**Annexure IX**

**Brief particulars of the Concession Agreement**

1. SponsoringMinistry: C. LegalConsultant:
2. Name and location oftheProject: D. FinancialConsultant:

| **S.No.** | **Item** | **Clause No.** | **Description** |
| --- | --- | --- | --- |
| **1** | **General** |  |  |
| 1.1 | Scope of the Project  (Please state in about 200 words) |  |  |
| 1.2 | Nature of Concession to be granted |  |  |
| 1.3 | Period of Concession and justification for fixing the period |  |  |
| 1.4 | Estimated capital cost |  |  |
| 1.5 | Likely construction period |  |  |
| 1.6 | Conditions precedent, if any, for the concession to be effective |  |  |
| 1.7 | Status of land acquisition |  |  |
| **2** | **Construction and O&M** |  |  |
| 2.1 | Monitoring of construction; whether an independent agency/engineer is stipulated |  |  |
| 2.2 | Minimum standards of Operation and Maintenance/Performance standards |  |  |
| 2.3 | Penalties for violation of prescribed O&M standards/Performance standards |  |  |
| 2.4 | Safety provisions relating to structures, users and construction works |  |  |
| 2.5 | Penalties for violation of safety related provisions |  |  |
| 2.6 | Environment related provisions |  |  |
| **3** | **Financial** |  |  |
| 3.1 | Maximum period for achieving financial close |  |  |
| 3.2 | Nature and extent of capital grant/ subsidy stipulated |  |  |
| 3.3 | Bidding parameter (capital subsidy or other parameter) |  |  |
| 3.4 | Provisions for change of scope and the financial burden thereof |  |  |
| 3.5 | Concession fee, if any, payable by the Concessionaire |  |  |
| 3.6 | User charges/fee to be collected by the Concessionaire |  |  |
| 3.7 | Indicate how the user fee has been determined; the legal provisionsin support of user fee (attach the relevant rules/notification); and the extent and nature of indexation for inflation |  |  |
| 3.8 | Provisions, if any, for mitigating the risk of lower revenue collection |  |  |
| 3.9 | Provisions relating to escrow account, if any |  |  |
| 3.10 | Provisions relating to insurance |  |  |
| 3.11 | Provisions relating to audit and certification of claims |  |  |
| 3.12 | Provisions relating to assignment/ substitution rights relating to lenders |  |  |
| 3.13 | Provisions relating to change in law |  |  |
| 3.14 | Provisions, if any for compulsory  buy-back of assets upon termination/ expiry |  |  |
| 3.15 | Contingent liabilities of the government |  |  |
|  | a. Maximum Termination Payment for Government/Authority Default |  |  |
|  | b. Maximum Termination Payment for Concessionaire Default |  |  |
|  | c. Specify any other penalty, compensation or payment contemplated under the agreement |  |  |
| **4** | **Others** |  |  |
| 4.1 | Provisions relating to competing facilities, if any |  |  |
| 4.2 | Specify the Dispute Resolution Mechanism |  |  |
| 4.3 | Specify the governing law and jurisdiction |  |  |
| 4.4 | Other remarks, if any |  |  |

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