



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Shipping, Road Transport & Highways)
G-5 & 6, Sector-10, Dwarka, New Delhi-110075

Phone : 91-11-25074100/25074200
Fax : 91-11-25093507/25093514
Extn. : 2223/2318/2468/2553

No.11041/21/2002-Admn.

October 21, 2004

POLICY MATTERS : TECHNICAL (45/2004)

(Decision taken on note of EA to Chairman dated 08.10..2004)

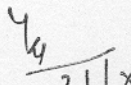
Sub: Engagement of Sub-contractors under civil works contracts on NHA Projects.

In accordance with the provisions under Civil works contracts on NHA projects (4.1 of GCC & COPA), Contractors may sub-contract works upto a certain percentage of the contract amount as specified in the contract, with the prior consent of the Engineer/Employer. If the Engineer certifies to the Employer that, in his opinion, the contractor has contravened sub clause 4.1 of the Contract, the Employer may terminate the employment of the Contractor under clause 63.1 of the Conditions of the Contract.

It has however been observed that in some of the cases, approval for engagement sub-contractor has either not been taken or the extent of sub-contractors exceeds the extent approved by NHA. In some cases the Engineer apparently did not exercise adequate vigil to fulfil their contractual obligations by taking timely action for violation on the part of the contractor. Unauthorized sub-contracting undoubtedly calls for a deterrent action against the contractor as well as the Engineer as such sub-contracting not only violates the contractual provisions but also affects adversely the overall quality of the project.

Project Directors of PIUs / CMUs / SPVs are therefore requested to bring this matter to the attention of the Contractors/Engineers in their respective jurisdictions and discuss with them the steps to be taken to ensure that there is no violation of contract provision in this regard. Any such contravention may also be brought to the notice of the NHA Headquarters immediately.

This issues with approval of the Competent Authority.


(V.K. Sharma)
General Manager (Admn.)

All Project Director of PIUs

Copy to

1. PS to Chairman
2. Members/CGMs/GMs