

No. COVID-19/RoadMap/JS(H)/2020  
Government of India  
Ministry of Road Transport & Highways  
(Highways Division)  
Transport Bhawan 1, Parliament Street, New Delhi-110001  
Date 26<sup>th</sup> August, 2021

To

1. The Chairman, NHAI, G-5 7 6, Sector -10, Dwarka, New Delhi-110075
2. DG(RD) & Special Secretary, Ministry of Road Transport & Highways
3. The Managing Director, NHIDCL, PTI Building, New Delhi-110001
4. Principal Secretaries/Secretaries of all States/UTs Public Works Department/ Road Construction Department/ Highways Department (dealing with National Highways and other centrally sponsored schemes)
5. All Engineers-in-Chief and Chief Engineers of Public Works Department/ Road Construction Department/ Highways Department (dealing with National Highways and other centrally sponsored schemes)
6. The Director General Border Roads, Seema Sadak Bhawan, Ring Road, New Delhi-110010
7. All CE-ROs, ROs and ELOs of the Ministry of Road Transport & Highways

**Subject: Relief for Contractors/Developers of Road Sector in view of 2<sup>nd</sup> wave of the COVID-19 pandemic.**

Sir,

I am directed to say that representations have been received in the Ministry for extension of relief measures provided earlier in view of 2<sup>nd</sup> wave of the COVID-19 pandemic. After due consideration of the representations, approval of the competent authority for the following relief measures has been conveyed by this Ministry's letter of even number dated 03.08.2021:

- i. Extension of relaxation in Schedule H/G w.e.f. 01st July, 2021 till 30th September, 2021 to improve the liquidity of funds available with the Contractors and Concessionaire.
  - ii. Arrangement regarding direct payment to approved Sub-Contractor through Escrow Account can be continued till 30th September 2021 or the completion of the work by the Sub-Contractor, whichever is earlier.
2. In addition, the following relief measures have also been approved by the competent authority in the Ministry in view of 2<sup>nd</sup> wave of the COVID-19 pandemic:

(i) Reduction of Performance Security/release of retention money: This Ministry has already decided to reduce Performance Security from existing 5-10 % to 3% of the value of the contract for all existing contracts (excluding the contracts under dispute wherein arbitration/court proceedings have already been started or are completed). All tenders /contracts issued/ concluded till 31.12.2021 should also have the provision of reduced performance security.

Retention money is a part of the Performance Security till construction period. Hence, release of retention money may be continued in proportion to the work already executed and no reduction of retention money may be made from the Bills raised by the Contractor till 31.12.2021.

*Rajesh Chaudhary*

For HAM/BOT Contracts, Performance Guarantee may be released on pro-rata basis, as provided in the Contract, if Concessionaire is not in breach of the Contract.

(ii) Extension of Time to Contractor/ Concessionaire may be examined and considered on case to case basis.

(iii) Waiver of penalty for delay in submission of Performance Security/ Bank Guarantee in new Contracts entered into during April, 2021-June 2021 may be granted in general for all such contracts for a period of one month from the due dates, as per provisions of the contract.

(iv) Extension of Time to Consultants i.e I.E./ A.E./S.C. may be examined and considered on case to case basis.

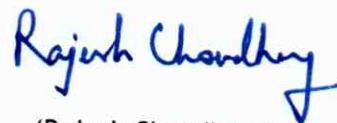
(v) In case of BOT/ TOT Concessionaire, for reduction in collection of user fee, the concession period is to be extended as per provisions in the Concession Agreement.

(vi) For all NH Tolling Contracts, reduction in collection of fee may be compensated in accordance with the User Fee Collection Contracts.

(vii) Extension of Time may be granted to Concessionaire for achievement of Financial Closure in the Concession Agreements entered between April-June, 2021 for a period of one month from the due dates, as per provisions of the contract, depending on the location of the project.

3. Executing agencies of the MoRTH are requested to implement the relief measures accordingly.

Yours faithfully,



(Rajesh Choudhary)

Under Secretary of the Govt. of India

T.No. 01123739074

Copy to:

- i. PS to Hon'ble Minister (RT&H)
- ii. PS to Hon'ble MoS (RT&H)
- iii. Sr. PPS to Secretary (RT&H)
- iv. AS&FA, MoRTH
- v. AS (Highways), MoRTH
- vi. All Joint Secretaries in the MoRTH
- vii. All ADGs/CEs in the MoRTH