



Thresholds Updated

Amended Public Contracts Thresholds came into force in January. See the table below (old thresholds in brackets)

	Supplies	Services	Works
Central Government and NHS bodies	£90,319 (£93,738)	£90,319 (£93,738)	£3,497,313 (£3,611,319)
Local Authorities	£139,893 (£144,371)	£139,893 (£144,371)	£3,497,313 (£3,611,319)
Small lots	£54,327 (£54,738)	£54,327 (£54,738)	£679,090 (£679,090)

2006 Regulations Updated

There have been a few amendments to the Public Contracts Regulations 2006.

Regulation 5 has been amended to clarify that the Regulations do not apply where a contracting authority seeks offers in relation to a proposed framework agreement or dynamic purchasing system in respect of which only Part B services contracts can be awarded.

Use of the Negotiated Procedure

Regulation 13 of the 2006 Regulations has been amended to clarify that a contracting authority may use the negotiated procedure (with prior publication of the contract notice) where a tender is considered an 'unacceptable tender' following an evaluation made in accordance with regulations 23, 24, 25 and 26 where the competitive dialogue has been used. Prior to the amendment, this regulation only referred to the restricted and open procedure.

Regulation 14 (use of the negotiated procedure without prior publication of a contract notice) has been amended to clarify that a contracting authority may use this procedure in the case of a public contract where the contracting authority is using the negotiated procedure in accordance with regulation 13(a) and invites to negotiate the contract all of, and only, those economic operators which submitted a tender following an invitation made during the course of the discontinued open procedure, restricted procedure or competitive dialogue procedure (not being a tender which was excluded as an 'unacceptable tender').

Sub-contracting the work under a public works concession contract

Regulation 37 has been amended to clarify that a concessionaire who is not a contracting authority must publish its intention to seek offers, publish a notice

(regulation 42) as if it were a contracting authority and comply with time requirements (regulation 37(3)(c)), only if it does not intend to enter into a contract with a company who is a member of the same group of firms which acted jointly for the purpose of obtaining the public works concession contract or related to it, or any member of that group. (i.e. it was not part of the same consortium or group of companies).

Further clarification has also been made to state that the applicant for a public works concession contract must not only submit a list of all firms which are related to them (the applicant), they must also include all list firms and organisations which are related to the firms and organisations they are related to.

Professional and Trade Registers

Regulation 23 (criteria for the rejection of candidates) has been amended to broaden the circumstances where an economic operator established in Cyprus, Malta, Spain and Hungary may be considered an economic operator and not rejected under regulation 23.

Schedule 6 has been updated to include reference to the Member States that joined the EU in May 2004.

Date in Force

Amendments to the thresholds came into force on 1 January 2008. All other amendments came into force on 8 January 2008.

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