# OFFICE OF THE SUPERINTENDING ENGINEER PROVINCIAL HIGHWAYS CIRCLE MIRPURKHAS

No: AB/G-148/ 1664
Dated 16 / 10 /2020.

To,

The Assistant Director (Legal-II)
Sindh Public Procurement Regularity Authority,
**Karachi.**

SUBJECT **COMPLIANT AGAINST EXECUTIVE ENGINEER PROVINCIAL HIGHWAY DIVISION, MIRPURKHAS (NIT NO. TC/G-55/485/OF 2020 DATED 10-06-2020 (ID00598-17-0015).**

The Compliant Redressal Committee meeting was held on 16-10-2020, under the Chairmanship of Superintending Engineer Provincial Highways Circle Mirpurkhas & members.

The minutes of the meeting is submitted herewith, for favour of your kind information and further necessary action.

**DA / As Above**

**Superintending Engineer**
Provincial Highways Circle
Mirpurkhas

A copy alongwith its enclosures / Minutes of the meeting are forwarded to the:-

1. The Chief Engineer, Highways Hyderabad, for favour of kind information.
2. The Executive Engineer Provincial Highway Division Mirpurkhas, for information.
3. M/s Asad Iqbal Enterprises, M/s Asif Ali Mugheri, M/s Abdul Salam Arif, M/s Abdul Rashid Bhutto & M/s Abdul Ghaffar Mahar, for information.

SPPRA INWARD DIARY NO 3054 DATED 27/10/20

**Superintending Engineer**
Provincial Highways Circle
Mirpurkhas

27.10
D.S. (Legal)

Post the CRC decision there put up
27/10/2020

# OFFICE OF THE SUPERINTENDING ENGINEER
# PROVINCIAL HIGHWAY CIRCLE MIRPURKHAS

## BEFORE COMPLAINT REDRESSAL COMMITTEE UNDER RULE NO: 31 OF SPPRA RULES 2010

### FACTS AND BACKGROUNDS:-

The Executive Engineer Provincial Highways Division invited tenders for five different works through NIT No. TC/G-55/485/of 2020 dated 10-06-2020 (ID00598-17-0015).

The date of opening bids was 23-07-2020. After the thorough scrutiny of all participating contractors as per eligibility criteria, the BER was hoisted on SPPRA website on 09-10-2020 and 10-10-2020.

The complaints of five aggrieved contractors were received by this office on 13 and 15 October 2020 and meeting of compliant Redressal Committee was held on 16-10-2020 at 02:00 PM. All the complainants and Executive Engineer Provincial Highway Division Mirpurkhas were present in the meeting (attendance sheet attached)

### 1. M/S. ASAD IQBAL ENTERPRISES (VERSION):

Mr. Asad Iqbal told the committee that he has applied for the work at Sr. No. 05 "Improvement of road from Khatri Bugti Farm to Dargah Lashkar Shah Mile 0/0-6/0" cost Rs. 109.90 (M). He further told that his company is registered with PEC in C-4 category and he is entitled to apply for works upto. Rs. 200.0 (M) but he has been rejected by Procurement committee on eligibility grounds.

### 2. M/S. ASIF ALI MUGHERI (VERSION):

Mr. Taj Mohammad Soomro attended meeting on behalf of M/s Asif Ali Mugheri, he stated that he applied for the work of Sr.No. 04 "Reconditioning of road Mirpurkhas Bye pass to Jhulori with Asphalt Taluka Shujabad mile 0/0-3/1 (5.00 Kms)" Cost Rs. 65.10 (M) BER was

hoisted on 09-10-2020, (Friday) wherein his bid was rejected for not having eligibility criteria. All through his bid amount was Rs. 50,884,899/- against the successfully bidder (M/s F.B Enterprises) having bid amount Rs. 56,336,553/-.

He further alleged that procurement committee has given loss of Rs. 54,51,654/- to the Government Exchequer.

He further complained that neither bids were opened before him nor rates were announced loudly.

## 3. M/S. ABDUL RASHEED BHUTTO (VERSION):

Mr. Fareed Ahmed Bhutto attended that the meeting on behalf of M/s Abdul Rashid Bhutto. He stated that he had applied for the work "Improvement of Samaro – Kunri road Phase-II". He alleged that bids were not opened on the same date and time. Executive Engineer opened bids on his own level, without any intimations, his company has twenty years experience and entire relevant machinery is also available, but his bid was rejected on the grounds of relevant experience.

## 4. M/S. ABDUL GHAFFAR MAHAR (VERSION):

The compliant stated that he had applied for the work "W/R of Kot Ghulam Mohammad Tando Jan Mohammad via Kachhelo Farm road with Asphalt mile 3/6-7/3(6.0 Kms)".

He alleged that his bid was rejected malafidely on relevant experience grounds even he is working in this department as well as in other departments since 1991.

## 5. M/S. ABDUL SALAM ARIF (VERSION):

The compliant stated that he had applied for the work "W/R of Kot Ghulam Mohammad Tando Jan Mohammad via Kachhelo Farm road with Asphalt mile 3/6-7/3(6.0 Kms)". He alleged that bids were not opened on the same date and time. Executive Engineer delayed opening by using delaying tact's.

The procurement committee has demanded for eligibility criteria of three works. When he has not been awarded any work in last three years, then how can he qualify eligibility criteria.

## EXECUTIVE ENGINEER'S (VERSION):

Mr. Abdul Sattar Khatti Executive Engineer Provincial Highway Division Mirpurkhas stated that Bids of all five complaints were received and opened before them and rates were announced before them. Bidding amount of every complainant has been shown in the BER hoisted on SPPRA website, however the bids of complainants may be lower than the bids of the successful bidders, their bids can be termed as lowest submitted prices but not the lowest evaluated bids.

He further elaborated that the bids of all five complaints were found as non-responsive on account of non-conformance to the criteria as listed in the NIT.

## COMPLIANT REDRESSAL COMMITTEE'S FENDINGS:

Almost nature of all five complaints is same. All of them have been rejected for not having relevant experience as per required eligibility criteria. The bids amounts which were submitted by the complaints are same as hoisted in BER SPPRA website.

The procuring Agency may ask the bidders to have completed pervious projects of similar nature in terms of Rule 46 (i) (a) (iv) read with Rue 42 (i) of SPP Rules 2010 and clause 2.6 of the Authority's Procurement Regulations (Works).

It is stated that mere submission of the lowest bid / offer does not warrant an award of procurement contract until end and unless, the bid fulfills the required criteria and other terms and conditions outlined in the bidding documents in terms of Rule 49 of SPP Rules 2010.

## COMPLIANT REDRESSAL COMMITTEE'S DECISION:

After hearing the parties at length, scrutinizing the procurement record, discerning the applicable rule, the complainants of M/s Asad Iqbal Enterprises, M/s Asif Ali Mugheri, M/s Abdul Salam Arif, M/s Abdul Rashid Bhutto & M/s Abdul Ghaffar Mahar are rejected / nullified.

The meeting ended with a vote of thanks from and to the chair.

**(Mr. Hareesh Vankvani)**
Project Manager
Construction Co, (Private)
**Member**

**(Inamuddin)**
Divisional Accounts Officer
Provincial Buildings Division Mirpurkhas
Representative of A.G Sindh Karachi
**Member**

**(Mr. Muhammad Ayoub Junejo)**
Superintending Engineer
Provincial Highway Circle
Mirpurkhas
**Chairman**

# ATTENDANCE OF CRC MEETING HELD ON 16-10-2020 AT 02:00 PM.

| S.No. | Name | Signature | Remarks |
|---|---|---|---|
| 01 | Mr. Mohammad Ayoob Junejo | | |
| 02 | Mr. Inamuddin | | |
| 03 | Mr. Harish Vankvani | | |
| 04 | Mr. ~~Ghulam Hussain~~ Abdul Satter Khatti | | |
| 05 | M/s Asif Ali Mugheri | TAJ Mohammad Soomro AFR | |
| 06 | M/s Abdul Salam Arif | | |
| 07 | M/s Asad Iqbal Enterprises | | |
| 08 | Abdul Ghaffar Mehar | | |
| 09 | Abdul Rashid Bhutto | Fareed Ahmed | |