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*Status: Point in time view as at 01/01/2023.*

*Changes to legislation: The Public Contracts (Scotland) Regulations 2015, Section 41 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## SCOTTISH STATUTORY INSTRUMENTS

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### 2015 No. 446

## The Public Contracts (Scotland) Regulations 2015

### PART 2

#### RULES IMPLEMENTING THE PUBLIC CONTRACTS DIRECTIVE

##### CHAPTER 2

##### RULES ON PUBLIC CONTRACTS

##### SECTION 5

##### *Conduct of the Procedure*

#### **Preliminary market consultation**

**41.**—(1) Before commencing a procurement, a contracting authority may conduct market consultation with a view to preparing the procurement and informing economic operators of the authority's procurement plans and requirements.

(2) For this purpose, a contracting authority may act as it considers appropriate, including seeking or accepting advice from independent experts or authorities or from market participants.

(3) Such advice may be used in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.

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