

File No. RW/NH-33044/76/2021-S&R(P&B)
Government of India
Ministry of Road Transport & Highways
S&R (Roads) Zone
No.1, Parliament Street, Transport Bhavan, New Delhi-110001

Date: 04.01.2022

To,

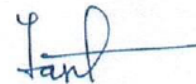
1. The Chief Secretaries of all State Governments/UTs.
2. The Principal Secretaries/Secretaries of all State/UTs PWD dealing with National Highways, other centrally sponsored schemes and state schemes.
3. All engineer-in-Chief and Chief Engineers of all States/ UTs PWD dealing with National Highways, other centrally sponsored schemes and state schemes.
4. The Chairman, National Highways Authority of India (NHAI), G-5&6, Sector-10, Dwarka, New Delhi-110075.
5. The Managing Director, National Highway Infrastructure Development Corporation Ltd., 3rd floor, PTI Building, Parliament Street, New Delhi-110001.
6. Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010.
7. All CE-ROs, ROs and ELOs 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/NH-33 044/76/2021-S&R (P&B) dated: 06.10.2021

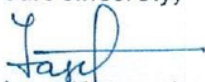
Sir,

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, DoE, MOF 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.



Existing Provisions	Amended Provisions
<p>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.</p>	<p>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). Contracts concluded before the issue of the debarment/declaration as non-performer order shall, not be affected by the debarment order(s) issued subsequently.</p> <p>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.</p> <p>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.</p>

Yours sincerely,


(Jagat Narayan)

Superintending Engineer, 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.

A handwritten signature in black ink, appearing to be 'Janf' with a stylized flourish.

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