



## **NATIONAL HIGHWAY AUTHORITY**

Chairman Secretariat

### **CONFIRMED MINUTES**

Subject: **The 336<sup>th</sup> Meeting of the NHA Executive Board Held on March 26, 2020 at Islamabad**

#### **Introduction**

The 336<sup>th</sup> meeting of the National Highway Authority's Executive Board was held at 1030 hours on March 26, 2020 at NHA Headquarters, Islamabad. Capt. (Retd.) Sikander Qayyum, Chairman, NHA presided over the meeting.

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

#### **Opening Remarks**

The Chairman extended warm welcome to all participants. The Chairman stated that these are extraordinary circumstances due to spread of Corona Virus disease (COVID-19), therefore, in order to secure honorable Board Members from infection of the contagious disease, some Members had participated in the meeting through video conference.

The Chairman allowed Secretary, NHA to start formal Board proceedings on the agenda.

#### **Formal Board Proceedings**

#### **Agenda Items**

The Secretary, NHA apprised the Board that two (02) working papers were circulated including through email.

**Agenda Item 1**

**Confirmation of Minutes: 335<sup>th</sup> Meeting of Executive Board held on March 13, 2020**

**Decision**

The NHA Executive Board confirmed minutes of the 335<sup>th</sup> Executive Board meeting held on March 13, 2020.

Action By : Secretary, NHA

**Agenda Item 2**

**A. To Enforce “Force Majeure” Or “Employer’s Risk” Contract Clause for Ongoing Construction Projects Due To Current Corona Virus Epidemic in Pakistan or Not**

**B. Suspension of Toll Operation & Management under the Contract Clause of Force Majeure**

The Chairman informed that this is a consultative meeting on the subject issue. The experience and collective wisdom of the Honorable Board Members will help NHA to make a policy decision in the emergent situation to the benefit for the subject matter.

The Board deliberated in detail to invoke condition of contract related to Employer’s Risk or Force Majeure and suspend the works for time being in all ongoing construction projects of NHA on the basis of contractors request received. The Board also reviewed the situation in the light of requests of operation & management contractors under the contract clause of Force Majeure and considered legal opinion presented before the Board to suspend operations on 134 toll plazas.

The Board deliberated in detail the condition of Contracts as well as ground realities and took following decisions:

- a. There was a consensus among Board Members that due to corona pandemic a situation has arisen where routine business is impossible.
- b. The Federal Government has not issued a uniform

policy about fate of more than 1000 ongoing works in various areas covered under PSDP. Further, Ministry of Planning Development & Special Initiatives also has not issued any instructions to the departments regarding the PSDP projects. In present situation, NHA should take decision on case to case basis as per provisions of relevant clauses of respective contract documents/agreements.

- c. Toll operation should not be suspended, however, Toll Operators may be directed to take precautionary measures for health & Safety of commuters and deployed staff.
- d. National Highways and Motorway Police (NH&MP) will provide traffic data on daily basis to GM (Revenue), NHA for record, assessing revenue and making future decisions.

Action By : Member (Planning)/Member (Finance)

### **Conclusion**

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

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