Light Touch Regime

Scope and General Guidance

The Light Touch Regime (LTR) outlines specific rules for certain service contracts, that are generally of lower interest to cross-border competition. These services are specified in **Schedule 3 to the Public Contract (Scotland) Regulations 2015**. However, the following guidance does not relate in any way to Social Care, Health or Utilities procurement exercises, only to the other range of service areas covered by the Procurement Journey that include amongst others, services such as Education Services, Security Services and Postal Services.

Organisations must determine on a case by case basis whether they expect that there will be bidders from other states interested in a particular procurement and take this into consideration when deciding whether the LTR (particularly in respect of using appropriate advertising) is applicable.

A higher threshold value applies to these defined light touch services and when commencing a relevant procurement exercise, buyers must also assess the expected value of the contract (including any extensions) to determine what rules will apply to the process:

For contracts at or above the LTR threshold the LTR will apply in line with regulations 74-76 of the Public Contracts (Scotland) Regulations 2015.

For contracts valued between £50k and the LTR threshold the Procurement (Scotland) Regulations 2016 will apply. Route 2 of the Procurement Journey provides full guidance in line with these requirements and should be followed by buyers conducting this category of procurement exercise.

In all cases, buyers must have regard to the relevant **Statutory Guidance** and the requirements of the Procurement Reform (Scotland) Act 2014.

Procedures at or above the LTR Threshold

Where a relevant service contract is valued at or above the LTR threshold, buyers must meet all of the LTR provisions laid out. Specifically, they must:

- Publish a Contract Notice (unless it is a direct award without competition) on Public Contracts Scotland (PCS) for onward transmission to the **Find a Tender**
- Publish a Contract Award Notice (these can be grouped quarterly)
- Apply reasonable and proportionate time limits to any stages of the procurement

- Assess successful bidder(s) to identify any instances where mandatory exclusion grounds may apply.

There is no set procedure laid down for the conduct of LTR procurement processes other than the requirements above and Organisations are largely free to use the tools, techniques and procedures of their choice when following the LTR. Importantly, a procedure must be developed by buyers, set out in the contract notice and subsequently followed. The approach must be determined on a case-by-case basis and in each instance be proportionate and appropriate to the scale and type of procurement process being conducted.

The procedure must cover the essentials required including information such as timescales, evaluation methodology and any scope for change / change management procedures. It must be developed in line with any internal governance requirements and in accordance with the principles of transparency and equal treatment.

While Organisations are largely free to use the tools, techniques and indeed procedures of their choice when following the LTR, you must use an approach that is proportionate and appropriate to the scale and type of procurement process being conducted.

Buyers must ensure that any award is made on the basis of the most economically advantageous tender (MEAT) and not based on price alone. Furthermore it remains necessary for all procedures to include fundamental considerations such as Fair Work First, community benefits and sustainable procurement.