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STATUTORY INSTRUMENTS

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**2012 No. 2414**

**The Electricity and Gas (Competitive Tenders for Smart Meter Communication Licences) Regulations 2012**

**PART 8**

**Best and final offer stage**

**Best and final offer stage: evaluation**

**16.**—(1) The competent authority must evaluate each best and final offer submitted to it by a selected qualifying bidder in accordance with the evaluation criteria set out in the best and final offer documentation, in order to determine which selected qualifying bidder is to become the preferred applicant.

(2) The competent authority may evaluate each best and final offer submitted to it by a selected qualifying bidder in accordance with the evaluation criteria set out in the best and final offer documentation, in order to determine which selected qualifying bidder is to become a reserve applicant.

(3) The competent authority may determine that up to two selected qualifying bidders become reserve applicants in accordance with paragraph (2).

(4) Where the competent authority determines that two selected qualifying bidders become reserve applicants in accordance with paragraph (3), it must, in accordance with the evaluation criteria set out in the best and final offer documentation, determine a first reserve applicant and a second reserve applicant.

(5) The competent authority may decline to consider a best and final offer submitted to it by a selected qualifying bidder where the competent authority determines that the submitted best and final offer does not comply in any material respect with the requirements specified in the best and final offer documentation.