

No./संख्या 01/107/2012-Vig. /187

Vigilance Department (Head Office)/ सतर्कता विभाग (मुख्यालय)
National Institute of Fashion Technology/ राष्ट्रीय फैशन प्रोद्योगिकी संस्थान
Hauz Khas, New Delhi-110 016 /हौज-खास, नई दिल्ली - 110 016

08 अप्रैल, 2021

OFFICE MEMORANDUM / कार्यालय ज्ञापन

Subject: Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.

विषय: निर्माण/क्रय/सलाहकारी ठेकों को मनोनयन के आधार पर देने में पारदर्शिता।

The undersigned is directed to forward herewith a copy of Circular No. 04/04/21 (No. 005 /CRD/19/480241) dated 06.04.2021 issued by Central Vigilance Commission regarding "Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis" for information, guidance and compliance.

अधोहस्ताक्षरी को केन्द्रीय सतर्कता आयोग द्वारा जारी परिपत्र सं. 04/04/21 (सं. 005 /CRD/19/480241) दिनांकित 06.04.2021 जो कि "निर्माण/क्रय/सलाहकारी ठेकों को मनोनयन के आधार पर देने में पारदर्शिता" से संबंधित है, की प्रति, आपकी जानकारी, मार्गदर्शन एवं अनुपालन हेतु अग्रेषित करने का निदेश हुआ है।

This may be brought to the notice of all concerned. / कृपया इसे सभी संबंधितों के संज्ञान में लाएं।

(राजू सिन्हा)

सतर्कता अधिकारी

संलग्न: उपरोक्त

Encl.: As above.

To:

- Campus Directors of all NIFT Campuses/सभी निफ्ट केन्द्रों के केंद्र निदेशक
- Director (Head Office)/ निदेशक (मुख्यालय)
- Director (Finance & Accounts)/ निदेशक (वित्त एवं लेखा)
- Registrar, NIFT-HO cum Board Secretary / पंजीयक, निफ्ट मुख्यालय सह बोर्ड सचिव - For compliance of provisions mentioned under paras 4(i)(b) and 4(ii) of the CVC circular No. 04/04/21/सीवीसी के परिपत्र संख्या 04/04/21 के पैरा 4(i)(b) तथा 4(ii) के अनुपालन के लिए।
- Director (IT), NIFT-HO/ निदेशक (आई. टी.), निफ्ट मुख्यालय - for uploading the same on Website

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Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स/Fax : 24651186



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

सं./No.....005/CRD/19/480241

दिनांक / Dated.....06.04.2021.....

Circular No. 04/04/21

Subject: Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.

Reference:

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| (i) | Commission's Circular No.15/05/06 | dated 09.05.2006 |
| (ii) | Commission's Office Order No.23/07/07 | dated 05.07.2007 |
| (iii) | Commission's Office Order No.19/05/10 | dated 19.05.2010 |
| (iv) | Commission's Circular No.18/12/12 | dated 11.12.2012 |
| (v) | Commission's Circular No.06/07/18 | dated 11.07.2018 |

Central Vigilance Commission, as part of its drive to ensure transparency, to promote healthy competition and to provide fair and equitable treatment to all interested parties in matters of public procurement, has issued guidelines from time to time emphasizing on the need to adopt tendering process as a basic requirement, before award of contract to any party.

2. Tendering process or public auction is a basic requirement for award of contract by any Government agency. Any other method, especially award of contract on nomination basis would amount to a breach of Article 14 of the Constitution guaranteeing right to equality which implies right to equality to all interested parties. The award of contracts/projects/procurements on nomination basis without adequate justification amounts to restrictive practice eliminating competition, fairness and equity. Hence, award of contracts through open competitive bids should remain the most preferred mode of tendering.

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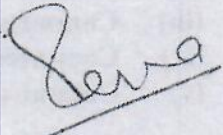
3. However, in some exceptional and inevitable circumstances, the contracts may be awarded on nomination basis; for instance, during natural calamities and emergencies declared by the Government; where procurement is possible from a single source only; where the supplier or contractor has the exclusive rights in respect of the goods or services and no reasonable alternative or substitute exists; where the auction was held on several dates but there were no bidders or the bids offered were too low etc. [Ref: SPL(Civil)No. 10174 of 2006 in case of Nagar Nigam, Meerut Vs A1 Faheem Meat Export Pvt Ltd.].

4. But, it has been observed that in some cases, the guidelines issued by the Commission are not being adhered to by the organizations. Therefore, the Commission would reiterate its earlier guidelines and direct that:

- (i) All works/purchase/consultancy contracts awarded on nomination basis should be brought to the notice of following authorities for information:
 - a) the Secretary, in case of the ministries/departments;
 - b) the Board of Directors or equivalent managing body, in case of Public Sector Undertakings, Public Sector Banks, Insurance Companies, etc.;
 - c) the Chief Executive of the organization where such a managing body is not in existence.
- (ii) The report relating to such awards on nomination basis shall be submitted to the Secretary/Board/Chief Executive/equivalent managing body, every quarter.
- (iii) The audit committee or similar unit in the organization may be required to check at least 10% of such cases.

5. Details of all tenders awarded on nomination basis shall be posted on website of the organization concerned, in public domain, along with brief reasons for doing so.

6. The above guidelines may be noted for strict compliance.


(Rajiv Varma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector banks/ Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC