

## Draft of the Amendments in JERC (Appointment of Consultants) Regulations, 2010

In exercise of the power conferred under Section 91(4) read with Section 181 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Joint Electricity Regulatory Commission (for the State of Goa and UTs) hereby makes the following regulations to review / amend the JERC (Appointment of Consultants) Regulations, 2010 (herein after referred to as "the principal regulations").

**Amendments are as follows:-**

### **1. Short title and commencement**

- (1) These regulations may be called the Joint Electricity Regulatory Commission (Appointment of Consultants) (first Amendment) Regulations, 2014
- (2) These regulations shall come into force from the date of their publication in the Official Gazette.

### **2. Amendment of Regulation 4 of principal regulations**

The figure 'Four' appearing in second proviso of Regulation 4 of principal regulations, shall be substituted by "Five"

### **3. Amendment of Regulation 5 of principal regulations**

After (b) of Regulation 5 of principal regulation, (c) and (d) shall be added as under:

"(c) Professional Experts and (d) Staff consultants"

Word 'and' appearing before (b), shall then be deleted

### **4. Amendment of Regulation 7 of principal regulations**

Under Regulation 7 of the principal regulations, existing provision may be numbered as Clause (1)

New Clause (2) may be added as under:-

"(2) The headquarters of the individual consultant normally shall be the headquarters of the Commission.

5. **Insertion of new Regulations 7 (A) and 7 (B)**:- After Regulation 7 of the principal regulations, a new Regulations 7(A) and 7(B) shall be added as under:-

**“7(A). Professional Experts**

- (1) The Commission on being satisfied on the need for professional expertise of specialised nature may decide to engage a professional expert for advice on issues of urgent and specialised nature.

**“7(B). Staff Consultant**

Staff Consultant may be appointed for assisting the Commission in performance of its functions, if the Commission is satisfied that there has been increase in the quantum of work of the Commission or a regular post could not be filled due to various constraints”

6. **Amendment of Regulation 10 of principal regulations**

In the proviso of clause (8) of Regulation 10 of principal regulations, the figure ‘5’ appearing in the end shall be substituted by figure “10 (Ten).”

7. **Amendment of Regulation:13**

In Clause (2) of Regulation 13 of principal regulation, the following shall be added as under:

“The Committee may enter into both technical and financial negotiations. Where technical negotiations are conducted, they will be conducted prior to pre qualification of consultants. Financial negotiations can be entered into for any aspect of the financial proposal including the unit rates for staff months, contingency amounts, lumpsum reimbursement of travel and living expenses and payment terms”

8. **Amendment of Regulation 14 of principal regulations**

Under clause (2) of Regulation 14 of principal regulations, the following paragraph shall be inserted:

“The evaluation Committee appointed under Regulation 13(2), shall decide the weightage to be allocated (in the range prescribed above) to each of the parameters for the purpose of evaluation of bids, allocating at least 70% weightage to technical proposals / bids, and obtain the approval of the Chairman of the Commission for the allocation.

9. **Amendment of Regulation 17 of principal regulations**

Under Regulation 17, the figure 5 given in Rs. Lakh shall be substituted by “Rs. 10 lakh.”

## **10. Insertion of new Regulations 18 A and 18(B)**

After Regulation 18 of principal regulations, new Regulations 18 (A) and 18(B) shall be added as under:

### **“18(A) Selection of Professional Experts**

- (1) On the Commission having decided to engage professional experts, the Secretary of the Commission shall formalize the proposals. He / She shall prepare a list of not less than two professionals having the requisite expertise in the specialized field, their willingness to accept consultancy work and the fee demanded by each of them.
- (2) The Commission, may approve the name of the expert for engagement as consultant on payment of such fee and on such terms as may be considered appropriate provided that the fee so decided shall not exceed Rs. 10 (Ten) lakh for an individual specialized assignment of work

### **“18 (B).Selection of Staff Consultant**

- (1) The Commission, after having decided to engage a staff Consultant, shall invite applications on tenure basis, by publishing a notice in the National Dailies and on the Commission's Website, and by giving, as far as possible, a period of four weeks for application by the interested persons.
- (2) Before publishing the notice, the Secretary of the Commission shall identify the qualification and experience requirements keeping in view the relevant provisions of the Commission's regulations governing the recruitment against regular posts.
- (3) The staff consultant may be categorized based on qualification and length of experience ranging from 3 to 15 or more years and offered a consolidated fee which shall be equivalent to basic pay plus dearness allowance of the post against which the staff consultant is being engaged.
- (4) The staff consultants shall be engaged on tenure basis, initially for a period of one year.
- (5) The Commission shall constitute a Selection Committee which shall interact with the candidates and recommend names of suitable persons for engagement as staff consultants for approval of the Commission.

## **11. Amendment of Schedule-(Fee for individual consultants), to the principal regulation**

In column 2 relating to Maximum Fee per man days, the figures (given in Rs.), shall be amended as under:

“Advisors	7500
Senior Consultant	5500
Consultant	3000”