

## TRANSPOSITION NOTE

The table below sets out how the Public Contracts (Scotland) Regulations 2015 (“the Regulations”) transpose the relevant Articles of Directive 2014/24/EU of the European Parliament and of the Council on public procurement and repealing Directive 2004/18/EC.

Article	Requirement	Provision
<p><b>TITLE I: SCOPE DEFINITIONS AND GENERAL PRINCIPLES</b></p> <p><i>Chapter I: Scope and Definitions</i></p> <p><i>Section 1: Subject Matter and Definitions</i></p>		
Article 1	Subject matter and scope	Regulation 3
Article 2	Definitions	Regulation 2
Article 3	Mixed Procurement	Regulation 4
<p><i>Section 2: Thresholds</i></p>		
Article 4	Thresholds	Regulation 5
Article 5	Methods for calculating the estimated value of procurement	Regulation 6
Article 6	Revision of thresholds and of the list of central government authorities	No transposition required
<p><i>Section 3: Exclusions</i></p>		
Article 7	Contracts in the water, energy, transport and postal services sectors	Regulation 7
Article 8	Specific exclusions in the field of electronic communications	Regulation 9
Article 9	Public contracts awarded and design contests organised pursuant to international rules	Regulation 10

Article 10	Specific exclusions for service contracts	Regulation 11
Article 11	Service contracts awarded on the basis of an exclusive right	Regulation 12
Article 12	Public contracts between entities within the public sector	Regulation 13
<i>Section 4: Specific Situations</i>		
<i>Subsection 1: Subsidised contracts and research and development services</i>		
Article 13	Contracts subsidised by contracting authorities	Regulation 14
Article 14	Research and development services	Regulation 15
<i>Subsection 2: Procurement involving defence of security aspects</i>		
Article 15	Defence and security	Regulation 16
Article 16	Mixed procurement involving defence or security aspects	Regulation 17
Article 17	Public contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules	Regulation 18
<i>Chapter II: General Rules</i>		
Article 18	Principles of procurement	Regulation 19
Article 19	Economic operators	Regulation 20
Article 20	Reserved contracts	Regulation 21
Article 21	Confidentiality	Regulation 22

Article 22	Rules applicable to communication	Regulation 23
Article 23	Nomenclatures	Regulation 24
Article 24	Conflicts of interest	Regulation 25
<p><b>TITLE II: RULES ON PUBLIC CONTRACTS</b></p> <p><i>Chapter I: Procedures</i></p>		
Article 25	Conditions relating to the GPA and other international agreements	Regulation 26
Article 26	Choice of procedures	Regulation 27
Article 27	Open procedure	Regulation 28
Article 28	Restricted procedure	Regulation 29
Article 29	Competitive procedure with negotiation	Regulation 30
Article 30	Competitive dialogue	Regulation 31
Article 31	Innovation partnership	Regulation 32
Article 32	Use of the negotiated procedure without prior publication	Regulation 33
<p><i>Chapter II: Techniques and instruments for electronic and aggregated procurement</i></p>		
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Article 34	Dynamic purchasing systems	Regulation 35
Article 35	Electronic auctions	Regulation 36
Article 36	Electronic catalogues	Regulation 37
Article 37	Centralised purchasing activities and central purchasing bodies	Regulation 38

Article 38	Occasional joint procurement	Regulation 39
Article 39	Procurement involving contracting authorities from different member states	Regulation 40
<i>Chapter III: Conduct of the procedure</i>		
<i>Section 1: Preparation</i>		
Article 40	Preliminary market consultations	Regulation 41
Article 41	Prior involvement of candidates or tenderers	Regulation 42
Article 42	Technical specifications	Regulation 43
Article 43	Labels	Regulation 44
Article 44	Test reports, certificates and other means of proof	Regulation 45
Article 45	Variants	Regulation 46
Article 46	Division of contracts into lots	Regulation 47
Article 47	Setting time limits	Regulation 48
<i>Section 2: Publication and Transparency</i>		
Article 48	Prior information notices	Regulation 49
Article 49	Contract notices	Regulation 50
Article 50	Contract award notices	Regulation 51
Article 51	Form and manner of publication of notices	Regulation 52
Article 52	Publication otherwise than at EU Level	Regulation 53
Article 53	Electronic availability of	Regulation 54

	procurement documents	
Article 54	Invitations to candidates	Regulation 55
Article 55	Informing candidates and tenderers	Regulation 56
<i>Section 3: Choice of participants and award of contracts</i>		
Article 56	General principles	Regulation 57
<i>Subsection 1: Criteria for qualitative selection</i>		
Article 57	Exclusion grounds	Regulation 58
Article 58	Selection criteria	Regulation 59
Article 59	European Single Procurement Document	Regulation 60
Article 60	Means of proof	Regulation 61
Article 61	Online repository of certificates (e-Certis)	Regulation 62
Article 62	Quality assurance standards and environmental management standards	Regulation 63
Article 63	Reliance on the capacities of other entities	Regulation 64
Article 64	Official lists of approved economic operators and certification by bodies established under public or private law	Regulation 65
<i>Subsection 2: Reduction of numbers of candidates, tenders and solutions</i>		
Article 65	Reduction of the number of otherwise qualified candidates to be invited to participate	Regulation 66

Article 66	Reduction of the number of tenders and solutions	Regulation 30 (20) and (22) Regulation 31 (12) and (15)
<i>Subsection 3: Award of the contract</i>		
Article 67	Contract award criteria	Regulation 67
Article 68	Life-cycle costing	Regulation 68
Article 69	Abnormally low tenders	Regulation 69
<i>Chapter IV: Contract performance</i>		
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TITLE III: PARTICULAR PROCUREMENT REGIMES		
<i>Chapter I: Social and other specific services</i>		
Article 74	Award of contracts for social and other specific services	Regulation 74
Article 75	Publication of notices	Regulation 75
Article 76	Principles of awarding contracts	Regulation 76
Article 77	Reserved contracts for certain services	No transposition required
<i>Chapter II: Rules governing design contests</i>		
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TITLE IV: GOVERNANCE		
Article 83	Enforcement	Regulation 82 (Article 83 (6)) No transposition required (Article 83 (1) - (5))
Article 84	Individual reports on procedures for the award of contracts	Regulation 83
Article 85	National reporting and statistical information	No transposition required
Article 86	Administrative cooperation	No transposition required
TITLE V: DELEGATED POWERS, IMPLEMENTING POWERS AND FINAL PROVISIONS		
Article 87	Exercise of the delegation	No transposition required
Article 88	Urgency procedure	No transposition required
Article 89	Committee procedure	No transposition required
Article 90	Transposition and transitional provisions	No transposition required
Article 91	Repeals	No transposition required
Article 92	Review	No transposition required
Article 93	Entry into force	No transposition required
Article 94	Addressees	No transposition required
ANNEXES		

Annex I	Central Government Authorities	Schedule 1
Annex II	List of the activities referred to in point (6)(a) of Article 2 (1)	Schedule 2
Annex III	List of products referred to in Article 4 (b) with regard to contracts awarded by contracting authorities in the field of defence	Schedule 4
Annex IV	Requirements relating to tools and devices for the electronic receipt of tenders, requests for participation as well as plans and projects in contests	No transposition required
Annex V	Information to be included in notices	Direct references throughout Regulations
Annex VI	Information to be included in the procurement documents relating to electronic auctions	No transposition required
Annex VII	Definition of certain technical specifications	No transposition required
Annex VIII	Features concerning publications	No transposition required
Annex IX	Contents of the invitations to submit a tender, to participate in the dialogue or to confirm interest provided for under Article 54	No transposition required
Annex X	List of international social and environmental conventions referred to in Article 18 (2)	Direct reference in Regulations
Annex XI	Registers	Schedule 5

Annex XII	Means of proof of selection criteria	No transposition required
Annex XIII	List of EU legislation referred to in Article 68 (3)	Direct reference in Regulations
Annex XIV	Services referred to in Article 74	Schedule 3
Annex XV	Correlation table	No transposition required

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