

RW/NH-24036/56/2024-BP&SP  
Government of India  
Ministry of Road Transport & Highways  
(BP & SP Cell)

Transport Bhawan, 1 Parliament Street, New Delhi - 110001

Date: 29<sup>th</sup> April, 2026

To,

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

**Subject: Modification in eligibility and qualification requirements for Hybrid Annuity Mode (HAM) projects- reg.**

**References:**

- (i) Ministry's Circular no. RW/NH-33044/05/2026-S&R(P&B) (Computer No. 264855) dated 02.03.2026.
- (ii) Ministry's Circular no. RW/NH-24036/28/2025-BP&SP (Computer No. 248457) dated 22.12.2025.

Madam/Sir,

Ministry of Road Transport & Highways has issued circular dated **22.12.2025 (cited at Ref(ii) above)** modifying qualification criteria for EPC projects to address concerns arising out of catastrophic failures due to construction defects. Subsequently, vide circular dated **02.03.2026 (cited at Ref(i) above)**, the Ministry has defined "Catastrophic Failure" and identified the types of incidents that shall attract such classification.

2. In line with the above and with a view to ensuring quality, accountability, and deterrence against construction-related failures in **Hybrid Annuity Mode (HAM)** projects, the

relevant provisions of the **Model RFP for HAM projects** stand modified to incorporate disqualification criteria linked to catastrophic failures, as detailed in the **Annexure**.

3. The definition and scope of "Catastrophic Failure" as prescribed vide Ministry's circular dated 02.03.2026 shall be applicable *mutatis mutandis* to HAM projects.

4. All implementing agencies are directed to:

- Incorporate the modified provisions in all ongoing and future bid documents for HAM projects.
- Ensure strict compliance during bid evaluation.
- Submit proposals for notification of catastrophic failures, if any, in accordance with the procedure prescribed in earlier circulars.

5. The bidder shall also be required to submit an **Undertaking** in the prescribed format (Appendix) regarding non-occurrence of catastrophic failure.

Encl: As above.

  
Ravishek  
Executive Engineer (NFSG), BP & SP Cell

Copy to:

- i. Sr. PPS to Secretary (RT&H)
- ii. PSO to DG(RD)&SS
- iii. AS&FA/AS(H)/AS(T), MoRTH
- iv. All Joint Secretaries in the MoRTH
- v. All ADGs/CEs in the MoRTH
- vi. Director (NIC), MoRTH for uploading on the Ministry's website and e-office

QUALIFICATION CRITERIA FOR EPC PROJECTS

S. No.	Clause No. (HAM RFP)	Existing Provision	Modified Provision (addition of new Clause)	Remarks
1	2.2.5	-	The Bidder, including any Consortium Member, shall be deemed non-eligible if, in any project (ongoing or completed) during the last 2 years from the Bid Due Date, a <b>catastrophic failure of Structure/Highway due to construction defect(s)</b> has occurred. Such event shall be notified by the Ministry.	Evaluation Committee shall record its findings regarding the same during technical evaluation.  The bidder shall submit an undertaking in prescribed Format (Appendix-IX).

## Appendix IX

### Undertaking regarding Catastrophic Failure

Proforma to declare the event of Failure of catastrophic nature (Ref. Clause 2.2.5)

I, \_\_\_\_\_, hereby undertake that neither the Bidder nor any member of the Consortium has, in any project (ongoing or completed) undertaken during the last 2 years from the Bid Due Date, experienced any catastrophic failure of Structure/Highway due to construction defect(s).

2. I further undertake that the information provided herein is true and correct to the best of my knowledge and belief.

3. I understand that in case the above information is found to be false or misleading:

- The Bidder shall be liable for **disqualification** from the bidding process; and/or
- The Authority may take **punitive action including debarment** for a period up to 2 years or as specified in the RFP.

(Signature)

(Name of Authorized Signatory)

(Designation)

(Name of Bidder/Consortium Member)

(Date)