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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 2**

**PUBLIC PROCUREMENT**

**The Utilities Contracts (Scotland) Regulations 2006**

*Made* - - - - - *4th January 2006*  
*Laid before the Scottish*  
*Parliament* - - - *5th January 2006*  
*Coming into force* *31st January 2006*

**THE UTILITIES CONTRACTS (SCOTLAND) REGULATIONS 2006**

PART 1

GENERAL

1. Citation, commencement and extent
2. Interpretation
3. Utilities
4. Economic operators
5. Application
6. General exclusions
7. Exclusion of contracts awarded to affiliated undertakings or joint ventures
8. Exemption in respect of certain utilities operating in the energy sector
9. Exemption of contracts where activity is directly exposed to competition
10. Reserved contracts
11. Thresholds

PART 2

TECHNICAL SPECIFICATIONS

12. Technical specifications in contract documents
13. Variants

PART 3

PROCEDURES LEADING TO THE AWARD OF A CONTRACT

14. The open, restricted and negotiated procedures
15. Periodic indicative notices
16. Call for competition
17. Award without a call for competition

*Status: This is the original version (as it was originally made).*

18. Framework agreements
19. Dynamic purchasing systems
20. Electronic auctions
21. Central purchasing bodies
22. Time limits

#### PART 4

#### QUALIFICATION AND SELECTION OF ECONOMIC OPERATORS

23. General
24. Mutual recognition concerning administrative, technical or financial conditions
25. Qualification system
26. Criteria for rejection of economic operators
27. Criteria for selection of economic operators
28. Consortia
29. Corporations

#### PART 5

#### THE AWARD OF A CONTRACT

30. Criteria for the award of a contract
31. Rejection of third country tenders – supply contracts
32. Contract award notices
33. Information about contract award procedures

#### PART 6

#### SPECIALISED CONTRACTS

34. Design contests

#### PART 7

#### MATTERS RELATING TO A CONTRACT

35. Obligations relating to taxes, environmental protection, employment protection and working conditions
36. Conditions for performance of contracts

#### PART 8

#### MISCELLANEOUS

37. Preservation of records
38. Statistical and other reports
39. Provision of reports
40. Publication of notices
41. Confidentiality of information
42. Means of communication
43. Sub contracting
44. Attestation

PART 9

APPLICATIONS TO THE COURT

- 45. Enforcement of obligations
- 46. Conciliation

PART 10

REVOCATION, SAVINGS AND TRANSITIONAL PROVISIONS

- 47. Revocation
- 48. Savings and transitional provisions  
Signature

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SCHEDULE 1	UTILITIES
SCHEDULE 2	ACTIVITIES CONSTITUTING WORKS
SCHEDULE 3	CATEGORIES OF SERVICES
	Part A
	Part B
SCHEDULE 4	EXTENSION TO NON MEMBER STATES
Explanatory Note	