

MSDP

Municipal Services Delivery Program P & D Department, Government of Sindh



MINUTES OF MEETING OF COMPLAINT REDRESSAL COMMITTEE OF SINDH MUNICIPAL SERVICES DELIVERY PROGRAM (MSDP)

TENDER OF REHABILITATION WORK OF EXISTING WATER SUPPLY LAGOONS (CONTRACT PACKAGE WS-18)

HELD ON 20TH MAY 2020 AT 11:30 AM

PMU/MSDP/P&DD/VT/2019-2020 dated 17th December, 2019. (Tender of Rehabilitation Work of Existing Water Supply Lagoons 19 Lock Down announced by Government of Sindh. (Contract Package WS-18)). Initially the CRC meeting was scheduled on 19th March 2020 but the same was postponed due to Covid Two complaints lodged by M/s. Indus Construction Company and M/s. Engineering Links International against NIT Ref.

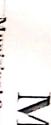
- MSDP, with two other members (Mr. Aziz Mustafa Sheikh; Representative of AG Sindh) and (Mr. Wasif Nazeer; Member PEC). On relaxation of Lock Down, CRC meeting was held on 20th May, 2020 at 11:30am, under the chairmanship of Program Director
- scheduled-meeting and concurred that CRC meeting may take decision in accordance to the record position and decision taken may be communicated to the firm. Khadim Hussain partner M/s. ELI verbally intimated through call to MSDP office informing his inability for participation in the Company appeared before the committee whereas representative of M/s. Engineering Links International did not appear. However Mr. to depute well conversant representative in support of their lodged complaint. In this regard, a representative of M/s. Indus Construction For the sake of transparency, the MSDP requested M/s. Indus Construction Company and M/s. Engineering Link International
- submitted as under in juxta position: observations raised by two firms, record position, and discussion made during CRC meeting and decision taken, taken thereof is The CRC meeting minutely had gone through all bidding documents and discussed each observation in detail. The crux of the

Sr. No	Name of Firm with	Record Position	CRC Discussion	Decision taken by CRC
	Observations			members
7	M/s. Indus Construction			
3.	Company			
1:	Complained that they are	The Firm attached BRB, T	Complained that they are The Firm attached BRB, The CRC checked all bidding documents Having gone through compliant	Having gone through compliant
)	registered with SRB since	whereas, the requirement was m	registered with SRB since whereas, the requirement was minutely and found that BR Certificate was of M/s Indus Construction	of M/s Indus Construction
\ <u>\</u>	last several years and also	a	attached inside the bid dodument, whereas	the bid dodument, whereas Company, record position of

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SRB which was not found the required SRB certificate was not part of Representative of Municipa Department, Representative representative of Local Government certificate from the bidding document in MSDP, representative of PP&H section presence of Procurement Specialist, PMU submitted bids. Hence, the CRC observed did not write paging number on their committee and acknowledged that the firm such certificate is detached/removed from PMU-MSDP, representative of PHED P&DD, representative of Director Finance it was not possible to get removed such the firm did not make satisfied to the that during procurement committee meeting. their submitted papers. The representative of Construction Company to identify if any CRC placed original bidding documents document was found no merit. Even, the detachment of SRB certificate from bidding submitted bidding documents without before the representative of M/s. Indus committee had also noticed that the firm the Bidding Document. More ever, the deliberation/ Indus Construction Company pertaining to paging numbers. The Complaint of M/s. of USAID Committee Procurement committee CRC. unanimously decided to uphol the decision of the procurement

of opening.

bid was accepted at the time was not attached how their mentioned that if certificate choice. They have also

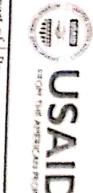
and favor the company of declare them as ineligible certificates was removed to deliberately their SRB certificates are attached but

written that FBR, SRB, BRB divider paper it is also

they have attached both certificates whereas on the

attached.

registered with BRB, and



USAID





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Consultant.

Jacobabad and a representative of M/s. RCC



the meeting: Bid Meeting following 8 firms attended awarded transparently. During the Preto ensure the floated tender should be grievances of the participating firms and 31st December, 2019 to address the record that Pre-Bid meeting was held on this regard it was placed before the The CRC also negated the version of to facilitate the company of choice. In M/s. Indus Construction Company that their document was deliberately removed

- M/S Engineering Links International M/S K- Power
- M/s. Al- Mansoor/ AJM JV
- M/s. Rajput Traders M/s. Biztech International
- M/s. Imran Co.
- M/s. Fine Solutions
- available on http://msdp.dos.pk/ documented by issuing official minutes of and the working of pre-bid meeting was also meeting. These minutes of meetings are quires were raised by different participating During the Pre-Bid meeting, 16 points of firms and the same were replied accordingly M/s. Tamzeer Construction Co.



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	4.7		*	,		
	:			attached with their tender showing Average of 294.30 Million	2016. 2016-17, 2017-18. They have also mentioned that three years reports were	
						Auditors Balance Sheet was required up to 2018-2019 whereas, the firm only provided up to 2017-2018.
On the basis of record position, it was observed by the committee that this aspect was overlooked by the procurement	reports were attached with their tender showing Average of 294.30 Million."	balance sheet for the year 2015-2016, 2016-17, 2017-18. They have also mentioned that three years	"That in eligibility criteria at clause 3.1.4, it is clearly written that we have to submit the Auditor's	The committee was also on consensus that M/s. Indus Construction Company in its grievance highlighted as under,	a) Fiscal Year 2015-2016b) Fiscal Year 2016-2017c) Fiscal Year 2017-2018	The CRC while going through the bidding document, noticed that at Form A-2 (General Experience record) provide annual turnover as under

committee inadvertently. Otherwise, M/s.

position, the committee endorsed

Considering the factual

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the grievance of M/s.

Construction Company

financial required turnover

found the firm eligible in terms of



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"The bidder shall sign and stamp the Integrity Pact provided at		-
SPPRA Rule 89 provides:		
Offer at serial number IB-35(Integrity Pact,		
20 of bidding document (Vol A1) Technical		
properly at proper place. Moreover at Page		
was found blank and it was not signed		
bottom of the certificate. This Integrity P		•
also signed by the firm in sequence at the		
Similarly the Integrity Pact Certificate was		
budding document along with stamping.	blank.	
that the firm in fact signed each paper of the	signature. The Integrity Pact is	
document submitted by the firm provided	on the proper place of	
Pact Certificate, however the bidd	the firm should have signed it	Agreement.
Company that the firm has signed Integrity	bidding documents, whereas	Agreement with Contract
version taken by M/s. Indus Construction	other documents of the	be signed at the time of other documents
taken by procurement committee. The endorsed the decision	only signed in the sequence to	per SPPRA Rules 89 it is to
Company at length as well as the decision	duly signed. This document is	slamped by us nowever as
of complaints of M/s. Indus Construction discussion		
The CRC committee examined the contents	This document was found	nat the integrity Pact
Annual Turn Over.		
Indus Construction Company fulfills	in the second	
		vas found ame is not ocument is equence to of the s, whereas e signed it place of grity Pact is

Provincial/Local

Government

procurement contracts exceeding

documents

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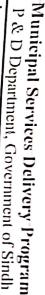
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	and a country of anima			
procurement committee and			similar nature during last 10	
agreed to the decision of the	M/s. Engineering Links International has	of at least (01) projects-of-firm was not-found similar to	of at least (01) projects of	- A TO COMPANY SELECTION
The committee unanimously	During the meeting, the CRC noticed that		That at serial #6, "Execution	Till Internal
		turnover.		
		million average annual		
		requirement of Rs. 100	MSDP.	
		less than mandatory	125Million EM-11 with	
	turnover.	million annually, which is	the project of approximately	
	of Rs. 100 million average annual		and successfully completed	THE STATE OF THE PARTY OF THE P
	which is less than mandatory requirement	Rs. 48.47 million respectively	ELI have already qualified	
	averages to Rs. 57.68 million annually,	capability-of our firm Missamillion, Rs. 54.61 million and		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	and Rs. 48.47 million respectively which	2018, 2017 as Rs. 69.97	strength of financial	为一个
	2017 as Rs. 69.97 million, Rs. 54.61 million	annual firm revenue for 2019,	MSDP. This shows the	
	their Annual Firm Revenue for 2019, 2018,	by their firm shows their	advance and credit line for	
firm.	Reports submitted by the firm shows that	The audited reports submitted	without any mobilization	Emperor .
regretted the gnevance of the	reached to the conclusion that the Audited	more than 100million-works: (Minimum Rs. 100 million)."	more than 100million-works:	The state of the s
and unchanged and accordingly	procurement committee. The committee	Turnover of last Three Years	successfully completed	5
procurement committee is valid	exhaustively as well as the working of	Le. "Average Annual	M/s. ELI have already	
that the decision of	M/s. Engineering Link International that the decision of	mandate	I um Over of last three years.	
The CRC unanimously decided	The committee reviewed the grievance of	M/s. ELI failed to meet	I hat at serial #4, the annual	1.
			тистианонан	1
			International	ı
				ر
	make the bidder non-responsive"			
	provide such Integrity Pact shall			
	Rupees ten million. Failure to			



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the same view point. Consultant that also endorsed was referred

order of "Construction of

totally incorrect. The work

Jacobabad" for PHED at Semi Pacca Tanks at Thull

Thull Jacobabad along with

5

RCC | Jacobabad, whereas, the required experience as per the bidding document was:

considered unchanged

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DIFFA

a) Experience of de-silting, cutting of lagoon type work weed

b) Experience of embankment works.

experience of executing such mega projects successfully. nature to that firm which possess absolute exchequer by awarding work of mega in absolute authority to safe guard the small nature. The procuring agency has-Semi Pacca tank at Thull Jacobabad is of The reliance of the firm at the construction of have a similar experience of mega projects. 200million whereas the M/s. ELI did not The Contract in question was of Rs.

maintaining the level and dewatering, excavation and attached with drawings and other similar works are also

progress on embankments, photographs of work in

well as for financial soundness. consulting firm vide letter flated 22nd Feb, wither the firm possessed such experience grievance of the firm on technical grounds experience was also shared with M/s. RCC apprised that the grievance of M/s. ELI 2020 submitted specific comments: regarding non acceptance of the firms for executing the work of Rs. 200million as Consultants engaged by MSDP to review the During the meeting the CRC was also







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		7.5	 -	10																							
		iii.	,												**												
& WW-10) were cancelled	WW-07, WW-08, WW-09	That the four works (i.e.			- 一人名西斯拉尔			The state of the s			A STATE OF THE STA	The state of the s															
some typographical error due	Bid Evaluation Report found	PMU, just after uploading the																									in inclose
the CRC and found that there is ho relevance there is no relevance of this	International was also discursed in detail by reached to the conclusion that	This aspect of M/s. Engineering Links	sent to M/s ELI needed any further	SL-01, EM-17 & WS-18" on MSDP website	Technical Evaluation of Contract Packages	extract from uploaded "Minutes of	was left blank by M/s ELI)or that any	Similar Nature & Complexity Form A5 that	more than Rs. 200 million (Contracts of	Lagoons of about 40 acres area costing	Storage Tank of Rs. 35 million is similar to	weather construction of Semi Pacca	not worth discussing further issues such as	declare their bid non-responsive and it is	Thus above single ground is enough to	average annual turnover.	mandatory requirement of Rs. 100 million	57.68 million annually, which is less than	million respectively which averages to Rs.	million, Rs. 54.61 million and Rs. 48.47	firm revenue 2019, 2018, 2017 as Rs. 69.97	submitted by their firm shows their annual	100 million)." The audited reports	Turnover of last Three Tears (Minimum Rs.	requirement at Sr.04 i.e. "Average Annual	"Firstly M/s. ELI failed to meet mandatory	ווכות, פסיכווווויכות פו פווומוו
there is no relevance of this	reached to the conclusion that	The CRC after due deliberation																									



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SPPRA website. awarded and hosted on the three out of four works are Now it is informed to us that bid opening i.e. 22-08-2019. were on the day of technical Certificate" when tenders awarded to the firms who did not had "Valid PEC and placed on SPPRA web given by SPPRA the same question. The grievance of M/s. ELI Practice these four works are by the procurement agency

was addressed as per SPPRA guidelines.

to which as per guidelines of this grievance of the present tender in on the website on the same | WW10 which was already responded by the allowable time limit. were canceled and re-uploaded time, within the specific there was a typographical error and the same

pertained to WW07, WW08, WW09 & procuring committee/ agency describing that committee accordingly. decision of the committee endorsed the present tender in question. Hence particular grievance with the

FROM THE AMERICAN PEOPL

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

Member Div A.O. Rep of A.G (Member CRC) Sindh)

> Member-ACEP, Member PEC Director Atif Nazar (Pvt) Ltd. (Engr. Wasif Nazhr Siddiqui)

(Member CRC)

Program Director MSDP (a Jamal Kazi)

(Chairman CRC)

procurement