



वास्तुकला परिषद्
Council of Architecture

वास्तुविद् अधिनियम, 1972 के अंतर्गत भारत सरकार को एक स्वयंसेवक प्राधिकारिक निकाय
(An Autonomous Statutory Body of Govt. of India, under the Architects Act, 1972)

Ref.No.CA/80/2023/AOA

June, 14 2023

The Chief Secretary
Govt. of Haryana
4th Floor, Haryana Civil Secretariat,
Sector-1, Chandigarh.

Sub:- Tender for Engagement of Consultant for providing Architectural Services for Construction of New Office building of Directorate of Urban Local Bodies Haryana on quality & Cost Based Selection (QCBS).

Sir,

The Council of Architecture is a statutory body established by the Architects Act, 1972 (A Special Central Act), for regulating architectural education and profession throughout the territory of India.

It has come to notice of the Council that the office of the Municipal Corporation, Panchkula has invited Tender under two cover system-prequalification document and Price Bid document from Architects for providing their professional services for the proposed Construction of New Office building of Directorate of Urban Local Bodies Haryana on quality & Cost Based Selection (QCBS).

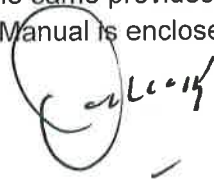
The Municipal Corporation, Panchkula has also asked Architects to deposit cost of Tender document as Rs.5000/- + Rs.1180/- and EMD of Rs.25000/- to provide their professional services.

Pertinent to the matter, I have to inform you that the profession of architects is regulated, controlled and maintained under the procession of the Architects Act, 1972 and Regulations framed thereunder. The Council is empowered under Section 22 of the Act to lay down, by Regulations, standards of professional conduct and code of ethic of Architects. These Regulations have overriding effect over any other law for the time being in force in India.

Accordingly, the Council has framed the Architects (Professional Conduct) Regulations, 1989. 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 reduce fee (except in a competition conducted in accordance with the Architectural Competition Guidelines approved by the Council). Further, Regulation 2(1) (xii) provides that an architect shall observe and uphold the Council's Conditions of Engagement and Scale of Charges.

The Regulation 2(1) (xvi) provides that an Architect shall comply with Council's guidelines for Architectural Competitions and inform the Council of his appointment as assessor for an Architectural Competition.

The Council has prescribed a complete code on Architectural Practice title as Manual of Architectural Practice. Volume 2 of the same provides the procedure for selection/appointment of Architects. A complimentary copy of Manual is enclosed herewith for your kind perusal.



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-2-

Architects are professional like Doctors, Advocates and Chartered Accountants, whose conduct and ethics are regulated and governed under the Act and hence should not be insisted to pay processing fee, earnest money, Performance/ Bank Guarantee, bid security or quote lowest fee, etc. on the lines of contractors.

Further, a copy of the office memorandum dated 12.11.2020 of Ministry of Finance, Government of India regarding EMD, etc. is enclosed herewith.

Further, please also note that as part of ease of doing business policy of Government of India these conditions are not insisted from Architects/ Professionals.

Under the provisions of the Architects Act, 1972, namely Sections 2 (a), 25,35, 36 and 37 of the Act only an architect registered with the Council of Architecture or a partnership firm can only use the title and style of architect of any word/ derivate of word architect and none else. LLPs and companies cannot use the title and style or Architecture. Violation of this prohibition is a punishable offence under Section 36 and 37.

Any term and conditions prescribed in the bids/ tender/ contract/ agreement/ offer or any Manual/ Guidelines of any Publication Body/ Authority for appointment of Architects shall have to be consistent with the above provisions of the Architects Act, 1972 and Regulations & other professional documents prescribed pursuant thereto.

In the view of the above, the Government of Haryana is requested to issue appropriate direction in the matter to appoint Architect strictly as per the Regulations and Manual prescribed by Council.

Thanking you,

Yours faithfully,

R. K. Oberoi
Registrar

Encl: As above

Copy for information to:

1)The Commissioner
Municipal Corporation Panchkula
SCO No. 15-16, Sector-14,
Near Rally Chowk,
Panchkula, Haryana 134112

