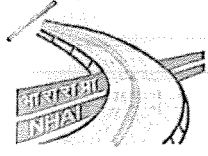


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भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

G-5 & 6, Sector-10, Dwarka, New Delhi-110075

No. NHAI / 1101 / 14 / CGM-CM / 2014

To,

Dated: 31 July 2014

All RO/PDs

Sub: Construction of public facility i.e. Traffic Aid Post, Medical Aid Post and washroom, at Toll Plazas along NHs and Maintenance thereof under OMT, BOT(Toll) & BOT (Annuity) Contracts

The Model Concession Agreement for operation and maintenance of highways provide for setting up Traffic Aid Post, Medical Aid Post and washroom/toilet facility at Toll Plazas along NHs. Similar provisions have been made in the MCA for BOT (Toll) & BOT (Annuity) projects. However, the facilities are not being constructed / provided adequately as per Concession Agreement. The provisions laid down in the MCA for operation and maintenance contract are reproduced as follows:

2. Building for Traffic Aid Post

2.1 Model Concession Agreement for Operation and Maintenance of Highways provides for building of Traffic Aid Post under Article 17 and the Concessionaire is required to construct building not exceeding 25sqm. of plinth area for each of the Traffic Aid Posts and hand them over to the Authority no later than 120 days of COD.

2.2 The Concession Agreement under clause 17.4 also provides for recurring expenditure on Police assistance which stipulates that Concessionaire shall provide to the State Police Deptt. Or substitute thereof one Geep or similar vehicle in good working condition along with chauffeurs for round the clock patrolling as set forth in clause 17.2 and allowance of the chauffeurs.

2.3 Corresponding provision exist at Article 20 of MCA for four laning and six laning.

3. Safety Requirement and Medical Aid

3.1 Article 18 of Model Concession Agreement for OMT Projects provides for setting up Medical Aid Post and maintenance thereof. The Concession Agreement stipulates that Concessionaire shall assist the State Govt. or a substitute thereof to be designated by the authority in setting up and operating a medical post at each of the toll plazas with round the clock ambulance services.

3.2 The Concessionaire shall at his own cost maintain the medical aid post building in accordance with good industry practice. As per Article 18.2.2

Concessionaire shall provide the State Medical Deptt. or a substitute thereof to be designated by the Authority one ambulance in good working condition along with chauffeur for round the clock ambulance services and need the operating cost of such ambulance including the salary and allowances of chauffeurs.

3.3 Corresponding provision exists under Article 21 of MCA for four laning and six laning projects.

4. Concession Agreement also provides for setting up of washroom / toilet facilities at each of the toll plaza.

5. Damages for delay in construction and Operation of these facilities

5.1 Delay in construction of these facilities attract provision for damages to be paid by the Concessionaire at the rate of .1% (Zero Point One percent) of the amount of performance security for delay of each day until such project facilities completed as per Clause 12.3.2 of MCA for OMT projects and Clause 14.4 of MCA for BOT projects.


5.2 Besides damages for completion of construction of these facilities, during the operation period Concessionaire is also liable to pay damages for breach of maintenance obligation under Clause 15.8 of MCA for OMT projects and Clause 14.8 of MCA for BOT projects.

6. It is observed that in number of cases the Traffic Aid Post and Medical Aid Posts are not being constructed and made operational in accordance with the Concession Agreement.

7. Executive Committee of NHAI in the meeting held on 30.07.2014 has asked for strict compliance of above provision of Concession Agreement and asked for a compliance report immediately.

Your are therefore requested to furnish status of construction and operation of Medical Aid Post, Traffic Aid Post and toilet facilities for public use at each toll plaza under your jurisdiction immediately in the format enclosed as annexure-A . Further, proper display board for public information may also be reported. In case the facility has not been constructed, the reason thereof and period & amount of damages recovered as per Concession Agreement for delay in construction of such facility and further damages as stipulated for breach of maintenance obligation of these facilities may be furnished.

Enclosure : Annexure -A


(I.K.Pandey)
CGM(CM)

Copy for information to:

- 1. PS to Chairman
- 2. PS to Member(P)