



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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NHAI/ Policy Guidelines/Consultancy/ 2020

No. 10.2.23 dated 20th July, 2020

[As per approval given by Chairman on

File No. NHAI/11013/AE&IE/RFPDocu./2017-Part(1)]

Sub.: Uniform policy to decide the deterrent action against the consulting firms/ key personnel - Reg.

NHAI has issued guidelines on "Deterrent penalty action against defaulting consultants" vide Policy Matter: Technical (97/2012) dated 17.04.2012 for a uniform approach, while dealing with matters related to Errors, Omissions & Commissions or Misconduct of Consultants. Further, vide NHAI policy guidelines no. 10.2.18/2019 dated 11.06.2019, it was decided to dispense with the committee of 3 CGMs & the respective CGM was to deal with such cases.

2. It has come to the notice that the different technical divisions are adopting different policies while deciding upon the extent of deterrent action against the consulting firms for proven misrepresentation of facts and fraudulent practices by the consulting firm/ key personnel. In order to have uniformity within the organization, following approach shall be adopted.

S. No	Type of Default	Action to be taken
1.	Consulting Firm's experience/ document is found to be false at any stage i.e., from bidding to completion of the project.	Debarment of the firm for a period of 2 years.
2.	At any stage, if the CV of key personnel is found to be inflated/ false & the experience is claimed with a firm other than the bidder.	<p><u>(i) For all stages of DPR Consultancy Contracts / Before Commencement of AE & IE Contracts:</u></p> <p>CV of key personnel to be rejected and individual to be blacklisted for a period of 3 years. The CV shall be assigned zero marks, but evaluation of the proposal shall continue.</p> <p>In case of 1st instance, the bidding firm to be warned and a penalty of Rs. 2.0 Lakh to be levied.</p> <p>In case of 2nd instance, the bidding firm to be warned again and a penalty of Rs. 5.0 Lakh to be levied.</p> <p>For repeated cases, an incremental penalty of Rs. 5.0 Lakh to be added from 3rd instance onward on the consulting firm.</p> <p><u>(i) After Commencement of AE & IE Contracts:</u></p> <p>Key personnel to be blacklisted for a period of 3 years.</p> <p>Monetary penalty to be imposed as per clause 9 of the GCC on Fake CVs.</p>

3.	At any stage, if the CV of key personnel is found to be inflated/ false & the experience is claimed with the bidding consulting firm itself.	CV of key personnel to be rejected and individual to be blacklisted for a period of 3 years. Debarment of the bidding consulting firm for a period of 2 years. The proposal (RFP) of the bidder shall be cancelled.
4.	If a key personnel is already engaged in other ongoing works on NHAI/ MoRTH/ NHIDCL & applies for a new assignment/ consulting firm.	If it is established that the individual has given consent for the new assignment prior to 3 months before the completion of original or extended tenure of assignment in hand, the individual to be blacklisted for a period of 3 years. In such case, no action will be taken against the firm. The CV shall be assigned zero marks, but evaluation of the proposal shall continue. If it is established that the individual has not given consent for the new assignment, the consulting firm be debarred for a period of 2 years. The proposal (RFP) of the bidder shall be cancelled. In such case, no action will be taken against the individual.
5.	If the academic credentials of any candidate is found false/ fake at any point of time.	CV of each candidate will be rejected and individual to be blacklisted for 3 years. Information will be sent to INFRACON portal. No action should be taken against the bidding firm.
6.	Ownership of equipment in case of Associate partner is found to be false.	The consulting firm to be warned and a penalty of Rs. 2.0 Lakh in case of 1 st instance and debarment of the associate for one year. The consulting firm to be warned again and a penalty of Rs.5.0 Lakh in case of 2 nd instance and debarment of the associate for one year. For repeated cases (more than 2 instances), bidding firm's debarment for a period of 2 year may be considered and debarment of the associate for 3 years.

Note: Due process of issuing notice, examining the reply, giving personal hearing, if sought, etc shall be followed before levy of penalty/ debarment, as given above.

4. In this regard, it is also clarified that the above methodology shall be applied for future cases only. In other words, it shall not be applicable to past/old cases where certain decision were already taken and communicated to all concerned.

5. Further, the deterrent actions taken against the consulting firms in the past on account of above specified defaults shall be considered in future cases to decide upon the applicability of second/ repeated instances.

6. The actions to be taken for various other defaults not listed above will be in accordance with the provisions of respective RFP/ contract documents.


 (Amarendra Kumar)
 CGM (Coord)

All Officers of HQ/RO/PIU/CMU

Copy to:

All Members/CVO

PS to Chairman