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संख्या

No.

प्रेषक

From

To

15-6(82)/98-O&M-II(Vig.)

दिनांक 07 अप्रैल, 2021

मुख्य सतर्कता अधिकारी
Chief Vigilance Officer

सीएसआईआर के सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के निदेशक
The Directors/Heads of all National Labs./Instts. of CSIR

विषय : Transparency in Works/Purchase/Consultancy contacts awarded on nomination basis - reg.

महोदया/महोदय,

उपरोक्त विषय पर केन्द्रीय सतर्कता आयोग द्वारा प्रेषित परिपत्र सं. 04/04/21 (संख्या 005/CRD/19/480241) दिनांक 06.04.2021 की एक प्रति सूचना, आवश्यक कार्यवाही एवम सख्त अनुपालन हेतु अग्रेषित कर रहा हूँ। कृपया सभी संबंधित अधिकारियों/कर्मचारियों के संज्ञान में लाया जाए।

I am to forward herewith a copy of Circular No.04/04/21 (No. 005/CRD/19/480241) dated 06.04.2021 of the Central Vigilance Commission on the subject cited above for information, necessary action and strict compliance. Please bring it to the notice of all concerned.

भवदीय,
(ले. कर्नल विक्रम सिंह राणा)
मुख्य सतर्कता अधिकारी

संलग्न : यथोपरि

प्रतिलिपि :

1. महानिदेशक, सीएसआईआर का कार्यालय
2. संयुक्तसचिव(प्रशा.), सीएसआईआर का कार्यालय
3. वित्तीय सलाहकार, सीएसआईआर का कार्यालय
4. विधि सलाहकार, सीएसआईआर का कार्यालय
5. सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के वरि. प्रशा. नियन्त्रक/ प्रशा. नियन्त्रक/प्रशा. अधिकारी
6. सीएसआईआर मुख्यालय/कॉम्प्लेक्स के /वरिष्ठ-उप-सचिव/ उप-सचिव/अवर सचिव
7. प्रमुख आईटी विभाग इस पत्र को सीएसआईआर वेबसाइट पर उपलब्ध करने हेतु।
8. वरिष्ठ भंडार एवम क्रय अधिकारी
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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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सं./No.....005/CRD/19/48024

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.


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