



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(सड़क परिवहन और राजमार्ग मंत्रालय)  
**National Highways Authority of India**  
(Ministry of Road Transport and Highways)  
जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075  
G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष / Phone : 91-11-25074100/25074200  
फैक्स / Fax : 91-11-25093507 / 25093514

NHAI/ Policy/ Consultancy / 2019  
No.10.3.9/2019 dated the 23<sup>rd</sup> July, 2019  
[Decision taken by EC in its 392<sup>nd</sup> meeting at Agenda Item No. 392.02]

**Subject: - The ambiguity in provision for payment of final stage payment to DPR consultant in case concession agreement is not executed within 1 year of the date of agreement (effective date) of consultancy assignment.**

It has been observed that in few DPR Consultancy contracts, clause 6.3 (b) (f) (mode of billing and payment) states that "10% (ten percent) of the Agreement Value has been earmarked as Final Payment to be made to the Consultant upon execution of the Concession Agreement. In the event the Concession Agreement does not get executed within 1 (one) year of the Effective Date the Final Payment shall not become due to the Consultant, save and except the costs incurred for meetings its reimbursable expenses during the period after expiry of 18 (eighteen) weeks from the Effective Date, including travel costs and personnel costs, at the agreed rates"

2. The schedule for payment in the Contract Agreement provides that 6<sup>th</sup> stage payment becomes due on submission of required project clearances from the concerned agencies. This is not linked with clause 6.3(b)(f).

3. The requirement of signing of Concession agreement envisaged under clause 6.3(b)(f) is required to be fulfilled for making the DPR consultant eligible for final payment. This does not seem to be feasible, as on the basis of DPR, the approval is obtained from Competent Authority and thereafter bid invitation/submission/evaluation takes considerable time which is beyond the control of DPR consultant. If these activities are delayed beyond the prescribed period under clause 6.3 (b)(f), the consultant will lose its 6<sup>th</sup> stage (final) payment due for completion of DPR work.

4. In view of above, provision under clause 6.3(b)(f) is not in true spirit of the contract. The said clause be deleted from all such contracts so that the DPR consultants may not be deprived of their 6<sup>th</sup> stage (final) payment after completion of DPR work.

  
(V.K. Sharma)  
CGM (Coord& Parl.)

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