

# **The Punjab State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2002**

PUNJAB

India

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### **Rule**

### **THE-PUNJAB-STATE-ELECTRICITY-REGULATORY-COMMISSION-APPOINTMENT-OF-CONSULTANTS-REGULATIONS-2002**

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The Punjab State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2002 Published vide Punjab Notification No. PERC/Secy/Regulation 3 dated 5th February, 2002 No. PERC/Secy/Regulation 3. - In exercise of powers conferred on it by Section 21 (4) and Sub-section 2 (c) of Section 58 of the Electricity Regulatory Commissions Act, 1998 (Central Act No. 14 of 1998) the Punjab State Electricity Regulatory Commission hereby makes the following Regulations, namely

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

- (i) These Regulations may be called 'The Punjab State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2002'. (ii) These shall come into force with effect from the date of their publication in the official gazette.

#### **2. Definitions.**

- (i) In these Regulations, unless the context otherwise requires (a) 'Act' means The Electricity Regulatory Commissions Act, 1998. (b) 'Commission' means the Punjab State Electricity Regulatory Commission constituted under Section 17 (1) of the Act. (c) 'Consultant' includes any individual, firm, body or association or persons, not in the employment of the Commission, who or which possesses or has access to any specialized knowledge, experience or skill relevant for the work and functions of the Commission. (d) 'Officer' means an officer of the Commission. (e) 'Secretary' means the Secretary of the Commission. (ii) Words or expressions occurring in these Regulations, and not specifically

defined herein, shall bear the same meaning as in the Act.

### **3. Scope of work.**

(a) Consultant(s) will not be normally appointed for routine day to day work for which staff is available. (b) Consultant(s) would be engaged only for executing specialized tasks for which requisite skills are either not available within the staff of the Commission or where the nature of job is specific and time-bound. (c) Detailed terms of engagement will be drawn up in each case and agreed to between the Consultant(s) and the Commission prior to award of consultancy. (d) The terms of engagement would specify the exact nature of the tasks to be undertaken by the Consultant(s), the time allowed for completion of each task, and the specific outputs that are to be provided by the Consultant in relation to each task.

### **4. Period of engagement.**

- Consultant(s) will be, engaged for the minimum period required. In no case will the maximum period of engagement exceed two years.

### **5. Categorization of Consultants.**

- Individual consultants will be categorized into groups based on their expertise and experience.

### **6. Fees and other charges.**

- The fees and other charges shall be determined separately for each case depending upon the quantum of work involved and the level of professional expertise made available.

### **7. Appointment of Consultants.**

(a) The terms of reference for the appointment of Consultants for specific tasks will be approved by the Commission. (b) The Commission may decide either to invite combined technical and financial proposals, or separate technical and financial proposals. (c) The Commission will prescribe the minimum qualifying marks for the technical bid. (d) After approval of the 'Terms of Reference' by the Commission, the Secretary will cause the Request for Proposals to be issued inviting proposals from interested Consultants, ensuring that appropriate publicity is given in each case. 11. will not, however, be necessary to go through the process of issue of public advertisement in case the estimated value of the fee payable is below Rs. 2 lac in each case. In addition, Request For Proposal may also be issued to a panel of Consultants of standing which may be maintained by the Commission and up-dated from time to time.

## **8. Single Source selection.**

- Single source selection shall be exercised only in exceptional cases where it is appropriate, and represents a clear advantage because the tasks represent a natural continuation of previous work carried out by the Consultant, or where a rapid selection is essential, or for very small assignments where the fee payable does not exceed Rs.2 lac in each case, or where only one firm is qualified or has experience for the assignment.

## **9. Selection of individual consultants.**

(a) Individual Consultant will be employed for assignments for which team of personnel is not required, no additional outside (home office) professional support is required, and where the experience and qualifications of the individual are the paramount requirement. (b) Individual Consultants will be selected on the basis of their qualifications for the assignment. They may be selected on the basis of references or through comparison of qualifications among those expressing interest in the assignment or approached directly by the Commission. Capability will be judged on the basis of academic background, experience and an appropriate knowledge of local conditions, administrative system and government organization.

## **10. Conflict of interest.**

- Consultants shall not be hired for any assignment that would be in conflict with their prior or current obligations to other clients or that may place them in a position of not being able to carry out the assignments objectively and impartially.

## **11. Power to remove difficulties.**

- If any difficulty arises in giving effect to any of the provisions of these Regulations the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Electricity Regulatory Commissions Act, 1998 which appears to it to be necessary or expedient for the purpose of removing the difficulties.

## **12. Saving of inherent power of the Commission.**

- Nothing in these provisions shall bar the Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of the matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure prescribed in the Regulations.

## **13. General power to amend L.**

- The Commission may at any time and on such terms as it may think fit amend any provision of these Regulations for the purpose of meeting the objectives with which these Regulations have been

framed.