
STATUTORY INSTRUMENTS

2015 No. 1555

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

PART 8

PRE-QUALIFICATION STAGE

Pre-qualification

14.—(1) Subject to paragraph (2), on the date specified in the notice published in accordance with regulation 12(1), (2) or (3) ('the intention to commence notice'), the Authority must commence the pre-qualification stage by publishing—

- (a) the pre-qualification documentation, which must include the information specified in Schedule 3; and
- (b) in respect of each qualifying project to which the intention to commence notice relates, a notice stating whether the Authority will reimburse a qualifying bidder's bid costs in accordance with regulation 26(5) or 29(6) and, if applicable, the maximum amount of reimbursement.

(2) Where the Authority determines not to hold a qualification to tender stage in accordance with regulation 13(2), on the date specified in the intention to commence notice, the Authority must commence the pre-qualification stage by publishing—

- (a) the pre-qualification documentation referred to in paragraph (1)(a);
- (b) the notice referred to in paragraph (1)(b);
- (c) the confidentiality agreement in respect of each qualifying project to which the intention to commence notice relates, to be signed and submitted to the Authority by bidders; and
- (d) any instructions that apply to the confidentiality agreement including the date, time and manner in which that confidentiality agreement is to be submitted to the Authority.

(3) Where paragraph (2) applies, as soon as reasonably practicable after a bidder has submitted one or more signed confidentiality agreements in respect of particular qualifying projects to the Authority in accordance with paragraph (2)(d), the Authority must issue to that bidder any confidential information in respect of those particular qualifying projects.

Determination of qualifying bidders at the pre-qualification stage

15.—(1) The Authority must evaluate each completed pre-qualification questionnaire submitted to it by a bidder in accordance with the evaluation criteria set out in the pre-qualification documentation, in order to determine in respect of each qualifying project within that tender round—

- (a) where a qualification to tender stage is to be held, which bidders are to become qualifying bidders and be invited to participate in the qualification to tender stage in accordance with regulation 16; or

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- (b) where a qualification to tender stage is not to be held, which bidders are to become qualifying bidders and be invited to participate in the invitation to tender stage in accordance with regulation 18.
- (2) The Authority may decline to consider a pre-qualification questionnaire submitted to it by a bidder where the Authority determines that the submitted pre-qualification questionnaire does not comply in any material respect with the requirements specified in the pre-qualification documentation issued in accordance with regulation 14(1)(a) or regulation 14(2)(a).
- (3) The Authority must give notice to each bidder of its determination in accordance with paragraph (1) or (2) and give reasons for its determination.