

## **REQUEST FOR PROPOSAL**

(through e tendering process in the web portal : <https://www.wbtenders.gov.in>)

for

**Verification of Deployment of Capital for Investments in Assets and tracking movement of Assets to and fro to determine the impact on tariff for electricity generation/transmission/distribution in respect of Licensees/Generating Companies under West Bengal Electricity Regulatory Commission**

**September, 2018**

**Issued By**

**West Bengal Electricity Regulatory Commission  
Poura Bhawan, 3<sup>rd</sup> Floor, Sector-III  
Kolkata, West Bengal**

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## 1.0 : Fact Sheet

Sl No	Topic
1	Assignment Name and Initiator : Verification of Deployment of Capital for Investments in Assets and tracking movement of Assets to and fro to determine the impact on tariff for electricity generation/transmission/distribution in respect of Licensees/Generating Companies under West Bengal Electricity Regulatory Commission ( <b>WBERC</b> ).
2	Selection: The method of selection is: <i>Price basis</i> through reverse auction after acceptance of Technical Bid Mode of Tendering : e-tendering through the website <a href="https://www.wbtenders.gov.in">https://www.wbtenders.gov.in</a>
3	Earnest Money Deposit (EMD): All the responses must be accompanied by a refundable interest free EMD deposit of INR 50,000/- (Fifty thousand only) w.r.t each licensee as in the BOQ in the form of Demand Draft/Banker's Cheque in favour of "West Bengal Electricity Regulatory Commission", payable at Kolkata. Offer without Earnest Money in desired form w.r.t each licensee will not be considered valid submission of offer and, therefore, will be rejected. The bidder shall have to upload scanned copy of the demand draft(s) on e-tendering website space created for uploading all documents related to the project within the period of tender submission. The actual Demand Draft / Banker's cheque must reach the office of the Commission on or before the scheduled date, as mentioned in the table of Critical Dates mentioned in Sl 10 of this Fact Sheet .
4	Language : Proposals should be submitted in the following language(s): <i>English</i>
5	Bid Price: The Bid price shall be firm and shall be quoted in INR excluding all Taxes, duties and levies. Tax & other charges shall be paid as per applicable laws of the Country and should not be mentioned anywhere in the bid.
6	Validity :Proposals must remain valid for 90 days after the end date for

	submission.																																	
7	Bid Documents-Submission of Proposal : Both Technical & Price Bid are to be submitted on the date mentioned in the critical dates at point 10 of this Fact Sheet duly digitally signed in the website <a href="https://www.wbtenders.gov.in">https://www.wbtenders.gov.in</a> .																																	
8	Hard copy of the proposal as submitted through e-tendering is to be submitted to the office of the Commission at any stage prior to placement of the order , if sought for by the Commission at its office at FD-415A, Poura Bhawan, 3rd Floor, Sector-III Bidhannagar, Kolkata – 700 106 .																																	
9	<p>Assignment Implementation Mode: Assignment is to be implemented in phases as defined in Scope of Work.</p> <p>Place of work-Assignment is to be carried out at the premises of the bidder. WBERC may however, at its' discretion, allow space at WBERC Office for the team carrying out the assignment, if it so desires.</p> <p>Collection of information -Any communication relating to query/wanting information/discussion are to be taken up with WBERC only and never directly with the licensees and generating companies. This should be strictly followed.</p>																																	
10	<p>Critical Dates-</p> <table border="1"> <thead> <tr> <th>Sl. No.</th> <th>Particulars</th> <th>Date &amp; Time</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Date of Publishing NIT and Tender Documents (On line)</td> <td>11.09.2018 after 11.00 Hrs</td> </tr> <tr> <td>2</td> <td>Documents down load start date (on line)</td> <td>11.09..2018 after 16.00 Hrs</td> </tr> <tr> <td>3</td> <td>Last date for submission of queries through e mail</td> <td>18.9.2018 ,16.00 Hrs</td> </tr> <tr> <td>4</td> <td>Pre bid Conference</td> <td>24.9.2018, 11.30 Hrs</td> </tr> <tr> <td>5</td> <td>Uploading of Minutes of Prebid Meeting</td> <td>On or before bid submission start date</td> </tr> <tr> <td>6</td> <td>Bid Submission Start Date (On Line)</td> <td>28.9.2018,11.00 Hrs</td> </tr> <tr> <td>7</td> <td>Bid Submission End Date (On Line)</td> <td>5.10.2018,17.00 Hrs</td> </tr> <tr> <td>8</td> <td>Last date of physical submission of Earnest Money(EMD)</td> <td>9.10.2018,,16.00 Hrs</td> </tr> <tr> <td>9</td> <td>Technical Bid Opening Date (On line)</td> <td>10.10.2018,16.00 Hrs</td> </tr> <tr> <td>10</td> <td>Uploading of Technical evaluation</td> <td>To be intimated later</td> </tr> </tbody> </table>	Sl. No.	Particulars	Date & Time	1	Date of Publishing NIT and Tender Documents (On line)	11.09.2018 after 11.00 Hrs	2	Documents down load start date (on line)	11.09..2018 after 16.00 Hrs	3	Last date for submission of queries through e mail	18.9.2018 ,16.00 Hrs	4	Pre bid Conference	24.9.2018, 11.30 Hrs	5	Uploading of Minutes of Prebid Meeting	On or before bid submission start date	6	Bid Submission Start Date (On Line)	28.9.2018,11.00 Hrs	7	Bid Submission End Date (On Line)	5.10.2018,17.00 Hrs	8	Last date of physical submission of Earnest Money(EMD)	9.10.2018,,16.00 Hrs	9	Technical Bid Opening Date (On line)	10.10.2018,16.00 Hrs	10	Uploading of Technical evaluation	To be intimated later
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11	Financial Bid Opening Date (On Line)	To be intimated later
12	Reverse Auction Date	To be intimated later
13	Up loading of price bid evaluation result after reverse auction	To be intimated later
11	Address & Contact Person- Secretary WBERC FD-415A, Poura Bhawan, 3rd Floor, Sector-III Bidhannagar, Kolkata – 700 106 EMAIL : <a href="mailto:cp-wberc@gov.in">cp-wberc@gov.in</a> , <a href="mailto:jadvfin-wberc@gov.in">jadvfin-wberc@gov.in</a> Phone no : 033-2359-2189, ,2359-3397 Fax : (033)2359-3397	
12	List of Abbreviation – WBERC–West Bengal Electricity Regulatory Commission NIT- Notice Inviting Tender RFP-Request for proposal DSC-Digital Signature Certificate BOQ-Bill of Quantity	

## **2.0 : Request for Proposal (RFP)**

This RFP floated in e-tender mode through <https://www.wbtenders.gov.in> is for Verification of Deployment of Capital for Investments in Assets and tracking movement of Assets to and fro to determine the impact on tariff for electricity generation/transmission/distribution in respect of Licensees/Generating Companies under West Bengal Electricity Regulatory Commission

The deliverables include submission of a detailed report including analysis of data with Certification of the findings and conclusions of the assignment at each Phase. .

The RFP document consists of Phase-wise Scope of work, Timeline Criteria, intended outcome for the WBERC from the project, terms and conditions to be complied with as laid out in Para 1 to 16 of this RFP.

e-Bids are invited for the RFP as specified above in this para from bidders who meet the necessary qualifying requirements as stated in para 6.1, 6.2 and 6.3 of this RFP through e-tendering mode at the webportal <https://www.wbtenders.gov.in> managed by NIC (National Informatics Center).

## **3.0 : Structure of the RFP**

This RFP document for the title assignment as mentioned at clause 2 above comprises of the following.

- i. Instructions on the Bid process for the purpose of responding to this RFP. This broadly covers:
  - General instructions for bidding process (Para 5)
  - Bid evaluation process towards selection of the bidder for award of work (Para 6 )
  - Award Details (Para 7)
  - Payment schedule (Para 11)
- ii. Requirements of the assignment. The contents of the document broadly cover the following areas:
  - About the assignment and its objectives & Outcome (Para 4)

- Scope of work with deliverables & timeline (Para 8 & 9)
- Mode of Assignment (Para 10)
- Legal Jurisdiction (Para 12)
- Fraud and Corrupt Practice (Para 13)
- Termination of Contract (Para 14)
- Patent, Copy right & intellectual property right (Para 15)
- Confidentiality (Para 16)

The bidder is expected to respond to the requirements as completely and in as much relevant detail as possible, and focus on demonstrating bidders suitability to complete the assignment.

The bidders are expected to examine all instructions, forms, terms, Assignment requirements and other information in the RFP documents. Failure to furnish all information required as mentioned in the RFP documents or submission of a proposal not substantially responsive to the RFP documents in every respect will be at the Bidder's risk and may result in rejection of the proposal.

#### **4.0: Background Information**

##### **Basic Information**

WBERC invites responses to this RFP as defined in clause 2 for carrying out the assignment described in "Scope of Work" at clause 8.0 and 8.1 of this RFP against e-Tender floated through NIT No-WBERC/2018-19/NIT-01(e) in the webportal <http://www.wbtenders.gov.in>.

Proposals must be received in e tendering mode within the time and date as mentioned in the Table for Critical Dates at Sl 10 in the Fact Sheet at para 1 of this RFP. Proposals will not be received beyond the stipulated date and time even in any other mode.

#### 4.1 Assignment Background

WBERC proposes to examine the financial particulars of its' Licensees /Generating Companies with focus on tariff incidence conducting Verification of Deployment of Capital for Investments in Assets and tracking movement of Assets to and fro to determine the impact on tariff for electricity generation/transmission/distribution in respect of Licensees/Generating Companies under West Bengal Electricity Regulatory Commission for the purpose of regulatory analysis towards discharge of its functions as defined under section 86 of the Electricity Act, 2003.

- a. While discharging its' statutory function as defined under section 86 of the Electricity Act,2003, WBERC felt the need for depicting a clear picture of the Asset position alongwith their financing in respect of the Licensees/Generating Companies as specified below as has emerged over the last 10 (ten) years through their movement in various modes including procurement/ sale/ transfer/ assignment etc alongwith their use for the benefit of consumers of electricity. This will enable WBERC to determine the tariff of the Licensees/Generating Companies ensuring and safeguarding the interest of the consumers and enabling servicing of the assets & capital in use by the licensees as identifiable transparently .

#### 4.2 Assignment Initiator details

The Govt. of West Bengal constituted West Bengal Electricity Regulatory Commission (WBERC) under sub-section (1) of section 17 of the Electricity Regulatory Commissions Act, 1998 (14 of 1998), vide Notification No. 06-Power/III dated 6.1.1999. The Electricity Act 2003 has come into force w.e.f. 10.06.2003. Thus, WBERC established under section 17(1) of the Electricity Regulatory Commissions Act, 1998 has become the State Commission for the purposes of The Electricity Act, 2003. In terms of the first proviso to sub-section (1) of section 86 of the said Act the State Commission shall discharge the following functions, namely:-

- a. determine the tariff for generation,, wholesale, bulk or retail as the case may be, within the state provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;
- b. regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating



- companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State
- c. facilitate intra-state transmission and wheeling of electricity
  - d. issue licenses to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State.
  - e. Promote cogeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee
  - f. Adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration
  - g. levy fees for the purposes of this Act
  - h. specify Grid Code consistent with the Grid Code specified under clause (h) of the sub-section (1) of section 79;
  - i. specify or enforce the standards with respect to quality, continuity and reliability of service by licensees.
  - j. fix the trading margin in the intra-state trading of electricity, if considered, necessary
  - k. discharge such other functions as may be assigned to it under this Act.

#### 4.3.1 Expected objective & outcome of the Assignment

The Assignment is to be carried out keeping in mind the objectives & outcome of the exercise to be achieved as defined below covering a time horizon of last ten financial years:

- Identifying assets including Fixed Assets , Investments and Current assets in use for the consumers of electricity
- Identifying assets which are not in use for the consumers of electricity
- Identifying events resulting in movement of assets which were prejudicial to the interest of the consumers of electricity
- Identifying own capital including Reserves & Surplus and borrowed capital including short term borrowing as deployed for the assets serviced through tariff and their best use for the consumers of electricity

- Identifying own capital including Reserves & Surplus and borrowed capital including short term borrowing as deployed along the business tree which are not in use for the consumers of electricity
- Identifying events resulting in movement of own capital including Reserves & Surplus and borrowed capital including short term borrowing which were prejudicial to the interest of the consumers of electricity
- Identifying any commercial transaction involving sale, lease, exchange or otherwise and assessing their impact on tariff for consumers of electricity

#### 4.3.2 The estimated timeline required for the assignment

The Assignment is required to be completed strictly as per Timeline stipulated at Clause 9.0 of this RFP.

#### 4.3.3 The inputs which would be provided to the successful bidder on award of this contract

1. Records & Documents related to the Licensees as may be required in course of the assignment.
2. Records & Documents related to the WBERC as may be required in course of the assignment. The requirements may be specified by e-mail to the WBERC on being awarded.

## 5.0 General Instructions to the Bidders

### 5.1 Guidance for e-tendering :

a.Registration of vendor: Any vendor willing to take part in the process of e-tendering will have to be enrolled and registered with the Government e-procurement system, through logging on to <https://wbtenders.gov.in> through which this RFP will be available for display and subsequent submission of bid.

b.Digital Signature Certificate: Each vendor is required to obtain a class II /class III Digital Signature Certificate (DSC) for submission of tenders , from the approved service provider of the Controller of Certifying Authority (CCA) on payment of requisite amount.. Details are available in the website <https://wbtenders.gov.in> DSC is given as a USB e-token. Bid may be

treated as non-responsive if name of the Company differs from DSC to any of the submitted documents. The Vendor can search and download RFP document electronically once he logs on to the website <https://wbtenders.gov.in> using the DSC. This is the only mode of collection of RFP.

## 5.2 General

- a. While every effort has been made to provide comprehensive and accurate background information and requirements, Bidders must form their own conclusions about the outcome needed to meet the requirements.
- b. All information supplied by Bidders may be treated as contractually binding on the Bidders, on successful award of the assignment by WBERC on the basis of this RFP
- c. No commitment of any kind, contractual or otherwise shall exist unless and until a formal written award has been issued by or on behalf of the WBERC. The WBERC may cancel this RFP at any time prior to a formal award by or on behalf of the WBERC.
- d. A Bidder is advised to study all instructions, forms, terms, requirements and other information in the RFP documents carefully. Submission of the bid shall be deemed to have been done after careful study and examination of the RFP document with full understanding of its implications.
- e. Failure to comply with the requirements of this paragraph may render the Proposal non-compliant and the Proposal may be rejected. Bidders must:
  - i) Include all documentation specified in this RFP;
  - ii) Follow the format of this RFP as placed in xls as BOQ, X and Y and respond accordingly.
  - iii) Comply with all requirements as set out within this RFP with special mention to para 5.7.

## 5.3 Issue of Corrigendum

Any corrigendum required to be issued on submission of queries and Pre bid conference or by WBERC on its own, shall be communicated through the website <https://www.wbtenders.gov.in> Such corrigendum shall be deemed to be part of this RFP.

#### 5.4 Right to Terminate the Process

- a. WBERC may terminate the RFP process at any time and without assigning any reason. WBERC makes no commitments, express or implied, that this process will result in a business transaction with anyone.
- b. This RFP does not constitute an offer by WBERC . The bidder's participation in this process may result in WBERC selecting any bidder to engage towards execution of the assignment.

#### 5.5 Earnest Money Deposit (EMD)

All the responses must be accompanied by a valid, refundable interest free EMD deposit of INR 50,000/- (Fifty thousand only) w.r.t each licensee as in the BOQ in the form of Demand Draft/Banker's Cheque in favour of "West Bengal Electricity Regulatory Commission", payable at Kolkata.. Offer without Earnest Money in desired form w.r.t each licensee as in the BOQ will not be considered valid submission of offer and, therefore, will be rejected.

EMD shall be deposited in physical form in an envelope marked as "Earnest Money Deposit for the RFP against NIT No-WBERC/2018-19/NIT-02(e) " at the Office of the WBERC as per address furnished at sl 11 in the fact sheet at para 1 of this RFP on or before the time and date mentioned in the table for Critical Dates at the Fact Sheet . Scanned copy of such instrument shall be uploaded in the website <https://wbtenders.gov.in>. at the time of submission of Bid.

The EMD amount is interest free and will be refundable to the unsuccessful bidders without any accrued interest on it.

- (i) The bid / proposal submitted without EMD, mentioned above, will be summarily rejected.
- (ii) The EMD may be forfeited:
  - If a bidder withdraws its bid during the period of bid validity.

- In case of a successful bidder, if the bidder leaves the assignment without completing the same.
- If the bidder is found to be involved in fraudulent or corrupt practices.
- If a bidder submits false documents as mentioned in Para 5.12.c(iv).
- Any other cause arising in course of Para 14 of this RFP.

**(iii)** The EMD of the unsuccessful bidder will be refunded within seven days from the date of acceptance of the award by the successful bidder. EMD of the successful bidder w.r.t each licensee as in the BOQ will be released in the following manner:

(a) 50% after completion of Phase I of Scope of Work w.r.t the licensee concerned.

(b) Balance 50% after completion of Phase II of Scope of Work w.r.t the licensee concerned..

All the bidders are required to submit their Bank details for refund of the EMD amount without any interest to their Bank Account directly by WBERC.

## 5.6 Submission of Proposals

- The bid is to be submitted through online in the website <https://wbtenders.gov.in> in three folders at a time-Folder I. Documents Folder containing scanned copy of Earnest Money deposit and Technical Bid details, Folder II- Format X and Y in xls. and Folder- III BOQ (Price Bid )in .xls on or before the scheduled date and time using the proper DSC as defined in para 5.1 (b). The bid documents are to be uploaded after virus scan .Documents only in pdf. format are to be submitted. Where an individual person holds a digital certificate in his/her own name duly issued to him against the company or the firm of which he/she happens to be a director or partner , such individual person shall, while uploading any bid document for and on behalf of such company or firm , invariably upload a copy of registered power of attorney showing clear authorization in his favour.
- All documents must be digitally signed by Authorized Signatory bearing the seal of the Firm/Company on all pages.
- The bidders should submit their responses as per the formats given with this RFP Only
- The bid is to be submitted in three folders as (i) Documents (ii) Technical Bid in Annex X and Y in xls.(iii) BOQ (Price Bid )in .xls.
- Earnest Money: Earnest Money shall be deposited in the manner as prescribed in clause 5.5 of this RFP
- Technical Bid : Technical Bid shall contain scanned copy of documents as listed in clauses 6.1, 6.2, 6.3 of this RFP in an orderly manner providing an index of page reference.

- g. Price Bid : Price Bid shall be submitted in the format as given in BOQ in .xls to this RFP.
- h. Failure to submit any of the above documents will render the bid liable to be summarily rejected
- i. The Technical Bid will not be opened if Earnest Money is not received by WBERC within the schedule date as mentioned in the Critical dates in point 10 of Para 1..
- j. Price Bid will be opened i.r.o bidders who have qualified the Technical Criteria determined by the Commission on the basis of information submitted through Form X and Y in xls. and mentioned in the uploaded technical evaluation sheet.
- k. All the pages of the proposal must be sequentially numbered and must contain the list of contents with page numbers before uploading in the website as defined earlier. Any deficiency in the documentation may result in the rejection of the Bid.

## 5.7 Authentication of Bids

A Proposal should be uploaded in the website digitally signed and accompanied by a power-of-attorney in the name of the signatory of the Proposal and uploaded in the website alongwith the proposal.

## 5.8 Preparation and Submission of Proposal –Costs thereof

The bidder shall be responsible for all costs incurred in connection with participation in the RFP process, including, but not limited to, costs incurred in conduct of informative and other diligence activities, participation in meetings/discussions/presentations, preparation of proposal, in providing any additional information required by WBERC to facilitate the evaluation process, and in negotiating a definitive award or all such activities related to the bid process.

WBERC will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.

## 5.9 Language

The Proposal should be filled by the Bidder in English language only.

### Venue & Deadline for Submission of Proposals

Proposals, in its complete form in all respects as specified in the RFP, must be submitted electronically through the website <https://wbtenders.gov.in> as below:

Addressed To	Secretary, West Bengal Electricity Regulatory Commission FD-415A, Poura Bhawan, 3rd Floor, Sector- III Bidhannagar, Kolkata – 700 106
Last Date & Time of Submission	As provided in the table of Critical Dates at Sl 10 of Fact Sheet at para 1 of this RFP

**5.10 Late Bids** The bids are to be submitted electronically only through the website as mentioned at clause 5.9 above of this RFP. The bids submitted by telex/telegram/fax/e-mail/hard copy etc. shall not be considered. No correspondence will be entertained on this matter.

#### **5.11 Pre-Bid Conference**

A pre-bid conference will be held on the date and hour as mentioned in the Table for Critical Dates at Sl 10 of Fact Sheet at para 1 of this RFP to clarify issues on the RFP. Queries relating to the RFP may be mailed to contact mail-id as given in the Fact Sheet at clause 1 of this RFP.

#### **5.12 Bid opening and Evaluation Process**

a. WBERC will constitute a Tender Evaluation Committee to evaluate the responses of the bidders

**b. Opening and Evaluation of the EMD and Technical Bids:**

(i) On the date of opening the Technical Bid as stated in point 10 of para 1, the Document Folder containing EMD and Technical Proposals and Format X and Y will be opened by the Tender opening Committee approved by the Commission electronically from the website as defined in the RFP using their Digital signature Certificate.

(ii) Intending bidders may be present if they so desire.

(iii) The Decrypted documents submitted by the Bidders in response to this RFP with filled in Formats and scanned copy of the Earnest Money Instrument will be downloaded and

handed over to the Tender evaluation Committee by the Tender Opening Committee with their observation.

(iv) Pursuant to scrutiny and examination of the EMD and Technical details of the bidder by the Tender Evaluation Committee and identification of the eligible bidders duly approved by the commission, list of eligible bidders on technical evaluation so approved by the Commission will be uploaded in the website as defined. Such list shall be uploaded before opening the price bid.

(v) Tender Evaluation Committee constituted by the WBERC shall evaluate the responses to the RFP and all supporting documents / documentary evidence. Inability to submit requisite supporting documents / documentary evidence, may lead to rejection.

(vi) The decision of the Tender Evaluation Committee duly approved by the Commission in the evaluation of responses to the RFP shall be final. No correspondence will be entertained outside the process of discussion with the Tender Evaluation Committee as specified in this RFP.

(vii) The Tender Evaluation Committee may ask for meetings with the Bidders to seek clarifications/ information or original copy of any of the documents already submitted on their proposals.

(viii) The Tender Evaluation Committee reserves the right to reject any or all proposals on the basis of any deviations.

(ix) Each of the responses shall be evaluated as per the criteria and requirements specified in this RFP as per format at Annexure X and Annexure Y.

**c. Opening and Evaluation of the Price Bids:**

(i) The Price bid shall contain information as desired in the prescribed format as BOQ in .xls of this RFP and submitted in one separate folder in the website as defined earlier at clause 5.6.a of this RFP. This will be termed as Bill of Quantities (BOQ). The bidder has to quote the rate online in the space marked for quoting rate in the BOQ.

(ii) The Bid price shall be firm and shall be quoted in INR excluding all Taxes, duties and levies.

Tax & other charges shall be paid as per applicable laws of the Country and should not be mentioned anywhere in the bid.

(iii) Only downloaded copies of the above documents are to be uploaded virus scanned and digitally signed by the bidder.

(iv) Submission of false documents by the bidder, if so found, will be referred to relevant authority for prosecution with forfeiture of EMD forthwith.



(v) Price bids will be opened by the Tender Opening Committee as approved by the Commission using their Digital Signature Certificate (DSC). Pursuant to scrutiny and examination of the Price bids, as submitted in the BOQ, by the Tender Evaluation Committee reverse auction will be taken up against each licensee after due approval of the Commission.

(vi) **After opening of the Price Bids Reverse auction will be conducted among techno commercially eligible bidders electronically through the website <https://wbtenders.gov.in> as mentioned at para 5.6 of this RFP on the date specified and communicated.** Start bid price, reserve price for reverse auction, rate of decrement, details of auto extension of auction time will be provided at the time of commencement of Reverse Auction.

Reverse Auction will be conducted on the L1 price by the system. Since the L1 price as will be arrived at after Reverse Auction will have no tax component as per BOQ, taxes as applicable will be paid extra, and will be mentioned in the letter of award to the successful bidder.

During Reverse Auction, the Bidders' names will be masked and the bidders will be able to see the prices quoted in real time to know the status of their bid.

Revision / withdrawal of Financial proposal by the bidder after opening of Technical Proposal of the tender will not be allowed.

Lowest valid rate of the tender cum reverse auction should normally be accepted. However, the Tender Accepting Authority does not bind himself to do so and reserves the right to reject any or all the tenders, for valid reasons.

List of such bidders as eligible for award against respective utility, as approved by the Commission after conducting reverse auction, will be uploaded in the website <https://wbtenders.gov.in>.

(vii) The decision of the Tender Evaluation Committee duly approved by the Commission in the evaluation of responses to the RFP shall be final.

### 5.13 Extension of Tender Submission Date

At any time, upto 72 hrs prior to the deadline for start of submission of proposals, WBERC reserves the right to add / modify / delete any portion of this document by issuance of a Corrigendum, which would be promptly communicated to the Bidder through the website <https://www.wbtenders.gov.in>. The Corrigendum shall be binding on all bidders and will form part of the bid documents. WBERC shall reserve the right to extend the tender submission date till before **15 minutes** of bid submission closing time.

### 5.14 Tender Opening and Validity

The Technical Proposals submitted, within the end of Bid Submission Date for Technical Proposal, shall be opened as mentioned at para 5.12 of this RFP in the presence of Bidders or their representatives who may be present at the time of opening on the date and hour as specified in the Critical dates at Sl 10 of Fact Sheet at Para 1 of this RFP. The date of Price Bid opening shall be intimated to eligible bidders after acceptance of the technical evaluation report as approved by the Commission on recommendation of the Tender Evaluation Committee.

The representatives of the bidder should be advised to carry the identity card or a letter of authority from the competent authority to identify their bona-fides for attending the opening of the proposal.

#### Tender Validity

The offer submitted by the Bidders should be valid for minimum period of **90** days from the date of submission of Tender.

#### 5.15 Tender Evaluation

a. Initial Bid scrutiny will be held and incomplete details as given below will be treated as non-responsive, if Proposals:

- i. Are not submitted in as specified format in the RFP document
- ii. Received without the Letter of Authorization (Power of Attorney)
- iii. Are found with suppression of details
- iv. With incomplete information, subjective, conditional offers and partial offers submitted
- v. Submitted without the documents requested at Para 6.1, 6.2 and 6.3 of this RFP.
- vi. Have non-compliance with any of the clauses stipulated in the RFP
- vii. With lesser validity period

b. All responsive Bids will be considered for further processing as below.

WBERC will prepare a list of responsive bidders, who comply with all the Terms and Conditions of the Tender. All eligible bids will be considered for further evaluation by a Committee according to the Evaluation process defined in this RFP document. The decision of the Committee as approved by the Commission will be final in this regard.

## 5.16 Conflict of Interest

what is Conflict of Interest-

The Bidder is required to carefully assess any direct relationship status currently enjoyed/ to be enjoyed during the course of this assignment with any Licensee or Generating Company as listed at BOQ . xls to this RFP or any of their direct subsidiary company specifically mentioned in any Scheme of Restructuring pursued by such Licensee or Generating Companies involving assignment related to Accounting, Audit and Tariff which may restrict them from taking up this Assignment and bid thereafter.

Effect of Conflict of Interest-

A Bidder who has an issue of conflict of interest as mentioned above with any Generating Company/Licensee may bid for the Generating Company/Licensee where it does not have any issue of conflict of interest as mentioned above.

Confirmation of No Conflict of Interest-

Bidder will be required to furnish a certificate as follows confirming non applicability of conflict of interest as follows:

**“ Confirmed that there does not exist or will not exist any issue regarding any direct relationship status currently enjoyed/ to be enjoyed during the course of this assignment with any Licensee or Generating Company as listed at BOQ . xls to this RFP or any of their direct subsidiary company specifically mentioned in any Scheme of Restructuring pursued by such Licensee or Generating Companies involving assignment related to Accounting, Audit and Tariff inviting conflict of interest so as to restrain the assignment at any time for which price have been quoted”.**

If it is found at any time prior to award that there is a conflict of interest contrary to the certificate furnished as above along with the Price Bid restraining the bidder from taking up the assignment, the bids will be considered as rejected. If it is found at any time after the award that there is a conflict of interest contrary to the certificate furnished as above along with the Price Bid restraining the bidder from taking up the assignment, the award will be considered cancelled and terminated. In that case no claims or compensation in respect of the assignment will be entertained by the WBERC.

**6.0 Techno-legal Criteria, Credentials & Other Information are to be provided in Annex –X and Y in xls format with related documents.**

**6.1 Techno-legal Criteria:**

(i) The Firm/Company submitting the bid should be the Firm/Company having office in India. Necessary documents regarding incorporation/formation of the Company/Firm shall be uploaded in the Technical Proposal in the website as defined earlier.

(ii) The Firm/Company shall have an average turnover of Rs 10 Crs during the last three financial years

(iii) The Bid should be accompanied by a detailed Firm/Company Profile indicating the nature of Auditing and Risk Advisory assignments carried out in India with special mention about the exposure in the Indian Power Sector, Number of employees working, Client Profile and any other relevant information as felt appropriate to describe the Firm/Company as specified in Para 6.2 and 6.3 below.

(iv) The Bidder has to comply with the para 5.16 of this RFP regarding the issue of Conflict of Interest

**6.2. Credentials Required**

Sl No	Item	Particulars	Documents Required
1	Credential- General Auditing & Risk Advisory Assignments	List of major Auditing & Risk Advisory assignments carried out during the last three years indicating the value of such work excluding the Power Sector.  6 (six) such assignments are to be carried out.	Letter of Award and Present status of completion / confirmation of completion of work
2	Credential- Auditing & Risk	List of major Auditing & Risk Advisory assignments carried out during the last three years indicating the value of such work in the	Letter of Award and Present status of completion /

Sl No	Item	Particulars	Documents Required
	Advisory Assignments In Power Sector	Indian Power Sector . 3 (three) such assignments are to be carried out. Assignments listed under Sl 1 above are not to be considered here.	confirmation of completion of work
3	Other related Assignments	List of other related assignments	Self Certification

### 6.3 Other Information

SlNo	Item	Particulars	Documents Required
1	Annual Turnover	Annual Turnover in last Three financial years ending 31.03.2018.	Annual Accounts for If the same is not available for 2017-18 a certificate of Auditor is to be furnished mentioning the Annual Turnover.
2	Legal Entity	Documents relating to statutory identity	- Certificates of incorporation - Other Registration Certificates/ License copies/ PAN & GSTN

SlNo	Item	Particulars	Documents Required																																				
			Registration No																																				
3	Manpower	<p>No of Persons to be deployed for the assignment indicating qualification, rank, experience.</p> <p>Minimum 10 persons are to be deployed for the assignment comprising of (i) Team Leader –Top Level-1 (Finance Domain) (ii)Financial Expert- Sr Level-1, Middle Level- 2, Jr Level-3 (iii)Technical Expert- Middle Level-1 (iv) Regulatory Expert-Sr Level-1 (v) Legal Expert –Middle Level-1</p>																																					
		<p>Minimum Qualification &amp; Experience of the Team shall be as follows:</p> <table border="1"> <thead> <tr> <th>Team</th> <th>Minimum Qualification</th> <th>Minimum Experience</th> <th>Minimum Auditing Experience</th> </tr> </thead> <tbody> <tr> <td><b>Team Leader</b></td> <td>CA/CMA/MBA (Finance)</td> <td>20 Yrs</td> <td>15 Yrs</td> </tr> <tr> <td><b>Financial Expert</b></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sr Level</td> <td>CA/CMA/MBA (Finance)</td> <td>15</td> <td>10</td> </tr> <tr> <td>Middle Level</td> <td>CA/CMA/MBA(Finance)</td> <td>10</td> <td>7</td> </tr> <tr> <td>Jr Level</td> <td>CA/CMA/MBA(Finance)</td> <td>5</td> <td>3</td> </tr> <tr> <td></td> <td><b>Minimum Qualification</b></td> <td><b>Minimum Experience</b></td> <td><b>Power Sector Experience</b></td> </tr> <tr> <td><b>Regulatory Expert (Power)- Sr Level</b></td> <td>B. Tech/CA/CMA/MBA (Finance)</td> <td>15</td> <td>10</td> </tr> <tr> <td><b>Technical Expert- Middle Level</b></td> <td>B.Tech (Mech/Elec)</td> <td>10</td> <td>7</td> </tr> </tbody> </table>	Team	Minimum Qualification	Minimum Experience	Minimum Auditing Experience	<b>Team Leader</b>	CA/CMA/MBA (Finance)	20 Yrs	15 Yrs	<b>Financial Expert</b>				Sr Level	CA/CMA/MBA (Finance)	15	10	Middle Level	CA/CMA/MBA(Finance)	10	7	Jr Level	CA/CMA/MBA(Finance)	5	3		<b>Minimum Qualification</b>	<b>Minimum Experience</b>	<b>Power Sector Experience</b>	<b>Regulatory Expert (Power)- Sr Level</b>	B. Tech/CA/CMA/MBA (Finance)	15	10	<b>Technical Expert- Middle Level</b>	B.Tech (Mech/Elec)	10	7	Self Certification by the authorized signatory.
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SlNo	Item	Particulars				Documents Required
			Minimum Qualification	Minimum Experience	Experience in Mercantile & Commercial Law	
		Legal Expert-Middle Level	LLB	10	7	
4	Blacklisting	The bidder has not been blacklisted by any Government, Electricity Regulatory Commission (ERC), Ministry or Agency for breach of ethical conduct or fraudulent practices in any of the last 5 years.				A Self Certified letter confirming the content mentioned in the particulars column against Blacklisting at Sl 4 of this table.
5	Conflict of Interest	<p>Certificate required:</p> <p><b>“ Confirmed that there does not exist or will not exist any issue regarding any direct relationship status currently enjoyed/ to be enjoyed during the course of this assignment with any Licensee or Generating Company as listed at BOQ . xls to this RFP or any of their direct subsidiary company specifically mentioned in any Scheme of Restructuring pursued by such Licensee or Generating Companies involving</b></p>				Self Certificate as per particulars column against Sl 5 of this table.

SlNo	Item	Particulars	Documents Required
		<p><b>assignment related to Accounting, Audit and Tariff inviting conflict of interest so as to restrain the assignment at any time for which price have been quoted”.</b></p>	

#### **6.4 Price Bid Evaluation**

- a. The Price Bid will be opened and evaluated as per method described in clause 5.12.c of this RFP .
- b. Canvassing in connection with tenders is strictly prohibited and the tenders submitted by the Bidders who resort to canvassing will be liable to rejection.
- c. WBERC does not bind it-self to accept the lowest or any Proposal and reserves to itself the right of rejecting any offer without furnishing any reason to the bidder.
- d. Price bids are to be submitted strictly in the format as given in BOQ .xls to this RFP in respect of Licenses and Generating Companies separately where no conflict of interest would arise .
- e. The bid price shall be lumpsum and single covering both phase I and Phase II taken together against each Licensee /Generating Company.
- f. The Bid price shall be firm and shall be quoted in INR excluding all Taxes, duties and levies. Tax & other charges shall be paid as per applicable laws of the Country as stated in Para 7.4 of this RFP and should not be mentioned anywhere in the bid.
- g. Commercial evaluation shall be primarily on L1 basis from technically qualified bidders derived separately in respect of each licensee/generating company as quoted respectively against them. Thereafter Reverse Auction shall be conducted with reference to the L1 price against respective licensees/ generating Companies as per modalities mentioned in para 5.12.C.(vi).
- h. Any conditional bid would be rejected
- i. Errors & Rectification: If there is a discrepancy between words and figures anywhere in the offer documents , the amount in words will prevail.



## **7. Award**

### **Award Criteria**

7.1 WBERC will award the Assignment to the successful bidder whose proposal has been determined to be substantially responsive and has been determined as the most responsive bids as per the process outlined above. Award will be given in two phases- Phase I and Phase II for assignment against each Licensee/Generating Company separately. Award for Phase -I as defined in the Scope of Work at clause 8.1 of this RFP will be given first after selection of the bidder based on Price Evaluation as at Clause 6.4 of this RFP. Award Price for Phase-I will be considered as 50% of the total price of the bid against each licensee/generating co, as emerged after reverse auction excluding taxes and duties.

7.2 Award for the Phase -II as defined in the Scope of Work at clause 8.1 of this RFP will be given after acceptance of the Report for the Phase -I by WBERC. Award Price for Phase-II will be considered as balance 50% of the total price of the bid against each licensee/generating co, as emerged after reverse auction excluding taxes and duties.

7.3 Taxes and duties as applicable on the bid price will be paid extra.

7.4 WBERC reserves the right not to proceed and award the Phase-II of the Assignment if it is so deemed fit by the Commission.

7.5 WBERC reserves the right to accept any proposal and to reject any or all proposals after submission of bid

7.6 WBERC reserves the right to annul the tendering process and reject all proposals at any time prior to award of contract, without thereby incurring any liability to the affected bidder or bidders or any obligation to inform the affected bidder or bidders of the grounds for WBERC action.

#### **7.7 Notification of Award**

Prior to the expiration of the validity period, WBERC will notify the successful bidder in writing and/ or by fax or email, that its proposal has been accepted. In case the tendering process has not been completed within the stipulated period, WBERC , may like to request the bidders to extend the validity period of the bid.

#### **7.8 Failure to Agree with the Terms and Conditions of the RFP**

Failure of the successful bidder to agree with the Terms & Conditions of the RFP shall constitute sufficient grounds for the annulment of the award, in which event WBERC may award the Assignment to the next best value bidder or call for new proposals from the interested bidders.

## 8.0 Scope of Work

The broad specified Scope of Work that needs to be undertaken by the successful Bidder awarded with the assignment for- Verification of Deployment of Capital for Investments in Assets and tracking movement of Assets to and fro to determine the impact in tariff for electricity generation/transmission/distribution in respect of Licensees/Generating Companies under West Bengal Electricity Regulatory Commission are given below and the work is to be performed keeping in view the objectives & outcome of the exercise alongwith conditions mentioned in different parts of this document is listed below .

### Broad Scope of work

The following areas as specified in Sl no 1 to 10 below are to be taken up for the respective Licensees/Generating Companies including subsidiaries as mentioned in any Scheme of Restructuring over a period of last 10 (ten) years.

**Phase-I:** In phase I of the Assignment the **immediate preceding 5 years i.e. 2017-18 to 2013-14 shall be taken up for Sl 1 to 10 listed below.**

**Phase-II:** In phase II of the Assignment the **next preceding 5 years i.e. 2012-13 to 2008-09 shall be taken up for Sl 1 to 10 listed below.**

1. Detailed scrutiny and examination of Annual Accounts including Profit & Loss Account, Balance Sheet, Cash Flow/Fund Flow Statement alongwith schedules and related records for a period of last ten years for assessment of regulatory impact with emphasis on the following.
2. Examination and analysis of Asset Categories including their Procurement/sale/lease/transfer/exchange/assignment/use.
3. Examination & analysis of long term borrowings and their use for procurement of Assets
4. Examination of deployment of Reserves and Surplus into the Business
5. Examination of short term borrowing and their use
6. Examination and analysis of Investments made
7. Examination and analysis of Loans & Advances made
8. Examination and analysis of consumers security deposit and investment thereof.
9. Examination of impact of Regulatory Provisions & Orders issued from time to time in the Annual Accounts for relevant items.
10. Examination of any scheme of restructuring pursued by the Licensees and their impact on the capital structure & Asset Categorisation leading to impact on tariff for the consumers of electricity

## 9.0 Deliverables & Timelines

Deliverables are as follows:

(i) Submission of the **Initial Summary Report** giving outline of the findings and brief observation comprising of (a) Methodology adopted to carry out the assignment and rationale for adopting so. (b) the broad areas covered in course of the assignment and the areas which are still to be covered (c) Identification of areas where incidence of tariff has been identified (d) Summary initial findings .

(ii) **Detailed Report** comprising of (a) Narration of the findings in each area of work as specified in the scope of work, (b) List of identified items as mentioned under objectives & outcome (c) Impact on Tariff for the consumers (d) Conclusion w.r.t. findings vis-à-vis objectives & outcome as stated in the RFP alongwith Certification of Conclusion.

**Timelines are as follows:**

**Phase-I :** The Initial Summary Report has to be submitted within **20 days from the date of award of the Assignment in respect of phase I**. The Detailed Report has to be submitted within **10 days from the date of submission of the Initial Summary Report in respect of phase I**.

**Phase-II:** The Initial Summary Report has to be submitted within **20 days from the date of award of the Assignment in respect of phase II**. The Detailed Report has to be submitted within **10 days from the date of submission of the Initial Summary Report in respect of phase II**.

**The timeline of 30 days will be applicable separately for each Licensee/Generating Company as listed in the Price Bid Format at Annexure-I**

**10.0 Mode of Assignment:** On being awarded the assignment has to be carried out at the Offices of the bidder. Any communication relating to query/wanting information/discussion are to be taken up with WBERC only and never directly with the licensees and generating companies. This should be strictly followed. WBERC may however, at its' discretion, allow space at WBERC Office for the team carrying out the assignment if it so desires.

## 11.0 Payment Schedules :

**Phase-I :** (i) 25% within 7 (Seven) days of acceptance of Initial Summary Report by the Commission

(ii) 25% within 7 (Seven) days of submission of Detailed Report to the Commission

(iii) 50% within 7 (Seven) days of acceptance of the Detailed Report by the Commission

Phase-II: (i) 25% within 7 (Seven) days of acceptance of Initial Summary Report by the Commission

(ii) 25% within 7 (Seven) days of submission of Detailed Report to the Commission

(iii) **50%** within 7 (Seven) days of acceptance of the Detailed Report by the Commission

## **12.0 Legal Jurisdiction**

All awards & their unconditional acceptance duly authenticated by WBERC & the Successful bidder will form the contract and will have the jurisdiction of the courts in Kolkata and shall be governed by appropriate laws in India.

## **13.0 Fraud and Corrupt Practices**

### **13.1 Fraud and Corrupt Practices**

a. The Bidder and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the Selection Process as well as during the exercise of the Assignment. Notwithstanding anything to the contrary contained in this RFP, WBERC shall reject a Proposal without being liable in any manner whatsoever to the Bidder, if it determines that the Bidder has, directly or indirectly or through an agent, engaged in corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice (collectively the "Prohibited Practices") in the Selection Process. In such an event, WBERC shall, without prejudice to its any other rights or remedies, forfeit and appropriate the EMD, as the case may be, as mutually agreed genuine pre-estimated compensation and damages payable to the Authority for, inter alia, time, cost and effort of the Authority, in regard to the RFP, including consideration and evaluation of such Bidder's Proposal.

b. Without prejudice to the rights of the WBERC under Clause above and the rights and remedies which the WBERC may have under the letter of award, if the bidder, as the case may be, is found by the Authority to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice prejudicial to the interest of WBERC during the Selection Process, or after the issue of the Award, such Bidder shall not be eligible to participate in any tender or RFP issued by the WBERC during a period of 2 (two) years from the date such Bidder, as the case may be, is found by the WBERC to have directly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice,

undesirable practice or restrictive practice prejudicial to the interest of WBERC, as the case may be.

c. For the purposes of this Section, the following terms shall have the meaning hereinafter respectively assigned to them:

- i) "corrupt practice" means (i) the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of any person connected with the Selection Process (for avoidance of doubt, offering of employment to or employing or engaging in any manner whatsoever, directly or indirectly, any official of the WBERC who is or has been associated in any manner, directly or indirectly with the Selection Process or the Award or has dealt with matters concerning the Award or arising there from, before or after the execution thereof, at any time prior to the expiry of one year from the date such official resigns or retires from or otherwise ceases to be in the service of the WBERC, shall be deemed to constitute influencing the actions of a person connected with the Selection Process); or (ii) save as provided herein, engaging in any manner whatsoever, whether during the Selection Process or after the issue of the LOA or after the execution of the Agreement, as the case may be, any person in respect of any matter relating to the Project or the LOA or the Agreement, who at any time has been or is a legal, financial or technical consultant/ adviser of the WBERC in relation to any matter concerning the Project;
- ii) "fraudulent practice" means a misrepresentation or omission of facts or disclosure of incomplete facts, in order to influence the Selection Process;
- iii) "coercive practice" means impairing or harming or threatening to impair or harm, directly or indirectly, any persons or property to influence any person's participation or action in the Selection Process;
- iv) "undesirable practice" means (i) establishing contact with any person connected with or employed or engaged by WBERC with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the Selection Process; or (ii) having a Conflict of Interest; and
- v) "restrictive practice" means forming a cartel or arriving at any understanding or arrangement among Bidders with the objective of restricting or manipulating a full and fair competition in the Selection Process.

## **14. Termination of Contract**

WBERC may terminate the contract in the following cases :

- i. The awarded Organisation is found to be involved in any fraudulent or corrupt practices
- ii. WBERC may at any time terminate the Contract by giving written notice to the Organisation awarded with the Assignment if the Organisation becomes bankrupt or otherwise insolvent.
- iii. The Awarded Organisation leaves the job without completing.
- iv. There arises an issue of conflict of interest as stated in para 5.16 of this RFP.
- v. In the above events as stated point (i) to (iv), termination will be without any compensation to the Awarded Organisation alongwith forfeiture of EMD, provided that such termination will not prejudice or affect any right of action or remedy which has accrued or will accrue thereafter to WBERC

## **15.0 Patents, Copyright & Intellectual Property Rights**

Intellectual Property Rights for any documents (including source codes, databases, documents, etc.) developed for this project shall lie with the WBERC.

## **16. CONFIDENTIALITY :**

In the course of carrying out the assignment, the awarded organisation may have access to confidential and proprietary information and materials of WBERC, or its clients (Confidential Information). Confidential Information includes and is not limited to, information related to past, present or future research, development or business affairs, any proprietary products, materials or methodologies, or any other information which provides WBERC, or its clients with a competitive advantage.

Confidential Information shall be used by Contractor only in conjunction with the provision of assignments and shall not be disclosed to any third party. No rights or licenses under patents, trademarks or copyrights are granted or implied by any disclosure of Confidential Information. Upon WBERC's request or completion or termination of this Assignment, Contractor shall return all Confidential Information to WBERC however to the extent that the Contractor reasonably require to retain sufficient documentation that is necessary to support any advice, reports, or opinions provided by it such documentation shall be retained. The documentation

retained will continue to be subject to confidentiality obligations set out in this Assignment. This Section shall survive the expiration or termination of this Agreement.

