

SI No. _____

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

**Bid for engagement of consultants
For assistance in**

Analysis of Business Plan and Multi Year Tariff Petitions

Term of Reference (ToR)

May, 2012

TERMS AND CONDITIONS

1. The Client

1.1 The name of the client is: **Uttarakhand Electricity Regulatory Commission (Commission or UERC)**

1.2 The **Uttarakhand Electricity Regulatory Commission** is a body corporate set up by the Government of Uttarakhand under the Uttaranchal (UP Electricity Reform Act) Adaptation and Modification Order, 2002 (Adaptation Order). Some of the responsibilities assigned to the Commission are: -

- a) To determine tariff for electricity including wholesale, bulk or retail and for the use of transmission facilities in the State of Uttarakhand.
- b) To issue and regulate the licensees for transmission, bulk supply, distribution or supply of electricity in the State of Uttarakhand.
- c) To regulate power purchase and procurement process of the licensees and transmission utilities including the price at which the power shall be procured from generating companies/stations etc. in the State of Uttarakhand.
- d) To promote competition efficiency and economy in the activities of the electricity industry in the State of Uttarakhand.
- e) To regulate the operation of power system in the State of Uttarakhand

1.3 The Commission had notified UERC (Terms & Conditions for Determination of Tariff) Regulations, 2004 separately for Generation, Transmission and Distribution Business which were initially valid for a period of 5 years upto 13th May 2009. Subsequently, the applicability of these regulations was extended on numerous occasions and recently, the applicability of these tariff regulations have been extended till April 30, 2012.

1.4 Meanwhile, the Commission, after following due regulatory process, replaced the existing Regulations for Generation, Transmission and Distribution with a comprehensive Multi Year Tariff Regulations "Uttarakhand Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2011", in short "UERC Tariff Regulations, 2011" having separate sections for Generation, Transmission, Distribution and SLDC with first Control Period of three years from April 1, 2013 onwards to March 31, 2016.

1.5 The Generating Company, i.e. UJVN Ltd., Transmission Licensee, i.e. PTCUL and Distribution Licensee, i.e. UPCL and Uttarakhand SLDC are expected to file their

Business Plan for first Control Period of three years by May 31, 2012. Subsequent to the issuance of Orders by the Commission on their Business Plan Petitions, these entities are expected to file MYT Petitions by November 30, 2012 along with the true-up Petitions for previous years till FY 2011-12.

2. The Assignment

2.1 The name, objectives, and description of the assignment is:

Assistance to the Commission in examination and analysis of Business Plan and Multi Year Tariff Petitions to be filed by the Distribution Licensee, viz. UPCL, Transmission Licensee, viz. PTCUL, SLDC and Generating Company, viz. UJVN Ltd. for determination of the generation tariff for its main hydro generating stations, namely Dhakrani, Dhalipur, Chibro, Khodri, Kulhal, Ramganga, Chilla, Tiloth, Khatima and Maneri Bhali-II, (or their legal successors, if any) for the first Control Period from FY 2013-14 to FY 2015-16.

2.2 **The scope of work for the assignment shall be as follows:**

The assignment is proposed to be executed in two phases as follows:

Phase I: Examination and Analysis of Petitions seeking approval of Business Plan

- i. Examination of Petitions of Business Plan to check its completeness with regard to UERC Tariff Regulations, 2011, required inputs as per the formats and finding out the information gap.
- ii. Analysis of Petitions for the information submitted in the Business Plan Petition by the applicants and data verification from the records of the licensees and generating company and by interacting with the licensees and Generating Companies during technical sessions.
- iii. Assistance to the Commission in the public process including participation in public hearing and preparation of objection report summarizing the stakeholder's responses, Petitioner's responses and Consultant's recommendations.
- iv. Determination of baseline values (operating and cost parameters) for the base year of the control period based on historical data, latest audited accounts, estimates for the relevant year and prudence check.
- v. Detailed Analysis of Capital Investment Plan and proposed Means of Finance with cost benefit analysis for the first Control Period proposed by Generating Company or Licensee or SLDC.
- vi. Detailed Analysis of Sales Forecast and Power Procurement Plan for Distribution Licensee.
- vii. Assistance to Commission in stipulating the trajectory of variables in accordance with UERC Tariff Regulations, 2011.

- viii. Preparation of draft Order based on detailed analysis of all the elements of Business Plan and after incorporation of submissions made by stakeholders.
- ix. Incorporation of changes/modifications suggested by the Commission in the draft order proposed by the consultant.
- x. Any further assistance required by the Commission in this regard till the issuance of Orders on Business Plans by the Commission.

Phase II: Examination and Analysis of Multi Year Tariff Petitions

- i. Examination of Multi Year Tariff Petitions to check its completeness with regard to UERC Tariff Regulations, 2011, required inputs as per the formats, Commission's Order on Business Plans for the first Control Period and finding out the information gap.
 - ii. Analysis of petitions for year wise ARRs proposed for the first control period and Tariffs proposed by applicants for first year of Control Period and data verification from the records of the licensees and generating company and by interacting with the licensees and Generating Companies during technical sessions.
 - iii. Analysis of Truing up for the previous years in accordance with UERC Truing up Regulations including prudence check of variations in expenditure and revenue.
 - iv. Assistance to the Commission in the public process including participation in public hearing and preparation of objection report summarizing the stakeholder's responses, Petitioner's responses and Consultant's recommendations.
 - v. Analysis of the ARR, submitted for the each year of the first Control Period from FY 2013-14 to FY 2015-16 and provide expert comments on the cost / financial and technical projections especially in view of the Order on Business Plan.
 - vi. Assistance in Approval of Tariffs for first year of the Control Period.
 - vii. Analysis of the compliance given by the utilities on various directives given to the utilities in Commission's previous tariff Orders and suggest ways and means to improve the functioning of the Utilities and Consumer Services.
 - viii. Preparation of Draft Order based on detailed analysis of all the elements of MYT Petition and after incorporation of submissions made by stakeholders.
 - ix. Incorporation of changes/modifications suggested by the Commission in the draft order proposed by the consultant.
 - x. Any further assistance required by the Commission in this regard till the completion of assignment to the satisfaction of the Commission.
- 2.3 The assignment shall include the activities proposed to be undertaken by the bidder in the bid document and also assistance to the Commission in the activities related to the assignment, which may not be expressly indicated in the scope of work.

3. Qualifications/eligibility of bidder for consultancy services

- 3.1 The bidder must have a sound understanding of:
- a. Technical aspects of power sector,
 - b. The economics of power sector-generation, transmission and distribution,
 - c. Linkages of the assignment with financial analysis & accounting and tariff-determination of public utilities and analysis of regulatory policies,
 - d. Legal framework governing the power sector.
- 3.2 The bidder must have successfully completed at least two assignments for providing assistance to Electricity Regulatory Commissions in framing Multi Year Tariff Regulations and in providing assistance to Electricity Regulatory Commissions in analysing the Multi Year Tariff Petitions during the last five years.
- 3.3 The bidders who can commit full time manpower deployment exclusively for the assignment of the Commission, as and when required, will be eligible for consideration.
- 3.4 Bidders can either be a consulting firm or a consortium of consulting firms (i.e. two or more firms can join together and submit the proposals) or a company. Where the bid is submitted by a consortium, the written consent of each member of the consortium to participate in the bid on the basis of joint and several liabilities to the Commission for the performance of the services shall be provided along with the bid.
- 3.5 The bidders shall not be working on any assignment with the Petitioner(s) that could be in conflict with their obligations under the current assignment or that may place them in a position of not being able to carry out the assignments objectively and impartially. The bidder shall have to give an undertaking to this effect.**
- 3.6 The majority of the key professional staff proposed must be regular employees of the firm(s)/company. No alternative to key professional staff may be proposed.

4. Procedure for bidding

4.1 Collection and submission of bid documents

4.1.1. Collection of bid document

A set of bid-documents and terms and conditions of bid may be obtained by any interested eligible Bidder from the Commission's office free of cost during working hours, i.e. from 1000 hrs. to 1700 hrs. on days specified below in para 4.2.1 and may also be downloaded from Commission's website www.uerc.gov.in.

4.1.2. Tender/Processing Fee

A non-refundable tender/processing fee of Rs. 500.00 (Rupees Five Hundred) only, shall be submitted in the form of bank draft in favour of Secretary, UERC, Dehradun, with the Technical Bid.

4.1.3. Earnest Money

Earnest Money of Rs. 90,000.00 (Rupees Ninety Thousand) only, shall be submitted in the form of FDR/CDR of a scheduled bank duly pledged in favour of Secretary, UERC, Dehradun, with the Technical Bid.

4.1.4. Contact Person

The address for collecting tender documents, submission of proposal and requesting clarifications is:

Neeraj Sati, Secretary, Uttarakhand Electricity Regulatory Commission,
The Institution of Engineers (I) Building, 1st Floor, Near ISBT, Majra,
Dehradun- 248002.

Phone-09760695206, Fax-0135-2641314,

E-mail: uttaranchalerc@rediffmail.com

4.1.5. Submission of bids

- i. Proposals must be submitted not later than 1500 hrs. on 18.05.2012. Separate Technical and Financial proposals are required for the assignment. One Separate sealed cover each shall be submitted for the Financial (3 Copies) and Technical Bids (3 Copies). The envelopes should mention name of assignment and nature of Bid (Technical/Financial) at the Top and the name of the submitting bidder at left hand corner of the envelope. The bids shall be in the enclosed formats (Form 1 to 9) only.
- ii. The Technical bids shall not indicate any particulars of the Financial bids otherwise the bids shall be liable to be rejected. All Technical documents like literature, catalogues etc. shall be placed in the same sealed cover alongwith a copy of Service Tax Registration Certificate & Copy of PAN of firm/company.
- iii. The proposal shall clearly indicate the names and designations of the persons who shall be available to the Commission on full time basis alongwith the time schedule of availability of other team members showing the exact times of their availability for each assignment.
- iv. Each page of bid should be numbered and signed by the authorized signatory with the seal of the firm and the forwarding letter must indicate the details of the enclosures attached.

- v. Proposals and all connected documents and subsequent reports (in case of selection as Bidder) should be submitted in ENGLISH only.
- vi. Bidders are required to state local cost in the Indian currency only.
- vii. Proposals must remain valid 90 days after the last date for submission

4.2 The Bid Schedule

- a. The Bid Schedule shall be as under:

1.	Sale of bid-documents	07.05.2012 to 24.05.2012 between 1000 hrs. to 1700 hrs. on all working days
2.	Last Date of Receipt of Bid Proposals	25.05.2012 upto 1500 hrs.
3.	Opening of Technical Bids	25.05.2012 at 1600 hrs.
4.	Opening of Financial Bids	To be intimated later.

- b. The technical bids shall be opened at 1600 hrs. on 25.05.2012 at the Commission's office by the Evaluation Committee in the presence of bidders, who wish to participate.

5. Method of Selection of bidder

5.1 The method of selection is: QCBS (Quality & Cost Based System).

5.2 The evaluation of bids shall be done by an Evaluation Committee as may be constituted by the Commission.

5.3 Technical Evaluation

- a. The Technical evaluation will be done on the basis of the following criteria with maximum marks of 100 for each criterion. The weights for each factor of the criteria shall be as follows: -

a	The Bidder relevant experience	0.30
b.	The quality of methodology	0.25
c.	Qualifications and competence of the key-staff for the assignment	0.40
d.	Extent of transfer of knowledge to Commission staff	0.05

- b. The minimum qualifying total score, for the technical bid shall be 65. The financial bids of only those bidders shall be opened whose score is 65 or above in technical bids. After technical evaluation is completed the Commission shall inform those bidders whose proposals did not meet the minimum qualifying mark or were considered non responsive to the terms of reference and the Financial proposals will be returned unopened after completing the selection process. Selected bidders, who have scored qualifying or more than qualifying score, shall be informed about the date and time of opening of financial bids and they may attend the opening of financial bids at the Commission's office.

5.4 Financial Evaluation

- a. The financial proposals of the technically qualified Bidders will be opened by the Evaluation Committee in presence of those bidders or their representatives whose bids are shortlisted for financial evaluation.
- b. The proposal with lowest evaluated cost will be given a financial score of 100 and other proposals given financial scores that are inversely proportional to their prices.
- c. Evaluation of financial bids will lead to selection of consultant after adding of scores in technical and financial proposals with respective weightages, which shall be 0.70 for technical bid and 0.30 for financial bid.

5.5 Engagement of consultant

- a. The Commission will discuss the detailed work plan with the bidder with highest score. Any suggestions that the bidder has made to improve the TORs, staffing details, activities to be undertaken by the consultants, reporting etc., as also the inputs required from the Commission to ensure satisfactory implementation of the assignment will then be discussed with this bidder and finalized. These discussions will be on the strict understanding that the amount quoted in the Bid document will not be increased for any reason whatsoever.
- b. Having selected Consultants, amongst other things, on the basis of an evaluation of the proposed key professional staff, the Commission shall award a contract on the basis of the staff named in the proposal and, prior to the award of contract, will require assurances that this staff will be actually available. The Commission will not consider substitutions during the contract period except in cases of genuine hardship subject to the satisfaction of the Commission.

- c. The successful bidder shall enter into a contract with the Commission in the prescribed format and shall commence the assignment as per schedule assigned by the Commission.
- d. The successful bidder shall furnish a "Performance Guarantee" equal to 10% of the value of contract in the form of FDR/CDR/Bank Guarantee of the Scheduled Bank, which shall be valid for 60 days after the completion of the assignment.
- e. If the Bidder, finally selected for award of contract on basis of above procedure, fails to enter into a contract within the time limit as may be prescribed by the Commission, the deposited EMD of the said Bidder shall be forfeited by the Commission. Further, the Commission will invite the bidder who has scored the second highest score on consideration of Financial and Technical bids for award of the contract.

6. Other conditions

- 6.1 The Commission may hold weekly review meetings fortnightly, or more frequently if so needed, with the Consultant during which senior/key personnel of Consultant shall be present.
- 6.2 The consultant shall not utilize or publish or disclose or part with any statistics, data/proceeding or information collected for the purpose of Commission, without the express written consent of the Commission. The consultant shall be duly bound to hand over the entire record of assignment to the Commission before the expiry of the contract.
- 6.3 The Commission reserves the right to award the assignments to one or more bidders on the basis of the selection criterion or reject any bid or to cancel the assignment(s) without assigning any reasons for the same. Failure to provide all information or conceal any information material to award of contract shall be at bidders own risk and may result into rejection of the proposal.

Neeraj Sati
Secretary to the Commission

TECHNICAL PROPOSAL SUBMISSION FORM

Form 1

(To be placed alongwith Form 2 to 7 in the sealed cover containing technical bid)

To,

**Uttarakhand Electricity Regulatory Commission
The Institution of Engineers (I) Building, 1st Floor, Near ISBT, Majra,
Dehradun-248002,
Uttarakhand.**

Sir,

We, the undersigned, offer to provide the consulting services for the following assignment in accordance with your advertisement/letter dated

“

_____”

We are hereby submitting our proposal for the assignment, which includes the Technical Proposal and the Financial Proposal sealed under separate envelopes. Each page of the proposal has been signed by the Authorized Signatory.

If negotiations are proposed by the Commission at any stage we undertake to negotiate on the basis of the proposed staff and others. Our Proposal is binding upon us and subject to the modifications resulting from contract negotiations.

We understand that you are not bound to accept any Proposal you receive.

Yours sincerely,

Encl.: As above.

Authorized Signatory:
Name and Title of Signatory:
Name of the Firm:
Address:

Technical Proposal

FIRM'S REFERENCES

Relevant services carried out in the last five years
that best illustrate qualifications

(Using the format below, provide information on each reference/assignment for which your firm/entity, either individually as a corporate entity or as one of the major companies within an association, was legally contracted.)

1. Assignment Name:	
2. Name & address of the client:	
3. (i) Professional Staff including Senior Staff (Project Director/Coordinator, Team Leader) Provided by Your Firm/entity (attach profiles). (ii) No. of Staff-weeks; duration of assignment	
4. Start Date and Completion Date (Month/Year):	
5. Details of Associated Consultants, if any:	
6. No. of Months of Professional Staff Provided by Associated Consultants	
7. Approx. Value of Services (in Current Indian Rs.):	

Technical Proposal
Format of Curriculum Vitae (CV) for proposed
Professional staff

Form 3

1. Proposed Position	
2. Name of Firm	
3. Name of Staff and Nationality	
4. Profession	
5. Date Of Birth	
6. Years with Firm/ entity	
7. Membership in Professional Societies	
8. Details of task Assigned	
9. Key Qualifications & experience (a) Degree/ diploma (with specialization if any) (b) Year of passing (c) Institute/ College (d) Area of expertise (d) Details of Relevant experience	

Description of the methodology and
Work plan for performing the assignment
(Also mention any specific support required from the Commission)

Activity (work) schedule

(May include flow-diagram and/or PERT Chart for details)

Assumed Zero Point: _____

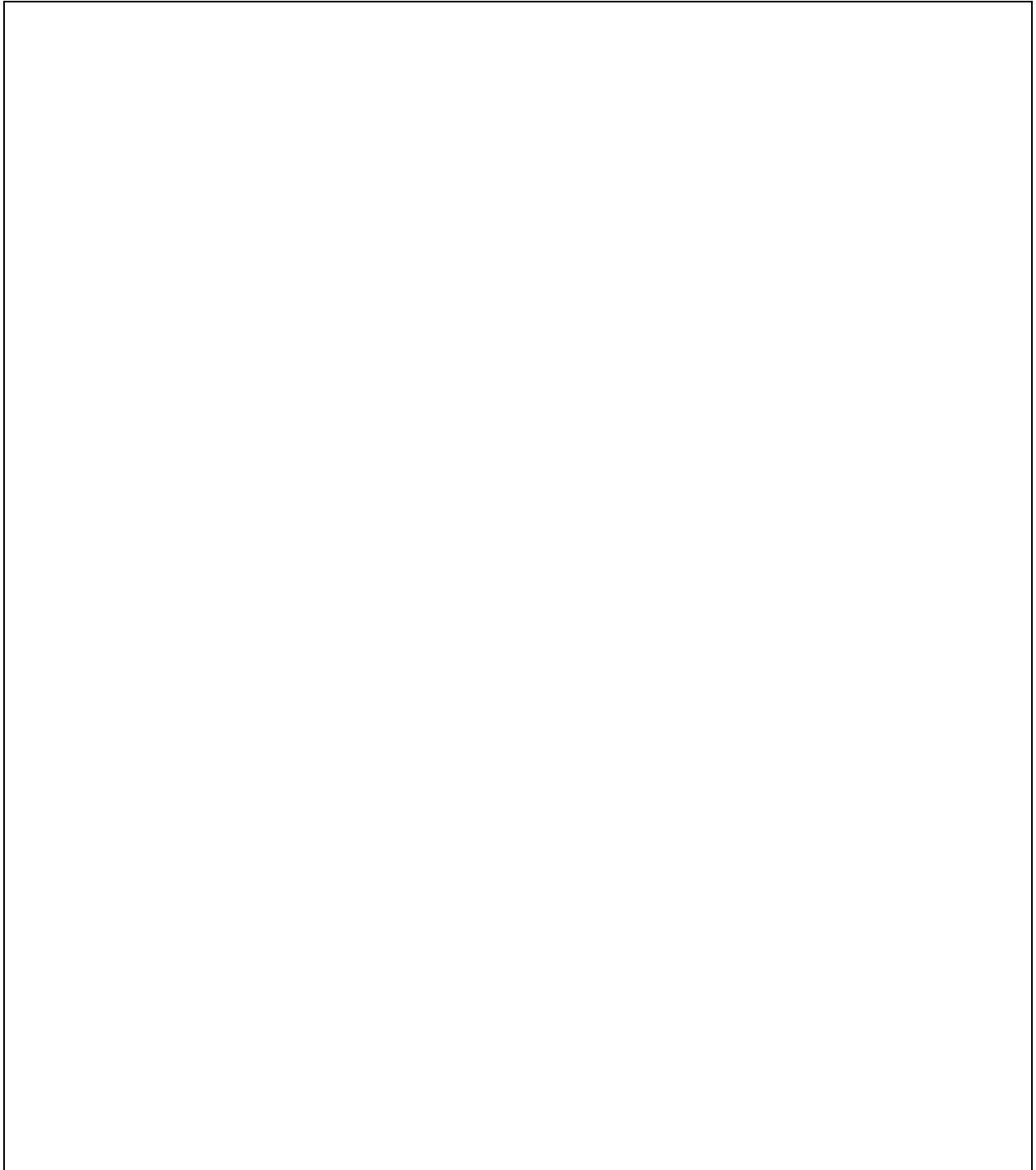
TASK	Completion Date with reference to assumed zero point
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

TEAM COMPOSITION AND TASK ASSIGNMENTS

Technical/Managerial Staff

Name	Position	Task	Availability schedule (in weeks of the assignment)					
			1	2	3	4	5
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								

Description of extent of transfer of knowledge and documents/ workings to Commission staff

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FINANCIAL PROPOSAL SUBMISSION FORM

Form 8

(To be placed alongwith Form 9 in the sealed cover containing financial bid)

To,
Uttarakhand Electricity Regulatory Commission
The Institute of Engineers (I) Building, 1st Floor, Near ISBT, Majra,
Dehradun-248002,
Uttarakhand.

Sir,

We, the undersigned, offer to provide the consulting services for the following assignment in accordance with your advertisement/letter dated.....:

“ _____ ”

We are hereby submitting our Financial Proposals (Form 9) sealed under separate envelope for the above assignment. Our attached Financial Proposal is for the sum of [Amount in words and figures] for this assignment. This amount is inclusive of our professional fee, profits and all taxes & levies which we have estimated at [Amount in words and figures] for the assignment.

Our Financial Proposal shall be binding upon us subject to the modification resulting from Contract negotiations, made by the Commission at its discretion. Each page of the proposal has been signed by the Authorized Signatory:

We understand that you are not bound to accept any Proposal you receive.

Encl. Form 7

Yours sincerely,

Authorized Signatory:
Name and Title of Signatory:
Name of the Firm/Company:
Address:

Financial proposal
Summary of costs

Form 9

Note: 1. The cost to be indicated separately for Business Plan and MYT Tariff Petitions filed by UPCL as Distribution company, PTCL the Transmission Licensee or their legal successor, SLDC and Generation Tariff determination filed by UJVN Ltd.

Costs	Amounts (s) Rs.
Total (A+B) (in figures and words)	
Taxes Payable	
Total Amount of the Proposal (in figures and words)	

Break-up of manpower costs

Person's Name	No. of Weeks	Equivalent Months	Rate / Person/ month	Total
Total (A)				

Break-up of other costs

Expense Type	Total
Establishment Expenses*	
Travel Expenses*	
Communication Expenses*	
Other Overheads*	
Total (B)	

* Please provide full details.