
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 446

The Public Contracts (Scotland) Regulations 2015

PART 2

RULES IMPLEMENTING THE PUBLIC CONTRACTS DIRECTIVE

CHAPTER 2

RULES ON PUBLIC CONTRACTS

SECTION 5

Conduct of the Procedure

Prior information notices

49.—(1) A contracting authority may make known its intentions of planned procurements through the publication of a prior information notice.

(2) A prior information notice must contain the information set out in section I of Part B of Annex V to the Directive.

(3) A contracting authority wishing to publish a prior information notice must—

- (a) send it for publication in accordance with regulation 52 (form and manner of sending notices for publication at EU level); or
- (b) publish it on the contracting authority's buyer profile in accordance with regulation 53 (publication at national level).

(4) Where the prior information notice is published by the contracting authority on its buyer profile, the contracting authority must send for publication, in accordance with regulation 52 (form and manner of sending notices for publication at EU level), a notice of the publication on its buyer profile.

(5) The notice of publication referred to in paragraph (4) must contain the information set out in Part A of Annex V to the Directive.

(6) Where a sub-central contracting authority uses a prior information notice as a call for competition pursuant to regulation 27(8) (choice of procedures), the notice must—

- (a) refer specifically to the works, supplies or services that will be the subject of the contract to be awarded;
- (b) indicate that the contract will be awarded by restricted procedure or competitive procedure with negotiation without further publication of a call for competition and invite interested economic operators to express their interest;
- (c) contain, in addition to the information set out in section I of Part B of Annex V to the Directive, the information set out in section II of that Part; and
- (d) have been sent for publication in accordance with regulation 52 (form and manner of sending notices for publication at EU level) between 35 days and 12 months prior to the

date on which an invitation is sent for the purposes of regulation 55(2) (invitations to candidates).

(7) In addition to sending a prior information notice used for the purpose mentioned in paragraph (6) for publication in accordance with regulation 52 (form and manner of sending notices for publication at EU level), a contracting authority may publish such a notice on its buyer profile in accordance with regulation 53 (publication at national level).

(8) Subject to paragraph (9), the period covered by a prior information notice must be a maximum of 12 months from the date on which the notice is sent for publication.

(9) In the case of a public contract for social and other specific services, a prior information notice referred to in regulation 75(1)(b) (publication of notices) may cover a period which is longer than 12 months.