

## **Detailed Expression of Interest Document**

### **Expression of Interest (EOI) from Legal/Solicitor Firms for Empanelment with MERC for assisting in Legal Framework**

#### **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was established on August 5, 1999 under the Electricity Regulatory Commission Act, 1998, a Central Act which was superseded by Electricity Act, 2003 (EA 2003).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 Licences for Transmission, Distribution, and Trading and promote cogeneration and generation of electricity from renewable sources of energy.

**MERC** intends to empanel professionally managed Legal/Solicitor Firms to assist the Commission for discharging its legal functions effectively for the tasks listed under Section 2.

#### **2. List of Legal Tasks of MERC**

List of the legal tasks of MERC proposed to be assigned to the Legal/Solicitor Firms, is as under:

1. Legal vetting of Draft Orders
2. Study of Judgments of the Appellate Tribunal for Electricity from a legal standpoint and advising the Commission on the desirability or otherwise of filing an appeal before the Supreme Court under Section 125 of the Electricity Act, 2003.
3. Defending the Commission's Orders before the Appellate Tribunal for Electricity and the High Court/Supreme Court
4. Providing Legal Advise/Opinion to the Commission as and when required.
5. Framing and resolving of legal issues related to deemed Distribution Licence status and conditions of licence applicable to appropriate Government companies defined under Section 14 of EA 2003.

#### **3. Eligibility & Qualification criteria**

The Legal/Solicitor Firm intending to empanel for such above mentioned tasks shall fulfill the following eligibility criteria and shall provide satisfactory proof regarding the same:

- a) Shall be Legal/Solicitor Firm which has majority of the proposed key resources being full time association of Lawyers/Solicitors and having proven records of accomplishment in the above areas with minimum two years experience in the similar areas of task listed under Section 2.

- b) The Legal/Solicitor firm shall be well acquainted with the Regulatory environment in the power sector, and functioning of Power Sector Utilities and possess experience in dealing with such similar matters on a wide range.
- c) Personnel of Legal /Solicitor Firm shall have relevant background / experience in Electricity Law pertaining to tasks which are to be performed including personnel having good exposure of appearing in Appellate Tribunal for Electricity/High Court/Supreme Court and shall be well versed with various Electricity Acts.
- d) Shall have adequate legal, administrative and financial capability to undertake such tasks as per terms of reference provided to them considering various steps to be performed from the inception to the completion within the time frame prescribed by MERC.
- e) The Firm shall furnish copies of certificate of registration/ agreement/articles of association, as the case may be, as service firm and PAN, and service tax registration.

#### **4. Submission of EOI Bid and Bidding Procedure**

**4.1.** The Firm qualifying under the above criteria shall submit only pre-qualification bid in a sealed cover containing documents in support of the eligibility conditions as mentioned above along with the following documents:

- a) Expression of Interest Proforma-Form-I
- b) Details of similar task areas performed –Form-II
- c) Details of Educational Qualification and Experience of Key Personnel/Firm – Form III
- d) Service tax registration certificate if any
- e) Details of the key personnel which are proposed to handle the tasks with their Bio-data in brief mentioning their experience in similar tasks done earlier. Details of external experts with complete qualification and experience profile if required.

In case the Legal/Solicitor firm does not have key personnel for all tasks listed under Section 2, they should clearly mention the same under “Deviations” para in the submission and MERC shall have the right to reject the offer or consider the bidder for empanelment for limited tasks which are to be performed.

#### **4.2. EOI Bid**

- Documents in support of the eligibility criteria mentioned above
- Details of Key personnel capability. C.V.s of the Key personnel to be engaged for the tasks should be made available for assessment.

### 4.3. Evaluation of EOIs

MERC will identify the suitable bidders based on evaluation of the pre-qualification bid and if considered necessary, may also call for discussion/presentations from the identified bidders. Based on the discussions/presentation and other factors including methodology in respect of transfer of knowledge to the staff of the Commission, the bidders would be short listed.

The Evaluation Committee nominated by the Commission shall evaluate the bids on the basis of the response of the bidders taking into account the following criteria. The technical bid will carry maximum marks/weight-age of 100

<b>Sr No</b>	<b>Particulars</b>	<b>Weightage</b>
1	Assignment related experience of the bidder	40%
2	Adequacy/quality of the proposed work plan and its methodology/discussions/presentations	30%
3	Qualification and competency of the key personnel for the assignment	20%
4	Proposed methodology in respect of transfer of knowledge to the staff of the Commission	10%

After scrutiny and evaluation of technical qualification bids, reasonable number of parties, as approved by MERC from amongst those who have scored minimum 60 marks as per the criteria laid down above, shall be shortlisted for Request for Proposal (RFP) bid.

- 4.4. MERC reserves the right to reject any/all the bids (EOI) in part/or in full without assigning any reason.
- 4.5. The Legal/Solicitor firms 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.
- 4.6. The validity of empanelment of Legal/Solicitor Firm/ shall be minimum for 3 years which can be extended upto five years on the basis of re-evaluation of the tasks performed by the Legal/Solicitor Firm during its first phase of three (3) years.
- 4.7. MERC reserves right to empanel other legal/solicitor firms based on the tasks that may arise in the mid-term and outside of the purview of this EOI.

**4.8.** Without the express written consent of the Commission, a Legal/Solicitor Firm appointed by the Commission shall not utilise, publish, disclose, or part with any information collected for the Commission and the Firm shall be duty bound to hand over the entire record of the assignment to the Commission before the expiry of the contract.

**5. Last date for submission of EOIs**

The final bids complete in all respects are required to be submitted by **latest by, on or before 15.07.2009, 16:00 hrs.**

**Deadline of submission: 15.07.2009 (16:00 hrs)**

**(P.B. Patil)**  
**Secretary, MERC**  
**June 1, 2009**

**FORM-I**  
**EOI Letter Proforma**

To,  
**Secretary**  
**Maharashtra Electricity Regulatory Commission**  
**13<sup>th</sup> floor, Centre No.1, World Trade Centre,**  
**Cuffe Parade, Mumbai-400 005**

**Sub: Empanelment of Legal/ Solicitor Firms for Assisting MERC in its Legal Framework**

Sir,

The undersigned Firm, having read and examined in detail all the EOI documents for empanelment of various tasks to be undertaken

2. Correspondence details:

- a) Name of the Firm
- b) Address
- c) Name of contact person to whom all references shall be made
- d) Address of the person to whom all references shall be made regarding this tender
- e) Telephone (with STD code)
- f) Mobile No. of the contact person
- g) Email of the contact person
- h) Fax No (with STD code)

3. Documents forming part of EOI

We have enclosed the followings;

- a) Details of similar tasks performed –Form-II
- b) Details of educational qualification and experience of key personnel –Form III
- c) Last 3 years balance sheet/audited statements of Accounts
- d) Income Tax registration and income tax clearance
- e) Service tax registration certificate if any
- f) Details of the team which is proposed to handle the project with their Bio-data in brief mentioning their experience in similar tasks done earlier. Details of external experts with complete qualification and experience profile.

We hereby declare that our EOI is made in good faith and the information contained is true and correct to the best of our knowledge and belief.

Thanking you,

(Signature)  
Name & Seal  
Address & Date

**FORM-II**  
**Details of Similar Tasks Performed IN LAST TWO YEARS**

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

1. Name of Legal/Solicitor Firm: \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- a) Name of assignment:
- b) Location within the Country:
- c) Name of client and address:
- d) Name of associated consultants/ firms employed, if any:
- e) Duration of assignment:
  - (i) Start (Month/Year):
  - (ii) Completion (Month/Year):
- f) Approx. value in Indian Rupees:
- (g) Name of senior staff (Project Director/Coordinator/Key Personnel) involved and functions performed.
  - (i)
  - (ii)
  - (iii)
- h) Professional staff employed (Give profile in brief):
- i) Narrative description of the project (in brief)
- j) Description of methodology & work plan for performing the assignment.

(Authorized Signatory)  
(Name & Title of Signatory)  
Name and Address of the Firm

**FORM-III**  
**Details of Educational Qualification and Experience of Key Personnel**

Proposed Position:

Name of the Firm:

Profession:

Date of Birth:

Years with Firm:

Membership of Professional Societies:

Detailed Tasks Assigned:

Key Qualifications:

(Give an outline of staff members' experience and training most pertinent to the tasks on assignment. Describe degree of responsibility held by each staff member on relevant previous assignment and give dates and locations. Use up to half a page)

Education:

(Summarize College/University and other specialized education of each staff member, giving names of schools, dates attended and degrees obtained. Use up to a quarter page).

Employment Record:

(Starting with present position, list in reverse order every employment held. List all positions held by the staff members 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).

Certification:

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

(Authorized Signatory)  
(Name & Title of Signatory)  
Name and Address of the Firm

**Composition of the Key Personnel in the Legal/Solicitor Firm**

Sr.No.	Name	Position	Responsibility	Proposed Duration on the Task (days)
1				
2				
3				
4				
5				

(Authorized Signatory)  
(Name & Title of Signatory)  
Name and Address of the Firm



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MERC intends to empanel professionally managed Legal/Solicitor Firms to assist the Commission for discharging its legal functions effectively. The legal task areas for which MERC is seeking empanelment are as under;

1. Legal vetting of Draft Orders
2. Study of Judgments of the Appellate Tribunal for Electricity from a legal standpoint and advising the Commission on the desirability or otherwise of filing an appeal before the Supreme Court under Section 125 of the Electricity Act, 2003.
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Description of each task as mentioned above, qualifications required, EOI submission format and procedure as well as EOI evaluation methodology, is provided in the "Detailed Expression of Interest Document" available on MERC's website [www.mercindia.org.in](http://www.mercindia.org.in) a hard copy of the "Detailed Expression of Interest Document" can be collected from MERC's office at the address mentioned above on payment of Rs **100/-** by Demand Draft (drawn in favour of "Maharashtra Electricity Regulatory Commission, Mumbai").

The interested Legal/Solicitor Firms may submit EOI latest by, **on or before 15.07.2009, 16:00 hrs.**

(P.B. Patil)  
Secretary, MERC  
June 1, 2009