

---

STATUTORY INSTRUMENTS

---

**2016 No. 274**

**The Utilities Contracts Regulations 2016**

**PART 2**

**RULES APPLICABLE TO CONTRACTS**

**CHAPTER 3**

**Conduct of the procedure**

*SECTION 3*

*Choice of participants and award of contracts*

**SUB-SECTION 1** Qualification and qualitative selection

**Qualification systems**

- 77.—(1) Utilities may establish and operate a system of qualification of economic operators.
- (2) Utilities which establish or operate a system of qualification shall ensure that economic operators are at all times able to request qualification.
- (3) The system under paragraph (1) may involve different qualification stages.
- (4) Utilities shall establish objective rules and criteria for—
- (a) the exclusion and selection of economic operators requesting qualification; and
  - (b) the operation of the qualification system, covering matters such as—
    - (i) inscription in the system;
    - (ii) periodic updating of the qualifications, if any; and
    - (iii) the duration of the system.
- (5) Where the rules and criteria referred to in paragraph (4) include technical specifications, regulations 60 to 62 shall apply.
- (6) The rules and criteria referred to in paragraph (4)—
- (a) shall be made available to economic operators upon request;
  - (b) may be updated as required and if so, shall be communicated to interested economic operators
- (7) Where a utility considers that the qualification system of certain other utilities or other bodies meets its requirements, it shall communicate the names of those utilities and bodies to interested economic operators.
- (8) A written record of qualified economic operators shall be kept and may be divided into categories according to type of contract for which the qualification is valid.
- (9) When a call for competition is made by means of a notice on the existence of a qualification system, specific contracts for the works, supplies or services covered by the qualification system

shall be awarded by restricted or negotiated procedure or by a competitive dialogue or innovation partnership, in which all tenderers and participants are selected among the candidates already qualified in accordance with such a system.

(10) Any charges that are billed in connection with requests for qualification or with updating or conserving an already obtained qualification in accordance with the system shall be proportionate to the generated costs.