
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 88

The Public Contracts (Scotland) Regulations 2012

PART 7

MATTERS RELATING TO A PUBLIC CONTRACT

Obligations relating to taxes, environmental protection, employment protection and working conditions

38.—(1) A contracting authority may include in the contract documents relating to a public works contract or to a public services contract information as to where a contractor or services provider may obtain information about the obligations relating to taxes, environmental protection, employment protection and working conditions which will apply to—

- (a) the work or works to be carried out under a public works contract; or
- (b) the services to be provided under a public services contract.

(2) A contracting authority which provides the information referred to in paragraph (1) must request contractors or services providers to indicate that they have taken account of the obligations relating to those employment protection provisions and those working conditions in preparing their tender or in negotiating the contract.

Conditions for performance of contracts

39.—(1) A contracting authority may stipulate conditions relating to the performance of a public contract, provided that those conditions are compatible with EU law and are indicated in—

- (a) the contract notice and the contract documents; or
- (b) the contract documents.

(2) The conditions referred to in paragraph (1) may, in particular, include social and environmental considerations.