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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 124**

**The Public Procurement (Miscellaneous  
Amendments) (Scotland) Regulations 2023**

**PART 1**

**Introductory**

**Saving**

**3.—(1)** The amendments made by these Regulations do not apply to a procurement commenced before 30 May 2023.

(2) For the purposes of paragraph (1)—

(a) a procurement commences when the person carrying out the procurement, or a person acting on that person's behalf—

(i) publishes an advertisement seeking expressions of interest or offers in relation to the contract to be awarded at the conclusion of the procurement,

(ii) contacts another person to seek an expression of interest or offer in relation to the contract, or

(iii) responds to an unsolicited expression of interest or offer in relation to the contract,

(b) nothing done in the course of holding a design contest is to be regarded as commencing a procurement in relation to the subject matter of the contest.

(3) In this regulation—

“contract” includes—

(a) framework agreement (as defined by any of the Regulations amended by Part 2), and references to a contract's award include conclusion of a framework agreement,

(b) dynamic purchasing system (as defined by any of the Regulations amended by Part 2), and references to a contract's award include the establishment of a dynamic purchasing system,

“design contest” means any process treated as a design contest by any of the Regulations amended by Part 2,

“procurement” means the process leading to the award of a contract.