

**TERMS OF REFERENCE**  
**FOR**  
**Application from Individuals for**  
**Appointment as Consultant to MERC.**

**1 INTRODUCTION**

**Maharashtra Electricity Regulatory Commission (MERC)** was established on August 5, 1999 under the Electricity Regulatory Commission Act, 1998, a Central Act which was superseded by Electricity Act, 2003 (EA 2003). The Commission under Section 86 of the EA 2003 undertakes various functions, such as, determination of tariff for generation, transmission and wheeling of electricity; bulk or retail supply of electricity, as the case may be, within the State of Maharashtra; regulate electricity purchase and procurement process of Distribution Licensees; issue Licenses for Transmission, Distribution, and Trading of electricity and promote generation/co-generation of electricity from renewable sources of energy.

**2 Background of the Functions of the Commission;**

The generation of Power has been delicensed under EA 2003. The Transmission and Distribution utilities do need Licenses from the Commission to operate. The Functions of Commission include among others, Adoption of Tariff Determination through Competitive Bids as per Govt Of India Guidelines, Determination of Multi Year Tariff (MYT), review and approval of Aggregate Revenue Requirement (ARR), Annual Performance Review (APR) and truing up the ARRs of the Electrical Utilities engaged in Generation, Transmission and Distribution of Electrical Power to the Consumers in the State. These utilities include MSEPGCL/MSETCL/MSEDCL/BEST, The Tata Power Company Limited (TPC), Reliance Infrastructure Limited (R-Infra), JSW Energy Ratnagiri Ltd (JSWERL), Wardha Power Company Ltd (WPCL), Amravati Power Company Ltd (APCL), GMR Power Ltd., and host of Utilities in renewable and non-conventional Energy sectors., The Commission also acts as adjudicator in the disputes between utilities and facilitates solving Consumer grievances through Consumer Grievance Redressal Forum (CGRF) Ombudsman. The Commission also advises GOM

from time to time on various issues relating to Power. The Commission issues orders on Petitions filled by the Utilities/Consumers/Other various stakeholders after following due regulatory procedure laid down in Electricity Act, 2003 and relevant Regulations made by the Commission.

**3.** The Commission is assisted by officers and Consultants in the analysis of the data submitted by petitioners/utilities. Therefore, there is a need to form a Market Monitoring cell in the offices of the Commission.

**4.** **MERC** intends to engage qualified Marketing Professionals and experienced Individual Consultants having proven track record of around 10 years in related field, for providing advisory /consultancy services to the Commission on Contract basis.

**5. Scope of Work/Job Responsibility:**

- Keeping track of Power Sector and related developments, Policy Changes both from Utilities and Consumers' point of view.
- Keeping track of the orders issued by CERC and SERCs' which may be touching policy issues and of interest to MERC.
- Keeping track of orders of Electricity Appellate Tribunal of interest to MERC.
- Gather, understand, analyze and present appropriate Power Market data
- Notes on the media coverage of various Power Projects covering new sanctions, commissioning, outages and any other related information.
- Notes on news items of interest to MERC
- Power Price movements.
- Periodic analysis of factors like fuel etc that may affect the short, medium and long term power prices in the country in the context of the power purchases by distribution utilities.
- Writing and editing articles & documents as may be directed.
- Any other task as may be assigned by the Commission.

**5.1. Eligibility Criteria:**

The Consultant proposed for engagement shall be well acquainted with the Power Sector developments in the Country in all its facets. Ability to

Network with various agencies dealing with Power and its development will be added advantage.

Request for Proposals from only those Marketing / Journalism Professionals who have proven skills and ability to understand and assimilate data on various Power sector related issues like Fuel (Mining related), Land, MoEF clearances, sources of BTG and BOP packages, Power prices etc.

**5.2. Educational Qualifications:**

Degree in Engineering/Post Graduate Degree in Commerce/Business Administration/ Mass Communication/Journalism/ Engineering / Power Systems or MBA (Financial Management / Power Management/ PR/Marketing) from AICTE approved University / Institute or From a recognized university.

**5.3. Experience:**

The candidate should have minimum 10 years' experience in the related field especially in the area of Power Sector and should have knowledge of developments in that sector. The individual is required to submit documentary evidence in support of the experience.

Preference would be given to the candidates having experience in editing /publishing energy related articles, and ability in Economic Analysis, Modeling and Statistical techniques and having flair in writing.

**5.4. Age Limit:**

Candidate should not be more than 45 years of age as on 22<sup>nd</sup> June, 2011.

**5.5. Communication and Drafting Skill:**

Should have good communication and interpersonal skills with a strong flair for in depth analysis and good drafting skills.

**5.6. Computer Literacy:**

Computer Literacy is compulsory.

**6. Types of appointment:**

The appointment will be on contract basis. The individual consultant engaged on contract basis shall work minimum for 22 days in a month or more from the Commission's office.

**7. Accommodation:**

The Consultant needs to have own accommodation facility in Mumbai or nearby places. No accommodation will be provided by the Commission.

**8. Contract Period:**

Initial contract would be for minimum period of 1 year extendable for further period as may be decided by the Commission

The Selected candidate should furnish attested copies of certificates in support of educational qualifications and documents supporting to experience and other claims as above.

**9. Terms of Payment:**

The payment would be on the basis of actual working days in a month, subject to a maximum of the approved monthly retention fee. One working day would constitute work of eight hours. Payment for the consultants appointed on regular basis would be made every month after their satisfactory working during the month and submission of worksheet of work carried out during the month.

**10. Tax Deduction at Source:**

The Income Tax or any other tax liable to be deducted, as per the prevailing rules will be deducted at source before effecting the payment, for which the Commission will issue TDS Certificate/s. Service Tax, as applicable shall be payable extra, at the prevalent rates.

**11. No extra charge:**

The monthly fees approved by the Commission in the Contract, will be inclusive of the costs of Consultant's travel, lodging and boarding, and also all incidental expenses, professional fees etc. No separate charges will be payable by the Commission on any such account. However, in case the Consultant are required to travel outside Mumbai in the context of the work/assignment, the Commission shall reimburse the actual cost as per the Rules/Regulations of the Commission.

The Consultants shall keep the Commission and all the concerned Utilities (MSEDCL, MSETCL, MSPGCL, BEST, TPC, RINFRA, MPECSL and any other ) to be visited, indemnified from any damages, on any account.

**12. Confidentiality of data and documents**

The Intellectual Property Rights (IPR) of the data collected as well as the deliverables produced for the Commission shall remain with the Commission. No one shall utilise or publish or disclose or part with, to a third party, any part of the data or statistics or proceedings or information collected for the purpose of this assignment or during the course of the assignment for the Commission, without the express written consent of the Commission. The Consultant shall be bound to hand-over the entire set of records of assignment to the Commission before the expiry of the contract, and before the final payment is released by the Commission.

**13. Conflict of interest:**

The consultant appointed by the Commission, shall in no case represent or give opinion or advice to others in any matter which is adverse to the interest of the Commission.

**14. The Commission reserves the rights, as follows:**

To decide to cancel this advertisement, and not to proceed in the matter, at any stage accept or reject any or all applications, without giving any explanation, whatsoever.

**15. Operation of the Contract:**

Immediately on entering into a Contract for work, as above, the detailed work plan, and dates for the milestones for monitoring progress of various works shall be discussed and finalised for Consultant. The Commission is not responsible for any accidents occurred at the time of execution of the works under this contract.

**16. Termination of Agreement:** The Commission may terminate a contract to which these Terms apply if:

- The Consultant is unable to address the assigned works,
- Quality of the assigned works is not to the satisfaction of the Commission
- The Consultant fails in timely achievement of the milestones as finally decide by the Commission.
- The Consultant is found lacking in honesty and integrity;
- The Commission reserves the right to terminate the contract, by giving fifteen days' notice to the Consultant.

Termination shall be effected by written notice served on the Consultant and shall take effect in 15 days of delivery of such notice. The termination will be without prejudice to either party's rights accrued before termination.

**17. Governing law:**

The contract shall be governed by and construed in accordance with the laws of the Republic of India.

The Consultant shall provide a concept note about his understanding of the task/scope of the work he is supposed to undertake while working with MERC under the present contract. The consultant shall also make a Power Point presentation to the commission/ interview committee at the time of interview.

The application shall contain **updated curriculum vitae (CV)** of the Consultant for deployment on Regular basis . Key information should include: total number of years of experience, professional qualifications and degree of responsibility held in various assignments during the last five years. Curriculum Vitae of the

consultants should clearly and separately identify those assignments, directly relevant to the proposed contract. (**Annexure-I-C**)

**18. Remuneration:**

Negotiable. Suitable remuneration shall be paid to the right candidate as per relevant experience and qualification.

**19. Basis for Evaluation**

The scrutiny of applications will be carried out by the Commission on the basis of required qualification & experience of individuals based on the work carried during last ten years.

**20. Guidelines for submission of the Applications:**

The duly completed Application in prescribed format should be submitted so as to reach the office of the Commission on or before **16:00 hrs on 20.07.2011**. In the event of the specified date for the submission of the application being declared a holiday, the application will be received up-to the appointed time on the next working day of Commission's office. Any application received after the above mentioned deadline will be rejected and may be returned.

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**Annexure – I**  
(FORMAT)

Date: \_\_\_\_\_

FROM:

TO:

Secretary,

MERC, Mumbai

**Subject:** “Application for appointment as Consultant on Contract basis for Market Monitoring “

Sir,

I, \_\_\_\_\_, enclose herewith my application for providing services as Consultant in Market Monitoring for advising the Commission as mentioned in para “Task/Scope of Work/” in TOR documents.

Yours faithfully,

Signature \_\_\_\_\_

Full Name \_\_\_\_\_

Designation \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Encl.: *(list of all enclosures)*



**Annexure – I (A)**

(FORMAT)

**Relevant Experience & Track Record**

Date: \_\_\_\_\_

A brief description of similar nature of work as mentioned in TOR documents carried out in the last 10 years.

FROM:

TO: Secretary  
MERC, Mumbai

A. Brief description of the work

B. Significant nature of work carried out in the last 10 years

*(The following information should be given in respect of each major assignment separately.)*

1. Title of assignment
2. Objective of assignment
3. Narrative description of the assignment.
4. Name of the client
5. Address

Yours faithfully,

Signature \_\_\_\_\_

Full Name \_\_\_\_\_

Designation \_\_\_\_\_ Address \_\_\_\_\_

**Annexure-I (B)**

(NO PRESCRIBED FORMAT)

(Not more than 5 pages)

Concept Note on the Understanding of the Task/Scope of work

## Annexure – I(C)

### **Qualifications, Experience and Competence of the Consultant**

#### Curriculum Vitae (CV)

Key Qualifications:

Education:

(Summarize College/University and other specialised education of Consultant, giving names of schools, dates attended and degrees obtained).

Employment Record:

(Starting with present position, list in reverse order every employment held. List all positions held since graduation, giving dated, name of employing organization, title of positions held and location of assignments. For experience in the last ten years, also give types of activities performed and Client references, where appropriate. Use up to three-quarter of a page).

Experience in Utility Business: Position held, Nature of work, Highlights/ Achievements.

Certification:

I, the undersigned, certify that, to the best of my knowledge this bio-data correctly describes myself, my qualifications and my experience.

Signature

Date: