


वास्तुकला परिषद्
Council of Architecture

वास्तुविन अधिनियम, 1972 के अंतर्गत भारत सरकार का एक स्वायत्त सांविधिक निकाय
(An Autonomous Statutory Body of Govt. of India, under the Architects Act, 1972)

Ref. No.CA/28/2016/AE
December 7, 2016

The Hon'ble Chief Minister of
Government of N.C.T. of Delhi,
Secretariat Building, I.P. Estate,
New Delhi-110002

Subject : Violations of the Architects Act, 1972 (A Central Law) by the Local Authorities in the State while inviting tenders for providing Comprehensive Architectural Services – reg.

Respected Sir,

The Council of Architecture is a statutory body established under the Architects Act, 1972 enacted by the Parliament of India to provide for registration of architects and for matters connected therewith. The Council regulates architectural education and profession including professional conduct of Architects throughout the territory of India and maintains register of Architects on National level.

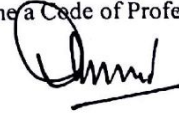
The attention of the Council is drawn towards invitation of bids from Architects for providing comprehensive planning and designing of construction of school buildings in Delhi by the Public Works Department, Govt. of NCT of Delhi.

On perusal of the Bid document the following issues are noticed:

- 1) Architects are asked to submit Tender / Bids in order to be eligible to provide Architectural services;
- 2) Architects are insisted to pay EMD, of Rs.50,000/-, which is not in conformity with Architects Act, 1972.
- 3) All architects are asked to submit technical proposal/concept scheme without payment of any fee/remuneration which is contrary to the Regulations of COA.
- 4) Instead of five proposals invited in a single bid it should not be more than one in each case.
- 5) The time frame given to the Architects for submission of concept design/technical proposal is too short the quantity of work desired.
- 6) The qualification of field staff/architect has been wrongly mentioned as B.Town & Country Planning.

In this regard, I would like to invite your kind attention as under :-

- a. The Council is empowered under Section 22 of the Act to lay down standards of professional conduct and etiquette and a code of ethics for Architects by Regulations. These Regulations shall have overriding effect over any other law for the time being in force in India.
- b. Accordingly, the Council has framed the Architects (Professional Conduct) Regulations, 1989 (as amended in 2003). The Regulation 2(1) (xiv) of the said Regulations provides that an architect shall not prepare designs in competition with other Architects for a Client without payment or for a reduced fee (except in a competition conducted in accordance with the Architectural Competition Guidelines approved by the Council).
- c. Further, Regulation 2(1) (xii) provides that an architect shall observe and uphold the Council's conditions of engagement and scale of charges. Accordingly, the Council has prescribed Scale of Charges based on Type of Project/ Services and Scope of Work & Services.
- d. The above stipulations enable the Architects to stand upright and uphold the tenets of Good design by constantly upgrading their skills for the Society's benefits. Since Architecture is a skill based profession and cannot be linked with labour and machinery, where costs can be curtailed by mass use of machinery, etc, it was felt important by the Council to prescribe a minimum fee and define a Code of Professional Conduct.



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- e. It may also be noted that when Tender/ bids are called for availing Consultancy services from architects, good architects may not participate to provide their services at rates other than prescribed by the Council of Architecture. Thereby, tenders/ bids are most likely to result only in selection of poor standard designs that in turn, instead of saving in lakhs for the Government / Public Sector, might end up in creating losses in Crores. This in turn is also a lost opportunity for the Society to have the Best in Public Building Design.

The Ministry of Micro, Small and Medium Enterprises, Govt. of India, vide order dated 23.03.2012 advised all the Ministries/ Department of Government of India to avail services of MSMEs mandatorily and the Clause 10 of the said order reads as under :

10. Reduction in transaction cost : Further to reduce transaction cost of doing business, Micro and Small Enterprises shall be facilitated by providing them Tender sets free of cost, exempting Micro and Small Enterprises from payment of earnest money, adopting e-procurement to bring in Transparency in tendering process and setting up a Grievance Cell in the Ministry of MSME.

A copy of the above order is enclosed herewith for your kind perusal.

In view of the above, the Govt. of NCT of Delhi is requested to -

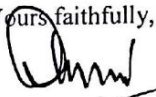
- i) Not to insist for Earnest Money/ Cost of Bid Documents from Architects.
- ii) Concept Design/ Technical proposal be invited from Architects on payment of suitable remuneration/ honorarium.
- iii) Appoint Architects as per Conditions of Engagement prescribed by Council for Comprehensive Architectural Services, Urban Design, Landscape Architecture and Interior Architecture;

The payment of professional fees of Architects for providing Comprehensive Architectural services as per Scale of Charges prescribed by Council would result in good design, planning and execution of the project and the Client / Government can save in Crores, while providing the user/ general public/ Citizens with the best Designs in public buildings.

In view of the above, the Council requests your honour to direct the concerned Departments/ Officers to appoint architects as per the norms of the Council.

Thanking you,

Yours faithfully,



R. K. Oberoi
Registrar

Encl : As stated

Copy to: 1. Shri Satender Jain,
Hon'ble Minister for Public Works Deptt.
Govt. of NCT of Delhi,
Secretariat Building, I.P. Estate,
New Delhi-110002

2. The Secretary,
Public Works Department,
MSO Building, I.P. Estate,
New Delhi-110002