
STATUTORY INSTRUMENTS

2009 No. 1340

**The Electricity (Competitive Tenders for Offshore
Transmission Licences) Regulations 2009**

PART 13

NOTIFICATION OF SUCCESSFUL BIDDER

Notification of successful bidder

21.—(1) Where the Authority is satisfied that the preferred bidder has resolved the matters described in the notice published in accordance with regulation 16(1), that preferred bidder shall become the successful bidder.

(2) As soon as reasonably practicable after the Authority has determined to grant an offshore transmission licence to the successful bidder in respect of a particular qualifying project it shall publish a notice to that effect.

(3) The notice shall specify the name and address of the successful bidder.

(4) The Authority shall give notice to the successful bidder of the amount of payment payable to the Authority as calculated in accordance with its cost recovery methodology in relation to the offshore transmission licence grant stage of that tender exercise.

Information in respect of successful bidder

22.—(1) Subject to paragraph (6), the Authority shall as soon as practicable after a determination has been made in accordance with regulation 21(2), give notice to all qualifying bidders of its determination in relation to the successful bidder in respect of that qualifying project.

(2) The notice referred to in paragraph (1) shall include—

(a) the evaluation criteria applied by the Authority in evaluating tenders;

(b) the score obtained by—

(i) each qualifying bidder which is to receive the notice; and

(ii) the successful bidder; and

(c) the name of the successful bidder.

(3) The Authority shall allow a period of at least ten working days to elapse between the date of publication of the notice referred to in paragraph (1) and the date on which the Authority proposes to grant an offshore transmission licence to the successful bidder.

(4) Subject to paragraph (6), if by midnight at the end of the second working day of the period referred to in paragraph (3), the Authority receives a request in writing from a qualifying bidder who was sent a notice in accordance with paragraph (1), for the reasons why that qualifying bidder was unsuccessful, the Authority shall inform that qualifying bidder of those reasons, including, where applicable, the characteristics and relative advantages of the successful tender.

(5) The Authority shall give the information set out in paragraph (4) at least three working days before the end of the period referred to in paragraph (3), or where that is not possible, the period referred to in paragraph (3) shall be extended to allow at least three working days between the provision of the information set out in paragraph (4) and the date on which the Authority proposes to grant an offshore transmission licence to the successful bidder.

(6) The Authority may withhold any information to be provided in accordance with paragraph (1) or (4) where the disclosure of such information—

- (a) would impede law enforcement;
- (b) would otherwise be contrary to law;
- (c) would otherwise be contrary to the public interest;
- (d) would prejudice the legitimate commercial interests of any qualifying bidder; or
- (e) may prejudice fair competition between qualifying bidders.

(7) Subject to any interim or final findings of proceedings brought within the ten working days period referred to in paragraph (3) in relation to the Authority's determination in accordance with regulation 21(2), the Authority shall determine whether or not to grant an offshore transmission licence to the successful bidder and shall publish a notice to that effect.

(8) Where the Authority determines to grant an offshore transmission licence in accordance with paragraph (7), that tender exercise is finished in respect of that qualifying project.