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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 1

##### SCOPE AND GENERAL PRINCIPLES

##### SECTION 1

##### *Scope*

#### **Thresholds**

5.—(1) These Regulations apply to a procurement where the estimated value of the contract to be awarded (not including value added tax) is equal to or greater than—

- (a) in the case of a public works contract (except a subsidised public works contract), the amount specified in Article 4(a) of the Directive;
- (b) in the case of a public supply contract, except one to which paragraph (2)(b) applies, or a public service contract (except a subsidised public service contract) to be awarded by a central government authority or a design contest organised by such an authority, the amount specified in Article 4(b) of the Directive;
- (c) in the case of a public supply contract, except one to which paragraph (2)(a) applies, or a public service contract (except a subsidised public service contract) to be awarded by a sub-central contracting authority or a design contest organised by such an authority, the amount specified in Article 4(c) of the Directive;
- (d) in the case of a public service contract for a service listed in Schedule 3 (social and other specified services), the amount specified in Article 4(d) of the Directive.

(2) Where the procurement is for the award of a public supply contract by a contracting authority operating in the field of defence—

- (a) the amount specified in regulation 5(1)(b) applies to contracts concerning products referred to in Schedule 4 even where the contracting authority is a sub-central contracting authority; and
- (b) the amount specified in regulation 5(1)(c) applies to contracts concerning products not referred to in Schedule 4 even where the contracting authority is a central government authority.

(3) Where a proposed work, acquisition of supplies or provision of services may be procured in the form of separate lots these Regulations do not apply to the award of a contract for a lot where—

- (a) the estimated value of that lot is less than—
  - (i) 80 000 euros, in the case of supplies or services; or

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**Status:** Point in time view as at 18/04/2016. This version of this provision has been superseded.

**Changes to legislation:** The Public Contracts (Scotland) Regulations 2015, Section 5 is up to date with all changes known to be in force on or before 20 June 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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- (ii) 1 million euros, in the case of works; and
  - (b) the estimated total aggregate value of all such lots to be awarded without application of these Regulations does not exceed 20% of the estimated aggregate value of all the lots calculated in accordance with regulation 6 (methods for calculating the estimated value).
- (4) In this Regulation reference to a “contract” includes reference to a framework agreement, dynamic purchasing system or design contest.
- (5) References in paragraph (1) to the Directive are references to the Directive as amended from time to time.

**Status:**

Point in time view as at 18/04/2016. This version of this provision has been superseded.

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