



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport and Highways, Government of India)

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NHAI/ Policy Guidelines/Miscellaneous/2022

Policy Circular No 18.83/2022 dated 01st October, 2022

[Decision taken on File No. NHAI/BOTTollandRMD/2022/Policy (Computer No: 169420)]

Sub: Standard Operating Procedure (SOP) for taking over the Project Highways completed under BOT/ HAM/ OMT/ TOT/ EPC Mode upon completion of Concession Periods/ DLPs- reg.

NHAI has been taking over the Project Highways from the Concessionaires/ Contractors under BOT/ HAM/ OMT/ TOT/ EPC Mode on either termination or completion of the Concession Period/ DLP for which stipulated contract provisions are as under:

1.1 BOT/HAM/ OMT/ TOT Projects: As per Model Concession Agreement (MCA) vide Article 38 of BOT Projects; Article 32 of HAM Projects; Article 30 of OMT Projects & Article 31 of TOT Projects, the divestment of rights & interest upon termination of Concession Agreement have been prescribed. It is provided that Concessionaire on Termination/ Deemed Completion shall deliver forthwith the actual or constructive possession of the Project Highway, free and clear of all Encumbrances, cure all Project Assets of all defects and deficiencies in compliance of Maintenance Requirements and deliver/ transfer relevant records, Reports, Intellectual Property and other licenses, all applicable permits pertaining to the Project Highway, Complete 'as built' drawings and comply with all requirements as may be prescribed under applicable laws for completing the divestment and assignment of all Rights, Title and Interest of the Concessionaire in the Project Highway free from all encumbrances, absolutely unto the Authority. The Authority shall also issue a Vesting Certificate in the prescribed format.

1.2 EPC Projects: In case of EPC Projects, Article 17 of Standard EPC Contract Agreement provides that Contractor is responsible for all defects and deficiencies except usual wear and tear in the Project Highway till the Expiry of the specified Defect Liability Period (DLP) from the date of Completion Certificate for delivery of the actual or constructive possession of the Project, free and clear from all encumbrances. The Project completed on EPC Mode is subsequently taken over only after curing of all defects and deficiencies may be with extended DLP if required.

2. Henceforth, at the stage of transfer/ taking over of the Project Highway on Termination/ Completion of Concession Period or DLP, the following SOP shall be adhered to by all Concerned to ensure that the Project Highway is free of defects and deficiencies. The road should have been maintained during the concession/ DLP period according to prescribed Service Level Agreement viz. maintenance requirements.

2.1 In addition to verification of the project assets, records, 'as built' drawings, applicable permits and other documents by the Independent Engineer/ Authority Engineer at the time of taking over of the Project Highway, a team shall inspect the project highway and submit a report to Member concerned atleast 3 months prior to the likely taking over date. The team shall comprise of a Team Leader selected by Member concerned out of the empaneled list for Quality Inspections of SRD&Q Division; GM(T)/ DGM(T) of Tech. Division at HQ; GM(T)/ DGM(T) of concerned RO; Technical Director of Consultancy Firm acting as IE/AE for the project.

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2.2 The above team shall study various test reports including FWD/NSV test reports, reports of IE/ AE on divestment requirements, safety audit reports, etc. and carryout a detailed inspection of the Project Highway to ensure completion of all works of the Project Highway as per provisions of Contract free from all defects & deficiencies and will submit a comprehensive report to Member concerned duly pointing out the condition of Pavement, Structures, Road Furniture and other Project Assets along with the defects & deficiencies found out during such inspection of the Project Highway.

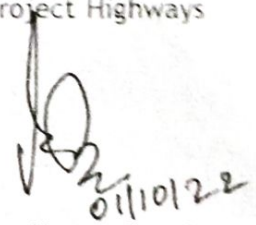
2.3 In case, as per above report of the team, the condition of the pavement and structures of the Project Highway are not found conforming to the Standards & Specifications/ Maintenance Requirements or certain works as per Contractual Scope are pending, RO/PD shall ensure that the same are either cured by the Concessionaire/ Contractor or executed by NHAI at risk & cost Concessionaire/ Contractor and/ or recovered the resultant costs from the Concessionaire/ Contractor along with damages as per provisions of the Contract, before taking over of the Project Highway.

2.4 The above team shall also examine the report of IE/ AE on all relevant Records, Reports, Intellectual Property and other Licenses, all Applicable Permits pertaining to the Project Highway, complete 'As-built' Drawings and point out in their report whether the same are in order.

3. **Planning of O&M/ Capacity Augmentation/ Tolling Contracts/ Agencies to be in position by taking over date of the project highway by the Authority :** Based on FWD/ NSV test reports & Road Safety Auditor's reports and future plan/ programme of NHAI, IE/ AE concerned shall submit an estimate/ bidding documents atleast 6 months prior to the date of taking over so that PD/RO/Tech. Division at HQ complete the procurement process and keep the agencies ready for O&M/ Capacity Augmentation/ Tolling of the project highway well before the taking over date.

4. The above SOP shall be applicable to all the projects whose taking over date of the project highway by the Authority is pending and the SOP shall be diligently followed without fail from the date of issue of these Policy Guidelines for taking over of the Project Highways from the Concessionaires/ Contractors.

5. This issues with the approval of Competent Authority.



(Sanjay Kumar Patel)
General Manager (Coord.)

To:

All Officers of NHAI HQ/ ROs/ PIUs/ CMUs/ Site Offices

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