



# एन एम डी सी लिमिटेड NMDC Limited

(भारत सरकार का उद्यम) (A GOVT. OF INDIA ENTERPRISE)

पंजीकृत कार्यालय : 'खनिज भवन', 10-3-311/ए, कैसल हिल्स, मासाब टैंक, हैदराबाद - 500 028.  
Regd. Office : 'Khanij Bhavan' 10-3-311/A, Castle Hills, Masab Tank, Hyderabad - 500 028.  
नैगम पहचान संख्या / Corporate Identity Number : L13100TG1958 GOI 001674

HO(Contracts)/Civil/Architectural Consultancy/2023/181/5214

Dated: 08.09.2023

(By Registered Post)

To

Shri R. K. Oberoi,  
The Registrar,  
Council of Architecture,  
India Habitat Centre,  
Core-6A, 1<sup>st</sup> Floor,  
Lodhi Road,  
New Delhi-110003

Sir,

Sub: Engagement of Architectural Advisory / Consultancy Services on Retainership Basis for NMDC Limited-reg

Ref: (1) NMDC's Tender Enquiry No. HO(Contracts)/Civil/Architectural Consultancy/2023/181 dated 27.07.2023  
(2) Your Letter No. CA/80/2023/AOA dated 02.08.2023

With reference to your letter cited at sl. no. (2) under reference above, regarding NMDC's Tender Enquiry cited at sl. no. (1) under reference above for the subject work, the following is informed:

As per Para (6) of the said Office Memorandum for Bid Security Declaration, it is mentioned that "The above instructions will be applicable for all tenders issued till 31.12.2021."

Purchase Preference for MSEs as per Govt guidelines is included in the tender at clause no. 15.0 of NIT and at Note under clause no. 41.0 of ITT which states that:

### Clause No. 15.0 of NIT:

"Following benefits will be extended to Micro and Small Enterprises units (MSE) as per guidelines for Public Procurement Policy for MSEs Order, 2012 for goods or services registered with NSIC/DIC/UAM;

a. Exemption from payment of Earnest Money

Council of Architecture  
e-coa 09/2023/35093

12 SEP 2023

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Forwarded To Registrar



- b. As the work is non splitable or non-dividable, MSE quoting price within price band of L1+15% may be awarded for full / complete supply of total tendered value subject to matching the L1 Price where L1 is other than MSE.

Central Government Departments / PSUs will not be granted any exemption or any price preference.

In case of MSE bidder resiles from his offer during the validity period of offer or after placement of order then such MSE will not be allowed to participate in tenders floated by NMDC for a period of 2 years. Such default by MSE's shall be brought to notice of Ministry of MSME for suitable action.

However, the evaluation of offers among MSE firms, Class-I Local supplier, Class-II Local supplier & Non-local supplier will be as per Cl.No.41.0 of ITT"

**Note under Clause No. 41.0 of ITT:**

"The evaluation of offers among MSE firms, Class-I Local supplier, Class-II Local supplier & Non-local supplier will be as under;

Definitions;

MSE – Micro and Small Enterprise

C1 – 'Class-I Local Supplier'

C2 - 'Class-II Local Supplier'

NL – 'Non-Local Supplier'

L1 – First Lowest bid

L2 – Second Lowest bid

- (a) Price matching by L2MSE (Provided L1 is not MSE firm)

L2 MSE firm, subject to L2 MSE firm price is within the price band of L1+15% and matches L1 firm price. If L2MSE firm does not match the L1 price, then next higher MSE firm within the price band of L1+15% shall be invited to match the L1 price and so on. In case no MSE firm matches then the quantity shall be ordered on L1 firm.

- (b) Price matching by L2 MSE-C1 firm (Provided L1 is not MSE firm and also not MSE C1 firm)

L2 MSE C1 firm subject to L2 MSE C1 Firm price is within the price band of L1+20% and matches L1 firm price. If L2MSE C1 firm does not match the L1 price, then next higher MSE C1 firm within the price band of L1+20% shall be invited to match the L1 price and so on. In case no MSE and C1 firm matches then the quantity shall be ordered on L1 firm.



(c) Price matching by L2 C1 Firm (Provided L1 is not C1 firm)

L2 C1 firm subject to L2 C1 firm price is within the price band of L1+20% and matches L1 firm price. If L2 C1 firm does not match the L1 price, then the next higher C1 firm within the price band of L1+20% shall be invited to match the L1 price and so on. In case, no C1 firm matches then the quantity shall be ordered on L1 firm.

(d) Other scenarios for award of work (on matching price of L1);

- |      |                            |                                       |
|------|----------------------------|---------------------------------------|
| (1)  | L1 MSE & C1: L2 C1         | - will be awarded to L1 MSE & C1 firm |
| (2)  | L1 MSE & C2: L2 C1         | - will be awarded to L1 MSE & C2 firm |
| (3)  | L1 MSE & C1: L2 C2         | - will be awarded to L1 MSE & C1 firm |
| (4)  | L1 MSE & C2: L2 C2         | - will be awarded to L1 MSE & C2 firm |
| (5)  | L1 MSE & C1: L2MSE & C1    | - will be awarded to L1 MSE & C1 firm |
| (6)  | L1 C1: L2 MSE & C1         | - will be awarded to L2 MSE & C1 firm |
| (7)  | L1 C1: L2 MSE & C1 & L3 C1 | -will be awarded to L2 MSE & C1 firm  |
| (8)  | L1 C2: L2 MSE & C1         | - will be awarded to L2 MSE & C1 firm |
| (9)  | L1 C2: L2 MSE & C2         | - will be awarded to L2 MSE & C2 firm |
| (10) | L1 C2: L2 C1               | - will be awarded to L2 C1 firm       |
| (11) | L1 C2: L2 MSE & C1 & L3 C1 | - will be awarded to L2 MSE & C1 firm |
| (12) | L1 C2: L2 MSE & C2 & L3 C1 | - will be awarded to L2 MSE & C2 firm |

Any other combination will be as per prevailing GOI guidelines.

As per the Public Procurement Policy, Govt. of India, in case of any Micro/Small Enterprise (MSE) bids, the price preference / distribution shall be as per Govt. guidelines stipulated for MSEs”

Further, the Note (1) below Technical Requirement for Eligibility in Bid Data Sheet provides for

“The bidder must be a qualified Architect or a registered firm having qualified Architect(s), who should have minimum 7 years of experience with valid registration of Council of Architect of India. Relevant documents should be submitted”.

Thanking you.

Yours faithfully,

  
(S. K. Roy)

General Manager (Contracts)

Ref. No. CA/80/2023/ÀOA / 28286

August 02, 2023

**Shri Amitava Mukherjee**

Chairman-Cum-Managing Director (Additional Charge)

National Mineral Development Corporation Ltd.

Khanij Bhavan, Castle Hills,

Masab Tank, Hyderabad - 500 028

E-Mail: [cmd@nmdc.co.in](mailto:cmd@nmdc.co.in)

Office: 040 - 23538701/04

**Subject: Engagement for Architectural Advisory/ Consultancy Services on Retainership basis for NMDC Limited-reg.**

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.

The attention of the Council of Architecture has been drawn towards the above referred Tender notice number HO (Contracts)/Civil/Architectural Consultancy/2023/181 dated 27.07.2023 issued by NMDC Limited for Engagement for Architectural Advisory/ Consultancy Services on Retainership basis. And inviting bids from Architects to provide Architectural Services on the basis lowest bids and NMDC Limited has also asked EMD of Rs. 29,900/-.

Pertinent to the matter, I have to inform you that the Parliament of India has enacted the Architects Act, 1972 and set up Council of Architecture to prescribe standards of Architectural Profession and education in the country.

The Council is empowered under Section 22, 30 and 45 of the Act, to laydown standards of professional conduct and etiquette and code of ethics for Architects. **These Regulations shall have overriding effect over any other law for the time being in force in India.**

In pursuance of above provisions, the Council has prescribed the Architects (Professional Conduct) Regulations, 1989. The Regulation (2)(i)(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. Further, Regulation 2(i)(xii) provides that an Architect shall observe and uphold the Council's conditions of engagement and scale of charges. The Council has prescribed scale of charges based on the type of project/services and scope of work.



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**Architects are professionals like Doctors, Advocates and Chartered Accountants whose conduct and ethics are regulated and governed under the Architects Act, 1972 and Regulations framed thereunder. The Architects are not insisted to deposit earnest money/ performance guarantee/ bid security money or quote lowest fees on the lines of contractors in order to be eligible to provide their professional services.**

A copy of Office Memorandum, issued by Ministry of Finances, Government of India dated 12.11.2020 which states that no provision be kept in Tender for Bid Security, is enclosed herewith for your kind perusal.

A copy of the Government order from Ministry of Micro, Small and Medium Enterprises dated 23.3.2012 and other order dated 21.06.2010, issued by Government of India regarding Appointment of Architects, based on Architectural Competition Guidelines and Conditions of Engagement of Scale of Charges, is enclosed herewith for your kind perusal.

Further, it is pointed out that in terms of Section 35, 36 & 37 of the Architects Act, 1972 only an Architect registered with Council of Architecture or a firm of Architects are allowed to use the title and style of Architect for carrying the profession of an Architect in India. LLP and Companies are prohibited from using the title and style of an Architect.

The Council has prescribed a Manual for Architectural Services which lays down various method for appointment of Architects and scale of fees and deliverables. A complimentary copy of the same is enclosed herewith.

In the view of the above, NMDC Limited requested to appoint architects/Consultant as per the Architectural Competition Guidelines Prescribed by the Council.

A line in the reply of action taken in the matter will be highly appreciated.

Thanking you,

Yours faithfully,



R. K. Oberoi  
Registrar

Encl: As above

