

EoI for hiring of Contracts and Legal Consultants for NMEEE



Bureau of Energy Efficiency
Ministry of Power, Government of India

Expression of Interest (EoI) for Empanelment of Contracts and Legal
Consultants for National Mission for Enhanced Energy Efficiency (NMEEE)

April 2011

Bureau of Energy Efficiency
4th Floor, Sewa Bhavan, R.K. Puram
New Delhi -110066, India

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1. LETTER OF INVITATION

1.1 Advertisement

This Expression of Interest(EoI) Document is for the Hiring of Contracts and Legal Consultant for NMEEE related activities in India for the Bureau of Energy Efficiency. The Government of India set up Bureau of Energy Efficiency (BEE) (Website: <http://www.bee-india.nic.in>) on 1st March 2002 under the provisions of the Energy Conservation Act, 2001. The mission of the Bureau of Energy Efficiency is to assist in developing policies and strategies with a thrust on self-regulation and market principles, within the overall framework of the Energy Conservation Act, 2001 with the primary objective of reducing energy intensity of the Indian economy. Overcoming barriers for financing of energy efficiency is a key policy goal.

The Government has recently approved the National Mission for Enhanced Energy Efficiency to significantly scale up energy efficiency implementation in various sectors of the economy. Appropriate policy, regulatory and fiscal incentives are being put in place to enable the market that is estimated to be about Rs. 74,000 crores.

Interested bidders may download the EoI document from the website <http://www.bee-india.nic.in> or may obtain the same from BEE, 4th Floor, Sewa Bhavan, R.K. P:uram, New Delhi -110066, on payment of Rs. 1000/- (Rupees One thousand only), from 1st June 2011 and 12th June 2011 between 1000 hrs and 1700 hrs on working days. In case the EoI is downloaded, an intimation may be sent at the email ID mentioned below. In the absence of such intimation, the bid may be treated as non-responsive. The payment will be accepted in the form of crossed demand draft drawn on any scheduled bank, payable at par in New Delhi in favour of BEE, New Delhi.

Last Date for Submission of EoI: 1500 hours (IST) on 14th June 2011

Interested bidders may contact Mr. Kapil Mohan, Deputy Director General, BEE (Tel:(+91)-11-2617-9691, Fax:(+91)-11-2617-8352 Email: kmohan@beenet.in for any clarification.

Dr. Ajay Mathur
Director General,

EoI for hiring of Contracts and Legal Consultants for NMEEE

1.2 Critical Information

Availability of Invitation for EoI	1 st June 2011
Last date for receipt of Queries and pre-bid meeting if required.	7 th June 2011
Last date for receipt of EOI	14 th June 2011 at 15:00 hrs (IST)
Time and Date of opening of Technical Proposal(The Time and Date of Opening the Financial Proposal would be intimated to the qualified firms)	15 th June 2011 at 15:00 hrs (IST)
Place of opening of EOI	Conference Room BEE 4th Floor, Sewa Bhavan, R.K. Puram, New Delhi -110066 India
Contact Person for queries	Mr.Saurabh Diddi Energy Economist,BEE 4th Floor, Sewa Bhavan, R.K. Puram, New Delhi -110066 India Tel:(+91)-11-2617-9699, Fax:(+91)-11-217-8352 Email: sdiddi@beenet.in
Contact Person for submission of EOI	Mr. Kapil Mohan Deputy Director General 4th Floor, Sewa Bhavan, R.K. Puram, New Delhi -110066 India kmohan@beenet.in , mohan.kapil@nic.in Tel:(+91)-11-2617-9699

Note: BEE will use E-mail as a primary mode of communication and will upload all relevant information on BEE website (www.bee-india.nic.in)

1. BACKGROUND INFORMATION

2.1 About BEE

The mission of Bureau of Energy Efficiency (BEE) is to develop policy and strategies with a thrust on self-regulation and market principles, within the overall framework of the Energy Conservation Act (EC Act), 2001 with the primary objective of reducing energy intensity of the Indian economy with active participation of all stakeholders. The Act empowers the Central Government and in some instances the State Governments, in consultation with BEE, to:

Notify energy intensive industries, other establishments, and commercial buildings as designated consumers.

Establish and prescribe energy consumption norms and standards for designated consumers.

Direct designated consumers to - Designate or appoint certified energy manager in charge of activities for efficient use of energy and its conservation.

Get an energy audit conducted by an accredited energy auditor in the specified manner and intervals of time.

Furnish information with regard to energy consumed and action taken on the recommendation of the accredited energy auditor to the designated agency.

Comply with energy consumption norms and standards, and if not so, to prepare and implement schemes for efficient use of energy and its conservation.

Prescribe energy conservation building codes for efficient use of energy and its conservation in commercial buildings

State Governments to amend the energy conservation building codes to suit regional and local climatic conditions

Direct owners or occupiers of commercial buildings to comply with the provisions of energy conservation building codes

Direct mandatory display of label on notified equipment and appliances.

Specify energy consumption standards for notified equipment and appliance.

Prohibit manufacture, sale, purchase and import of notified equipment and appliances not conforming to standards.

2.2 National Mission for Enhanced Energy Efficiency

The National Action Plan on Climate Change (NAPCC), released by the Prime Minister on 30 June 2008, recognizes the need to maintain a high growth rate for increasing the living standards of the vast majority of people and reducing their vulnerability to adverse impacts of climate change. The Action Plan enunciates the following principles:

- Protecting the poor and vulnerable sections of society through an inclusive and sustainable development strategy sensitive to climate change

- Achieving national growth objectives through a qualitative change in direction that enhances ecological sustainability, leading to further reduction in emissions of GHGs
- Devising efficient and cost-effective strategies for end-use demand-side measures
- Deploying appropriate technologies for both adaptation to and mitigation of the adverse effects of emissions of GHGs extensively as well as at an accelerated pace
- Engineering new and innovative forms of market, regulatory, and voluntary mechanisms to promote sustainable development

The National Action Plan outlines eight national missions that represent multi-pronged, long-term, and integrated strategies for achieving key goals in the context of climate change. These missions are listed below.

- National Solar Mission
- National Mission for Enhanced Energy Efficiency
- National Mission on Sustainable Habitat
- National Water Mission
- National Mission for Sustaining the Himalayan Ecosystem
- National Mission for a Green India
- National Mission for Sustainable Agriculture
- National Mission for Strategic Knowledge for Climate Change

The National Mission for Enhanced Energy Efficiency (NMEEE) is one of the eight national missions with the objective of promoting innovative policy and regulatory regimes, financing mechanisms, and business models which not only create, but also sustain, markets for energy efficiency in a transparent manner with clear deliverables to be achieved in a time bound manner. NMEEE spelt out the following four new initiatives to enhance energy efficiency, in addition to the programmes on energy efficiency being pursued. They are:

- Perform, achieve, and trade (PAT), a market-based mechanism to make improvements in energy efficiency in energy-intensive large industries and facilities more cost-effective by certification of energy savings that could be traded
- Market transformation for energy efficiency (MTEE) by accelerating the shift to energy-efficient appliances in designated sectors through innovative measures that make the products more affordable
- Energy efficiency financing platform (EEFP), a mechanism to finance DSM programmes in all sectors by capturing future energy savings

- Framework for energy efficient economic development (FEEED), or developing fiscal instruments to promote energy efficiency

The implementation plan of NMEEE seeks to upscale the efforts to create the market for energy efficiency, which is estimated to be about Rs 74,000 crore. The Mission would create conducive regulatory and policy regime to foster innovative and sustainable business models to unlock this market. As a result of implementing NMEEE, we estimate that by the end of five years, about 23 million tonnes of oil equivalent (MTOE) of fuel will be saved, capacity addition of over 19,000 MW avoided, and emissions of carbon dioxide reduced by 98.55 million tonnes annually. The NMEEE set out a comprehensive strategy, which comprised the following components.

- Create demand for energy-efficiency products, goods, and services by spreading awareness about the efficacy of these products and services, amending government policies and programmes to integrate energy efficiency, preparing bankable projects to stimulate the process, and offering the right incentives to cost-effective improvements in energy efficiency in energy-intensive industries and facilities through certification of energy savings that could be traded.
- Ensure adequate supply of energy-efficient products, goods, and services. This is being done by creating a cadre of certified energy professionals; promoting energy service companies (ESCOs), standards, and labelling of end-use equipment and appliances; and preparing structured programmes to leverage international financing instruments including the Clean Development Mechanism (CDM) to reduce transaction costs to attract private investment, etc.
- Create and promote the energy efficiency financing platform, set up partial risk guarantee funds, and develop innovative financial derivatives of performance contracts and fiscal and tax incentives for investment in this sector.
- Create and adopt robust and credible monitoring and verification protocols to capture energy savings from all energy-efficiency activities in a transparent manner.
- Take necessary steps to overcome market failures by appropriate regulatory and policy framework to support the measures mentioned above.

- Efforts of the government to create a market for energy efficiency need to be supplemented with appropriate fiscal instruments, which must be designed to address the following objectives.
- Reassuring lenders by providing a guarantee for performance contracts
- Providing a venture capital fund from the Government to provide equity for energy-efficiency projects
- Promoting leadership in the public sector on energy efficiency

Promoting energy efficiency in public procurement based on life cycle cost analysis.

Promoting regulatory incentives to state utilities through electricity regulatory commissions for DSM projects.

The main scheme initiated by BEE to envisage the above said components of the NMEEE are as follows :

1. Perform Achieve and Trade (PAT) : A market a market-based mechanism to enhance energy efficiency in the 'Designated Consumers' (large energy-intensive industries and facilities); The Energy Conservation Act, 2001 has identified 15 large Energy Intensive Industries for energy efficiency improvements. Section 14 (e) and 14 (g) empower the central government, on the recommendations of BEE, to prescribe energy consumption norms and standards. The Government has, in March, 2007, notified units in 9 industrial sectors, namely Aluminum, Cement, Chlor-Alkali, Pulp & Paper, Fertilizers, Power Generation Plant, Steel, and Railways, as Designated Consumers (DCs). These industries have to appoint an energy manager, file energy consumption returns every year and conduct mandatory energy audit. They also will have to adhere to the energy consumption norms specified by the Government. The Perform Achieve and Trade is proposed as a market based mechanism to enhance cost effectiveness of improvements in energy efficiency in energy-intensive large industries and facilities, through certification of energy savings that could be traded. The main issues relevant to the PAT mechanism are as under:
 - i. Methodology for setting Specific Energy Consumption (SEC) norm for each designated consumer in the baseline year and in the target year.
 - ii. Verification process for SEC of each designated consumer in the baseline year and in the target year by an accredited verification agency

- iii. Issuance process for Energy Savings Certificates (ESCerts) to those designated consumers who exceed their target SEC reduction
- iv. Trading Process for ESCerts
- v. Compliance and reconciliation process for ESCerts.
- vi. Cross sectoral use of ESCerts and their synergy with Renewable Energy Certificates.

2. Market Transformation for Energy Efficiency: Accelerated shift to energy efficient appliances in designated sectors to be enabled through innovative measures; this can be achieved through DSM measures of Standards and Labeling Program (super efficient appliances deployment) or through CDM mechanism of the Bachat Lamp Yojana (CDM CFL scheme of BEE. The enhanced use of energy efficient products and technologies is often constrained by their higher first cost as compared to that of less efficient products. The first cost bias needs to be overcome to initiate market transformation towards their preferential adoption. Leveraging international financing instruments for promoting energy efficiency needs to be encouraged. However, leveraging revenues under CDM usually requires high transaction cost and therefore has not been able to impact the market for energy efficiency- given that EE/ DSM projects are typically small or medium size and the high transaction cost of CDM tends to make them unviable. Thus, even though India accounts for a high proportion of CDM projects registered (about 30%) with UNFCCC (mostly in the renewable sector), the share in CDM revenues is very low as compared to China (24% of the global CDM revenue, as against about 40% of China). The main reason is the high level of aggregation of CDM projects and the involvement of public sector in China. Therefore, similar strategy for bundling of projects to reduce transaction cost and active involvement of public sector is needed to effectively leverage CDM revenues for market transformation. The renewed thrust on DSM by the Government, both as a part of the XI five year plan as well as the National Mission for Enhanced Energy Efficiency provides an appropriate platform to synergise it with CDM. The main issues that need to be addressed to promote CDM are:

- (a) Promotion of the Programme of Activities (PoA) of CDM in various sectors to reduce transaction cost with public sector leadership and involvement
- (b) Identification of other sectoral opportunities in CDM that can be tapped
- (c) Adoption of a national CDM Roadmap

3. Financing of Energy Efficiency: A survey of international experience worldwide on the development of ESCO (Energy Service Company) based energy efficiency market indicates the need for policy interventions, implementation of demonstration projects, promoting ESCOs, developing and standardizing

sustainable contractual and legal documents and putting in place a financing mechanism as key elements. In all the markets where ESCO based energy efficiency investments have taken off, these barriers has being addressed through government interventions. BEE has undertaken measures to implement demonstration projects in Government buildings in order to stimulate the market development and by:

- Putting in place a Government supported standard methodology covering the entire project cycle from audit to performance measurement and verification.
- Design of standard performance contract.
- Design of financial mechanism for project funding.
- Project Implementation and post evaluation of impact.
- Capacity building among ESCOs and project owners.

The main issues that need to be addressed to promote financing of energy efficiency in India are:

- (a) Identification of barriers for financing of energy efficiency projects.
- (b) Appropriate policy interventions that could overcome these barriers.
- (c) Standardisation of performance contract documents to ensure price transparency.
- (d) Capacity building of banks and financial institutions.

4. Framework for Energy Efficient Economic Development (FEEED) :There is a need to provide appropriate fiscal instruments that may supplement the efforts of the government for creation and energy efficiency market. The fiscal instruments must be designed to address the following issues:

- (a) Providing comfort to lenders by provision of a risk guarantee for performance contract (PRGF);
- (b) Provision of a venture capital fund (VCFEE) from the Government to provide equity for energy efficiency projects in a bid to unlock the market;
- (c) Promoting leadership in the public sector to take up energy efficiency
- (d) Promoting energy efficiency in public procurement based on life cycle cost analysis
- (e) Promoting regulatory incentives to state utilities by the Electricity Regulatory Commissions for DSM projects; and
- (f) Providing tax and duty concessions to attract investment in this sector.

2.4 Scope of Work

The scope of work under this Expression of Interest expects the bidder to perform following activities with a view to successful implement the aforesaid initiatives embodied in the NMEEE :

S.no	Tasks	Sub Tasks
1.	Validation of legal and Regulatory framework including detailed review, analysis and advice on the energy efficiency sector vis-à-vis laws and policy(ies) pertaining to climate change reforms and energy efficiency in India.	<p>Analysis and advise on legal and regulatory framework governing climate change and energy efficiency sector in India including but not limited to the following:</p> <ul style="list-style-type: none"> •Constitution of India; •Electricity Act, 2003; •Energy Conservation Act, 2001; •National Action Plan On Climate Change, 2008; •United Nations Framework of Climate Change Convention/Kyoto Protocol; •Any other related laws/rules/regulations/guidelines, etc. <p>Assistance in relation to appointment of appropriate agencies for conducting energy audits, energy savings measurement, verification and conducting various other process and procedures involved thereto.</p>
2.	Financing and Structuring of Projects.	<p>Negotiating, structuring and finalising of projects. loan/financing documentation which may be entered into between:</p> <ul style="list-style-type: none"> • BEE or its nominated agency and the project-developers/investors/implementers; • BEE or its nominated agency and banks /financial institutions, as and when required;in relation to implementation of the initiatives embodied in the NMEEE. <p>Providing advise in relation to any other loan/financing related issues.</p>
3.	Structuring the mechanism for trading of energy efficiency / savings certificates	<p>Providing advise in relation to the structure to be adopted by BEE or its nominated agency , for sale /trading of energy efficiency projects already implemented or yet to be implemented , under the NMEEE scheme including the validity of the rading platforms , viability of such trade and related regulatory and legal issues.</p>
4.	Transaction Document	Negotiating, drafting, reviewing, and

		<p>finalizing of documentation :</p> <p>All kinds of energy savings contracts including Shared savings /Guaranteed Savings Performance Contract, etc to be entered into between BEE or its nominated agency with project developers/investors/implementers;</p> <p>Any other such contracts/agreements/legal documents, as and when the same may be required, in relation to the implementation of the energy efficiency projects/schemes under the NMEEE scheme</p>
5.	Advise on tax issues	<p>Providing Trax advise in relation to :</p> <ul style="list-style-type: none"> • Indirect Tax Implications , in case of import of energy effieency equipment. • Value added tax (VAT) , applicable on purchase or sale of enrgy efficiency equipments /services. • Any other tax applicable on energy efficiency equipment /services.
6.	Legal Support to projects under NMEEE	<ul style="list-style-type: none"> • Legal consultancy for issues of documentation , agreements , carbon trading of BLY (CDM scheme). • Legal consultancy for issue related to PAT , PRGF and VECF. • Aby other legal assitance for the initiatives under the NMEEE.

3. TERMS AND TIMELINES

3.1 Instructions for deliverables

All the work products and deliverables should conform to the industry best practices Deliverables are to be delivered in accordance with the terms of the contract as well as any special instructions in the Work Requirements. Documents and other products are to be delivered in accordance with the terms of the Work Requirements and in accordance with any additional instructions in the Work Requirements. Work products that are not deliverables shall remain under Consultant custody in a manner approved by the BEE until the

conclusion of the task, when they will be turned over to the BEE. The Consultant shall document entire proceedings for the duration of the Consultancy to establish information and document trail as well as help future analysis of any deficiencies in the project planning and management, if any, by following accepted best practices and also would help as a guide for continuous improvement.

The technically bidder with lowest price would be the awarded the contract for empanelment of contracts and legal consultant for NMEEE. Since , this is an empanelment of legal consultants any technically qualified firm which wants to be empanelled with BEE as a contracts and legal consultant for NMEEE may join the empanelment on the condition that it accepts the lowest price bid as consultancy fee. This empanellment would be valid for 1 year which may be extended by BEE if required. BEE reserves the right to cancel the empanelment with 2 weeks notice.

4. INSTRUCTIONS TO THE CONSULTANT

4.1 Procedure for Submission of EoI

The Consultant should submit their responses to EoI in two separate envelopes marked as ENVELOPE-A(technical bid) AND ENVELOPE-B (financial bid). ENVELOPE-A marked as **“Envelope A –Technical bid for EoI of Empanelment of Contracts and Legal Consultant for NMEEE”** and it should contain all the information required as per the EoI . “ENVELOPE-B marked as **“Envelope B – Financial bid for EoI of Empanelment of Contracts and Legal Consultant for NMEEE”** should contain the price bid for providing the services of Legal Consultancy in INR per day.

Each document in the envelope of EoI should be a complete document and should be bound as a volume separately. Each of the document should be page numbered and appropriately flagged and contain the list of contents with page numbers. Different copies must be bound separately. The deficiency in documentation may result in the rejection of the Bid.

The soft copy of the EoI should be submitted, in the form of a non-re-writeable CD (Compact Disc) separate for each document and placed in appropriate envelope. The CD media must be duly signed by the Consultant using a “Permanent Pen/Marker” and should bear the name of the Consultant. The sealed covers should be super scribed with the wordings “Empanelment of Consultant for Contracts and Legal Consultant for NMEEE”.

The sealed cover should also indicate clearly the name, address and telephone number of the Consultant to enable the proposal to be returned unopened in case it is declared "Late".

Consultant must ensure that the information furnished by him/her in respective CDs is identical to that submitted by him/her in the original paper document. In case of any discrepancy observed in the contents of the CDs and original paper documents, the information furnished on original paper document will prevail over the soft copy.

4.2 Cost of EoI

The Consultant shall bear all costs associated with the preparation and submission of its EOI, including cost of presentation for the purposes of clarification of the bid, if so desired by the Purchaser. BEE will in no case be

responsible or liable for those costs, regardless of the conduct or outcome of the Tendering process. BEE reserves the right to cancel this EoI and is not liable for any outcomes due to the action taken.

4.3 Contents of the EoI

The Consultant is expected to examine all instructions, forms, terms & conditions and Statement of Work in the EoI documents. Failure to furnish all information required or submission of an EoI Document not substantially responsive to the EoI in every respect will be at the Consultant's risk and may result in the rejection of the EoI.

4.4 Conflict of Interest

The Consultant should not have any conflict of interest with the work that is needed to be undertaken.

4.5 Language of Bids

The Bids prepared by the Consultant and all correspondence and documents relating to the bids exchanged by the Consultant and BEE, shall be written in the English language, provided that any printed literature furnished by the Consultant may be written in another language so long the same is accompanied by an English translation in which case, for purposes of interpretation of the bid, the English translation shall govern.

4.6 Confidentiality

BEE requires that recipients of this document to maintain its contents in the same confidence as their own confidential information and refrain from any public disclosure whatsoever.

4.7 Disclaimer

BEE and/or its officers, employees disclaim all liability from any loss or damage, whether foreseeable or not, suffered by any person acting on or refraining from acting because of any information including statements, information, forecasts, estimates or projections contained in this document or conduct ancillary to it whether or not the loss or damage arises in connection with any omission, negligence, default, lack of care or misrepresentation on the part of BEE and/or any of its officers, employees.

4.8 Authorized Signatory (Consultant)

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The "Consultant" as used in the EoI shall mean the one who has signed the EoI document forms. The Consultant should be the duly Authorized Representative of the Consultant, for which a certificate of authority will be submitted. All certificates and documents (including any clarifications sought and any subsequent correspondences) received hereby, shall, as far as possible, be furnished and signed by the Authorized Representative.

The power or authorization, or any other document consisting of adequate proof of the ability of the signatory to bind the Consultant shall be annexed to the bid. BEE may reject outright any proposal not supported by adequate proof of the signatory's authority.

4.10 Contact details of the Consultant

Consultant who want to receive BEE's response to queries should give their contact details to BEE. The Consultant should send their contact details in writing at the BEE's contact address indicated in Para 1.2 of this document.

4.11 Queries on the EoI Document

Consultant requiring any clarification on this Document may send a query in writing at the BEE's contact address indicated in Para 1.2 of this document. BEE's response (including an explanation of the query but without identifying the source of inquiry) to all the queries, received not later than the dates prescribed by the BEE in Para 1.2 of this document, will be made available on the website and sent to all Consultants who have given their contact details. BEE may also hold a conference to give clarifications and invitation of the same will be sent to the Consultants who have given their contact details.

4.12 Amendment of EoI

At any time prior to the last date for receipt of bids, BEE, may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Consultant, modify the EoI Document by an amendment. In order to provide prospective Consultants reasonable time in which to take the amendment into account in preparing their bids, BEE may, at its discretion, extend the last date for the receipt of Bids and/or make other changes in the requirements set out in the Invitation for EOI.

4.14 FORCE MAJEURE

FORCE MAJEURE shall mean and be limited to the following:

- a) War/hostilities
- b) Riot or Civil commotion

- c) Earthquake, flood, tempest, lightening or other natural physical disaster.
- d) Restrictions imposed by the Government or other statutory bodies which prevents or delays the execution of the Contract by Bidder.

In the event of any force majeure cause, Bidder or the BEE shall not be liable for delays in performing their obligations under this order and the completion dates may be extended, for a period not exceeding the period of delay attributable to the causes of Force Majeure. Neither BEE nor Bidder shall be liable to pay extra costs provided it is mutually established that Force Majeure Conditions did actually exist.

The Bidder shall at all times, Indemnify and keep indemnified, the BEE and its officer's servants and agents, from and against all/any claims whatsoever, arising as a consequence of, or in the course of execution of the work (including but not limited to property loss and damage, personal accident, injury or death of or to property or person, of the consultant or any JV partner or subcontractor, and / or the servants or agents of the consultant, or any other JV partner or any sub contractor and / or of the BEE).

4.15 Bid Processing Fees

All bids must be accompanied by a bid processing fee of INR 5,000 (INR Five Thousand only) in the form of a crossed demand draft drawn on any nationalized/ scheduled bank payable at par in New Delhi, in favour of "Bureau of Energy Efficiency, New Delhi". In case the document is downloaded from the website, bid processing fee of INR 6,000 would be required.

4.16 Documents Comprising the EOI

The proposal prepared by the Consultant shall comprise the following components:

- EoI Form 1 : EoI Letter Proforma
- EoI Form 2 : Minimum Eligibility
- EoI Form 3 : Prior Experience
- EoI Form 4 : Comments and Suggestions
- EoI Form 5 : Approach and Methodology
- EoI Form 6 : Declaration Letter
- EoI Form 7: Curriculum Vitae

Bid processing fee of INR 5,000 (INR Five Thousand only) or INR 6,000/-, as the case may be.

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Registered Power of Attorney executed by the Consultant in favor of the Principal Officer or the duly Authorized Representative, certifying him/her as an authorized signatory for the purpose of this EOI.

BEE shall not be responsible for non-receipt / non-delivery of the EoI due to any reason whatsoever. Consultants are advised to study the EoI document carefully. Submission of EoI shall be deemed to have been done after careful study and examination of the EoI document with full understanding of its implications.

4.17 Consortium related conditions : This EoI does not allow consortium/partnerships with other agencies.

5. SELECTION PROCESS

5.1 Pre-Qualification Criteria

The Consultant interested in being considered for this project must fulfill the following criteria:

- Should be a firm/company registered/incorporated in India.

Should have at least 10 lawyers on permanent pay roll in India as on March 31st, 2011.

It should have undertaken work in the area of Energy , CDM and Carbon Projects Sector, Power Trading etc. In the absence of such explicit experience, the bid may be treated as nonresponsive.

- National experience (minimum of 5 years) related to energy efficiency projects/power sector. Any additional international experience would be preferred.
- National experience (minimum of 3 years) related to CDM, Carbon Trading etc. Any additional international experience would be preferred.
- The consultant is to submit a approach and methodology in how it would be able to carry out the various activities as listed in the scope of work.
- Experience in handling assignments for Government organizations.
- Experience in Energy Financing, Risk Management, Tax Implications, laws related with Carbon Trading.
- Should have an minimum annual turnover of INR 3 crores (INR 3,00,00,000) or its equivalent in foreign currency from Consulting Fees in at least two of the last three (3) years i.e. FY 2008-09, 2009-10, and 2010-11.
- Should have been profitable for at least two (2) of the last three (3) years i.e. FY 2008-09, 2009-10, and 2010-11.

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- Should be in active business for a minimum period of 3 years
- Should have a successful track record of advising on the full scope of activities outlined
- Should not be involved in any major litigation that may have an impact of affecting or compromising the delivery of services as required under this contract
- Should not be black-listed by any Central / State Government / Public Sector Undertaking in India

5.2 Preliminary Scrutiny

Preliminary scrutiny of the proposal will be made to determine whether they are complete, whether required process fee has been furnished, whether the documents have been properly signed, and whether the bids are generally in order. Proposals not conforming to such preliminary requirements will be prima facie rejected.

5.3 Evaluation of Proposals

Bidder/Firm shall submit one soft and two hard copies (Mark as "ORIGINAL" & "COPY", in event of difference between original & copy, original will be considered as final) of sealed Technical proposal. The proposals would be evaluated on the basis of the pre-qualification criteria and Consultant's prior experience in the areas mentioned above. The specific experience of the Consultant would be evaluated on the basis of the following information provided in ENVELOPEA -Technical Proposal alongwith the prescribed documents:

- Evidence of satisfying all the Qualification requirements listed out in para 5.1
- Evidence of having successfully carried out similar assignments.
- Evidence of having successfully carried out assignments with Government.
- Sufficient size, organization, and management to carry out the entire project.
- Specialized skills and creativity related to the assignment.

However, BEE in its sole/absolute discretion can apply whatever criteria deemed appropriate in determining the responsiveness of the EoI submitted by the respondents.

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This Tender is for empanement of contracts and legal consultants for the NMEEE and project under its umbrella .

Following the approval of the technical evaluation, and at an address, date and time advised by the BEE, the Price Proposals will be opened of those bidders who have technically qualified. The Price Proposals would be evaluated and, following approval of the price evaluation, the Contract would be awarded.

The Bids submitted to BEE under this EoI would be evaluated by the following manner :

Preliminary Evaluation: The technical proposals will be reviewed for deviations, acceptance of terms and conditions, adherence to scope of work, formats required, etc., In case of non compliance on any of the above, bids will be considered as technically non-responsive.

Technical Evaluation: The project experience, CV credentials of the team etc., would be evaluated and scores would be given (out of 100). The Firms are to score atleast 70 out of 100 to technically qualify .

Detailed Technical Evaluation Methodology is as follows:

Technical Evaluation would be conducted on for parameters as shown in the table below:

Technical Evaluation	Points
Firm's Turnover	10
No of employees	10
Prior experience	
CDM projects	15
Energy Efficiency Projects	15
Approach & Methodology	20
A&M will be evaluated on the basis of: Clarity & understanding of Scope Deliverables Approach adopted Expected outcome Stakeholder involving methodology	
Consultant Team Profile	
Team Profile	20
Total	100

Financial Evaluation : The price bid of the technically qualified bids would be opened in the presence of the qualified bidders at an address , time and date intimated by BEE. The price bid should be cost for legal consultancy in INR per day basis (consolidated sum including all charges and taxes).

The bidder with lowest price would be the awarded the contract for empanelment of contracts and legal consultant for NMEEE. Since , this is an empanelment of legal consultants any technically qualified firm which wants to be empanelled with BEE as a contracts and legal consultant for NMEEE may join the empanelment on the condition that it accepts the lowest price bid as consultancy fee. This empanellment would be valid for 1 year which may be extended on BEE's discretion.

6. EoIFORMS

EoIs to be submitted in the following format along with the necessary documents as listed. The EoI shall be liable for rejection in the absence of requisite supporting documents. EoI should provide information against each of the applicable requirements. In absence of the same, the EoI shall be liable for rejection.

6.1 EoI Form 1 : EoI Letter Proforma

To
The Director General,
Bureau of Energy Efficiency
4th Floor, Sewa Bhavan, R.K. Puram Sector-I
New Delhi - 110066
India

Sir,

Sub: Hiring of Contracts and Legal Consultant for Bachat Lamp Yojana

The undersigned Consultants, having read and examined in detail all the EoI documents in respect of appointment of a Consultant for BEE, do hereby express their interest to provide Consultancy Services as specified in the scope of work

2. Correspondence Details

Our correspondence details are:

1	Name of the Consultant	
2	Address of the Consultant	
3	Name of the contact person to whom all references shall be made regarding this tender	
4	Designation of the person to whom all references shall be made regarding this tender	
5	Address of the person to whom all references shall be made regarding this tender	
6	Telephone (with STD code)	
7	E-Mail of the contact person	
8	Fax No. (with STD code)	

3. Document forming part of EOI

We have enclosed the following:

- EoI Form 2 : Minimum Eligibility
- EoI Form 3 : Prior Experience
- EoI Form 4 : Comments and Suggestions
- EoI Form 5 : Approach and Methodology
- EoI Form 6 : Declaration Letter
- EoI Form 7: Curriculum Vitae
- Bid processing fee

Registered Power of Attorney executed by the Consultant in favor of the Principal Officer or the duly Authorized Representative, certifying him/her as an authorized signatory for the purpose of this EoI

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

Thanking you,
Yours faithfully

(Signature of the Consultant)

- Name :
- Designation :
- Seal :
- Date :
- Place :
- Business Address:

Witness:		Consultant:	
Signature	_____	Signature	_____
Name	_____	Name	_____
Address	_____	Designation	_____
	_____	Company	_____
Date	_____	Date	_____



EoI for hiring of Contracts and Legal Consultants for NMEEE

6.2 EoI Form 2 : Minimum Eligibility

[The Consultant should not include the figures of the subcontractors for EoI Form 2]

1.1	Name of Firm/Company			
1.2	Year of Registration/Incorporation			
1.3	Year of Registration/Incorporation in India*			
1.4	Number of Employees in India as on March 31, 2010			
		FY 2008-09	FY 2009-10	FY 2010-11
1.5	Annual Turnover from Consultancy Services**			
1.6	Annual Profits **			

*Enclose a copy of Registration document

**Enclose a copy of Audited Financial Statement with respect to information furnished in 1.5 and 1.6

Witness:

Signature _____

Name _____

Address _____

Date _____

Consultant:

Signature _____

Name _____

Designation _____

Company _____

Date _____

6.3 EoI Form 3 : Prior Experience

[Using the format below, provide information on each assignment for which your firm, and each associate for this assignment, was legally contracted either individually as a corporate entity or as one of the major companies within an association, for carrying out consulting services similar to the ones requested under this assignment. The Consultant should give information about maximum of five projects covering the areas of design as indicated.

Name of Consultant/Firm:	
Assignment/job name:	
Nature of Assignment:	
Description of Project	
Approx. value of the contract (in Rupees):	
Country:	
Location within country:	
Duration of Assignment/job (months) :	
Name of Employer:	
Address and contact details:	
Total No of staff-months of the Assignment/job:	
Approx. value of the Assignment/job provided by your firm under the contract (in Rupees):	
Start date (month/year):	
Completion date (month/year):	
Name of associated Consultants, if any:	
No of professional staff-months provided by associated Consultants:	

EoI for hiring of Contracts and Legal Consultants for NMEEE

Name of senior professional staff of your firm involved and functions performed.	
Description of actual Assignment/job provided by your staff within the Assignment/job:	

Note : Please attach Letter of Intent or Purchase Order or certificate of successful completion for each project, from the respective Client(s).

Witness:		Consultant:	
Signature	_____	Signature	_____
Name	_____	Name	_____
Address	_____	Designation	_____
	_____	Company	_____
Date	_____	Date	_____



6.4 EoI Form 4 : Comments and Suggestions

[Suggest and justify here any modifications or improvement to the scope of work, tasks to be performed, timeline, deliverables, payment terms etc. to improve performance in carrying out the Assignment. The Consultant can suggest deleting some activity or adding another, or proposing a different phasing of the activities. Such suggestions should be concise and to the point.]

(Maximum two pages)

6.5 EoI Form 5 : Approach and Methodology

[Explain your understanding of the objectives of the Assignment/job, approach to the Assignment/job, methodology for carrying out the activities and obtaining the expected output, and the degree of detail of such output. You should highlight the problems being addressed and their importance, and explain the technical approach you would adopt to address them. You should also explain the methodologies you propose to adopt and highlight the compatibility of those methodologies with the proposed approach]

6.6 EoI Form 6 : Declaration Letter

Declaration Letter on official letter head stating the following:

We are not involved in any major litigation that may have an impact of affecting or compromising the delivery of services as required under this contract

We are not black-listed by any Central / State Government / Public Sector Undertaking in India

Witness:		Consultant:	
Signature	_____	Signature	_____
Name	_____	Name	_____
Address	_____	Designation	_____
	_____	Company	_____
Date	_____	Date	_____

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6.6 EoI Form 6 : Curriculum Vitae

NAME:

1. Proposed Position:
2. Name of Firm:
3. Name of Staff:
4. Date of Birth: Nationality:
5. Education:

Name of Degree	Year	Name of Institution

6. Membership of Professional Associations:
7. Other Training:
8. Countries of Work Experience:
9. Languages

Language	Speak	Read	Write

10. Employment Record:

Firm	From – To Date	Designation / Role

11. Detaile d Tasks Assigned	Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned
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EoI for hiring of Contracts and Legal Consultants for NMEEE

13. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes me, my qualifications, and my experience. I understand that any wilful misstatement described herein may lead to my disqualification or dismissal, if engaged.

_____ Date:

[Signature of staff member or authorized representative of the staff]
Day/Month/Year

Full name of authorized representative: _____

