

for its four Distribution Licensees towards fulfilment of their RPO as specified by the Commission in the GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018. In the said Regulations, the Commission has stipulated the RPO requirement of Distribution Licensees till FY 2021-22 as under:

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)			
	Wind (%)	Solar (%)	Others (Biomass, Bagasse, Hydro and MSW) (%)	Total (%)
(1)	(2)	(3)	(4)	(5)
2018-19	7.95	4.25	0.50	12.70
2019-20	8.05	5.50	0.75	14.30
2020-21	8.15	6.75	0.75	15.65
2021-22	8.25	8.00	0.75	17.00

From the above table it is apparent that the Petitioner is required to procure substantial quantum of solar power, since the Commission has increased the Solar RPO in view of the requirement stipulated by the Government of India. Accordingly, in order to meet the Solar RPO target, the Petitioner had initiated the competitive bidding for procurement of power from the Solar PV Projects to be set up at 500 MW in Gujarat through RFS dated 23.01.2021.

- 5.2. The Petitioner has sought the Commission's approval under Section 63 read with Section 86(1)(b) of the Electricity Act, 2003, which Sections are reproduced below:

“.....
Section 63:

Notwithstanding anything contained in section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government;”

.....”

As per above Section, whenever competitive bidding is conducted under Section

63 of the Electricity Act, 2003 in accordance with the guidelines issued by the Central Government, the tariff discovered under such bidding has to be adopted by the Commission.

“

Section 86(1) The State Commission shall discharge the following functions, namely: -----

(b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State.”

.....”

As per the aforesaid provision, the Commission has to regulate the power procurement of the Distribution Licensees, including the procurement process, the price at which electricity shall be purchased from the generating company or the Licensees or through other sources through agreement for purchase of power for distribution and supply within the State.

- 5.3. Thus, it is apparent from the aforesaid provisions that the Petition filed by the Petitioner is within the purview of the Commission's jurisdiction and in terms of the powers vested by the Electricity Act, 2003 and Regulations framed thereunder, the Commission decides to admit the said Petition.
- 5.4. It is observed that the Petitioner started the competitive bidding process (followed by e-reverse auction) as per Section 63 of the Electricity Act vide RfS No. GUVNL/500 MW/Solar (Phase XII) dated 23.01.2021 for procurement of 500 MW from the Grid connected Solar PV based Power projects to be set up in Gujarat under intimation to the Commission vide letter dated 22.01.2021. The Petitioner gave wide publicity to the said tender by publishing a notice in two National newspapers having wide circulation to seek wide participation from the participating bidders. The Petitioner also hosted the Bid Documents & Addendums on its website as well as on the e-bidding portal. Further, the Petitioner also held a Pre-Bid Meeting on 06.02.2021, wherein presentation

covering key bid parameters, provisions of bid documents & timelines was made and the queries raised by the Prospective Bidders were addressed by the Petitioner for which minutes were also issued and hosted on the websites of GUVNL and on e-bidding portal. The last date of bid submission in the tendering process was 23.02.2021 and the same was extended up to 09.03.2021 and finally up to 12.03.2021.

- 5.5. We note that the Petitioner received 12 bids and the technical bid opening was held on 15.03.2021 in the presence of Bid Evaluation Committee consisting of following officials:

Sr. No.	Name	Designation
1	Shri K P Jangid	General Manager, Commerce
2	Smt. Sailaja Vachhrajani	General Manager, IPP
3	Shri Parthiv Bhatt	Company Secretary, GUVNL
4	Shri J. N. Pancholi	Chief Finance Manager, F&A

- 5.6. It is observed that 12 bids were received offering 1290 MW capacity against the tendered capacity of 500 MW. These bids were evaluated by the Bid Evaluation Committee and the technical evaluation report prepared and signed by the Members of the Committee and submitted with the Petition is reproduced below:

***“TECHNICAL BID EVALUATION REPORT
RFS NO. GUVNL / 500 MW / SOLAR (PHASE XII) DATED 23.01.2021
TENDER FOR PROCUREMENT OF 500 MW SOLAR POWER FROM NON-PARK BASED PROJECTS***

20TH MARCH, 2021

1. Background

Gujarat Urja Vikas Nigam Limited (GUVNL) intends to procure 500 MW Solar Power from Non-park based projects through competitive bidding process (conducted through electronically facilitated online web based portal followed by reverse auction) as notified via RfS No. GUVNL / 500 MW / Solar (Phase XII) dated 23.01.2021. The RfS was floated on 23.01.2021. The last date for submission of bids in the above tender was 12.03.2021.

GUVNL had constituted a committee for evaluation of the bids (Evaluation Committee), consisting of the following members:

Sr. No.	Name	Designation
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1.	Shri K P Jangid	General Manager, Commerce
2.	Smt. Sailaja Vachhrajani	General Manager, IPP
3.	Shri Parthiv Bhatt	Company Secretary, GUVNL
4.	Shri J N Pancholi	Chief Finance Manager (F&A)

This report outlines the responses of all the bidders in respect of Non-Financial (technical) bid evaluation and recommendations of committee.

2. Details of Tender

RfS Reference No.	<i>RfS No. GUVNL / 500 MW / Solar (Phase XII) dated 23.01.2021.</i>
Capacity	<i>Total 500 MW Solar Projects to be developed</i>
Minimum Bid Capacity	<i>25 MW</i>
Term of PPA	<i>25 years from S.C.O.D.</i>
Technology	<i>Commercially established Solar Photovoltaic technology</i>

3. Response to RFS

The technical bid opening event was convened on 15.03.2021. A total of 12 (Twelve) responses for aggregate capacity of 1290 MW received by GUVNL were opened. The list of the bidders and the capacity offered is as below.

SN	Bidders	MW
1	<i>Vector Green Energy Pvt Ltd</i>	<i>80</i>
2	<i>Juniper Green Energy Pvt Ltd</i>	<i>50</i>
3	<i>SJVN Ltd</i>	<i>100</i>
4	<i>ReNew Solar Power Pvt Ltd</i>	<i>150</i>
5	<i>Sprng Natural Power Source Pvt Ltd</i>	<i>120</i>
6	<i>Torrent Power Ltd</i>	<i>100</i>
7	<i>Talettutayi Solar Projects Nine Pvt Ltd</i>	<i>100</i>
8	<i>Aljomaih Energy and Water Co.</i>	<i>80</i>
9	<i>TP SAURYA Ltd</i>	<i>60</i>
10	<i>Ayana Renewable Power Five Pvt Ltd</i>	<i>200</i>
11	<i>COAL INDIA LIMITED</i>	<i>100</i>
12	<i>NTPC Renewable Energy Limited</i>	<i>150</i>
	Total	1290

4. Principles of Evaluation

The approach to evaluation has been that all the bidders who qualify under the terms specified in the bidding documents, the financial bid of such qualified bidders shall be opened. Also, in case of a perceived non-responsiveness, clarifications are to be sought from the concerned bidders.

Following conditions relating to qualification requirements have been specified in the RFS

documents –

Net worth:

i) *The Net-Worth of the Bidder or its Affiliate or Parent / Ultimate Parent as on date of financial year ending 31.03.2020 or 31.12.2020 or 31.12.2019 as the case may be, shall not be less than INR 0.80 Crores per MW (of the capacity quoted).*

ii) *The net worth to be considered for the above purpose will be the cumulative net-worth of the bidding company or consortium together with the net worth of those Affiliates of the bidder(s) that undertake to contribute the required equity funding and performance bank guarantees in case the bidder(s) fail to do so in accordance with the RfS.*

iii) *For avoidance of doubt, “net worth” as per section 2 (57) of the Companies Act 2013 means the aggregate value of the paid-up share capital and all reserves created out of the profits and securities premium account, after deducting the aggregate value of the accumulated losses, deferred expenditure and miscellaneous expenditure not written off, as per the audited balance sheet, but does not include reserves created out of revaluation of assets, write-back of depreciation and amalgamation.*

iv) *For meeting the above financial eligibility criteria, if data is provided by the Bidder in USD, equivalent rupees of Net Worth and other financial parameters will be calculated by Bidder using Reserve Bank of India’s reference rates prevailing on the date of closing of accounts for the respective financial year.*

v) *Pursuant to evaluation of Net Worth Criteria as part of technical bid, if it is found by GUVNL that the Bidder is eligible for lesser quantum than the quantum for which bid has been submitted, then the Bidder shall be qualified for such lesser quantum, provided that such quantum is not less than minimum bid capacity.*

vi) *GUVNL shall accept the Provisional Accounts which are duly certified by a practicing Chartered Accountant of India and at least two Directors or one Director and the Company Secretary. Provided that an undertaking signed by at least two Directors or one Director and the Company Secretary is submitted by the bidder confirming that Final Audited Annual Accounts for the last financial year are not available as on date of bid submission.*

vii) *The companies which have recently raised funds and are not able to meet net-worth as per the Clause 3.4.4 (i) i.e. as 31.03.2020 or 31.12.2020 or 31.12.2019 as the case may be, or in case the Bidder is a newly formed company, supported by documentary evidences of its recent formation at ROC then the certificate issued by a Chartered Accountant certifying*

net worth as on latest available date based on certified copy of Balance Sheet, Profit & Loss account Schedules and cash flow statement supported with bank statement shall be required to be submitted.

5. Technical Bid Opening

The bid opening event was convened on 15.03.2021 at 12:00 hours before the Bid Evaluation Committee at GUVNL, Vadodara, where following members / their nominee(s) were present:

Sr. No.	Name	Designation
1.	Shri K P Jangid	General Manager, Commerce
2.	Smt. Sailaja Vachhrajani	General Manager, IPP
3.	Shri Parthiv Bhatt	Company Secretary, GUVNL
4.	Shri J N Pancholi	Chief Finance Manager (F&A)

The Bid Evaluation Committee deliberated the issues in detail about responsiveness of the submitted bids.

6. Responsiveness Issues

On scrutiny of the bid documents submitted by participating bidders, responsiveness issue were observed in respect of bids submitted by Vector Green Energy Pvt Ltd., M/s TP SAURYA Ltd., M/s SJVN Ltd., M/s Talettutayi Solar Projects Nine Pvt Ltd., Aljomaih Energy and Water Co., M/s Ayana Renewable Power Five Pvt. Ltd., M/s Coal India Ltd., and M/s NTPC Renewable Energy Ltd. on which queries were raised by GUVNL on E-bidding portal. The responsiveness issues raised by GUVNL and the responses / compliance submitted by bidders are discussed in the subsequent section.

7. Specific Issues

(1) Vector Green Energy Pvt. Ltd.

As per terms & conditions of RFS, the validity period of BG submitted towards EMD and the validity of bid in the Covering letter is required to be kept till 180 days from bid deadline of 12.03.2021 i.e. at least up to 08.09.2021. Upon scrutiny of documents submitted by M/s Vector Green Energy Pvt. Ltd., it was observed that the validity period of BG submitted towards EMD was up to 31.01.2021 as per Covering letter and the validity of bid as per Covering letter was up to 05.09.2021.