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Government of India

Ministry of Road Transport & Highways
(Highways Section)

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

Dated 31st March 2023

To,

1. The Chairman, NHAI, G-5 & 6, Sector - 10, Dwarka, New Delhi - 110075.
2. Managing Director, NHIDCL, PTI Building, Parliament Street, New Delhi
3. Director General (Roads) & Spl. Secretary, MoRTH

Subject: Changes in Standard RFP for HAM and BOT (Toll) Projects - reg

Sir,

I am directed to refer to the above-mentioned subject and to say that after deliberation with stakeholders and NH implementing agencies in this Ministry, amendments as annexed, have been approved in the standard tender documents of Hybrid Annuity Mode (HAM) and Build Operate(BOT)-Toll. The changes mentioned against the clauses in the table herein are forwarded for compliance.

2. This issues with the approval of the competent authority.

Yours faithfully,

S. TOPPO

(Sangita Toppo)

Under Secretary to the Government of India
Telephone No. 011-23739028

Encls: as above.

Copy to:

1. PSO to Secretary (RT&H)
2. Sr. PPS to AS (H &LA)/ Sr. PPS to JS (EAP)
3. Sr. PPS to ADG (Plg)/ ADG (Mon)/ CE (S&R and BP&SP)/SE (EAP)/DS (H)
4. Sr. Tech. Director, NIC- with a request to upload this on the website of this Ministry.

A. Proposal for modification in the Eligibility Criteria for PPP projects - Credit Rating of Bidders "BBB and above" in the RFP of HAM and BOT (Toll)

Clause	Existing Provision	Proposed Provision
2.2.1 (f)	-	The Bidder shall have 'BBB' and above Credit Rating given by Credit Rating Agencies authorized by SEBI. If the bidder does not have 'BBB' and above Credit Rating, the Bidder shall be required to submit a comfort letter from its Bankers/Financial Institutions along with its Bid that they will provide Credit Facilities (Term Loan) to the bidder to meet the project cost excluding grant, if any, for domiciling the project.

B. Relaxation in eligibility criteria of HAM and BOT (Toll) projects:

(i) Eligibility criteria of HAM projects:

Existing provisions of Model RFP of HAM	Proposed provisions of Model RFP of HAM
<p>Clause 2.2.2 (AA): For normal Highway projects (including Major Bridges/ROB/Flyovers/Tunnels):</p> <p>Provided that at least one similar work of 20% of Estimated Project Cost [Rs.*****crore (Rs.*****) shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 3.4.1. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the estimated project cost.</p> <p>If any major bridge</p>	<p>Clause 2.2.2 (AA) : For normal Highway projects (including Major Bridges/ROB/Flyovers/Tunnels):</p> <p>Provided that at least one similar work of 20% of Estimated Project Cost [Rs. **** crore (Rs*****)] shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 3.4.1. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the estimated project cost.</p> <p>Eligible projects shall include following:</p> <p>(a) Widening/ reconstruction/up-gradation works on NH/SH/Expressway or on any category of road taken up under CRF, ISC/EI, SARDP, LWE</p> <p>(b) Widening/ reconstruction/up-gradation works on MDRs with loan assistance from multilateral agencies or on BOT basis.</p> <p>(c) Widening/ reconstruction/up-gradation works on roads in Municipal corporation limits, construction of Bypasses</p> <p>(d) Construction of stand-alone bridges, ROB, tunnels.</p> <p>(e) Construction/reconstruction of linear projects like airport runways, railways (construction/re-construction of railway tracks, yards for keeping containers etc.) metro rail and ports (including construction / re-construction of Jetties)</p> <p>If any Major Bridge/ ROB/ Flyover/ Tunnel.....</p>
<p>Clause 3.4.1:</p> <p>.....</p> <p>For the purpose of this RFP:</p>	<p>Clause 3.4.1 :</p> <p>.....</p> <p>For the purpose of this RFP:</p>

Existing provisions of Model RFP of HAM	Proposed provisions of Model RFP of HAM
<p>a. highways sector would be deemed to include highways, expressways, bridges, tunnels and airfields; and</p> <p>b. core sector would be deemed to include civil construction cost of power sector, commercial setups (SEZs etc.), telecom, ports, airports, railways, metro rail, industrial parks/estates, logistic parks, pipelines, irrigation ,water supply, stadium, hospitals, hotel, smart city, warehouses/Silos, oil and gas, sewerage and real estate development.</p>	<p>a. highways sector would be deemed to include highways, expressways, bridges, tunnels, runways, railways(construction/re-construction of railway tracks, yards for keeping containers etc.) metro rail and ports (including construction/re-construction cost of Jetties, any other linear infrastructure including bridges etc.); and</p> <p>b. core sector would be deemed to include civil construction cost of power sector, commercial setups (SEZs etc.),airports, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, sewerage, stadium, hospitals, hotel, smart city, warehouses/silos, oil & gas and real estate development. Core sector will also include the projects with the title of RIDF, PMGSY road, link road, city roads, rural road, sector/ municipality road, real estate projects which demonstrate road development/ construction of bridges or culverts.</p> <p>I. In case of projects executed by applicant under category 3 and 4 as a member of Joint Venture, the project cost should be restricted to the share of the applicant in the joint venture for determining eligibility as per provisions under clause 2.2.2(AA) and 2.2.2(AAA). In case Statutory Auditor certifies that, the work of other member(s) is also executed by the applicant, then the total share executed by applicant can be considered for determining eligibility as per provision under clause 2.2.2(AA) and 2.2.2(AAA).</p> <p>II. Maintenance works are not considered as eligible project for evaluation as per Instruction No.6 to Annex-IV. As such works with nomenclature like PR, OR, FDR,SR, site/micro grading, surface renewal, resurfacing work, Tarring, B.T. surface work, temporary restoration, urgent works, periodic maintenance, repair & rehabilitation, one time maintenance, permanent protection work of bank, external pre stressing, repair of central hinge, short term OMT contract of NHAI, any type of work related to border fencing, work of earthwork alone, construction of buildings/ hostels, etc., or not specified, shall not be considered.</p> <p>III. In case both the estimated cost of project and revised cost of project are provided, the revised cost of project shall be considered for evaluation.</p>

(ii) Provisions in model RFP of BOT (Toll)

Existing provisions of Model RFP of BOT(Toll)	Proposed provisions of Model RFP of BOT(Toll)
--	Clause 2.2.2(AA): For normal Highway projects (including Major Bridges/ROB/Flyovers/Tunnels):

Existing provisions of Model RFP of BOT(Toll)	Proposed provisions of Model RFP of BOT(Toll)
	<p>Provided that at least one similar work of 20% of Estimated Project Cost [Rs. *** crore (Rs****)] shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 3.4.1. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the estimated project cost. Eligible projects shall include following:</p> <p>(a) Widening/ reconstruction/ up-gradation works on NH/SH/Expressway or on any category of road taken up under CRF, ISC/EI, SARDP, LWE</p> <p>(b) Widening/ reconstruction/up-gradation works on MDRs with loan assistance from multilateral agencies or on BOT basis.</p> <p>(c) Widening/ reconstruction/up-gradation works on roads in Municipal corporation limits, construction of Bypasses</p> <p>(d) Construction of stand-alone bridges, ROB, tunnels.</p> <p>(e) Construction/ reconstruction of linear projects like airport runways, railways (construction/re-construction of railway tracks, yards for keeping containers etc.) metro rail and ports (including construction / re-construction of Jetties)</p> <p>If any Major Bridge/ ROB/ Flyover/ Tunnel is (are) part of the project, then the sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall necessarily demonstrate additional experience in construction of Major Bridge/ ROB/ Flyovers/ Tunnel in the last 10 (Ten) financial years preceding the Bid Due Date i.e. shall have completed at least one similar Major Bridge/ ROB/ Flyover having span equal to or greater than:</p> <p>(a) In case, longest span of Bridge/ ROB/ Flyover is less than or equal to 60m, no additional qualification is required.</p> <p>(b) When longest span is more than 60m: 50% of the longest span or 100m, whichever is less, of the structure proposed in this project.</p> <p>and in case of tunnel, if any, shall have completed construction of at least one tunnel consisting of single or twin tubes (including tunnel(s) for Road/ Railway/ Metro Rail I irrigation I Hydro-electric projects etc.) having at least</p> <p>(a) In case Tunnel is a part of project having length less than or equal to 200 m, then no additional qualification is required.</p> <p>(b) When length of tunnel more than 200 m: 50% of the cross sectional area of proposed tunnel or two lane highway tunnel cross sectional area, whichever is less and 20% length of the tunnel to be constructed in this project or 2 km, whichever is less.</p> <p>2.2.2 (AAA) For Stand-alone specialized projects:</p> <p>(a) Major Bridge / ROB/ Flyover projects:</p> <p>(a1) In case the cost of specialized project is less than or equal to Rs. 1,000 Cr : The sole Bidder or in case the Bidder being a Joint</p>

Existing provisions of Model RFP of BOT(Toll)	Proposed provisions of Model RFP of BOT(Toll)
	<p>Venture, any member of Joint Venture shall have completed at least one similar Major Bridge/ROB/Flyover project in the last 10 (Ten) financial years preceding the Bid Due Date, having span equal to or greater than 50% of the longest span or 100 m, whichever is less of the structure proposed in this project and also the cost of such similar project shall be at least 20% of the Estimated Project Cost. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the Estimated Project Cost.</p> <p>(a2) In case the cost of specialized project is more than Rs. 1,000 Cr: The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall have completed at least one similar Major Bridge/RoB/Flyover project in the last 10 (Ten) financial years preceding the Bid Due Date, having span equal to or greater than 50% of the longest span of the structure proposed in this project or 100m, whichever is less, and also the cost of such similar project shall be at least 20% of the Estimated Project Cost or Rs. 1000 Cr., whichever is less. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the Estimated Project Cost or Rs. 1000 Cr., whichever is less.</p> <p>(b) Tunnel Project: The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall have completed at least one tunnel project in the last 10 (Ten) financial years preceding the Bid Due Date, consisting of single or twin tubes (including tunnel(s) for roads/Railway/Metro Rail/irrigation/ hydro-Electric Projects etc.) having at least 50% of the cross-sectional area of the tunnel to be constructed or cross sectional area of 2 lane highway tunnel, whichever is less, and 20% length of the tunnel to be constructed in this project or 2 km, whichever is less and the cost of such project shall be at least 20% of the Estimated Project Cost or Rs. 1000 Cr., whichever is less. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the Estimated Project Cost or Rs. 1000 Cr., whichever is less.</p>
<p>Clause 3.4.1:</p> <p>.....</p> <p>.....</p> <p>For the purpose of this RFP:</p> <p>a. highways sector would be deemed to include highways, expressways, bridges, tunnels and airfields; and</p> <p>b. core sector would be deemed to include civil construction cost of power sector, commercial setups (SEZs etc.), telecom, ports, airports, railways, metro rail, industrial parks/estates, logistic parks, pipelines, irrigation, water supply, stadium, hospitals, hotel, smart city, warehouses/Silos, oil and gas, sewerag and real estate development.</p>	<p>Clause 3.4.1:</p> <p>.....</p> <p>.....</p> <p>For the purpose of this RFP:</p> <p>a. highways sector would be deemed to include highways, expressways, bridges, tunnels, runways, railways (construction/re construction of railway tracks, yards for keeping containers etc.) metro rail and ports (including construction/re construction cost of Jetties, any other linear infrastructure including bridges etc.): and</p> <p>b. core sector would be deemed to include civil construction cost of power sector, commercial setups (SEZs etc.), 'airports, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, sewerage, stadium, hospitals, hotel, smart city, warehouses/silos, oil & gas and real estate development. Core sector will also include the projects with the title of RIDF, PMGSY road, link road, city roads, rural road, sector/municipality road, real estate projects which demonstrate road development/construction of bridges or culverts.</p>

Existing provisions of Model RFP of BOT(Toll)	Proposed provisions of Model RFP of BOT(Toll)
	<p>i. In case of projects executed by applicant under category 3 and 4 as a member of Joint Venture, the project cost should be restricted to the share of the applicant in the joint venture for determining eligibility as per provision under clause 2.2.2(AA) and 2.2.2(AAA). In case Statutory Auditor certifies that, the work of other member(s) is also executed by the applicant, then the total share executed by applicant can be considered for determining eligibility as per provision under clause 2.2.2(AA) and 2.2.2(AAA).</p> <p>ii. Maintenance works are not considered as eligible project for evaluation as per Instruction No.6 to Annex-IV. As such works with nomenclature like PR, OR, FDR,SR, site/micro grading, surface renewal, resurfacing work, Tarring, B.T. surface work, temporary restoration, urgent works, periodic maintenance, repair & rehabilitation, one time maintenance, permanent protection work of bank, external pre stressing, repair of central hinge, short term OMT contract of NHAI, any type of work related to border fencing, work of earthwork alone, construction of buildings/ hostels, etc., or not specified, shall not be considered.</p> <p>iii. In case both the estimated cost of project and revised cost of project are provided, the revised cost of project shall be considered for evaluation.</p>
