

Delhi Electricity Regulatory Commission



Tender

For

**Appointment of Consultants for Review of Capitalization of Assets for
Delhi Transco Limited**

August 2020

Viniyamak Bhavan

C-Block, Shivalik

Malviya Nagar

New Delhi 110017

Bid for Appointment of consultants

(August 2020)

Terms and Conditions

1.	DELHI ELECTRICITY REGULATORY COMMISSION invites bids for Appointment of Consultant for Review of Capitalization of Assets of the Delhi Transco Limited (DTL) for FY 2017-18 & FY 2018-19 Method of selection: QCBS (Quality & Cost Based System)
2.	Delhi Electricity Regulatory Commission (hereinafter referred to as the DERC or the Commission) is a body corporate set up by the Government of National Capital Territory of Delhi under the Delhi Electricity Reforms Act, 2000. Some of the major responsibilities assigned to the Commission are: (a) To determine tariff for electricity including wholesale, bulk or retail and for the use of transmission facilities in the National Capital Territory of Delhi (b) To regulate power purchase and procurement process of the distribution licensees including the price at which the power shall be procured from generating companies/stations etc. in the National Capital Territory of Delhi (c) To issue and regulate the licences for transmission, bulk supply, distribution or supply of electricity in the National Capital Territory of Delhi (d) To promote competition efficiency and economy in the activities of the electricity industry in the National Capital Territory of Delhi (e) To regulate the operation of power system in the National Capital Territory of Delhi
3.	<u>Scope of Work / Terms of Reference :</u> The Commission intends to hire consultancy services for undertaking review of capital expenditure, capitalization and physical verification of assets of Delhi Transco Limited (DTL) for FY 2017-18 & FY 2018-19. The Commission in its various tariff orders has approved on provisional basis, capital expenditures, capitalization for the period referred above. Further, DTL from time to time may need to retire/de-capitalize the assets which are not deemed fit for use because of wear & tear or due to obsolescence or any other reason. The tentative nos. of schemes claimed for capitalization by DTL year-wise is enclosed as <u>Annexure-I</u>.

The scope of work/terms of reference for review of capitalization and physical verification of assets of DTL shall be as under :

The Consultant would be required to verify the year-wise capitalization during FY 2017-18 & FY 2018-19, reflected in the audited books of DTL. While verifying the year-wise capitalization as above, the Consultant shall undertake the following :

- i) examine 100% of the documents related to tendering, evaluation, purchase orders, store documents, road restoration receipts, invoice & payments etc. for all the schemes capitalized and comment on compliance with the competitive bidding guidelines of the Commission as well as reasonableness of costs at which the equipment have been procured.
- ii) examine procurement contracts representing 100% of the amount capitalized in miscellaneous schemes, and comment on compliance with the competitive bidding guidelines of the Commission as well as reasonableness of costs at which the equipment have been procured.
- iii) Analyze various components of capitalization such as labour expense, material expense, A&G and employee expense, road restoration charges, IDC etc. with respect to approvals, guidelines and instructions issued by the Commission from time to time. The Consultant shall also examine the various sources of funding of capitalization such as Equity, Debt & Consumer contribution, rates & timings of borrowings, etc.
- iv) Physically verify 100% of schemes.
- v) Examine the de-capitalization of the assets of the DTL, based on the information submitted by the DTL.
- vi) Comment on the reasonableness of quantities procured/utilized, capitalization claimed vis-à-vis quantity and estimate 'in-principle' approved by the Commission.
- vii) Check linkage of schemes with procurement, store and location of that equipment at site, in the SAP system and/or through GIS mapping.
- viii) After finalization of report, if required, attend meetings and provide support in Commission/ ATE etc. for issues related to report submitted.
- ix) The Consultant shall tabulate year-wise capacities of lines (circuit kms) voltage wise, and also MVA capacities of the transformers as on 31st March of respective years based on available records.

4.	Technical approach & methodology: 4.1 A kick off meeting shall be held in the Commission in presence of the consultant and representatives of the DTL within 7 days of award of assignment. Documents/information related to the assignment and formats in which the information is required shall be finalized.
4.2	Methodology for Scope of Work mentioned at Para 3 i) Activity as per Scope: <i>The Consultant shall examine 100% of the documents related to tendering, evaluation, purchase orders, store documents, road restoration receipts, invoice & payments etc. for all the schemes capitalized, and comment on compliance with the competitive bidding guidelines of the Commission as well as reasonableness of costs at which the equipment have been procured.</i> Methodology: 1. The consultant shall perform scrutiny of Reports and documents pertaining to tendering, evaluation, purchase orders, stores, road restoration receipts, invoice & payments etc. for all the schemes capitalized. 2. The consultant shall perform scrutiny of documents relating to bidding guidelines involved in the tendering of the above. 3. The specific documents shall be scrutinized relating to each scheme: i. Request For Proposals (RFPs) ii. Advertisements of RFPs iii. Response to RFPs from interested parties/ bidders iv. Bid Evaluation documents 4. For evaluating the compliance with the competitive bidding guidelines the consultants shall perform an Independent Bid evaluation on eligibility of bidders and their scores as per the bid parameters. The findings of this Independent Evaluation shall be compared with the actual Bid Evaluation Reports and the major discrepancies if any shall be highlighted. 5. As to the reasonableness of the cost at which the equipment have been procured, secondary research shall be undertaken for obtaining information on cost of the similar items being purchase by any other utility/ organization in other states. Available cost schedules shall also be considered for the evaluation. ii) Activity as per Scope: <i>The Consultant shall examine procurement contracts</i>

representing 100% of the amount capitalized in miscellaneous schemes, and comment on compliance with the competitive bidding guidelines of the Commission as well as reasonableness of costs at which the equipment have been procured.

Methodology:

1. The consultant shall perform scrutiny of Procurement contracts representing 100% of the amount capitalized in miscellaneous schemes.
2. The consultant shall perform scrutiny of documents relating to bidding guidelines involved in the tendering of the above.
3. The specific documents shall be scrutinized relating to each scheme:
 - i. Request For Proposals (RFPs)
 - ii. Advertisements of RFPs
 - iii. Response to RFPs from interested parties/ bidders
 - iv. Bid Evaluation documents
4. For evaluating the compliance with the competitive bidding guidelines the consultants shall perform an Independent Bid evaluation on eligibility of bidders and their scores as per the bid parameters. The findings of this Independent Evaluation shall be compared with the actual Bid Evaluation Reports and the major discrepancies if any shall be highlighted.
5. As to the reasonableness of the cost at which the equipment have been procured, secondary research shall be undertaken for obtaining information on cost of the similar items being purchased by any other utility/ organization in other states. Available cost schedules shall also be considered for the evaluation.

iii) **Activity as per Scope:** The consultant shall analyze various components of capitalization such as labour expense, material expense, A&G and employee expense, road restoration charges, IDC etc. with respect to approvals, guidelines and instructions issued by the Commission from time to time. The Consultant shall also examine the various sources of funding of capitalization such as Equity, Debt & Consumer contribution, rates & timings of borrowings, etc.

Methodology:

1. The consultant shall scrutinize various components of capitalization such as labour expense, material expense, A&G and employee expense, road restoration charges, IDC etc.
2. The consultant shall undertake analysis on adherence to guidelines and instructions issued by the Commission, time to time.

3. The consultant shall examine various sources of funding of capitalization such as Equity, Debt & Consumer contribution, rates & timings of borrowings, etc. Supporting documents for funding shall be examined to establish that the funds have been raised and utilized for the items capitalized in accordance with the guidelines and instructions issued by the Commission, time to time and highlight major discrepancies, if any
4. Components of capitalization such as labour expense, material expense, A&G and employee expense, road restoration charges, IDC etc. shall be benchmarked using the approvals, guidelines and instructions issued by the Commission, time to time and major discrepancies, if any shall be highlighted.
5. For IDC calculations, apart from interest rates allowed by the Commission, the consultant shall also examine time schedules/ time taken for completion of scheme. For the purpose of IDC benchmarking the consultant shall also calculate normative IDC for various types of schemes on the basis of completion schedule of different schemes and compare with actual IDC claimed by the DTL. IDC shall not be allowed for any delay in completion of scheme, attributable to DTL.

iv) **Activity as per Scope:** *The Consultant shall physically verify 100% of schemes.*

Methodology:

1. The consultant shall develop a suitable verification format and get it approved from the Commission.
2. The consultant shall collect all necessary documents such as Bill of Quantity, Fixed Asset Register, GIS Maps etc. required for linkage of assets installed at site with the schemes.
3. The consultant shall carry out physical verification of assets under the schemes vis-à-vis the In-principle approval, Bill of Quantity, Fixed Asset Register, GIS Maps etc. of the schemes.
4. The assets shall be verified on-field for :
 - a. Availability of the assets on the indicated locations
 - b. Matching the location of the assets from GIS Maps
 - c. Matching of asset no./ s.no. etc. of asset with FAR/ BOQ
 - d. Specification of the assets as per the contract.

v) **Activity as per Scope:** The Consultant shall examine the de-capitalization of the

assets of DTL.

Methodology:

1. Based on the information provided by the DTL, in regard to assets not found on site during physical verification (Activity (iv) above), the consultant shall flag such missing assets in following categories:
 - (i) Assets not found
 - (ii) Assets decapitalized
 - (iii) Assets augmented
2. The details of de-capitalization carried out by DTL in its audited accounts shall be analyzed, especially with respect to "Date of Capitalization of asset", "Date of de-capitalization of asset", "GFA on the Date of Capitalization of asset", & "GFA on the Date of de-capitalization of asset".
3. The consultant shall scrutinize details of de-capitalization, in light of replacement/augmentation schemes capitalized by DTL.
4. The consultant shall recompute the details of decapitalization of assets, in light of the directions for decapitalization issued by the Commission, and highlight the discrepancies.
5. For the assets claimed to be augmented, the replaced asset shall be traced to the site informed by the DTL. The consultant shall examine the treatment given to the replaced asset and report accordingly.
- vi) **Activity as per Scope:** The Consultant shall comment on the reasonableness of quantities procured/utilized, capitalization claimed vis-à-vis quantity and estimate 'in-principle' approved by the Commission.

Methodology:

1. The consultant shall scrutinize procurement contracts by which the quantities capitalized are procured.
2. The consultant shall scrutinize capitalization claimed vis-à-vis estimate 'in-principle' approved by the Commission.
3. The consultant shall highlight the schemes in which actual capitalization is in excess of 15% of the approved cost of the scheme.
4. The consultant shall highlight the schemes for which 'In-principle' approval of the Commission is not made available.
5. As to the reasonableness of the quantity of the equipments procured and capitalization claimed, secondary research shall be undertaken for obtaining

information on quantities of similar schemes by any other utility/ organization in other states.

vii) **Activity as per Scope:** *The consultant has to check linkage of schemes with procurement, store and location of that equipment at site, in the SAP system and/or through GIS mapping.*

Methodology:

1. The consultant shall obtain access to SAP system and GIS Network Map of DTL.
2. The linkages of schemes shall be assessed on:
 - a. Procurement
 - b. Store
 - c. Location of equipment at site

viii) **Activity as per Scope:** *After finalization of report, the consultant, if required, shall attend meetings and provide support in Commission/ ATE etc. for issues related to report submitted.*

Methodology:

1. The consultant shall maintain a copy of the report and all background information used during the course of assignment.
2. The consultant shall attend meetings and provide support in Commission/ ATE etc. for issues related to report submitted as and when required.
3. The consultant shall present evidences, data, information etc. in Commission/ ATE etc. in issues related to the assignment.

Minimum Resource Deployment :

Personnel	Minimum Qualification	Number of Personnel
Team Leader	Essential- BE (Electrical/ Mechanical) Desirable- MBA	1
Resource Deployment Document verification & Analysis		
Regulatory Expert	Essential- BE (Electrical) Desirable- MBA	1
Financial Expert	Essential- MBA (Finance) or CA or equivalent	1
Document Surveyor	BBA/ B. Com	4
Resource Deployment for Physical Verification of Assets		
Technical Expert	BE (Electrical)	1
Supervisor	Diploma in Electrical Engg.	2
Field Surveyor	ITI	4

	Note: If required, the consultant shall deploy additional resources as indicated above so as to complete the assignment within the timelines stipulated in Clause 6 of this document. No additional payment shall be made for deployment of such additional resources by the consultant.
5.	Submission of Report: The consultant shall prepare the report indicating year-wise details including the following: - Verification of year-wise capitalization, covering the terms of reference. - Assessment regarding compliance with Competitive Bidding Guidelines of the Commission. - Reasonableness of quantities procured/utilized, capitalization claimed vis-à-vis quantity and estimate 'in-principle' approved by the Commission. - Any other information necessary to verify year-wise capitalization as reflected in the books of DTL.
6.	Completion of Assignment: The consultant shall complete the assignment within Six months from the date of award. The consultant shall furnish a progress report every fortnight in the format decided by the Commission. The Commission shall review the progress every month. The Commission may relax completion period, if there are reasons beyond the control of consultant to complete the assignment; however no extra payment shall be granted for such delay.
7.	The Commission shall facilitate the consultant in making available necessary information/documents from the DTL, that may be required in carrying out the assignment, such as : - List of schemes - Detailed BOQ of schemes indicating SAP nos. & Item codes of various equipments - GIS maps of the schemes - Fixed Asset Register - Details of 'in-principle' approval by the Commission - Scheme wise break-up of capitalization amount into Material, labour & transportation, civil works, A&G, Employee cost, IDC, RR charges, LD if any, etc. - Scheme wise details such as Date of start, scheduled & actual dates of completion, date of capitalization etc. - Details of funding of Capitalization

	• RR receipts issued by civic agencies • Request For Proposals (RFPs), Bid Evaluation documents, Purchase orders etc • EI certificates • Reconciliation report in case of Deposit Schemes • Details of de-capitalization such as, date of Capitalization and de-capitalization of asset, GFA on the Date of Capitalization and Date of de-capitalization of asset, etc • Data relating to stores • Relevant Guidelines/Policies/Directions issued by the Commission
8.	The address for submission of proposal and requesting clarifications is: The Secretary, Delhi Electricity Regulatory Commission, Viniyamak Bhawan, C-Block, Shivalik, Malviya Nagar, New Delhi – 110 017. Telefax: 011-26673608, E-mail: secyderc@nic.in
9.	The bidder should possess expertise in the following areas: • Proven experience of handling assignments for power utilities/ infrastructure companies/ government departments/ PSUs, with respect to estimation of cost, BOQ of Capital Expenditure Schemes (Capex), Capitalisation, Procurement process etc. in last ten years. The relevant documents of such experience shall also be submitted along with Technical Bid. • Bidder must demonstrate expertise in costing of both electrical and civil works. Note: Bidder shall submit Completion certificate/ Work Order in support of the assignments carried out. Any experience not supported by the Completion certificate/ Work Order shall not be considered during evaluation. The bidder shall meet the following minimum criteria:- • Minimum Annual Turnover (MAT) of the bidder for any three of the last five financial years from the last date of tender submission should be more than Rupees One Crore. • The bidders shall submit copies of Annual Financial Report (Balance Sheet and profit & Loss A/c) of last three years, PAN/TIN No. and filing of Income Tax return for last three years.
10.	For this assignment, consultants shall set up a project office in Delhi and deploy adequate resources during the course of this assignment and endeavour to ensure completion as per schedule.
11.	Bidders who can commit full time manpower on regular employment exclusively for

	the assignment of the Commission will be eligible for consideration. The Commission will require firm assurance in the Technical bids itself that the professional staff committed for the assignment will be actually working and dedicated for the task. The key professional staff shall be the same as proposed in the Form 2 of the bid document and normally not be changed during the course of the assignment unless approved by the Commission.
12.	Bidder can be a Government entity or a Government owned company/PSU or a private firm or consortium, with one lead partner for submitting the proposals. Where the bid is submitted by a consortium, the written consent of each member of the consortium to participate in the bid on the basis of joint and several liabilities to the DERC for the performance of the service shall be provided along with the bid. There should be a written, binding agreement between the members of the consortium. Qualifications & responsibilities of the lead partner and other members of the consortium shall be clearly spelled out. As regards to Minimum Annual Turnover (MAT) criteria given in Para 9 above, the lead partner shall meet not less than 40% of the criteria. Each of the other partner(s) shall meet individually not less than 25 % of the criteria and the Consortium must collectively meet the criteria given at Para 9 above. The bid shall be submitted by the lead partner along with the copy of the arrangement/ agreement. Change in consortium shall not be permitted before award of the Contract. Change in consortium after award of the Contract is permissible only after approval of the Commission.
13. A	The bidders shall have an obligation to disclose any situation of actual or potential conflict that impacts their capacity to serve the best interest of the Commission or that may reasonably be perceived as having this effect. The bidder shall not be hired for the assignment if it would be in conflict with their obligations in last 5 years from the Bid Opening date with Delhi Tranco Limited or that may place them in a position of not being able to carry out the assignments objectively and impartially. The bidder shall not be hired for any assignment whose Key Staff (Team Leader, Regulatory Expert, Technical Expert, & Financial Expert) would be in conflict with their obligations in last 5 years from the Bid Opening date with Delhi Transco Limited. Bidders shall furnish whether they have undertaken any such work for DTL in Delhi in last 5 years. Wherever any party is currently undertaking any of the above work or

	has undertaken the same over the last five years for DTL, the bidder shall not be assigned the work. The bidder shall not be hired for the assignment that would be in conflict with their prior or current obligations to their other clients or that may place them in a position of not being able to carry out the assignments objectively and impartially. The Commission's decisions in these matters will be final and binding on all parties. The Bidder shall disclose the details of all assignments undertaken during last five years, as per Form-6.																		
13.B	The bidders shall disclose in Form-7, any instances in which they have been debarred/ black listed by any government department/company, PSU in last 5 years or the Performance Bank Guarantee submitted by them has been encashed by any government department/company, PSU in last 5 years. Bids of such bidders shall not be considered. The Commission's decisions in these matters will be final and binding on all parties.																		
14.	i. Proposals, all related documents and subsequent reports (in case of selection as Consultant) shall be submitted in ENGLISH only. ii. Consultants are required to quote the prices in Indian currency only exclusive of taxes and other statutory levies. Proposals must remain valid for 6 calendar months from the date of opening of the bids. The bids valid for a period shorter than the specified period shall be rejected as being non-responsive.																		
15.	The Bid Schedule shall be as under: <table><tr><td>1</td><td>Pre-bid meeting with prospective bidders</td><td>26.08.2020 at 1500 hrs</td></tr><tr><td>2</td><td>Last Date of Receipt of Bid Proposals</td><td>09.09.2020 at 1500 hrs</td></tr><tr><td>3</td><td>Opening of Technical Bids</td><td>16.09.2020 at 1600 hrs</td></tr><tr><td>4</td><td>Evaluation results of Technical Bids</td><td>30.9.2020</td></tr><tr><td>5</td><td>Opening of Financial Bids</td><td>05.10.2010</td></tr><tr><td>6</td><td>Selection and Award of Assignment</td><td>12.10.2020</td></tr></table> Note: The time line for S.no. 4, 5 & 6 may be changed in the interest of expediting the work.	1	Pre-bid meeting with prospective bidders	26.08.2020 at 1500 hrs	2	Last Date of Receipt of Bid Proposals	09.09.2020 at 1500 hrs	3	Opening of Technical Bids	16.09.2020 at 1600 hrs	4	Evaluation results of Technical Bids	30.9.2020	5	Opening of Financial Bids	05.10.2010	6	Selection and Award of Assignment	12.10.2020
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5	Opening of Financial Bids	05.10.2010																	
6	Selection and Award of Assignment	12.10.2020																	
16.	i. Separate Technical and Financial proposals are required to be submitted for																		

	the assignment. Separate sealed covers shall be submitted for the Financial Bid, Technical Bid, and EMD. The Bidder shall submit only one original set of the Bid. The envelopes shall mention name of assignment and content of envelope (Technical Bid/Financial Bid/EMD) at the top, and the name of the submitting bidder at the left hand corner of the envelope. The bids shall be submitted in the enclosed formats (Form 1 to 7). ii. Earnest Money Deposit of Rs. 50000/- (Rupees Fifty Thousand only) in form of a Pay Order/ Demand Draft in favour of the Secretary, DERC, payable at New Delhi, shall be kept in a separate sealed envelope. Any tender not accompanied by acceptable Earnest Money Deposit will be summarily rejected as non-responsive. iii. <u>All the three envelopes, i.e., technical bid, financial bid, and Earnest Money Deposit shall be sealed in a large envelope. This envelope shall mention name of assignment at the top and the name of the submitting bidder at the left hand corner of the envelope. In case, separate envelope carrying suitable EMD is not found in the large envelope, technical bid of such bidders shall not be opened.</u> iv. The Technical bids shall not indicate particulars of the Financial bids otherwise the bids shall be liable to be rejected. All Technical documents like literature, catalogues, etc. shall be placed in the same sealed cover. v. The proposal shall clearly indicate the names and designations of the key persons (Team leader, Regulatory expert, Technical expert, & Financial expert), who shall be available to the Commission on full time basis along with the time schedule of availability of other team members showing the exact times of their availability in accordance with Form 3. vii. Each page of bid should be numbered and signed by the authorized signatory with the seal of the firm and the forwarding letter must indicate the details of the enclosures attached. Further, any cutting, addition or overwriting on any page of the bid, shall be clearly marked and signed by the authorized signatory. viii. A Power of Attorney duly notarised by the Notary Public, indicating that the person(s) signing the bid has the authority to sign the bid and that the bid is binding upon the Bidder during the full period of its validity, shall be submitted.
17.	Criterion for Technical evaluation- • <u>Specific experience of the bidders</u> relevant to the assignment, mandatorily accompanied by completion certificates/work orders. • <u>Qualification and competency of the Key professional staff</u>, who will be actually working on the project, will be evaluated. The sub-criterion to be

followed for evaluation of the key professionals shall be (a). Educational Qualifications and (b). Adequacy for the assignment/job (i.e. experience in carrying out similar assignments/Jobs).

- Quality of capabilities highlighted by the bidder during the presentation on following aspects related to the assignment :
 - Understanding of the objectives of the assignment
 - Approach to the assignment
 - Understanding of the Methodology for carrying out the assignment
 - Compatibility of methodology with proposed approach
 - Understanding of the Terms of Reference
 - Ability to translate the TOR into a feasible work plan
 - Work plan and work schedule

Technical Evaluation Criteria is summarized as under:

Criteria	Maximum Marks Allotted
The bidder relevant experience for the assignment (A)	20
Assignments undertaken in last ten years for power utilities/ infrastructure companies/ government departments/ PSUs with respect to following: ➤ Verifying documentation related to procurements, -10 marks review of cost estimate, BOQ, Verification of Stores, and related documentation (5 marks per assignment, maximum marks-10) ➤ Physical verification of assets, monitoring -10 marks of physical progress of project (5 marks per assignment, maximum marks-10)	
The qualification of the key staff proposed (B)	60
Team Leader – An Electrical/ Mechanical engineer having relevant experience	
Minimum 8 years of experience in power Transmission & distribution sector/ regulatory matters/ procurements & stores	15
Master in Business Administration or equivalent	10
Regulatory Expert - An Electrical engineer having relevant experience	
Minimum 3 years of experience in power Transmission & distribution sector/ regulatory matters	10
Master in Business Administration or equivalent	5
Financial Expert - A Professional in Finance (Master in Business Administration (Finance) / Chartered Accountant or equivalent) having relevant experience	
Minimum 3 years of experience in power Transmission &	10

	distribution sector/ regulatory matters/ procurements & stores	
	Technical Expert – An Electrical engineer having relevant experience	
	Minimum 3 years of experience in power Transmission & distribution sector	10
	The Quality of capabilities highlighted by the bidder during the presentation (C)	20
	The bidder shall give a presentation highlighting their capabilities on following aspects related to the assignment : ➤ Understanding of the objectives of the assignment ➤ Approach to the assignment ➤ Understanding of the Methodology for carrying out the assignment ➤ Compatibility of methodology with proposed approach ➤ Understanding of the Terms of Reference ➤ Ability to translate the TOR into a feasible work plan ➤ Work plan and work schedule	
	Total (A + B + C)	100
	The Commission reserves the right to reject the candidature of one or more bidders at the stage of evaluation of the Technical Bid if the Commission is of the opinion that the participation of such bidder(s) in this sensitive exercise of prudence check would be detrimental to public interest.	
18.	The technical bids shall be qualifying in nature and shall have no bearing on financial evaluation. Qualifying Criteria in Technical Bid: i) The bidders have to secure minimum 50% of the marks under each head i.e., bidder Experience, Qualification of the Key Staff, and the capabilities highlighted during the presentation, to qualify. & ii) The minimum qualifying total score, for the Technical Bid shall be 70. The financial bids of only those bidders shall be opened who qualify in technical bids. After completion of the technical evaluation, the Commission shall inform those bidders whose proposals do not meet the minimum qualifying mark or are considered non-responsive to the Technical requirement, and the financial proposal etc. of such non-responsive bids shall be returned un-opened on completion of the selection process. The list of bidders whose offers have been selected after technical evaluation shall be displayed at the website and notice board of the Commission's Office. Such selected bidders may attend the opening of financial bids at the office of the Secretary, DERC on scheduled date or as intimated by the Commission.	
19.	Financial Evaluation:	

	The financial proposals of the pre-qualified bidders shall be opened in presence of those bidders or their representatives whose bids are short listed after technical evaluation. The proposal with lowest quote (L1) shall be considered for award of assignment.
20.	The Commission will discuss the detailed work plan with the selected bidder. Any suggestions that the bidder has, related to staff details, activities to be undertaken by the consultants, reporting, etc. as also the inputs required from the DERC to ensure satisfactory implementation of the assignment, shall be discussed with the bidder and finalized. These discussions will be on the strict understanding that the amount quoted in the Bid document will not be increased for any reason whatsoever.
21.	Having selected the Consultant, DERC shall award a contract on the basis of the staff named in the proposal and, prior to the award of contract, shall require an assurance that the staff mentioned in the Form 2 of the Bid document will be actually available and deployed for this assignment. DERC will not consider substitutions during the contract period except in cases of genuine hardship subject to the satisfaction of the Commission. DERC may hold review meetings fortnightly, or more frequently if so needed, with the Consultant during which senior/key personnel of Consultant shall be present.
22.	i. The successful bidders shall enter into a contract agreement with the Commission for work awarded to them in the prescribed format as per Annexure 'III' and shall commence the assignment as per schedule assigned by the Commission. ii. The successful bidder shall furnish a "Performance Bank Guarantee" before signing the contract agreement equal to 10% of the value of contract, which shall be valid for 6 months after the completion of the assignment. iii. If the bidder, finally selected for award of contract on basis of above procedure, fails to furnish the Performance Bank Guarantee or enter into a contract within fifteen working days from the award of work, the Commission may invite L2 bidder for award of the contract for carrying out the assignment.
23.	The consultant shall not utilize or publish or disclose or part with any statistics, data or information collected for the purpose of Commission, without the written consent of the Commission. The consultant shall be duty bound to hand over the entire records of assignment to the Commission before the expiry of the contract.

24.	The Commission reserves the right to award the total assignment or to delete any part of assignment or reject any bid without assigning any reasons for the same. Failure to provide all information or conceal any information material to award of contract shall be at bidder's own risk and may result into rejection of the proposal.								
25.	The financial proposal submitted in Form 5 shall be a firm and unconditional proposal for the execution of the scope of assignment given in the contract.								
26.	Deliverables and timelines shall be as per Annexure 'II' : The Consultant shall deliver the following to DERC for above scope of work:- • The work plan of the assignment. • Back-up data/information/documents to justify the physical verification of assets. • Any other report/data incidentally required. • Soft copy of all the documents along with source codes								
27.	The bidder shall submit financial bid in respect of the Scope of work in Form 5. The evaluation shall be made based on the total value of contract.								
28.	Other Issues: The above description of scope of consultancy is purely indicative and not exhaustive. Changes/additions can be made by DERC as a better understanding develops, to enhance the value of the study, without changing its basic nature.								
29.	<u>Terms of payment</u> Consultant shall be paid Consultancy charges on completion of milestones as under: <table border="1"> <thead> <tr> <th>Milestones as per which invoices for fees shall be raised by consultant</th><th>% of contract value</th></tr> </thead> <tbody> <tr> <td>Submission of Draft Report to the Commission</td><td>30 %</td></tr> <tr> <td>Submission of final Report to the Commission</td><td>30%</td></tr> <tr> <td>After acceptance of Report by the Commission</td><td>40%</td></tr> </tbody> </table> ○ If during the course of execution of the assignment, the Commission decides to change the number of schemes for Physical verification, payment shall be made on pro-rata basis for actual number of schemes physically verified. Number of schemes for Physical verification may vary by $\pm 15\%$ from quantity mentioned in form 5. ○ Consultancy charges in respect of analysis, discussion, support, presentation before the Commission during the meeting etc. shall be inclusive in total contract value. ○ No other charges shall be payable. The consultant shall furnish lump sum remuneration / cost including all expenditure such as travelling, stationary, telephone etc. The statutory taxes& duties shall be quoted separately.	Milestones as per which invoices for fees shall be raised by consultant	% of contract value	Submission of Draft Report to the Commission	30 %	Submission of final Report to the Commission	30%	After acceptance of Report by the Commission	40%
Milestones as per which invoices for fees shall be raised by consultant	% of contract value								
Submission of Draft Report to the Commission	30 %								
Submission of final Report to the Commission	30%								
After acceptance of Report by the Commission	40%								

	○ All payments as indicated above shall be released within Thirty (30) days of the receipt of invoice subject to terms and conditions as per the agreement executed between the consultant and DERC
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PROPOSAL SUBMISSION LETTER

To:

**The Secretary,
Delhi Electricity Regulatory Commission
Viniyamak Bhawan,
C-Block, Shivalik,
Malviya Nagar,
New Delhi – 110 017**

Sir,

We, the undersigned, offer to provide the consultancy services for undertaking the assignments relating to Review of Capitalization of Assets of the Delhi Transco Limited (DTL) FY 2017-18 & FY 2018-19 in accordance with your bid..... (ref. No.)

We are hereby submitting our proposal for assignment in the prescribed formats, which includes the Technical Proposal and the Financial Proposal sealed under separate envelopes. Each page of the proposal has been numbered and signed by the Authorized Signatory.

A Power of Attorney duly notarised by the Notary Public, indicating that the person(s) signing the bid has the authority to sign the bid and that the bid is binding upon the Bidder during the full period of its validity is enclosed.

It is also confirmed that we have not undertaken any assignment during last 5 years, and are not presently handling any assignment, that would be in conflict with this assignment or place us in a position of not being able to carry out this assignment objectively and impartially.

It is also confirmed that we have not been debarred/black listed by any government department/company, PSU in last 5 years. Further, Performance Bank Guarantee submitted by us has not been encashed by any government department/company, PSU in last 5 years. (duly filled in and signed Form 7 is enclosed)

If negotiations are proposed by the Commission at any stage we undertake to negotiate as per the requirement of the assignment. Our Proposal is binding upon us and subject to the modifications resulting from contract negotiations.

A demand draft/pay order no. _____ dt. _____ for Rs. 50,000/- in favour of Secretary, DERC payable at New Delhi is enclosed herewith.

We understand that you are not bound to accept any Proposal you receive.

Encl. As above

Yours sincerely,

Authorized Signatory:
Name and Title of Signatory:
Name of the Firm:

Technical Proposal**Relevant services carried out in the last five years**
that best illustrate qualifications

(Using the format below, provide information on each reference/assignment for which your firm/entity, individually as a corporate entity or as one of the major companies within an association, was legally contracted)

1. Assignment Name:	
2. Name & address of the client:	
3. (i) Professional Staff including Senior Staff (Project Director/Coordinator, Team Leader) Provided by Your Firm/entity (attach profiles) (ii) No. Of Staff-weeks; duration of assignment	
4. Start Date and Completion Date (Month/Year):	
5. Details of Associated Consultants, if any:	
6. No. Of Months of Professional Staff Provided by Associated Consultants	
7. Approx. Value of Services (in Current Indian Rs.)	
8. Experience Certificate (whether provided or not)	

Note: Please provide documentary evidence (i.e. copy of the work order, contract for each assignment etc.) in the absence of which, the experience shall not be considered for evaluation.

Authorized Signatory

Technical Proposal
Format of Curriculum Vitae (CV) for proposed
Professional Staff/Key experts

1.	Proposed position	
2.	Name of Firm	
3.	Name of Staff and Nationality	
4.	Profession	
5.	Date of Birth	
6.	Years with Firm/entity	
7.	Membership in Professional Societies	
8.	Details of task Assigned	
9.	Educational Qualifications	
10.	Work undertaken that best illustrates capability to handle the task assigned (mention name of assignment, year, location, employer, main projects, features, position held and activities performed.	

Authorized Signatory

Technical Proposal**Format of Task Schedule for Key Persons proposed for assignment**

Name	Position	TASK	Committed Time schedule (in days/week)
1.	Team Leader		
2.	Regulatory Expert		
3.	Technical Expert		
4.	Financial Expert		

Authorized Signatory

FINANCIAL PROPOSAL SUBMISSION FORM

To:

**The Secretary,
Delhi Electricity Regulatory Commission
Viniyamak Bhawan,
C-Block, Shivalik,
Malviya Nagar,
New Delhi – 110 017**

Sir,

We, the undersigned, offer to provide the consultancy services for undertaking the assignment relating to in accordance with your bid.

We hereby submit our Financial Proposals in Form 5 for the assignment.

We hereby confirm that the financial proposal in Form 5 is unconditional and we acknowledge that any condition attached to financial proposal shall result in rejection of our financial proposal.

Our Financial Proposal shall be binding upon us subject to the modification resulting from Contract negotiations with the Commission. Each page of the proposal has been signed by the Authorized Signatory.

We understand that you are not bound to accept any Proposal you receive.

We further understand that these costs are all inclusive which include manpower cost, establishment cost, travel expenses and other overheads etc.

Encl. Form 5

Yours sincerely,

Authorized Signatory:
Name and Title of Signatory:
Name of the Firm:
Address:

Financial Proposal
Summary of cost

Part-A

Item	No. of Schemes		Rate per Scheme (INR)	Total Amount (INR)
Physical verification of assets of 100% of schemes (covering any other associated activity as per scope of work) for FY 2017-18 & FY 2018-19	Capital schemes less than Rs. 5 Crore	34		
	Capital schemes more than Rs. 5 Crore	18		
Examination of 100% of the documents related to tendering, evaluation, purchase orders, store documents, road restoration receipts, invoice & payments etc. for all the schemes (covering any other associated activity as per scope of work) for FY 2017-18 & FY 2018-19	Lump sum			
Examination of procurement contracts representing 100% of the amount capitalized in miscellaneous schemes (covering any other associated activity as per scope of work) for FY 2017-18 & FY 2018-19	Lump sum			
Total (INR)				

Part-B

Item	No. Of Days	Rate per Day	Total Amount
Charges (Inclusive of TA, DA & all local expenses) to attend meeting and hearings in the Commission/ ATE etc., as and when required, for issues related to report submitted (after finalization and approval of the report)	15		
Total (INR)			

Grand Total (Part-A + Part-B) = Rs._____

Grand Total in Words: _____

Note: Quoted amount shall be exclusive of all taxes & statutory levies.

Authorized Signatory

Technical Proposal**Disclosure of assignments carried out in last five years**

S.No.	Assignment	Client's Name and Address	Start date	Completion date

This is to certify that no assignment other than mentioned above was undertaken during last five years.

(Authorized Signatory)

Technical Proposal

Instances in which bidder has been debarred/ black listed by any government department/company, PSU in last 5 years or the Performance Bank Guarantee submitted by bidder has been encashed by any government department/company, PSU in last 5 years

S. No.	Assignment	Client's Name and Address	Action taken (Performance Bank Guarantee Encashed/ blacklisted/debarred)	Reason for Action

(Authorized Signatory)

Name of the Utility: DTL							
							(Rs.Cr.)
FY	Capital schemes less than Rs. 5 Crore		Capital schemes equal to and more than Rs. 5 Crore		Total of schemes		Grand Total
	Nos.	Amount	Nos.	Amount	Nos.	Amount	Amount
2017-18	20	14.34	8	156.60	28	170.94	173.50
2018-19	14	20.19	10	362.85	28	383.04	384.62
Total	34	34.53	18	519.45	56	553.98	558.12

Deliverables and Timelines shall be as per the following WORK PLAN AND ACTIVITY SCHEDULE

S. No.	Description	Time schedule
1	Placement of consultants	Date of award of order
2	Kick off Meeting	
3	Submission of Draft Report to the Commission	
4	Presentation on Draft Report to the Commission	
5	Submission of final Report to the Commission	

Note: - The consultant shall fill-up deliverables and timelines as per his proposed activity schedule to complete the assignment within six months.

(Contract Agreement to be signed by Consultant with DERC)

This ARTICLES OF AGREEMENT made on this day of2020

BETWEEN:

Delhi Electricity Regulatory Commission, a statutory Body set up by the Government of NCT of Delhi under the Delhi Electricity Reform Act, 2000 and having its office at Viniyamak Bhawan, C-Block, Shivalik, Near Malviya Nagar, New Delhi – 110 017, hereinafter referred to as the "Commission" (Which expression shall unless excluded by or repugnant to the context or meaning thereof, include its successors and permitted assigns) of the FIRST PART

AND

....., Company registered under the Companies Act, 1956 and having its office at, herein after referred to as the **Party** or the Consultant (which expression shall unless excluded or repugnant to the context or meaning thereof include its successors and permitted assigns) of the SECOND PART.

(The Commission and the **Consultant** are individually referred to as the "Party" and collectively as the "parties").

WHEREAS the Commission, on the basis of open bid has awarded the contract to the party of the SECOND part as a Consultant for work of Review of Capitalization of Assets of the Delhi Transco Limited (DTL) FY 2017-18 & FY 2018-19 explained in the 'Terms of reference' contained in the bid document dated January 2018".

The Consultant has agreed to provide consultancy services to the Commission on the terms and conditions hereinafter contained.

NOW THESE PRESENTS WITNESS and the parties hereto respectively agree as follows:

1., is appointed as consultant of the Commission for the aforementioned assignment. The Consultant shall commence the assignment from zero date, i.e. Date of Award. The Consultant shall execute and complete the assignment as per the work plan and activity schedule mentioned herein: -

WORK PLAN AND ACTIVITY SCHEDULE

S. No.	Description	Time schedule
1	Placement of consultants	Date of award of order
2	Kick off Meeting	
3	Submission of Draft Report to the Commission	
4	Presentation on Draft Report to the Commission	
5	Submission of final Report to the Commission	

2. **Scope of Work / Terms of Reference :**

The scope of work/terms of reference for review of capitalization and physical verification of assets of DTL shall be as under:

The Consultant would be required to verify the year-wise capitalization during FY 2017-18 & FY 2018-19, reflected in the audited books of DTL. While verifying the year-wise capitalization as above, the Consultant shall undertake the following:

- i) examine 100% of the documents related to tendering, evaluation, purchase orders, store documents, road restoration receipts, invoice & payments etc. for all the schemes capitalized and comment on compliance with the competitive bidding guidelines of the Commission as well as reasonableness of costs at which the equipment have been procured.
- ii) examine procurement contracts representing 100% of the amount capitalized in miscellaneous schemes, and comment on compliance with the competitive bidding guidelines of the Commission as well as reasonableness of costs at which the equipment have been procured.
- iii) Analyze various components of capitalization such as labour expense, material expense, A&G and employee expense, road restoration charges, IDC etc. with respect to approvals, guidelines and instructions issued by the Commission from time to time. The Consultant shall also examine the various sources of funding of capitalization such as Equity, Debt & Consumer contribution, rates & timings of borrowings, etc.
- iv) Physically verify 100% of schemes.

- v) Examine the de-capitalization of the assets of the DTL, based on the information submitted by the DTL.
- vi) Comment on the reasonableness of quantities procured/utilized, capitalization claimed vis-à-vis quantity and estimate 'in-principle' approved by the Commission.
- vii) Check linkage of schemes with procurement, store and location of that equipment at site, in the SAP system and/or through GIS mapping.
- viii) After finalization of report, if required, attend meetings and provide support in Commission/ ATE etc. for issues related to report submitted.
- ix) The Consultant shall tabulate year-wise capacities of lines (circuit kms) voltage wise, and also MVA capacities of the transformers as on 31st March of respective years based on available records.

3. **Technical approach & methodology:**

3.1 A **kick off meeting** shall be held in the Commission in presence of the consultant and representatives of the DTL within 7 days of award of assignment. Documents/information related to the assignment and formats in which the information is required shall be finalized.

3.2

- i) **Activity as per Scope:** *The Consultant shall examine 100% of the documents related to tendering, evaluation, purchase orders, store documents, road restoration receipts, invoice & payments etc. for all the schemes capitalized, and comment on compliance with the competitive bidding guidelines of the Commission as well as reasonableness of costs at which the equipment have been procured.*

Methodology:

1. The consultant shall perform scrutiny of Reports and documents pertaining to tendering, evaluation, purchase orders, stores, road restoration receipts, invoice & payments etc. for all the schemes capitalized.
2. The consultant shall perform scrutiny of documents relating to bidding guidelines involved in the tendering of the above.
3. The specific documents shall be scrutinized relating to each scheme:
 - i. Request For Proposals (RFPs)
 - ii. Advertisements of RFPs
 - iii. Response to RFPs from interested parties/ bidders

iv. Bid Evaluation documents

4. For evaluating the compliance with the competitive bidding guidelines the consultants shall perform an Independent Bid evaluation on eligibility of bidders and their scores as per the bid parameters. The findings of this Independent Evaluation shall be compared with the actual Bid Evaluation Reports and the major discrepancies if any shall be highlighted.
 5. As to the reasonableness of the cost at which the equipment have been procured, secondary research shall be undertaken for obtaining information on cost of the similar items being purchase by any other utility/ organization in other states. Available cost schedules shall also be considered for the evaluation.
- ii) **Activity as per Scope:** *The Consultant shall examine procurement contracts representing 100% of the amount capitalized in miscellaneous schemes, and comment on compliance with the competitive bidding guidelines of the Commission as well as reasonableness of costs at which the equipment have been procured.*

Methodology:

1. The consultant shall perform scrutiny of Procurement contracts representing 100% of the amount capitalized in miscellaneous schemes.
 2. The consultant shall perform scrutiny of documents relating to bidding guidelines involved in the tendering of the above.
 3. The specific documents shall be scrutinized relating to each scheme:
 - v. Request For Proposals (RFPs)
 - vi. Advertisements of RFPs
 - vii. Response to RFPs from interested parties/ bidders
 - viii. Bid Evaluation documents
 4. For evaluating the compliance with the competitive bidding guidelines the consultants shall perform an Independent Bid evaluation on eligibility of bidders and their scores as per the bid parameters. The findings of this Independent Evaluation shall be compared with the actual Bid Evaluation Reports and the major discrepancies if any shall be highlighted.
 5. As to the reasonableness of the cost at which the equipment have been procured, secondary research shall be undertaken for obtaining information on cost of the similar items being purchased by any other utility/ organization in other states. Available cost schedules shall also be considered for the evaluation.
- iii) **Activity as per Scope:** *The consultant shall analyze various components of capitalization such as labour expense, material expense, A&G and employee*

expense, road restoration charges, IDC etc. with respect to approvals, guidelines and instructions issued by the Commission from time to time. The Consultant shall also examine the various sources of funding of capitalization such as Equity, Debt & Consumer contribution, rates & timings of borrowings, etc.

Methodology:

1. The consultant shall scrutinize various components of capitalization such as labour expense, material expense, A&G and employee expense, road restoration charges, IDC etc.
2. The consultant shall undertake analysis on adherence to guidelines and instructions issued by the Commission, time to time.
3. The consultant shall examine various sources of funding of capitalization such as Equity, Debt & Consumer contribution, rates & timings of borrowings, etc. Supporting documents for funding shall be examined to establish that the funds have been raised and utilized for the items capitalized in accordance with the guidelines and instructions issued by the Commission, time to time and highlight major discrepancies, if any
4. Components of capitalization such as labour expense, material expense, A&G and employee expense, road restoration charges, IDC etc. shall be benchmarked using the approvals, guidelines and instructions issued by the Commission, time to time and major discrepancies, if any shall be highlighted.
5. For IDC calculations, apart from interest rates allowed by the Commission, the consultant shall also examine time schedules/ time taken for completion of scheme. For the purpose of IDC benchmarking the consultant shall also calculate normative IDC for various types of schemes on the basis of completion schedule of different schemes and compare with actual IDC claimed by the DTL. IDC shall not be allowed for any delay in completion of scheme, attributable to DTL.

iv) **Activity as per Scope:** *The Consultant shall physically verify 100% of schemes.*

Methodology:

1. The consultant shall develop a suitable verification format and get it approved from the Commission.
2. The consultant shall collect all necessary documents such as Bill of Quantity, Fixed Asset Register, GIS Maps etc. required for linkage of assets installed at site with the schemes.

3. The consultant shall carry out physical verification of assets under the schemes vis-à-vis the In-principle approval, Bill of Quantity, Fixed Asset Register, GIS Maps etc. of the schemes.

4. The assets shall be verified on-field for :

- a. Availability of the assets on the indicated locations
- b. Matching the location of the assets from GIS Maps
- c. Matching of asset no./ s.no. etc. of asset with FAR/ BOQ
- d. Specification of the assets as per the contract.

v) **Activity as per Scope:** *The Consultant shall examine the de-capitalization of the assets of DTL.*

Methodology:

1. Based on the information provided by the DTL, in regard to assets not found on site during physical verification (Activity (iv) above), the consultant shall flag such missing assets in following categories:

- (i) Assets not found
- (ii) Assets decapitalized
- (iii) Assets augmented

2. The details of de-capitalization carried out by DTL in its audited accounts shall be analyzed, especially with respect to "Date of Capitalization of asset", "Date of de-capitalization of asset", "GFA on the Date of Capitalization of asset", & "GFA on the Date of de-capitalization of asset".

3. The consultant shall scrutinize details of de-capitalization, in light of replacement/augmentation schemes capitalized by DTL.

4. The consultant shall recompute the details of decapitalization of assets, in light of the directions for decapitalization issued by the Commission, and highlight the discrepancies.

5. For the assets claimed to be augmented, the replaced asset shall be traced to the site informed by the DTL. The consultant shall examine the treatment given to the replaced asset and report accordingly.

vi) **Activity as per Scope:** *The Consultant shall comment on the reasonableness of quantities procured/utilized, capitalization claimed vis-à-vis quantity and estimate 'in-principle' approved by the Commission.*

Methodology:

1. The consultant shall scrutinize procurement contracts by which the quantities capitalized are procured.
 2. The consultant shall scrutinize capitalization claimed vis-à-vis estimate 'in-principle' approved by the Commission.
 3. The consultant shall highlight the schemes in which actual capitalization is in excess of 15% of the approved cost of the scheme.
 4. The consultant shall highlight the schemes for which 'In-principle' approval of the Commission is not made available.
 5. As to the reasonableness of the quantity of the equipments procured and capitalization claimed, secondary research shall be undertaken for obtaining information on quantities of similar schemes by any other utility/ organization in other states.
- vii) **Activity as per Scope:** *The consultant has to check linkage of schemes with procurement, store and location of that equipment at site, in the SAP system and/or through GIS mapping.*

Methodology:

1. The consultant shall obtain access to SAP system and GIS Network Map of DTL.
 2. The linkages of schemes shall be assessed on:
 - a. Procurement
 - b. Store
 - c. Location of equipment at site
- viii) **Activity as per Scope:** *After finalization of report, the consultant, if required, shall attend meetings and provide support in Commission/ ATE etc. for issues related to report submitted.*

Methodology:

1. The consultant shall maintain a copy of the report and all background information used during the course of assignment.
2. The consultant shall attend meetings and provide support in Commission/ ATE etc. for issues related to report submitted as and when required.
3. The consultant shall present evidences, data, information etc. in Commission/ ATE etc. in issues related to the assignment.

Minimum Resource Deployment (details to be filled in as mentioned in bid document):

Personnel	Name	Qualification	Number of Personnel
Team Leader			1
Regulatory Expert			1
Financial Expert			1
Technical Expert			1

Personnel	Qualification	Number of Personnel
Document Surveyor		4
Supervisor		2
Field Surveyor		4

Note: Qualified staff as per bid document shall be deployed at all the above positions. If required, the consultant shall deploy additional resources so as to complete the assignment within the timelines stipulated in Clause 5 of this document. No additional payment shall be made for deployment of such additional resources by the consultant.

4. **Submission of Report:** The consultant shall prepare the report indicating year-wise details including the following:
 - i. Verification of year-wise capitalization, covering the terms of reference.
 - ii. Assessment regarding compliance with Competitive Bidding Guidelines of the Commission.
 - iii. Reasonableness of quantities procured/utilized, capitalization claimed vis-à-vis quantity and estimate 'in-principle' approved by the Commission.
 - iv. Any other information necessary to verify year-wise capitalization as reflected in the books of DTL.
5. **Completion of Assignment:** The consultant shall complete the assignment within Six months from the date of award.

The consultant shall furnish a progress report every fortnight in the format decided by the Commission. The Commission shall review the progress every month. The Commission may relax completion period, if there are reasons beyond the control of consultant to complete the assignment; however no extra payment shall be granted for such delay.

6. agrees and undertakes that the respective tasks shall be performed & completed only by the personnel mentioned in clause 3 of this document and that if any change in the composition of the said team is necessitated, the second party shall seek prior permission of the Commission to effect the changes.

The Commission shall facilitate the consultant in making available necessary information/documents from the DTL, that may be required in carrying out the assignment, such as :

- List of schemes
- Detailed BOQ of schemes indicating SAP nos. & Item codes of various equipments
- GIS maps of the schemes
- Fixed Asset Register
- Details of 'in-principle' approval by the Commission
- Scheme wise break-up of capitalization amount into Material, labour & transportation, civil works, A&G, Employee cost, IDC, RR charges, LD if any, etc.
- Scheme wise details such as Date of start, scheduled & actual dates of completion, date of capitalization etc.
- Details of funding of Capitalization
- RR receipts issued by civic agencies
- Request For Proposals (RFPs), Bid Evaluation documents, Purchase orders etc
- EI certificates
- Reconciliation report in case of Deposit Schemes
- Details of de-capitalization such as, date of Capitalization and de-capitalization of asset, GFA on the Date of Capitalization and Date of de-capitalization of asset, etc
- Data relating to stores
- Relevant Guidelines/Policies/Directions issued by the Commission

7. Consultant shall be paid as under:

(1) Consultancy charges of Rs..... (Rupeesonly) excluding all taxes & statutory levies, as applicable in respect of milestone achieved for completion of assignment shall be as under:

Milestones as per which invoices for fees shall be raised by consultant	% of contract value
Submission of Draft Report to the Commission	30 %
Submission of final Report to the Commission	30%
After acceptance of Report by the Commission	40%

- If during the course of execution of the assignment, the Commission decides to change the number of schemes for Physical verification, payment shall be made on pro-rata basis for actual number of schemes physically verified. Number of schemes for Physical verification may vary by $\pm 15\%$ from quantity mentioned in form 5.

- Consultancy charges in respect of analysis, discussion, support, presentation before the Commission during the meeting etc. shall be inclusive in total contract value.
 - No other charges shall be payable. The consultant shall furnish lump sum remuneration / cost including all expenditure such as travelling, stationary, telephone etc. The statutory taxes& duties shall be quoted separately.
 - All payments as indicated above shall be released within Thirty (30) days of the receipt of invoice subject to terms and conditions as per the agreement executed between the consultant and DERC
- (2) a) The Consultant shall furnish a Performance Security before signing the contract agreement by way of Performance Bank Guarantee @ 10% of the total contract value in a format acceptable to the Commission from any scheduled Bank which shall be valid for a period of six months beyond the scheduled completion date, extendable suitably in case of extension of period of contract.
- b) The payment of fee to the consultant shall be made by the Commission after the deduction of tax at source in accordance with law for the time being in force.
- c) The Commission shall be entitled to evaluate the reports submitted by the consultant at any stage and the Consultant shall incorporate / restructure the report as per the recommendations of the Commission within such reasonable time as may be prescribed by the Commission.
- d) The Commission shall make payments to the consultant within 30 days of the date of receipt of Invoice in the Commissions' office subject to acceptance of deliverables wherever required unless prevented by reasons beyond its control and in the latter case the Consultant shall not be entitled to claim any interest or damages on account of such delay.
8. No TA/DA shall be admissible for the Consultant for journeys in connection with the Consultancy.
9. The Commission reserves its right to foreclose, terminate or cancel the engagement of the Consultant without assigning any reasons. In such cases consultant shall be paid remuneration after taking into consideration the part of work completed prior to such foreclosure, termination or cancellation of the engagement as may be decided by the Commission, and the decision of the Commission shall be conclusive and binding. The remuneration so fixed and paid shall be deemed to be the final payment in such cases.

10. In case of any differences or disputes between the parties arising out of this AGREEMENT, the matter shall be referred to the sole arbitration of the Chairperson, Delhi Electricity Regulatory Commission or his nominee, in accordance with the provisions of the Arbitration and Conciliation Act, 1996.
11. Any information of confidential nature, which may be so marked by the Commission, which comes to the knowledge or in the possession of the Consultant or of any of its employees by virtue of their engagement on subject matter of this contract shall not be disclosed by the Consultant or its employees to any unauthorized person in any manner. Any breach of this clause without prejudice to any other action that may be initiated as per law, shall also subject the Consultant to a liability to pay to the Commission such compensation as may be decided by the Commission keeping in view the nature, manner and motive of the information disclosed and the extent of the damage caused by such unauthorized disclosure.
Provided that any information that was (a) rightfully already known to Consultant at the time of its disclosure, (b) independently developed by Consultant without referring to the Commission's confidential information, (c) known to the public through a source other than Consultant, or (d) disclosed to Consultant by a third party not having an obligation of non disclosure to the proprietor of the information, shall not be deemed to be confidential information for the purposes of this agreement. Provided further that the obligation of confidentiality on Consultant shall not apply where such confidential information is required to be disclosed under any law.
12. The Consultant undertakes that this assignment shall not be in conflict with its prior or current obligation to other clients nor shall it place him in a position of not being able to carry out the assignments objectively and impartially.
13. A team constituted by the Commission shall evaluate the deliverables submitted by the Consultant. The team shall finalize the deliverables within 15 days of receipt of the same from the Consultant. The Consultant shall within a reasonable time incorporate/restructure the deliverables as per the recommendations of the said team.
14. It is mutually agreed between the parties that the time will be the essence of this CONTRACT/AGREEMENT. The Consultant, the party of the second part, shall adhere to the time schedule as prescribed in this AGREEMENT and complete the work within the stipulated time frame, failing which the party of the second part would be liable to pay a penalty upto Rs.5000/- per day, for each day of delay attributable solely to the CONSULTANT's subject to the maximum amount of 10% of total contract value stipulated in this AGREEMENT. The Commission may relax completion period, if there are reasons beyond the control of consultant to complete the assignment; however no extra payment shall be granted for such delay. The Commission's decision in the matter will be binding on all parties.

15. In case the party of the second part fails to fulfil its obligations, the Commission would be entitled to invoke the performance Bank Guarantee as furnished by party of the second part and the amount mentioned in the Performance Bank Guarantee shall stand forfeited.
16. In respect of any matter for which no provision has been made in this agreement, the provisions contained in the general instructions of the Government on the subject of engagement of CONSULTANT shall apply. All the letters issued by the Commission and the proposal and clarifications submitted by the CONSULTANT shall form part of this agreement.

IN WITNESS WHEREOF Shri _____, an authorized officer of the Consultant and Secretary to the Commission on behalf of the Commission have hereto put their hands on the day and the year first above written.

(_____)

On behalf of
Consultant

(_____)

Secretary
DERC

Witness:

1.

2.