



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 / Policy Guidelines / COS

Policy Circular No.8.3.41/2021 dated 24th August, 2021

(Decision taken File No: NHAI/CMD/2019/Circular/COS&RIS - Computer No: 1783)

Sub.: Serious Delays in taking in-principle approvals of Change of Scope (COS) & Reduction in Scope (RIS)-reg.

Instructions were issued vide Policy Guidelines dated 29.04.2019 & 23.09.2019 to submit the proposals of COS/ RIS for in-principle approval within 30 days of identification of such requirement at site and within 6 months of Appointed Date.

2. Serious Delays in taking in-principle approvals of COS/ RIS have come to the notice. In some cases, COS/RIS proposals were returned by NHAI officers to AE/IE/SC for getting further details and thereafter these were neither pursued nor closed. In many cases, this situation has been used as a strategy to cover up the delays in construction by the Contractor. In other cases, COS works had already been taken up thereby making in-principle approval a mere formality, which is blatant violation of instructions. Another practice by NHAI officers is to ask for undertakings from Contractor for no claims on COS, despite knowing very well that such undertakings have not much meaning and have been considered as 'given under duress' in several Arbitral Awards/ Court Orders.

3. Henceforth, if COS/RIS proposal is not submitted within 6 months from the Appointed Date, justification on why action should not be taken against AE/IE/SC & NHAI Officers should be given. COS/RIS proposals beyond 6 months of Appointed Date will be allowed in very rare cases, after seeing the justification on why it could not be recommended within the stipulated period and how fast it was processed after identifying the requirement at site. Also, such belated COS works may be taken up through a separate bid or if separate bid is not feasible, COS may have to be taken out of completion requirement so that Contractors do not quote this as reason and cover up their own delays in completion of other reaches/ works or claim prolongation costs. If processing of COS/ RIS is delayed without proper justification, an appropriate entry in APARs will be made against concerned officer(s) of NHAI.

4. In case the Contractor is not furnishing the details required for approval of COS, AE/IE/SC will prepare & submit such details for which a reasonable cost of services will be paid to AE/IE/SC at the cost of Contractor.

11/8/21

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5. In all ongoing projects, AE/IE/SC & PDs are being given one last opportunity to inspect the sites and submit proposals of COS/ RIS through Data Lake before 31.08.2021 for in-principle approval to avoid adverse action for delays.
6. This issues with the approval of the Competent Authority.

11k/2021
24.08.2021

(Sheo Shankar Jha)
Chief General Manager (Coord.)

To:

All officers of NHAI HQ/ROs/PIUs/CMUs/Site Offices.

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