
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provision about regulated contracts, dynamic purchasing systems, general duties and specific duties under the Procurement Reform (Scotland) Act 2014 (“the Act”).

Regulation 3 makes further provision regarding the methods for calculating the estimated value for regulated contracts.

Regulation 4 makes provision about dynamic purchasing systems regarding the extent to which the Act applies to them.

Regulation 5 makes provision specifying what is a health or social care service for the purposes of section 12(1) (contracts for health or social care services) and section 13(1) (guidance on procurements for health or social care services) of the Act.

Regulation 6 specifies the circumstances in which a regulated contract can be awarded by a contracting authority without seeking offers in relation to the proposed contract.

Regulation 7 makes further provision about publication under section 23 (publication of contract notices and award notices) of the Act. This provision also applies to EU-regulated procurements.

Regulation 8 makes provision requiring a contracting authority to exclude an economic operator from a regulated procurement (other than an EU-regulated procurement) on grounds of criminal activity.

Regulation 9 makes further provision about the selection by contracting authorities of economic operators in relation to a regulated procurement (other than an EU-regulated procurement).

Regulation 10 makes provision about the use of technical specifications in regulated procurements (other than EU-regulated procurements).

Regulation 11 makes provision about technical specifications and labels.

Changes to legislation:

There are currently no known outstanding effects for the The Procurement (Scotland) Regulations 2016.