
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 2

The Utilities Contracts (Scotland) Regulations 2006

PART 5

THE AWARD OF A CONTRACT

Contract award notices

32.—(1) Subject to paragraphs (2) and (3), a utility which has awarded a contract or concluded a framework agreement shall, not later than 2 months after the award or conclusion, send to the Official Journal a notice, in the form of the contract award notice in Annex VI to Commission Regulation (EC) No. 1564/2005 including the information therein specified.

(2) When sending the contract award notice to the Official Journal, a utility may indicate that information regarding—

- (a) the number of tenders received;
- (b) the identity of the economic operator; or
- (c) prices;

is of a sensitive commercial nature, and require that it not be published.

(3) A utility shall not be required to send a contract award notice in accordance with paragraph (1) where it awards a contract under a framework agreement.

(4) A utility which has awarded a contract under a dynamic purchasing system in accordance with regulation 19 may—

- (a) send the contract award notice in accordance with paragraph (1); or
- (b) retain any notice it is proposing to send to the Official Journal in accordance with paragraph (1) for a period of 3 months commencing on the date that the first notice was retained.

(5) Where a utility retains contract award notices in accordance with paragraph (4)(b), it shall send those contract award notices to the Official Journal not later than 48 days after the end of each period of 3 months.

(6) A utility which has awarded a Part B services contract shall state in the contract award notice whether or not it agrees to its publication.

(7) Where a utility has awarded a research and development services contract it may, if the contract was awarded without a call for competition in accordance with regulation 17(1)(b), insert in section II.1.4 of the form of contract award notice in Annex VI to Commission Regulation (EC) No. 1564/2005 only the title of the category of services.

(8) Where the services contract referred to in paragraph (7) was not awarded in accordance with regulation 17(1)(b), the utility may provide limited information at section II.1.4 of the form of contract award notice in Annex VI to Commission Regulation (EC) No. 1564/2005 if the information which would otherwise be given is of a commercially sensitive nature, provided that the information given is no less detailed than that already provided in either its call for competition in accordance

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with regulation 16(2), or where a qualification system is used, than that recorded in accordance with regulation 25(14).

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Changes and effects yet to be applied to :

- Part 9 (regs 45 - 46) appl (mod) by [S.S.I. 2010/390 reg 6](#)
- reg 32 am (with transtl provns) by [S.S.I. 2009/428 regs 45](#)
- 19 am (with transtl provns) by [S.S.I. 2009/428 regs 45](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Regulations revoked by [S.S.I. 2012/89 reg. 48Sch. 5 Pt. A](#)
- reg. 6(p) inserted by [S.I. 2011/1848 Sch. 4 para. 4\(4\)](#)
- reg. 34(5)(e)(iii)(aa) words substituted by [S.I. 2011/2053 reg. 30\(2\)\(d\)](#)
- regs 45A - 45C added (with transtl provns) by [S.S.I. 2009/428 regs 45](#)