
SCOTTISH STATUTORY INSTRUMENTS

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 (^{F1}inclusive of value added tax, where appropriate) is equal to or greater than—

- (a) in the case of a public works contract (except a subsidised public works contract), [^{F2}£5,372,609];
- (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, [^{F3}£139,688];
- (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, [^{F4}£214,904];
- (d) in the case of a public service contract for a service listed in Schedule 3 (social and other specified services), [^{F5}£663,540].

(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—

Status: Point in time view as at 01/01/2024.

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 11 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)

- (i) [^{F6}£70,778], in the case of supplies or services; or
- (ii) [^{F7}£884,720], 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 [^{F8}regulation 6(1)(a)] (methods for calculating the estimated value).

[^{F9}(3A) For the avoidance of doubt, in determining for the purpose of paragraph (3)(b) the estimated aggregate value of all the lots, no account is to be taken of a lot if its estimated value is taken to be a certain amount by virtue of regulation 6(1)(b) (rather than being an amount calculated in accordance with regulation 6(1)(a)).]

(4) In this Regulation reference to a “contract” includes reference to a framework agreement, dynamic purchasing system or design contest.

^{F10}(5)

Textual Amendments

- F1** Words in reg. 5(1) substituted (1.1.2022) by The Public Procurement (Agreement on Government Procurement) (Thresholds etc.) (Amendment) (Scotland) Regulations 2021 (S.S.I. 2021/378), regs. 1(2), 3(2)(a) (with reg. 6)
- F2** Sum in reg. 5(1)(a) substituted (1.1.2024) by The Public Procurement (Agreement on Government Procurement) (Thresholds) (Miscellaneous Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/300), regs. 1(2), 2(2)(a) (with reg. 5)
- F3** Sum in reg. 5(1)(b) substituted (1.1.2024) by The Public Procurement (Agreement on Government Procurement) (Thresholds) (Miscellaneous Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/300), regs. 1(2), 2(2)(b) (with reg. 5)
- F4** Sum in reg. 5(1)(c) substituted (1.1.2024) by The Public Procurement (Agreement on Government Procurement) (Thresholds) (Miscellaneous Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/300), regs. 1(2), 2(2)(c) (with reg. 5)
- F5** Sum in reg. 5(1)(d) substituted (31.12.2020) by The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468), regs. 1(2), 4(5)(a)(iv) (with sch. paras. 1-5)
- F6** Sum in reg. 5(3)(a)(i) substituted (31.12.2020) by The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468), regs. 1(2), 4(5)(b) (with sch. paras. 1-5)
- F7** Sum in reg. 5(3)(a)(ii) substituted (31.12.2020) by The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468), regs. 1(2), 4(5)(c) (with sch. paras. 1-5)
- F8** Words in reg. 5(3)(b) substituted (30.5.2023) by The Public Procurement (Miscellaneous Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/124), regs. 2, 4(3)(a) (with reg. 3)
- F9** Reg. 5(3A) inserted (30.5.2023) by The Public Procurement (Miscellaneous Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/124), regs. 2, 4(3)(b) (with reg. 3)
- F10** Reg. 5(5) omitted (31.12.2020) by virtue of The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468), regs. 1(2), 4(5)(d) (with sch. paras. 1-5)

Status:

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