

PUBLIC UTILITIES COMMISSION OF SRI LANKA

REQUEST FOR PROPOSALS

Selection of a Consultant for Preparation of Guidelines
on Shifting/Removing of Electrical Pole(s)/Line(s)
Erected in Public Roads/Places

1/11/2019

Section 1: Terms of Reference

Background and objective of the Study

Electricity poles and lines are laid by service providers (Ceylon Electricity Board and Lanka Electricity Company (Pvt.) Ltd) on private roads/places as well as public roads/places. Sri Lanka Electricity Act No. 20 of 2009 as amended by Sri Lanka Electricity (Amendment) Act No. 31 of 2013 explain the legal provisions on locating electrical poles/lines as well as removing/shifting of such lines on private lands/roads. Based on such provisions, the Public Utilities Commission of Sri Lanka (the Commission) as the regulator of electricity industry, developed guidelines on shifting/removing electrical poles/lines on private lands/roads and issued to service providers for implementation.

Although the said electricity acts explain the legal provisions of obtaining wayleave to locate electrical poles/lines on public roads/places, unavailability of a clear guidelines on shifting/removing of electrical poles/lines on public roads/places have created lot of issues in various places.

In order to identify the issues in depth pertaining to locating and removing/shifting of such electrical poles/lines and other issues related to industries where the Commission regulates and intended to regulate, a series of public consultation programmes were conducted by the Commission in island wide. The following key issues were identified with regard to electrical poles/lines located on public roads/places.

1. Electrical poles/lines that have located irregularly on public roads/places are creating difficulties for road users.
2. Electrical poles that have erected on public roads disturb entrance to private lands.
3. Even though roads get widen (mostly with the financial assistance from the Government or donor agencies), already located electrical poles and lines have not shifted accordingly.
4. When road users request service providers to shift electrical poles/lines to edge/boarder of the road, service providers used to issue estimates for road users/consumers. But they reluctant to pay as the pole/line located on public roads/places not in their private lands or roads.
5. Service providers do not shift electrical poles/lines until shifting charges are paid.
6. In certain places, service providers find it difficult to identify a practically suitable new location(s).

To overcome issues mentioned above and other issues related to removing/shifting poles and lines on public roads, preparation of guidelines to shift/remove electrical poles and lines is required. In view of that, the Commission wishes to hire a suitable individual consultant to prepare the above guideline in consultation with the relevant stakeholders.

Scope of Work

The consultants are expected to carry out the following work:

- a. Obtain an understanding of the envisaged legal and regulatory framework of the electricity distribution business, including a review of the following:

- i. Sri Lanka Electricity Act, No. 20 of 2009, Sri Lanka Electricity (Amendment) Act, No.31 of 2013, Public Utilities Commission of Sri Lanka Act, No. 33 of 2002, Ceylon Electricity Board Act, No. 17 of 1969, Road Development Authority Act No. 73 of 1981, 13th Amendment to the Constitution and other relevant laws;
- ii. Distribution & Supply Licenses issued by the PUCSL;
- iii. Distribution Code;
- iv. Supply Services Code;
- v. Rights and Obligations of Electricity Consumers;
- vi. Electricity (Dispute Resolution Procedure) Rules; and
- vii. Guidelines on Wayleave and Felling or Lopping of Trees;
- viii. Guideline on Shifting/Removing of Electrical Poles/lines on Private Lands/Roads;
- b. Review the existing processes applied in other countries, the processes practiced in Sri Lanka in consultation with the relevant stakeholders and comments received on shifting/removing of electrical poles/lines erected on public roads/poles at Regional Public Consultations 2018;
- c. Based on the above, preparation of Guideline on Shifting/Removing of Electrical poles/Lines on Public Roads/Places complying with relevant laws, regulations, rules, codes, methodologies etc.;
- d. Conduct consultations with and make presentations to the Government and other relevant stakeholders including, but not limited to Distribution Licensees, Road Development Authority and Authorities of Local Governments etc.
- e. Conduct limited stakeholder consultation to address stakeholder issues before submission of final draft of the guideline. (Expenses related to stakeholder consultation on the interim report will be borne by the Commission)

Deliverables

The consultants are expected to provide the following deliverables:

- a. Inception Report and presentation(s) reflecting the findings, constraints (if any) as well as the overall design, outline and sequence of the work, prepared on the basis of items a and b under Scope of Work (within 3 weeks of awarding this assignment);
- b. Interim Report and presentation containing a discussion and recommendations as well as an interim version of the proposed guidelines for shifting/removing of electrical poles/lines on public roads/places (within 6 weeks of awarding this assignment);

- c. Draft Final Report, presentation containing the proposed guidelines for shifting/removing of electrical poles/lines on public roads/places and Report on stakeholder comments and consultants' opinion under each comment received on the draft guidelines (within 11 weeks of awarding the assignment); and
- a) Final Report containing the proposed, guidelines for shifting/removing of electrical poles/lines erected on public roads/places prepared on the basis of comments on the Draft Final Report provided by the Client (within 13 weeks of awarding the assignment).

Duration of the Assignment

The duration of this assignment will span 13 weeks.

Section 2: Selection Procedure

2.1 Collection of Request for Proposal

This RFP is available on the Commission's website at www.pucsl.gov.lk. It can also be collected from Reception at Commission's office between the hours of 9:00 am and 4:00 pm until the closing date.

2.2 Submission of Proposals

Proposals are to be:

- (a) submitted by 2:30 pm on 15th February 2019 and should be addressed to the Chairman, Procurement Committee, Public Utilities Commission of Sri Lanka
- (b) submitted in two (2) separate sealed envelopes marked in upper left hand corner ***“Proposal for Preparation of Guidelines on shifting/removing of electrical poles/lines Erected on public roads/Places”*** in respect of:
 - i. Technical Proposal
 - ii. Financial Proposal
- (c) placed in the designated box located at the Reception of the Commission's office, Level 06, BOC Merchant Tower, No. 28, St. Michael's Road, Colombo 03.

It is earnestly request to adhere to the deadline because, the proposals submitted after the deadline will be automatically rejected and returned unopened to the bidder.

2.3 Opening of Proposals

Proposals will be opened on 15th February 2019 at 2:30 pm in the Conference Room of the Commission's office. Bidders or their representatives who submitted proposals are invited to attend the opening. Only the Technical Proposals would be opened and the name of the principal bidder will be announced at the opening.

2.4 Requests for Clarifications

Any requests for clarifications regarding the assignment can be made to the following address (marking attention to Deputy Director – Consumer Affairs) in writing or by email, not later than three (3) working days before the submission deadline.

Director General
Public Utilities Commission of Sri Lanka
Level 06, BOC Merchant Tower,
Colombo 03.

Or

info@pucsl.gov.lk

2.5 Technical and Financial Proposals

The Technical Proposal shall provide the information indicated under the following points from (a) to (c).

- a) A description of the Consultant's experience on assignments of similar nature. For each assignment, the description should include a brief description of the project, names of Consultancy organization or other professional staff who participated, duration of the assignment, contract amount, and Consultant's involvement. All assignments completed by the consultant working both privately or through other consulting firms should be mentioned. Consultant should be prepared to substantiate the claimed experience if so requested by the Client.
- b) A brief description of the approach, methodology and work plan for performing the assignment covering the following subjects:
 - Technical Approach and Methodology - Briefly explain your understanding of the objectives of the assignment, approach to the services, methodology for carrying out the activities and obtaining the expected output, and the degree of detail of such output. Highlight the problems being addressed and their importance, and explain the technical approach that would adopt to address them.
 - Work Plan - Propose the main activities of the assignment, their content and duration, phasing and interrelations, milestones (including interim approvals by the Client), and delivery dates of the reports. The proposed work plan should be consistent with the technical approach and methodology.
- c) CV of the consultant – The CV shall include details of the academic and professional qualifications of the consultant, membership of professional associations, employment

record, and any other details that will facilitate the proposal evaluation described under section 2.6.

The Financial Proposal shall list all costs associated with the assignment with detailed breakdown where activities and items described in the Technical Proposal can be priced separately; activities and items described in the Technical Proposal but not priced, shall be assumed to be included in the prices of other activities or items.

2.6 Evaluation of Proposals

Technical Evaluation

The technical/work program proposal would be evaluated before the envelopes containing the financial proposals are opened. The proposals will be ranked on the basis of the following maximum allocation of points for specific elements of each proposal:

Aspect	Maximum Score
Completeness of the proposed work program in response to the Scope of work	20
Academic and professional background of the Consultant: (i) Academic background and qualifications (20) (ii) Professional background and qualifications (20)	40
Experience of the Consultant: (i) General Academic and professional experience (20) (ii) Experience in similar assignment (20)	40
TOTAL	100

Financial Evaluation

After technical evaluation, the financial proposal of the Consultant ranked highest during the technical evaluation will be selected for evaluation and the contract will be awarded if the financial proposal value is within the budget available. If the financial proposal value of the highest ranked proposal exceeds the available budget, the proposal ranked next will be selected for financial evaluation.

The available budget for the assignment is LKR 600,000.

2.7 Payment Schedule

The payments for the assignment will be disbursed as follows:

1. 10% upon the submission of the Inception Report
2. 20% upon submission of the Interim Report
3. 40% upon submission of the Draft Final Report and Report on Stakeholder comments

4. 30% upon submission of the Final Report and recommendations

2.8 Reporting Relationships

1. For administrative purposes, all communications relating to the assignment shall be addressed to the Director General, Public Utilities Commission of Sri Lanka.
2. Any queries or comments concerning this TOR or any aspect of the assignment are to be directed to: Deputy Director – Consumer Affairs, Public Utilities Commission of Sri Lanka (email: info@puosl.gov.lk)

2.9 Other

1. The selected bidder will be required to enter into a Consultancy Agreement with the Commission of which these Terms of Reference will form an integral part.
2. The Commission is not obliged to accept any or all proposals and reserves the right to discontinue the procurement process at any point before the award of the contract without incurring any liability to any bidder.