



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi – 110 001

F.No.105(5)/2018-Vigilance

Date : 08.10.2018

C I R C U L A R

Subject : Transparency in Works/Purchases/Consultancy contracts awarded on nomination basis – Regarding

Reference: (i) CVC Circular No. 15/05/06 dated 09.05.2006
(ii) CVC Office Order No. 23/07/07 dated 05.07.2007
(iii) CVC Office Order No. 19/05/10 dated 19.05.2010

Central Vigilance Commission, New Delhi has issued a Circular No. 06/07/18 dated 11.07.18 on the subject cited above. Inviting reference to its earlier circulars and Office Orders (as mentioned above), the Commission has reiterated that award of contract on nomination basis can be resorted to only in exceptional circumstances as laid down in Commission's O.O. No. 23/07/07 dated 05.07.2007. The Commission has also advised for strict compliance of these guidelines.

2. The above mentioned Circular is hereby circulated for compliance of all concerned.

(S.K. Sinha)
Under Secretary (Vigilance)
ICAR Hqrs.

Distribution :

1. Sr. PPS to DG, ICAR / PPS to Chairman, ASRB/PPS to Secretary, ICAR/ PPS to FA, ICAR
2. All Deputy Director Generals, ICAR
3. All Directors/Deputy Secretaries/Under Secretaries, ICAR Hqrs.
4. All Directors/Head of Administration/Head of Finance/Vigilance Officers of ICAR Institutes.
5. All Sections of ICAR Hqrs.
6. Information System Officer, DKMA for uploading on ICAR Website.
7. Media Unit
8. E-Governance Unit
9. Guard File

No.005/CRD/19
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 5th July 2007

Office Order No.23/7/07

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

Reference is invited to the Commission's circular No.15/5/06 (issued vide letter No.005/CRD/19 dated 9.5.2006), wherein the need for award of contracts in a transparent and open manner has been emphasized.

2. A perusal of the queries and references pertaining to this circular, received from various organizations, indicates that several of them believe that mere post-facto approval of the Board is sufficient to award a contracts on nomination basis rather than the inevitability of the situation, as emphasized in the circular.

3. It is needless to state that tendering process or public auction is a basic requirements for the award of contract by any Government agency as 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.

4. A relevant extract from the recent Supreme Court of India judgement in the case of Nagar Nigam, Meerut Vs A1 Faheem Meat Export Pvt. Ltd. [arising out of SLP(civil) No.10174 of 2006] is reproduced below to reinforce this point.

"The law is well-settled that contracts by the State, its corporations, instrumentalities and agencies must be normally granted through public auction/public tender by inviting tenders from eligible persons and the notifications of the public-auction or inviting tenders should be advertised in well known dailies having wide circulation in the locality with all relevant details such as date, time and place of auction, subject matter of auction, technical specifications, estimated cost, earnest money deposit, etc. The award of Government contracts through public-auction/public tender is to ensure transparency in the public procurement, to maximize economy and efficiency in Government procurement, to promote healthy competition among the tenderers, to provide for fair and equitable treatment of all tenderers, and to eliminate irregularities, interference and corrupt practices by the authorities concerned. This is required by Article 14 of the Constitution. However, in rare and exceptional cases, for instance, during natural

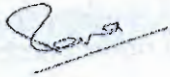
*✓

calamities and emergencies declared by the Government; where the procurement is possible from a single source only; where the supplier or contractor has 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., this normal rule may be departed from and such contracts may be awarded through 'private negotiations'."

(Copy of the full judgement is available on the web-site of the Hon'ble Supreme Court of India, i.e., www.supremecourtindia.nic.in)

5. The Commission advises all CVOs to formally apprise their respective Boards/managements of the above observations as well as the full judgement of the Hon'ble Supreme Court for necessary observance. A confirmation of the action taken in this regard may be reflected in the CVO's monthly report.

6. Further, all nomination/single tender contracts be posted on the web-site ex post-facto.


(Rajiv Verma)
Under Secretary

To

All Chief Vigilance Officers