

Ref. No. CA/80/2022/AOA / 229153

May 09, 2023

The Managing Director  
Maharashtra Ecotourism  
Development Board, Nagpur  
10/2, Starkey Town,  
Mangalwari Bazar, Sadar  
Nagpur-440001



**Subject: Expression of Interest from Architects for providing Architectural Services-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 Maharashtra Ecotourism Development Board, Nagpur, has invited Expression of Interest for empanelment of Architectural-Consultancy firm for providing architectural Services for various Ecotourism Projects.

The Board has asked architects to pay Tender fee of Rs 1000/-, EMD of Rs. 20,000/- and Security Deposit of Rs.50,000/-. Further, in marking system more marks are given to firms which have done works up to Rs. 300 lakhs to 500 lakhs which discourages young Architects from participating in the competition. Architecture is an intellectual and creativity-based profession, hence all architects should be provided equal opportunity to compete.

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.

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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 Council has prescribed Scale of Charges for Architectural Services based on Type of Project and Scope of Work & Services.

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.**

A copy of Government of Maharashtra G.O. dated 11.09.2021 in the matter is also enclosed herewith for your kind perusal and necessary action.

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.



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In view of the above, Maharashtra Ecotourism Development Board is requested to withdraw the conditions of payment of tender fees, EMD and security deposit for empanelment of architects and pay fees as prescribed by the Council.

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

Thanking you,

Yours faithfully,



R. K. Oberoi  
Registrar

Encl : As above

