

EU Procurement Thresholds from 18 April 2016

Purpose

1. The purpose of this Scottish Procurement Policy Note (SPPN) is to publicise the threshold values that apply to public procurement exercises run under the Public Contracts (Scotland) Regulations 2015, the Concessions Contracts (Scotland) Regulations 2016, the Utilities Contracts (Scotland) Regulations 2016 and the Defence and Security Public Contracts Regulations 2011 from 18 April 2016.

Key Point

- The threshold values in this SPPN are relevant to all procurement exercises commenced on or after 18 April 2016 and are expected to apply until 31 December 2017.

Background

2. Annex A provides a summary of the main threshold values which will apply under public procurement legislation in Scotland as from 18 April 2016.

3. Please be aware that with the new implementing regulations coming into force, transposing the 2014 EU Directives into Scots law, three main changes to the applicable threshold values have come into force.

4. Firstly, with the coming into force of the Concessions Contracts (Scotland) Regulations 2016, a separate set of thresholds will apply to service and works contracts under these regulations.

5. Secondly, there will no longer be a separate threshold for the obligation to publish Prior Information Notices (PINs) under the new Regulations.

6. Thirdly, the Public Contracts (Scotland) Regulations 2015 have introduced a separate threshold for health, social, education and certain other service contracts falling under the new 'light touch' regime. A full list of the types of services that fall under this threshold can be found in Schedule 3 of those Regulations.

7. In addition to these main changes, service contracts subsidised by contracting authorities under regulation 14 of the Public Contracts (Scotland) Regulations 2015 are subject to a separate, higher threshold which is the same for all public bodies.

Action Required

8. Public bodies are required to apply the threshold values to procurements where a contract notice, or a PIN when used as a call for competition, is published in OJEU on or after 18 April 2016.

Dissemination

9. 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 area of responsibility.

Contact

10. Any enquiries relating to this SPPN should be addressed to Scottish Procurement: ScottishProcurement@gov.scot.

Scottish Procurement

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ANNEX A

Summary of thresholds from 18 April 2016 (net of VAT)

PUBLIC CONTRACTS (SCOTLAND) REGULATIONS 2015

| | SUPPLIES | SERVICES | WORKS |
|--|----------------------|----------------------|--------------------------|
| Entities listed in Schedule 1 ¹ | £106,047 €135,000 | £106,047 €135,000 | £4,104,394 €5,225,000 |
| Other public sector contracting authorities | £164,176 €209,000 | £164,176 €209,000 | £4,104,394 €5,225,000 |
| Contracts subsidised by a contracting authority ² | N/A | £164,176 €209,000 | £4,104,394 €5,225,000 |
| Small lots | £62,842 €80,000 | £62,842 €80,000 | £785,530 €1,000,000 |
| Social and other specified services in schedule 3 | N/A | £589,148 €750,000 | N/A |

UTILITIES CONTRACTS (SCOTLAND) REGULATIONS 2016

| | SUPPLIES | SERVICES | WORKS |
|-------------|----------------------|----------------------|--------------------------|
| All sectors | £328,352 €418,000 | £328,352 €418,000 | £4,104,394 €5,225,000 |
| Small lots | £62,842 €80,000 | £62,842 €80,000 | £785,530 €1,000,000 |

CONCESSIONS CONTRACTS (SCOTLAND) REGULATIONS 2016

| | SUPPLIES | SERVICES | WORKS |
|-------------|----------|--------------------------|--------------------------|
| All sectors | N/A | £4,104,394 €5,225,000 | £4,104,394 €5,225,000 |

DEFENCE AND SECURITY PUBLIC CONTRACTS REGULATIONS 2011

| | SUPPLIES | SERVICES | WORKS |
|-------------|----------|----------|------------|
| All sectors | £328,352 | £328,352 | £4,104,394 |
| | €418,000 | €418,000 | €5,225,000 |
| Small lots | £62,842 | £62,842 | £785,530 |
| | €80,000 | €80,000 | €1,000,000 |

¹ Schedule 1 of the Public Contracts (Scotland) Regulations 2015 lists central government bodies subject to the WTO GPA. These thresholds will also apply to any successor bodies.

² Regulation 14 of the Public Contracts (Scotland) Regulations 2015 specifies what constitutes a subsidised contract.