
STATUTORY INSTRUMENTS

2015 No. 1555

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

PART 18

MISCELLANEOUS

Changes to bidder groups

33.—(1) No change may be made to the membership of a bidder group unless the Authority has permitted the change in accordance with paragraph (3), (4), or (5).

(2) Where a bidder group seeks to change its membership it must notify the Authority in writing of the proposed change as soon as reasonably practicable.

(3) Where a bidder group seeks to change its membership between the pre-qualification stage of a tender exercise and before submitting a qualification to tender questionnaire to the Authority, the Authority must permit that change provided that the new membership of that bidder group meets the pre-qualification evaluation criteria set out in the pre-qualification documentation issued in accordance with regulation 14(1)(a).

(4) Any proposed change to the membership of a bidder group notified to the Authority after a qualification to tender questionnaire has been submitted to the Authority or, where the Authority determines not to hold a qualification to tender stage in accordance with regulation 13(2), after a pre-qualification questionnaire has been submitted to the Authority, and before the Authority has published a notice in accordance with regulation 21(1), may be permitted by the Authority provided that—

- (a) the Authority determines that change would be fair and equitable to all other bidders or qualifying bidders participating in that tender exercise; and
- (b) the new membership of that bidder group meets the evaluation criteria set out in the later of—
 - (i) the qualification to tender documentation issued in accordance with regulation 16(2) or, where the Authority determines not to hold a qualification to tender stage in accordance with regulation 13(2), the pre-qualification documentation issued in accordance with regulation 14(2)(a);
 - (ii) the invitation to tender documentation issued in accordance with regulation 18(2); or
 - (iii) the best and final offer documentation issued in accordance with regulation 20(3).

(5) Any proposed change to the membership of a bidder group notified to the Authority after the Authority has published a notice in accordance with regulation 21(1) may be permitted by the Authority provided that—

- (a) the Authority determines that change would be fair and equitable to all other qualifying bidders who were invited to participate in the latest stage of the tender exercise, being either the invitation to tender stage or the best and final offer stage; and

- (b) the new membership of that bidder group—
 - (i) meets the evaluation criteria set out in the later of the invitation to tender documentation issued in accordance with regulation 18(2) or the best and final offer documentation issued in accordance with regulation 20(3); and
 - (ii) where applicable, confirms in writing to the Authority that where the matters specified in the notice given in accordance with regulation 21(6) have previously been resolved by the preferred bidder to the Authority's satisfaction, such matters remain resolved by the new membership of that bidder group.
- (6) Where a bidder group gives notice in accordance with paragraph (2), the Authority may give notice to the bidder group to make a payment to the Authority of an amount equal to the Authority's costs in determining whether to permit the proposed change.