



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.

04.08.2009

POLICY MATTERS – ADMINISTRATION/FINANCE (55/2009)
(Decision taken on DR & A Cell's File No. NHA/DR & A Cell/ARB (Misc.)/2009)

Sub: Entering into Supplementary Agreement on schedule of fee and other expenses of Arbitrators.

Three Policy Circulars No. 86/2004 dated 31.05.2004, 125/2006 dated 02.08.2006 and 21/2008 dated 07.01.2008 were issued by NHA regarding fixation of schedule of fee and other expenses of the Arbitrators. In these Circulars specific note has been provided which states that "since the fee structure has to be agreed by both the parties (i.e. NHA and the Contractor/Supervision Consultant), the above fee structure may also be got accepted by the respective Contractor/Supervision Consultant through supplementary agreement. A draft supplementary agreement incorporating the above provision is enclosed as Annexure.

The concerned Member/CGM may ensure that this is adhered to strictly. In case of future contracts, the fee structure may be included as part of bidding document/contract document and the acceptance of above fee structure by the Contractor/Supervision may be kept as a pre condition for signing the contract."

2. However, it is noticed that very few supplementary agreements for ongoing projects have been entered with the Contractor/Supervision Consultants and in very few contracts the fee structure has been included as part of contract documents. It is therefore suggested that all the Project Directors may be advised to direct all the Contractors/Supervision Consultants working under their PIUs to enter in to an agreement on the fee structure of Arbitrators in accordance with the latest Policy Circular No. 21/2008 dated 07.01.2008. It is also suggested that in future contracts, the fee structure may be included as part of Bidding Documents/Contract Document and the acceptance of the fee structure by the Contractors/Supervision Consultant may be kept as a precondition for signing the contract.

3. This issues with the approval of Chairman.


(S.K. Nirmal)

Chief General Manager (Coord.)

To:

1. PS to Chairman
2. PS to All Members
3. PS to All CGMs/CVO
4. All GMs/DGMs/Managers, HQ
5. All PIUs/CMUs/SPVs
6. Librarian/Hindi Officer