
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 65

The Concession Contracts (Scotland) Regulations 2016

PART 7

TRANSITIONAL, SAVINGS AND TRANSITORY PROVISIONS

Transitional provision and saving where procurement was commenced before 18th April 2016

63.—(1) Nothing in these Regulations, except regulation 46 (modification of contracts during contract term) and 47(1)(a) to (3) (termination of concession contract) affects a procurement for the award of a contract commenced before 18th April 2016.

(2) Procurement for the award of a concession contract (except a service concession contract) commenced before 18th April 2016 will continue to be subject to the application of the 2012 Regulations as if those Regulations had not been revoked.

(3) For the purposes of paragraph (1), a concession contract award procedure has been commenced before 18th April 2016 if, before that date—

- (a) a contract notice has been sent to the Official Journal in accordance with the 2012 Regulations in order to invite offers or requests to be selected to tender for or to negotiate in respect of a proposed concession contract;
- (b) the contracting entity has published any form of advertisement seeking offers or expressions of interest in a proposed concession contract; or
- (c) the contracting entity has contacted any economic operator in order to—
 - (i) seek expressions of interest or offers in respect of a proposed concession contract; or
 - (ii) respond to an unsolicited expression of interest or offer received from that economic operator in relation to a proposed concession contract.