
STATUTORY INSTRUMENTS

2012 No. 2414

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

PART 10

Notification of successful applicant

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18.—(1) Where the competent authority determines at any time that it is satisfied that the preferred applicant has resolved the matters described in the notice given in accordance with regulation 17(1), the preferred applicant becomes the successful applicant to whom an electricity smart meter communication licence and a gas smart meter communication licence are to be granted (notwithstanding that those grants may be subject to the fulfilment by the successful applicant of particular conditions).

(2) As soon as reasonably practicable after the determination in paragraph (1), the competent authority must publish a notice to that effect.

(3) A notice under paragraph (2) must specify the name and address of the successful applicant.

Information in respect of successful applicant

19.—(1) Subject to paragraph (3), the competent authority must as soon as practicable after a determination has been made in accordance with regulation 18(1), give notice to each qualifying bidder of its determination in relation to the successful applicant.

(2) Subject to paragraph (3), a notice under paragraph (1) must include—

- (a) the evaluation criteria applied by the competent authority in evaluating proposals and where appropriate best and final offers;
- (b) the reasons for the determination, including the characteristics and relative advantages of the successful proposal or where appropriate the successful best and final offer;
- (c) the name of the successful applicant;
- (d) the result obtained by—
 - (i) the qualifying bidder which is to receive the notice; and
 - (ii) the successful applicant; and
- (e) a statement of when the period specified in paragraph (5) is expected to end.

(3) The competent authority may withhold any information that would be otherwise required to be provided in accordance with paragraphs (1) or (2) where the disclosure of such information—

- (a) would impede law enforcement;
- (b) would otherwise be contrary to law; or
- (c) would otherwise be contrary to the public interest.

(4) Where paragraph (1) applies, the competent authority must not grant an electricity smart meter communication licence or a gas smart meter communication licence to the successful applicant before the end of the period specified in paragraph (5).

(5) Where the competent authority gives notice to each qualifying bidder in accordance with paragraph (1), it must allow to elapse a period which ends not before midnight at the end of the tenth working day after the date on which the notices referred to in paragraph (1) are given.

(6) As soon as reasonably practicable after the end of the period specified in paragraph (5), the competent authority must—

- (a) determine whether to confirm the determination made pursuant to regulation 18(1) to grant an electricity smart meter communication licence and a gas smart meter communication licence to the successful applicant (including where those grants are subject to the fulfilment by the successful applicant of particular conditions); and
- (b) publish a notice stating its determination under sub-paragraph (a).

(7) Where the competent authority publishes a notice in accordance with paragraph (6)(b), the tender exercise is finished.