

THE PUBLIC CONTRACTS (SCOTLAND) REGULATIONS 2006 & THE UTILITIES CONTRACTS (SCOTLAND) REGULATIONS 2006

Purpose

The purpose of this Scottish Procurement Policy Note (SPPN) is to advise you that the Public Contracts (Scotland) Regulations 2006 and the Utilities Contracts (Scotland) Regulations 2006 will come into force on Tuesday 31st January 2006. Separate legislation covering England, Wales and Northern Ireland will also come into force on that date.

Detail

Public Procurement Directive 2004/18/EC and the Utilities Directive 2004/17/EC have been implemented into Scots law by the Public Contracts (Scotland) Regulations 2006 (SSI 2006/1) and the Utilities Contracts (Scotland) Regulations 2006 (SSI 2006/2).

Both Scottish Statutory Instruments can be accessed on-line at <http://www.opsi.gov.uk/legislation/scotland/ssi2006/20060001.htm> and <http://www.opsi.gov.uk/legislation/scotland/ssi2006/20060002.htm>. Print versions are also available at http://www.opsi.gov.uk/legislation/scotland/ssi2006/ssi_20060001_en.pdf and http://www.opsi.gov.uk/legislation/scotland/ssi2006/ssi_20060002_en.pdf.

The Westminster legislation covering England, Wales and Northern Ireland can be accessed at <http://www.opsi.gov.uk/si/si2006/20060005.htm> for public contracts and <http://www.opsi.gov.uk/si/si2006/20060006.htm> for utilities contracts.

As indicated in SPPN 12/2005, the threshold values which will apply under the new Regulations have changed slightly from the existing threshold values which came into force earlier this month. The new threshold values can be found at Annex A.

Any procurement activities (either contract award procedure or design contest) which are between the stages of placing an advert in the Official Journal of the European Union ("OJEU") and contract award on 31st January 2006 will continue to be subject to the existing legislation (i.e. UK Statutory Instruments 1993/3228 for services, 1995/201 for supplies and 1991/2680 for works, as amended). Any procurement exercise with an advert placed in OJEU on or after 31st January 2006 will be subject to the new Regulations (SSIs 2006/1 and 2006/2).

Dissemination

Please bring this SPPN to the attention of all relevant staff, including those in Agencies, Non-Departmental Public Bodies and other sponsored public bodies within your field of responsibility.

Enquiries

Any enquiries in relation to this SPPN should be addressed to Iain Moore (tel: 0141 242 5596), email: iain.moore@scotland.gsi.gov.uk

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SPPN 1/2006
ANNEX A

DETAILS OF THE THRESHOLDS FROM 31 JANUARY 2006. THRESHOLD VALUES ARE NET OF VAT.

PUBLIC CONTRACTS (SCOTLAND) REGULATIONS 2006

	SUPPLIES	SERVICES	WORKS
Entities listed in Schedule 1 ¹	£93,738 (€ 137,000)	£93,738 ² (€ 137,000)	£3,611,319 ³ (€ 5,278,000)
Other public sector contracting authorities	£144,371 (€ 211,000)	£144,371 (€ 211,000)	£3,611,319 ³ (€ 5,278,000)
Indicative Notices	£513,166 (€ 750,000)	£513,166 (€ 750,000)	£3,611,319 (€ 5,278,000)
Small Lots	£54,738 (€ 80,000)	£54,738 (€ 80,000)	£684,221 (€ 1,000,000)

¹ Schedule 1 of the Public Contracts (Scotland) Regulations 2006 lists central government bodies subject to the WTO GPA. These thresholds will also apply to any successor bodies.

² With the exception of the following services, which have a threshold of £144,371 (€211,000)

- Part B (Residual) Services
- Research & Development Services (Category 8)
- The following Telecommunications Services in Category 5
 - CPC 7524 - Television and Radio Broadcast services
 - CPC 7525 - Interconnection services
 - CPC 7526 - Integrated telecommunications services
- Subsidised services contracts under regulation 34.

³ Including subsidised works contracts under regulation 34.

UTILITIES CONTRACTS (SCOTLAND) REGULATIONS 2006

	SUPPLIES	SERVICES	WORKS
All sectors	£288,741 (€ 422,000)	£288,741 (€ 422,000)	£3,611,319 (€ 5,278,000)
Indicative Notices	£513,166 (€ 750,000)	£513,166 (€ 750,000)	£3,611,319 (€ 5,278,000)
Small lots	£54,738 (€ 80,000)	£54,738 (€ 80,000)	£684,221 (€ 1,000,000)