

Dated: 09<sup>th</sup> August, 2023

**MINUTES OF MEETING**

Name of Work: "CONSULTANCY SERVICES FOR PREPARATION OF GREATER KARACHI REGIONAL PLAN 2047"

Technical Bid Opening Date: 01-08-2023

PPMS ID: T01612-23-0004

NIT No.: CE(Dev.)/ED/KDA/2023/468 Dated: 05<sup>th</sup> July 2023

Meeting of Complaint Redressal Committee (CRC) was held on 09-08-2023 under the chairmanship of Mr. Naved Anwar Siddiqui, Member (Admin), KDA / Chairman, CRC, to address the objections submitted by aggrieved Consulting Firms/ Bidders relating to NIT referred above.

The following members of the CRC attended the meeting:

1. Mr. Naved Anwar Member (Admin), KDA / Chairman, CRC.
2. Mr. Naved Izhar Independent Professional/ Member, Complaint Redressal Committee
3. Mr. Aziz Shaikh Divisional Accounts Officer, Office of the AG Sindh / Member, Complaint Redressal Committee.

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The representatives of following firms attended the Pre-Bid Meeting.

01.	Engr. Farhat Adil	EA Consulting
02.	Muhammad Masood	EA Consulting
03.	Fahad Mangi	Youshin Engineering
04.	Barrister Vishal Shamsi	CG Consultants Pvt. Ltd.
05.	Mehmood Yaqoob	CG Consultants Pvt. Ltd.
06.	Shahzad Shaikh	MM Pakistan Pvt. Ltd.
07.	Ejaz Alam	MM Pakistan Pvt. Ltd.

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**Introduction:**

1. The Procuring Agency i.e Karachi Development Authority invited bids vide CE(Dev.)/ED/KDA/2023/468 Dated: 05<sup>th</sup> July 2023, for the work namely "CONSULTANCY SERVICES FOR PREPARATION OF GREATER KARACHI REGIONAL PLAN 2047".
2. The method adopted was "National Competitive Bidding" as defined in Rule - 15(2)(b) and "Single Stage - Two Envelope" procedure is followed as described in Rule - 46(2) of the SPP Rules 2010 (Amended time to time).
3. The Pre-Bid Meeting was held on 25<sup>th</sup> July, 2023 and following Consultancy Firms Representatives attended the meeting.

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02.	Mehmood Yaqoob	CG Consultant
02.	M. Naseer	CCCC - FHDI Engineering Co.
03.	Yuan Jznhu	CCCC - FHDI Engineering Co.
04.	M. Adeel Khan	Asian Consulting Engineers
05.	Hammad Hayat Khan	MM Pakistan Pvt. Ltd.
06.	Shahzad Shaikh	MM Pakistan Pvt. Ltd.
07.	Syed Babar	
08.	M. Adnan	Euro Consultant Pak
09.	Ahsan Raza	Euro Consultant Pak

4. The point-wise clarifications were communicated to the participants of the Pre-Bid Meeting via Electronic means i.e. WhatsApp (Copy of the same is attached) and further clarification of the points were also clarified to the representatives of Consultancy Firms.
5. Subsequently, the Tender was opened on 1<sup>st</sup> August, 2023 in the presence of Consultant Selection Committee (CSC) and Representatives of Consultancy Firms / Bidders.
6. The Chief Engineer of KDA and CRC received complaints and requests for re-bidding and extension from various consultants including Euroconsult Pakistan (Pvt) Ltd., Subarna Jurong Infrastructure Pte. Ltd., MM Pakistan (Pvt) Ltd., CG Consultants (Pvt) Ltd., ECIL (Pvt) Ltd., and EA Consulting (Pvt) Ltd.

#### Discussion:

The Chairman opened the discussion in the name of Allah, and was informed that the complainants in respect of the abovementioned work have been received wherein the aggrieved consultants have raised queries. The Chairman sought clarification from the Consultant Selection Committee ("CSC") and the same was briefed that the Request for Proposal (RFP) was unanimously approved by all members of the CSC.

He was informed that it was unanimously decided by the CSC that the "National Competitive Bidding" and "Single Stage - Two Envelop" method would be followed.

In this regard the consultants present at the meeting pointed out that in Points Criteria given in the RFP, the Project Team requirements (5.2 (a)), the requirement of top 5 experts (Team Leader, Urban Planning Expert, Regional Planning Expert, Urban Economist, Traffic and Transportation Expert) is specifically only International. Since international experts are required to participate the same cannot be treated as a National Competitive Bidding, and a bare minimum 30 days of time should have been given under Rule 18 of Sindh Public Procurement Rules, 2010 ("SPPR") after publication of the revised RFP and should have been advertised in International Newspapers.

The members of the CSC stated that as per Rule 15 (2) (b) of the SPPR, National Competitive Bidding should be the principal method of procurement. However, the consultants pointed out that Rule 15 is applicable to procurement of goods, works and related services only, and not for consulting services. Nevertheless, even if the said Rule is assumed to apply to the current Project, Rule 15 (2) (a) (iii) should be followed due to the international technical expert requirements listed in the RFP itself, and should be declared as International Competitive Bidding.

The CSC pointed out that Procuring Agency had firstly initiated the Request-for-Proposal (RFP) on 06<sup>th</sup> June, 2023 in Leading Newspapers, which was re-published on 19<sup>th</sup> June, 2023. And finally, it was again re-published on 12<sup>th</sup> July, 2023, which was further extended till 1<sup>st</sup> August, 2023. The total duration of the Response Time was approximately Two (02) months. However, the consultants clarified that this was not that case, as listed on KDA's own website the tender listing date was 5<sup>th</sup> July, 2023, the tender receiving date was 7<sup>th</sup> July, 2023 and the tender opening date was 27<sup>th</sup> July, 2023. Thereafter, the deadline was extended to 1<sup>st</sup> August, 2023, however still the response time is not line with the SPPR.

In respect of the single stage process, the consultants present at the meeting pointed out that project of such

...ile should have a two stage two envelope procedure. This allows for a more thorough evaluation of technical ...s in the first stage, ensuring that only qualified and capable bidders proceed to the second stage. It reduces the ...s of unqualified or inadequate bidders winning the contract, enhancing the overall fairness of the process.

...e consultants also pointed out that the pre-bid meeting was held too late, on 25.07.2023, nevertheless large number of deficiencies were highlighted by the participants which was not adequately addressed. Lack of clarity on national/international consultants to participate led to confusion and in light of the same inadequate time provided to international consultants and experts to participate, as the same should have been 30 days from date of the revised/latest RFP as per Rule 18 of SPPR. However, no time extension of 30 days was granted after the issuance of revised RFP.

One important point highlighted in the pre-bid meeting was that as per the RFP mandatory requirements; there was a strict requirement for all consultants to be registered only from Pakistan Engineering Council ("PEC"). During the pre-bid meeting when consultants raised the objection as to why those registered with Pakistan Council of Architects and Town Planners ("PCATP") cannot also apply, especially since the Project is an assignment for urban planners and architects, the procurement authority agreed that PCATP registered concerns should also be allowed to apply. In light of the above significant change in the mandatory requirement, RFP should have been amended and as per Rule 23 of SPPR, the procuring agency should have re-issued the notice. However, not such extension was granted to allow PCATP and PEC holders to participate.

Further, the consultants pointed out a major error in the procurement process was that the minutes of the said pre-bid meeting were not formally issued. On 27.07.2023, just three days prior to the bid submission (2 days being off for Muharram holidays - 28<sup>th</sup> and 29<sup>th</sup> and the next day being Sunday) a word document with no background was circulated on WhatsApp to some individuals. Some consultants present in the CRC meeting pointed out that they never even received the said word document. As per Rule 23(1) of SPPR, the minutes of the meeting should be received by the interested bidders at least five calendar days prior to the opening of bid. Moreover, the document was a simple word table, unsigned and without any letterhead or reference number and was not shared from any official number or in any official manner i.e. vide post/courier/hand delivery. This does not qualify as meeting of the minutes, as required to be circulated under the SPPR. These points shared to a selected group on WhatsApp was also neither circulated at large nor posted on the website. The consultants stated that even if it is assumed that this amounts to circulation of clarification by the procuring agency, no extension was granted, and no time was provided to the interested consultants (as mentioned above 28<sup>th</sup> - 30<sup>th</sup> were holidays - bid opening date was 01.08.2023).

The consultants also raised the issue of 2% Bid Security being excessive in nature considering the value of the Project, and is a major deterrent for various interested consultants, and requested that in light of the SPPR the same should be revised to the minimum requirement of 1% instead.

Moreover, the representatives of consultants present in the CRC also pointed out that the RFP fails to give complete description of Man-Months Requirements of each staff as per industry practice and that a Payment Schedule should also be incorporated in the RFP. Detail Description of level of involvement of Local and Foreign Experts i.e. On-Site / Physical presence, full - time involvement, and whether the proposed staff can take other assignments, as the RFP is silent in this regard, which is critical factor for preparing the Financial Proposal.

The consultants present at the meeting also pointed out that submission of only one bid for such a huge Project itself raises doubts on the fairness of the procurement process, and that in light of Rule 22 (1) of SPPR, the procurement agency has the discretion to extend the deadline if fewer than three bids have been submitted in order to ensure a wider competition.

#### **Decision:**

After discussion it was concluded that the Consultant Firms successfully established their case under the SPPR.

RFP lacked clarity and details in relation to various aspects of the Project requirements. Particularly after increasing the ambit of potential bidders, by adding PCATP and PEC registered concerns, revised RFP should have been drafted and shared with new timelines. Furthermore, in light of the requirement of international experts as listed by the procuring agency itself, the bidding was international in nature and as such the time lines and formalities should have been in line with International Competitive Bidding. Pre-bid meeting was conducted at a much later point in time. Meeting minutes were neither circulated not published as per the requirements of SPPR, and insufficient time was given after the circulation of the said minutes.

In light of the discrepancies and illegalities pointed out by the consultants and in spirit of Rule 4 of the SPPR, the Consultant Selection Committee is directed to revise RFP and reinvite tender in line with the SPPR and clarify it as an International Competitive Bidding process, re-advertise the tender with fresh timelines, and complete all the processes formalities accordingly.

  
Aziz Shaikh  
(Member, CRC)

  
Naved Izhar  
(Member, CRC)/  
Independent Professional

  
Naved Izhar  
(Chairman, CRC)

**Copy for Information:**

- ✓ 1. Managing Director, SPPRA
2. Chairman, Consultant Selection Committee, KDA
3. All Participants
4. PS to Director-General, KDA

