

No.RW/G-23012/01/2019-W&A(Pt.III)
Government of India
Ministry of Road Transport & Highways
(Planning Zone)

119.15

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

Dated: the 03rd February, 2025.

To

1. The Principal Secretaries/ Secretaries of all States/UTs Public Works Department dealing with National Highways, other centrally sponsored schemes.
2. All Engineers-in-Chief and Chief Engineers of Public Works Departments of States/ UTs dealing with National Highways and other centrally sponsored schemes.
3. The Chairman, National Highways Authority of India, G-5&6, Sector-10, Dwarka, New Delhi-110075.
4. The Managing Director, NHIDCL
5. The Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010.

Sub: Contract Maintenance of NHs – Reg.

Ref: (i). Ministry's Letter of even no. dt 06.07.2023 – Contract maintenance guidelines for NHs

(ii) Ministry's Letter of even no. dt 14.12.2023 – Contract maintenance guidelines for NHs

Sir,

Kind attention is drawn to the Ministry's letters of even number under ref. (i) & (ii) vide which Contract maintenance guidelines for **Short Term Maintenance Contract (STMC) or Performance Based Maintenance Contract (PBMC) alongwith SOPs and contract document (PBMC) was issued**. Basic principle for both the system is to have accountable maintenance agency for full contract period with monthly payment linked to the performance standards after initial rectification / rehabilitation.

2. It has been observed that wherever the STMC / PBMC works are to be started immediately after Defect Liability Period (DLP), Contractors/Concessionaires generally do not pay attention to rectify the defect & deficiency and also do not meet the maintenance requirement as per provision of the contract/concession agreement & its Schedules towards the end of the DLP/Concession period. In this situation, the Immediate Rectification (IR) provisions made under the PBMC either (i) does not suffice to cater for road

condition or (ii) it requires more additional items & quantities.

It is therefore required that the provisions of rectification of defect and maintenance requirements during the DLP/Concession Agreement of the previous strengthening/up-gradation work done on the stretch are enforced effectively. To do so, following provisions are made for strict adherence.

(i) **EPC Contracts:-** Thorough inspection of the stretches under DLP is carried out by a team of RO, CE(NH) (CGM/ED HQ in case of NHAI / NHIDCL) along-with AE officials 6 months prior to expiry of the DLP Period in accordance with Article 14 of the Contract Agreement. Detailed report of defect in accordance with Schedule Q may be prepared. Notice may be issued to the Contractor for deficiency if any, and its compliance as per Schedule-E must be ensured. Further Taking over certificate in accordance with schedule R of the Contract Agreement must be ensured.

The Inspection Report with Defect Notice issued if any, must be provided along-with the PBMC / STMC proposal in stretches where DLP is scheduled to expire. Also, LOA for the such work shall only be issued after issue of the Taking Over Certificate as per Schedule-R.

(ii) **HAM Contracts:-** Thorough inspection of the stretches under Concession Period is carried out by a team of RO, CE(NH) (CGM/ED HQ in case of NHAI / NHIDCL) along-with IE officials 6 months prior to expiry of the Concession Period in accordance with maintenance manual as defined in Article 17.3 and maintenance program as defined in Article 17.4. Detailed report of defects and deficiencies may be prepared and notice may be issued to the Concessionaire/Contractor regarding the defects and deficiencies and its compliance as per Schedule-K must be ensured. Further Taking over certificate in accordance with Article 32.4 and schedule Q of the Concession Agreement must be ensured.

The Inspection Report with Defect Notice issued if any, must be provided along-with the PBMC / STMC proposal in stretches where concession period is scheduled to expire. Also, LOA for the work shall only be issued after issue of the Taking Over Certificate as per Schedule Q in case of HAM projects.

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

Enclosure: As above

Yours faithfully,

Digitally signed by

Sanjay Kumar

Date: 03-02-2025 12:11:46

(Sanjay Kumar)

Under Secretary (P&M)

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Copy to:

1. All CEs in the Ministry of Road Transport & Highways
2. All ROs of the Ministry of Road Transport & Highways
3. The Secretary General, Indian Roads Congress
4. Technical circular file of S&R (P&B) Section
5. NIC-for uploading on Ministry's website under "What's New"

Copy for information and necessary action to:

1. PS to Hon'ble Minister (RT&H)
2. PS to Hon'ble MOS (RT&H)
3. Sr. PPS to Secretary (RT&H)
4. Sr. PPS to DG (RD) & SS
5. Sr. PPS to AS&FA
6. Sr. PPS to AS (Highways) / AS (NHIDCL, RT & MVL, RS)
7. Sr. PPS to Pr. CCA, MoRT&H
8. Sr. PPS / PPS / PS to ADGs
9. Sr. PPS / PPS / PS to JS (EAP) / JS (Logistics)
