

## SCOTTISH STATUTORY INSTRUMENTS

# 2015 No. 446

## The Public Contracts (Scotland) Regulations 2015

### PART 2

#### RULES IMPLEMENTING THE PUBLIC CONTRACTS DIRECTIVE

##### CHAPTER 2

##### RULES ON PUBLIC CONTRACTS

##### SECTION 3

##### *Procedures*

#### Open Procedure

**28.**—(1) In an open procedure, a contracting authority must permit any interested economic operator to submit a tender in response to a call for competition within the time period set by the authority in accordance with this regulation.

(2) The tender must be accompanied by the information for qualitative selection that is required by the contracting authority.

(3) Subject to paragraphs (4) to (6), the minimum time period for the receipt of tenders shall be 35 days from the date on which the contract notice is [<sup>F1</sup>submitted] for publication.

(4) Where a contracting authority has published a prior information notice <sup>F2</sup>..., the minimum time limit for the receipt of tenders may be reduced to 15 days, provided that—

- (a) the prior information notice included all the information required [<sup>F3</sup>by regulation 49(2)] insofar as that information was available at the time the prior information notice was published; and
- (b) the prior information notice was [<sup>F4</sup>submitted] for publication between 35 days and 12 months before the date on which the contract notice was [<sup>F4</sup>submitted] for publication.

(5) Where a state of urgency duly substantiated by a contracting authority renders it impracticable to apply the minimum time limit set out in paragraph (3), the authority may fix a time limit which must not be less than 15 days from the date on which the contract notice was [<sup>F5</sup>submitted] for publication.

(6) A contracting authority may reduce the minimum time period referred to in paragraph (3) by a period of up to 5 days where it accepts that tenders may be submitted by electronic means in accordance with regulation 23 (rules applicable to communication).

#### Textual Amendments

- F1** Word in [reg. 28\(3\)](#) substituted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), [regs. 1\(2\), 4\(23\)\(a\)](#) (with [sch. paras. 1-5](#))

---

**Changes to legislation:** *The Public Contracts (Scotland) Regulations 2015, Section 28 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes*

---

- |           |   |
|-----------|---|
| <b>F2</b> | Words in reg. 28(4) omitted (30.5.2023) by virtue of <a href="#">The Public Procurement (Miscellaneous Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/124)</a> , regs. 2, <a href="#">4(6)</a> (with reg. 3)                  |
| <b>F3</b> | Words in reg. 28(4)(a) substituted (31.12.2020) by <a href="#">The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468)</a> , regs. 1(2), <a href="#">4(23)(b)(i)</a> (with sch. paras. 1-5) |
| <b>F4</b> | Word in reg. 28(4)(b) substituted (31.12.2020) by <a href="#">The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468)</a> , regs. 1(2), <a href="#">4(23)(b)(ii)</a> (with sch. paras. 1-5) |
| <b>F5</b> | Word in reg. 28(5) substituted (31.12.2020) by <a href="#">The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468)</a> , regs. 1(2), <a href="#">4(23)(c)</a> (with sch. paras. 1-5)        |

**Changes to legislation:**

The Public Contracts (Scotland) Regulations 2015, Section 28 is up to date with all changes known to be in force on or before 17 May 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations applied by [2023 c. 54 s. 119\(2\)\(a\)](#)
- reg. 28(3) word substituted by [S.S.I. 2019/112 reg. 3\(24\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 28(4)(a) words substituted by [S.S.I. 2019/112 reg. 3\(24\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 28(4)(b) word substituted by [S.S.I. 2019/112 reg. 3\(24\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 28(5) word substituted by [S.S.I. 2019/112 reg. 3\(24\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 11(1)(e)(i)(aa) words substituted by [S.S.I. 2019/112 reg. 3\(11\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 11(1)(e)(i)(bb) words substituted by [S.S.I. 2019/112 reg. 3\(11\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 78(1)(i)(ii) and words inserted by [S.S.I. 2019/112 reg. 3\(52\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))