



SUKKUR MUNICIPAL CORPORATION

No. SMC/XEN/- 125 of 2023
Sukkur Dated: 15 -02-2023

MINUTES OF THE CRC MEETING HELD ON 13TH FEBRUARY – 2023 IN THE OFFICE OF MUNICIPAL COMMISSIONER / CHAIRMAN (CRC) SUKKUR MUNICIPAL CORPORATION IN RESPECT OF COMPLAINT FILED BY M/S ABDU; HAFEEZ KOLACHI GOVERNMENT CONTRACTOR

The meeting started with recitation of Holy Quran.

The following participants have attended the meeting.

1. Mr. M. Ali Shaikh
Municipal Commissioner/ Chairman SMC
2. Mr. Sanaullah Memon
XEN PHED Sukkur / Member
3. Mr. Azhar Hussain Jagirani
DAO Sukkur / Member
4. Mr. Noman Ahmed Kalhoro
XEN SMC Chairman PC SMC
5. M/s Abdul Hafeez Kolachi
Contractor

DA
17-2-23

3. The chair welcomes all the participants and brief the forum about the today Agenda. He further requested to Complainant M/s Abdul Hafeez Kolachi to share his version of complaint against Tender Notice of Procuring Agency bearing No. SMC/XEN/MNA-SDG/2023/- 80 dated: 26-01-2023.

4. The Complainant has paid thanks to all the respected Committee Members for providing of opportunity for listening of his grievances. He further continued that, my first contention against this Tender Notice is that, XEN SMC / Chairman Procurement Committee why adopted Single Stage Two Envelop Procedure instead of Single Stage Single Envelop Procedure?

5. Executive Engineer / Chairman, Procurement Committee, Sukkur Municipal Corporation has submitted the Para-wise Comments / Replies in respect of Complaint of Complainant and briefed that, forum that, both procedures are available in SPP Rules 2010 (Amended 2019) and it is the sole responsibility of Procuring Agency to which Method and Procedure he shall adopted while as per provision of Rule – 33 (1) Selection Method adopted by the Procurement Committee is not subject to appeal or Review.

Moreover, he further informed the forum that, other Procuring Agencies of District Sukkur have also adopted Single Stage Two Envelop Procedure while the nature of work and scheme are similar as SMC's Tender Notice Works for ready reference he provided the Copies of following Procuring Agencies Tender Notice which is taken on record as under:-

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DATED: 17/2/23

Annexure - A
Annexure - B
Annexure - C
Annexure - D



1. Sukkur IBA University
2. PHED Sukkur
3. Sukkur IBA University
4. Provincial Highway Sukkur
7. The Chairman Redressal Committee / Municipal Commissioner Sukkur Municipal Corporation has asked the members of committee that you have read the replies of XEN SMC do you have any question with Complainant or XEN SMC.
8. The Independent Professional Member / Executive Engineer PHED Sukkur has asked the Contractor your contention is not considerable as per SPP Rules 2010 (Amended-2019) do you have any other grievances?
9. Complainant further added in his contention that, why not chairman procurement committee has published Eligibility Criteria of Marks or Yes/No in Tender Notice he referred to the Regulation of Works of 2013 clause 7.9.2?
10. Executive Engineer /Chairman PC responded and intimated the forum that the referred rule does not contain any instruction to mention Eligibility Criteria in Tender Notice while the Eligibility Criteria with Marks included passing marks is mentioned in the Bidding Document of each work at Page No. 75-76 and same is annexed in our report as Annexure - G and in this minutes as Annexure - E.
11. The chair asked the Complainant that, I will second the opinion of Independent Professional Member that, your contentions of complaint is not maintainable as per Rules of Sindh Public Procurement Rules 2010 (Amended 2019).
12. The complainant has argued with the Chairman and members that, you are bound to issue own decision and you are companion of each other I will challenge our decision in the upper forum.
13. The Executive Engineer /Chairman informed the learned committee members that, complainant is habitual complainant because before this Tender Notice Sukkur Municipal Corporation have adopted the same Method and Procedure in (2) NITs under No. SMC/XEN/2022/- 781 dated: 18-02-2022 comprising on (50) different works out of which (2) works has been awarded to Complainant within due course of time and Bid Validity Period. Second Tender Notice under No. SMC/XEN/- 871 dated:29-04-2022 for the work "**Rehabilitation and Development of Khalid Khan Park / Green Belt at Airport Road Sukkur**" which has also been awarded to complainant within due course of time and under Bid Validity Period.
14. He further added that, No any Comments / Observation has been made by SPPRA on this Tender Notice yet such SPPRA PPMS Website Print is attached in our comments as Annexure - H and in this report as Annexure-F while the complainant is accountable for making self-made observation on behalf of SPPRA against this office Tender Notice as mentioned in his complaint, which is re-produced as under:-

That, the infirmities / observations was also imposed by the SPPRA (PPMS) assessment system when the NIT was hoisted by the above procuring agency but the same are not complied with yet which is totally against Rules and Regulation. The infirmities / observations are as under:-

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In terms of Rule-47(1) Single Stage One Envelope Bidding Procedure shall be used as the standard bidding procedure for procurement of goods, works and services of simple and routine nature and where no technical complexity or innovation is involved. However, schemes mentioned in the NIT seem to be of simple and routine nature, but the procuring agency has used single stage two envelope procedures. Procuring Agency is advised to furnish justification for the same.

ii) Procuring Agency has adopt "Single Stage Two Envelope" Procedure, therefore, procuring agency is required to ensure compliance of following amendment in SPP Rules 2010 made vide SGA&CD's Notification No. SORI (SG&CD) 2- 30 / 2010 dated: 11-08-2021 as under:-

Rule - 2 (x) "Most Advantageous Bid" means:-

i) A Bid or proposal for the goods, works or services that after meeting the eligibility or qualification criteria, is found substantially responsive to the terms and conditions as set out in the bidding or request for proposals documents; and

ii) Evaluated as the highest ranked bid or proposal on the basis of cost or quality or qualification or any combination thereof, as specified in the bidding documents or request for proposal documents which shall be in the conformity with the selection techniques to be issued by the Authority.

15. Executive Engineer /Chairman PC SMC has requested to the Committee that, the contention of complainant having no any consideration in the eye of law because the Selection Method and Procedure the is the sole responsibility of Procuring Agency and as per **Rule 33 (1) of SPP Rules 2010 (Amended 2019) the Selection Method adopted by the Procurement Committee is not subject to appeal or Review.**

16. Moreover, as define in forgoing paras that, complainant has made several self-made stories against the Procuring Agency, SPPRA Rules and adopted Procedure. He also makes own observations on behalf of SPPRA against the Tender Notice of this office which evidence is submitted in forgoing paras.

17. The contention of complaint is making transparent and clear that, complainant is habitual to file the complaints against Procurement Committee / Agency for harassing them to perform their lawful duties, therefore, it is requested that, Committee may please dismissed the complaint as per provision provided in Rule 31 (4) of SPP Rules 2010 (Amended 2019) and contractor/complainant may kindly be directed to participate in the bidding process as per instructions provided in the Tender Notice and Bidding Documents.

18. The committee has taken para-wise comments / replies of Executive Engineer / Chairman PC-SMC on record as Annexure - G to G27.

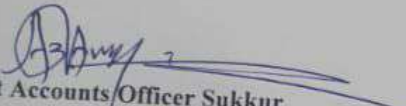
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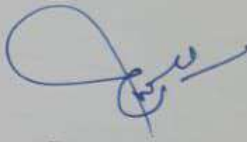
19. The committee has taken copy complaint on record as Annexure – H to H4.
20. After above mentioned detail discussion and deliberations the committee has arrived on following decision.

DECISION

1. The Procurement Committee of Procuring Agency i.e. Sukkur Municipal Corporation has adopted Method and Procedure as per SPP Rules 46 (2) and 47 (2) of SPP Rules 2010 (Amended 2019).
2. The Procurement Committee has mentioned clear and unambiguous Evaluation Criteria in the Bidding Document of Each work of Tender Notice bearing No. SMC/XEN/MNA-SDG/2023/- 80 dated: 26-01-2023 as per Rule 21 (1) (h) of SPP Rules 2010 (Amended 2019).
3. The Contents of complaint and verbal version of complainant M/s Abdul Hafeez Kolachi is not maintainable as per provision and rules of Procurement nor satisfied the CRC Committee as per Rule 31 (4) of SPP Rules 2010 (Amended 2019).
4. The Complainant is requested to participate in the bidding process as per instructions mentioned in the Tender Notice and Bidding Documents.

The meeting ended with vote of thanks.


District Accounts Officer Sukkur
Member CRC
Sukkur Municipal Corporation
Beings Non-Tech. Member


Executive Engineer
PHED Sukkur
Independent Professional Member CRC
Sukkur Municipal Corporation




Municipal Commissioner
Chairman CRC
Sukkur Municipal Corporation

Distribution:

- Managing Director, SPPRA Karachi.
- DC / Administrator, Sukkur Municipal Corporation
- District Accounts Officer, Member CRC, Sukkur.
- Executive Engineer, PHED / Independent Professional Member CRC-Sukkur
- Executive Engineer, Sukkur Municipal Corporation
- Complainant M/s Abdul Hafeez Kolachi, Government Contractor Sukkur