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STATUTORY INSTRUMENTS

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**2015 No. 1555**

**The Electricity (Competitive Tenders for Offshore  
Transmission Licences) Regulations 2015**

**PART 10**

**INVITATION TO TENDER STAGE**

**Invitation to tender**

**18.**—(1) In respect of the invitation to tender stage, the Authority may give notice to relevant qualifying bidders requiring each bidder to make a payment to the Authority of an amount determined by the Authority to be reasonable for the purpose of recovering the Authority's tender costs.

(2) The Authority must issue to all relevant qualifying bidders the invitation to tender documentation, which must include the information specified in Schedule 5.

(3) The Authority must invite all qualifying bidders who have been issued the invitation to tender documentation in accordance with paragraph (2) to submit a tender in respect of one or more qualifying projects in accordance with the requirements set out in the invitation to tender documentation.

(4) The submission of a tender by a qualifying bidder is an application for the offshore transmission licence to which the tender exercise relates.

(5) In this regulation, "relevant qualifying bidder" means—

- (a) where a qualification to tender stage has been held, a qualifying bidder that the Authority, in accordance with regulation 17(1), has determined to invite to participate in the invitation to tender stage; or
- (b) where a qualification to tender stage has not been held, a bidder that the Authority, in accordance with regulation 15(1)(b), has determined to invite to participate in the invitation to tender stage.

**Determination of preferred bidders at the invitation to tender stage**

**19.**—(1) The Authority must evaluate each tender in respect of a particular qualifying project submitted to it by a qualifying bidder in accordance with the evaluation criteria set out in the invitation to tender documentation, in order to determine—

- (a) which qualifying bidder is to become the preferred bidder in respect of that qualifying project; or
- (b) whether to hold a best and final offer stage in accordance with the criteria set out in the invitation to tender documentation in respect of that particular qualifying project.

(2) The Authority may decline to consider a tender submitted to it by a qualifying bidder where the Authority determines that the submitted tender does not comply in any material respect with

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the requirements specified in the invitation to tender documentation issued in accordance with regulation 18(2).

(3) Where the Authority does not hold a best and final offer stage in accordance with paragraph (1) (b), the Authority may evaluate each tender in respect of a particular qualifying project submitted to it by a qualifying bidder in accordance with the evaluation criteria set out in the invitation to tender documentation, in order to determine which qualifying bidder is to become the reserve bidder in respect of that qualifying project.