

F.No. 1/22/2012-PPP
Government of India
Ministry of Finance
Department of Economic Affairs
PPP Cell

7200.20

North Block, New Delhi
April 12, 2016

OFFICE MEMORANDUM

Subject: Delegation of powers for Formulation, Appraisal and Approval in respect of PPP National Highways (NH) Projects- Clarification/ Explanation.


This is in continuation to this Department's O.M. of even number dated March 12th, 2015. In view of the Cabinet Committee on Economic Affairs' decision dated 18.11.2015 (Case No. 113/CCEA/2015) which approved segregation of construction cost from cost for land acquisition, centages and pre-construction activities for the purpose of appraisal and approval of NH projects by the Cabinet Committee on Economic Affairs on the recommendations of Public Private Partnership Appraisal Committee, it is hereby clarified that "Cost" as referred to in the O.M. dated March 12th 2015 shall be the "Civil Construction Cost".

2. Further, the Delegation of Powers for project Appraisal / Approval for NH PPP projects would be as follows:

Civil Construction Cost	Appraisal By	Approval By
Upto Rs 1000 crores	SFC chaired by Secretary (MoRTH)	Minister(MoRTH)
Above Rs 1000 crores	PPPAC	CCEA

All other conditions specified in O.M. of even number dated 12th March, 2015 would continue.

3. This clarification/explanation is in accordance with the approval of the CCEA in its meeting held on 18th November, 2015.


(Abhilasha Mahapatra)
Director (PPP)
Tel No. 23094045

1. Secretary, Ministry of Road Transport and Highways (MoRTH), Transport Bhavan, New Delhi
2. Financial Advisor, MoRTH, Transport Bhavan, new Delhi
3. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi.
4. CEO, NITI Aayog, Yojana Bhawan, New Delhi

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1/22/2012-PPP
Government of India
Ministry of Finance
Department of Economic Affairs
PPP Cell

North Block, New Delhi
July, the 9th, 2013

OFFICE MEMORANDUM

Subject: Modification in Delegation of powers for Formulation, Appraisal and Approval in respect of National Highways Projects.

This is in continuation to OM No 1(3)/PF.II/2001 dated 15th November, 2007 and in partial modification of OM No. F No 1(3)/PF.II/2001 dated 1st April, 2010 and OM No. 24/35/PF II/2012 dated 12th April, 2013 conveying Guidelines for formulation, Appraisal and Approval of Government Plan funded Projects/ Schemes, DEA Notification No.2/10/2004-Inf dated November 29, 2005 modified vide Notification No. 10/32/2006-Infra dated April 2, 2007 for Public Private Partnership (PPP) projects. In order to address the need for simplification and clarity in the overall procedure, the delegation of powers in respect of Ministry of Road Transport and Highways has been revised as follows.

2. The Revised Delegation of powers for project Appraisal / Approval is as follows:

Mode	Project Appraisal		Project Approval	
	Cost (` in Cr.)	Appraisal By	Cost (` in Cr.)	Approval By
Non PPP (Public Funded)	≤ 25	MoRTH	≤ 25	Secretary (RTH)
	> 25	SFC/EFC chaired by	> 25	Minister (RTH)
	< 500	Secretary (RTH)	< 500	
	≥ 500	PIB/EFC chaired by Secretary (Expenditure)	≥ 500	CCEA
PPP	< 25	MoRTH	< 25	Secretary(RTH)
	≥ 25	SFC chaired by	≥ 25	Minister(RTH)
	< 500	Secretary (RTH)	< 500	
	≥ 500	PPPAC	≥ 500	CCEA

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[Handwritten Signature]

3. Appraisal of National Highways projects below Rs. 500 crores other than those to be appraised by Ministry of Road Transport and Highways (MoRTH) irrespective of source of funds or mode of delivery would be carried out by an inter-ministerial Standing Finance Committee chaired by Secretary MoRTH. Approval of these projects shall be by Minister, Road Transport and Highways, subject to the conditions provided in para 5 read with para 6 being satisfied. In case of a difference of opinion/ dissent by the members of SFC representing Planning Commission /Department of Economic Affairs / Financial Advisor regarding approval of a project, the dissent may be recorded and considered by the Minister, MoRTH for an appropriate decision.

4. The Standing Finance Committee shall consist of the following:

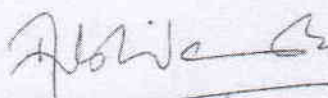
- | | |
|--|----------|
| a. Secretary, RTH | In Chair |
| b. Financial Adviser | Member |
| c. Representative of Department of Legal Affairs | Member |
| d. Representative of Planning Commission | Member |
| e. Representative of Deptt of Economic Affairs | Member |
| f. Representative of any other Ministry/Department may also be invited, if required. | |

5. The above appraisal and approval process shall apply only if the following conditions are satisfied:

- The bidding is according to the procedure notified by the Ministry of Finance. This includes the process of two-stage bidding, pre-bid qualification norms, etc.
- The Model Concession Agreement (MCA) or Model Turnkey Engineering Procurement Contract (EPC) document approved by the Competent Authority is being followed
- The project has been designed in accordance with the manual of standards and specifications as approved by the competent authority in the Administrative Ministry and stipulated in the approved MCA or Model Turnkey EPC document, as applicable.

6. In the event the conditions in para 5 above are not satisfied, the proposal shall be brought before the Public Private Partnership Appraisal Committee (or committee chaired by Secretary, Expenditure for public funded project) and posed to the CCEA for a decision.


7. For National Highways projects above Rs 500 crore, appraisal would be by committee chaired by Secretary Expenditure or the PPPAC (as applicable) and approval by the CCEA, in accordance with the extant guidelines and instructions.
8. This OM comes into effect from its date of issue.
9. The revised Delegation of powers has been approved by the CCEA in its meeting held on 13th June, 2013.


(Abhilasha Mahapatra)
OSD (PPP)
Tel No. 23094045

Secretary, Ministry of Road Transport and Highways (MoRTH)
Financial Advisor, Ministry of Road Transport & Highways

Copy to:

1. Secretary, Expenditure
2. Secretary, Department of Economic Affairs;
3. Secretary, Planning Commission
4. Cabinet Secretariat
5. PMO


10/7/2013

1/22/2012-PPP
Government of India
Ministry of Finance
Department of Economic Affairs
PPP Cell

North Block, New Delhi
March 12, 2015

OFFICE MEMORANDUM

Subject: Modification in Delegation of powers for Formulation, Appraisal and Approval in respect of PPP National Highways Projects.

This is in partial modification to this Department's O.M. of even number dated 9.7.2013 on this subject and in continuation to Ministry of Road Transport and Highways OM No. NH-24036/01/2014-H dated September 16, 2014 and Department of Expenditure OM No. 24(35)/PF.II/2012 dated November 20, 2014. In view of the Cabinet Committee on Economic Affairs's decision dated 9.7.2014 to increase the threshold, of submission of projects for approval by the Cabinet Committee on Economic Affairs, on the recommendations of Public Private Partnership Appraisal Committee, from Rs. 500 crore to Rs. 1000 crore, the delegation of powers in respect of Ministry of Road Transport and Highways has been revised.

2. The Revised Delegation of Powers for project Appraisal / Approval for PPP projects is as follows:

Cost (` in Cr.)	Appraisal By	Approval By
< 25	MoRTH	Secretary(RTH)
≥ 25 < 1000	SFC chaired by Secretary (RTH)	Minister(RTH)
≥ 1000	PPPAC	CCEA

3. Approval of such projects above Rs. 25 crores and below Rs. 1000 crores shall be by Minister, Road Transport and Highways, subject to the conditions provided in para 5 read with para 6 being satisfied. In case of a difference of

opinion/ dissent by the members of SFC representing NITI Aayog /Department of Economic Affairs / Financial Advisor regarding approval of a project, the dissent may be recorded and considered by the Minister, MoRTH for an appropriate decision.

4. The Standing Finance Committee shall consist of the following:

- | | |
|--|----------|
| a. Secretary, RTH | In Chair |
| b. Financial Adviser | Member |
| c. Representative of Department of Legal Affairs | Member |
| d. Representative of NITI Aayog | Member |
| e. Representative of Deptt of Economic Affairs | Member |
| f. Representative of any other Ministry/Department may also be invited, if required. | |

5. The above appraisal and approval process shall apply only if the following conditions are satisfied:

- a. The bidding is according to the procedure notified by the Ministry of Finance. This includes the process of two-stage bidding, pre-bid qualification norms, etc.
- b. The Model Concession Agreement (MCA) document approved by the Competent Authority is being followed
- c. The project has been designed in accordance with the manual of standards and specifications as approved by the competent authority in the Administrative Ministry and stipulated in the approved MCA

6. In the event the conditions in para 5 above are not satisfied, the proposal shall be brought before the Public Private Partnership Appraisal Committee and posed to the CCEA for a decision.

7. For National Highways projects above Rs 1000 crore, appraisal would be by the PPPAC chaired by Secretary Economic Affairs and approval by the CCEA, in accordance with the extant guidelines and instructions.
8. This revised Delegation of Powers is in accordance with the approval by the CCEA in its meeting held on 9th July, 2014.


(Abhilasha Mahapatra)
Director (PPP)
Tel No. 23094045

To:

1. Secretary, Ministry of Road Transport and Highways (MoRTH)
2. Financial Advisor, Ministry of Road Transport & Highways

Copy to:

1. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi.
2. Secretary, Department of Economic Affairs, Ministry of Finance, North Block, New Delhi.
3. CEO, NITI Aayog, Yojana Bhawan, New Delhi
4. Cabinet Secretariat, w.r.t. O.M. 1/20/3/2014-Cab. Dated August 11, 2014.
5. PMO, (Attn: Shri Krishan Kumar, Director) w.r.t. PMO's ID No. 430/31/C/20/2013-ES.I dated 21st July, 2014.