



CENTRAL ELECTRICITY REGULATORY COMMISSION

Third Floor, Chanderlok Building,
36, Janpath, New Delhi - 110 001

**CALL FOR EXPRESSION OF INTEREST (EOI) FOR EMPANELMENT
OF CONSULTING FIRMS/INSTITUTIONS FOR ASSISTING THE
COMMISSION IN DISCHARGING ITS VARIOUS REGULATORY
FUNCTIONS**

1. INTRODUCTION

1.1 The Central Electricity Regulatory Commission constituted under the erstwhile Electricity Regulatory Commissions Act, 1998 was recognized as the Central Electricity Regulatory Commission (hereinafter referred as “the Commission”) under the Electricity Act, 2003 (hereinafter referred as “the Act”). The Act has significantly enlarged the responsibilities of the Commission.

1.2 Following are the statutory functions of CERC:

- (a) To regulate the tariff of generating companies owned or controlled by the Central Government; to regulate the tariff of generating companies other than those owned or controlled by the Central Government specified in clause (a), if such generating companies enter into or otherwise have a composite scheme for generation and sale of electricity in more than one State;
- (b) To regulate the inter-State transmission of electricity;
- (c) To determine tariff for inter-State transmission of electricity;
- (d) To issue transmission licenses and trading licenses with respect to inter-State operations;
- (e) To adjudicate upon disputes involving generating companies or transmission licensee in regard to matters connected with clauses (a) to (d) above and to refer any dispute for arbitration;
- (f) To levy fees for the purposes of this Act;
- (g) To specify Grid Code having regard to Grid Standards;
- (h) To specify and enforce the standards with respect to quality, continuity and reliability of service by licensees;
- (i) To fix the trading margin in the inter-State trading of electricity, if considered, necessary;
- (j) To discharge such other functions as may be assigned under this Act.

1.3 The Act has also given advisory role to CERC. It has been mandated to advise the Central Government on the matters relating to formulation of National Electricity Policy and Tariff Policy, promotion of competition, efficiency and economy in activities of the electricity industry, and promotion of investment in electricity industry.

1.4. CERC has various divisions to assist in its statutory functions as mandated by the provisions of the Electricity Act and now seeks consultancy services to assist the following divisions of CERC. Detailed list of activities of the relevant divisions are as under:

1. Regulatory Affairs Division

The Regulatory Affairs Division in the Commission has the responsibility to provide policy and regulatory inputs to the decision-making process in the Commission. The key responsibilities of Regulatory Division are as below:

- Monitoring of emerging trends, Policy Matters (involving EA,2003, Policies/Guidelines issued under the Act) which have a bearing on the functioning of Commission.
- Identifying the need of policies/regulations, to provide inputs on interpretation & implementation of policies and to ensure compliance.
- Assessment of impact of regulation through quantitative/qualitative study with stakeholder/experts/internal professional engagement; Research, Analysis, study of reports, market indicators to analyze the impact of various Regulations.
- Identification of gaps in regulation/orders/guidelines and evolving proposals for future course of action of the Commission; Recommendation/evolving future course of actions, formulation of strategic plan based on assessment and objective analysis.
- Renewable Energy Preferential Tariffs; Renewable Energy Certificate; Grid Integration of Renewables; Framing of and implementation of Regulations related to RE tariff and REC matters; Policy issues relating to renewable energy and relevant energy statistics.
- Petitions on Renewable Energy Tariff/Orders and REC.
- Analysing the functions /operations of Commission and spot the opportunities to strengthen the activities of the Commission according to the changing environment and policy development.
- Commission Affairs (Commission Meetings); Central Advisory Committee (CAC) Meetings etc.
- Annual Report and Other Publications.

2. Economics Division

The Economics Division of the CERC primarily deals with petitions related to power exchanges, trading licensees and escalation rates. The division prepares Monthly and Annual

Market Monitoring Reports and notifications on escalation rates. The main functions of the economics division are as under:

- Deals with petitions related to power exchanges, compliance of inter-state trading licensees and escalation rates applicable for the projects through competitive bidding process.
- Deals with framing of regulations and amendment to the regulations related to power market, issue of inter-state trading license and trading margin. Provide inputs for tariff regulations.
- Prepare notifications on various escalation factors and other parameters every six months as per the MOP Guidelines for determination of tariff by bidding process for procurement of power by Distribution Licensees and for transmission services.
- Compliance monitoring with respect to trading regulations, trading margin regulations and power market regulations.
- Prepare monthly and annual reports on short-term power market as part of market monitoring.
- Review of power exchanges.

3. Engineering Division

The engineering department of the CERC primarily deals with the different types of tariff and other petitions, deals with framing of regulations and provides inputs on technical matters wherever required. The main function of the engineering department is to:

- Deal with petitions related to final tariff, grid operations, incentive and related matters, DSM/ RLDC, grant of license – transmission, trading, approval of power exchange, removal of difficulties pertaining to operating parameters, adjudication in technical matters between beneficiaries and generators and open access, different regulations.
- Deal with framing of regulations related to tariff, connectivity, short term, medium term open access and long-term access and related matters, regulations for IEGC, DSM and grid operation and management, issues related to grid discipline and DSM payments.
- Prepare fact sheet/ brief note for the oral hearing.
- Provide note for the final/ interim orders.
- Suggest changes/ additions to existing regulations.
- Provide inputs in framing new regulations as per Commission's directions.

- Provide inputs in technical matters pending in APTEL/ Court and for issues raised in parliament.
- Assist the Commission in discharge of its proceedings in technical matters.

4. Finance Division

Activities of Finance division include *inter-alia* the following:

- Input for drafting of Regulations, norms setting for financial parameters and review.
- Determination of tariff Generation (Hydro and Thermal) as well as inter-state transmission. It consists of following sub-activities: -
- Development of appropriate model and necessary modifications required in view change in Regulations/Judgment of APTEL etc.
- Preparation of Technical Validation after examination of Petition.
- Examination of the information for adequacy of information for listing of petition.
- Preparation of Fact Sheets.
- Working out tariff.
- Also providing comments/input for financial issue pending in APTEL, High Court/Supreme Court.
- Issuance of trading licence involving net worth and ratio analysis.
- Providing input issuance of transmission license.
- Examination of adoption of tariff petition coming through competitive bidding route.
- Providing financial input for various sources of renewal energy for generic tariff.
- Development of Tariff models for studies entrusted by the Commission.

5. Legal Division

The legal department of the CERC primarily deals with all types of petitions, validates and scrutinizes the petitions, schedules hearing dates and performs legal activities as required. The main function of the legal department is to:

- Deals with all kinds of petitions received related to Tariff, Grant of License, Incentives, unscheduled interchange, additional capitalisation and petitions concerning all interstate matters; including appeal/ petitions filed in Supreme Court, High Court and APTEL.

- Validates petitions in terms of compliance requirements as per the existing regulations/ orders and the law, conduct of business regulations and the Electricity Act 2003.
- Prepares notice, fixes hearing dates, despatches notice, prepares schedule of hearings.
- Scrutinises appeals/ petitions, prepares grounds, provide legal inputs to Commission in discharge of judicial/ quasi-judicial matters including proceedings, petitions, pleadings and listing of cases, prepares records of proceedings (RoP).
- Performs legal activities related to notification of an order, regulation, and amendments; prepares final document of the same.

1.5. Pursuant to above, the Commission has decided to take services of competent consultants and intends to empanel experienced, technically qualified and professionally managed Consultancy Firms/ Institutions to assist the Commission in various assignments as detailed in Scope of Work section of this Bid. The validity of the Empanelment of Consultancy Firms / Institutions, shall be for a period of one year, which can be extended by a further period of one year. During the validity of the panel, financial bids shall be invited from the panel of consultants for offering their services on various matters/ studies as per the decision of the Commission and the consultant shall be engaged on the basis of 'Least Cost System'

2. SCOPE OF WORK

- Preparation of discussion papers on topics as decided by CERC.
- Support in framing regulations on subjects under the jurisdiction of CERC as mandated under the Electricity Act.
- Data analysis and simulation on various issues such as but not limited to analysis of market data, data related to power system operations, Ancillary services, Deviation settlement mechanism, Renewable energy, Financial derivatives etc.
- Regulatory impact assessment on current regulations and proposed regulations.
- Support in monitoring regulatory compliance by regulated entities of CERC.
- Assisting the Commission in processing tariff petitions received for determination of tariff and truing up of tariff under Section 62 of the Act or adoption of tariff under section 63 of the Act.
- Collation of Financial and Technical data pertaining to Tariff Orders
- Any other task as identified by the Commission from time to time.

3. ELIGIBILITY CRITERIA

1. The format of application is provided at **Annexure – I**.
2. The Consultant should have completed at least 5 (five) assignments in the last 10 (ten) years in assisting the Electricity Regulatory Commissions i.e CERC/ SERC/ JERC, Electricity Generation/ Transmission Entities and/or Forum of Regulators on matters involving drafting Regulations on matters pertaining to Market Design, Deviation Settlement Mechanism, Renewable energy Generation, Renewable energy integration, Energy Storage, flexibility in generation, matters relating to tariff determination in respect of thermal, hydro and gas based generation projects and transmission projects and/or filed tariff petitions (including tariff computation) of generating companies, transmission licensees and distribution companies or other matter related to working of CERC as envisaged under Electricity Act 2003.
3. The consultant must provide necessary document(s) in support of successful completion of the assignments from the respective client(s) without which such assignment(s) shall not be considered for evaluation. Submission of competition certificate is essential. Where the applicant is not able to furnish completion certificate, the applicant is required to submit invoices raised, bill-wise details of payment received duly certified by the Chartered Accountant, TDS certificate for all payments received and copy of final / last bill paid by company in support of completion certificate.
4. The minimum qualifying marks is 70% of the total score of the technical component.
5. The bidder is expected to have complete knowledge of Electricity Act, 2003 as well as policies, Rules, Regulations and guidelines issued under the Act.
6. The Consultant should have legal, engineering, economics, regulatory and financial background.
7. The bidding consultant should not have been blacklisted/debarred by the Ministry of Finance or the Ministry of Power (MOP), organizations under the jurisdiction of MOP, or CERC or any SERC/ JERC. An undertaking in this regard shall be given by the consultant in the format at **Annexure-II**.
8. The applicant must have minimum annual financial turnover of equal to or more than Rs. 5 crores during the last three years in consulting assignments. Documentary evidence to this effect duly attested by a Chartered Accountant should be submitted along with the bid.

9. The bidder who fulfils all of the above criteria shall be termed as eligible bidder

4. Application and Evaluation Criteria:

1. The technical bid of only the eligible bidder, decided as per clause 3 of this TOR, shall be evaluated for selection of successful bidder.
2. The bids of the eligible bidders, determined as per Clause 3 of this TOR, will be scrutinized by Consultancy Evaluation Committee (CEC) and shortlisted bidders will be called for interaction with the CEC (to be supplemented with a power point presentation not exceeding 6 slides). Their technical performance will be evaluated based on the following criteria:

S No	Technical Parameters	Marks
1.	The Consultant’s relevant experience as per clause 3.2	35
2.	The qualifications and experience of the key staff who would actually be made available for services to CERC as and when required by the Commission	30
3	Presentation on understanding of issues	25
4	Tie ups with think tanks/ Academic institutes/ researchers (having P.hd.) with research expertise in Regulatory Matters on aspects pertaining to operations of CERC	10
	Total Technical Score	100

S. No.	Criteria for Technical Evaluation	Maximum Marks
1	The Consultant’s relevant experience for the assignment	35
(a)	Experience in regulatory assignments on matters involving Regulations and Codes related to power sector, Market Design, Deviation Settlement Mechanism, Renewable energy Generation, Renewable energy integration, Energy Storage, flexibility in	Max 35 marks

	<p>generation, tariff determination in respect of thermal, hydro and gas based generation projects and transmission projects and/or filed tariff petitions (including tariff computation) of generating companies, transmission licensees and distribution companies, or other matter related to working of CERC in India.</p> <p>i) <u>20 marks for 5 completed assignment in last 10 years.</u></p> <p>ii) <u>3 marks for each additional assignment in the last 10 years</u></p>						
2	<p>The Qualification and experience of the key staff who would actually be made available for services to the CERC as and when required by the Commission (Please include biodata)</p>			<p>Max 30 marks</p>			
	S No.	Qualification Criteria	Years of experience				
			0-5 years		5-10 years	10+ year	
	1	B. Tech. with MBA / M. Tech. with 5 years or more experience in regulatory matters			0	5	10
	2	Finance with 5 years or more experience in regulatory matters	CA/ CMA /MBA (Finance)		0	2.5	5
	3	Economics with 5 years or more experience in regulatory matters	Masters		0	2.5	5
	4	Legal with 5 years or more experience in regulatory matters	Graduate degree / Master's degree in law from a reputed institution/ university		0	2.5	5
5	PhD (in any field related to electricity/ Regulatory Matters)			2.5	5		
3	Presentation on understanding of issues			25			

4	Tie ups with think tanks/ Academic institutes/researchers (having PhD) with research expertise in Regulatory Matters and with experience of working on aspects pertaining to operations of CERC	10
Total		100

Note:

- a. Actual CV has to be submitted for each of the proposed team members.
- b. Each member of the team deployed for the said assignment shall be a full-time employee or contractual staff on full time basis of the applicant. However, Team member from Legal profession could also be an external expert. The consultant shall enter into necessary agreement with legal expert / firm to provide support throughout the entire assignment. The consultant will made available a copy of the agreement for this arrangement for the purpose of evaluation.”
- c. Under a retainership project/project/ long term project/ multi-year project, tariff determination of thermal & hydro generation and transmission projects, tariff petition/ tariff order assignments carried out during a year shall be considered as single assignment and can be quoted accordingly under 1(a) of the above table “Criteria for Technical Evaluation”
- d. Experience of handling number of tariff petitions for thermal and hydro generation and transmission projects under a single project / contract will be treated as one assignment.
- e. Submission of competition certificate is essential. Where the applicant is not able to furnish completion certificate, the applicant is required to submit invoices raised, bill-wise details of payment received duly certified by the Chartered Accountant, TDS certificate for all payments received and copy of final / last bill paid by company in support of completion certificate.
- f. It is expected that the key members of the team proposed in the bid document shall continue throughout the duration of the assignment. In the event of any of the key members not being available for any reason, other experts of the consulting firm with equivalent level of qualification and experience shall be deployed. Failure to meet the criteria shall be construed as non-compliance of the terms of assignment thereby making the consulting firm liable for penal action as per agreement.
- g. Responses of bidders(s) not fulfilling the eligibility criteria conditions given above shall be summarily rejected.
- h. The right to reject any or all bids rests with CERC Secretariat without assigning any reason.

- i. No requests for extension of date for submission of bids will be entertained unless decided so by CERC Secretariat.
- j. CERC reserves the right to cancel or annul the Expression of Interest (EOI) at any stage and call for fresh EOI.
- k. The bidder shall bear all costs associated with the preparation and submission of its response, and CERC will in no case be responsible or liable for these costs, regardless of the conduct or the outcome of the EOI process.
- l. Only successful bidder(s) would be communicated about their empanelment.

5. FINANCIAL BID

Financial bids will be called for, as and when, the Commission desires to undertake any assignment/ study through the empanelled consultants. The empanelled consultants shall submit their bid in the manner as desired by the Commission.

6. SUB-CONTRACT ASSIGNMENT

In no case the Consultant shall sub-contract the assignment or part of it, without prior permission of the Commission.

7. CONFIDENTIALITY

No confidential information relating to this assignment (i.e., information other than what is already available in the public domain) shall be divulged by the Consultant to any other person or agency at any time without the written consent of the Commission. Strict secrecy will be maintained in respect of all confidential information and transactions between the Parties.

8. RESTRICTIVE TERMS:

- (i) The Consultant affirms that the current assignment is not in conflict with any of its present obligations to any party with whom he/ she/ it has association.
- (ii) The Consultant shall further undertake that there is no conflict of interest with any of the assignment and provides the undertaking in this context which will be abided by during the assignment

- (iii) The Consultant further affirms that he/ she/ it shall hold all business information including confidential information in confidence and with the same degree of care he/ she/ it uses to keep his/ her/ its own similar information confidential, but in no event shall it use less than a reasonable degree of care; and shall not, without the prior written consent of CERC, disclose such information to any person for any reason at any time.
- (iv) The CERC shall be entitled to, without prejudice to any other right for civil or criminal proceedings, receive from the Consultant a compensation for the damages for violation by him/ her/ it of any of the terms of the agreement which shall be limited to the total fee of the assignment.
- (v) The Consultant, while functioning from CERC office premises, shall indemnify CERC for any damages at all times. The Consultant shall undertake the entire responsibility of their professionals, while executing their assignment from office premises. No compensation towards the expenses for their professionals is admissible.
- (vi) The Consultant shall ensure that their professionals maintain office discipline, follow ethical professional practice while functioning from office premises of CERC.

9. ARBITRATION:

(I) Any difference, dispute, claims which may arise between the parties hereto as to the construction or true intent and meaning of any of the terms and conditions herein contained or as to any payment to be made in pursuance hereof or as to any other matter arising out of or connected with or incidental to these presents or as to the rights, duties and obligations of any of the parties, such difference, dispute or claim shall be mutually settled amicably by arbitration through a sole arbitrator appointed by the CERC.

(II) The arbitration shall be conducted in accordance with the Arbitration and Conciliation Act, 1996 or any statutory amendments thereof. The venue of such arbitration will be Delhi/ New Delhi.

(III) The Arbitration shall be in English language.

10. JURISDICTION:

In respect of any dispute between the parties or any legal proceedings arising as a result of or relating to or incidental to the contract, the courts in Delhi/New Delhi alone shall have exclusive jurisdiction

1. Last date of submission is **19th May, 2023**. The address for submission of the proposal is given below:

The Assistant Secretary (P&A),
Central Electricity Regulatory Commission,
Ground Floor, Chanderlok Building,
36, Janpath, New Delhi –110001
Ph: +91-11-23353503, Fax: +91-11-23753923
E Mail: rajiv@cercind.gov.in

2. Queries, if any, on the TOR shall be submitted within seven days of the publication of the ToR at: e mail id sukanya.mandal@cercind.gov.in ; sukanya.cerc@gmail.com

DETAILED PROPOSAL
(TECHNICAL)

I. GENERAL INFORMATION:

1. Name and address of the Organization/ Institution:
2. Name & Designation of the authorised signatory:
3. Contact address of the authorised signatory: (e-mail/fax/telephone)
4. Net-worth/Turnover of the Organization/Institution (supported by Annual Statement of Accounts of Last 3 Financial Year)
5. PAN No of the Organization/Institution

II. TECHNICAL SPECIFICATIONS:

1. Brief review of the state-of-art in the field (National and International)
2. Detailed Approach & Methodology for undertaking the assignment
3. Facilities available for the proposed work in the applicant's organization/institution
4. Previous experience of the proposer in this or related field... Add details

S No	Title of Assignment	Duration of assignment	Organisation for which the study was undertaken	Name of PI and Team members of the study
1				
2				

5. Biographical sketch of the Study Team

- 5.1. Name of the staff
- 5.2. Designation in the Bidding/ proposer organisation
- 5.3. Date of Birth
- 5.4. Years of Professional Experience

- 5.5. Proposed position in this assignment
- 5.6 Status of team member (Onrolls/Offrolls)
- 5.7. Field of major interest
- 5.8. Additional information (if any)
- 5.9. Academic Qualifications of the professional

S No	Degree	University/ Board	Field/ Subject(s)	Year
1				
2				
3				

- 5.10. Experience of the professional:

S No	Institution	Title/ Topic of the studies	Position in the study	Period
1				
2				
3				
4				
5				

- 6. Capacity of the bidder/ proposer to impart training/transfer of knowledge.

Declaration/ Certification

The Assistant Secretary (P&A), CERC,
Ground Floor, Chanderlok Building,
36, Janpath New Delhi - 110001

Sir,

I have carefully gone through the Terms & Conditions contained in the Terms of Reference (TOR) regarding Empanelment of consulting firms/institutions for assisting the Commission in discharging its various regulatory functions. I hereby declare that my firm has not been debarred/blacklisted by the Ministry of Finance or the Ministry of Power (MOP) or organizations under the jurisdiction of MOP, or CERC or any SERC/ JERC. I further certify that I am an authorised signatory of my company/firm and therefore competent to make this declaration.

Yours' sincerely

Name: _____

Designation: _____

Company/firm: _____

Address: _____