



JOINT ELECTRICITY REGULATORY COMMISSION
(For the state of Goa and Union territories)

MINUTUES OF THE PRE-BID MEETING HELD ON 24.12.2021

The Pre-Bid Meeting was held on 24.12.2021 at the Head Quarters of JERC. The following officials attended the meeting:

Members Present from JERC

1. Shri Rajesh Dangi, Director (Engg.)
2. Shri. Sunil Dutt Sharma, Director (F&L)
3. Ms. Shikha Garg, Senior Consultant (Fin.)
4. Mr. Aman Kumar, Research Associate (Fin.)
5. Shri Nitin Kumar, Assistant

Members Present from bidder/consulting firm

1. Shri Kunal Singhal, PWC

Sh. Kunal Singhal who attended the meeting shared his queries. M/s Mercados and M/s Deloitte has forwarded their comments/ queries to the Commission through E-mail and were also discussed in detail.

The replies to the comments are attached at Annexure 'A'. Last date of submission of bid has been extended upto 5th of January, 2021.

s/d
Rakesh Kumar
Secretary

Annexure'A'

Comments of Stakeholder on Pre-Bid meeting held on 24.12.2021

S.L. No.	Consultant Name	TOR Clause	contents of TOR	Query	Remarks
1	Mercados	Clause 16	The Institutional Consultant must have completed minimum 20 assignments in preparation of Order on Business Plan and ARR and Tariff determination during the last 5 years. The aggregate value of such assignments shall not be less than Rs. 5 Crores. This criterion shall be met jointly by the consortium members. However, at least 50% of this criterion (in amount and also in numbers) shall be met by the Lead Member.	"The Institutional Consultant must have completed minimum 20 no. of orders in preparation of Order on Business Plan and ARR and Tariff determination during the last 5 years. This criterion shall be met jointly by the consortium members. However, at least 50% of this criterion (in amount and also in numbers) shall be met by the Lead Member."	<ul style="list-style-type: none"> The work "assignment" should be read as the word "Tariff Order/ Tariff Petition". Further "The aggregate value of such assignments shall not be less than Rs. 5 Crores" should be read as "The aggregate value of such assignments shall not be less than Rs. 3 Crores".
2		New Clause		"The average annual turnover of the consultant from the power sector consultancy business shall not be less than Rs. 5 Crs."	Not Accepted
3		First Page	Last date of submission 03rd January, 2022	Extend the last date of submission by at least one week.	Last date of submission 03rd January, 2022 shall be read as " Last date of submission 05th January, 2022
4	PWC	First Page	Last date of Submission 03rd January 2022	Extend the submission deadline by 2 days i.e. 5th January 2022.	Last date of submission 03rd January, 2022 shall be read as " Last date of submission 05th January, 2022
		Section 3	Technical Evaluation provides the following:	The tender document does not specify the basis of evaluation for consultant's specific experience. In our experience, based on tenders floated by other SERC's and owing to the peculiar nature of the assignment, it is proposed as follows:	

S.L. No.	Consultant Name	TOR Clause	contents of TOR			Query	Remarks												
5			(i)	Consultants' specific experience relevant to the assignment	40	<p>Evaluation be done on relative basis that is consultant that has done the maximum no of similar assignments be given the maximum marks for each category</p> <p>Further, all the utilities under the jurisdiction of JERC are having diverse portfolio with different consumer mix, geography etc. In order to successfully execute the assignment, it is necessary for a bidder to have adequate experience in tariff filing and determination, both on behalf of Utilities and the Commission. Experience of working from the utilities side in similar assignments provides an advantage in understanding the specific issues and other technical matters that come up during the proceedings which can be addressed through the Tariff Order.</p> <p>Therefore, it is proposed that during evaluation equal weightage should be given to the assignments done on behalf of the utilities as given to the assignments done with the Commissions.</p>	<p style="text-align: center;">Not Accepted</p> <p>With respect to the Consultants specific experience to the Assignment should be read with the Tariff Orders/ Tariff Petitions executed. Accordingly, the total weightage shall be considered in 40 marks criterion.</p>												
			(ii)	The adequacy of proposed methodology and work plan	20														
			(iii)	Qualifications and competence of the key-staff for the assignment and their committed time in man-weeks	35														
			(iv)	Extent of transfer of knowledge to the staff of the Commission	5														
6		Section 3	<p>Criterion for Technical Evaluation:</p> <p>(i) Specific experience of the consultants relevant to the assignment will be examined with emphasis on handling ARR (Tariff determination) related exercises of Regulatory Commissions and utilities.</p>			<table border="1"> <tr> <td>1</td> <td>Consultants' specific experience relevant to the assignment</td> <td>45</td> </tr> <tr> <td>(a)</td> <td>Assistance to SERC's in similar assignments</td> <td>20</td> </tr> <tr> <td>(b)</td> <td>Assistance to utilities in similar assignments</td> <td>20</td> </tr> <tr> <td>(c)</td> <td>Experience of consultant abroad/ with Forum of Regulators/ Think Tanks etc. on assignment</td> <td>2.5</td> </tr> </table>	1	Consultants' specific experience relevant to the assignment	45	(a)	Assistance to SERC's in similar assignments	20	(b)	Assistance to utilities in similar assignments	20	(c)	Experience of consultant abroad/ with Forum of Regulators/ Think Tanks etc. on assignment	2.5	<p style="text-align: center;">Not Accepted</p>
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S.L. No.	Consultant Name	TOR Clause	contents of TOR	Query		Remarks
					related to the Power Sector	
				(d)	Experience of undertaking similar assignments with JERC/ on behalf of utilities under JERC	2.5
				(ii)	The adequacy of proposed methodology and work plan	20
				(iii)	Qualifications and competence of the key-staff for the assignment and their committed time in man-week	30
				(iv)	Extent of transfer of knowledge to the staff of the Commission	5
				<ul style="list-style-type: none"> • In addition to above due weightage should be given to assignments done internationally/ with Forum of Regulators/ Think Tanks etc. • Most importantly, experience of the consultant in executing similar assignments on behalf of JERC/ utilities under JERC should be given due preference owing to having an understanding of the issues and peculiarities associated with the utilities beforehand. • To summarise we propose the following expansion of criteria for technical evaluation which should be done on relative basis 		

S.L. No.	Consultant Name	TOR Clause	contents of TOR	Query	Remarks
7		Section 1 Clause VIII	The bidder shall submit Financial bid(s) for the assignment, i.e., Preparation of Business Plan and Tariff Orders for pending True- Up of all previous year(s), Annual Performance Review of FY 2021-22, Annual Revenue Requirement (ARR) for the control period FY 2022- 23 to FY 2024-25 and determination of the retail tariff for FY 2022-23 and all other activities as given in Scope of Assignment. The Financial Bid shall be territory wise wherein the list of territories under the jurisdiction of the Commission is provided in Form 6 of this RFP."	We understand that financial quotation has to be given separately for each tariff order. However, efficiencies and synergies may be possible doing higher number of assignments, bidder can give different financial proposal for higher number of orders. It is s to please clarify whether it would be fine to give financial proposal as follows: <ul style="list-style-type: none"> • Individual quotation for each Order • Discount factor for higher number of orders 	The quotation should be made for Package wise as mentioned in RFP. Further the quoted amount should be firm. In case of any discount/ offer, the Consultant should consider the same in the quotation amount. It is to be noted that only firm quotations (without any condition) shall be considered.
8		Section 3 Clause ii	(ii) In the final evaluation, 70% weightage shall be given for technical scores while 30% weightage shall be given for financial scores. The two scores shall be added up to arrive at the total score of each qualified bidder for each package.	The extensive experience of working across various utilities/ Regulators / Consumer forums / Industrial associations etc. should be given preference in order to execute such an assignment having such high degree of complexity Therefore, it is proposed that the same may be changed to 80% weightage to Technical and 20% to Financial.	Not Accepted
9		Section 1 clause 16	"16. The Institutional Consultant must have completed minimum 20 assignments in preparation of Order on Business Plan and ARR and Tariff determination during the last 5 years. The aggregate value of such assignments shall not be less than Rs. 5 Crores. This criterion shall be met jointly by the consortium members. However, at least 50% of this criterion (in amount	Almost all the regulator across the country follows the practice of hiring the consultants for the whole control period as a standard practice. The assignment includes preparation of MYT order, Business Plan order, True-up and ARR orders for the control period of 3/4/5 years. Keeping this in mind, it is requested to modify the clause as under:	"The aggregate value of such assignments shall not be less than Rs. 5 Crores " should be read as "The aggregate value of such assignments shall not be less than Rs. 3 Crores ".

S.L. No.	Consultant Name	TOR Clause	contents of TOR	Query	Remarks
			and also in numbers) shall be met by the Lead Member.”	“16. The Institutional Consultant must have completed minimum 20 orders on Business Plan and ARR and Tariff determination during the last 5 years. The aggregate value of such assignments shall not be less than Rs. 4 Crores . This criterion shall be met jointly by the consortium members. However, at least 50% of this criterion (in amount and also in numbers) shall be met by the Lead Member.”	
10		Annexure I	-	It is requested that a clause may please be inserted in the draft contract provided, which restricts the liability of the Consultant to the total contract amount.	This clause shall be entered with the Limitation of Liability provision as suggested below. 1) The total cumulative liability of consultant arising from or relating to the Agreement shall not exceed the contact amount paid to the Consultant.
11		New Clause	Minimum Average Annual Turnover of the Bidder as stipulated in RfP is INR 5 crore	It is proposed that in order to successfully execute the assignment, it is very important for a consultant to be financially capable to handle the assignment owing to the working capital requirements etc. Therefore, it is proposed that a minimum financial capability of consultant should be evaluated owing to the large scale and value of the assignment. We propose that a minimum average annual turnover of INR 50 Cr in the last 3 financial years should suffice as a prequalification criteria for the consultant/ Bidder.	Not Accepted

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12		New Clause	No payment milestones are mentioned as part of RfP	<p>It is requested to notify the payment milestones for the assignment. The Commission may suggest the following payment milestones:</p> <p>“a) After completion of Public Hearing, 20 % of the contract amount shall be paid</p> <p>b) After submission of the complete first draft Tariff Order, 20% of the contract amount shall be paid.</p> <p>c) After submission of the final analysis & subsequent issue of the Tariff Order, 50% of the contract amount shall be paid.</p> <p>d) After 90 days from the issue of Tariff Order, 10% of the contract amount shall be paid.”</p>	<p>This clause shall be entered in Section 1 Clause 19 for payment terms as suggested below.</p> <p>The payment milestones are provided below:</p> <p>“a) After completion of Public Hearing, 10 % of the contract amount shall be paid</p> <p>b) After submission of the complete first draft Tariff Order, 30% of the contract amount shall be paid.</p> <p>c) After submission of the final analysis & subsequent issue of the Tariff Order, 50% of the contract amount shall be paid.</p> <p>d) After 90 days from the issue of Tariff Order, 10% of the contract amount shall be paid.”</p>
13		Section 1 clause 2 (ix)	<p>The Scope of Work specifies the following:</p> <p>“In case a Review Petition filed before the Commission//Appeal before the Appellate Tribunal for Electricity (ATE) and an Appeal under Section 125 of the Electricity Act, 2003 before the Hon’ble Supreme Court of India is filed, the consultant will analyze the said Review Petition/Appeal/etc. attend the hearing and prepare the draft order for the consideration / approval of the Commission.</p>	<p>It is proposed that the scope may be limited to only Review Petition before the Commission and that too in case of an apparent error is identified, as it stipulated in the Conduct of Business Regulations.</p> <p>With regards to appeals in APTEL/ Supreme Court of India it is proposed that owing to the uncertainty surrounding the decisions/ judgments in these forums it is not possible to quantify the associated costs. Including the same with the financial quote to be provided for each</p>	<p>Not Accepted.</p>

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				<p>order would unnecessarily inflate the financial quote which would be not be beneficial for the Commission as well as to the Consultant.</p> <p>Therefore, in this case we propose that the Commission may seek the per manday rates of each bidder separately and in case such situation occurs, the effort and financial estimate for these assignments be negotiated with the Commission on the basis of Per Man Day rates.</p> <p>Further, the Commission may indicate an expected number of days, which shall be utilized by the Commission for the purpose of evaluation of each proposal.</p>	
14		New Clause		<p>It is requested to clarify whether the bidder organizations are required to submit the hard copies of Power of Attorney, EMD and Bid fee to the Commission in offline mode as well or the online submission on GeM portal for the same would suffice? If the hard copies are required to be submitted to the Commission, a deadline for physical submission may be suggested by the Commission, preferably 1-2 days after the proposed deadline for the online submission.</p>	<p>This clause shall be entered in Section 2 Clause 15 for physical submission of hard copies of Power of Attorney, EMD and Bid fee to the Commission in offline mode as well or the online submission on GeM portal as below: Bidders shall submit hard copies of Power of Attorney, EMD (in form of DD) and Bid fee (in form of DD) to the Commission in offline mode also by 7th January 2022.</p>
15	Delloitte	Clause 16	The Institutional Consultant must have completed minimum 20 assignments in preparation of Order on Business Plan and ARR and Tariff determination during the last 5 years. The aggregate	The Institutional Consultant must have completed minimum 20 assignments in preparation of Order / Petition on Business Plan and ARR and Tariff determination during the last 5 years. The	The work “ assignment ” should be read as the word “ Tariff Order/ Tariff Petition ”.

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			value of such assignments shall not be less than Rs. 5 Crores. This criterion shall be met jointly by the consortium members. However, at least 50% of this criterion (in amount and also in numbers) shall be met by the Lead Member.	aggregate value of such assignments shall not be less than Rs. 3 Crores. This criterion shall be met jointly by the consortium members. However, at least 50% of this criterion (in amount and also in numbers) shall be met by the Lead Member.	“The aggregate value of such assignments shall not be less than Rs. 5 Crores ” should be read as “The aggregate value of such assignments shall not be less than Rs. 3 Crores ”.
16	Addendum	Section 1 Clause 10	A firm organogram of Professionals for carrying out the assignment shall be made available along with the bid. The organogram shall also be accompanied by brief C.V. of each professional.		“ The organogram shall also be accompanied by brief C.V. of each professional. ” Shall be read as “ The organogram shall also be accompanied by brief C.V. of 4 best professional. ” Who should be stationed at JERC headquarter for performing the works assigned in this contract.