

# Rajasthan Road Development Rules, 2002

RAJASTHAN

India

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### Rule RAJASTHAN-ROAD-DEVELOPMENT-RULES-2002 of 2002

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#### 1. Short title and Commencement.

(1) These rules may be called the Rajasthan Road Development Rules, 2002. (2) These shall come into force on and from the date of their publication in the Official Gazette.

#### 2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Annexure" means annexure appended to these rules; (b) "Ordinance" means the Rajasthan Road Development Ordinance, 2002; and (2) Words and expressions used and defined in the Ordinance, but not defined in these rules, shall have the same meaning as assigned to these in the Ordinance.

#### 3. Project Formulation.

(1) The project shall be formulated as per months, standards and as mentioned in annexure "A". (2) The department may select a panel of consultants for project preparation as and when required. (3) Any person/entrepreneur can suo moto propose the construction of project through private investment by submitting his proposal prepared as per sub-rule (1) above. (4) The detailed project proposals shall be technically and financially checked and certified to be viable by the concerned Addl. Chief Engineer, the same shall be submitted to Chief Engineer (BOT) and the Chief Engineer (BOT) shall submit it to the Government in administrative department for administrative approval.

#### **4. Administrative Sanction.**

- The project formulated as per rule 3, shall be approved by the administrative department in the State Government.

#### **5. [ Empowered Committee. - (1) The tenders for Built, Operate and Transfer (BOT) works shall be finalized by the Empowered Committee constituted by the State Government.**

(2)The selection of subsidized Built, Operate and Transfer Project (either fixed subsidy or variable subsidy) shall be made by the Empowered Committee.(3)The ceiling of subsidy on subsidized BOT project shall be finalized by the Empowered Committee] [Substituted by Notification dated 23-2-2004 [24-2-2004].].

#### **6. Selection of Entrepreneur and Allotment of Work.**

- [(1) Selection of person/Entrepreneur shall be made by the Empowered Committee after the evaluation of financial bids,-(a)for non-subsidized projects-on the basis of concession period.(b)for subsidized projects,(i)on the basis of subsidy for project under fixed concession period and variable subsidy; and(ii)on the basis of concession period for project under fixed subsidy and variable concession period].(2)In case of suo moto proposals, tender will be invited and the selection of lowest competitive proposal would be made but before awarding the work, the original project proposer (who submits suo moto proposals) shall be given opportunity, to take up the project on the lowest rate then offered rates. In case the original proposer agrees to the lowest rate then project shall be awarded in his favour otherwise the bidder making lowest competitive bid shall be awarded the project to execute the same.(3)On invitation of tenders through public notice, if tenders are not received from private investors for construction of project, the Empowered Committee shall have the right to award the project to any investor after negotiation:Provided that:-the project is more attractive as compared to the projected parameters of the project in the public notice. Such offer can be made within six months of date of receipt of tenders.(4)In extra ordinary circumstances, if cost of project is increased or charged by more than 10 percent due to change of scope, in the public interest, before signing of the agreement, the following procedure shall be adopted:-(i)If cost of project is increased or changed by more than 10% and upto 50% due to change of scope, the decision regarding change in concession period can e taken by negotiation with participating bidders and the first right of refusal shall be given to the original lowest bidder on the negotiated offer.(ii)If cost of project is increased or changed by more than 50% due to change of scope, then fresh short term tenders shall be invited.(5)The Empowered Committee after assessing and analyzing the rate received, is empowered to approve the lowest offer received after public notice, even if lowest offer is more than the projected parameters in the public notice.(6)[ In case of subsidized project-(i)The subsidy shall be payable at pre-decided stages of physical/financial progress of the project as mentioned below:-

S. No.	Cumulative progress	Subsidy payable	Cumulative subsidy
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1	25%	1/3 (one-third)	1/3 (one-third)
2	50%	1/3 (one-third)	2/3 (two-third)
3	75%	1/3 (one-third)	1 (full).

(ii)The entrepreneur shall have to pledge the unconditional and irrevocable bank guarantee equal to the amount of subsidy with Government of Rajasthan before release of subsidy. The validity of Bank guarantee shall be upto one year after the expiry of construction period.]

## 7. Procedure for collection of fee.

(1)The mode of fee collection shall be decided by the person/entrepreneur with whom Government has entered into an agreement for development of road by his investment and to collect fee at an agreed rate from different categories of mechanical vehicles for an agreed period for the use of facility/road.(2)A display board of fee authorised to be collected on any-road or section of road shall be put by person/entrepreneur at fee collection centre(s) and also at a distance of about 200 meters ahead of fee collection centre(s) on either side of facility as required by the Engineer Incharge, Public Work Department.(3)The person authorised to collect and retain the fee under these rules shall nominate a person, as Incharge of fee collection, who shall be responsible to ensure that fee is collected at the prescribed rates, and fee collection is smooth without causing undue hardship to the road users and other matters connected with State Roads.(4)The names, addresses and telephone numbers, if any, of the incharge(s) of the fee collection centre(s) shall be displayed at suitable and conspicuous locations.(5)It shall be the responsibility of the person/entrepreneur referred in sub rule (a) of this rule, to strictly ensure that the prescribed fee is fully collected and proper receipt slips are issued.(6)The State Government shall have the right to check and verify the fee collection at any or all times through their designated officers.(7)The person as referred in sub-rule (1) of this rule shall have power to regulate and control the traffic, on such roads or section of the roads relating to which he is authorised to collect fee under these rules, in accordance with the provisions contained in the Rajasthan Road Development Ordinance, 2002 for proper management thereof.

## 8. Action Taken Under the Previous Policy.

- All actions taken and agreements made under the previous BOT policy/guidelines of the Government and disputes arising thereunder shall be governed by the instructions/orders/notifications prevalent under the said policy/guidelines.

## 9. [ Independent Consultant. - (1) The Government may appoint an independent consultant for monitoring and supervision of BOT Project.] [Added by Notification dated 23-2-2004 (24-2-2004).]

Annexure-A Norms for Project Formulation

1. Original Construction	As per MOST (Now MORTH)/IRC/CRRI/Specification.
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2. Maintenance (i) 0 to 5 years - 1.5% of Project Construction Cost.  
(ii) 6 to 10 years - 2% of project Construction Cost.  
(iii) 11 and above years - 2.5 of Project Construction Cost.

The above increase in percentage is due to inflation over theyears.

3. Projected Traffic increase National Highway – 7.5% State Highway – 6% Major District Roads - 5%  
4. Fees Recoverability of the Traffic 95%  
5. Fee Collection and Establishment Cost 7.5%

Although it is left that this may be inadequate, but provision regarding rounding off the fees to nearest of multiple of Rs.5.00 would supplement it.

6. Interest Rate 15%  
7. Profit 15%  
8. Discount Ate PLR + 1% to 1.5%

[Added by Notification dated 23-2-2004 (24-2-2004).][Substituted by Notification dated 23-2-2004 [24-2-2004].]