DIRECTORATE OF EDUCATION
GOVT. OF NCT OF DELHI
COMPUTER EDUCATION PROJECT CELL
OLD PATARCHAR BUILDING, TIMAR PUR DELHI

No. F.DE.45/CEP/300/2013 /296-232.          Date: 21-5-13

CIRCULAR

Sub: - Transparency in Work / Purchase / Consultancy contracts awarded on
Nomination basis – regarding.

Please find enclosed herewith copy of letter No. 14-6/2010-EE-3 dated 7th
March, 2013 received from Under Secretary to the Govt. of India, Ministry of Human
Resource Development, Department of School Education and Literacy, New Delhi,
along with a copy of circular No.18/12/12 dated 11.12.2012 received from Central Vigilance
Commission, Satarkta Bhavan, New Delhi on the subject mentioned above for information
and necessary action.

Encl: As above

(SANTOSH KUMAR)
EDP Manager(CEP)
Email: mgritedu.delhi@nic.in

No. F.DE.45/CEP/300/2013 /296-232          Date: 21-5-13

Copy forwarded for information to:-
1. P.S. to Secretary(Education), Old Sectt. Delhi.
2. P.S. to Director(Education), Old Sectt. Delhi.
3. P.A. to SPD (SSA), Lucknow Road. Delhi.
5. All DDEs of Districts, Dte. of Education, Delhi (through Website).
6. All Branch In-charges of Dte. of Education, Delhi (through Website).
7. O.S.(IT) for uploading the same on POP-UP.
8. Guard File.

(SANTOSH KUMAR)
EDP Manager(CEP)
Email: mgritedu.delhi@nic.in
No. 14-6/2010-EE-3  
Government of India  
Ministry of Human Resource Development  
Department of School Education and Literacy  
EE-3

New Delhi, the 7th March, 2013

To

All Education Secretaries/SPDs  
of SSA of All States/UTs.

Subject: Transparency in Work/Purchase/Consultancy contracts awarded on  
Nomination basis – regarding.

Sir/Madam,

I am directed to enclose herewith a copy of circular No.18/12/12 dated  
11.12.2012 received from Central Vigilance Commission, Satarkta Bhavan, New  
Delhi, forwarded by Vigilance Section, M/o Human Resource Development on the  
subject mentioned above for information and necessary action.

Yours faithfully,

(Rajender Prasad)  
Under Secretary to the Govt. of India
No. C-94/6/2013-Vig.
Government of India
Ministry of Human Resource Development
Department of Higher Education
(Vigilance Section)

New Delhi dated, the 28th February, 2013

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

A copy of the Central Vigilance Commission’s Circular No.18/12/12 dated
11/12/2012 together with enclosure, on the above mentioned subject is forwarded
herewith for information and compliance. It is requested that a copy of the Circular may
please be circulated to all Subordinate Offices/Autonomous Organizations/PSU’s under the
administrative control of the respective Bureaux.

(K.S. Mahajan)
Under Secretary (Vig)

All Bureau Heads in the Department of Higher Education and School Education and
Literacy.

Copy to Sr. PPS to Secy (HE)/Secy/Secy (SE&L)/PS to AS

End. As above
Circular No. 18/12/12

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

The Commission has been emphasising on the need for observing integrity, transparency, fairness and equity in all aspects of decision making including in tendering and award of contracts. However, the Commission is still receiving complaints regarding adoption of non-transparent methods in tendering and award of contracts. A number of such complaints pertain to award on nomination (single source procurement) basis instead of following a process of open competitive bidding. The Commission in their earlier office order No. 23/7/07 dated 05.07.2007 (copy enclosed) had laid down the exceptional circumstances where 'single source procurement' can be resorted to. These guidelines were consequent to the Supreme Court's judgement in case of: Nagar Nigam, Meerut v/s A1-Faheem Meal Export Pvt. Ltd. [SLP (Civil) No. 1074 of 2006].

2. In view of the complaints being received regarding award of contracts on nomination basis without adequate justification the Commission has decided to reiterate their earlier instructions for strict implementation. The Commission has also observed that there have been instances where government organisations/PSUs obtain contract from other government organisations/PSUs and further award the same to private entities on 'back to back tie up' basis without competitive tendering mechanism and without any significant value addition by the procuring government organisation/PSU. This practice subverts the Commission's emphasis on integrity, transparency, fairness and equity in decision making. (It is therefore, necessary to curb this practice. Further, the Commission directs that details of all tenders awarded on nomination basis shall be posted on website in public domain as per Commission's office order of 5th July 2007 along with brief reasons for doing so.)

3. Kindly acknowledge the receipt and circulate to all concerned in your organization.

(J.Vinod Kumar)
Officer on Special Duty

To,
(i) The CMDs of all CPSUs/Public Sector Banks/Insurance Companies &
(ii) The CVOs of all the Ministries/Departments/Public Sector Undertakings/ Public Sector Banks/Insurance Companies/Societies and other Local Authorities.
No.005/CRD/19
Government of India
Central Vigilance Commission

Office Order No.237/07

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 contract 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 requirement 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
6. The Commission advises all CVOs to formally apprise their respective Boards/management 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 website ex post-facto.

To:

All Chief Vigilance Officers