



INFRASTRUCTURE CONSULTANTS ASSOCIATION OF INDIA

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Ref. No. ICAI/Chairman/NHAI/2023-24/21

Date 11.04.2023

To,
The Chairman,
National Highways Authority of India
G-5 & 6, Sec.-10, Dwarka
New Delhi - 110075
Email: chairman@nhai.org

Sub: Regarding Policy Guideline No.NHAI/Policy Guidelines/Consultancy/2022.

Ref: Policy Circular No.10.2.32/2022 dated 05.12.2022.

Respected Sir,

Sir, our Association have been formed under umbrella of "Infrastructure Consultants Welfare Committee" having registration No.01/01/01/24554/12 dated 07.01.2012 to collectively raise the issues of concern of its members. Presently, we have more than 260 members on its roll.

Sir, we would like to draw your kind attention towards NHAI Policy Guideline No.NHAI/Policy Guidelines/Consultancy/2022 issued vide Policy Circular No.10.2.32/2022 on dated 05.12.2022 related to issue of clarification regarding reduction of remuneration for attendance less than 90% of Key Personnel/Sub Key Professional for Civil Projects on undergoing projects or at O&M stage. The amendment attached as Annexure-I are being incorporated in all the bids being invited by NHAI. It has been stated that above provision was also included in RFP documents for engagement of AE/IE issued by the Ministry on 15.02.2019.

Sir, the above Policy Guidelines states as follows:-

- (i) In case the Team Leader cum Senior Highway Engineer has not been made available for 90% of the stipulated time in the month excluding permissible casual leave then only 80% of the monthly payment of all the Key Personnel during the month shall be released.
- (ii) For Resident Engineer/Bridge Engineer/other Key Personnel the mentioned reduction shall be done in the payment of remuneration of all Key Personnel during the month.
- (iii) In case of other Key Personnel the average availability across the group shall be considered for calculation.
- (iv) In case of Sub Professional Staff average availability across the Sub Professional shall be considered and reduction in payment of all Sub Professional shall be done at the rates specified.
- (v) The specified rates of reduction are tabled below:

S.No.	Position	% reduction in monthly payment
A.	Normal Highway Projects	
1.	Team Leader cum Senior Highway Engineer	20%
2.	Resident Engineer cum Highway Engineer	25%
3.	Bridge/Structural Engineer	20%
4.	Other Key Personnel	20%
5.	Sub Professional Staff	15%

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interest @ 12% per annum apart from other consequences. In addition 10% of the salary and perks to be refunded shall be recovered from the Firm as penalty.

vii. Ministry of Road Transport & Highways, parent Ministry for construction and maintenance of Highways in India, had issued a circular vide File No.RW/NH-33044/76/2021-S&R(P&B) dated 07.10.2021 stating Standard Operating Procedure to debar/penalize/déclassé as Non-Performer AE/TE/CSC/PMC in National Highways and centrally sponsored Road project wherein depending on the type of deficiency action to be taken against the Key Personnel and Firm have been described in details. This provision of the circular are applicable to NHAI also, to whom a copy has been sent for implementation.

Sir, all the above provision of penalizing Key Personnel as well as Consultant are existing in the RFP document being published by NHAI.

Sir, as detailed above so many provisions already exist in the RFP document published by NHAI for penalizing Key Personnel as well as the Consulting firm on account of various reasons stated in the document.

Sir, you shall appreciate that it shall not be proper to monetarily punish remaining Key Personnel/Sub Professional Staff with reduction in their monthly remuneration on account of lesser attendance of any one Key Personnel without deeply going into the reasons for his absence on the project for a certain period.

Sir, we would like to further submit that the payment to the consulting firm is normally released on the basis of rates of Key Personnel/Sub Professional Staff agreed and accepted by the Client for the period of their availability on the concerned project on the basis of mutually agreed terms and conditions of the Contract Agreement executed between the parties.

Sir, it is also evident that consulting firm shall be required to compensate all the other Key Personnel/Sub Professional Staff with their agreed remuneration for the complete month and shall have to absorb the monetary deficit arising out of any percentage reduction in monthly payment by NHAI authorities. The consulting firm is being penalized for many other reasons under stated clauses of the Contract Agreement.

Sir, it is therefore earnestly requested that, taking into account the penalties being imposed upon the Key Personnel and Consultant under various other clauses of the Agreement, the Policy Guideline No.NHAI/Policy Guidelines/Consultancy/2022 issued vide Policy Circular No.10.2.32/2022 dated 05.12.2022 may kindly be abrogated from its effective date, for which all the members of our Association shall be highly obliged.

With due regards,

Thanking you,

Yours sincerely,

For Infrastructure Consultants Association of India

(M.L. Gupta)

Secretary



Copy to the Respected Members of Association as per attached list for favour of information and needful please. If so felt you may also kindly submit above request to the Respected Chairman, NHAI for consideration please.