Chhattisgarh State Electricity Regulatory Commission
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Tender Specification

NO. T- 05/2022

Appointment of Consultant for

Assistance to the Commission in examination of surplus power and its pattern of Jindal steel and Power Limited (JSPL) Captive Power Plant, true-up of generation cost from FY 2011-12 to FY 2020-21 of CPP, determination of generation cost of CPP from FY 2022-23 to FY 2024-25, true up from FY 2011-12 to FY 2019-20 of JSPL's licensed distribution business

Last date for submission of tender	:	13/07/2022 at15:00 Hrs
Date of opening of technical bids	:	13/07/2022 at 15:30 Hrs
Date of opening of financial bids	:	14/07/2022 at 15:30 Hrs

CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION
IRRIGATION COLONY, SHANTI NAGAR, RAIPUR (C.G.) 492001
Phone No. : 0771-4073568
FAX No. : 0771-4073553
Website : www.cserc.gov.in
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Tender document is available on Commission's website. Downloaded copy can be used for submission of bids. No charges are payable for bid document.

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Chapter-1

Instructions to Bidders

Terms and Conditions

1. INTRODUCTION

Chhattisgarh State Electricity Regulatory Commission (CSERC) had notified Tariff Regulations namely "CSERC (Terms and Conditions for Determination of Tariff) Regulations, 2006" which was applicable till FY 2009-10, then notified "CSERC (Terms and Conditions of determination of tariff according to Multi-Year Tariff principles) Regulations, 2010" which was effective till FY 2012-13.

Subsequent to the said Regulation, CSERC notified MYT Regulations namely "CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and Methodology and Procedure for determination of Expected revenue from Tariff and Charges) Regulations, 2012 for control period FY 2013-14 to FY 2015-16 and "CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and Methodology and Procedure for determination of Expected revenue from Tariff and Charges) Regulations, 2015" for control period FY 2016-17 to FY 2020-21. Further, applicability of MYT Regulation 2015 was extended up to FY 2021-22.

For the control period from FY 2022-23 to FY 2024-25, Commission has notified MYT Regulation, 2021 viz., "CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and Methodology and Procedure for determination of Expected revenue from Tariff and Charges) Regulations, 2021.

Jindal Steel and Power Ltd. is a distribution licensee in OP Jindal Industrial Park situated in two villages namely Punjipatra and Tumdih village in Raigarh District.

Hon'ble APTEL has passed an order dated 06.05.2022 in appeal no. 72 of 2016 and appeal no. 100 of 2016 in the matter of JSPL and

directed the Commission to examine the surplus power available in JSPL's CPP for supplying the same to its consumers, determine generation cost of these CPP for the control period from FY 2022-23 to FY 2024-25 along with true up from FY 2011-12 to FY 2020-21 and determine ARR for its distribution business for the control period from 2022-23 to FY 2024-25 along with true up from FY 2011-12 to FY 2020-21 along with retail tariff for FY 2022-23.

For the above, Commission has directed the JSPL to file petitions. On non-filling of the petition, Hon'ble APTEL has directed the Commission to initiate suo-motu petition to determine the same. For detail, bidders may refer the detail order dated 06.05.2022 issued by APTEL. For disposing the above petition, the Commission intends to appoint a consulting firm selected through competitive bidding process for assisting the Commission in disposal process as per the task listed in Chapter-2 of this document.

In order to assess the competence, suitability and competitiveness for executing the assignment, the bidders should submit information as prescribed in the bid document. The cost of preparation of bid and negotiating the contract, including the visits to this Commission, if any, shall be borne by the bidders themselves.

The bidders must fully acquaint themselves with local conditions and take these into account while preparing/submitting their offer.

The Commission is not bound to accept any of the bids received and reserves its right to cancel any or all of the bids without assigning any reasons, whatsoever.

2. QUALIFICATION AND ELIGIBILITY REQUIREMENT

i. The invitation of bid is open to any of the eligible consultancy firms. The eligibility criteria are given as under;

a) **Criteria for Minimum Works:**
The firm should have completed at least six (6) jobs, as listed below in last Five (5) years -

Preparation of tariff petition on behalf of SEB/power utility

or

Assistance to Commission in disposal of such petitions.

or

Combination thereof.

The function wise mandatory breakup is-

- **Generation Tariff – Min. 3 jobs.**
- **Distribution (wheeling and retail sale) – Min. 3 Jobs.**

The job details be submitted in **Annexure – I**.

b) **Criteria for employment of minimum Man Power:**
Firm should have at least 10-member team of consultants in its regular pay roll. The firm is required to give details of such consultants in the **Annexure – II**.

c) **Criteria for yearly Turnover:**
The firm should have minimum average annual turnover of Rs 5 Crore, during last three financial years i.e. FY 2019-20, FY 2020-21 and FY 2021-22. For this purpose, the bidder should submit self-attested copy of audited Profit and Loss statement of FY 2019-20, FY 2020-21 and FY 2021-22 as a proof of the same. In case the Audited Accounts of FY 2021-22 are not available, then Audited Accounts of FY 2018-19, FY 2019-20 and FY 2022-21, meeting the minimum average annual turnover of Rs 5 Crore shall be submitted.

3. List of essential documents to be submitted:

(a) Self attested copy of Firm's PAN card

(b) Self attested copy of GST Registration.

4. Disqualification:

(a) Any such Firm, who have been awarded or the award is under process for providing consultancy service by Jindal Steel and Power Ltd. for making tariff proposal/Truing-up Petition to be filed for true up of FY 2011-12 to FY 2020-21, determination of generation cost and distribution ARR for Control Period FY 2022-23 to FY 2024-25 and determination of retail for FY 2022-23 are advised not to submit bid as same shall be disqualified due to conflict of interest.

(b) Offer by consortium shall not be considered.

(c) Bidders are required to submit only one bid. In the event, any firm submits multiple bids then all the offers submitted by such firm shall be rejected.

5. INSTRUCTIONS TO THE BIDDERS

For clarification on any aspect of this request for proposal, 'Bidders' should send their queries in writing by 05/07/2022. Clarification on the same shall be conveyed in writing and shall also be uploaded on the website of the Commission for information to all interested parties. Further, it is clarified that all such clarifications shall be treated as part of the Bid Documents.

The financial bids should specify the amount quoted for each item separately for each year along with the total cost, inclusive of all costs, fees, taxes, etc. as stipulated in Chapter-4 of this document. No amount other than the total cost as referred in Chapter-4 shall be payable. Tax at source shall be deducted as per applicable laws.

6. BID SCHEDULE

Bid processing schedule shall be as mentioned on the cover page. However, the CSERC reserves the right to extend any scheduled date, by issuing corrigendum. Bids received after the scheduled date & time shall not be considered for opening.

7. AMENDMENT IN DOCUMENT

At any time, prior to the scheduled date or amended schedule date for submission of the bid proposals CSERC reserves the right to add/modify/delete any portion of this document, except Clause – 2 which is related to eligibility and qualification criteria, by issuing an amendment on Commission's website. Any amendment issued by CSERC shall be binding on all bidders. Hence, it shall be the responsibility of the bidders to keep themselves updated with about all new developments such as clarifications/additions/deletions/ amendments, etc.

8. ADDRESS FOR CORRESPONDENCE

Interested bidders may submit their offer at following address:

Secretary,
Chhattisgarh State Electricity Regulatory Commission,
Irrigation Colony, Shanti Nagar,
Raipur (C.G) - 492001.
Fax – 0771-4073553
E-mail – cserc.sec.cg@nic.in

9. SUBMISSION OF BID

The bidders are requested to submit technical and financial bids in duly super-scribed separate sealed envelopes. Both these sealed envelopes shall be placed in an outer main envelope. The bids shall be printed/typed or written in indelible ink and each page of the document shall be initialled by the bidder. Only authorized person shall be permitted to sign the bid documents. If any corrections or overwriting are found in the bid documents than such bids shall be disqualified from the bidding process.

The main Envelope, should be Super-scribed as "**BIDS FOR CONSULTANCY TO CSERC–TENDER NO T-05/2022**". The main envelope shall carry/contain three separate sealed envelopes and each of the three envelopes shall be as detailed below:-

9.1 **First envelope-'Payment of Fees & EMD':** The first envelope should contain the bank draft of Rs 10,000/- (Ten Thousand Only) towards Processing fee and Rs 75,000/- (Rs Seventy Five Thousand only) towards Earnest Money Deposit (EMD) draw on any of the Nationalised bank and payable at Raipur in favour of "Chhattisgarh State Electricity Regulatory Commission, Raipur". This envelope be super-scribed as "PROCESSING FEE AND EARNEST MONEY DEPOSIT".

Any bid not accompanied with Earnest Money Deposit and processing fee in accordance with the above stipulation shall be rejected as being non-responsive.

9.2 **Second envelope-'TECHNICAL BID':** The second envelope should contain all documents required for verification of eligibility criteria and the firm's profile and also includes a

notarized authorization letter issued by a full time Director (member of BoD) or owner of the firm in case of Single Person Company, on a non-judicial stamp paper of Rs 100/- indicating that the person(s) signing the bid has the authority to submit the bids.

9.3 **Third envelope-** '**FINANCIAL BID**': The third envelope should contain the financial bid as prescribed in the Chapter – 4 of the tender. The bid evaluation shall be made on the basis of aggregate value for both the tasks. The segregated values will be used for billing and payment for completed assignment.

10. Validity of offer

The proposals must be valid for 180 days from the date of submission.

11. EVALUATION OF BIDS

i. SUBMISSION OF BIDS AND EVALUATION THEREOF

The Bid must be submitted in the Commission's office on or before the due date & time. Any bid received after the due date & time shall not be considered.

Technical bids shall be opened on the date and time specified in the bid document in the presence of authorized representatives of the bidder or bidders, if they are present.

ii. EVALUATION OF TECHNICAL BIDS

The Commission shall evaluate the technical bids and, its decision shall be final.

iii. OPENING OF FINANCIAL PROPOSAL

After the evaluation of technical proposals is completed, CSERC shall short list the eligible Firms. The financial bids of only short listed firms shall be opened on the date and time as mentioned in the bid document or as amended by CSERC and in the presence of representative of the short listed bidders, if they are present.

iv. EVALUATION OF FINANCIAL PROPOSAL

The financial proposal shall be evaluated for the lowest aggregate price quoted by the bidder.

12. CLARIFICATION OF BIDS

To assist in the examination, evaluation and comparison of bids, the CSERC may, at its discretion, ask any bidder for clarification of his bid including break- up of unit rates.

13. CONTRACT AGREEMENT

The successful bidder through his authorized representative shall enter into a contract agreement with CSERC within 30 days of placement of order by the Commission. Until a formal contract is executed, this bid, together with written acceptance thereof shall constitute part of the Contract.

14. TERMS OF PAYMENT

The payment shall be made item-wise for different Petitions filed as under:

(i) 20% on completion of Technical Validation which includes analysis of petitions.

(ii) 30% on the submission of final comments on the issues raised by the public on the Petition, public hearings and counter replies of the companies and on submission of draft order(s) including tariff proposals. Please note that comments on the objections/suggestion shall require consultation with the Commission before its finalisation.

(iii) 45% on successful completion of the task and subject to the satisfaction of Commission with regard to the quality of work.

(iv) 5% after 180 days from the date of issue of tariff order(s) issued by the Commission.

Item-wise rates should be quoted in the Financial Bid; however, no payment shall be payable for a work if the Petition for the same is not submitted/received are not admitted by the

Commission.

15. Release of EMD

EMD of all bidders, excluding the successful bidder shall be released after the execution of contract agreement. EMD of successful bidder shall be refunded only after submission of Performance Bank Guarantee (PBG), which is equivalent to 10% of contract value. The PBG shall be valid for the entire control period and same shall be released after successful completion of work to the satisfaction of the Commission.

16. Facilities expected from Commission

Commission shall only provide suitable place in its office at Raipur a long with access for using photocopying/printer facility and Wi-Fi facility free of cost.

17. Liquidated Damages (LD):

Time is the essence of the contract. The Tariff Petitions are required to be disposed off within 120 days as per provisions of Electricity Act 2003. Therefore, successful bidder shall be required to submit a time line for completion of each of the assignment.

Any deviation from the agreed time line or delay in completion of the task to the satisfaction of the Commission shall invite levy of LD @ 1% per week delay on entire value of contract subject to a maximum of 10% of contract value.

Secretary
CSERC, Raipur

Chapter-2

Terms of Reference

TASKS FOR CONSULTANCY TO CSERC

Name of Task: Assistance to Commission in Scrutiny, Analysis and Disposal of Petition of Jindal Steel and Power Ltd. in relation to examination of surplus power of CPP from FY 2011-12 to till date, determination of generation cost/Aggregate Revenue Requirement (ARR) for control period from FY 2022-23 to FY 2024-25 along with true-up from FY 2011-12 to FY 2020-21 and true-up from FY 2011-12 to FY 2019-20 of JSPL's licensed distribution business.

Scope of work

1. Examination of surplus power in respect of JSPL's Captive Power Plant at Raigarh and Dongamahua from FY 2011-12 till date.
2. Determination of generation cost/ARR for the control period from FY 2022-23 to FY 2024-25 of JSPL's CPP at Raigarh along with truing up of generation cost from FY 2011-12 to FY 2020-21.
3. Determination of generation cost/ARR for the control period from FY 2022-23 to FY 2024-25 of JSPL's CPP at Dongamahua along with truing up of generation cost from FY 2011-12 to FY 2020-21.
4. Truing up of ARR from FY 2011-12 to FY 2019-20 of JSPL licensed distribution business.
5. **Detailed scope of work regarding above is given below.**
   a) Scrutiny of data gaps and inconsistencies in the petitions.
   b) Study, verification, analysis and validation of the data and information relating to generation and distribution for different financial years submitted by the petitioner and further information as may be required, particularly the following:
      i) Income and Expenditure Statements.
      ii) Demand and Sales Forecasts.
      iii) Power purchase plans.

iv) Proposed Annual Revenue Requirements.

v) Value of fixed assets, depreciation, consumers' contribution, interest charges on working capital and other related expenses.

vi) Computation of generation tariff, cost of power purchase and distribution costs and cost to supply.

vii) Computation of cross subsidization.

c) Analysis of the Petitions and preparation for Technical Validation Session.

d) Study and analysis of operational norms.

e) Examination of costs and expenses in detail for the truing up purposes for which audited/un-audited annual accounts are made available by the petitioner.

f) Analysis of the compliance of directives given by the companies on various directives given to petitioner in Commission's last tariff order and suggesting ways and means to improve the functioning of the companies and consumer services.

g) Participation in detailed discussions with petitioner and their consultants and others, if any and validation of data submitted by petitioner.

h) Analysis of the issues raised in response to publication of tariff filing by the Companies and in the public hearings and counter replies submitted by the companies thereon. Preparation of comments on behalf of the Commission.

i) Participation in presentation to be made by the applicants before State Advisory Committee of Commission and listing of issues with analysis thereof.

j) Participation in public hearings.

k) Providing assistance in filing and disposal of suo-motu petitions (if required) in accordance to the APTEL direction given in order dated 06.05.2022 passed in petition no. 72 of 2016 and petition no. 100 of 2016.

l) Finalization of ARR for relevant financial years. Determination of HT and LT category-wise tariffs for each year of Control period

starting from FY 2022-23 and preparation of detailed draft tariff order and various schedules.

m) Fixation of open access charges, wheeling charges, etc. for different categories of consumers.

n) The bidder shall be liable to provide assistance to the Commission till 180 days after issuance of order for the following:

   i. Assistance in preparation of reply regarding clarification of the order desired by power companies / stakeholders, if any.
   ii. Assistance in disposal of review petition, if any, against the order.
   iii. Assistance in preparation of submission/pleading before Hon'ble Appellate Tribunal for Electricity/Court of Law, in case the appeal is filed against the tariff order by any party
   iv. Any other job incidental to the tariff determination process as per the Electricity Act, 2003 and also required under relevant CSERC Regulations such as CSERC (Conduct of Business) Regulations, 2009; CSERC (Details to be furnished by licensee and generating company for determination of tariff and manner of making application) Regulations, 2004; CSERC (Terms and Conditions of determination of tariff according to Multi- year tariff principles) Regulations, 2010, CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and methodology and procedure for determination of expected revenue from Tariff and Charges) Regulations, 2012, CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and methodology and procedure for determination of expected revenue from Tariff and Charges) Regulations, 2015, CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and methodology and procedure for determination of expected revenue from Tariff and Charges) Regulations, 2021 and any other regulation/ rule as may be applicable.

6. **Additional work:** The consultation shall be required to take-up works in addition to the works listed in Sl. No. 1 to 6 above, if such

works are essential, for the successful completion of the assignment to the satisfaction of the commission, is required under applicable Laws & Regulations and Rules.

Chapter-3
Technical Proposal Formats
PROPOSAL SUBMISSION FORM

No. Date: _____

To

The Secretary
Chhattisgarh State Electricity Regulatory
Commission, Irrigation Colony, Shanti Nagar,
Raipur-492001

Sir,

With reference to the Bid documents posted on website of the Commission, we, having examined the Bid documents, hereby offer to provide the consultancy services as per the detailed scope of work and other conditions mentioned in the bid document.

In line with the requirement of the Bid Documents, we enclose herewith the following with the Bid Form:

(i) Processing Fee Rs. 10,000/- (Rs Ten Thousand only) and Earnest Money Rs. 75,000/- (Rupees Seventy Five Thousand only) in the shape of demand draft bearing No. _____ dated _____ and No. _____ dated _____ respectively in favour of the Chhattisgarh State Electricity Regulatory Commission, Raipur.

(ii) A notarized authorization letter on a non judicial stamp paper of Rs 100/- issued by a full time Director of the firm (member of BoD) for signing on the bid indicating that the person(s) signing the bid have the authority to sign the bid and that the bid is binding upon the firm during the full period of its validity.

3. It is certified that we are not in any way engaged in preparation of tariff petition or truing up in respect of Jindal Steel and Power Ltd., required to be submitted to the Commission, hence, we are eligible for submitting bid.

4. It is certified that we have gone through the tender document carefully and commit our-self to abide by the terms and conditions laid therein.
5. Until a formal contract is prepared and executed between us, this bid, together with our written acceptance thereof shall constitute a Bid contract between us.
6. We are of the understanding that Commission is not bound to accept the lowest or any bid, you may receive.
7. We, hereby, also declare
   (i) That only the persons or firm interested in this proposal as Principals are named here and that no persons or firms other than those mentioned herein have any interest in this proposal or in the contract to be entered into, if the award is made on us,
   (ii) That this proposal is made without any connection with any other person, firm or party
   (iii) That submitting a proposal is in all respects for and in good faith, without collusion or fraud.

   Thanking you,

Date: .....

Yours' faithfully,

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

(Bidders may note that no prescribed proforma has been enclosed for Power of Attorney and Bidders may use their own proforma for furnishing the required information with the Bid.)

Chapter-4

Financial Proposal Formats

FINANCIAL PROPOSAL SUBMISSION FORM

No. Date: _____

To,

The Secretary
Chhattisgarh State Electricity Regulatory Commission,
Irrigation Colony, Shanti Nagar,
Raipur-492001

Sir,

We, the undersigned, offer our financial proposal to provide the consultancy services for the scope of work mentioned in this bid document and also considering other terms and conditions mentioned therein. Our Financial Proposal in respect of various items is as under:

S. No.	Particulars	Amount (in ₹)
1	Examination of surplus power and its pattern in respect of JSPL's Captive Power Plant at Raigarh and Dongamahua from FY 2011-12 to till date.	
2	Determination of generation cost/ARR for the control period from FY 2022-23 to FY 2024-25 of JSPL's CPP at Raigarh along with truing up of generation cost/ARR from FY 2011-12 to FY 2020-21.	
3	Determination of generation cost/ARR for the control period from FY 2022-23 to FY 2024-25 of JSPL's CPP at Dongamahua along with truing up of generation cost/ARR from FY 2011-12 to FY 2020-21.	
4	Truing up of ARR from FY 2011-12 to FY 2019-20 of JSPL licensed distribution business.	

5	Subtotal (1 to 4)	
6	GST as percentages	
7	GST as amount	
8	**Total (5+7)**	
9	**Grand Total**	

Grand total in words _____

This amount is firm and all inclusive. No price variation and extra payment will be claimed in excess of this amount except for variation in applicable taxes. I understand that Tax Deduction at Source shall be made as per applicable rules.

We also understand that the evaluation of bid shall be on aggregate value of all the five years and we agree that the break up given above shall be applicable for the purpose of item wise payment as per the payment terms mentioned in clause – 14 of Chapter – 1 for the consultancy work. No payment shall be applicable for a work if the petition for the same does not arise.

Our Financial Proposal shall be binding upon us subject to the modifications resulting from Contract negotiations, up to expiration of the validity period of the proposal. Each page of the proposal has been signed by the authorized signatory.

We understand you are not bound to accept any proposal, you receive.

Thanking you,

Yours' faithfully,

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

Annexure-I

SERVICES CARRIED OUT IN LAST THREE YEARS

(Using the format below, provide information on each reference assignment separately for which your firm/entity, was legally contracted)

USE SEPARATE SHEET FOR EACH ASSIGNEMENT

(a) Job Description **:**

(b) Name of client and address **:**

(c) Order reference (no/ date) :

(d) Duration of assignment **:**
(i) Start (Month/Year) **:**
(ii) Completion (Month/Year) **:**

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

Annexure-II

Details of the professional staff on the pay-roll of the Firm

Name	Position	Qualification	Experience

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