


No. COVID-19/RoadMap/JS(H)/2020
Government of India
Ministry of Road Transport & Highways
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Subject: Atmanirbhar Bharat: Relief for Contractors / Developers of Road Sector

Please find enclosed OM No. COVID-19/RoadMap/JS(H)/2020 dated 18th May 2020 on above mentioned subject. I am directed to say that the aforesaid OM shall be implemented forthwith by issuing generic orders by DG (RD)& SS, Chairman, NHAI and MD, NHIDCL. As far as possible these instructions shall be applicable to all contracts and discretionary approvals at lower level shall be avoided.


(Amit Kumar Ghosh)
Joint Secretary (Highways)
18.05.2020

DG (RD) & SS

Chairman, NHAI

MD, NHIDCL

Copy to: PS to Hon'ble Minister/ Addl PS to Hon'ble MoS/ Sr. PPS to Secretary, RT&H

No. COVID-19/RoadMap/JS(H)/2020
Government of India
Ministry of Road Transport & Highways
(Highways Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated: 18th May, 2020

OFFICE MEMORANDUM

Subject: Atmanirbhar Bharat: Relief for Contractors / Developers of Road Sector

As an integral part of Atmanirbhar Bharat, the following measures are hereby notified for providing relief to Contractors/ Developers/Concessionaires of Road Sector from the impact of COVID, subsequent lockdown and other measures taken to prevent spread of COVID.

2. Ministry of Road Transport & Highways, NHAI & NHIDCL will implement the following measures forthwith;

A. For all National Highway works being executed under HAM and EPC Models by different Agencies.

- (i) Schedule-H condition in Contracts to be relaxed to enable payments at monthly interval for the work completed as per specifications.
- (ii) To allow extension of time to contractors under Force Majeure Clause due to COVID pandemic as per instructions in Ref. No. F.18/4/2020-PPD of Department of Expenditure and in accordance with the contract.
- (iii) Direct payments to approved subcontractors by the Departmental authority towards works done by them wherever competent authority is satisfied that it is required for early completion of work in accordance with contract.
- (iv) Expeditious approval of change of scope whenever required and payment to the extent of work executed as per specification.
- (v) Waiver of penalty for delay in submission of Performance Security/Bank Guarantee for new contracts entered into during March 2020 to September 2020.
- (vi) Performance Security provided by contractor/supplier to be returned by the Contractee (Government Department/Agency) as is proportional to the supplies made/contract work completed as per amendment to GFR 171 issued vide F.18/4/2020-PPD by Department of Expenditure.

B. For all National Highway works being executed under BoT by different Agencies.

- i) To allow extension of concession period in accordance with the Concession agreement and DOE instructions in this regard on F.18/4/2020
- ii) Provision of revenue shortfall loan at an interest rate not more than bank rate +2% to eligible concessionaire for the amount not covered under relief granted by RBI.
- iii) Expeditious approval of change of scope whenever required and payment to the extent of work executed.

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C. For all National Highway tolling contract being operated by NHAI.

MORTH vide letter no. H-25016/01/2018-Toll dated 25th March 2020 conveyed that the lockdown period and the subsequent prevailing condition of low traffic due to unprecedented COVID-19 epidemic outbreak, may be treated as Force Majeure of the Concession/ Contract Agreement as per Ministry of Finance letter no. F-18/4/2020-PPD dated 19th Feb,2020. In view of the Ministry of Finance letter no. F-18/4/2020-PPD dated 19th Feb,2020 and subsequent instructions of MOF with regard to Force Majeure Condition, NHAI is directed to provide the undermentioned Force Majeure relief to the User Fee Collection Contractors/Agencies by dividing the entire Force Majeure period in two phases, first phase during the period user fee collection was suspended and second phase due to low traffic count post resumption of the user fee collection due to COVID-19 pandemic.

- I. **1st Force Majeure period during suspension of tolling during complete lockdown from 26.03.2020 to 19.04.2020:**
 - (i) Waiver of the agreed remittance of the contractor for the period of suspension of user fee collection for the above period.
 - (ii) Reimbursement of 75 % of the Administrative & Toll Collection Expenses to be calculated based on fixed annual administrative charges on lane basis as per NHAI procedure, on account of ensuring functioning of ETC systems, security and safety of fee plaza infrastructure during the suspension period.
- II. **2nd Force Majeure period post resumption of tolling with effect from 20.04.2020 (00:00 hrs) till traffic resumes 90% of the traffic in pre-lockdown period weekly average traffic count. During this period the following has to be provided:**
 - (i) Waiver of the difference between agreed remittance as per contract agreement and the estimated remittance based on the traffic data during the above period.
 - (ii) Waiver of penal interest for delayed/short remittances for the above period as per Contract provisions.
 - (iii) Reimbursement up to 50 % of the Administrative & Toll Collection Expenses to be calculated based on fixed annual administrative charges on lane basis as per NHAI procedure.
3. A Committee under the Chairmanship of DGRD&SS is being separately constituted which will examine the issues as per specified *Terms of Reference (ToR)* and recommend to MoRT&H further steps required to be taken to provide relief to contractors, concessionaires and developers in road sector.

This issues with the approval of the competent authority.


(Amit Kumar Ghosh)
Joint Secretary (Highways)

To

1. DG (RD) & SS, MoRTH
2. Chairman, NHAI.
3. MD, NHIDCL

Copy to: PS to Hon'ble Minister/ Adl PS to Hon'ble MoS/ Sr. PPS to Secretary, RT&H