

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

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11.10.2012

POLICY CIRCULAR – TECHNICAL (115/2012)

(Decision taken on File No. NHA/BOT/11019/24/2005)

Sub: Guidelines for timely decision/settlement of issues related to projects

It has been noticed that during the course of execution of work, the issues such as change of scope, variation, extension of time, settlement of disputes etc. are not being settled and these issues continue to remain pending even for years. Even after the issuance of final/provisional certificate for commercial operation as per agreement, these issues remain pending in many cases.

2. Henceforth, with approval of the Competent Authority, it is decided that the following actions shall be taken by RO within his delegated power or sent to HQ with his clear cut recommendations for consideration :-

- (i) The issues related to change of scope, variations etc. should be dealt with immediately as and when the situation arises and firmed up before COD.
- (ii) The case related to extension of time should be immediately dealt as per provisions of the contract and forwarded to the competent authority for decision.
- (iii) The hindrances, if any, for the execution of the work should be removed at the earliest possible.
- (iv) The pending land acquisition process, if any, should be monitored at personal level so that the land as per provisions of the contract can be made available to the concessionaire/contractor.
- (v) The claims/disputes raised by the concessionaire/contractor should be dealt at top most priority within the stipulated time period as per provisions of the contract and speaking orders, if required, should be passed to decide the issue.
- (vi) Any omissions on the part of the feasibility/DPR consultant leading to substantial change in scope or time overrun should be pointed out and reported to the concerned authority to take appropriate action against that consultant.

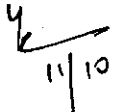
3. It has been further decided that while recommending COD/Provisional COD under Article-14 of Concession Agreement for a project, the Project Director will submit an independent report duly providing the following information without delaying the recommendation for granting of COD/Provisional COD:

- a) Synopsis of project parameters duly indicating status of the completed and balance works

- b) Details of existing hindrances, if any, attributable to NHAI affecting the completion. The Punch List items and pending incomplete items in the scope of work should be clearly mentioned along with reasons for delay, if any, on account of Force Majeure / Concessionaire / Authority etc.
- c) Details of pending variation/ change in scope proposal along with their status and reasons for delay.
- d) Details of pending Extension of Time, if any, along with their status.
- e) Status of pending claims/disputes, if any.
- f) Reasons for variation in scope of work
- g) Omission on the part of the DPR/Feasibility Consultant, if any, leading to substantial case/time over run etc.
- h) Pending toll notifications, if any.
- i) Readiness of Concessionaire with Ambulance, Crane and other equipments for Operation & Maintenance of Highway as per Article-17, 18 & other provisions of the Concession Agreement.
- j) Other pending approvals like ROB, utility shifting etc.
- k) Safety Report as per provisions of the Concession Agreement.

4. The Project Director should submit above report directly to NHAI Headquarter, with a copy to Regional Office, so that the processing of COD/Provisional COD is not held up owing to scrutiny at RO level who may send his certification for COD/recommendations separately to HQ within seven days.

5. This issues with the approval of Competent Authority.


11/10

(V.K.Sharma)
Chief General Manager (Coord./LA)

To,

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