

SCHEDULE

TRANSITIONAL AND SAVING PROVISION

Savings in relation to procurements commenced before exit day

3.—(1) The amendments made by these Regulations described in sub-paragraph (2) do not affect any procurement commenced before exit day.

(2) The amendments are—

- (a) the amendments to the following provisions of the Public Contracts Regulations 2015—
 - (i) the definition of “ESPD” in regulation 2(1) (definitions);
 - (ii) regulation 25 (conditions relating to the GPA and other international agreements);
 - (iii) regulation 34(25) (which, as unamended, refers to a renewed ESPD as a means of proof in relation to dynamic purchasing systems);
 - (iv) regulation 42(9) (which, as unamended, refers to a legal act of the EU in relation to mandatory accessibility requirements in technical specifications);
 - (v) regulation 57 (exclusion grounds);
 - (vi) regulation 58 (selection criteria) and the related omission of Schedule 5 (professional and trade registers etc);
 - (vii) regulation 59 (European Single Procurement Document);
 - (viii) in regulation 62 (quality assurance standards and environmental management standards), paragraph (2) and the words after paragraph (4)(c);
 - (ix) regulation 71(5) (which, as unamended, refers to ESPDs in respect of subcontractors);
- (b) the amendments made to regulation 38 of the Concession Contracts Regulations 2015 (selection of and qualitative assessment of candidates);
- (c) the amendments made to the following provisions of the Utilities Contracts Regulations 2015—
 - (i) regulation 43 (conditions relating to the GPA and other international agreements);
 - (ii) regulation 60(8) (which, as unamended, refers to a legal act of the EU in relation to mandatory accessibility requirements in technical specifications);
 - (iii) in regulation 81 (quality assurance standards and environmental management standards), paragraph (2) and the words after paragraph (4)(c);
 - (iv) regulation 87(5) (which, as unamended, refers to ESPDs within the meaning of regulation 59 of the Public Contracts Regulations 2015).

(3) To the extent that it is saved by paragraphs (1) and (2)(a)(vii), regulation 59(11)(a) of the Public Contracts Regulations 2015 has effect as if the reference in it to “any member State” continued to include the United Kingdom.