

No. NH-24036/67/2020-H
Government of India
Ministry of Road Transport & Highways
(Highways Section)

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

Dated: 25th March, 2021

Office Memorandum

Subject: Changes in RFP/Concession/Contract document for introduction of PMS/Data lake Portal for communication of Project related correspondences between Concessionaires / Contractors, AEs/ IEs/DPR consultant and NHAI in all ongoing and upcoming projects - reg

The undersigned is directed to say that NHAI has introduced Project Management System (PMS/Data Lake), a unique cloud based software application to facilitate early disbursement of payments to the Concessionaires/Contractors and Consultants vide their circular no. NHAI/IT/Data Lake 05 dated 21.04.2020 (copy enclosed). All project related communications including stage payment bills, approvals and correspondences between Contractors/Concessionaires, Authority Engineers/Independent Engineers & Project Directors/Regional Offices/NHAI Head Quarter are now mandated to be processed through PMS/Data Lake Portal only. No physical paper is accepted unless it is a legal requirement.

2. Subsequent to the introduction of aforesaid PMS/Data Lake by NHAI, their proposal for grant of approval for consequential changes in the procedure & provisions in the relevant clauses of standard RFPs/MCAs for EPC, HAM, Authority Engineer, Independent Engineer & DPR Consultant for all ongoing and upcoming projects, submitted vide their letter no. NHAI/IT/DATALAKE/05/2020-PART (Comp. No. 7218) dated 02.12.2020, has been considered in the Ministry and post-facto approval is conveyed for the same.

3. In this regard, a deviation statement depicting necessary modifications in relevant clauses of standard RFPs/MCAs for EPC, HAM, Authority Engineer, Independent Engineer & DPR Consultants is enclosed herewith (Annexure) for reference.

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


(Rajesh Gupta)
Director

Telephone No. 011-23718527

To

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

Copy to

1. Secretary, Department of Economic Affairs
2. Secretary, Department of Financial Services

3. Secretary, Department of Legal Affairs
4. CEO, NITI Aayog

Copy also to

1. Sr. PPS to Secretary (RT&H)
2. Director (Technical), NIC, MoRTH to upload this OM on the website of MoRTH

Annexure

Deviation Statement for changes in RFPs/MCAs for EPC, HAM Authority Engineer, Independent Engineer & DPR Consultant related to introduction of PMS/Data Lake Portal

RFP/MCA	Section	Clause No.	Existing Clause	Revised Clause
A. For EPC mode of Contract- (i) Standard RFP	1- Introduction	1.1.6	New Clause	a. The selected bidder shall use the Link 'Data Lake Portal' available on NHAI website nhai.gov.in to communicate with the Authority Engineer and NHAI for all contractual correspondence. b. No Physical document shall be accepted unless and until the same is specifically stated so in the RFP or it is a legal requirement.
(ii) Standard EPC Agreement		Article 1.2(t)	any agreement, consent, approval, authorization, notice, communication, information or report required under or pursuant to this Agreement from or by any Party or the Authority's Engineer shall be valid and effective only if it is in writing under the hand of a duly authorized representative of such Party or the Authority's Engineer, as the case may be, in this behalf and not otherwise;	any agreement, consent, approval, authorization, notice, communication, information, report or any other correspondence required under or pursuant to this Agreement, from or by any Party or the Authority's Engineer, shall be valid and effective only if it is routed through NHAI Data Lake (unless the law requires to send such notice, communication, etc., through physical/any other specified mode only) under the hand of a duly authorized representative of such Party or the Authority's Engineer, as the case may be, in this behalf and not otherwise;

RFP/MCA	Section	Clause No.	Existing Clause	Revised Clause
		Article 27.13-Notices	<p>Any notice or other communication to be given by any Party to the other Party under or in connection with the matters contemplated by this Agreement shall be in writing and shall:</p> <p>a. In the case of the Contractor, be given by facsimile or e-mail and by letter delivered by hand to the address given and marked for attention of the person set out below or to such other person as the Contractor may from time to time designate by notice to the Authority; provided that Authority;</p> <p>b. In the case of the Authority, be given by facsimile or e-mail and by letter delivered by hand and be addressed to the (Chairman) of the Authority with a copy delivered to the Authority Representative or such other person as the Authority may from time to time designate by notice to the Contractor; provided that..... courier; and</p> <p>c. Any notice or communication by a Party to the other Party, given in accordance herewith, shall be deemed to have been delivered when in the normal course of post it ought to have delivered and in all other cases, it shall be deemed to have been delivered on the actual date and</p>	<p>Unless the law requires to follow the specified mode of communication only as prescribed therein, any notice or other communication to be given by one contracting Party to the other Party under or in connection with the matters contemplated by this Agreement shall be routed through NHAI Data Lake under the hand of a duly authorized representative and shall:</p> <p>a. In the case of the Contractor, be given through NHAI Data Lake and marked for attention of the person set out below or to such other person as the Contractor may from time to time designate by notice to the Authority; {Attention: Designation: Address: Fax No: Email;}</p> <p>b. In the case of the Authority, be given through NHAI Data Lake and be addressed to the (Chairman) of the Authority or such other person as the Authority may from time to time designate by notice to the Contractor; {Attention: Designation: Address: Fax No: Email;} and</p> <p>c. Any notice or communication by one contracting Party to the</p>

RFP/MCA	Section	Clause No.	Existing Clause	Revised Clause
			time of delivery; provided that Delivery.	other Party, given in accordance herewith, shall be deemed to have been delivered when given through or made on the NHAI Data Lake.
B-HAM-(i) RFP	1- Introduction	1.1.8	New Clause	a. The selected bidder shall use the Link Data Lake Portal' available on NHAI Website <i>nhai.gov.in</i> to communicate with Independent Engineer and NHAI for all contractual correspondence. b. No Physical document shall be accepted unless and until the same is specifically stated so in the RFP or it is a legal requirement.
(ii) Model Concession Agreement		Article- 1.2(t)	any agreement, consent, approval, authorization, notice, communication, information or report required under or pursuant to this Agreement from or by any Party or the Independent Engineer shall be valid and effective only if it is in writing under the hand of a duly authorized representative of such Party or the Independent Engineer, as the case may be, in this behalf and not otherwise;	Any agreement, consent, approval, authorization, notice, communication, information report or any other correspondence required under or pursuant to this Agreement from or by any Party or the Independent Engineer shall be valid and effective only if it is routed through NHAI Data Lake (unless the law requires to send such notice, communication, etc., through physical/any other specified mode only) under the hand of a duly authorized representative of such Party or the Independent

RFP/MCA	Section	Clause No.	Existing Clause	Revised Clause
				Engineer, as the case may be, in this behalf and not otherwise;
		Article-41.14-Notices	<p>Any notice or other communication to be given by any Party to the other Party under or in connection with the matters contemplated by this Agreement shall be in writing and shall:</p> <p>a. In the case of the Concessionaire, be given by facsimile or e-mail and by letter delivered by hand to the address given and marked for attention of the person set out below or to such other person as the Concessionaire may from time to time designate by notice to the Authority; provided that Authority.</p> <p>{Attention: Designation: Address: Fax No: Email;}</p> <p>b. In the case of the Authority, be given by facsimile or e-mail and by letter delivered by hand at the address given below and be addressed to the person named below with a copy delivered to the Authority Representative or such other person as the Authority may from time to time designate by notice to the Concessionaire; provided thatcourier;</p> <p>{Attention: Designation:</p>	<p>Unless the law requires to follow the specified mode of communication only as prescribed therein, any notice or other communication to be given by one contracting Party to the other Party under or in connection with the matters contemplated by this Agreement shall be routed through NHAI Data Lake under the hand of the authorized representative and shall:</p> <p>a. In the case of the Concessionaire, be given through NHAI Data Lake and marked for attention of the person set out below or to such other person as the Concessionaire may from time to time designate by notice to the Authority;</p> <p>{Attention: Designation: Address: Fax No: Email;}</p> <p>b. In the case of the Authority, be given through NHAI Data Lake and be addressed to the person named below with a copy delivered to the Authority Representative or such other person as the Authority may from time to time designate by notice to the Concessionaire;</p> <p>{Attention: Designation: Address: Fax No:</p>

RFP/MCA	Section	Clause No.	Existing Clause	Revised Clause
			<p>Address: Fax No: Email;} and</p> <p>c. Any notice or communication by a Party to the other Party, given in accordance herewith, shall be deemed to have been delivered when in the normal course of post it ought to have been delivered and in all other cases, it shall be deemed to have been delivered on the actual date and time of delivery; provide that Delivery.</p>	<p>Email;}</p> <p>c. Any notice or communication by one contracting Party to the other Party, given in accordance herewith, shall be deemed to have been delivered when given through or made on the NHAI Data Lake.</p>
C. Authority Engineer-(i) RFP	1- Information to Consultants	21.1	New Clause	<p>a. The selected bidder shall use the Link Data Lake Portal' available on NHAI website nhai.gov.in to communicate with NHAI and EPC Contractor correspondence.</p> <p>b. No Physical document shall be accepted unless and until the same is specifically stated so in the RFP or it is a legal requirement.</p>
(ii) Contract	General Conditions of Contract	1.6.1	Any notice, request or consent required or permitted to be given or made pursuant to this contract shall be in writing. Any such notice, request or consent shall be deemed to have been given or made when delivered in person to an authorized representative of the Party to whom the communication is addressed, or when sent by registered mail,	Any notice, request or consent required or permitted to be given or made pursuant to this Contract shall be routed through NHAI Data Lake only unless the law requires to send such notice, request, etc., through physical / any other specified mode only. Any such notice, request or consent shall be deemed to have been delivered when given or made on the NHAI

RFP/MCA	Section	Clause No.	Existing Clause	Revised Clause
			telegram or facsimile to such Party at the address specified in the SC.	Data Lake to an authorized representative of the Party specified In the SC.
D.- Independent Engineer-(i) RFP	1- Information to Consultants	13.1	New Clause	a. The Applicant shall use the Link' Data Lake Portal' available on NHAi website <i>nhai.gov.in</i> to communicate with NHAi and Concessionaire for all contractual correspondence. b. No Physical document shall be accepted unless and until the same is specifically stated so in the RFP or it is a legal requirement.
(ii) Contract	General Conditions of Contract	1.6.1	Any notice, request or consent required or permitted to be given or made pursuant to this Contract shall be in writing. Any such notice, request or consent shall be deemed to have been given or made when delivered in person to an authorized representative of the Party to whom the communication is addressed, or when sent by registered mail, telegram or facsimile to such Party at the address specified in the SC.	Any notice, request or consent required or permitted to be given or made pursuant to this Contract shall be routed through NHAi Data Lake only unless the law requires to send such notice, request, etc., through physical/any other specified mode only. Any such notice, request or consent shall be deemed to have been delivered when given or made on the NHAi Data Lake to an authorized representative of the Party specified in the SC.
E.- DPR-(i) RFP	Letter of Invitation	1.10	New Clause	a. The Applicant shall use the Link 'Data Lake Portal' available on NHAi Website <i>nhai.gov.in</i> to communicate with NHAi, EPC Contractor/Concessionaire for all contractual correspondence. b. No Physical document shall be accepted unless and until the same is specifically stated so in the RFP or it is a legal requirement.

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(ii) Contract	General Conditions of Contract	1.6.1	Any notice, request or consent required or permitted to be given or made pursuant to this Contract shall be in writing. Any such notice, request or consent shall be deemed to have been given or made when delivered in person to an authorized representative of the Party to whom the communication is addressed, or when sent by registered mail, facsimile or email to such Party at the address specified in the SC.	Any notice, request or consent required or permitted to be given or made pursuant to this Contract shall be routed through NHAI Data Lake only unless the law requires to send such notice, request, etc., through physical/any other specified mode only. Any such notice, request or consent shall be deemed to have been delivered when given or made on the NHAI Data Lake to an authorized representative of the Party specified in the SC.



NHAI/Policy Circular No
NHAI/IT/Data Lake/05
Dated 21st April 2020

CIRCULAR**SUB: Go Live of Project Management Software and Data Lake Portal w.e.f 25th April 2020**

The Project Management Software & Data Lake Portal is ready for use by all stakeholders of NHAI. All 1169 Projects with Unique Projects Code have been entered in the Data Lake and project management work flows along with Alerts have been configured in the Software. Over 1072 users including officers of HQs/ROs/PDs and authorised representatives of Contractors/Concessionaires, AEs/IEs & consultants have been registered on the portal. In addition to this, an online correspondence module for online movement of letters between Contractors/Concessionaires, AEs/IEs and PDs is also added to further facilitate of approvals in a time bound manner. Multiple rounds of trainings have been given to all the stakeholders.

2. In view of the above and in the prevailing lockdown situation & guidelines to prevent spread of COVID-19, it has been decided by the Competent Authority that with effect from 25th April 2020, all project related communications, approvals and correspondences between Contractors/Concessionaires, AE/IE & PD/RO/HQ will be done through the Project Management Software / Data Lake Portal only. No physical paper will be accepted unless it is a legal requirement.

3. The Contractors/Concessionaires are requested to use the Portal to communicate with the respective stakeholders, seek various approvals, submit stage payment bills with supporting details and upload their letters. Similarly AEs/IEs are requested to use the portal for communicating various approvals to Contractors/Concessionaires and taking up cases with PDs/ROs/HQ NHAI.

4. PDs to process the cases requiring approval of the ROs/HQ NHAI, through the portal only. Please use e-Office Module integrated with the Project Management Software / Data Lake Portal to process the case to RO/HQ NHAI along with letters of Contractors/Concessionaires and recommendation of AE/IEs using e-Office Note sheet. Similarly ROs are requested to accord approvals and process cases to HQ NHAI through Portal and e-Office Note sheets only.

5. The Project Management Software, user manual & video tutorial, helpdesk can be accessed by using the following :

Web-link	:	http://13.232.225.151/NHAI or http://datalake.nhai.gov.in/nhai
Help desk	:	Mr. Mihir / Mr Tanveer at 722786077 & Mr. Santosh at 7905054486
Helpdesk email ID	:	pmshelpdesk@nhai.org

This is issued with the approval of the Chairman, NHAI please.


(Akhilesh Srivastava)
CGM(T/IT)

To,

All ROs and PDs NHAI

All working Concessionaires / Contractor / DPR Consultants / User Fee collection Agencies

All Independent Engineers / Authority Engineers / PMC

Copy to

1. PPS to Chairman
2. PPS to Member (Admin) / Member (Fin) / Member (Project), NHAI
3. All CGMs HQ NHAI
4. All NHAI
5. Web Admin