



**OFFICE OF THE SUPERINTENDING ENGINEER PROVINCIAL
HIGHWAYS CIRCLE MIRPURKHAS**

No: AB/G-148/ 2470
Dated 14 / 06 / 2021.

To,

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

**SUBJECT CANCELLATION OF AFRESH NOTICE INVITING TENDERS CALLED BY
THE, EXECUTIVE ENGINEER PROVINCIAL HIGHWAYS DIVISION,
THAR @ MITHI.**

The Compliant Redressal Committee meeting was held on 14-06-2021, under the Chairmanship of Superintending Engineer Provincial Highways Circle Mirpurkhas & members.

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

DA / As Above

[Signature]
Superintending Engineer
Provincial Highways Circle
Mirpurkhas

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

01. The Chief Engineer, Highways Hyderabad, for favour of kind information.
02. The Executive Engineer Provincial Highway Division Thar @ Mithi, for information.
03. M/s Shabir Ahmed Abbasi, Government Contractor, Muhalla Riyali Bagh H.No. 819/C, Opp: C.M.C Hospital Larkana.

[Signature]
Superintending Engineer
Provincial Highways Circle
Mirpurkhas

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OFFICE OF THE SUPERINTENDING ENGINEER **PROVINCIAL HIGHWAY CIRCLE MIRPURKHAS**

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

A meeting of Complaint Redressal Committee was held on 14-06-2021 at 11:30 AM in office of the Superintending Engineer, Provincial Highway Circle, Mirpurkhas / Chairman Complaint Redressal Committee in connection with complaints made by M/s Shabbir Ahmed Abbasi, Government Contractor against Executive Engineer, Provincial Highways Division Thar @ Mithi.

The following members attended the meeting:-

- | | | |
|-----|---|-----------------|
| 01. | Mr. Mohammad Ayoob Junejo,
Superintending Engineer,
Provincial Highway Circle,
Mirpurkhas | Chairman |
| 02. | Mr. Inamuddin,
Divisional Accounts Officer,
Provincial Buildings Division, Mirpurkhas,
(Representative of Accountant General Sindh) | Member |
| 03. | Mr. Hareesh Vankwani,
Project Manager Construction Co, (Independent) | Member |

The meeting started with the name of Almighty Allah. The chair welcomed all the participants and informed that the basic purpose of the meeting was to go through allegations leveled by M/s Shabbir Ahmed Abbasi Government Contractor in connection with complaints against Executive Engineer, Provincial Highways Division Thar @ Mithi vide NIT Nos. TC/G-55/1706, 1730, 1765, 1770, 1856 & 1858 dated 26-04-2021, 03-05-2021, 06-05-2021, 06-05-2021 & 31-05-2021 respectively and replies of the Executive Engineer concerned in his defence duly supported with relevant documents.

FACTS AND BACKGROUND:-

Mr. Shabbir Ahmed Abbasi complained against the six NITs having nine works floated by the executive Engineer Provincial Highways Division Thar @ Mithi.,

S.NO.	Name of Work	NIT No.	Dated
01.	Special M&R of road from Soonary Jo Par to Adim Rind Mile Q/0-14/0 (23.00 Kms) ID. T00601-20-0010	TC/G-55/1706	26-04-2021
02.	Special M&R of road from Islamkot to Mehary Bajeer Mile 0/0-5/0 (8.00 Kms). ID. T00601-20-0011	TC/G-55/1730	03-05-2021
03.	Special M&R of road from Parbat Gir Marhi to Hotithiyar Mile 0/0-2/4 (4.00 Kms) ID. T00601-20-0011	TC/G-55/1730	03-05-2021
04.	W/R of Mithi to Diplo road Mile 2/0-24/0 (35.20 Kms) ID. T00601-20-0012	TC/G-55/1765	06-05-2021
05.	Improvement of road from Islamkot to Nagarparkar Mile 21/0 - 56/0 (56.00 Kms) ID. T00601-20-0013	TC/G-55/1770	06-05-2021
06.	Special M&R of road from Mithi Diplo to Village Pabohar Mile 0/0-3/1 (5.00 Kms). ID. T00601-20-0014	TC/G-55/1856	31-05-2021
07.	Special M&R of Improvement of Naukot Mithi road to Soofi Lachman Das Mile 0/0-3/1 (5.00 Kms). ID. T00601-20-0014	TC/G-55/1856	31-05-2021
08.	Special M&R of Improvement of road from Charya Chowk to Kaloi city road (3.00 Kms). ID. T00601-20-0014	TC/G-55/1856	31-05-2021
09.	Special M&R of Improvement of Nabisar to Naukot Cheel Bund Mile 0/0-10/0. ID. T00601-20-0015.	TC/G-55/1858	31-05-2021

The "Complainant" raised his concerns regarding the "single stage two envelope" procedure adopted by the procurement Agency, he contends that "single stage one envelope" procedure should have been adopted instead of "single stage two envelope" procedure.

In this regard, CRC meeting was held on 18-05-2021 in the presence of the complainant. At that time only one complain against work" Special M&R of road from Soonary Jo Par to Adim Rind Mile 0/0-14/0 (23.00 Kms), was received, hence CRC took up only one complain, and its decision & minutes of meeting were sent to complainant as well as SPPRA.

Consequently day by day same complaints by Shabbir Ahmed Abbasi were received on different dates against the same Executive Engineer Provincial Highways Division Thar @ Mithi raising concerns regarding same issue "single stage two envelope" procedure.

This office vide letter No. AB/G-148/2334, dated 24-05-2021 informed the complainant that grievances / concerns are same in all NITs, which are already decided in CRC meeting held 18-05-2021 and due to Covid situation it is very difficult to convene CRC meetings on the same grievances against same procurement agency, which are already resolved / decided, even through if the "complainant" wants another CRC meetings, then we are ready to hold meetings, but no response was received from the "complainant".

The complainant went on complaining through different applications to M.D SPPRA .

The complaint also filed petition in the Honourable High Court Hyderabad for four N.I.Ts floated by Executive Engineer Provincial Highways Division Thar @ Mithi works at Sr.No. 01 to 05.

Even the complainant neither applied nor fulfill approval category and other requirement for works at Sr.No. 04 & 05.

He was informed again to attend CRC meeting on 07-06-2021 but didn't turn up for meeting and wrote letter after few days that as the matter is in High Court hence he would not attend CRC meeting.

He was again requested vide this office letter No. AB/G-148/2456, dated 10-06-2021 to attend the CRC meeting to be held on 14-06-2021 as the Honourable High Court has not restrained us from holding CRC meeting to redress the grievances and even works from S.No. 06 to 09 are not included in petition.

Even though the did not come to attend the meeting and committee has no other option to decided the matter in his absence.

EXECUTIVE ENGINEER VERSION:-

Mr. Ali Ghulam, Executive Engineer Provincial Highways Division Thar @ Mithi informed the committee that single stage two envelop procedure have been adopted because works pertains to the dessert area of Thar are technical, typical and require special technique, skills, machinery and technical staff to handle them.

There is continues process of shifting sand dunes from place to place as the sand is prone heavy winds. Special techniques are required to cease the sand movement to carryout required work. Water is taken from wells, hundreds of feet below ground level, with special techniques.

The material is shifted in double shifting with 4x4 trucks known kekra specially made for Thar due to lacking of interconnectivity of roads. Cutting and filling of sand dunes to the proper grade and prophile is also very special and typical task to be carried out in desert area.

COMPLIANT REDRESSAL COMMITTEES FINDINGS:-

After hearing the arguments of Executive Engineer defending the "single stage two envelope" procedure. It is the fact that works carried out in the desert area entirely different from other parts of Sindh. Material and nature of execution is also complex and need technical skills and experience. Sole availability of water in wells and cartage of material an four wheel drive trucks to site of work is very difficult. The controlling the movement of sand dunes with heavy winds & cutting and filling of sand dunes are very

complex and difficult jobs. A24 soil is only available where rains water is accumulated, which is to be brought to the site of work in four wheel drive trucks specially made for Thar.

The committee has also gone through the decision of review committee of Sindh Public Procurement Regulatory Authority decisions M/s Abdul Hafeez Kolachi V/s Educations Works Division Sukkur / Ghotki held on 27-01-2021 and circulated vide No. AD-(L-II)/SPPRA/CMS-2104/2020-21/2070, dated 11-02-2021. Which is reproduced as under:-

"The procuring agency is empowered to choose any method of procurement by observing SPP Rules. The appellant submits that works are of low cost, therefore, they may be procured on single stage single envelope instead of single stage two envelope. The committee is of the view that the complexity, technicality and particularly of the works is determined by the nature and objectives of the works. Merely low cost is not the touchstone for any work to be classified as simple or complex".


"The discretion lies with the procuring agency to take decision regarding the method of procurement according to nature of work, circumstances and needs of procuring agency".

COMPLIANT REDRESSAL COMMITTEES DECISION:-

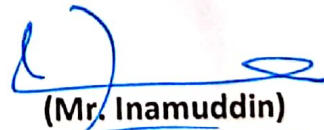
After hearing the arguments of executive Engineer Provincial Highways Division Thar @ Mithi and going through the decision of Review Committee SPPRA dated 27-01-2021.

The Committee is of opinion that the decision of procuring agency of float N.I.Ts adopting "Single stage two envelope" procedure is very much viable method of procurement and all complaints of Shabbir Ahmed Abbasi against N.I.Ts floated by Executive Engineer Provincial Highways Division Thar @ Mithi are dismissed.

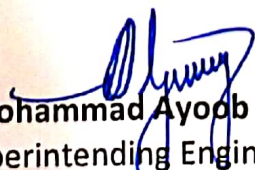
The meeting ended with a vote of thanks from and to the chair.



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



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



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