

**REQUEST FOR PROPOSAL (RFP)**  
**GROUP 1 & GROUP 2**

**Proposal/bids invited from consultancy firms to provide assistance to Gujarat Electricity Regulatory Commission (GERC) in the work of:**

- **Mid-term Review of Aggregate Revenue Requirement (ARR) for FY 2019-20 & FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20 for:**

**GROUP 1:**

1. **Gujarat State Electricity Corporation Ltd. (GSECL)**
2. **Gujarat Energy Transmission Corporation Ltd. (GETCO)**
3. **State Load Despatch Centre (SLDC)**
4. **Dakshin Gujarat Vij Company Ltd. (DGVCL)**
5. **Madhya Gujarat Vij Company Ltd. (MGVCL)**
6. **Paschim Gujarat Vij Company Ltd. (PGVCL)**
7. **Uttar Gujarat Vij Company Ltd. (UGVCL)**

**GROUP 2:**

1. **Torrent Power Ltd. – Generation (APP) (TPL-G (APP))**
2. **Torrent Power Ltd. – Distribution (Ahmedabad) (TPL-D(A))**
3. **Torrent Power Ltd. – Distribution (Surat) (TPL-D(S))**
4. **Torrent Power Ltd. – Distribution (Dahej) (TPL-D (D))**
5. **MPSEZ Utilities Private Ltd. (MUPL)**
6. **Deendayal Port Trust (DPT), Kandla**
7. **Aspen Infrastructures Limited (AIL)**
8. **GIFT Power Company Ltd. (GIFT PCL)**

## **1. Introduction**

The Gujarat Electricity Regulatory Commission was constituted by the Government of Gujarat on 12<sup>th</sup> November, 1998 under provisions of Electricity Regulatory Commissions Act, 1998, and commenced functioning on 19<sup>th</sup> April, 1999. Subsequently, the Gujarat Electricity Industry (Re-organisation and Regulation) Act, 2003, was passed almost concurrently with the central government's Electricity Act, 2003. Accordingly, the Commission has come under the purview of the Electricity Act, 2003, as the Electricity Regulatory Commissions Act, 1998 has since been repealed.

GERC is an autonomous quasi-judicial body responsible for regulation of the Power Sector in the State of Gujarat, consisting of generation, transmission, distribution, trading

and use of electricity etc. Its primary objective includes taking measures conducive to the development of the electricity industry, promoting competition therein, protecting the interests of consumers and ensuring supply of electricity to all areas.

## **2. Terms of Reference**

### **2.1. Terms of Reference for GROUP 1**

Assisting the Commission in processing the petitions or applications filed by the Licensees / Utilities for Mid-term Review of Aggregate Revenue Requirement (ARR), Truing up and Determination of Tariff as shown below.

The Mid-term Review of ARR for FY 2019-20 & 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20 shall be based on the GERC (MYT) Regulations, 2016 and amendments thereof.

The work of Mid-term Review of ARR for FY 2019-20 & 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20 shall be carried out on the petitions or applications filed by the Licensees / Utilities on or before 30th November, 2018 as per the GERC (MYT) Regulations, 2016 and amendments thereof.

The detailed tasks to be carried out are as shown below:

#### **A. TASK PERTAINING TO GENERATING UTILITY:**

**Assistance to the Commission on the petition or application filed by Gujarat State Electricity Corporation Ltd. (GSECL) on following:**

- Validation of the petitions filed by GSECL as per the provisions under the applicable rules, regulations and Acts, for the data sufficiency and identify further data requirement.
- Analyse the revised ARR, if any, submitted for FY 2019-20 & FY 2020-21 and provide expert comments on the revised cost / financial and technical projections of the generating stations.
- Approval of modified ARR, if any, for FY 2019-20 and FY 2020-21.
- Analysis and segregation of deviations in cost, revenue and other performance parameters due to controllable and uncontrollable factors for FY 2017-18 and calculation of aggregate gain or loss for FY 2017-18 on account of Controllable factors, Uncontrollable factors and mechanism of sharing.
- Finalizing the Generation Tariff for FY 2019-20.
- Assistance in public hearing including analysis of objections / rejoinders / suggestions etc.
- To provide critical analysis with assistance in case review / clarificatory petition or appeal filed in the matter.

## **B. TASK PERTAINING TO TRANSMISSION UTILITY:**

**Assistance to the Commission on the petition or application filed by Gujarat Energy Transmission Corporation Limited (GETCO) on following:**

- Validation of the petition filed by GETCO as per the provisions under the applicable rules, regulations and Acts, for the data sufficiency and identify further data requirement.
- Analyse the revised ARR, if any, submitted for FY 2019-20 & FY 2020-21 and provide expert comments on the revised cost / financial and technical projections of GETCO.
- Approval of modified ARR, if any, for FY 2019-20 and FY 2020-21.
- Analysis and segregation of deviations in cost, revenue and other performance parameters due to controllable and uncontrollable factors for FY 2017-18 and calculation of aggregate gain or loss for FY 2017-18 on account of Controllable factors, Uncontrollable factors and mechanism of sharing.
- Finalizing the Transmission Tariff for FY 2019-20.
- Assistance in public hearing including analysis of objections / rejoinders / suggestions etc.
- To provide critical analysis with assistance in case review / clarificatory petition or appeal filed in the matter.

## **C. TASK PERTAINING TO STATE LOAD DISPATCH CENTRE:**

**Assistance to the Commission on the petition or application filed by State Load Despatch Centre (SLDC) on following:**

- Validation of the petition filed by SLDC as per the provisions under the applicable rules, regulations and Acts, for the data sufficiency and identify further data requirement.
- Analyse the revised ARR, if any, submitted for FY 2019-20 & FY 2020-21 and provide expert comments on the revised cost / financial and technical projections of SLDC.
- Approval of modified ARR, if any, for FY 2019-20 and FY 2020-21.
- Analysis and segregation of deviations in cost, revenue and other performance parameters due to controllable and uncontrollable factors for FY 2017-18 and calculation of aggregate gain or loss for FY 2017-18 on account of Controllable factors, Uncontrollable factors and mechanism of sharing.
- Finalizing the SLDC Fees and Charges for FY 2019-20.
- Assistance in public hearing including analysis of objections / rejoinders / suggestions etc.
- To provide critical analysis with assistance in case review / clarificatory petition or appeal filed in the matter.

## **D. TASK PERTAINING TO DISTRIBUTION LICENSEES:**

**Assistance to the Commission on the petitions or applications filed by the four State Owned distribution licensees (viz. Dakshin Gujarat Vij Co. Ltd. (DGVCL), Madhya Gujarat Vij Co. Ltd. (MGVCL), Paschim Gujarat Vij CO. Ltd. (PGVCL) and Uttar Gujarat Vij Co. Ltd. (UGVCL)) on the following:**

- Validation of the petitions filed by DISCOMs as per the provisions under the applicable rules, regulations and Acts, for the data sufficiency and identify further data requirement.
- Analyse the revised ARR, if any, submitted for FY 2019-20 & FY 2020-21 and provide expert comments on the revised cost / financial and technical projections of the DISCOMs.
- Approval of modified ARR, if any, for FY 2019-20 and FY 2020-21.
- Analysis and segregation of deviations in cost, revenue and other performance parameters due to controllable and uncontrollable factors for FY 2017-18 and calculation of aggregate gain or loss for FY 2017-18 on account of Controllable factors, Uncontrollable factors and mechanism of sharing.
- Finalizing the Distribution Tariff for FY 2019-20.
- Assistance in public hearing including analysis of objections / suggestions / rejoinders etc.
- To provide critical analysis with assistance in case review / clarificatory petition or appeal filed in the matter.

### **2.2. Terms of Reference for GROUP 2**

Assisting the Commission in processing the petitions or applications filed by the Licensees / Utilities for Mid-term Review of Aggregate Revenue Requirement (ARR), Truing up and Determination of Tariff as shown below.

The Mid-term Review of ARR for FY 2019-20 & 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20 shall be based on the GERC (MYT) Regulations, 2016 and amendments thereof.

The work of Mid-term Review of ARR for FY 2019-20 & 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20 shall be carried out on the petitions or applications filed by the Licensees / Utilities on or before 30<sup>th</sup> November, 2018 as per the GERC (MYT) Regulations, 2016 and amendments thereof.

The detailed tasks to be carried out are as shown below:

## **A. TASK PERTAINING TO GENERATING UTILITY:**

**Assistance to the Commission on the petition or application filed by Torrent Power Limited – Generation (APP) (TPL-G (APP)) on following:**

- Validation of the petitions filed by TPL-G (APP) as per the provisions under the applicable rules, regulations and Acts, for the data sufficiency and identify further data requirement.
- Analyse the revised ARR, if any, submitted for FY 2019-20 & FY 2020-21 and provide expert comments on the revised cost / financial and technical projections of the generating stations.
- Approval of modified ARR, if any, for FY 2019-20 and FY 2020-21.
- Analysis and segregation of deviations in cost, revenue and other performance parameters due to controllable and uncontrollable factors for FY 2017-18 and calculation of aggregate gain or loss for FY 2017-18 on account of Controllable factors, Uncontrollable factors and mechanism of sharing.
- Finalizing the Generation Tariff for FY 2019-20.
- Assistance in public hearing including analysis of objections / rejoinders / suggestions etc.
- To provide critical analysis with assistance in case review / clarificatory petition or appeal filed in the matter.

## **B. TASK PERTAINING TO DISTRIBUTION LICENSEES:**

**Assistance to the Commission on the petitions or applications filed by Torrent Power Limited (TPL) for its (i) Distribution business in Ahmedabad-Gandhinagar Licensed area (TPL-D (A)) (ii) Distribution business in Surat Licensed area (TPL-D (S)) and (iii) Distribution business in Dahej SEZ Licensed area (TPL-D (D)), MPSEZ Utilities Private Ltd. (MUPL), Deendayal Port Trust (DPT), Aspen Infrastructures Limited (AIL) and Gujarat International Financial Tec-City Power Company Ltd. (GIFT PCL) on the following:**

- Validation of the petitions filed by DISCOMSs as per the provisions under the applicable rules, regulations and Acts, for the data sufficiency and identify further data requirement.
- Analyse the revised ARR, if any, submitted for FY 2019-20 & FY 2020-21 and provide expert comments on the revised cost / financial and technical projections of the DISCOMs.
- Approval of modified ARR, if any, for FY 2019-20 and FY 2020-21.
- Analysis and segregation of deviations in cost, revenue and other performance parameters due to controllable and uncontrollable factors for FY 2017-18 and calculation of aggregate gain or loss for FY 2017-18 on account of Controllable factors, Uncontrollable factors and mechanism of sharing.

- Finalizing the Distribution Tariff for FY 2019-20.
- Assistance in public hearing including analysis of objections / suggestions / rejoinders etc.
- To provide critical analysis with assistance in case review / clarificatory petition or appeal filed in the matter.

The **Schedule** of delivery for all the above tasks shall be as under:

### **SCHEDULE I**

1	Award of work and signing of Agreement (Copy of the agreement attached herewith as Annexure I)	Date of signing the agreement
2	Submission of details of additional data requirement, if any.	Within 10 days of handing over of the copies of the petitions filed by utilities.
3	Submission of preliminary analysis report(s) - flagging the major issues	10 days after the submission as per Sr. No. 2 above
4	Submission of first draft report(s)	30 days from the submission as per Sr. No. 3 above
5	Submission of final report(s)	15 days from the submission as per Sr. No. 4 above

The consultancy firm shall extend the assistance till the finalization and issuance of the orders.

The time limit for issuance of Final Tariff Orders shall be 31<sup>st</sup> March, 2019.

### **3. Eligibility & Qualification criteria**

The Consultancy Firms / Institutions intending to assist the Commission for the above mentioned tasks should fulfil the following eligibility criteria and shall provide satisfactory evidence towards the same:

- a) Shall be Consultancy Firm / Institutions (including educational institution such as IIT, IIM etc.) which has key personnel on its payroll, having proven records of accomplishment in the above field with minimum five years' experience in the similar task areas.
- b) The Consultancy Firm / Institutions shall be well acquainted with the Regulatory environment in the power sector, and functioning of licensees / generating companies of Central or State Companies / Central or State Regulatory Commissions and possess experience in dealing with such similar matters on a wide range.

- c) The personnel concerned of the Consultancy Firm / Institutions should have completed at least four assignments in the past, of preparation or determination of tariff proposals on behalf of licensees / generating companies, or should have experience of analysing the tariff proposal filed with the CERC / SERC by the Utilities. Bidder is required to submit documentary evidences in support of having completed such jobs.
- d) Personnel of Consultancy Firm / Institutions should be a Graduate or Post Graduate of relevant disciplines and additionally may have MBA / CMA / CA and/or Law qualifications related to tasks which are to be performed and shall be technically sound with practical knowledge in performing various assigned tasks.

The desired profile is as under:

- A. Project Director – at least 10 years of experience in power sector (preferably BE & MBA)
- B. Regulatory Expert – at least 8 years of experience in power sector (preferably BE & MBA)
- C. Financial & Accounting Expert – at least 5 years of experience in power sector with qualification of CA or CMA
- D. Commercial Expert – at least 5 years of experience in power sector
- E. Legal Expert – at least 5 years of experience in power sector (preferably LLB or CS or any Law degree)
- F. Team Leader – at least 5 years of experience in power sector

The team members having at least 2 years of experience in power sector shall support these experts. However, the firm may strengthen its team with additional manpower as per requirement of the assignment.

- e) The Consultancy Firm / Institutions should have adequate technical and financial capability to undertake such tasks as per terms of reference provided to them considering various steps to be performed from the inception to the completion within the time frame prescribed by the Commission.
- f) Shall have an appropriate team or individuals, with majority of the proposed key resources being full time employees with requisite skills to carry out the tasks within the time frame prescribed by the Commission.
- g) The Consultancy Firm / Institutions should furnish the copies of certificates of Goods & Services Tax registration and PAN. In case GST registration number is not allotted to the consultancy firm, it should furnish the acknowledgement receipt of the application.

#### 4. Submission of RFP Bid and Bidding Procedure

4.1. The consultancy firm may submit its bid exclusively for either Group 1 Task or Group 2 Task or for both the Tasks. The consultancy firm shall submit a consolidated technical bid and group-wise financial bid as per attached Form IV on the letterhead of the firm bearing authorized signature. The firm, submitting its bids for both the Tasks shall submit financial bids separately for both the Tasks. The bid should contain following documents along with the financial bid (**separate sealed cover for financial bid**):

- a) Request for proposal as per attached Form I.
- b) Details of Similar Tasks as per attached Form II.
- c) Details of the key personnel proposed to handle the tasks with their Bio-data in brief mentioning their experience in similar tasks done earlier and presently on hand. Details of external experts, with complete qualification and experience profile, if required as per attached Form III (Required to submit task wise).

The bidder in addition to furnishing complete information as above shall also furnish a complete document on the proposed approach; methodology and work plan for rendering the tasks as per the scope of work. The work plan shall include full justification for procedures to be adopted. An indicative time schedule for carrying out each element of the tasks should be submitted.

#### 4.2. Evaluation of Bids

GERC will identify suitable bidders based on evaluation of the technical competency as well as the quoted financial fee.

Technical evaluation will be done, taking into account the criteria mentioned below by the Committee to be nominated by the Commission. Each criterion shall be marked on a scale of 1 to 100 and then the mark for each criterion shall be weighted to calculate average technical scores. Weights in the following ranges will be used by the Committee appointed by the Commission to calculate the weighted average technical score for each proposal:

Criteria	Weight
The consultant's relevant experience for the assignment	30
The quality of the methodology proposed	35
The qualification and experience of the key staff proposed	30
The extent of transfer of knowledge to the staff of the Commission	05

The mix of weights approved by the Commission will total to 100. The minimum qualifying technical score is 70 out of 100. The consultants securing the minimum qualifying marks shall be informed about the date and time of opening of the financial



proposal. The financial bid of those consultants who fail to obtain minimum qualifying marks shall not be opened.

The proposed utility-wise prices and consolidated cost shall be read and recorded in the minutes of the opening of bids. The financial bid having least consolidated cost will be given a financial score of 100 and other bids will be given the financial scores that are inversely proportional to their costs. The total score shall be obtained as the weighted average of technical score (70%) and financial score (30%).

- 4.3. The bids for the work related to RFP – GROUP 1 shall be evaluated and opened first as per the procedure prescribed in Para 4.2 above. The consulting firm selected for the work related to GROUP 1 shall not be considered for the work related to RFP – GROUP 2.
- 4.4. The Commission reserves the right to reject any / all the bids (RFP) in part / or in full without assigning any reason. The Commission also reserves the right to place the order with more than one bidder(s) for each / all the tasks mentioned in Terms of Reference.
- 4.5. Without written consent of the Commission, the Consultants and their employees involved in the assignment shall not utilize, publish, disclose, or part with any information collected for the Commission and they shall be duty bound to hand over the entire record of the assignment to the Commission on completion of the assignment.

#### **5. Signing the Agreement and Terms of payment:**

The successful bidder shall sign the agreement with GERC, a sample copy of which is attached herewith. The schedule of payment to the bidder is as under;

- 1) 10% on award of contract & execution of agreement
- 2) 25% on submission of the preliminary analysis report
- 3) 25% on submission of the draft report
- 4) 40% on submission of the final report

#### **6. Last date of submission of RFP:**

The final bids complete in all respect are required to be submitted latest by, on or before **23/10/2018** up to **1800 hours IST**.

**Sd/-**  
**(Roopwant Singh, IAS)**  
**Secretary**  
**Gujarat Electricity Regulatory Commission**  
**Gandhinagar**

**Place: Gandhinagar**

**Date: 27/09/2018**

## FORM I

### RFP Letter Proforma

To,  
**The Secretary,  
Gujarat Electricity Regulatory Commission,  
6th Floor, GIFT ONE, Road 5C, Zone 5,  
GIFT City, Gandhinagar,  
Gujarat - 382355.**

**Sub: Providing assistance to GERC in the work of Mid-term Review of ARR for FY 2019-20 & FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20 – GROUP 1**

Sir,

We, (name of the firm), having read and examined in detail all the RFP documents for providing assistance to GERC in the above mentioned work, express our desire to undertake the work as mentioned in the RFP document.

#### **1. Correspondence details:**

- a) Name of consultancy firm
- b) Address
- c) Name of contact person to whom all references to be made.
- d) Address of the person to whom all references to be made regarding this bid.
- e) Telephone No. (With STD code)
- f) Mobile No. of the contact person
- g) Email of the contact person
- h) Fax No (With STD code)

#### **2. Documents forming part of RFP:**

We have enclosed the following:

- a) Request for proposal - Form-I.
- b) Details showing similar tasks performed during last five years – Form II
- c) Details of the key personnel proposed to handle the tasks with their Bio-data in brief mentioning their experience in similar tasks done earlier and presently on hand. Details of external experts, with complete qualification and experience profile, if required – Form-III
- d) Financial Bid as per - Form IV.

- e) A complete document on the proposed approach; methodology and work plan for rendering the tasks as per scope of work.

We hereby declare that RFP is made in good faith and the information contained is true and correct to the best of my knowledge and belief.

Thanking you,

(Signature)

Name, Address & Date

**FORM II**

**Details of Similar Tasks Performed**

**(IN LAST FIVE YEARS)**

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

**1. Name of Consultancy Firm/Institution:** \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (a) Name of assignment:
  
- (b) Location within the Country:
  
- (c) Name of client and address:
  
- (d) Name of associated consultants/ firms employed, if any:
  
- (e) Duration of assignment:
  - (i) Start (Month/Year):
  - (ii) Completion (Month/Year):
- (f) Approx. value in Indian Rupees:
- (g) Name of senior staff (Project Director/Coordinator/Team Leader involved and functions performed).
  - (i)
  - (ii)
  - (iii)

- (h) Professional staff employed (Give profile in brief):
- (i) Description of the project (in brief)
- (j) Description of methodology & work plan for performing the assignment.

(Authorized Signatory)

(Name & Title of Signatory)

Name and Address of the Firm/Institution

**N.B.:** Attach a copy of certificate issued by the respective organization for whom the assignment was carried out.

## FORM III

### Details of Educational Qualification and Experience of Key Personnel

**Name of the Key Personnel:**

**Proposed Position:**

**Name of Firm/Institution:**

**Profession:**

**Date of Birth:**

**Years with Firm:**

**Membership of Professional Societies:**

**Detailed Tasks Assigned:**

**Key Qualifications:**

(Give an outline of key personnel experience and training most pertinent to the tasks on assignment. Describe Degree of responsibility held by each key personnel on relevant previous assignment and give dates and locations. Use up to half a page)

**Education:**

(Summarize College/University and other specialized education of each key personnel, giving names of schools, dates attended and degrees obtained. Use up to a quarter of a page).

**Employment Record:**

(Starting with present position, list in reverse order every employment held. List all positions held by the staff members since graduation, giving dates, name of employing organization, title of positions held and location of assignments. For experience in the last ten years, also give types of activities performed and Client references, where appropriate. Use up to three-quarter of a page).

**Certification:**

I, the undersigned, certify that, to the best of my knowledge this bio-data correctly describes me, my qualifications and my experience.

Date:

Signature of key personnel

Signature of authorized Official from the firm/Institution

**Composition of the Key Personnel in the Consultancy Firm for the proposed work**

<b>Sr. No.</b>	<b>Name</b>	<b>Position</b>	<b>Responsibility</b>	<b>Proposed duration on the task (days)</b>
1				
2				
3				
4				
5				

(Authorized Signatory)

(Name & Title of Signatory)  
Name and Address of the Firm



**FORM IV**

**GROUP 1**

**Financial Bid for work of providing assistance to GERC in the work of Mid-term Review of ARR for FY 2019-20 & FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20 on the petitions or applications to be filed**

<b>Task</b>	<b>Description</b>	<b>Amount in ₹ (without tax)</b>	<b>Amount in ₹ (with tax)</b>
<b>Task A GSECL</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
<b>Task B GETCO</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
<b>Task C SLDC</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
<b>Task D DGVCL MGVCL PGVCL UGVCL</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
	<b>TOTAL</b>		

(Authorised Signature)

(Name and Title of the Signatory)  
Name and address of the Firm

**FORM IV**

**GROUP 2**

**Financial Bid for work of providing assistance to GERC in the work of Mid-term Review of ARR for FY 2019-20 & FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20 on the petitions or applications to be filed**

<b>Task</b>	<b>Description</b>	<b>Amount in ₹ (without tax)</b>	<b>Amount in ₹ (with tax)</b>
Task A <b>TPL-G (APP)</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
Task B <b>TPL-D (A), (S) &amp; (D)</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
Task B <b>MUPL</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
Task B <b>DPT</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
Task B <b>AIL</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
Task B <b>GIFT PCL</b>	Mid-term review of ARR for FY 2019-20 and FY 2020-21, Truing up for FY 2017-18 and Determination of Tariff for FY 2019-20		
	<b>TOTAL</b>		

(Authorised Signature)

(Name and Title of the Signatory)  
Name and address of the Firm

## AGREEMENT

Articles of Agreement made on this \_\_\_\_\_ day of \_\_\_\_\_ between \_\_\_\_\_ one (first) part (Consultant) and the **Gujarat Electricity Regulatory Commission** (herein after called “the Commission”) of the other (Second) part.

Whereas the Commission has engaged the party of the first part as a Consultant and the party of the first part has agreed, to provide the consultancy services to the Commission, on the terms and conditions hereinafter contained.

Now both the parties hereto respectively agree in the presence of witness as follows -

- 1) The party of the first part (Consultant) shall submit himself to the orders of the Commission and of the officers and authorities under whom he may from time to time be placed by the Commission.
- 2) The party of the first part (Consultant) shall complete the assignment as contained in Schedule mentioned in the request for Proposal document *strictly* within a period of 90 days commencing from \_\_\_\_\_.
- 3) In case of any default on the part of the party of the first part in completion of the work within time schedule agreed to between the parties as herein above, the party of the second part (the Commission) shall be at liberty to get the work completed from any other agency at the risk and cost of the party of the first part (Consultant)
- 4) The party of the first part (Consultant) shall be paid Rs. \_\_\_\_\_ (Rupees in words) including tax.

- 5) The schedule of payments shall be as under
  - 1) 10% on award of contract & execution of agreement.
  - 2) 25% on submission of the preliminary analysis report
  - 3) 25% on submission of the draft report
  - 4) 40% on submission of the final report
- 6) No TA/DA shall be admissible to the party of the first part for local journeys in connection with the consultancy assignment.
- 7) The payment of fee shall be made by the Commission after the deduction of tax at source in accordance with law for the time being in force.
- 8) Any information of confidential nature, which comes to the knowledge or into the possession of the Consultant or of any of its employees by virtue of the engagement subject matter of this contract; shall not be disclosed by the Consultant or its employees to any person in any manner. Any breach of this clause without prejudice to any other action that may be initiated according to law, shall also subject the Consultant to a liability to pay to the Commission such compensation as may be decided by the Commission keeping in view the nature, manner and motive of the information disclosed and the extent of damage caused by such unauthorised disclosure.
- 9) The party of the first part undertakes that this assignment shall not be in conflict with its prior or current obligations to other clients nor shall it place itself in a position of not being able to carry out the assignments objectively and impartially. In case of any default on the part of the party of the first part, the Commission shall be at liberty to get the work completed from any other agency at the risk and cost of the party of the first part (Consultant)
- 10) The party of the first part undertakes to render the required services to the full satisfaction of the Commission and in case of any default on the part of the party of the first part, the party of the second part (the Commission) shall be at liberty to get the work completed from any other agency at the risk and cost of the party of the first part (Consultant)
- 11) The Commission reserves its right to foreclose, terminate or cancel the engagement of the Consultant without assigning any reasons. In such cases party of the first part (Consultant) shall be paid remuneration after

taking into consideration the portion of work completed prior to such foreclosure, termination or cancellation of the engagement as may be decided by the Commission, and the decision of the Commission shall be conclusive and binding. The remuneration so fixed and paid shall be deemed to be the final payment in such case.

- 12) In case of any differences or disputes between the parties arising out of this AGREEMENT, the same shall be referred to arbitration by a person nominated by the Commission. The proceedings shall be subject to the Arbitration and Conciliation Act 1996, as amended from time to time.

- 13) Consultant's Personnel

The party of the first part (Consultant) shall provide Description of personnel with names, position, qualifications and experience. The Consultants shall also make sure continuous availability of the senior personnel at GERC office till completion of the consultancy assignment.

- 14) Removal and/or replacement of the personnel

Except as the Commission may otherwise agree, no change shall be made in the key personnel till the assignment is completed in all respect. If, for any reasons, beyond the reasonable control of the Consultants, it becomes necessary to change any of the key personnel, the Consultants shall forthwith provide as a replacement a person of equivalent or better qualifications and experience, acceptable to the Commission.

- 15) If the Commission finds that any of the personnel has either (1) committed serious misconduct or has been charged with having committed a criminal action or (2) have cause to be dissatisfied with the performance of any of the personnel, then the Consultant shall, at the Secretary's written request, forthwith provide as a replacement a person with qualification and experience acceptable to the Commission.

The Consultants shall have no claim for additional costs arising out of or incidental to any removal and/or replacement of personnel.

- 16) Nodal Person of the party of the first part (Consultant) – \_\_\_\_\_.

- 17) The Secretary, Gujarat Electricity Regulatory Commission, shall be the Nodal Officer on behalf of the Commission.

18) Any other terms and conditions

In respect of any matter for which no provision has been made in this agreement, the provisions contained in the general instructions of the Government on the subject of engagement of consultants shall apply.

IN WITNESS WHERE OF the party of the first part (Consultant)  
\_\_\_\_\_ and Secretary to the  
Commission on behalf of the Commission have hereto put their hands on  
the day and the year first above written.

Signed by \_\_\_\_\_

the party of the first part

In the presence of \_\_\_\_\_

Signed by \_\_\_\_\_ to the Commission

For and on behalf of the Commission

In the presence of \_\_\_\_\_