
STATUTORY INSTRUMENTS

2011 No. 1848

The Defence and Security Public Contracts Regulations 2011

PART 10

Consequential Amendments and Transitional Provisions

Consequential amendments, repeals and revocations

66. Subject to regulation 67, the instruments specified in Schedule 4 are amended in accordance with the provisions of that Schedule.

Transitional provisions

67.—(1) Nothing in these Regulations affects any contract award procedure commenced before 21st August 2011.

(2) Nothing in these Regulations affects the award of a specific contract based on a framework agreement where the framework agreement was concluded—

- (a) before 21st August 2011; or
- (b) on or after 21st August 2011 following a contract award procedure commenced before that date.

(3) Nothing in these Regulations affects the award of a specific contract under a dynamic purchasing system where the system was established —

- (a) before 21st August 2011; or
- (b) on or after 21st August 2011 following a contract award procedure commenced before that date.

(4) For the purposes of paragraphs (1), (2) and (3), a contract award procedure has been commenced before 21st August 2011 if, before that date—

- (a) a contract notice has been sent to the Official Journal in accordance with the Public Contracts Regulations 2006(1), the Utilities Contracts Regulations 2006(2), the Public Contracts (Scotland) Regulations 2006(3) or the Utilities Contracts (Scotland) Regulations 2006(4) where applicable in order to invite offers or requests to be selected to tender for or to negotiate in respect of a proposed public contract, contract, framework agreement or dynamic purchasing system;
- (b) the contracting authority has had published any form of advertisement seeking offers or expressions of interest in respect of a proposed public contract, contract, framework agreement or dynamic purchasing system; or

(1) S.I. 2006/5; amended by S.I. 2007/2157, 2007/3542, 2008/2256, 2008/2683, 2008/2848, 2009/1307 and 2009/2992.

(2) S.I. 2006/6; amended by S.I. 2007/2157, 2007/3542, 2008/2256, 2008/2848 and 2009/3100.

(3) S.S.I. 2006/1; amended by S.I. 2007/2157 and S.S.I. 2007/565, 2008/94, 2008/291, 2008/376, 2009/428 and 2010/222. S.S.I. 2009/428 was amended by S.S.I. 2009/439.

(4) S.S.I. 2006/2; amended by S.I. 2007/2157 and S.S.I. 2007/565, 2008/94, 2008/291, 2008/376 and 2009/428. S.S.I. 2009/428 was amended by S.S.I. 2009/439.

- (c) the contracting authority has contacted any economic operator in order to—
 - (i) seek expressions of interest or offers in respect of a proposed public contract, contract, framework agreement or dynamic purchasing system; or
 - (ii) respond to an unsolicited expression of interest or offer received from that economic operator in relation to a proposed public contract, contract, framework agreement or dynamic purchasing system.
- (5) In this regulation—
 - (a) “contract notice”, “dynamic purchasing system” and “framework agreement” have the same meaning as in the Public Contracts Regulations 2006, the Utilities Contracts Regulations 2006, the Public Contracts (Scotland) Regulations 2006 or the Utilities Contracts (Scotland) Regulations 2006;
 - (b) “public contract” has the same meaning as in the Public Contracts Regulations 2006 and the Public Contracts (Scotland) Regulations 2006; and
 - (c) “contract” has the same meaning as in the Utilities Contracts Regulations 2006 and the Utilities Contracts (Scotland) Regulations 2006.