



# भारतीय राश्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

## National Highways Authority of India

(Ministry of Road Transport and Highways)

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### NHA/Policy Guidelines/ Delegation of Power/2017

No.18.24/2017, Dated the 21<sup>st</sup> August, 2017

(Decision taken on File No.NHA/CGM/CMD/2017-18)

#### Subject : Delegation of Power in implementation of the Projects.

The Delegation of Power (DOP) given in various Policy Circulars on the following subjects has been revised as under (for other subjects, DOP remains the same as given in earlier Policy Circulars):

Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
1.1	Approval of Compensation for Land Acquisition determined by CALA under NH Act, 1956 (decision taken by EC in its meeting held on 24.07.2017)	RO	Full Powers	(i) The award of compensation is made by CALA on or after 01.01.2015 as per the provisions of RFCTLARR Act, 2013. (ii) The compensation for structures falling within ROW shall be strictly as per Policy Guidelines (7.1.51) dated 10.04.2017
1.2	Approval of Compensation for Land Acquisition enhanced by the Arbitrator/ Court (including interest) (decision taken by NHA Board in its meeting held on 17.08.2017)	RO	Full Powers	(i) Procedure for processing Arbitral Awards shall continue to be governed by Circular No. NHA/13/LA/Policy/2006 dated 06.09.2010. Paras 1(a), 1(b) and 1(c) of Circular ibid are cancelled. (ii) RO may seek legal advice from NHA's Counsel prior to deciding whether to accept or challenge a court order enhancing compensation. Provided that [as per Para-1(I) of Circular No. NHA/13/LA/Policy/2006 dated 06.09.2010], Arbitral Awards which have been upheld by a Court must not be challenged in a higher court.
2	Approval of utility shifting estimates public utilities only (electrical, water and other public	RO	Rs.30 Crore for each concerned division of utility owning agency	(i) The guidelines as per Policy Circular (Tech-215/2016) dated 19.09.2016 shall be followed. (ii) RO can approve supervision charges

Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
	utilities) (decision taken by EC in its meeting held on 24.07.2017)	Executive Committee	Full Powers	upto 10%. In case these charges are more than 10%, RO shall make a reference to HQ for taking up the matter with concerned State Government, but he will sanction the estimate with 10% supervision charges pending reconsideration of matter by State Government.  (iii) The estimates shall be obtained immediately after finalization of alignment and shall form part of Project Appraisal (estimates on lumpsum basis at appraisal stage shall not be permitted).
3	Approval of estimates for Tree Cutting/ Tree Plantation (decision taken by EC in its meeting held on 24.07.2017)	PD	Full Powers	Tree Cutting/ Tree Plantation shall be as prescribed in the statutory clearances, the estimates shall be as per the extant guidelines/ rules of the concerned Government Departments and it shall not form part of the obligation of Concessionaire/ Contractor.
4	Approval/ Payment of charges of various government departments for obtaining statutory clearances for the project / project facilities (decision taken by EC in its meeting held on 24.07.2017)	PD	Full Powers	(i) The charges shall be as per the extant rules of concerned government department, applicable to all Project Authorities (but not exclusively for NHA/ Projects). Such charges shall be recommended by Project Preparation Consultant.  (ii) The payment of such charges is not the obligation of Concessionaire/ Contractor
5	Hiring of Equipment/ Labour for removal/ demolition of structures falling in ROW (decision taken by EC in its meeting held on 24.07.2017)	PD	Upto Rs.10.0 Lakh for Project Reach	The work is not in the scope of Concessionaire/ Contractor.
		RO	Upto Rs.50.0 Lakh for Project Reach	
		Executive Committee	Full Powers	

Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
6	<b>Project Preparation/ Design Consultants</b> (decision taken by NHA Board in its meeting held on 17.08.2017)			
6.1	Procurement : Invitation of RFP, Response to Pre-bid Queries, Evaluation and Recommendation for Award (decision taken by EC in its meeting held on 24.07.2017)	CGM (HQ)	Full Powers	(i) RFP shall be strictly as per the standard format and evaluation shall be strictly as per the guidelines/ manual of NHA.  (ii) Member(in-charge) in consultation with Member(Fin) will decide on constitution of Evaluation Committee. CGM(HQ) will decide on recommendations of Evaluation Committee on all intermediate stages of procurement. However, if there is no unanimity, Member(in-charge) will decide.
6.2	Approval of qualification (Evaluation of Technical Proposal)	CGM	Full Powers	
6.3	Award of Work	Concerned Member	Full Powers	(i) In case only a single bid is received, normally tender process may be cancelled and rebidding done by giving 4 weeks notice.  (ii) If re-bidding also results in receipt of single bid then it should be opened and the bid amount should be compared with the estimated cost. In case of the bid amount being within 15% of the estimated cost, then acceptance of the bid may be considered with proper justification and reasons.  (iii) If the justification given for the acceptance of bid is found reasonable then the consultancy proposal should be accepted by the next higher authority i.e., by the Chairman.
6.4	Release of Mobilization Advance	Member	Full Powers	
		CGM/RO	Full Powers as per provisions of contract	

Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks	
6.5	Grant of EOT (with or without levy of LD/ Penalty, but with no extra cost)	Chairman	Full Powers in case extra cost is involved and for review & appeal		
		Member	Full Powers in case of EOT with no extra cost		
		CGM/RO	Full Powers for EOT upto 100% of Contract Period		
6.6	Change of Scope of Works	Member	Full Powers		
		CGM/RO	20% of Contract Value		
<b>7</b>	<b>Project Supervision Consultant/ Independent Engineer/ Authority Engineer</b> (decision taken by NHA Board in its meeting held on 17.08.2017)				
7.1	<b>Procurement</b> : Invitation of RFP, Response to Pre-bid Queries, Evaluation and Recommendation for Award (decision taken by EC in its meeting held on 24.07.2017)			(i) RFP shall be strictly as per the standard format and evaluation shall be strictly as per the guidelines/ manual of NHA.  (ii) Member(in-charge) in consultation with Member(Fin) will decide on constitution of Evaluation Committee. CGM(HQ) will decide on recommendations of Evaluation Committee on all intermediate stages of procurement. However, if there is no unanimity, Member(in-charge) will decide.	
		(i) construction stage	CGM (HQ)		Full Powers
		(ii) O&M stage	RO		Full Powers
7.2	Approval of qualification (Evaluation of Technical Proposal)	CGM/RO	Full Powers	CGM at HQ during construction stage and RO during O&M stage are entrusted with the work of procurement.	

Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
7.3	Approval of Award	Concerned Member	Full Powers	<p>(i) In case only a single bid is received, normally tender process may be cancelled and rebidding done by giving 4 weeks notice.</p> <p>(ii) If re-bidding also results in receipt of single bid then it should be opened and the bid amount should be compared with the estimated cost. In case of the bid amount being within 15% of the estimated cost, then acceptance of the bid may be considered with proper justification and reasons.</p> <p>(iii) If the justification given for the acceptance of bid is found reasonable then the consultancy proposal should be accepted by the next higher authority i.e., by the Chairman.</p>
7.4	Release of Mobilization Advance	Member CGM/RO	Full Powers Full Powers as per provisions of contract	
7.5	Grant of EOT	Chairman Member CGM/RO	Full Powers Full Powers provided financial implications are limited to 50% [100% with the consent of Member (Fin.)] of contract value Full Powers provided financial implications are limited to 25% of contract value	<p>(i) Subject to the Consultant having recommended EOT of Contractor/Concessionaire to NHAI.</p> <p>(ii) The contract value is excluding of taxes.</p>

Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
7.6	Change of Scope of Works	Chairman	Full Powers	The contract value is excluding of taxes.
		Member	Upto 50% of contract value	
		CGM/RO	Upto 20% of contract value	
<b>8</b>	<b>Concessionaire/ Contractor (DBFOT/ EPC/ Item Rate/ OMT)</b>			
8.1	<b>Procurement</b> : Invitation of Bids, Response to Pre-bid Queries, Evaluation of Bids and Recommendation for Award (decision taken by EC in its meeting held on 24.07.2017)	CGM (HQ)	Full Powers	(i) RFP shall be strictly as per the standard format and evaluation shall be strictly as per the guidelines/ manual of NHA.  (ii) Member(in-charge) in consultation with Member(Fin) will decide on constitution of Evaluation Committee. CGM(HQ) will decide on recommendations of Evaluation Committee on all intermediate stages of procurement. However, if there is no unanimity, Member (in-charge) will decide.
8.2	Approval of Award (decision taken by NHA Board in its meeting held on 17.08.2017) : A quarterly statement of the projects awarded shall be placed before the Board			
8.2.1	DBFOT(Toll) Projects	Board	Full Powers	In the event of single bid, the decision should be made by Board of NHA. Board may accept single bid after examining the reasonableness of the same.
		Chairman	The response to the bid is adequate (2 or more valid bids) and (i) VGF is upto 5% above VGF as approved by PPPAC/ SFC; or (ii) Premium is upto 5% below premium approved by PPPAC	
		Member	The response to the bid is adequate (2 or more valid	

Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
			bids) and (i) VGF is less than VGF as approved by PPPAC/ SFC; or (ii) Premium is more than premium as approved by PPPAC/ SFC.	
8.2.2	EPC/ Item Rate Projects	Board Member	Full Powers  If the quote is less than or equal to approved civil work cost and response to bid is adequate (2 or more valid bids).	<p>(i) In case the response to the bid is adequate (2 or more valid bids) and the amount quoted by the preferred bidder is higher than the approved civil work cost, the procedure stipulated vide OM No. 24(35)/PF-II/2012 dated 29.08.2014 of Department of Expenditure, PF-II Division for approval of RCE shall be followed first before approval of bid for award of the project.</p> <p>(ii) In case single bid is received, the bidding process may be cancelled and rebidding may be resorted. In case after rebidding, single bid is again received, the following procedure may be adopted :</p> <p>(a) In case the amount quoted by the bidder is less than or equal to the estimated civil cost approved by the Competent Authority, the bids for award purpose will be approved by NHA Board.</p> <p>(b) In case the amount quoted by the bidder is higher than the approved civil work cost, the procedure stipulated vide OM No.24(35)/PF-II/2012 dated 29.08.2014 of Department of Expenditure, PF-II Division for approval of RCE shall be followed first before approval of bid for award of the project.</p>



Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
8.2.3	Hybrid Annuity Projects	Board	Full Powers	In the event there is a single bid, the decision for award of the project shall be made by the Board of NHA1.
		Chairman	If the bid price quoted is upto 5% above estimated bid price and response to bid is adequate (2 or more valid bids).	
		Member	If the bid price quoted is below estimated bid price and response to bid is adequate (2 or more valid bids).	
8.2.4	OMT Bids	Board	Full Powers	In case single bid is received, the tender process may be cancelled and rebidding done except in case where due to other reasons, like difficult conditions, law & order, etc., the response is expected to be poor. In case rebidding also results in receipt of single bid, the proposal may be put up to Board for consideration, Board may accept single bid after examining the reasonableness of the same.
		Chairman	If quoted first year concession fee is upto 7.5% less than the assessed at the time of SFC approval	
		Member	If quoted first year concession fee is above the assessed at the time of SFC approval	
8.3	Signing of Agreement and Declaration of Appointed Date/ Commencement Date for the project (decision taken by EC in its meeting held on 24.07.2017)	Member (in-charge)	Full Powers	If all conditions precedent are satisfied. In case parties agree for waiver of conditions precedent including waiver of damages, the case is to be submitted to Chairman with full justification to go for waiver alongwith firm targets for satisfying the conditions precedent



Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
8.4	<b>Payments to Concessionaires/ Contractors in the Projects</b> (decision taken by NHA Board in its meeting held on 17.08.2017)			
8.4.1	Payment of Equity Support (Grant) in Toll Projects/ Annuities in Annuity Projects	CGM/RO	Full Powers for approval	As per provisions in the Concession Agreement.
		PD	Full Powers for release after approval	
8.4.2	Payments in Hybrid Annuity Projects viz advances, payments during construction period & operation period (Annuity/O&M)	CGM/RO	Full Powers for approval	As per provisions in the Concession Agreement.
		PD	Full Powers for release after approval	
8.4.3	(a) Payments in EPC Projects – Advances and Final Payments	CGM/RO	Full Powers for approval	As per provisions in the Contract Agreement.
		PD	Full Powers for release after approval	
	(b) Payments in EPC Projects – Stage Payments & Maintenance Payments	PD	Full Powers for approval & release.	As per provisions in the Contract Agreement.
8.4.4	Bonus in Annuity/ Hybrid Annuity/ EPC Projects	EC	Full Powers for approval	
		PD	Full Powers for release after approval	
9	<b>Change of Scope (COS) in DBFOT/ EPC Projects</b> (decision taken by NHA Board in its meeting held on 10.04.2017)			
	Approval of COS	Chairman	Upto 10% of the awarded cost of the project	(i) Awarded Cost is TPC in DBFOT(Toll)/ Bid Project Cost in HAM/ Contract Price in EPC; (ii) Guidelines on COS are being issued separately;
		Executive Committee	Upto 15% of the awarded cost of the project	

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		NHAI Board	> 15% but upto 20% of the awarded cost of the project	(iv) In-principle approval for COS will be conveyed by NHAI, HQ to RO, who in turn will issue COS Notice/ Order within the cost approved in- principle
		MoRTH	> 20% of the awarded cost of the project	
10	Operation & Maintenance (O&M) Works in case of the stretches maintained by NHAI (decision taken by EC in its meeting held on 24.07.2017)			
10.1	Variation in single BOQ Item (subject to limit on total variation)	RO	Full Powers upto +/- 50% of original quantity	(i) Delegation of Power given in Policy Circular (Tech-209/2016) dated 02.08.2016 is modified to the extent given herein. (ii) Delegation of Power for emergent repair works is as given in Policy Circular (9.4.21/2016) dated 28.11.2016.
10.2	New/ Non-BOQ Items (subject to limit on total variation)	RO	Full Powers upto 10% of original Contract Value	
10.3	Total Variation (BOQ + Non-BOQ)	RO	Full Powers upto 15% of original Contract Value	
10.4	Extension of Time (EOT)	RO	Full Powers upto 50% of original Contract Period subject to maximum 6 months	
10.5	Sanction of Maintenance Estimate (O&M, Renewal, SR, etc)	RO	Upto Rs.10 Crore per project reach per annum	

Sr. No.	Subject	To whom delegated	Extent of Delegation	Remarks
11	Contractual Disputes: Decision to accept or challenge DRB recommendation/ Arbitral Award / Court Order (decision taken by NHA Board in its meeting held on 17.08.2017)	Member concerned	<b>Payable Amount (without interest) upto Rs.10Cr.</b>	Delegation of Power given in Para-(A)(8.1) of Policy Guidelines (2.1.22/2017) dated 01.06.2017 is modified to the extent given herein
		Executive Committee	<b>Payable Amount (without interest) above Rs.10Cr.</b>	

This issues with the approval of Competent Authority of NHA.



(A.K. Sadhu)

Chief General Manager(Coordination)

To

All Officers and Employees of HQ/ ROs/ PIUs/ CMUs/ Site Offices.