer in the notice to the date of despatch of that notice to the Official Journal or the date of its publication on its buyer profile where it publishes a notice in the circumstances referred to in paragraph (4).

(6) The contracting authority shall not publish a prior information notice on its buyer profile before the date on which notice of its publication in that form is despatched to the Commission in accordance with regulation 11(3) and the contracting authority shall refer to the date of that despatch on its buyer profile.

(7) The contracting authority shall retain evidence of the date of despatch to the Official Journal of each notice.

(8) Where the contracting authority is not required to send a contract notice to the Official Journal in respect of a particular public contract or framework agreement it may nevertheless publish such a notice in accordance with the provisions of this regulation.