SECTION C: Other Entities

Thresholds:

Unless otherwise specified, Chapter 15 (Government Procurement) shall apply to the other entities listed in this Section where the value of the procurement is estimated to equal or exceed the following thresholds:

400,000 SDR	Goods
400,000 SDR	Services
5,000,000 SDR	Construction Services

List of Entities:

1. All utilities whose procurement is covered by the *Utilities Contracts Regulations 2016* and the *Utilities Contracts (Scotland) Regulations 2016* which:

(a) are one of the following entities:

(i) a central government entity covered in Section A;

(ii) a sub-central government entity covered in Section B; or

(iii) a public undertaking; [1] and

(b) have as one of their activities any of those referred to below or any combination thereof:

(i) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;

(ii) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks;

(iii) the provision of airport or other terminal facilities to carriers by air;

(iv) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;

(v) the provision or operation of networks[2] providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable;

(vi) the provision or operation of networks providing a service to the public in the field of transport by railways.[3]

Indicative Lists of Contracting Authorities and Public Undertakings Fulfilling the Criteria Set Out in Section C:

Production, transport or distribution of drinking water

1. A company holding an appointment as a water undertaker or a sewage undertaker under the *Water Industry Act 1991*
2. Scottish Water
3. Northern Ireland Water

Production, transport or distribution of electricity

1. A person licensed under section 6 of the *Electricity Act 1989*
2. A person licensed under section 10(1) of the *Electricity (Northern Ireland) Order 1992*

Airport installations

1. A local authority which exploits a geographical area for the purpose of providing airport or other terminal facilities to carriers by air
2. Highland and Islands Airports Limited
3. London Luton Airport Operations Limited
4. Manchester Airports Holdings Limited
5. Cornwall Airport Limited

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[1] According to the *Utilities Contracts Regulations 2016*, a **public undertaking** means any undertaking over which contracting authorities may exercise directly or indirectly a dominant influence by virtue of:
(a) their ownership of that undertaking;
(b) their financial participation in that undertaking; or
(c) the rules which govern that undertaking.
According to the *Utilities Contracts (Scotland) Regulations 2016*, a **public undertaking** means a person over which one or more contracting authorities are able to exercise, directly or indirectly, a dominant influence by virtue of one or more of the following:
(a) their ownership of that person;
(b) their financial participation in that person;
(c) the rights accorded to them by the rules which govern that person.
According to both the *Utilities Contracts Regulations 2016* and the *Utilities Contracts (Scotland) Regulations 2016*, a dominant influence on the part of contracting authorities is presumed in any of the following cases in which those authorities, directly or indirectly:
(a) hold the majority of the undertaking's subscribed capital;
(b) control the majority of the votes attaching to shares issued by the undertaking;
(c) can appoint more than half of the undertaking's administrative, management or supervisory body.

[2] As regards transport services, a network shall be considered to exist if the service is provided under operating conditions laid down by a competent authority of the United Kingdom such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

[3] For example, the provision or operation of networks (within the meaning of footnote 2) providing a service to the public in the field of transport by high-speed or conventional trains.