©
കേരള സർക്കാർ
Government of Kerala
2015

Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY
ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 4 Vol. IV	തിരുവനന്തപുരം, ചൊവ്വ Thiruvananthapuram, Tuesday	2015 ഡിസംബർ 1 1st December 2015 1191 വൃശ്ചികം 15 15th Vrischikam 1191 1937 അഗ്രഹായനം 10 10th Agrahayana 1937	നമ്പർ No.	2692

KERALA STATE ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 1573/Admn./15/KSERC.

Dated, Thiruvananthapuram, 18th November, 2015.

In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, and after previous publication, the Kerala State Electricity Regulatory Commission hereby makes the following regulations, namely:—

Kerala State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2015

1. *Short title and commencement.*—(1) These Regulations may be called the Kerala State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2015.

PRINTED AND PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSES AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2015.
33/4543/2015/S-15.

(2) These Regulations shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—In these Regulations, unless the context otherwise requires,—

(a) **"Chairperson"** means the Chairperson of the Commission;

(b) **"Commission"** means the Kerala State Electricity Regulatory Commission constituted under Section 82 of the Electricity Act, 2003 (36 of 2003);

(c) **"Consultant"** includes any individual, company, firm, body or association of persons, not in the regular employment of the Commission, who or which possesses or has access to any specialized knowledge, experience or skill;

(d) **"Consultancy Evaluation Committee"** means the committee constituted under regulation 6 or regulation 7 or regulation 9, as the case may be;

(e) **"Secretary"** means the Secretary of the Commission.

3. *Purposes of engaging consultants.*—The Commission may engage consultants for one or more of the following purposes, namely:—

(i) providing expert advice on specific issues of relevance and interest to the Commission;

(ii) conducting study or analyzing data or developing bench marks or for any other similar purpose;

(iii) performance of tasks requiring experience and qualifications which are either not available with the Commission or in the opinion of the Commission, the engagement of consultant shall be a more efficient method of completing the task in terms of quality or time or for any other consideration; and

(iv) assisting the Commission in performing its functions, if the Commission is satisfied that there has been increase in the quantum of work in the Commission or regular posts cannot be filled immediately due to various constraints:

Provided that consultant shall not normally be engaged for routine day to day works for which in-house facility is available with the Commission.

4. *Period of engagement.*—Consultant shall be engaged for the minimum period required for completion of the specific work and in no case engagement of consultant shall exceed a continuous period of three years.

5. *Categorisation of Consultants.*—Consultants may be categorized as,—

(i) Corporate consultants,

(ii) Individual consultants,

(iii) Staff consultants, and

(iv) Professional experts.

6. *Corporate Consultants.*—(1) The Commission may, on being satisfied that there is a need for availing services of consultants, which in its opinion, may be more appropriately provided by a company or a firm or an association or body of persons, direct the Secretary to prepare the terms of reference for the purpose, indicating the scope of the work, the deliverables to be achieved, the time schedule for achievement of the deliverables, and the schedule of payments linked to achievement of each of the deliverables.

(2) The Commission shall, for the purpose of selecting corporate consultant, constitute a Consultancy Evaluation Committee comprising of the following,—

(i) the Secretary;

(ii) an officer of the Commission having knowledge in the area of work for which the consultancy services are to be obtained;

(iii) an external expert, as may be nominated by the Commission.

(3) The Consultancy Evaluation Committee shall,—

(a) scrutinize the terms of reference prepared by the Secretary for the engagement of a corporate consultant and make modifications, if found necessary; and

(b) decide the parameters for evaluation and assign weightage to each of such parameters for the purpose of evaluation of bids:

Provided that, while assigning weightage to the parameters, a minimum of seventy percent weightage shall be assigned to the technical aspects of the proposal for consultancy.

(c) obtain the approval of the Commission for such terms of reference, parameters and the weightage assigned to each of the parameters.

(4)(a) After obtaining the approval of the Commission for the terms of reference, parameters and their weightages under sub-regulation (3) above, the Consultancy Evaluation Committee shall invite single stage bids, containing technical and financial proposals, in separate sealed envelopes, through publication of notice,

(b) the notice inviting bids as per clause (a) above shall be published in at least one newspaper in Malayalam and one newspaper in English and on the Commission's website giving a notice period of not less than three weeks:

Provided that, in matters of urgency, the period of notice may be reduced to less than three weeks but shall not be less than two weeks, as may be decided with the approval of the Commission.

(5) The Consultancy Evaluation Committee shall evaluate the bids through 'Combined-Quality-Cum-Cost-Based System' based on the weightage allocated to each of the parameters as approved by the Commission:

Provided that the Consultancy Evaluation Committee shall not proceed with evaluation of bids, unless at least two valid bids have been received:

Provided further that, the condition of two valid bids may, for the reasons to be recorded in writing, be relaxed with the prior approval of the Commission, in case adequate bids are not received.

(6) The Consultancy Evaluation Committee shall prepare a panel of consultants selected by them based on the evaluation conducted as per sub-regulation (5) above and place the panel of consultants and the records relating to preparation of such panel before the Commission.

(7) The Commission shall engage the corporate consultant from among the consultants included in the panel prepared by the Consultancy Evaluation Committee.

(8) Notwithstanding anything contained in this regulation, in matters of urgent nature and involving financial commitment not likely to exceed three lakh rupees, the Commission may avail consultancy services of a corporate consultant on the basis of single sourcing.

7. *Individual Consultants.*—(1) The Commission may, on being satisfied that there is a need for availing consultancy services which in its opinion can be more efficiently performed by an individual, having qualification and experience essential for the assignment, decide to engage an individual consultant and direct the Secretary to prepare the terms of reference for the purpose, indicating the scope of the work, the deliverables to be achieved, the time schedule for achievement of the deliverables, the schedule of payments linked to achievement of each deliverable and the experience and qualification required for obtaining such consultancy services.

(2) The Commission shall, for the purpose of selecting an individual consultant, constitute a Consultancy Evaluation Committee and the said committee shall be headed by a Member of the Commission to be nominated by the Chairperson and shall include the Secretary, and an officer of the Commission or any other person having knowledge in the area of work for which consultancy services are to be obtained.

(3) The Consultancy Evaluation Committee shall, scrutinize the terms of reference prepared by the Secretary for the engagement of an individual consultant and make modifications, if found necessary and obtain the approval of the Commission for such terms of reference.

(4) (a) After obtaining the approval of the Commission for the terms of reference, under sub-regulation(3) above, the Consultancy Evaluation Committee shall call for applications, through publication of notice.

(b) the notice inviting application as per clause (a) above shall be published in at least one newspaper in Malayalam and one newspaper in English and on the Commission's website giving, a notice period of not less than three weeks:

Provided that, in matters of urgency, the period of notice may be reduced to less than three weeks but shall not be less than two weeks, as may be decided with the approval of the Commission.

(5) The Consultancy Evaluation Committee shall prepare a short list of eligible applicants and conduct a personal interview for such applicants.

(6) The Consultancy Evaluation Committee shall, by awarding marks for the educational qualifications and experience and the performance in the interview of the applicants, prepare a panel of persons for engagement as consultant, having regard to, but not limited to the following factors, namely:—

(a) academic background,

(b) experience,

(c) knowledge of the working environment such as language, culture, administrative system, and other relevant factors:

Provided that the Consultancy Evaluation Committee shall not proceed with the preparation of the panel unless at least two applications have been received:

Provided further that the condition of two applicants may, for the reasons to be recorded in writing, be relaxed with the prior approval of the Commission, if the responses from sufficient number of candidates are not received.

(7) The Consultancy Evaluation Committee shall prepare a panel of applicants selected by them based on the evaluation conducted as per sub-regulation (5) above and place the panel and the records relating to preparation of such panel before the Commission.

(8) The Commission shall engage the individual consultant from among the applicants included in the panel prepared by the Consultancy Evaluation Committee.

(9) The fee for the individual consultant shall be decided by the Commission based on the qualification, experience, domain expertise and the knowledge required for the performance of duties assigned to such individual consultant.

(10) The initial period of engagement of an individual consultant shall not exceed one year:

Provided that, the Commission may, in the exigencies of service, extend the period of engagement of the individual consultant, based on his satisfactory performance, by a period up to one year, subject to the condition that the total duration of engagement of the consultant shall not exceed a continuous period of three years.

8. *Staff Consultant.*—(1) The Commission may, on being satisfied that there has been an increase in the quantum of work of the Commission, or difficulties have arisen in filling the vacancies in a regular manner, decide to engage a Staff Consultant in the exigencies of work, to assist the Commission in the performance of its functions effectively and direct the Secretary to take further steps for this purpose.

(2) The Secretary shall, on getting directions under sub-regulation (1) above, identify the qualifications and experience required by such staff consultant, keeping in view the relevant provisions of the regulations of the Commission governing the recruitment against such posts:

Provided that the upper age limit of such staff consultant shall not exceed sixty five years.

(3) The Secretary shall invite applications by publishing notice in the Commission's website by giving, a period of not less than two weeks for making applications by interested persons.

(4) The Commission shall, for the preparation of a panel of applicants for the post of staff consultant, constitute a Consultancy Evaluation Committee comprising of the Secretary, and an officer of the Commission having knowledge in the area of work for which the consultancy services are to be obtained:

Provided that, in case where the staff consultant proposed to be engaged is to a post equivalent to the post of Chief Engineer, the Consultancy Evaluation Committee shall be headed by a Member of the Commission.

(5) The Consultancy Evaluation Committee shall interview the candidates and prepare a panel of names of the suitable persons for engagement as staff consultant and recommend the rate of remuneration payable to such staff consultant:

Provided that the remuneration recommended by the Consultancy Evaluation Committee for the staff consultant shall be for attending to the office works on all the working days:

Provided further that, while recommending the rate of remuneration payable to the staff consultant, the Consultancy Evaluation Committee shall keep in view the pay structure applicable for similar posts in Government or in public sector undertakings or in other statutory bodies under the Government.

(6) The Commission shall engage the staff consultant from among the applicants included in the panel prepared by the Consultancy Evaluation Committee.

(7) The initial period of engagement of a staff consultant shall not exceed one year:

Provided that, the Commission may, in the exigencies of service, extend the period of engagement of the staff consultant, based on his satisfactory performance, by a period up to one year, subject to the condition that the total duration of engagement of the consultant shall not exceed a continuous period of three years.

(8) The staff consultant shall be eligible for casual leave for one day in a month and shall not be eligible for any other type of leave.

(9) If the staff consultant avails leave for more than one day in a month, the remuneration payable shall be reduced by an amount equal to the average remuneration per working day, arrived at by dividing the monthly remuneration by the number of working days in that month, for each such day of leave.

9. *Professional Experts.*—(1) The Commission, on being satisfied about the need, may decide to engage a professional expert for advice on an issue of urgent nature.

(2) On such decision by the Commission, the Secretary shall prepare a proposal for the selection of the professional expert for the purpose and obtain approval of the Commission.

(3) The Secretary shall, in accordance with the proposal approved by the Commission as per sub-regulation (2) above, prepare a panel of not less than two professional experts having the requisite expertise in the field, along with their willingness to accept the consultancy work and the fee demanded by each of them.

(4) The Commission may, from the panel prepared as per sub-regulation (3) above, select the expert for engagement as consultant on payment of such fee and on such other terms as may be considered appropriate by the Commission:

Provided that the fee so decided shall not exceed one lakh rupees for an individual item of work.

10. *Power to relax.*—The Commission may for reasons to be recorded in writing, relax any of the provisions of these regulations in appropriate cases.

By order of the Commission,

SANTHOSH KUMAR, K. B.,

Secretary.

33/4543/2015/S-15.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-section (4) of Section 91 of the Electricity Act, 2003 authorises the State Electricity Regulatory Commission to appoint consultants required to assist the Commission in the discharge of its functions on the terms and conditions as may be specified. The Commission has found that appointment of consultants is required for the proper and timely discharge of its functions. Accordingly the Commission has prepared and published a draft of the Kerala State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2015 for eliciting public opinion. The Commission has finalized the Kerala State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2015.

This notification is intended to achieve the above object.