

Ref. no. CA/80/2023/AOA /22504 /22 505
July, 05 2023

The Chief Secretary
Government of Uttarakhand,
4 Subhash Road,
Uttarakhand Secretariat,
Dehradun-248001
Email: cs-uttaranchal@nic.in

Subject: Tender for Empanelment of Architects for providing Architectural Services for Eco-Tourism Project in Uttarakhand Forest Department -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.

It has come to the notice of the Council that the office of the Chief Conservator of Forests Ecotourism, Publicity & Extension, Uttarakhand has invited Tender under two cover system- prequalification document and Price Bid document from Architects for providing their professional services for the Eco-Tourism Project in Uttarakhand Forest Department.

Architects are also asked to deposit processing fee (non-refundable) 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 (expect 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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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. Even, as part of ease of doing business these conditions are not insisted.

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 Uttarakhand is requested to issue appropriate directions in the matter to conduct Architectural Design Competition for appointment of an Architect/ Architecture Firm.

The Council be kept posted with action taken in the matter.

Thanking you,

Yours faithfully,

R. K. Oberoi
Registrar

Encl: As above

Copy for information to:

Shri Anup Malik (MAP)
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