
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 49

The Utilities Contracts (Scotland) Regulations 2016

PART 2

RULES APPLICABLE TO CONTRACTS

CHAPTER 3

CONDUCT OF THE PROCEDURE

SECTION 3

Choice of participants and award of contracts

SUB-SECTION 1 Qualification and qualitative selection

Qualification systems

- 75.—(1) A utility may establish and operate a system of qualification of economic operators.
- (2) A utility which establishes or operates a system of qualification must ensure that economic operators are at all times able to request qualification.
- (3) The system under paragraph (1) may involve different qualification stages.
- (4) A utility must establish objective rules and criteria for—
- (a) the exclusion and selection of economic operators requesting qualification; and
 - (b) the operation of the qualification system, covering matters such as—
 - (i) inscription in the system;
 - (ii) periodic updating of the qualifications, if any; and
 - (iii) the duration of the system.
- (5) Where the rules and criteria referred to in paragraph (4) include technical specifications, regulations 58 to 60 apply.
- (6) The rules and criteria referred to in paragraph (4)—
- (a) must be made available to economic operators upon request; and
 - (b) may be updated as required and, if so, must be communicated to interested economic operators.
- (7) Where a utility considers that the qualification system of certain other entities or other bodies meets its requirements, it must communicate the names of those entities and bodies to interested economic operators.
- (8) A utility must keep a written record of qualified economic operators, which may be divided into categories according to type of contract for which the qualification is valid.
- (9) When a call for competition is made by means of a notice on the existence of a qualification system, specific contracts for the works, supplies or services covered by the qualification system

must be awarded by restricted or negotiated procedure, competitive dialogue or innovation partnership as modified so that all tenderers and participants are selected among the candidates already qualified in accordance with such a system without being required to submit further information for qualitative selection or to submit a request to participate.

(10) Any charges that are billed to an economic operator by a utility in connection with requests for qualification or with updating or conserving an already obtained qualification in accordance with the system must be proportionate to the generated costs.