



NATIONAL HIGHWAY AUTHORITY

Chairman Secretariat

CONFIRMED MINUTES

Subject: **The 314th Meeting of the NHA Executive Board Held on January 10, 2019 at Islamabad**

Introduction

The 314th meeting of the National Highway Authority's Executive Board was held at 1000 hours on January 10, 2019 at the Auditorium of NHA Headquarters, Islamabad. Mr. Jawwad Rafique Malik, Chairman, NHA presided over the meeting. List of participants is at **Annex-A**.

The meeting commenced with recitation of verses from the Holy Quran.

Agenda Item 1

Confirmation of Minutes - 313th Meeting of the Executive Board held on December 13, 2018

Decision

The NHA Executive Board confirmed minutes of the 313th Executive Board meeting held on December 13, 2018.

Action By : Secretary, NHA

Agenda Item 2

Approval for Award of Contract for Operation & Management of Rest Area / Resort at km 123 Near Naran on N-15

Decision

The NHA Executive Board approved the award of contract for O&M of Rest Area/Resort at km 123 near Naran (N-15) to M/s CHIB Enterprises with NHA's revenue share of Rs.56,529,942/- (exclusive of all taxes) for a period of 10 years as per following details:

<u>Year</u>	<u>Amount (Rs.)</u>	<u>Year</u>	<u>Amount (Rs.)</u>
1 st	1,700,000	6 th	5,187,989
2 nd	2,125,000	7 th	6,484,986
3 rd	2,656,250	8 th	8,106,233
4 th	3,320,313	9 th	10,132,791
5 th	4,150,391	10 th	12,665,989

The award is subject to verification and certification of the membership of Pakistan Hotels Association, tax returns and hotel experience of the successful bidder along with any issue relating to land mutation by the committee constituted vide Para-5.17.

The Board directed that NHA shall obtain performance bond in the form of Bank Guarantee from the successful bidder for undertaking the construction activities within six months. The successful bidder shall also submit revenue share of 1st year in advance in the form of bank guarantee/cash/cheque before signing of the contract agreement.

The Board further directed that in case the successful bidder fails in making payment of revenue share within 10 days from the due date or commit any other fault as per provisions of the agreement, the bank guarantee shall be en-cashed by NHA.

Action By : Member (Engg. Coord)

Agenda Item 3

Consultancy Services for Development of Rules for Construction, Equipment and Maintenance of Road Vehicles Under NHSO 2000 (Chapter IV)

The subject agenda item was withdrawn ab-anitio by the concerned Wing.

Action By : Member (Engg. Coord)

Agenda Item 4

Approval of Standard Operating Procedures (SOP) and Related Manuals for Implementation of Bridge Management System in NHA

Decision

The NHA Executive Board approved the Standard Operating Procedures regarding Bridge Management System along with following related documents:

- a. Bridge Inspection Manual
- b. Bridge Repair Manual
- c. BIDB Operations Manual.

The Board directed the HRD Section of NHA to present the Human Resource Development Report of LUMS in the next Board meeting.

Action By : Member (Engg. Coord)/Member (Admn)

Agenda Item 5

Access to Private Entities from NHA Controlled Network

Decision

The NHA Executive Board approved the following amendments in policy regarding "Access to private entities from NHA controlled network" approved in 240th meeting held on November 12, 2014 and the Schedule-I to prescribe the rates of NHA NOC fee for access to Motorways/ Expressways/Link Roads:

<u>Existing Provisions</u>	<u>Approved Amendments</u>
	Nomenclature changed from Policy to Regulation
<u>Introduction.</u> The interchanges on NHA network are constructed through PSDP at only the sites included in the PC-I. NHA is lately receiving requests from the private sectors for construction of interchanges at their own expense for access to business or residential area and hence need for deriving the policy for the purpose.	Delete

<u>Existing Provisions</u>	<u>Approved Amendments</u>
<p>Policy. Should there emerge a requirement of an interchange not qualifying the GOP criteria and required by private sector for access to business or residential area then NHA shall follow the policy discussed in Paras 3-6 below.</p>	<p>Preamble. Should there emerge a requirement of an interchange on motorways/expressways/link roads not qualifying the GOP criteria and required by a Housing Society, Medical City, Education City, Industrial / Commercial Hub, Factory Outlet, Theme Park or any such like enterprise for access. Then NHA shall follow the policy discussed here below.</p>
<p>1. Except where required by GoP for reasons of national interest, NHA shall not allow interchange for access to (or) from Motorway within 10 kms of an existing interchange on the Motorway in case of rural area and within 5 kms in case of urban area. It is clarified that means of access to (or) from Motorway shall only be through a grade separated interchange which caters for all traffic movements to (or) from both sides of the Motorway.</p>	<p>Provided except for requirement of GOP for national interest, NHA shall not allow interchange for access to (or) from Motorway/expressway/link road within 10 kms of an existing interchange on the Motorway/expressway/link road.</p>
<p>2. Preliminary Phase.</p> <p>a. Private entity will submit formal request in writing.</p> <p>b. NHA shall securitize the request to confirm that there is no conflict for strategic reasons or any other GoP or Provincial Government's sensitivities.</p> <p>c. If cleared, request shall be processed on merit</p>	<p>Conditions for Provisional Acceptance</p> <p>a) An entity i.e. Housing Society, Medical City, Education City, Industrial / Commercial Hub, Factory Outlets, Theme Park and other (to be determined by NHA Executive Board) will submit formal request in writing.</p> <p>b) An entity shall have ownership/mutation in its own name, having a minimum area as per Schedule-I.</p> <p>c) An entity shall submit the following along with request:</p> <ul style="list-style-type: none"> • Detailed development plan approved by the relevant authority. • Detailed services plan approved by the relevant authority. • Mandatory NOCs from relevant departments/ Ministries. • Specified time limit for completion of the project. • Certificate of infrastructure completion up to 40% certified by the relevant government department which approved the development plan.
<p>3. Land/ROW.</p> <p>g. The applicant shall provide sufficient</p>	

<u>Existing Provisions</u>	<u>Approved Amendments</u>
<p>land for the project outside the fence / ROW, which will be muted in the name of NHA without any cost to NHA.</p> <p>h. The land shall remain the property of NHA and shall not be given back, in case of demolition / removal etc. of the structure in future and hence new ROW will be defined. The applicant shall provide undertaking to this effect on stamp paper.</p>	<ul style="list-style-type: none"> • One time processing fee (non-refundable) of Rs.5 million with the request. • 25% of the total NOC Fee as described in Schedule-I. <p>d. NHA shall scrutinize the request to confirm that there is no conflict for strategic reasons, road safety and smooth flow of traffic or any other sensitivities.</p>
<p>4. <u>Initiation / design Phase.</u></p> <p>a. Traffic impact study shall be carried out by the applicant through an engineering consultant and submitted for approval by NHA.</p> <p>b. Geometric study/highway safety audit report shall be carried out by the applicant through an engineering consultant and submitted for approval by NHA.</p> <p>c. NHA approved consultant shall prepare the detailed design and NHA shall approve the detailed design of the project. NHA Design Section shall maintain a list of approved consultants in this regard.</p> <p>d. All design and construction cost shall be borne by the applicant.</p> <p>e. On acceptance, the applicant shall sign MOU with NHA for fulfilling the agreed obligations.</p>	<p>e. Traffic impact study carried out on the expense of the applicant by an engineering consultant shall be submitted for approval by NHA.</p> <p>f. Geometric study/highway safety audit report prepared on the expense of the applicant by an engineering consultant shall be submitted for approval by NHA.</p> <p>g. Interchange and affiliated works shall be designed, estimated and constructed by NHA as deposit Works.</p> <p>h. In case of change of title/ownership, fresh NOC shall be obtained from NHA.</p>
<p>5. <u>Construction Phase.</u></p> <p>a. The applicant shall prepare the construction methodology and work program and obtain approval from NHA.</p> <p>b. The applicant after obtaining all necessary approvals, stated above, shall deposit the estimated cost (construction/ supervision) to NHA for construction of interchange in accordance with the approved design and within the time frame stipulated by NHA.</p>	<p>i. In case of addition of land / expansion, fresh NOC shall be obtained from NHA.</p> <p>j. On fulfillment of these conditions, NHA ROW Section will issue them letter of Provisional Acceptance after approval from Chairman NHA.</p> <p>k. This Provisional Acceptance shall be valid for a period of two years from the date of issuance. The same shall stand revoked on expiry of validity period.</p> <p>l. The 25% NOC fee deposited at the time of submission of application shall be refunded, in case clause (k) is invoked.</p> <p>m. Provisional Acceptance shall not be used for advertisement / promotional purposes by any means including electronic, print and social media until grant of</p>

Existing Provisions	Approved Amendments
	<p>Formal Approval.</p> <p>n. The 25% NOC fee shall be forfeited in case Clause (m) is violated/not adhered to.</p> <p>Conditions for Formal Approval</p> <p>a. The entity shall apply for formal approval on completion of 75% of infrastructure development.</p> <p>b. Applicant will provide undertaking on judicial paper regarding completion of infrastructure development up to 75% certified by relevant government department which approved the development plan.</p> <p>c. Adequate land, free of all encumbrances, will be mutated for construction of interchange outside the fence / ROW including loop land, in the name of NHA without any cost to NHA.</p> <p>d. The land shall remain the property of NHA and shall not be given back, in case of demolition / removal etc. of the structure in future. Hence, new ROW will be defined.</p> <p>e. On fulfillment of these conditions, NHA will issue NOC to the applicant after Formal Approval by Executive Board.</p>
<p>6. Operation and Management.</p> <p>a. NHA shall own, operate or cause to operate the toll plazas.</p> <p>b. 100% toll shall be retained by NHA as a matter of right.</p> <p>c. Toll exemption shall be applicable to vehicle as per rules and regulations of NHA.</p> <p>d. The owner shall pay the rentals of NHA land as per procedures and amount/rate in vogue.</p> <p>e. If toll collection is not equal to cost of operations and maintenance, the</p>	<p>} Clause a to c remain intact</p> <p>Clause d deleted.</p>



<u>Existing Provisions</u>	<u>Approved Amendments</u>
<p>applicant shall pay the deficit of toll collection on monthly basis till the time when such expenses and toll collection eventually become equal.</p> <p>f. The level of service and maintenance requirements shall be pre-agreed and become part of agreement as determined by NHA.</p> <p>g. NHA shall reserve the right to close the interchange for reasons attributable to either the State requirements and in case of defaults or termination of contract following prescribed procedures.</p> <p>h. The applicant shall not do any other business or activity except the specific business or activity as shall be approved by NHA and covered under the laws of Pakistan.</p> <p>i.</p> <p>j. No hoarding advertisement shall be permissible except directional / traffic signs approved by NHA. These signs shall also be paid by the applicant as per NHA Rules and Regulations.</p> <p>k. The applicant shall promptly act on legitimate directions of NHA within specified time.</p>	<p>Clause e remains intact</p> <p>Clause f remains intact</p> <p style="text-align: center;">} Clause g and h remain intact</p> <p>i. All the prevalent laws of the land, including NHSO-2000, applicable on Motorways/ Expressways/Link Roads shall be applicable to the so constructed interchanges.</p> <p>Clause j remains intact</p> <p>Clause k remains intact.</p>
<p>7. Conclusion: NHA Reserves the right to close the interchange if any requirement arises in due course of time. However, NHA shall not do so unless there is a cogent reason such as expansion requirement, GOP directives, default of applicant, etc.</p>	<p>Deleted</p>

Schedule I

NHA shall charge NOC Fee for construction of new interchange, as per table below:

<u>Type of Amenity</u>	<u>Minimum Land Required</u>	<u>NOC Fee (Rs.)</u>	<u>Processing Fee (One time non-refundable)</u>
Housing Society	4000 kanals (500 Acres)	60,000 per kanal	Rs.5 Million
Medical City	2000 kanals (250 Acres)	50,000 per kanal	
Education City			
Industrial / Commercial Hub	2800 kanals (350 Acres)	60,000 Per kanal	
Factory Outlets	2800 kanals (350 Acres)		
Theme Park	1600 kanals (200 Acres)		

Provided that in case of establishment of subsequent multiple projects/schemes availing access from so constructed interchange, 100% NOC fee shall be charged on one time basis.

Provided further, in case of request for access through modification in so constructed interchanges, all above conditions including NOC fee shall be applicable.

Provided further, the project/scheme having constructed such Interchange will not permit any other subsequent amenity to use the same unless so permitted by NHA through process of granting of fresh NOC as per these regulations.

Action By : GM (ROW)

Agenda Item 6

Approval of Nomenclature/Creation of Regular Posts of Financial and IT Analysts for Finance Wing NHA along with Extension in Service

Decision

The NHA Executive Board approved extension in service of IT and Financial Analysts for a further period of one year on the existing terms and conditions with 10% increase in pay.

The Board directed that the approval of nomenclature/creation of posts of Financial and IT Analysts (Finance Wing) to be considered by the restructuring committee already working under the chairmanship of Sr. JS (MoC) for restructuring of NHA.

Action By : Member (Finance)

Agenda Item 7

Withdrawal of Toll Exemptions given to Senators and Members National Assembly & Provincial Assemblies

Decision

The NHA Executive Board approved withdrawal of exemptions available to Members of the National Assembly, Members of the Provincial Assemblies and Senators for payment of toll on BOT Projects.

Action By : Member (Finance)/GM (PPP)

Agenda Item 8

Grant of Medical Reimbursement Allowance to “NHA’s Retired Employees” along with their Monthly Pension Claim as Similar to “Serving Employees”

The subject agenda item was withdrawn on the request of concerned Wing.

Action By : Member (Finance)

Agenda Item 9

Consultancy Service for Improvement and Widening of National Highway (N-45) Section-I (Chakdara to Timergara) Project (39 Km)

The subject agenda item was deferred due to paucity of time.

Action By : Member (Planning)

Agenda Item 10

Variation Order No. 03 against Contract Agreement of M/s Luqman Brothers Construction Company on Construction of 16-Lane Permanent Toll Plaza on Motorway M-1 (Km 0+935.5)

The subject agenda item was deferred due to paucity of time.

Action By : Member (North Zone)

Agenda Item 11

Partial Modification in Medical Regularization - Composition of Medical Board

The subject agenda item was deferred due to paucity of time.

Action By : Member (Admn)

Conclusion

The Chairman wrapped up the meeting by thanking the Board Members for their active participation and useful input.
