



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India
(Ministry of Road Transport and Highways)

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NHAI/CGM(CMC)/2015 / 75902

21.12.2015

To

All CGM(T)/GM(T),
NHAI-HQ

Sub.: Issuance of Completion Certificate or Provisional Completion Certificate in respect of PPP projects by Independent Engineer.

Sir,

The issuance of Completion Certificate or Provisional Completion Certificate in respect of PPP Projects was deliberated by the Executive committee in its 238th meeting held on 23.04.2015 and it was decided that henceforth the Completion Certificate/ Provisional Certificate for PPP Project shall be issued by the IE without seeking prior clearance from NHAI or any other Authority as per the relevant provisions of the Concession agreement.

2. Accordingly, Technical Divisions were advised vide letter dated 24.04.2015 and to issue instructions to IEs appointed for PPP projects under their jurisdiction. Subsequently based on representation of NHBF, the above check-list/guidelines were also modified and Technical Divisions were advised vide letter dated 22.05.2015 to issue these modifications.

3. It has been observed that some IEs are performing their role perfunctorily/casually in this important issue and the Provisional Completion Certificates (PCC) or Completion Certificates are issued without ensuring faithful compliance with the provisions of the Concession Agreement. In the project 4- Iaring of Beawar-Pali-Pindwara section of NH-14 in the State of Rajasthan under NHDF Phase- III on DBFOT basis, IE had issued Provisional Completion Certificate even though the newly constructed carriageway deteriorated immediately after construction completion. Clearly, in the case, there has been an oversight and even irresponsible behaviour of the IE. Other infirmities/irregularities in issuance of Provisional Completion Certificate/Completion Certificate have also been noticed and with approval of Executive Committee, it is decided to modify the earlier issued guidelines/checklist. Accordingly, all technical division are requested to issue the enclosed letter to IEs appointed for PPP projects under the jurisdiction.

4. This has the approval of Competent Authority.

Encl: As above

(L.P.Padhy)
CGM (T)-CMC

Copy to:-

1. PS to Chairman, NHAI
2. PS to Member (F), NHAI
3. PS to Member (F)/Member (A), NHAI
4. PS to Member (T), NHAI
5. PS to CVO, NHAI
6. All ROs and PDs for information and necessary action please.

To

M/s _____

Sub.: Issuance of Completion Certificate or Provisional Completion Certificate in respect of PPP projects by Independent Engineer

Sir,

This has reference to NHAI's letter dated _____ and _____ on the above subject conveying the decision of NHAI that the Independent Engineer will issue Completion Certificate or Provisional Completion Certificate as the case may be without seeking prior clearance from NHAI or any other Authority as per relevant provisions of Concession Agreement.

2. It was clarified that since the IE will be the Authority to issue of Provisional Completion Certificate, they should take the entire responsibility for compliance of the provisions of the Concession Agreement before issue of the Completion Certificate. The IE was advised to act strictly as per the Concession Agreement keeping the overall public interest in view in a fair and impartial manner consistent with the highest standard of professional integrity. A checklist based guidelines to be followed by IEs for issue of Completion Certificate or Provisional Completion Certificate was also circulated. The checklist was only indicative and did not intend to alter or modify the role of IE as stipulated in the respective Concession Agreement.

3. It has, however, been observed that IEs are performing their role perfunctorily/casually in these matters and the Provisional Completion Certificates or Completion Certificates are issued without ensuring faithful compliance to the provisions of the Concession Agreement. In one of the projects in the State of Rajasthan, namely 4-laning of Beawar-Pali-Pindwara section of NH-14 under NHDP Phase-III on DBFOT basis, IE had issued Provisional Completion Certificate even though the newly constructed carriageway deteriorated immediately after construction completion. Several other infirmities/irregularities in issuance of Provisional Completion Certificate/Completion Certificate have also been noticed.

4. Issuance of Completion Certificate is linked with the start of tolling for the project. Untimely issuance of Completion Certificate without due regard to the 'safety' & 'reliability' aspects and which are in contravention of the tenets of the Concession Agreement will surely invite complaints and public criticism.

5. In order to issue Provisional Completion Certificate or Completion Certificate in a fair and impartial manner, it has been decided to issue the following guidelines in partial modifications of the earlier guidelines:-

- i) Regional Officer or his representative shall invariably be associated during conduct of Tests prior to likely completion of the Project Highway as per Clause 14.1 of the Concession Agreement. Upon completion of each Test, the Independent Engineer shall provide the copies of all Test data including detailed Test results to the Authority.

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- ii) Before issuing of Provisional Completion Certificate or Completion Certificate, the IE shall notify his intention of doing so along with details to the RO with a copy to NHAH Headquarter.
- iii) Upon receipt of such report from IE, the RO shall conduct inspection of the Project Highway and convey his observations on the proposal of IE within 10 days with a copy to HQ. If RO concurs with the IE's proposal, IE shall proceed with issue of Provisional Completion Certificate or Completion Certificate. If RO is of the opinion that the project highway is not yet fit and safe for commercial service, he shall notify the IE/Concessionaire with reasons for disagreement. The IE shall thereupon re-assess the proposal and in the interim withhold issuing of Provisional Completion Certificate/Completion Certificate. It will be the responsibility of the IE to ensure that the Concessionaire remedies and rectifies such defects or deficiencies pointed out by the RO. IE shall satisfy himself that all the defects/deficiencies are remedied and rectified by the Concessionaire and thereafter IE shall proceed with the issuance of Provisional Completion Certificate or Completion Certificate as the case may be. It is, however, clarified that :
- (A) Provisional Completion Certificate/Completion Certificate will be issued by IE.
- (B) The IE may however proceed with the issuance of Provisional Completion Certificate or Completion Certificate, if notwithstanding the report of the RO, he is convinced that the Project Highway can be safely and reliably put in commercial operation. IE will record his detailed reasons in writing for non-acceptance of RO's observations and send a report in this regard to the Authority.
- iv) The checklist based guidelines issued earlier with NHAH's letter dated _____ and letter dated _____ shall remain applicable.

Yours faithfully

(.....)

