



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India

(Ministry of Road Transport and Highways)
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No. 11041/218/2007-Admn

Dated: 24.08.2012

POLICY MATTERS-TECHNICAL(111/2012)

(Decision taken on File No. NHAI/CMC/Misc./2012)

Sub: Contract Management of Concessions in NHAI Projects

In certain BOT cases it is being noticed that implementation of concessions are leading to delays, unresolved or non-uniform interpretations and determinations of provisions of agreements which besides affecting the implementation of projects are also resulting in raising of disputes, large claims etc. A centralized Contract Management is institutionalized to advise on all contractual issues, amendments, disputes, interpretations and determinations and related issues concerning operation of BOT concessions in NHAI.

2. It has therefore been decided by the Competent Authority that henceforth all contractual issues related to BOT Projects shall be dealt by the Contract Management Cell (CMC) based on proposal/inputs/ deliberations and recommendations received through concerned Technical Division, RO & PD Units. CMC shall administer the agreements for effective implementation uniformly.

3. Contract Management cell will have the lead role in contract management and disputes for all BOT related issues and would be aided by the concerned technical divisions and the field offices of R.O. and P.Ds.

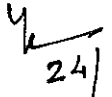
4. All the PD units, RO units and concerned Technical divisions are hereby advised to invariably apprise and send copies of all important correspondences, IE reports and determinations and events relevant to issues in contract management and disputes of all BOT projects on regular basis. CMC shall also be in regular interaction with field units of ROs and PDs so that problems are resolved in the initial stages itself. CMC shall develop system to ensure for proper repository of all important records of Concessions are regularly maintained by CMC, Technical division, RO and PD units for the entire concession periods for protecting the Authority's interest in disputes, arbitrations, issues and determinations in future.

Contd. 2/-

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5. All the Technical Divisions, RO units and PD units are also advised to refer all the contractual issues/disputes in implementation of concession agreement to Contract Management Cell when there is likelihood of disputes, delays and/or correspondences/notices related to disputes, claims, dispute resolution including invocation of Arbitration clauses claims from the Concessionaire. The Project Directors through the concerned RO shall provide complete inputs/comments in this regards along with all relevant facts, documents, records etc. including reply/ written statements/ counter-claims for concurrence of Contract management cell. CMC shall advise and coordinate on actions to defend and represent any claim liabilities against the Authority.

6. This issues with the approval of Chairman.


24/08

(V.K. Sharma)

Chief General Manager (Coord/LA)

To

All officers and employees of HQ/ZO/ROs/PIUs/CMUs/Site Offices