



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. 11041/218/2007-Admn.

7th October 2008

POLICY MATTERS: TECHNICAL

[19/2008]

Sub: (a) Procedure for payment under Change of Scope Orders in case of BOT Projects; and (b) Recovery of 20% of value of work not completed upon termination of Contract on account of default of the Contractor as per Sub-CI 63.3 of COPA under NHDP Phase-II Standard Document.

Consequent upon the discussions held in Variation Committee Meeting held on 25.07.08 and with the approval of the competent authority, the following decisions are conveyed for strict compliance:

(a) **Procedure for payment under Change of Scope Orders in case of BOT Projects** : The Change of Scope Orders under BOT (Toll/ Annuity) Projects should be treated similar to the work under EPC Contracts. Independent Consultant and Project Director are required to record and test check the measurements as per the guidelines on record of the measurements.

(b) **Recovery of 20% of value of work not completed upon termination of Contract on account of default of the Contractor as per Sub-CI. 63.3 of COPA under NHDP Phase-II Standard Document**: As per Standard Civil Work Bid Document, Sub-clause 63.3 of COPA read with Appendix to Bid, in case of termination of Contract on account of default of the Contractor, a recovery of 20% of the value of work not completed at BOQ rates plus the variations already approved by the Engineer and cost of remedying of any defects in the works executed by the Contractor has been specified. In this connection, it is to be noted that BOQ rates in such cases shall include price escalation as per last IPC paid to the Contractor before termination (e.g. if escalation is 15% as per last IPC paid before termination, BOQ rates are to be multiplied by 1.15 to arrive at the value of work not completed). This shall be ensured in the contracts having similar provisions other than NHDP Phase- II also. Contract Management Cell may examine the Clause in Standard Document on above matter and amplify the clause for clarity/ use in future contract documents.

(V.K. Sharma)

General Manager (Admn)

Copy to :

PS to Chairman

All Members

All CGMs/CVO

All GMs/DGMs/Managers

All PIUs/CMUs/SPVs

Copy also to: Librarian/Hindi Officer