



HIMACHAL PRADESH

PUBLIC WORKS DEPARTMENT

☎ 0177-2621401

e-mail :-pwd-hp@nic.in

No PW /CTR//32-20/Genl Inst./ GCC/2021-20269-368 Dated:-23/11/21

From:

Engineer-in-Chief,

To

All the Chief Engineers,

In HPPWD.

All the Superintending Engineers,

In HPPWD.

Subject:- Relief for Contractors/ Developers of road sector in view of 2nd wave of the COVID-19 Pandemic.

I am directed to send herewith a copy of letter No. COVID-19/Road Map/JS (H) /2020 dated 26-08-2021 received from GoI MORT&H on the subject cited above alongwith a copy of office memorandum NO. F. No.G-20016/01/2020-TF-II dated 17-11-2020 for information and taking further necessary action.

It is, therefore, requested to look into the matter personally and direct the field units working under your control to implement the above order/ instructions as per attached office memorandum in letter and spirit to avoid un-necessary litigation in later stage.

Encl. As above.

Superintending Engineer D-III,
HP PWD, Shimla-2.

Copy of above is forwarded to :-

1. All the Executive Engineer, in HPPWD for information and compliance.
2. The Executive Engineer (IT) in this office. He is requested to upload the same on the Departmental website.

Superintending Engineer D-III,
HP PWD, Shimla-2.

F-2.
Sharma
23/11

upload on official
website.

JB(17)

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 26th 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 2nd 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 2nd 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 2nd 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 Chandel

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.

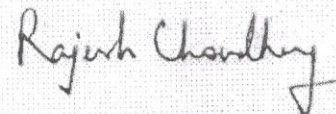
(v) In case of BOT/ TOT Concessionaire, for reduction in collection of user fee, the concession period is to be extended as per provisions in the Concession Agreement.

(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

New Delhi the 17th November, 2020

OFFICE MEMORANDUM

Subject: Latest instructions of Ministry of Finance, Department of Expenditure regarding (i) Performance Security, (ii) Additional Performance Security in case of Abnormally Low Bids (ALBs) and (iii) Bid Security/Earnest Money Deposit - regarding.

The undersigned is directed to forward herewith 3 nos. of Ministry of Finance, Department of Expenditure O.Ms. No.F.9/4/2020-PPD dated 12.11.2020 on the subjects mentioned above as per details given below:-

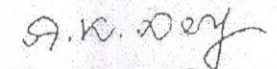
- i) Department of Expenditure vide OM No. F.9/4/2020-PPD dated 12.11.2020 has decided to reduce Performance Security from existing 5-10% to 3% of the value of the contract for all existing contracts. However, the benefit of the reduced Performance Security will not be given in the contracts under dispute 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.

In all contracts, where Performance Security has been reduced to 3% in view of the above stipulations, the reduced percentage of Performance Security shall continue for the entire duration of the contract and there should be no subsequent increase of Performance Security even beyond 31.12.2021

- ii) DOE vide OM No. F.9/4/2020-PPD dated 12.11.2020 has also decided that no provisions should be kept in the Bid Documents regarding Additional Security Deposit/Bank Guarantee (BG) in case of Abnormally Low Bids. It has been further mentioned that wherever, there are compelling circumstances to ask for Additional Security Deposit/Bank Guarantee (BG) in case of ALBs, the same should be taken only with the approval of the next higher authority to the authority competent to finalise the particular tender, or the Secretary of the Ministry Department, whichever is lower.
- iii) Department of Expenditure vide OM No. F.9/4/2020-PPD dated 12.11.2020 further decided that notwithstanding anything contained in Rule 171 of GFRs 2017 or any other Rule or any provision contained in the Procurement Manuals, no Provisions regarding Bid Security should be kept in the Bid Documents in future and only provision for Bid Security Declaration should be kept in the Bid Documents. It has also been specified by DOE that these instructions will be applicable for all the tenders issued till 31.12.2021.

2. These instructions are being circulated herewith for information and strict compliance.

3. Action taken report on each of the items along with details of amount of Performance Security released for subsisting contracts may be sent on weekly basis to the undersigned.


(Anup Kumar Dey)

Under Secretary to the Government of India

Encl: As above.

Contd...

DG(RD) & SS
Chairman, NHAI
MD, NHIDCL
All ADGs/All CEs
CE (Monitoring) :

With a request to send consolidated figures of Performance Security released in case of PWDs on weekly basis against amount of work awarded.

Copy to: PPS to Secretary
PPS to AS&FA
PS to DFA

Copy also to: Director, NIC - with a request to upload the OM on Ministry's Website along with enclosure of OMs of Ministry of Finance, Department of Expenditure.

S.K. Singh
17-11-2020