

**NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
COMPETITIVE BIDDING TARIFF
(APPROVAL PROCEDURE) REGULATIONS, 2014)**

S.R.O. -----.— In exercise of the power conferred by Section 47 and section 7(3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (XL of 1997) read with Rule 17(3)(vi) of NEPRA Tariffs (Standards and Procedure) Rules, 1998, the National Electric Power Regulatory Authority, hereby notifies the following regulations to lay down the procedure for approval of tariff arrived at through a competitive bidding.

PART – I

1. Title and Commencement.—(1) These regulations may be called the National Electric Power Regulatory Authority Competitive Bidding Tariff (Approval Procedure) Regulations, 2014.

(2) These regulations shall come into force at once.
2. Definitions.— In these regulations unless there is anything repugnant in the subject or context,—
 - (a) “Act” means the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (XL of 1997);
 - (b) Authority" shall bear the meaning ascribed thereto in the Act;
 - (c) “Application” means an application filed by a person in accordance with the provisions of these regulations and where the context so admits, include the documents-in-support, and “application” shall be construed accordingly;
 - (d) “Competitive Bidding” means a process of obtaining bids/offers for Generation Tariff administered by the relevant agency;
 - (e) "Communication" means any correspondence, filing, written statement, information, comment, summary, Representation, or evidence filed with the Registrar;
 - (f) “Information” includes Bid Evaluation Report, supporting documents, accounts, reports, records, data returns or estimates of any description;
 - (g) "Levellized tariff" means..... **(to be inserted by relevant NEPRA professionals)**
 - (h) “Relevant Agency” means any functionary of Federal Government or Provincial Government or any authorized agency for carrying out ICB in accordance with the Pakistan Procurement Regulatory Authority (PPRA) Rules;
 - (i) “Registrar” means the officer of the Authority appointed to perform the functions of the Registrar as laid down in these regulations;
 - (j) “Request for Proposal (RFP)” means a document approved by NEPRA that includes the necessary information, benchmark parameters, terms & conditions and bid evaluation criteria etc.;
 - (k) “Tariff” means tariff arrived at through ICB process; and
 - (l) Words and expressions used but not defined in these regulations shall have the same meaning as in the Act.

Part-II

Guidelines

3. Any relevant agency while carrying out ICB shall follow the following guidelines;
 - i) Competitive Bidding (ICB) shall be done after observing the relevant and applicable laws of Government of Pakistan;
 - ii) Before initiating the bidding process, RFP shall be got approved from NEPRA for which the relevant agency shall file the draft RFP for consideration and approval of NEPRA;
 - iii) The bids should clearly indicate the plant technical details i.e. make model, useful life, gross capacity, net capacity, details of auxiliary load for plant operation, designed heat rate, heat rate at site conditions and reference technical parameters;
 - iv) The bids should be site specific, fuel specific and technology specific keeping in view the benchmark parameters established by the Authority
 - v) for similar/comparable technologies;
 - vi) The Levellized tariff approved by the Authority for similar technologies shall be taken as benchmark and reverse bidding from benchmark levellized tariff figure shall be done.
 - vii) The bids shall be invited and processed transparently in accordance with the terms laid down in the RFP approved by the Authority;
 - viii) The PPRA Rules shall be complied with while inviting and processing the bids;
 - ix) The bids not fulfilling any of the term of RFP and the applicable laws shall be declared non-responsive;
 - x) Subsequent to publication of invitation of bids, no changes in the RFP shall be made;
 - xi) In case of modification in the RFP, whatsoever, fresh bids shall be invited;
 - xii) The bid evaluation report along with the complete record shall be submitted to NEPRA for approval;
4. In order to satisfy it, the Authority may require the relevant agency to provide any further information or document-in-support thereof;
5. Based on the bid evaluation report and the record placed before it, the Authority shall notify the successful bidders.

Part-III

Procedure for Approval

6. Application for the approval of Competitive Bidding Tariff.—The qualified bidder, as notified by the Authority, shall file an application with the Registrar seeking approval of the generation tariff along with the following documents-in-support:—
 - i) Detail of technology, equipment supplier, make, model, year of manufacturing, useful life, date of achieving commercial operation, financial soundness of the company, and any other information in support;
 - iii) Affidavit to verify the correctness of the contents of the application, information and documents filed with the Authority;
 - iv) Generation Licence or an application for the grant of a generation licence; and
 - v) Draft Power Purchase Agreement.
7. An application for the approval of a competitive bidding tariff shall be filed in triplicate.
8. The applicant shall pay a non-refundable application fee to the Authority for the consideration and processing of the application, calculated in accordance with the Schedule attached to these regulations. The application shall be deemed to be filed only when all required information has been submitted by the applicant to the satisfaction of the Registrar.
9. The Registrar shall present the application for the approval of a competitive bidding tariff to the Authority for decision within three days of the filing of any such application.
10. Having satisfied that all the relevant and necessary information has been provided, the Authority may admit the application for processing. Provided that the Authority may seek any other information or documents which, in the opinion of the Authority, is material and necessary for arriving at an informed decision.
11. The Authority may grant approval of the application or decide otherwise as the case may be, within thirty (30) working days of Authority's admission of the case.
12. The Authority may reject the application in case any particulars furnished with the application are deficient or found to be false or materially inaccurate, provided that before declining the application, the Authority shall give an opportunity of hearing the applicant.
13. The decision of the Authority in respect of an application for granting approval of the generation tariff shall be intimated to the Federal Govt. for notification in pursuance of Section 31(4) of NEPRA Act.

PART IV- MISCELLANEOUS

14. The NEPRA Competitive Bidding Tariff (Approval Procedure) Regulations, 2008 are hereby repealed.

Registrar

PART-I
APPLICATION FOR THE APPROVAL OF COMPETITIVE BIDDING
TARIFF FEE

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Capacity	Generation Fees (Rupees)
Upto 100 MW	200,000
101 to 500 MW	400,000
Above 500 MW	500,000

PART-II

INDEXATION OF FEES

1. The application fee for the approval of competitive bidding tariff payable by an application or the licensee, as the case may be, shall be indexed to the Consumer Price Index ("CPI") published from time to time by the Federal Bureau of Statistics.
2. The indexation shall be done on the basis of the most recent CPI prevailing on the date of payment of the application fee and the fee payable on the date of payment shall be increased or decreased, as the case may be, in accordance with the following formula:

$$F_{pd} = F_t [CPI_{pd} / CPI_{rd}]$$

Where

F_{pd} = The actual fee payable on the date of payment.

F_t = The respective fee set out in Part I of this Schedule II.

CPI_{pd} = The most recent CPI prevalent on the last day of the month immediately preceding the month in which the application is made.

CPI_{rd} = The reference or base CPI, prevalent on the last day of the month in which the National Electric Power Regulatory Authority Competitive Bidding Tariff

(Approval Procedure) Regulations, 2008, are notified in the official Gazette.

1. Schedule of fee has been modified vide S.R.O. 604(I)/2010 dated 29th June, 2010. Existing Schedule of Fee is as under:

Category of Licence Fees	(Million Rs.)
Upto 100 MW	0.25
101 to 500 MW	0.50
Above 500 MW	0.75

Amendment made in NEPRA Competitive Bidding Tariff (Approval
Procedure) Regulations, 2008
Statutory Notification (S.R.O)
National Electric Power Regulatory Authority (NEPRA)
NOTIFICATION

S.R.O. 604(I)/2010.— In exercise of powers conferred by Section 47 of the Regulation of Generation, Transmission and Distribution of Electric Power Act (XL of 1997), the National Electric Power Regulatory Authority is pleased to approve the modification in the National Electric Power Regulatory Authority Competitive Bidding Tariff (Approval Procedure) Regulation, 2008, notified vide S.R.O No. 1039 (I)/2008 dated 23rd September 2008 w.e.f. 1st July, 2010. Other contents of the S.R.O No. 1039 (I)/2008 shall remain un-changed.

Schedule

[Regulation 3(3)]

PART I

APPLICATION FOR THE APPROVAL OF COMPETITIVE BIDDING

TARIFF FEE

Capacity	Generation Fees (Rupees)
Upto 100 MW	200,000
101 to 500 MW	400,000
Above 500 MW	500,000

SYED SAFEER HUSSAIN,
Registrar.