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May 02, 2023

The Senior Regional Manager
General Administration Department
Regional Office, Varanasi
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Subject: Invitation of Bids for Selection of an Architectural consultants for various trade of works in the Indian Overseas Bank, Regional office, Varanasi".

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 Indian Overseas Bank has sought Bids under two cover system-prequalification document and Price Bid document from Architects/ Architectural firms for providing their professional services for the Comprehensive Interior Planning and Designing of Indian Overseas Bank, Regional office, Varanasi.

The Indian Overseas Bank has asked architects to deposit document fee of Rs. 250/- 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 Council has prescribed Scale of Charges for Architectural Services based on Type of Project and Scope of Work & Services.

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Therefore, professional services of Architects in competition against each other can be availed only by conducting Architectural Designs Competition (Two Stage/ Single Stage / Limited – as per the requirement and complexity of the project), in terms of the Architectural Competition Guidelines prescribed by the Council for selection of a qualified and competent Architect in a very fair and transparent manner. The consultant should not be appointed by inviting competitive commercial bidding/lowest fees.

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.

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.

Thanking you,

Yours faithfully,


R. K. Oberoi
Registrar

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