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No. RW/NH-33044/02/2023-S&R (Comp No 218375)
Government of India
Ministry of Road Transport & Highways
Transport Bhawan, 1, Parliament Street, New Delhi–
110001

Dated: 30th September, 2026

CIRCULAR

To,

1. The Chief Secretaries of all the State Governments/ UTs.
2. The Principal Secretaries/ Secretaries of all States/ UTs Public Works Department/ Road Construction Department/ Highways Department (dealing with National Highways and other centrally sponsored schemes).
3. The Chairman, National Highways Authority of India, G-5 & 6, Sector-10, Dwarka, New Delhi-110075.
4. The Managing Director, NHIDCL, 1st & 2nd floor, Tower-A, World Trade Centre, Nauroji Nagar, New Delhi-110029.
5. The Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010.
6. All Engineers-in-Chief and Chief Engineers of Public Works Department of States/ UTs/ Road Construction Department/ Highways Departments (dealing with National Highways and other centrally sponsored schemes).
7. The Secretary General, Indian Roads Congress.
8. The Director, IAHE, Noida, UP.
9. All CE-ROs, ROs and ELOs of the Ministry.

Subject: Revised Document for Request for Proposal (RFP) for appointment of Consultancy Services for Authority Engineer (AE)/ Independent Engineer (IE) in respect of National Highways and centrally sponsored road works proposed to be implemented on EPC/HAM mode of contract – Action against Consultants on account of Catastrophic Failures – Amendment in AE/IE RFP – reg.

Reference: (i) Ministry's circular No. RW/NH-33044/02/2023-S&R (Comp No. 218375) dated 24.10.2025, even no. dated 12.03.2026, 11.05.2026 and 08.09.2026 for AE RFP.

(ii) Ministry's circular No. RW/NH-33044/09/2026-S&R(P&B) (Comp No. 266796) dated 11.05.2026 and circular No. RW/NH-33044/02/2023-S&R (Comp No. 218375) dated 08.09.2026 for IE RFP.

(iii) Ministry's circular No. RW/NH-33044/05/2026-S&R(P&B) dated 02.03.2026 (Comp No. 264855) regarding Catastrophic Failures in NH Projects.

Madam/Sir,

Please refer to the Revised Document for Request for Proposal (RFP) for appointment of Consultancy Services for Authority Engineer (AE)/ Independent Engineer (IE) circulated vide Ministry's circulars cited at references (i) and (ii) above. Vide circular under reference (iii), the Ministry has defined the incidents which constitute Catastrophic Failures in NH projects and has laid down that such incidents shall be notified as 'Catastrophic Events' by the Competent Authority in the Ministry. Contractors/

Concessionaires responsible for such failures are already subjected to penal consequences under the policy circulars of the Ministry.

2. The AE/IE/ Supervision Consultant entrusted with review of designs and drawings, day-to-day supervision, enforcement of quality control and monitoring of safety. A Catastrophic Failure on a project, therefore, also reflects a lapse in the discharge of these duties. It has accordingly been decided that consultancy firms engaged as AE/IE/SC shall be treated in a manner similar to Contractors/ Concessionaires. Accordingly, amendment to the RFP Provisions is attached at **Annexure-I**.

4. All the executing agencies are requested to incorporate the aforesaid modifications in the RFP documents for appointment of Consultancy Services for Authority Engineer (AE)/ Independent Engineer (IE), and mutatis mutandis in the RFP documents for Supervision Consultants, in respect of National Highways and centrally sponsored road works, before inviting tenders.

5. This issues with the approval of the Competent Authority.

Encl: Annexure-I

Digitally signed by

Akil Ahmad

Date: 30-09-2026

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(Akil Ahmad)

Superintending Engineer

For DG(RD)&SS

Copy to:

1. Technical circular file of S&R (P&B) Section.
2. NIC – for uploading on Ministry's website under "What's New" & "Comprehensive Compendium Circulars".

Copy for kind information to:

1. PS to Hon'ble Minister (RT&H)
2. PS to Hon'ble MOS (RT&H)
3. OSD to Hon'ble MOS (Corporate Affairs and RT&H)
4. Sr. PPS to Secretary (RT&H)
5. Sr. PPS to DG (RD) & SS
6. Sr. PPS to Addl. Secretary (Transport)/ AS&FA
7. Joint Secretary (Highways)/ JS (Toll)/ JS (Parliament)
8. Sr. PPS/ PPS to all ADGs/ CEs

Annexure-I

Amendment in AE/IE RFP reg. – Action on account of Catastrophic Failure

Clause No.	Existing Provision	Modified Provision
Section V: SCC GCC 7.1.5(c) – Lapse/ deficiencies	"As per Annexure-I of SCC"	"As per Annexure-I of SCC. In the event of a Catastrophic Failure, as defined in Ministry's Circular No. RW/NH-33044/05/2026-S&R(P&B) dated 02.03.2026 (as amended from time to time), declared by the Competent Authority in the Ministry, action against the Consultant and its Key Personnel shall be taken as per Sr. No.

in services		4 of Annexure-I of SCC. The Consultant shall be given an opportunity of being heard in the process of such declaration. The procedure of notice and correction under GCC 7.1.5(c) shall not be a pre-condition for such action.		
Section V: SCC – Annexure-I Type of lapses/ deficiencies in services and action to be taken (new Sr. No. 4 after Sr. No. 3)	No provision.	4. Catastrophic Failure		
		S. No	Type of deficiency	Action to be taken against consultant engaged during construction & Maintenance
				Key Personal
		4.	Catastrophic Failure as defined in Ministry's Circular No. RW/NH-33044/05/2026-S&R(P&B) dated 02.03.2026, declared by the Competent Authority in the Ministry, attributable wholly or partly to lapse/ deficiency in the Services of the Consultant, including failure to review designs/ drawings (including temporary works and construction methodology), failure to detect or report quality deficiency, failure to enforce the Quality Assurance Plan and safety provisions, or failure to recommend suspension of unsafe works.	The Team Leader and the concerned Key Personnel identified in the declaration order to be removed from the project and debarred up to 2 (two) years. (i) The Consultant (sole firm/ all members of the JV/ Associate, as identified in the declaration order) to be disallowed by the Ministry for 2 (two) years from the date of the order from participating in tenders for engagement of AE/IE/SC of the Ministry and all its executing agencies; (ii) deduction from Performance Security as per Sr. No. 12 of Annexure-II of SCC; (iii) the Authority may, at its discretion and having regard to the stage of the project, terminate the Contract under GCC 12.1; and (iv) negative marking in the Rating of AE/IE firms as per the Ministry's circular in

				force.						
		<i>Note: (a) Action under Sr. No. 4 shall be taken only against the firm(s) and personnel identified in the declaration order issued by the competent Authority, after hearing.</i> <i>(b) Where a Catastrophic Failure is also covered under Sr. No. 3, action shall be taken under Sr. No. 4 alone.</i>								
Section V: SCC – Annexure-II Deductions from PBG before release as per clause 5.8(7) (new Sr. No. 12)	No provision.	<table><tr><th>S. No.</th><th>Type of deficiencies</th><th>Following % of (quoted PBG including Additional PBG of contract) shall be deducted from PBG including Addl. PBG before release as per clause 5.8(7)</th></tr><tr><td>12</td><td>Catastrophic Failure attributable to the Consultant (Sr. No. 4 of Annexure-I of SCC)</td><td>50%</td></tr></table>	S. No.	Type of deficiencies	Following % of (quoted PBG including Additional PBG of contract) shall be deducted from PBG including Addl. PBG before release as per clause 5.8(7)	12	Catastrophic Failure attributable to the Consultant (Sr. No. 4 of Annexure-I of SCC)	50%		
S. No.	Type of deficiencies	Following % of (quoted PBG including Additional PBG of contract) shall be deducted from PBG including Addl. PBG before release as per clause 5.8(7)								
12	Catastrophic Failure attributable to the Consultant (Sr. No. 4 of Annexure-I of SCC)	50%								
Section VI: Terms of Reference Para 11 in AE and Para 14 in IE – Performance Clause (new paragraph at the end)	No provision.	"In the event of a Catastrophic Failure, as defined in Ministry's Circular No. RW/NH-33044/05/2026-S&R(P&B) dated 02.03.2026, on the Project Highway, the AE/IE shall: (a) report the incident to the Authority within 24 (twenty-four) hours with the preliminary facts; (b) secure and preserve all relevant records, including approved drawings, test results, inspection registers, NCRs, photographs and correspondence; (c) submit a detailed report within 7 (seven) days, setting out the supervisory actions taken by it prior to the incident; and (d) participate in the inquiry and hearing conducted for declaration of the Catastrophic Event. The AE/IE shall be accountable for any lapse on its part leading to such failure, and action shall be taken as per Sr. No. 4 of Annexure-I of SCC."								