

ORISSA ELECTRICITY REGULATORY COMMISSION
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File No-Tariff 2011-12

Dated: 09.08.2010

PUBLIC NOTICE

Sub : Expressions of Interest(EoI) for engagement of Consumer Counsel for professional and systematic analysis of ARR/Tariff proposals of licensees/generating companies for FY 2011-12.

In pursuance to Section 94(3) of the Electricity Act, 2003 OERC proposes to appoint a Consumer Counsel for professional and systematic analysis of ARR/Tariff proposals of licensees/generating companies for FY 2011-12.

EoI is therefore invited for the above work from Organization/ Institutions/Professional Body/ Individuals of repute having experience in the Power Sector. The details of the objective of the work, scope, qualification criteria and formats are available in our website- : www.orierc.org in downloadable form.

The proposal would be evaluated by a committee to be constituted by the Commission. Selection of the Consumer Counsel will be based on Terms of Reference (TOR). In the first stage, “Technical” evaluation will be done by the committee based on the parameters as mentioned in the TOR. The “Financial” bids of only those bidders who qualify in “Technical” evaluation will be opened. The financial bid shall be submitted along with technical bid in a separate sealed cover.

The last date of receipt of the offer is **9th September, 2010.**

By Order of the Commission

Secretary

TERMS OF REFERENCE

Engagement of Consumer Counsel for professional and systematic analysis of ARR/Tariff proposal of licensees/generating companies for FY 2011-12.

1. Background:

Electricity Act, 2003 under Section 94 (3) has given powers to the Commission to authorize any person as it deems fit to represent the interest of the consumers in the proceeding before it. The Commission accordingly engages Consumer Counsel for professional and systematic analysis of ARR/Tariff proposals of licensees/generating companies every year during tariff filing in the month of November.

The Commission for the tariff filing of the ensuing year i.e. FY 2011-12 by the Licensees and Generating companies wishes to appoint Consumer Counsel for undertaking following assignments:

2. Scope of Work:

- 2.1 A cogent summation of all the ARR proposals with a clear analysis to be submitted to OERC for posting in OERC website. It must be specifically analyzed as to the basis of various projections, its rationality and justification thereof from consumer's perspectives.
- 2.2 Summary of issues raised by various objectors and rejoinders by the licensees to be prepared prior to the date of hearing.
- 2.3 Composite analytical presentation of facts and figures in Commission's Tariff Hearing and before the State Advisory Committee: The Consumer Counsel represents the general body of consumers. The Counsel shall make presentation from the consumer's view on the ARR proposals by a clear analysis of the tariff normative, technical and financial parameters and cost figures asked for by the utilities and what could be reasonably allowed, keeping the interests of consumers as the most paramount factor.
- 2.4 Updation of the Summary of issues raised by various objectors and replies by the licensees based on the Public Hearing and counsel's final report to the Commission for consideration in Tariff order.

3. Deliverables and Duration of Assignments:

- 3.1 The assignment shall be completed within a period of three months from the date of award of the assignment.
- 3.2 The Consumer Counsel will be required to :
 - 3.2.1 Submit separately summary of each of ARR proposal of the licensees within a period of one month from the date of assignment of the work to Director (Tariff).
 - 3.2.2 Submit summary of issues raised by various objectors and rejoinders by the licensees prior to the date of hearing to Director (Tariff).
 - 3.2.3 Presentation before the Commission on the date of each licensee hearing and before the State Advisory Committee.
 - 3.2.4 Submit the final report to the Commission within 10 days of the last hearing of the Tariff order.
 - 3.2.5 Any other suggestion by the Commission within the scope of assignment.

4. **Qualification Criteria:**

- 4.1 The Consumer Counsel should have prior experience and expertise of working/associated with power sector in the field of analysis and study of the sector. Assisting any State Electricity Regulatory Commission (SERC) in analysis in the related field would be an added advantage.

5. **Consumer Counsel**

- 5.1 The Consumer Counsel should have expertise in the field of Accountancy /Engineering/Law/Managerial/Economics and experience pre-dominantly in the field of power sector.

6. **Application and Evaluation Criteria:**

- 6.1 The format of application for the Technical Bid is at Annexure-I
- 6.2 The Consumer Counsel is required to submit the bid for Technical and financial simultaneously in sealed envelope. The financial bid, clearly written in the cover 'FINANCIAL' should be submitted in a separate sealed cover inside main envelop.
- 6.3 The bids of the eligible bidders as per clause 5 will be scrutinized on the basis of qualification, experience and background to do the job by Evaluation Committee constituted by the Commission. Technical performance will be evaluated based on the following criteria:

Technical Parameters	Weights
The Counsel's relevant experience for the assignment	30
Understanding of the issues and approach to be followed	35
The qualifications and experience of the counsel member(s)	35

- 6.4 The minimum qualifying marks in the Technical Evaluation is 50% of the total score for technical component.
- 6.5 Only those bidders, who qualify technically as per clause 6.5, would be considered for Financial Evaluation and financial bid cover should be opened in the presence of the representative of successful technical bidders.
- 6.6 Weight for Financial parameters: Proposal with the lowest cost will be given a financial score of 100 and other proposals given financial scores that are inversely proportional to their prices.
- 6.7 Technical component will carry 40% weight age and financial component 60% weight age. The total score will be obtained by weighting the Technical and Financial scores.
- 6.8 The Consumer Counsel shall abide with the 'General Guidelines for Engagement of Consumer Counsel' as per Annexure-II. **Attention is specifically invited to item 11 of the General Guidelines.**

DETAILED PROPOSAL FOR STUDY
(TECHNICAL)

The proposal along with project summary to be submitted to Secretary, OERC.

I. GENERAL INFORMATION:

01. Title of the proposed Assignment:
02. Name and address of the Organization/
Institution/Professional Body/Individual
03. Name & Designation of the Key Person:
04. Contact address of the Key Person:
(e-mail/fax/telephone)

II. TECHNICAL SPECIFICATIONS:

- 0.5 Detailed Approach & Methodology for undertaking the assignment
- 0.6 Facilities available for the proposed work in the applicant's organization/ institution
- 0.7 Previous experience of the proposer in this or related field
- 0.8. Biographical sketch of the Counsel member(s)
- (i) Name
 - (ii) Designation
 - (iii) Date of Birth
 - (iv) Education and Experience
 - (a) Academic Qualifications

Degree	University	Field(s)	Year

- (b) Experience

Institution	Topic of work done	Period

- (i) Field of major interest
 - (ii) Additional information (if any)
10. Capacity to impart training/transfer of knowledge

CERTIFICATE

The undersigned agree to abide by the conditions of the grants and certify that available facilities for proposed work shall be extended to the investigator/study team.

Signature of Executive Authority of the Organization Signature of the Head of the Team

Name and Designation
Date

Name and Designation
Date

Signature of Co-consultant
Name and Designation
Date

Official stamp of Organization/Institution

General Guidelines for Engagement of Consumer Counsel

In exercise of the powers vested in the Commission under Section 94(3) of the Electricity Act, 2003, the Commission hereby adopts the following guidelines for the appointment of Consumer Counsel(s) to represent the interest of consumers in the proceedings before it:

1. The main purpose and objective of engagement of a Consumer Counsel shall be to represent the interest of the consumers in the various proceedings of the Commission.
2. In such proceedings as the determination of tariff, power purchase agreements, investment Proposals/ Reviews/ Suo-motu proceedings/ Investigations/ Inquiries/ other important proceedings where the interest of the consumers in general are at stake, the Commission may in appropriate cases, engage any Consumer Counsel(s).
3. The Commission may engage any person, institutions, association of persons, professional bodies as Consumer Counsel.
4. The persons/institutions/associations to be engaged as Consumer Counsel shall have expertise in the respective fields like Accountancy/Engineering/Law/ Management/Economics etc or experience in or knowledge about Orissa Power Sector.
5. The Consumer Counsel should not have any affiliation or attachment with any Licensee/ies or Generating Company/ies or with their Holding Company(ies) or with any party(ies) to the proceedings.
6. The Commission shall make available the relevant documents related to the proceedings to the Consumer Counsel for study and use.
7. The Consumer Counsel shall analyse and may prepare its initial report in a neutral and objective manner and furnish the same to the Commission within the specified time limit.
8. A copy of the initial report of the Consumer Counsel shall be available to the general public/interested persons/affected parties on request.
9. The Consumer Counsel shall be allowed to participate in the proceeding before the Commission to put forth his/its views. The consumer counsel shall submit his final report only to the Commission after the hearing for consideration of the Commission in the Tariff Order.
10. If an individual is appointed as a Consumer Counsel he/she shall be a duly qualified professional having adequate experience in his/her discipline, preferably in the Orissa power sector.

11. The Commission may not be able to fully compensate the Consumer Counsel for the assignments. However it will endeavour to ensure that the Counsel is not spending any amount from his pocket. The Commission intends to reimburse such expenses as TA & DA, contingencies on stationery and such reasonable ex-gratia for the counsel's service to the consumers at large; the bidders is expected to quote its financial bid accordingly.
12. Generally the Commission will adopt a transparent and pragmatic procedure for engagement of Consumer Counsel. But in the public interest, by recording the reasons in writing, the Commission may appoint any reputed institute/organization/professional body as Consumer Counsel for a specific purpose and for a limited period.
13. The Commission may, terminate the engagement/assignment of any Consumer Counsel at any time if in the opinion of the Commission, continuance of the Counsel is not conducive and prejudicial to public interest.

The Commission from time to time may amend/modify the above guideline as deems fit without any prior notice.

By Order of the Commission

SECRETARY