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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 6**

Qualification stage

**Determination of qualifying bidders at the qualification stage**

9.—(1) The competent authority must evaluate each completed qualification questionnaire submitted to it by a bidder in accordance with the evaluation criteria set out in the qualification documentation, in order to determine which bidders are to become qualifying bidders and be invited to participate in the proposal stage in accordance with regulation 10.

(2) The competent authority may decline to consider a qualification questionnaire submitted to it by a bidder where the competent authority determines that the submitted qualification questionnaire does not comply in any material respect with the requirements specified in the qualification documentation.

(3) The competent authority must give notice to each bidder—

- (a) as to whether that bidder has or has not become a qualifying bidder in accordance with paragraph (1), and the reasons for that determination; or
- (b) where the competent authority has declined under paragraph (2) to consider the qualification questionnaire submitted by that bidder, the reasons for the determination that the questionnaire is non-compliant.

(4) Paragraph (5) applies where the competent authority has determined in accordance with regulation 8(2) that in respect of a tender exercise a qualifying bidder is required to sign a confidentiality agreement.

(5) Where this paragraph applies, a notice given under paragraph (3) to a qualifying bidder must include information regarding the date, time and manner in which the signed confidentiality agreement is to be submitted to the competent authority.