



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)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली - 110 075 • G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष/Phone : 91-11-25074100 / 25074200



NHAI/Policy Guidelines/ Non-Performer & Debarment/2022

Policy Circular No.16.16/2022 dated 11th November, 2022

{Decision taken on E-Office File No. NHAI/CMD/Misc/2021/2 (Comp. No. 99627)}

Sub.: Clarification on Debarment process of the Bidder/ Contractor/ Concessionaire/ Firms for the procurement of projects/ services by NHAI - reg.

NHAI vide Policy Circular No.16.11/2021 dated 16.11.2021 (Annexure-1) issued detailed Standard Operating Procedure to debar/penalize/declare as Non-Performer the Contractor/Concessionaire in NHs and other centrally sponsored road projects. NHAI also issued its subsequent amendment vide Policy Circular No. 16.14/2022 dated 31.01.2022 (Annexure-2).

2. Ministry of Finance, Department of Expenditure, vide OM No. F-1/20/2018-PPD dated 02.11.2021 (Annexure-3) had issued guidelines on debarment of firms from bidding. Ministry of Road, Transport & Highways vide its OM No. NH-35014/20/2020-H-Part(2) dated 18.08.2022 (Annexure-4) has directed that all the implementing agencies of MoRTH shall follow these Guidelines in letter and spirit.

3. It is observed that after Show Cause Notice has been issued, technical divisions do not conclude the bidding process and wait for debarment process to get completed which delays the entire bidding process. In the matter it is reiterated that MoF guidelines dated 02.11.2021 are amply clear that the period of debarment shall start from the date of issuance of Debarment Order. Accordingly, in case any Show Cause Notice related to debarment has been issued to any bidder, this should not be considered as a reason to halt the bidding process. However, extracts of issuance of such show cause notice to a bidder should be hosted on the procurement portal for information of all the bidders.

4. In case any bidder/firm is debarred till agreement is signed, provisions mentioned in Ministry of Finance, Department of Expenditure, vide OM No. F-1/20/2018-PPD dated 02.11.2021 shall be followed.

5. This issues with the approval of Competent Authority.

Encl.: As stated above


11/11/22

(Sanjay Kumar Patel)
General Manager (Coord.)

To:

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

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राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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

NHAI/Policy Guidelines/Non-Performer & Debarred/2021

Policy No. 16.11/2021 dated 16th November 2021

{Decision taken on E-Office File No. NHAI/CMD/Misc/2021/2 (Comp.No. 99627)}

दूरभाष / Phone : 91-11-25074100/25074200

फैक्स / Fax : 91-11-25093507 / 25093514

Annexure-1

Sub.: Standard operating procedure to debar/penalize/declare as Non-Performer the Contractor/Concessionaire in National Highways and other centrally sponsored road projects- reg.

It has been noticed that in many cases there are lapses on the part of the Contractor/Concessionaire in fulfilling contract provisions during development period, construction period and O&M Stage that lead to delay/acceptance of sub-standard works leading to premature distress/failure during construction.

2. In order to ensure construction of roads as per standard and specifications laid down in contract/concession agreements and to avoid project delays, it has been decided to debar/penalize/declare as Non-Performer the Contractors/Concessionaires for their lapses in National Highways and other centrally sponsored road projects as detailed herewith in the same lines as issued vide MoRTH circular File No.RW/NH-33044/76/2021-S&R(P&B) dated 06.10.2021 (Annex-1).

Sl. No.	Type of Deficiency	Action to be taken against Contractor/ concessionaire
1	Failure to set up institutional mechanism and procedure as per contract.	Declaring the contractor / concessionaire as non- performer till institutional mechanism and procedure is properly set up as verified by the Nominated Officer.
2	Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure.	Declaring the contractor / concessionaire as non- performer till milestone is achieved or project is completed as certified by the Nominated Officer.
3	Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days.	Declaring the contractor / concessionaire as non- performer till progress commensurate with funds released is achieved as certified by the Nominated Officer.
4	Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cashflow	Declaring the contractor / concessionaire as non- performer till completion of project or achievement of project target as certified by the Nominated Officer.

S. Prakash

Sl. No.	Type of Deficiency	Action to be taken against Contractor/ concessionaire
	solely on account of concessionaire's failure/default.	
5	(a) Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority. (b) Fails to complete minor rectifications exceeding 3 instances in a project not completed as per time given in non-conformity reports (NCR) in design/completed works/maintenance.	Declaring the contractor / concessionaire as non- performer till rectification(s) is completed.
6	Fails to start the work or causes delay to maintenance & repair/overlay of the project.	Declaring the contractor / concessionaire as non- performer till it is completed as certified by the Nominated Officer.
7	Fails to complete Punchlist items even after lapse of time for completion of such items excluding delays attributable to the Authority.	Declaring the contractor / concessionaire as non- performer till punch list items are completed as certified by the Nominated Officer.
8	Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported. [Casualties include injuries to human being or animals]	Rectification by contractor/concessionaire at its own cost + penalty of 5% of contract value of failed/defective work or 0.5% of contract value of whole work whichever is more and written warning. The key personnel (head of the structures in case of failure occurred on structures or head of Pavement/Highways in case of pavement failure) may be kept on watch list for any future recurrence besides issuing written warning. The rectification shall be certified by the Nominated Officer.
9	Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported. [Casualties include injuries to human being or animals]	Rectification by contractor/ concessionaire at its own cost and/or debarment up to 1 year or till completion of instant work whichever is higher in NH or centrally sponsored road works + penalty of 5% of contract value of failed/defective work or 0.5% of contract value of whole work whichever is more. The key personnel (head of the structures in case of failure occurred on structures or head of Pavement/Highways in case of pavement failure) will be removed from the project and debarment of concerned key personnel up to 2 years in NH or centrally sponsored road works. The rectification shall be certified by the Nominated Officer.

S. Prakash

Sl. No.	Type of Deficiency	Action to be taken against Contractor/concessionaire
10	Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation of the Authority etc.	Rectification by contractor/ concessionaire at its own cost and/or debarment up to 3 years or till completion of instant work, whichever is higher in NH or centrally sponsored road works. In addition, penalty of 10% of contract value of failed/defective work or 1.0% of contract value of whole work, whichever is more. The key personnel (head of the structures in case of failure occurred on structures or head of Pavement/Highways in case of pavement failure) will be removed from the project and debarment up to 3 years in NH or centrally sponsored road works. The rectification shall be certified by the Nominated Officer or a 3 member Committee.

3. Nominated officer shall be the GM(T) of the adjoining division. Frequency of reporting shall be monthly by PD, based on which RO shall report to Member on action to be taken on contractors/concessionaire.

4. Following amendments shall be made in the provisions of Model Request for Proposal (RFP) document for National Highways and other centrally sponsored road works proposed:

(a) Standard Request for Proposal (RFP) Document for National Highways and other centrally sponsored road works proposed to be implemented on EPC mode of contract shall be amended as per Annex-2.

(b) Standard Request for Proposal (RFP) Document for National Highways and other centrally sponsored road works proposed to be implemented on HAM mode of contract shall be amended as per Annex-3.

(c) Standard Request for Proposal (RFP) Document for National Highways and other centrally sponsored road works proposed to be implemented on BOT (Toll) mode of contract shall be amended as per Annex-4.

5. Before deciding a contractor/concessionaire as Non-Performer or debarring/penalizing it, the concerned Technical Division shall issue a notice to the contractor/concessionaire by giving 15 days' time to furnish its written reply and allow personal hearing if so desired by the contractor/concessionaire before Member concerned. Such a notice shall not be issued without the approval of an officer not below the rank of Chief General Manager. In case of projects where public safety is endangered by the behavior/conduct/action of the consultant/contractor/concessionaire, the authority may temporarily suspend the consultant/contractor/concessionaire from participating in ongoing/ future bidding upto 1 month period during which the regular process of debarment shall be concluded.

6. Concerned Technical Division Chief General Manager, NHAI (HQ) are Competent Authority for certifying the report submitted by Nominated Officer regarding completion of the rectification.

7. The competent authority for approval of penal action is Chairman, NHAI and the firm/individuals on which penal/deterrent action is taken may represent to the "Reviewing authority" against the action/penalty imposed. The "Reviewing Authority" is the Secretary, Road Transport & Highways.

S. Prakash

8. Upon declaration of non-performer/debarred, the contractor/concessionaire will not be able to participate in any bid with MoRTH or its executing agency till such time the contractor/concessionaire is removed from the list of non-performers or the debarment persists. The contractor/concessionaire shall include its JV partners, promoters etc. whose credentials were considered while qualifying them for the project. Non-performer/debarment status of a bidder on the bid due date will be the criteria for eligibility of a bidder to participate in the said bid.

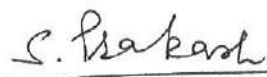
9. Upon declaration of non-performer/debarment of any agency (i.e. Contractor/Concessionaire) concerned division shall notify the detail to Contract Management Division for maintaining the record/data related to debarment. Concerned Division shall also notify Contract Management Division if there is any change in non-performer/debarment status of any agency. Contract Management Division will act as a Nodal Division and upload/update the list of Non-performing/ debarred agencies on NHAI website on first week of every month and if there is any change in non-performer/debarment status of any agency. It is clarified that concerned division are responsible for forwarding the data to Contract Management Division for maintaining their record. Detail regarding non-performer/debarment shall be notified to Contract Management Division through e-office file only and shall be provided in the following format with Non- Performer/ debarment order document:

Sl. No.	Name of Company declared as Non-performer/ debarred	Non - performer/ debarred from the date	Non - performer/ debarred upto the date	Non- Performer/ debarment order document
1				
2				

10. Initially All Technical Division shall forward details of Non-performing/ debarred agencies to Contract Management Division within 4 working days of issue of this circular in aforesaid format and if information pertaining to any Division is 'Nil', Nil information shall be forwarded to Contract Management Division. Contract Management Division shall upload the consolidated data on the NHAI website within 7 working days of issue of this circular.

11. This issues with the approval of Competent Authority.

Encl.: As stated above


(Sunil Prakash Bhardwaj)
Chief General Manager (Coord.)

To:

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

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M(P) RKP Annex-1
M(P) MNC
M(T)

File No. RW/NH-33044/76/2021-S&R(P&B)
Government of India
Ministry of Road Transport & Highways
(S&R Zone)

1, Parliament Street, Transport Bhawan, New Delhi-110001

Date: 6th Oct, 2021

To,

1. The Chief Secretaries of all State Governments/UTs.
2. The Principal Secretaries/Secretaries of all State/UTs PWD dealing with National Highways, other centrally sponsored schemes and state schemes.
3. The Chairman, National Highways Authority of India (NHAI), G-5&6, Sector-10, Dwarka, New Delhi-110075.
4. Director General (Border Roads), SeemaSadakBhawan, Ring Road, New Delhi-110010.
5. The Managing Director, National Highway Infrastructure Development Corporation Ltd., 3rd floor, PTI Building, Parliament Street, New Delhi-110001.
6. All Engineer-in-Chief and Chief Engineers of all States/ UTs PWD dealing with National Highways, other centrally sponsored schemes and state schemes.
7. All CE-ROs, ROs and ELOs of the Ministry.

Sub: Standard operating procedure to debar/penalize/declare the Contractor/Concessionaire as Non-Performer in National Highways and other centrally sponsored road projects.

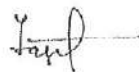
Ref: (i) Ministry's letter No. RW/NH-37010/4/2010-EAP(Printing) Vol.-IV dated 05.03.2019.

(ii) Ministry's letter No. RW/NH-34066/01/2020-QCZ dated 14.06.2021

Sir,

It has been noticed that in many cases there are lapses on the part of Contractors/Concessionaires in fulfilling contract provisions during development period, construction period and O&M Stage, that causes delay/acceptance of sub-standard works leading to premature distress/failure during construction.

2. In order to ensure construction of roads as per standards and specifications laid down in the contract/concession agreements and to avoid project delays, it has been decided to debar/penalize/declare Contractors/Concessionaires as Non-Performer for their lapses in National Highways and other centrally sponsored road projects, as

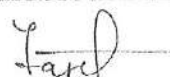


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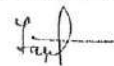
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detailed herewith. It is clarified that such actions of the Authority would be without prejudice to the remedies available to Ministry of Road Transport & Highways (MoRTH) or its executing agencies under the contract/concession agreement/governing laws. This circular is issued in supersession to Ministry's earlier issued circular dated 14.06.2021 at sl. no. (ii) of reference.

Sl. No.	Type of Deficiency	Action to be taken against Contractor/concessionaire
1	Failure to set up institutional mechanism and procedure as per contract.	Declaring the contractor / concessionaire as non-performer till institutional mechanism and procedure is properly set up as verified by the "Nominated Officer".
2	Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure.	Declaring the contractor / concessionaire as non-performer till milestone is achieved or project is completed as certified by the "Nominated Officer".
3	Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days.	Declaring the contractor / concessionaire as non-performer till progress commensurate with funds released is achieved as certified by the "Nominated Officer".
4	Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of concessionaire's failure/default.	Declaring the contractor / concessionaire as non-performer till completion of project or achievement of project target as certified by the "Nominated Officer".
5	(a) Fails to complete rectification (excluding minor rectifications) as	Declaring the contractor / concessionaire as non-performer till



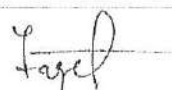
	per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority. (b) Fails to complete minor rectifications exceeding 3 instances in a project not completed as per time given in non-conformity reports (NCR) in design/completed works/maintenance.	rectification(s) is completed as certified by the "Nominated Officer".
6	Fails to start the work or causes delay to maintenance & repair/overlay of the project.	Declaring the contractor / concessionaire as non-performer till it is completed as certified by the "Nominated Officer".
7	Fails to complete Punchlist items even after lapse of time for completion of such items excluding delays attributable to the Authority.	Declaring the contractor / concessionaire as non-performer till punch list items are completed as certified by the "Nominated Officer".
8	Occurrence of minor failure of structures/highway due to construction defect wherein no causalities are reported. [Causalities include injuries to human being or animals]	Rectification by contractor/concessionaire at its own cost. In addition, penalty of 5% of contract value of failed/defective work or 0.5% of contract value of whole work, whichever is more, shall also be imposed and written warning. The key personnel (head of the Structures in case of failure occurred on structures or head of Pavement/Highways in case of pavement failure) may be kept on watch list for any future recurrence besides issuing written warning. The rectification shall be certified by the "Nominated Officer".
9	Occurrence of major failure of structures/highway due to construction defect wherein no	Rectification by contractor/concessionaire at its own cost and debarment up to 1 year or till



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	casualties are reported, [Causalities include injuries to human being or animals]	completion of instant work, whichever is higher, in NH or centrally sponsored road works. In addition, penalty of 5% of contract value of failed/defective work or 0.5% of contract value of whole work whichever is more, shall also be imposed. The key personnel (head of the Structures in case of failure occurred on structures or head of Pavement/Highways in case of pavement failure) will be removed from the project and debarment of concerned key personnel up to 2 years in NH or centrally sponsored road works. The rectification shall be certified by the "Nominated Officer".
10	Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation of the Authority etc.	Rectification by contractor/concessionaire at its own cost and debarment up to 3 years or till completion of instant work, whichever is higher in NH or centrally sponsored road works. In addition, penalty of 10% of contract value of failed/defective work or 1.0% of contract value of whole work, whichever is more, shall be imposed. The key personnel (head of the Structures in case of failure occurred on structures or head of Pavement/Highways in case of pavement failure) will be removed from the project and debarment up to 3 years in NH or centrally sponsored road works.



	The rectification shall be certified by the "Nominated Officer" or a 3 member Committee.
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["Nominated Officer" is any officer other than the concerned Technical Division/Zone or 3 member committee, for ensuring independent certification/verification nominated by Director General (RD) & Special Secretary/ Chairman, NHAI/Managing Director, NHIDCL/ Director General (Border Roads) for this purpose.]

3. Following amendments shall be made in the provisions of Model Request for Proposal (RFP) Document for National Highways and other centrally sponsored road works proposed to be implemented on EPC mode of contract. Similarly, amendments shall also be incorporated in the Ministry's Standard RFP for Hybrid Annuity Model (HAM) & Build Operate Transfer (BOT) concession agreement.

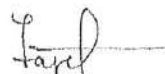
Sr. No.	Clause No. of Model RFP Document for EPC mode of Contract	Existing provision	Amendments made
1.	Clause 2.1.14 of Section 2: Instruction to Bidders (from start to end of sub-clause (xiii))	The Bidder, including an individual... following parameters: (xiii)hearing of such party.	The Bidder, including an individual or any of its Joint Venture member, should not be a non-performing party on the bid submission date. The Bidder, including any Joint Venture Member, shall be deemed to be a non-performing party, if it attracts any or more of the following conditions in any of its ongoing or completed project: (i) Fails to set up institutional mechanism and procedure as per contract. (ii) Fails to mobilize key construction equipment within a period of 4 months from the Appointed Date;



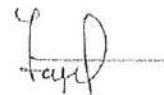
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		(iii) Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure; (iv) Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days; (v) Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default; (vi) Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority.
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			(vii) Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance; (viii) Fails to fulfill its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regard; (ix) Damages/penalties recommended by Independent/Authority's Engineer during O&M Period and remedial works are still not taken up; (x) Fails to complete Punch list items even after lapse of time for completion of such items excluding delays attributable to the Authority; (xi) Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals); (xii) Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals);
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(xiii) Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation etc. of the authority;

(xiv) Fails to make premium payments excluding the current installment in one or more projects;

(xv) Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case);

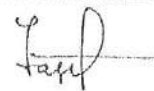
(xvi) Fails to submit the Performance Security within the permissible time period in more than one project;

(xvii) Rated as an unsatisfactory performing entity/ non-performing entity by an independent third-party agency and so notified on the website of the Authority;

(xviii) Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Bidder, including individual or any of its Joint Venture Member, as the case

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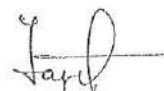
			may be; (xix) Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Bidder from further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party. (xx) Fails to start the works or causes delay in maintenance & repair/overlay of the project.
2. Table below Para 3 (Name of Bidder/Member of JV: _____) of Clause 7 (b) of Annex I to Appendix IA shall be replaced as below			
Sr. no.	Categories of Non-Performer	Name of the Project(s)	
i.	Fails to set up institutional mechanism and procedure as per contract.		
ii.	Fails to mobilize key construction equipment within a period of 4 months from the Appointed Date.		
iii.	Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure.		
iv.	Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days.		



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v.	Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default.	
vi.	Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority.	
vii.	Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance.	
viii.	Fails to fulfill its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regard.	
ix.	Damages/penalties recommended by Independent/Authority's Engineer during O&M Period and remedial works are still not taken up.	
x.	Fails to complete Punch list items even after lapse of time for completion of such items excluding delays attributable to the Authority.	
xi.	Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals).	
xii.	Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals).	
xiii.	Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation etc. of the authority.	
xiv.	Fails to make premium payments excluding the current installment in one or more projects.	
xv.	Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case).	
xvi.	Fails to submit the Performance Security within the permissible time period in more than one project.	
xvii.	Rated as an unsatisfactory performing entity/ non-performing entity by an independent third-party agency and so notified on the website of the Authority.	

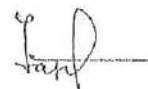


xviii.	Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Bidder, including individual or any of its Joint Venture Member, as the case may be.	
xix.	Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Bidder from further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party.	
xx	Fails to start the works or causes delay in maintenance & repair/overlay of the project.	

4. Chief Engineer (RO/HQ), MoRTH / Chief General Manager, NHAI/ Executive Director, NHIDCL/ Chief Engineer, BRO shall be the competent authority for certifying the report submitted by "Nominated Officer" regarding completion of the rectification.

5. Before deciding a contractor/concessionaire as Non-Performer or debarring/penalizing it, the concerned authority shall issue a notice to the contractor/concessionaire by giving 15 days' time to furnish its written reply and allow personal hearing, if so desired by the contractor/concessionaire, before the competent authority or any person designated for the purpose. Such a notice shall not be issued without the approval of an officer below the rank of Chief Engineer/CGM/ED. In case of projects where public safety is endangered by the behavior/conduct/action of the consultant/contractor/concessionaire, the authority may temporarily suspend the consultant/contractor/concessionaire from participating in ongoing/ future bidding upto 1 month period during which the regular process of debarment shall be concluded.

6. The competent authority for approval of penal action as above will be the DG(RD) &SS in respect of NH works being implemented through State PWDs, Chairman, NHAI in respect of NH works being implemented through NHAI, MD, NHIDCL in respect of NH works being implemented through NHIDCL and Director General (Border Roads) for works entrusted to BRO.



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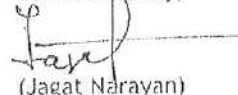
7. The firm/individuals on which penal/deterrent action is taken may represent to the "Reviewing authority" against the action/penalty imposed. The "Reviewing Authority" shall be the Secretary, RT&H in respect of all NH works and other centrally sponsored road works being implemented through State PWDs, NHAI, NHIDCL and BRO.

8. Upon declaration of non-performer/debarred, the contractor/concessionaire will not be able to participate in any bid with MoRTH or its executing agencies, till such time the contractor/concessionaire is removed from the list of non-performers or the debarment persists. The contractor/concessionaire shall include its JV partners, promoters etc. whose credentials were considered while qualifying them for the project. Non-performer/debarment status of a bidder on the bid due date will be the criteria for eligibility of a bidder to participate in the said bid.

9. Each implementation agency shall have a single source/designated officer for maintaining the record/data related to debarment. Ministry's Monitoring Zone with the help of NIC will maintain a real-time data-base of such Non-Performer and debarred contractor/concessionaire.

10. This issues with the approval of Competent Authority.

Yours sincerely,



(Jagat Narayan)

Superintending Engineers, S&R (R)
For DG(RD)&SS

Copy to:

1. All Chief Engineers in the Ministry of Road Transport & Highways.
2. The Secretary General, Indian Road Congress, IRC Bhawan, Kama Koti Marg, Sector-6, R.K. Puram, New Delhi-110022.
3. Technical Circular File, S&R (P&B) Section.
4. NIC for uploading on the Ministry's website.

Copy for information and necessary action to:

1. Sr.PPS to Secretary (RT&H).
2. PPS to DG(RD)&SS
3. PPS to SS/AS/AS&FA.
4. PS to all ADGs.
5. PS to all JSs.

Annex-2

Modified provision of Standard RFP for projects to be implemented on EPC Mode

Sr. No.	Clause No.	Existing provision	Modified Provision
1.	Clause 2.1.14 of Section 2: Instruction to Bidders (from start to end of sub-clause (xiii))	The Bidder, including an individual... following parameters: (xiii)hearing of such party.	The Bidder, including an individual or any of its Joint Venture member, should not be a non-performing party on the bid submission date. The Bidder, including any Joint Venture Member, shall be deemed to be a non-performing party, if it attracts any or more of the following conditions in any of its ongoing or completed project: (i) Fails to set up institutional mechanism and procedure as per contract. (ii) Fails to mobilise key construction equipment within a period of 4 months from the Appointed Date; (iii) Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure; (iv) Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days; (v) Fails to achieve the target progress or complete the project as

			per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default; (vi) Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority. (vii) Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance; (viii) Fails to fulfil its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regard; (ix) Damages/penalties recommended by Independent/Authority's Engineer during O&M Period and remedial works are still not taken up; (x) Fails to complete Punch list items even after lapse of time for completion of such items excluding delays attributable to the Authority; (xi) Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties
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			include injuries to human being / animals); (xii) Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (causalities include injuries to human being / animals); (xiii) Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation etc. of the authority; (xiv) Fails to make premium payments excluding the current instalment in one or more projects; (xv) Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case); (xvi) Fails to submit the Performance Security within the permissible time period in more than one project; (xvii) Rated as an unsatisfactory performing entity/ non-performing entity by an independent third-party agency and so notified on the website of the Authority; (xviii) Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial
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			pronouncement or arbitral award against the Bidder, including individual or any of its Joint Venture Member, as the case may be; (xix) Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Bidder from further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party. (xx) Fails to start the works or causes delay in maintenance & repair/overlay of the project.
2. Table below Para 3 (Name of Bidder/Member of JV: _____) of Clause 7 (b) of Annex I to Appendix IA shall be replaced as below			
Sr. no.	Categories of Non-Performer	Name of the Project(s)	
i.	Fails to set up institutional mechanism and procedure as per contract.		
ii.	Fails to mobilise key construction equipment within a period of 4 months from the Appointed Date.		
iii.	Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure.		
iv.	Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days.		

v.	Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default.	
vi.	Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority.	
vii.	Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance.	
viii.	Fails to fulfil its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regard.	
ix.	Damages/penalties recommended by Independent/Authority's Engineer during O&M Period and remedial works are still not taken up.	
x.	Fails to complete Punch list items even after lapse of time for completion of such items excluding delays attributable to the Authority.	
xi.	Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals).	
xii.	Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals).	
xiii.	Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation etc. of the authority.	
xiv.	Fails to make premium payments excluding the current instalment in one or more projects.	
xv.	Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case).	
xvi.	Fails to submit the Performance Security within the permissible time period in more than one project.	
xvii.	Rated as an unsatisfactory performing entity/ non-performing entity by an independent third-party agency and so notified on the website of the Authority.	
xviii.	Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Bidder, including individual or any of its Joint Venture Member, as the case may be.	
xix.	Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder, including individual or any of its Joint Venture Member; Provided	

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	that any such decision of expulsion or termination of contract leading to debarring of the Bidder from further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party.	
xx	Fails to start the works or causes delay in maintenance & repair/overlay of the project.	

Annex-3

Modified provision of Standard RFP for projects to be implemented on HAM Mode

Sr. No.	Clause No.	Existing provision	Modified Provision
1.	Clause 2.1.13	New Clause	The Bidder, including an individual or any of its Joint Venture member or Members of its Consortium, should not be a non-performing party on the bid submission date. The Bidder, including any Joint Venture Member/ Members of its Consortium, shall be deemed to be a non-performing party, if it attracts any or more of the following conditions in any of its ongoing or completed project: (i) Fails to set up institutional mechanism and procedure as per contract. (ii) Fails to mobilise key construction equipment within a period of 4 months from the Appointed Date; (iii) Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure; (iv) Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days; (v) Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default; (vi) Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality

			Inspectors deployed by the Authority or Officers of the Authority. (vii) Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance; (viii) Fails to fulfil its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regard; (ix) Damages/penalties recommended by Independent/Authority's Engineer during O&M Period and remedial works are still not taken up; (x) Fails to complete Punch list items even after lapse of time for completion of such items excluding delays attributable to the Authority; (xi) Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals); (xii) Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals); (xiii) Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation etc. of the authority; (xiv) Fails to make premium payments excluding the current instalment in one or more projects; (xv) Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case); (xvi) Fails to submit the Performance Security within the permissible time period in more than one project;
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			(xvii) Rated as an unsatisfactory performing entity/ non-performing entity by an independent third-party agency and so notified on the website of the Authority; (xviii) Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Bidder, including individual or any of its Joint Venture Member, as the case may be; (xix) Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Bidder from further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party. (xx) Fails to start the works or causes delay in maintenance & repair/overlay of the project. The Bidder, including individual or each member of Joint Venture or Members of its Consortium, shall give the list of the projects of Expressways, National Highways, ISC and EI works of Ministry of Road Transport & Highways or its implementing agencies (NHAI/ NHIDCL/State PWDs) and the status of above issues in each project as on the bid submission date and undertake that they do not attract any of the above categories (Ref. Sr. No.6, Annex-I of Appendix - IA). The Bidder including individual or any of its Joint Venture Member or Members of its Consortium may provide (i) details of all their on-going projects along with updated stage of litigation, if so, against the Authority / Governments; and
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			(ii) details of updated on-going process of blacklisting if so, under any contract with Authority / Government; The Authority reserves the right to reject an otherwise eligible Bidder on the basis of the information provided under this clause 2.1.13. The decision of the Authority in this case shall be final
2	Sr. No.6, Annex-I of Appendix - IA	A statement by Bidder and each of the Members of its Consortium (where applicable) or any of their Associates disclosing material non-performance in past projects, contractual disputes and litigation/arbitration in the recent past is given below (Attach extra sheets), if necessary:	6(a) I/ We certify that in the last two years, we/ any of the JV partners or Members of Consortium have neither failed to perform for the works of Expressways, National Highways, ISC & EI works, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against us, nor been expelled or terminated by Ministry of Road Transport & Highways or its implementing agencies for breach on our part. (b) I/ We certify that we/ any of the JV partners or Members of Consortium do not fall in any of the categories of being a Non-Performing entity given at Clause 2.1.13 of Instructions to Bidders in the projects of Expressways, National Highways, ISC and EI works of Ministry of Road Transport & Highways or its implementing agencies and furnished the complete details. 7(a) I/ We further certify that no investigation by a regulatory authority is pending either against us/any member of Joint Venture or our sister concern or against our CEO or any of our directors/managers/employees. (b) I/ We further certify that no investigation by any investigating agency in India or outside is pending either against us/ any member of Joint Venture or our sister concern or against our CEO or any of our directors/managers/employees. A statement by Bidder and each of the Members of its Consortium (where applicable) or any of their Associates disclosing material non-performance in past projects, contractual disputes and

			litigation/arbitration in the recent past, as on bid due date is given below (attach extra sheets, if necessary) w.r.t. para 2.1.13.																		
			Name of the Bidder /Member of JV/ or Members of Consortium:																		
			<table><tr><th>Sr. no.</th><th>Categories of Non-Performer</th><th>Name of the Project(s)</th></tr><tr><td>i.</td><td>Fails to set up institutional mechanism and procedure as per contract.</td><td></td></tr><tr><td>ii.</td><td>Fails to mobilise key construction equipment within a period of 4 months from the Appointed Date.</td><td></td></tr><tr><td>iii.</td><td>Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure.</td><td></td></tr><tr><td>iv.</td><td>Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days.</td><td></td></tr><tr><td>v.</td><td>Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default.</td><td></td></tr></table>	Sr. no.	Categories of Non-Performer	Name of the Project(s)	i.	Fails to set up institutional mechanism and procedure as per contract.		ii.	Fails to mobilise key construction equipment within a period of 4 months from the Appointed Date.		iii.	Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure.		iv.	Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days.		v.	Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default.	
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			vi.	Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority.	
			vii.	Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance.	
			viii.	Fails to fulfil its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regard.	
			ix.	Damages/penalties recommended by Independent/Authority's Engineer during O&M Period and remedial works are still not taken up.	
			x.	Fails to complete Punch list items even after lapse of time for completion of such items excluding delays attributable to the Authority.	
			xi.	Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals).	
			xii.	Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals).	
			xiii.	Occurrence of major failure of structures/highway due to	

				construction defect leading to loss of human lives besides loss of reputation etc. of the authority.	
			xiv.	Fails to make premium payments excluding the current instalment in one or more projects.	
			xv.	Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case).	
			xvi.	Fails to submit the Performance Security within the permissible time period in more than one project.	
			xvii.	Rated as an unsatisfactory performing entity/ non-performing entity by an independent third-party agency and so notified on the website of the Authority.	
			xviii.	Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Bidder, including individual or any of its Joint Venture Member, as the case may be.	
			xix.	Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Bidder from further participation in bids for the prescribed period should have been ordered after affording an	

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				opportunity of hearing to such party.	
			xx	Fails to start the works or causes delay in maintenance & repair/overlay of the project.	
			I/ We certify that the list is complete and covers all the projects of Expressways, National Highways, ISC and EI works of Ministry of Road Transport & Highways or its implementing agencies and that we/ any of the JV partners or Members of consortium do not fall in any of the above categories of being a Non-Performing entity.		

Modified provision of Standard RFP for projects to be implemented on BOT(Toll) Mode

Sr. No.	Clause No.	Existing provision	Modified provision
1.	Clause 2.1.17	Any entity which has been barred by the Central/ State Government, or any entity controlled by it, from participating in any project (BOT or otherwise), and the bar subsists as on the date of Bid, would not be eligible to submit a Bid, either individually or as member of a Consortium.	Any entity which has been barred by the Central/ State Government, or any entity controlled by it, from participating in any project (BOT or otherwise), and the bar subsists as on the date of Bid, would not be eligible to submit a Bid, either individually or as member of a Consortium. The Bidder, including an individual or any of its Joint Venture member or Members of its Consortium, should not be a non-performing party on the bid submission date. The Bidder, including any Joint Venture Member/ Members of its Consortium, shall be deemed to be a non-performing party, if it attracts any or more of the following conditions in any of its ongoing or completed project: (i) Fails to set up institutional mechanism and procedure as per contract. (ii) Fails to mobilise key construction equipment within a period of 4 months from the Appointed Date; (iii) Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure; (iv) Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days; (v) Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default; (vi) Fails to complete rectification (excluding minor rectifications) as per time

		given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority. (vii) Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance; (viii) Fails to fulfil its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regard; (ix) Damages/penalties recommended by Independent/Authority's Engineer during O&M Period and remedial works are still not taken up; (x) Fails to complete Punch list items even after lapse of time for completion of such items excluding delays attributable to the Authority; (xi) Occurrence of minor failure of structures/highway due to construction defect wherein no causalities are reported (causalities include injuries to human being / animals); (xii) Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (causalities include injuries to human being / animals); (xiii) Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation etc. of the authority; (xiv) Fails to make premium payments excluding the current instalment in one or more projects; (xv) Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case); (xvi) Fails to submit the Performance Security within the permissible time period in more than one project; (xvii) Rated as an unsatisfactory performing entity/ non-performing entity by an independent third-party agency and so notified on the website of the Authority;
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			(xviii) Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Bidder, including individual or any of its Joint Venture Member, as the case may be; (xix) Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Bidder from further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party. (xx) Fails to start the works or causes delay in maintenance & repair/overlay of the project. The Bidder, including individual or each member of Joint Venture or Members of its Consortium, shall give the list of the projects of Expressways, National Highways, ISC and EI works of Ministry of Road Transport & Highways or its implementing agencies (NHAI/ NHIDCL/State PWDs) and the status of above issues in each project as on the bid submission date and undertake that they do not attract any of the above categories (Ref. Sr. No.6, Annex-I of Appendix - IA). The Bidder including individual or any of its Joint Venture Member or Members of its Consortium may provide (i) details of all their on-going projects along with updated stage of litigation, if so, against the Authority / Governments; and (ii) details of updated on-going process of blacklisting if so, under any contract with Authority / Government; The Authority reserves the right to reject an otherwise eligible Bidder on the basis of the information provided under this clause 2.1.17. The decision of the Authority in this case shall be final
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2	Sr. No. 6, Annex-I of Appendix - IA	A statement by Bidder and each of the Members of its Consortium (where applicable) or any of their Associates disclosing material non-performance or Contractual non-compliance in past projects, contractual disputes and Litigation/Arbitration in the recent past is given below (Attach extra sheets), if necessary:	6(a) I/ We certify that in the last two years, we/ any of the JV partners or Members of Consortium or/ and Associate have neither failed to perform for the works of Expressways, National Highways, ISC & EI works, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against us, nor been expelled or terminated by Ministry of Road Transport & Highways or its implementing agencies for breach on our part. (b) I/ We certify that we/ any of the JV partners or Members of Consortium or/ and Associates do not fall in any of the categories of being ineligible/ Non-Performing entity given at Clause 2.1.16 (a) of Section-2: Instructions to Bidders in the projects of Expressways, National Highways, ISC and EI works of Ministry of Road Transport & Highways or its implementing agencies (NHAI/NHIDCL/ State PWDs) and furnished the complete details. 7(a) I/ We further certify that no investigation by a Regulatory Authority is pending either against us/any member of Joint Venture or Associates or our sister concern or against our CEO or any of our directors/managers/employees. (b)I/We further certify that no investigation by any investigating agency in India or outside is pending either against us/ any member of Joint Venture or Associates or our sister concern or against our CEO or any of our directors/managers/employees. A statement by Bidder and each of the Members of its Consortium (where applicable) or any of their Associates disclosing material non-performance in past projects, contractual disputes and litigation/arbitration in the recent past, as on bid due date is given below (attach extra sheets, if necessary) w.r.t. Clause 2.1.17. Name of the Bidder /Member of JV/ or Members of Consortium or Associate:
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			Sr. no.	Categories of Non-Performer	Name of the Project(s)
			i.	Fails to set up institutional mechanism and procedure as per contract.	
			ii.	Fails to mobilise key construction equipment within a period of 4 months from the Appointed Date.	
			iii.	Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone/Schedule Completion date, unless Extension of Time has been granted due to Authority's Default or Force Majeure.	
			iv.	Fails to achieve progress commensurate with funds released from Escrow Account (Equity + Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days.	
			v.	Fails to achieve the target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default.	
			vi.	Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed	

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				works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority.	
			vii.	Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance.	
			viii.	Fails to fulfil its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regard.	
			ix.	Damages/penalties recommended by Independent/Authority's Engineer during O&M Period and remedial works are still not taken up.	
			x.	Fails to complete Punch list items even after lapse of time for completion of such items excluding delays attributable to the Authority.	
			xi.	Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals).	
			xii.	Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being / animals).	
			xiii.	Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss	

				of reputation etc. of the authority.	
			xiv.	Fails to make premium payments excluding the current instalment in one or more projects.	
			xv.	Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case).	
			xvi.	Fails to submit the Performance Security within the permissible time period in more than one project.	
			xvii.	Rated as an unsatisfactory performing entity/ non-performing entity by an independent third-party agency and so notified on the website of the Authority.	
			xviii.	Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Bidder, including individual or any of its Joint Venture Member, as the case may be.	
			xix.	Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Bidder from	

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				further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party.	
			xx	Fails to start the works or causes delay in maintenance & repair/overlay of the project.	
			I/ We certify that the list is complete and covers all the projects of Expressways, National Highways, ISC and EI works of Ministry of Road Transport & Highways or its implementing agencies (NHAI/ NHIDCL/ State PWDs) and that we/ any of the JV partners or Members of consortium or Associate do not fall in any of the above categories of being a Non-Performing entity.		



(सड़क परिवहन और राजमार्ग विभाग)

National Highways Authority of India

(Ministry of Road Transport and Highways)

जी-6 एंड 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

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

Annexure-2**NHAI/Policy Guidelines/Non-Performer & Debarment/2022****Policy Circular No. 16.14/2022 dated 31st January, 2022**

{Decision taken on E-Office File No: NHAI/CMD/Misc/2021/2 (Comp No. 99627)}

Sub.: Standard operating procedure to debar/penalize/declare the Contractor/Concessionaire as Non-Performer in National Highways and other centrally sponsored road projects.

MoRTH vide letter no. RW/NH-33044/76/2021-S&R(P&B) dated 04.01.2022 (copy enclosed) has issued amendment in para-8 of Ministry's SOP dated 06.10.2021. In view of this, NHAI policy circular no. 16.11/2021 dated 16.11.2021 is partially modified as under:

Existing Provisions	Amended Provisions
8. Upon declaration of non-performer/debarred, the Contractor/Concessionaire will not be able to participate in any bid with MoRTH or its executing agencies till such time the Contractor/Concessionaire is removed from the list of non-performers or the debarment persists. The Contractor/Concessionaire shall include its JV partners, promoters etc. whose credentials were considered while qualifying them for the project. Non-performer/debarment status of a bidder on the bid due date will be the criteria for eligibility of a bidder to participate in the said bid.	8.1 Upon declaration of non-performer/debarred, the Contractor/Concessionaire will not be able to participate in any bid for National Highways projects with MoRTH or its executing agencies till such time the debarment persists or the Contractor/Concessionaire is removed from the list of non-performers. In bidding for a particular project, bids from only such firms should be considered for placement of contract, which are neither debarred on the date of opening of tender nor debarred on the date of issue of Letter of Acceptance (LoA). Contractors concluded before the issue of the debarment/declaration as non-performer order shall not be affected by the debarment order(s) issued subsequently. 8.2 In case, any debarred/declared non-performer firm submits the bid, the same will be ignored. In case such firm is lowest (L-1), next lowest firm shall be considered as L-1. Bid security submitted by such debarred/declared non-performer firms shall be returned to them.

Contd...2/-

365353/2022/MGR(HR/ADMIN)-IV

-2-

Existing Provisions	Amended Provisions
	8.3 Debarment/declaration as non-performer of a particular firm shall automatically extend to all its allied firms. In case a joint venture/ consortium is debarred, all partners/members shall stand debarred for the entire period.

2. This issues with the approval of Competent Authority.

Encl.: As stated above


31/01/2022
(Sanjay Kumar Patel)
General Manager (Coord.)

To:

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

Copy to:

- 1.. Hindi Officer for translation in Hindi.
2. Library for hosting the circular on library site.
3. Web Admin for circulation.

File No. RW/NE-33044/76/2021-SR(PB)
Government of India
Ministry of Road Transport & Highways
SR (Roads) Zone
B-1, Parliament Street, Transport Bhawan, New Delhi-110001

Date: 04.04.2022

To,

1. The Chief Secretaries of all State Governments/UTs.
2. The Principal Secretaries/Secretaries of all State/UTs PWD dealing with National Highways, other centrally sponsored schemes and state schemes.
3. All engineer-in-Chief and Chief Engineers of all States/ UTs PWD dealing with National Highways, other centrally sponsored schemes and state schemes.
4. The Chairman, National Highways Authority of India (NHAI), G-566, Sector-10, Dwarka, New Delhi-110075.
5. The Managing Director, National Highway Infrastructure Development Corporation Ltd., 3rd floor, PFI Building, Parliament Street, New Delhi-110001.
6. Director General (Border Roads), Secma Sadak Bhawan, Ring Road, New Delhi-110010.
7. All CE, RDs, ROs and F.Os of the Ministry.

Subject: Standard operating procedure to debar/penalize/declare the Contractor/Concessionaire as Non-performer in National Highways and other centrally sponsored road projects.

Ref: RW/NE-33044/76/2021-SR(PB) dated: 06.10.2021

Sir,

Ministry has issued SOP to debar/penalize/declare as Non- Performer the Contractor/Concessionaire in National Highways and centrally sponsored road projects vide Ministry's circular under reference. Meanwhile, DoF, MOP has issued guidelines on debarment of firms from bidding vide OM No. F-1/20/2018 PPD dated 02.11.2021. Now with the approval of Competent Authority, para-8 of Ministry's SOP is amended as under to bring it in line with DoE OM mentioned above.

1.2. Eligibility

3. Upon declaration of non-performer and/or debarred, the Contractor/Consultant will not be able to participate in any bid with MCHP or its executing agencies. If such firm/ the Contractor/Consultant is awarded a contract of non-performance or the contractor/consultant the Contractor/Consultant shall not be able to be considered while qualifying from for the project. Non-performer/debarment status of a bidder on the bid due date will be the criteria for eligibility of a bidder to participate in the tender.

1.2. Eligibility

3. Upon declaration of non-performer or debarred, the Contractor/Consultant will not be able to participate in any bid for National Highways projects with MCHP or its executing agencies till such time the debarment period or the Contractor/Consultant is removed from the list of non-performers, depending on a particular project. This time only such firms should be considered for presentation of contract which are neither debarred on the date of opening of tender nor debarred on the date of issue of Letter of Acceptance (LOA). Contracts concluded before the issue of the debarment/declaration of non-performer order shall not be affected by the debarment order(s) issued subsequently.

5. In case, any debarred/ declared non-performer firm submits the bid, the same will be ignored. In case such firm is lowest (1-1) cost lowest firm shall be considered as 1-1, the security submitted by such debarred or declared non-performer firms shall be ignored/forfeited.

6. Debarment/declaration as non-performer of a particular firm shall automatically extend to all its allied firms. In case a joint venture/ consortium is debarred, all partners/members shall stand debarred for the entire period.

Yours sincerely,



(Jagat Narayan)
Superintending Engineer, S&R (R)
For DG(RR) & SS

Copy to:

1. All Chief Engineers in the Ministry of Road Transport & Highways.
2. The Secretary General, Indian Road Congress, IRC Bhawan, Karna Koti Marg, Sector-6, R.K. Puram, New Delhi 110022.
3. Technical circular File, S&R (RR) Section.
4. IRC for uploading on the Ministry's website.



Copy for information and necessary action of:

1. Sr. PPs to Secretary (R&D)
2. PPs to DC (RD) BSC
3. PPs to SS/AS/AG/A
4. PS to all ADCs
5. PS to all JSs



Annexure-3

No.F.1/20/2018-PPD
Government of India
Department of Expenditure
Ministry of Finance
Procurement Policy Division

169-A, North Block, New Delhi,
2nd November, 2021.

OFFICE MEMORANDUM

Subject: Guidelines on Debarment of firms from Bidding

Attention is drawn towards Rule 151 of General Financial Rules (GFRs), 2017 regarding 'Debarment from Bidding' which is reproduced as under:

(i) A bidder shall be debarred if he has been convicted of an offence—

(a) under the Prevention of Corruption Act, 1988; or

(b) the Indian Penal Code or any other law for the time being in force, for causing any loss of life or property or causing a threat to public health as part of execution of a public procurement contract.

(ii) A bidder debarred under sub-section (i) or any successor of the bidder shall not be eligible to participate in a procurement process of any procuring entity for a period not exceeding three years commencing from the date of debarment. Department of Commerce (DGS&D) will maintain such list which will also be displayed on the website of DGS&D as well as Central Public Procurement Portal.

(iii) A procuring entity may debar a bidder or any of its successors, from participating in any procurement process undertaken by it, for a period not exceeding two years, if it determines that the bidder has breached the code of integrity. The Ministry/ Department will maintain such list which will also be displayed on their website.

(iv) The bidder shall not be debarred unless such bidder has been given a reasonable opportunity to represent against such debarment.

2. This department has received a reference from Department of Commerce with a proposal that the task of universal banning of firms as per Rule 151 (ii) of GFRs as above may be undertaken by Department of Expenditure or should be decentralized to individual line Ministries/ Departments as DGS&D had been wind up on 31.10.2017. Central Public Procurement Portal (CPPP) or the Department of Expenditure can then maintain a master data of all such banned firms and it can be made available in public domain.

552621/2022/GM (CMD) Office

3 In context of above, all issues regarding debarment have been reviewed in consultations with major procuring Ministries/ Departments and it is decided to issue attached 'Debarment Guidelines' in suppression to all earlier instructions on this subject.

4. This issues with the approval of Finance Secretary.



2.11.21

(Sanjay Aggarwal)

Advisor/ Procurement Policy Division

Email: sanjay.aggarwal68@nic.in

Tel: 23093224

To,

Secretaries, All Central Ministries/ Departments.

Secretary/ Department of Public Enterprises with a request to circulate these instructions to all Central Public Sector Undertakings (CPSUs).

Annexure

Guidelines on Debarment of firms from Bidding

1. The Guidelines are classified under following two types:
 - (i) In cases where debarment is proposed to be limited to a single Ministry, the appropriate Orders can be issued by that Ministry itself, thereby banning all its business dealing with the debarred firm.
 - (ii) Where it is proposed to extend the debarment beyond the jurisdiction of the particular Ministry i.e. covering to all central Ministries/ Departments, the requisite Orders shall be issued by Department of Expenditure (DoE), Ministry of Finance (MoF).

Definitions

2. Firm: The term 'firm' or 'bidder' has the same meaning for the purpose of these Guidelines, which includes an individual or person, a company, a cooperative society, a Hindu undivided family and an association or body of persons, whether incorporated or not, engaged in trade or business.
3. Allied firm: All concerns which come within the sphere of effective influence of the debarred firms shall be treated as allied firms. In determining this, the following factors may be taken into consideration:
 - a. Whether the management is common;
 - b. Majority interest in the management is held by the partners or directors of banned/ suspended firm;
 - c. Substantial or majority shares are owned by the banned/ suspended firm and by virtue of this it has a controlling voice.
 - d. Directly or indirectly controls, or is controlled by or is under common control with another bidder.
 - e. All successor firms will also be considered as allied firms.
4. The terms "banning of firm", 'suspension', 'Black-Listing' etc. convey the same meaning as of "Debarment".

Debarment by a Single Ministry/ Department

5. Orders for Debarment of a firm(s) shall be passed by a Ministry/ Department/ organizations, keeping in view of the following:
 - a. A bidder or any of its successors may be debarred from participating in any procurement process for a period not exceeding two years.
 - b. Firms will be debarred if it is determined that the bidder has breached the code of integrity as per Rule 175 of GFRs 2017.

- c. A bidder can also be debarred for any actions or omissions by the bidder other than violation of code of integrity, which in the opinion of the Ministry/ Department, warrants debarment, for the reasons like supply of sub-standard material, non-supply of material, abandonment of works, sub-standard quality of works, failure to abide "Bid Securing Declaration" etc.
 - d. It shall **not** be circulated to other Ministries/ Departments. It will only be applicable to all the attached/ subordinate offices, Autonomous bodies, Central Public Sector Undertakings (CPSUs) etc. of the Ministry/ Department issuing the debarment Order.
 - e. The concerned Ministry/ Department before issuing the debarment order against a firm must ensure that reasonable opportunity has been given to the concerned firm to represent against such debarment (including personal hearing, if requested by firm).
 - f. Secretary of Ministry/Department may nominate an officer at the rank of Joint Secretary/Additional Secretary as competent authority to debar the firms.
 - g. Ministry/ Department that issued the order of debarment can also issue an Order for revocation of debarment before the period of debarment is over, if there is adequate justification for the same. Ordinarily, the revocation of the Order before expiry of debarred period should be done with the approval of Secretary concerned of Ministry/Department.
 - h. The Ministry/Department will maintain list of debarred firms, which will also be displayed on its website.
 - i. Debarment is an executive function and should not be allocated to Vigilance Department.
6. Code of Integrity as contained in Rule 175 of the GFRs is reproduced as under:

No official of a procuring entity or a bidder shall act in contravention of the codes which includes

(i) prohibition of

- (a) making offer, solicitation or acceptance of bribe, reward or gift or any material benefit, either directly or indirectly, in exchange for an unfair advantage in the procurement process or to otherwise influence the procurement process.*
- (b) any omission or misrepresentation that may mislead or attempt to mislead so that financial or other benefit may be obtained or an obligation avoided.*
- (c) any collusion, bid rigging or anticompetitive behavior that may impair the transparency, fairness and the progress of the procurement process.*
- (d) improper use of information provided by the procuring entity to the bidder with an intent to gain unfair advantage in the procurement process or for personal gain.*
- (e) any financial or business transactions between the bidder and any official of the procuring entity related to tender or execution process of contract; which can affect the decision of the procuring entity directly or indirectly.*
- (f) any coercion or any threat to impair or harm, directly or indirectly, any party or its property to influence the procurement process.*
- (g) obstruction of any investigation or auditing of a procurement process.*

(h) making false declaration or providing false information for participation in a tender process or to secure a contract;

(ii) disclosure of conflict of interest.

(iii) Disclosure by the bidder of any previous transgressions made in respect of the provisions of sub-clause (i) with any entity in any country during the last three years or of being debarred by any other procuring entity.

7. It is possible that the firm may be debarred concurrently by more than one Ministry/ Department.

8. Ministries/ Departments at their option may also delegate powers to to debar bidders to their CPSUs, Attached Offices/ Autonomous Bodies etc. In such cases, broad principles for debarment in para 5 as above are to be kept in mind. Debarment by such bodies like CPSUs etc. shall be applicable only for the procurements made by such bodies.

9. Similarly, Government e-Marketplace (GeM) can also debar bidders upto two years on its portal.

10. In case of debarments under para 8 as above, revocation the debarment orders before expiry of debarred period should be done only with the approval of Chief Executive Officer of concerned CPSUs etc.

Debarment across All Ministries/ Departments

11. Where a Ministry/ Department is of the view that business dealings with a particular firm should be banned across all the Ministries/ Departments by debarring the firm from taking part in any bidding procedure floated by the Central Government Ministries/ Departments, the Ministry/ Department concerned, should after obtaining the approval of the Secretary concerned, forward to DoE a self-contained note setting out all the facts of the case and the justification for the proposed debarment, along with all the relevant papers and documents. DoE will issue the necessary orders after satisfying itself that proposed debarment across all the Ministries/ Departments is in accordance with Rule 151 of GFRs, 2017. This scrutiny is intended to ensure uniformity of treatment in all cases.

12. The firm will remain in suspension mode (i.e. debarred) during the interim period till the final decision taken by DoE, only in the Ministry/ Department forwarding such proposal.

13. Ministry/ Department before forwarding the proposal to DoE must ensure that reasonable opportunity has been given to the concerned firm to represent against such debarment (including personal hearing, if requested by firm). If DoE realizes that

sufficient opportunity has not be given to the firm to represent against the debarment, such debarment requests received from Ministries/ Departments shall be rejected.

14. DoE can also give additional opportunity, at their option, to firm to represent against proposed debarment. DoE can also take suo-moto action to debar the firms in certain circumstances

15. No contract of any kind whatsoever shall be placed on the debarred firm, including its allied firms by any Ministries/ Departments/ Attached/Subordinate offices of the Government of India including autonomous body, CPSUs etc. after the issue of a debarment order.

16. DoE will maintain list of such debarred firms, which will be displayed on Central Public Procurement Portal.

Revocation of Orders

14. An order for debarment passed shall be deemed to have been automatically revoked on the expiry of that specified period and it will not be necessary to issue a specific formal order of revocation.

15. A debarment order may be revoked before the expiry of the Order, by the competent authority, if it is of the opinion that the disability already suffered is adequate in the circumstances of the case or for any other reason.

Other Provisions (common to both types of debarment)

16. No contract of any kind whatsoever shall be placed to debarred firm including its allied firms after the issue of a debarment order by the Ministry/ Department. Bids from only such firms shall be considered for placement of contract, which are neither debarred on the date of opening of tender (first bid, normally called as technical bid, in case of two packet/two stage bidding) nor debarred on the date of contract. Even in the cases of risk purchase, no contract should be placed on such debarred firms.

17. If case, any debar firms has submitted the bid, the same will be ignored. In case such firm is lowest (L-1), next lowest firm shall be considered as L-1. Bid security submitted by such debarred firms shall be returned to them.

18. Contracts concluded before the issue of the debarment order shall, not be affected by the debarment Orders.

19. The Debarment shall be automatically extended to all its allied firms. In case of joint venture/ consortium is debarred all partners will also stand debarred for the period specified in Debarment Order. The names of partners should be clearly specified in the "Debarment Order".

20. Debarment in any manner does not impact any other contractual or other legal rights of the procuring entities.
21. The period of debarment shall start from the date of issue of debarment order.
22. The Order of debarment will indicate the reason(s) in brief that lead to debarment of the firm.
23. Ordinarily, the period of debarment should not be less than six months.
24. In case of shortage of suppliers in a particular group, such debarments may also hurt the interest of procuring entities. In such cases, endeavor should be to pragmatically analyze the circumstances, try to reform the supplier and may get a written commitment from the supplier that its performance will improve.
25. All Ministries/ Departments must align their existing Debarment Guidelines in conformity with these Guidelines within two months of issue of these Guidelines. Further, bidding documents must also be suitably amended, if required.

XXXXXXX

No. NH-35014/20/2020-H-Part(2)
Government of India
Ministry of Road Transport & Highways
(Highways Section)

Transport Bhawan, 1, Parliament Street, New Delhi 110001

Dated: 18.08.2022

OFFICE MEMORANDUM

Subject: Integrity in Public Procurement

In order to ensure transparency, equity and competitiveness, Integrity Pact provisions have been made in the RFP and contract documents. Further, integrity Pacts are being monitored by a panel of Independent External Monitors.

2. Ministry of Finance has issued Guidelines on Debarment of Firms from Bidding vide O.M No. F.1/20/2018-PPD, dated 02.11.2021 (copy enclosed). Subsequently, Compliance Report of the said Guidelines has also been sought by Ministry of Finance vide O.M No. F.1/20/2018-PPD, dated 02.08.2022 (copy enclosed).

3. All the implementing agencies of MoRTH shall follow these Guidelines in letter and spirit.

4. In the above context, it is further clarified that:

i. As per Clause (iii) of Rule 151 of GFR, 2017, an entity may be blacklisted/debarred if the bidder has breached the code of integrity.

ii. There is no need to wait till the criminal case instituted by the investigating agency is concluded. In case, there is enough material to proceed, implementing agency shall go ahead with the imposition of penalty.

*FIR Date - July 2022
+
Debarment in case not.*

M(A)
M(F)
M(P)RKP
M(P)MC
M(T)

Annexure-4

Dea

iii. The kind of evidence required to be certain of a violation by a bidder so as to trigger such sanctions is adequate evidence of a violation if "on the basis of the facts available there are no material doubts" or "it is more likely than not" that the violation has occurred. The Supreme Court of India in *M/s Erusian Equipment and Chemicals Ltd. [(1975) 1 SCC 70]* inter alia held that "strong justification for believing that the proprietor or employee of the firm has been guilty of malpractices such as bribery, corruption, fraud" can be one of the grounds for blacklisting. The Report of the Investigating Agency (e.g. CBI Report)/ Investigating Officer's Report under section 173 of Code of Criminal Procedure (Charge Sheet) or any other reliable source shall be the basis for determining violations.

iv. There shall not be any delay in taking action on all such violations as such a delay will result in giving benefit of allowing defaulters to bid and get new projects with the Government.

v. AS(H) shall be the competent authority to debar the firms, as per Ministry of Finance O.M No. F.1/20/2018-PPD, dated 02.11.2021.

5. This issues with the approval of Secretary (RT&H).


(Sushant Sudan)

Deputy Secretary to the Government of India

- i. Chairperson, NHAI
- ii. DG (RD) & SS
- iii. MD, NHIDCL

No.F.1/20/2018-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

284-C, North Block, New Delhi.
2nd August, 2022.

Office Memorandum

Subject: Guidelines on debarment of firms from bidding – compliance report.

Department of Expenditure (DoE) vide OM No.F.1/20/2018-PPD dated 02.11.2021 issued "Guidelines on Debarment of firms from Bidding," in terms of Rule 151 of General Financial Rules (GFRs), 2017 (copy enclosed).

2. These guidelines contain provisions regarding debarment by the concerned Ministry/ Department as well as debarment across all Ministries/ Departments. These debarment guidelines are applicable to all Central Ministries/ Departments, their attached/ subordinate offices, autonomous bodies as well as Central Public Sector Undertakings. The Guidelines stipulates that all organizations will implement these instructions within two months of issuance of these instructions.

3. However, it has come to the notice of this Department that many organizations are yet to implement these Guidelines. It is requested to confirm these instructions have been implemented in your Ministry/ Department, all attached/ subordinate offices, autonomous bodies as well as all Central Public Sector Undertakings under administrative control of your Ministry/ Department. Please send confirmation latest by 31.08.2022.

W
02/08/22

Kanwalpreet
Director (Procurement Policy)
Tel.: 23093811
email: kanwal.irss@gov.in

To

Secretaries of all Central Government Ministries/ Departments
Financial Advisers of Central Government Ministries/ Departments