



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय)
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POLICY MATTERS- TECHNICAL (14 /2008)

Sub: Guidelines on removing a contractor from the list of non-performing contractors

It has been decided with the approval of the Competent Authority that the following criteria shall be followed for removing a contractor from the list of non-performing contractors.

2. On-going contracts

A. Time overrun less than 75%

(i) Individual contracts

The performance criteria adopted for declaring a contract package a non-performing package shall continue to be the same on the basis of which 17 contractors were declared non-performers on 9th August 2004. In other words, an individual contract package would be considered a performing package if the progress achieved thereon is more than that required as per the criteria given below:

- (a) After 1/3rd of contract period: not less than 5%
- (b) After 2/3rd of the contract period: not less than 20%
- (c) After full completion period: not less than 50%
- (d) After 175% completion period: the entire work (100%)
- (e) Linear interpolation between the consecutive milestones specified

Linear interpolation between the progress milestones .

(ii) Multiple contracts by a single contractor

A contractor should have, at the time of being removed from the list of non-performing contractors, more than 33% of the total contract packages being implemented by him in the category of performing contract as per provisions of para 2 (A) (i) above.

Joint and several liability

If a contracting firm is a Joint Venture firm all the partners of a non-performing contracting firm will be declared non-performer

Cont...2

B. Time overrun more than 75%

(i) Individual contracts

If a contract is not completed even after 75% time overrun, it will continue to remain a non-performing package until it is completed in accordance with the provisions of paras 3 and 4 of these guidelines .

(ii) Multiple contracts by a single contractor

The same criteria as stipulated in para 2.A (ii) shall apply in this case also.

3. Completed Contracts

(i) Individual contracts

A contract, if completed in accordance with the provisions of para 4 below, will be considered for the purpose of these guidelines a performing contract.

(ii) Multiple contracts by a single contractor

The same criteria as stipulated in para 2.A (ii) shall apply in this case also.

4. Completion of a contract

For the purpose of these guidelines, a contract shall be considered as completed, if

- (i) The project has been taken over and/ or tolling of the section has begun (not partial tolling, but tolling of full section under the contract).
- (ii) The project has been completed in the entire project section except those portions where encumbrances (please see para 5 below) have not been solved even in 175% of the contract period and for which extension of time is justified. For avoidance of doubt, if any work remains in the unencumbered portion, the project will not be deemed to have been completed.
- (iii) The non-completion of certain minor items (e.g. service roads, drains, bus-bays, pitching, turfing etc) should not come in the way of considering the work as completed. The test of completion would be amenability of the section to be tolled. If it can be tolled, it should be considered as completed.
- (iv) The completion as defined above will not override the provisions of contract, and the contractual provisions shall always prevail.

5. Encumbrances affecting completion

Encumbrances for the purpose of these guidelines shall mean absence of statutory/ legal clearances resulting in work not getting executed e.g land not acquired, clearances of Railways, Forest, Environment, etc; not obtained, utilities not shifted, etc. Shifting of utilities where this has to be done by the contractor himself and for which land is not a constraint, shall not be considered an encumbrance. Obstruction or agitation by locals for providing additional facilities, etc shall also not be considered as encumbrances.

6. All Technical Divisions are required to examine the performance of individual contracts and multiple contracts by a contractor in accordance with the above guidelines and seek the approval of the concerned Member to declare a contract packages as a performing or a non-performing package.

7. Members may, approve removal of a contractor from the list of non-performing contractors in accordance with the above guidelines. In case, a particular contractor has contracts under more than one Division, the concerned Members shall have consultation among themselves before taking a decision in the matter.

8. All the cases of review of performance shall be done in a time bound manner . In case a contractor has been removed from the list of non-performers all other Divisions shall be immediately informed so that he can be considered for pre-qualification and award immediately thereafter.

9. This issues with the approval of the Competent Authority.

4
21/07
(V.K. Sharma)
General Manager (Admn.)

To:

PS to Chairman
All Members
All CGMs/CVO/GMs
All DGMs/Managers
All PIUs/CMUs/SPVs

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Librarian/Hindi Officer