OFFICE OF THE SUPERINTENDING ENGINEER ROHRI CANAL CIRCLE HYDERABAD
PHONE NO. 9200278 FAX NO. 9200277.

To,

The Managing Director,
Sindh Public Procurement Regularity Authority,
Karachi.

17161

No: AC / G – 55 / 278 of 2022, Hyderabad Dated. 13 / 01 /2022.

SUBJECT: ***COMPLAINT UNDER RULE 31 OF SPP 2010 AGAINST PROCURING AGENCY EXECUTIVE ENGINEER ROHRI DIVISION KANDIARO ON ILLEGAL DISQUALIFICATION MY FIRM FROM TENDERS BY VIOLATING SPPRA RULES BY MIS-USING EXECUTION POWERS. REQUEST TO REDRESS MY GRIEVANCE AND DECLARED MY FIRM AS QUALIFIED FOR FINANCIAL PROPOSAL OPENING.***

Reference:- *Complaint received from M/s Bahadur Ali Shaikh Govt: Contractor on Dated. 04.01.2022.*

A meeting of Complaint Redressal Committee (CRC) as per SPPRA Rule 31(3) regarding subjected complaint was held on **10.01.2022 @ 02:00 P.M** at Rohri Canal Circle Office Hyderabad for redressal of subjected complaint and Chaired by the Superintending Engineer Rohri Canal Circle Hyderabad Chairman (CRC) and participated by Mr. Irfan Ahmed Memon Civil Engineer (Independent Professional) Member, Divisional Accounts Officer Rohri Division Kandiaro (Member), Executive Engineer Rohri Division Kandiaro. Whereas the complainant Mr. Bahadur Ali Shaikh Government Contractor remained absent. Committee did wait for one hour but he did not appear in the meeting of CRC. Although he was informed to appear before CRC meeting vide this office letter No: AC/G-55/ 121 dated. 05.01.2021 sent through TCS. Such video of CRC meeting is on record.

After going through the contents of complaint application and replies of Executive Engineer Rohri Division Kandiaro (Procuring Agency) as well as scrutiny of the relevant record the CRC has announced the decision.

In this regards, the Minutes of meeting / Decision of CRC is submitted herewith as per SPPRA Rule 31(5) (1) for favour of kind perusal and further necessary action.

D.A / As above

SUPERINTENDING ENGINEER /
CHAIRMAN CRC ROHRI CANAL
CIRCLE HYDERABAD

Copy forwarded with compliments for favour of kind information to:-

1. The Secretary to Government of Sindh Irrigation Department Karachi.
2. The Chief Engineer Sukkur Barrage Left Bank Region Sukkur.
3. The Divisional Accounts Officer Rohri Division Kandairo (Member CRC).
4. Mr. Irfan Ahmed Memon Civil Engineer (Independent Professional nominated for Sukkur Barrage Left Bank Region Sukkur (Member CRC).
5. The Executive Engineer, Rohri Division Kandiaro for information.
6. M/s Bahadur Ali Shaikh, Government Contractor, Bungalow No: C-90, Street # 8 Hamdard Society, Airport Road, Sukkur Mobile No: 0300-9315215, 0312-0031000 for information.

NO: 2313
DATED: 17/01/22

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SUPERINTENDING ENGINEER /
CHAIRMAN CRC ROHRI CANAL
CIRCLE HYDERABAD

MINUTES OF MEETING OF COMPLAINT REDRESSAL COMMITTEE (CRC) FOR REDRESSAL OF THE COMPLAINT LODGED BY M/S BAHADUR ALI SHAIKH GOVERNMENT CONTRACTOR.

SUBJECT: - COMPLAINT UNDER RULE 31 OF SPP 2010 AGAINST PROCURING AGENCY EXECUTIVE ENGINEER ROHRI DIVISION KANDIARO ON ILLEGAL DISQUALIFICATION MY FIRM FROM TENDERS BY VIOLATING SPPRA RULES BY MIS-USING EXECUTION POWERS. REQUEST TO REDRESS MY GRIEVANCE AND DECLARED MY FIRM AS QUALIFIED FOR FINANCIAL PROPOSAL OPENING.

A meeting of Complaint Redressal Committee (CRC) as per SPPRA Rule 31(3) regarding subjected complaint was held on **10.01.2022 @ 02:00 P.M** at Rohri Canal Circle Office Hyderabad for redressal of complaint. The meeting was chaired by the Superintending Engineer Rohri Canal Circle Hyderabad Chairman (CRC) and participated by Mr. Irfan Ahmed Memon Civil Engineer (Independent Professional) Member, Divisional Accounts Officer Rohri Division Kandiaro (Member), Executive Engineer Rohri Division Kandiaro, whereas the complainant Mr. Bahadur AliShaikh Government Contractor remained absent. Committee did wait for one hour but he did not appear in the meeting of CRC. Although he was informed to appear before CRC meeting on above date and time vide this office letter No: AC/G-55/ 121 dated. 05.01.2021 sent through TCS. Such video of CRC meeting is available on record.

GROUNDS OF THE COMPLAINT APPLICATION

1/- The applicant is a professional government contractor and duly registered with Pakistan Engineering Council.

2/- That the Executive Engineer Rohri Division Kandiaro has invited the above mentioned NIT by adopting single stage two envelope bidding procedure by violating SPP Rules 2010 because the works fall under the ambit of single stage two envelope.

3/- The above NIT was scheduled for opening of technical proposals on 17-12-2021 where he had participated in tenders and submitted lowest quoted rates and dropped bidding documents in tender box.

4/- That initially Executive Engineer Rohri Division Kandiaro has opened technical proposal and kept financial proposal in his custody, his technical Profile contain all the required detailed documents which required by the Procuring agency.

5/- During the scrutinized period Executive Engineer Rohri Division Kandiaro has approached to withdraw from participation in tenders as he has political pressure to award a contract to their chosen person, but he denied to do so.

6/- After that Executive Engineer Rohri Division Kandiaro has illegally and without verifying firm documents has issued disqualification letter in which he has not mentioned any reason of disqualification of firm by misusing authority powers. Further stated that the applicant company / firm is highly qualified and completed many projects of similar nature works and full eligible for tender process.

7/- The Executive Engineer is making illegal tactics to disqualify the contractor from tender his intension is very much clear as how he trying to managed bogus financial opening.

In response to grievances submitted by the complainant in application, the Executive Engineer Rohri Division Kandiaro (Procuring Agency) replied as under:-

1/- No Comments.

2/- That, as per SPPRA-2010 Rule 47 (2) "Single stage two envelope bidding procedure shall be used for goods 3[works] and services where the bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation". Whereas the Rule 47(1) does not pertain with this NIT as these works are purely of technical nature and Rule 47 (1) not applicable for the works invited as these works cannot be termed as simple and routine nature.

This N.I.T consists of three different types of works i.e. C.C Lining of channel, Construction of Pre-stressed Road Bridge and Stone Pitching along Rohri Main Canal, all these works are of technical nature and need highly technical expertise, as these are hydraulic structures of most technical and sensitive nature, which involves use of high tech instruments, tools and machinery as well as proper monitoring and supervision by highly technical and skilled Engineers and supervisors Any lapse or negligence during construction can cause several breaches and heavy loss to Government as well as public property,. This is work of very special technical nature. Hence single stage two envelope bidding procedure was adopted as per SPPRA Guidelines.

3/- As per SPPRA Rule 2010 Rule 46 Para-2 (c) **"initially only envelope marked Technical Proposal"** shall be opened. Hence the as per schedule **"Technical Proposal / Bids"** dropped by the contractors were opened 17.12.2021, whereas, the sealed financial proposal were kept in custody as per Rule 46 Para-2(d) and will be opened of only technically qualified contractor / firms as per Rule 46 Para-2 (g).

4/- As per Rule 46 Para-2(d) **"envelope marked as financial proposal shall be retained in the custody of the procuring agency without being opened;"** hence financial proposals were kept in custody as per SPPRA Rules.

5/- This para is vehemently Denied by the procuring agency as he followed SPPRA Rules strictly.

6/- That, as per SPPRA Regulations for Procurement of works (2013) Clause 2.3.6 Evaluation Criteria and condition 8(a) **"Experience and past performance at least for last 05 years in executing and completing at least 03 assignments of similar nature"** the complainant was required to submit the required certificates but he failed to fulfill such requirement.

After scrutiny of documents of "Technical Proposal" it was also observed that the complainant had not submitted Bid Security of the required amount (in original) alongwith Technical Proposal.

7/- That, as per SPPRA Rule 46(2) Single Stage-Two envelope procedure – (a) (b) (c) (d) (e) (f) (g) (h) have been adopted in its letter & spirit and Financial Proposal of complainant being technically non-responsive is still lying in office of the Procuring Agency and would be returned him un-opened.

Conclusion of the Complaint Redressal Committee (CRC)

From the perusal of the facts explained by the Executive Engineer Rohri Division Kandiaro (Procuring Agency) as well as scrutinizing the relevant record, it was observed that the complainant M/s Bahadur Hussain Shaikh was failed to submit Bid Security in original in Technical Proposal for one package while on other package he got returned his bid security before opening of Financial Proposal. As per SPRRA Rules initially Technical Proposal is required to be opened by the Procurement Committee and if he is found technically disqualified his financial proposal would be returned un-opened. The complainant was failed to meet the eligibility criteria and even he remained absent during CRC meeting without any intimation to defend his allegations mentioned in the complaint.

Decision of Complaint Redressal Committee (CRC)

After going through the facts the Complaint Redressal Committee (CRC) unanimously decided to dismiss the complaint and announces its decision according to Rule No. 31(5) of SPPRA Rule 2010 (Amended 2019).

Divisional Accounts Officer
Rohri Division Kandiaro
(Member)

Mr. Irfan Ahmed Memon
Civil Engineer (Independent Professional) Member

Superintending Engineer /
Chairman CRC Rohri Canal
Circle Hyderabad