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भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India
(Ministry of Shipping, Road Transport and Highways)
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No. 11041/217/2007- Admn

Dated : 29th December 2008

OFFICE ORDER

(Decisions taken in 37th Weekly Meeting held on 23.12.2008 on the Action Plan of LMNHP under World Bank Loan)

Earlier in Sept, 2006, as a part of Institutional Strengthening of the Authority, the Cells viz Planning, Quality Assurance, Project Appraisal, Road Safety, Contract Management, Standardization & R&D and Legal & Arbitration have been created. In the 37th Weekly Meeting held on 23.12.2008, the following decisions have been taken :

(a) Activities of Road Safety Cell : The activities of Road Safety Cell shall be as per the note enclosed (**Annex-A**). In addition, the Safety Cell would also undertake the appointment of Safety Consultants, which is mandatory as per MCA of BOT Projects. Sh. S.C. Jindal, CGM (T) would continue to head the Cell. Mr. K. Venkata Ramana, GM (Tech.) would look after Safety Standards & Audits related matters. Mr. V.S. Darbari, GM would look after the issues viz Interactions with Stakeholders, Public Education, Data Collection, etc. (i.e., all matters other than Standards & Audits).

(b) Design Review Unit : It has been decided to establish a Design Review Unit headed by CGM (T), Sh. H.C. Arora under Member (T) and supported by Sh. Alok Deepankar, GM (T). The Unit would review all design proposals and outsource the functions of review of special designs by engaging experts in various fields as and when required. It was also decided to engage an expert for one month to study and recommend procedures and propose the staffing/ responsibility/ authority of the Design Review Unit. The recommendations of this expert would be submitted to NHAI Board for decision.

(c) In addition to the functions given in Office Order No. NHAI/11041/199/2006-Admn. Dated 11th September 2006, the Contract Management Cell would examine the existing procedures in NHAI as per the enclosed note (**Annex-B**) by taking the assistance of a Consultant, if required. The findings & recommendations would be submitted to NHAI Board for decision.

2. Earlier, a Committee was constituted under the chairmanship of Member (Admn.) vide Office Order No. NHAI/11041/199/2006-Admn dated 5th February 2008 (copy enclosed) for monitoring of projects on continuous basis, ensuring the time and cost bound implementation, monitoring performance of

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contractors/ consultants and building data base on them which will be utilised while taking decision on award of new contract. This Committee has been re-constituted as given below:

- | | |
|---|--------------------|
| a) Sh S.K. Puri Member (Projects) | Convener/ Chairman |
| b) Sh S.C. Jindal, CGM (T) | Member |
| c) Chief Engineer (PIC), DoRT&H | Member |
| d) Representative of Secretary General, IRC | Member |
| e) Representative of CRRl | Member |

The above Committee would take the assistance of the external experts to design the performance criteria and process. The Committee would review the performance after completion of the project also besides monthly & annual reviews.



(Dr. A. Didar Singh)
Member (Admn.)

Copy to :

All Members/ CGMs/ GMs/ PIUs/CMUs/SPVs/Librarian/ Hindi Officer
PS to Chairman

Note on activities of Road Safety Cell of NHAI

Ministry (Safety Cell) is considering a report of the Committee headed by Sh. S. Sundar, Former Secretary, MOST on National Road Safety Policy, Creation of a National Road Safety & Management Board and National Road Safety Fund.

2. As part of institutional strengthening of NHAI, a Road Safety Cell has been created through Office Order dated 11.09.06 with the following functions.

- (i) To appraise safety systems and procedures in contract management;
- (ii) To set operational policy and safety standards;
- (iii) To monitor road safety aspects during design, construction and operation;
- (iv) To advise on all road safety issues;
- (v) To maintain and manage data related to road safety;
- (vi) To coordinate all the studies related to road safety; and
- (vii) To carry out road safety awareness programme

3. Activities of Road Safety Cell are given below (to be reviewed on biannual basis):

(a) Road Safety Cell of NHAI would review and prepare a checklist of Safety Standards separately for three stages viz Design, Construction and O&M, which would be circulated within NHAI for compliance. The responsibility for checking the works as per Checklists during Design & Construction is with the concerned Technical Divisions and Corridor Management Division in case of O&M. Road Safety Cell of NHAI would undertake sample safety audits by engaging a team of experts and propose revisions to Standards & Contract Clauses.

(b) Road Safety Cell of NHAI would update the Accident Management System in RIS by engaging the consultants.

(c) Road Safety Cell of NHAI would endeavor to sign the MOUs with Ministry of Health & Family Welfare (MoH), National Crime Records Bureau (NCRB), Bureau of Police Research & Development (BPRD)/ State Police/ Transport Departments for undertaking highway patrols, post-accident measures, recording of accident details, enforcement of rules/ laws, etc.

(d) Road Safety Cell of NHAI would undertake Public Education/ Awareness Programmes by engaging the consultants.

Working Group on Quality Enhancement of Contract Supervision and management

1. The objective of the working group will be to critically review the existing administrative procedures of the project delivery with a view to reduce implementation delays and improve the quality of implementation with timely decision by NHAI. The broad term of reference of the working group should include but not be limited to:

- Organize interviews and/or organize a workshop with selected Project Directors, 'Engineers', HQ staff and contractors to receive feedback on existing procedures, how these affect the overall contract performance and cause delays.
- Review all activities following a value-chain approach and identify the critical ones which result in significant delays in decision making and implementation. Indicate the range of delays identified.
- For the critical activities identified, review the existing procedures and constraints and opportunities for improvement.
- Recommend changes to existing procedure to NHAI's Board for Approval.

2. The working group must include selected staff from HQ, Project Directors, and practising Engineers (both Design and Supervision Consultants).

3. The Working Group must submit its report by February 28, 2009 for approval by NHAI Board.

4. The Working group should consider the existing administrative procedures for the following, and comment on delegation of authority, financial powers and timeframe for decision

4.1 Project Preparation Phase (for Traditional and PPP contracts)

- Procurement of Feasibility Study/PPR/DPR Consultant
 - Preparation of TORs and Estimates.
 - Advertising
 - Evaluation of EOIs
 - Short listing
 - Method of selection – Quality based, Cost Based, Single Source etc
 - Method of Procurement – Lump Sum, Time Based, hybrid etc.
 - Formation of evaluation committee
 - Pre-proposal meeting and issuance of minutes
 - Evaluation of Proposals
 - Award decision
 - Is there a Need to Prepare a NHAI Procurement Manual for Service Contract
- Contract Administration of Consultancy Contracts
 - Release of advances
 - Variations in the Scope of work
 - Changes to Key Professional / Support Staff
 - Technical Review of Design, Estimates, BOQ
 - Field verification of survey data and designs where applicable
 - Approval of Reports/Deliverable, performance evaluation
 - Payments – Interim and Final
 - Extension of Time
 - Issuing notice on poor performance and contract defaults
 - Termination of Contract and debarment

4. Action Plan :

S. No.	Activity	Time for completion
1	Through an advertisement in newspapers, individual experts would be asked to express their willingness/ fees to work with NHAI on safety related issues. After scrutiny of applications, a short list of various experts would be prepared.	2 months from approval of this note
2	Teams would be set up from the short-listed experts for undertaking the following :	
(a)	Preparation of checklists for circulation in NHAI	1 month
(b)	Undertake safety audits of Projects during Design & Construction and O&M Criteria for selection of Projects Design & Construction – Highest volume of traffic in PCUs O&M – Reaches reporting highest no. of accidents	One Project each of Design & Construction and O&M per month
(c)	Updation of data in Accident Management System of RIS	3 months
(d)	Review Standards & Contract Clauses and propose revisions	Part of Safety Audit
(e)	Conduct training/ awareness programmes for various stakeholders	One per quarter
3	Draft MOU with MoH/ NCRB/ BPRD/ State Police/ Transport Departments – Preparation, Circulation, Feedback, Correction & Signing	6 months from approval of this note

5. Staffing of Road Safety Cell under Member (T) in HQ :

CGM (Tech.) – 1 no.

GM - 2 no.

Standards & Audits; and

Interactions with Stakeholders, Public Education, Data Collection, etc. (i.e., all matters other than Standards & Audits)

DGM/ Manager – 4 no. (to begin with)

Note : The staffing at site would be provided as per requirements.

6. Budget : NHAI would provide the funds as required to meet the cost of advertisements, fees & travel expenses of experts/ officers of Cell, organizing workshops/ meetings/ training programmes, funds to MoH/ NCRB/ BPRD/ Police/ Transport Departments as per MOUs. The cost of implementation of various measures as per safety audits during Design & Construction and O&M would be taken care of by concerned division of NHAI.

4.2 Pre-Construction Phase (for Traditional and PPP contracts)

- LA - Decision to go as per NH Act or LA Act
- Appointment of Competent Authority (LA)
- Setting up adequate grievance redressal procedure related to LA and R & R
- Deciding on adequate public consultation procedure (i.e. how many consultations, when and where, focus group / door-to-door approach etc.)
- Review and approval of LA Estimates and release of compensation
- Review and approval of Micro Plans and release of assistance
- Coordination with utility agencies and line departments and approvals (e.g. canal closures, railway clearances; transmission line shifting, traffic access closures, interconnection with storm water drainage system etc.)
- Review of estimates and disbursement of utility shifting advances
- Coordination with local administration and police on adequate advance arrangements on traffic management during construction
- Coordination with local administration on setting up local forums for demand management and grievance redressal
- Tree cutting permission
- Disbursement of NPV for tree cutting.

4.3 Procurement of Works (for traditional contracts)

- Review of contract packaging and Procurement Plan
- Review of Bid Document and Engineers Estimates.
- Review of Contract Completion period
- Advertising
- Method of selection – Pre-Qualification / Post Qualification
- Formation of evaluation committee
- Pre-bid meeting and issuance of minutes
- Bid evaluation
- Award decision
- Is there a Need to Prepare a NHAI Procurement Manual for Work

4.4 Construction Phase (for traditional contracts)

- Release of advances including mobilization and machinery advance
- Issuance of Excise Exemption Certificates.
- Design changes leading to a variation order.
- Variation Orders including variation in the quantity of any particular BOQ item.
- Acceptance/Approval of a rate, quoted by the contractor in the event of any variation.
- Acceptance/approval of change in the specification of any work item and corresponding rate.
- Variations resulting from an error or omission in the contract.
- Acceptance or changes in approved work methodology.
- Adding a new item in the BOQ and approving the quantity, rate and specification of the same.
- Resolving a dispute – Who and How it is decided that NHAI intend to refer a particular case to DRB/ Arbitration /Court.
- Implementing DRB recommendation
- Auditing / Inspection of Contractor's accounts
- Granting EOT.
- Progress Reporting by Supervision Consultants
- Abuse of Joint Venture Agreements.
- Managing construction induced impacts, local demands and grievance redressal
- Traffic management and Construction safety

- Monitoring Compliance with Statutory Procedures (SPCB Clearances, MoEF regulations etc.)
- Use of Day Works and/or Provisional Sums.
- Issuing instructions to Contractors
- Authority to Stop the Work at a particular location – Although as per the contract Engineer has authority to work but what is this practice?
- Payments of IPC
- Issuance of substantial completion and/or completion certificate.
- Extension of DLP, if required
- Taking over part of a highway section, if contract provides for.

4.5 Concessioneering of Highway Section (for PPP Concessions)

- Internal systems and procedures for monitoring the authority's and concessionaire's obligations as per the Concession Agreement, during the construction, operation and termination phases. These should be distinguished from the role of an independent engineer in monitoring the concessionaire's performance on various counts during these phases and cover how agency monitors the performance and fulfilment of various obligations of the concessionaire and takes appropriate action (with or without inputs from the independent engineer)
- Release of Payments both grant(?) payments and performance based annuities
- Issuance of Excise Exemption Certificates (? Is this relevant).
- Design changes and acceptance/approval of change in the specification of any work item
- Acceptance or changes in approved work methodology
- Resolving a dispute – Who and How it is decided that NHAI intend to refer a particular case to DRB/ Arbitration /Court.
- Granting EOT and extension/modification of concession period
- Progress Reporting by Supervision Consultants
- Abuse of Concession or Consortia Agreements.
- Renegotiation of concession
- Authority to Stop the Work at a particular location – what is this practice?
- Issuance of substantial completion and/or completion certificate
- Systems and procedures followed for traffic sampling.
- Procedures followed for extending “revenue shortfall loan” and monitoring its repayments.

For this section check Model Concession Agreement for aspects that are controlled by NHAI

4.6 Record Keeping (for Traditional and PPP contracts)

The Working Group must also review the existing record keeping system in place at NHAI and should consider following

- Is there a record keeping system or procedure in place to maintain all contract documents starting from planning, design through to the completion?
- What procedures are followed to take over project related documents from design or supervision consultants?
- Is there any tracking system for grievance redressal ?
- Are documents kept at Field or at HQ?
- How the electronic documents are maintained?



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No: NHAI/11041/199/2005-Admn.

5th February 2005

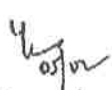
OFFICE ORDER

Consequent upon approval of Competent Authority, an interdepartmental committee comprising of following officers has been formulated under the Chairmanship of Member (Admn.):

- i) Shri Atul Kumar, CGM(IT)
- ii) Shri S C Jindal, CGM(T)
- iii) Shri S K Puri, CGM(T)
- iv) Shri G P Chand, GM(MIS)
- v) Shri Ajmer Singh, DGM(PSQ)
- vi) Shri P K Mahopatra, DGM(MIS) (Convener)

2. The committee is for monitoring of projects on continuous basis for ensuring the time and cost bond implementation, monitoring performance of contractors/consultants and building data base on them which will be utilised while taking decision on award of new contract.

3. The committee will meet every 15 days to review the projects and performance of contractors/consultants.


(V K Sharma)
GM (Admn)

To :

PS to Chairman
PS to all Members
All CGMs/CVO
All GMs/DGMs/Managers
All PIUs/CMUs
Librarian/Hindi Officer