

Rajasthan Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2011

RAJASTHAN

India

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Rule

RAJASTHAN-ELECTRICITY-REGULATORY-COMMISSION-APPOINTMENT of 2011

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Rajasthan Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2011 Published vide Notification No. RERC/Secy/Regulation-83, dated 31.1.2011 No. RERC/Secy/Regulation-83. In exercise of the powers, conferred under Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, and after previous publication, the Rajasthan Electricity Regulatory Commission, hereby makes the following regulations, namely:-

1. Short title and commencement.

- (i) These Regulations may be called the Rajasthan Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2011. (ii) These shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these regulations, unless the context otherwise requires- (a) "Consultant" includes any individual, firm, body or association of persons, not in the employment of the Commission, who or which, possess or has access to any specialized knowledge, experience or skill; (b) "Evaluation Committee", hereinafter referred to as "EC" means the committee, constituted under Regulation 5 hereunder.

3. Scope of Work.

(1) Consultant(s) shall not normally be appointed for routine day-to-day work, for which in-house facility is available. (2) Consultant(s) may be engaged for the following purposes, namely- (a) Providing consultancy in the matter of petitions for determination of ARR or tariff filed by generating companies (including RE), transmission & distribution licensees/stakeholders/IPPs. (b) Making new Regulations or amendment in the existing Regulations. (c) Providing expert advice on specific issues of relevance and interest, to the commission. (d) Conducting study for the best practices, analyzing data, developing bench marks, or for any other similar purpose, and (e) Performance of tasks, requiring experience and qualifications, which are not available within the Commission, or, in the opinion of the Commission, the engagement of consultant shall be more efficacious and efficient method of completing the task in terms of quality, cost, time or for any other consideration.

4. Period of engagement.

- Consultant(s) shall be engaged for the minimum period only and in no case, engagement of consultant shall exceed a continuous period of three years. The Commission may however appoint Consultant/Professional on retainer basis also.

5. [Appointment of Corporate Consultant(s). [Substituted by Rajasthan Notification No. RERC/Secy/Regulation-95, dated 12.10.2012-Rajasthan Gazette Extraordinary Part 7 dated 7.11.2012, pages 117(2) to 117(3).]

- 1. The Commission, on being satisfied, that there is a need for availing the consultancy services which, in its opinion may be more appropriately provided by a firm, or a company or a body or association of persons shall direct the Secretariat to prepare the terms of Reference indicating the scope of work and other terms and conditions, which shall be submitted to the Commission through Secretary, for seeking further approval.]

2. The Bids shall be invited on two part basis i.e. containing technical and financial proposals, in separate sealed envelopes, through publication of notice, in at least two newspapers and bid invitation shall also be placed on the Commission's website, giving as far as possible, a notice, of not less than three weeks. However in the matter of urgency, the period of notice may be reduced, to, two weeks.

3. An Evaluation Committee will be constituted by the Commission, which shall evaluate the bids as per provisions of the bid document.

Provided that the EC shall not proceed with evaluation of bids, unless at least three valid bids have been received; Provided further, that the condition of three valid bids may be relaxed with the

approval of the Commission, in case the adequate numbers of bids are not received.

4. Only those bids which are considered qualified by the Evaluation Committee shall be considered eligible for opening of price bid after taking approval of the Commission and evaluated as per criterion in the bid document.

5. The order for the consultancy services shall be placed after obtaining approval of the Commission.

6. Single Sourcing.

- (i) Single source selection shall be used only in exceptional cases where it is appropriate considering the following: (a) The tasks represent a natural continuation of previous work carried out by the Consultant, or (b) A rapid selection is essential, or (c) Assignments are small and the fee payable does not exceed Rs. 5 lakhs in each case or Rs. 5 lacs in a year for a retainer [or] [Added by Rajasthan Notification No. RERC/Secy/Regulation-95, dated 12.10.2012-Rajasthan Gazette Extraordinary Part 7 dated 7.11.2012, pages 117(2) to 117(3).] (d) [Engagement of a Government Company/Organization, if considered necessary based on importance and nature of assignment.] [Added by Rajasthan Notification No. RERC/Secy/Regulation-95, dated 12.10.2012-Rajasthan Gazette Extraordinary Part 7 dated 7.11.2012, pages 117(2) to 117(3).] (ii) The fee payable to a consultant for each assignment shall be determined by the Commission

7. [Individual Consultants. [Added by Rajasthan Notification No. RERC/Secy/Regulation-95, dated 12.10.2012-Rajasthan Gazette Extraordinary Part 7 dated 7.11.2012, pages 117(2) to 117(3).]

(1) The Commissioner, on being satisfied that there is a need for availing consultancy services, which in its opinion can be more efficiently performed by an individual, having qualification and experience considered essential for an assignment may decide to engage an individual consultant and direct the Secretariat to prepare the terms of reference indicating the scope of the work and other terms and conditions, which shall be submitted to the Commission for approval. (2) Offers will be invited through publication of notice in at least 2 newspapers and invitation of offers shall also be placed on Commission's Website giving at least a notice of not less than three weeks. However, in the matter of urgency the period of notice can be reduced to two weeks. (3) An Evaluation Committee (EC) shall be formed by the Commission to evaluate the offers as per terms of reference. (4) The EC shall evaluate the offers based on educational qualification, experience and the performance in interview, if any, held and submit a panel of two persons for appointment of most suitable person as consultant by the Commission. Provided that the EC shall, while preparing the panel consider the profile of at least three candidates. Provided further that the condition of three candidates may be relaxed with the prior approval of the Chairperson of the Commission, if the responses from sufficient number of candidates are not received.]

8. [] [Renumbered '(7)' by Rajasthan Notification No. RERC/Secy/Regulation-95, dated 12.10.2012-Rajasthan Gazette Extraordinary Part 7 dated 7.11.2012, pages 117(2) to 117(3).] Conflict of interest.

- Consultants shall not be hired for any assignment that would be in conflict with their current obligations to other clients/organization who have filed or intent to file petitions on same/related subject matter in the Commission.

9. [] [Renumbered '(8)' by Rajasthan Notification No. RERC/Secy/Regulation-95, dated 12.10.2012-Rajasthan Gazette Extraordinary Part 7 dated 7.11.2012, pages 117(2) to 117(3).] Repeal and Savings.

(1)Save as otherwise provided in these regulations, the Rajasthan Electricity Regulatory Commission (Appointment of Consultant(s)) Regulations, 2000 shall stand repealed from the date of commencement of these regulations.(2)Notwithstanding such repeal, anything done or purported to have been done under the repealed regulations, shall be deemed to have been done or purported to have been done, under these regulations.

10. [Power to relax. [Added by Rajasthan Notification No. RERC/Secy/Regulation-95, dated 12.10.2012-Rajasthan Gazette Extraordinary Part 7 dated 7.11.2012, pages 117(2) to 117(3).]

The Commission may, for reasons to be recorded in writing, relax any of the provisions of these Regulations.]