

**OFFICE OF THE
PROJECT MANAGER PROJECT IMPLEMENTATION UNIT
HYDERABAD-MIRPURKHAS DUAL CARRIAGEWAY PROJECT HYDERABAD**

No: F-24/HMDCP/Complaint Redressal Committee/ 1365

Dated: - 17-06-2020

To,

The Chief Engineer,
(Highways) Hyderabad.

Subject: -

MINUTES OF THE MEETING OF COMPLIANT REDRESSAL COMMITTEE OF PROVINCIAL HIGHWAYS DIVISION, HYDERABAD HELD ON 11-06-2020 TO ADDRESS THE GRIEVANCES / COMPLAINANTS HELD IN THE OFFICE OF THE PROJECT MANAGER PROJECT IMPLEMENTATION UNIT-HYDERABAD-MIRPURKHAS DUAL CARRIAGEWAY PROJECT, HYDERABAD.

NIT NO: TC/G-55/660 DATED 25-02-2020

Please find enclosed herewith the minutes of Complaint Redressal Committee meeting Dated 11-06-2020 of Provincial Highways Division, Hyderabad in respect of NIT No: TC/G-55/660 Dated 25-02-2020 for favour your kind information and further action.

(Engr: Ghulam Shabir Memon)

Project Manager
Project Implementation Unit
Hyderabad-Mirpurkhas Dual Carriageway Project
Hyderabad

Copy forwarded with compliments for information to the:-

1. Secretary to Government of Sindh, Works & Services Department, Karachi.
2. ~~Managing Director, Sindh Public Procurement Regulatory Authority, Government of Sindh, Karachi.~~
3. ✓ Managing Director, Sindh Public Procurement Regulatory Authority, Government of Sindh, Karachi.
4. Executive Engineer, Provincial Highways Division, Hyderabad.
5. Mr. Sarmad Ali Shah, Assistant Director, O/o Director Road Research Laboratory, (Cum) Director Monitoring, Works & Services Department, Hyderabad.
6. Mr. Mushtaque Ahmed Divisional Accounts Officer, Provincial Buildings Division, Hyderabad.
7. M/S Rustam Khan Chandio, M/S Jam Asif Construction Company, M/S Sindh Builders, M/S Ghulam Murtaza Enterprises, M/S F.B. Enterprises, M/S Hussain Enterprises, M/S Abdul Ghaffar Mahar M/S Asif Raza, M/S Rabi Traders & M/S Ameer Ali Chandio.

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MINUTES OF THE MEETING OF COMPLIANT REDRESSAL COMMITTEE OF PROVINCIAL HIGHWAYS DIVISION, HYDERABAD HELD ON 11-06-2020 TO ADDRESS THE GRIEVANCES / COMPLAINANTS HELD IN THE OFFICE OF THE PROJECT MANAGER PROJECT IMPLEMENTATION UNIT-HYDERABAD-MIRPURKHAS DUAL CARRIAGEWAY PROJECT, HYDERABAD.

The following attended the meeting

- | | |
|---|---|
| 1. Engr: Ghulam Shabir Memon
Project Manager
Project Implementation Unit
Hyderabad-Mirpurkhas Dual Carriageway Project
Hyderabad | Chairman,
Complaint Redressal
Committee |
| 2. Mr. Sarmad Ali Shah
The Assistant Director,
o/o Director Road Research Laboratory, (Cum) Director
Monitoring, Works & Services Department, Hyderabad. | Member
Complaint Redressal
Committee |
| 3. Mr. Mushtaque Ahmed,
Divisional Accounts Officer,
Provincial Buildings Division, Hyderabad | Member
Complaint Redressal
Committee |
| 4. Mr. Fazal Ahmed Mangi,
Executive Engineer, Provincial Highways Division,
Hyderabad. | Chairman / Procuring
Agency |
| 5. M/S Rustam Khan Chandio, M/S F.B. Enterprises,
M/S Hussain Enterprises, M/S Abdul Ghaffar Mahar M/S
Asif Raza, M/S Rabi Traders & M/S Ameer Ali Chandio | Complainants |

The meeting commenced with the recitation of Holy Quran.

Facts and background

M/S Rustam Khan Chandio, M/S Jam Asif Construction Company, M/S Sindh Builders, M/S Ghulam Murtaza Enterprises, M/S F.B. Enterprises, M/S Hussain Enterprises, M/S Abdul Ghaffar Mahar M/S Asif Raza, M/S Rabi Traders & M/S Ameer Ali Chandio (hereinafter referred to as the appellants) lodged a complaint Dated 21-05-2020, 28-05-2020 & 04-06-2020 against the NIT No: TC/G-55/660 Dated 25-02-2020 floated for procurement of various works by the Executive Engineer, Provincial Highways Division, Hyderabad (hereinafter referred to as the procuring agency). On receiving these complaints of the appellant the Project Manager / Chairman, Complaint Redressal Committee wrote a letter to the Executive Engineer, Provincial Highways Division, Hyderabad seeking clarification, / detailed report on the procurement process of the said NIT along with relevant record under Sindh Public Procurement Rules-31. The chairman Procuring Agency / Executive Engineer, Provincial Highways Division, Hyderabad was directed to provide the following record of the NIT in question vide letter Nos F-24/ HMDCP/Complaint Redressal Committee/1114 & 01-06-2020 & No: F-24/ HMDCP/Complaint Redressal Committee/1148 Dated 03-06-2020

1. NIT copy along with newspaper clipping.
2. NIT hoisted on SPPRA.



3. Signed Tender documents of all participants along with contractor (s) profile, whose bid evaluation reports are hoisted.
4. D.R. Book.
5. Attendance Sheet of the participants duly signed by the members of procuring committee.
6. Minutes of procurement committee minutes duly signed by the members of procurement committee.
7. Signed Bid Evaluation Report & Comparative Statement along SPPRA ID.

The procuring agency failed to furnish / provide the relevant record which was sought by the Project Manager / Chairman Complaint Redressal Committee.

The date for Complaint Redressal Committee meeting was fixed vide letter No: F-24/HMDCP/Complaint Redressal Committee /1237 Dated 10-06-2020 which was communicated to all the members of the committee, Chairman Procurement Committee/ Executive Engineer, Provincial Highways Division, Hyderabad and all the complaints accordingly.

Complaint Redressal Committee Proceedings

The Chairman of the Complaint Redressal Committee welcomed all the participants of the meeting and introduced the members of the Complaint Redressal Committee. Then the chair asked the appellant to present his case / version on the instant procurement before the committee.

Complainants Version

1. M/S Rustam Khan Chandio has complaint that he was issued Bid Documents for the work @ S.No: 12 namely "Reconstruction of road from Zair Pir -Halla road to Maldasi via Abdul Wahid Burrir" against D.R. No: 81 dated 11-03-2020. He offered the Bid Rs. 60,840,145/- whereas as per Bid Evaluation report his Bid has been shown Rs. 76,073,538/-
2. M/S Abdul Ghaffar Mahar has submitted that he has applied for the work at S.No: 11 vide D.R.No: 97 Dated 11-03-2020. The Rate quoted by the complainant 19.99 in the Part A, Part-B-C & D was at par. During the opening process the complainant was declared first lowest. But at the time of hoisting of Bid Evaluation Report any other contractor being shown lowest.
3. M/S Asif Raza has alleged that the at the time of opening contractors quoted below rates but the XEN awarded the works in above rates.
4. M/S Rabi Traders has alleged he has applied in the said NIT through personally and TCS (No TCS receipt has been attached). He further stated that the procuring agency awarded the works in full rate to favorite contractors.
5. M/S Ameer Ali Chandio has complaint that he was issued Bid Documents for the work @ S.No: 09 against D.R. No: 83 dated 11-03-2020. He offered the Bid Rs. 36,219,861/- whereas as per Bid Evaluation report the contract was awarded to the contractor with full rate Rs. 47,716,951/- instead ignoring below rates.
6. M/S Hussain Enterprises has alleged that he sent Bidding documents for the work road from Tando Soomro to Nasarpur through TCS (copy enclosed). He has attached bidding documents issued by Executive Engineer with D.R. No: & Date and Bid amount offered by the



Bidder was Rs. 37,469,313/- Therefore there is need of Bid Evaluation Report to verify the lowest bidder declared by the procurement committee.

7. **M/S Ghulam Murtaza Enterprises** has alleged that the download Bid Documents for the work mentioned at S.No: 15 and sent through TCS on 12-03-2020 (copy of TCS receipt enclosed as proof but TCS receipt was not enclosed). On 16-03-2020 Bids were opened and his bid amount was announced Rs. 98,966,986/- whereas as per Bid Evaluation Report hoisted lowest bidders was shown M/S Manjhi Construction Company, whose bid was Rs. 129,552,647/-
8. **F.B. Enterprises** has submitted that the he has applied for the work @ S.No: 16. The two members of the procurement committee was absent on 16-03-2020. Moreover his bid offered Rs. 123,348,213/- was not considered.
9. **Jam Asif Construction Company** has alleged that Bid documents was downloaded by him Bid documents was also sent by him through TC on 13-03-2020 (copy of TCS report enclosed). Jam Asif has further alleged that his financial proposal was opened on 16-03-2020 by the procurement committee and his Bid was announced Rs. 67,848,146 whereas as per Bid Evaluation Report lowest Bidder has been declared M/S Khokhar and his amount has been accepted for Rs. 93,287,803/-
10. **M/S Sindh Builders** has alleged that as per Bid Evaluation report 1st lowest bidder has offered Bid Rs. 93,287,803/- whereas Bid amount offered by him was Rs. 75,925,753/-

(Note: - The complainant M/S Jam Asif Construction Company, Ghulam Murtaza Enterprises & Sindh Builders was absent during the Complaint Redressal Committee meeting but their complaints have already been received to the Complaint Redressal Committee)

Procuring Agency's Version.

Mr. Fazal Ahmed Mangi, Executive Engineer, Provincial Highways Division Hyderabad / Chairman Procurement Committee while responding to the queries raised by the Complaint Redressal Committee clarified that he is in possession of the record i.e signed tender documents by the complainants with the same offered rates by them which were hoisted in the Bid Evaluation Report by him. He further requested to grant him few days to present the record before the Complaint Redressal Committee and committed that he will provided the record by 15-06-2020.

Complaint Redressal Committee Observations

After hearing the parties at length and perusal of the record the Redressal Committee's observations are as under: -

1. As promised by the Executive Engineer, Provincial Highways Division, Hyderabad, / Chairman Procurement Committee that he will provide the record by 15-06-2020 but he failed to do so. Instead of providing the record he wrote a letter to Project Manager / Chairman Complaint Redressal Committee vide his office letter No: TG/G-1493 Dated 12-06-2020 received on 15-06-2020 that "**the contractors would produce original record required according to eligibility criteria as mentioned in NIT for verification by the member of CRS, but the same are still awaited from the complainant's**".
2. The narration of the contents of the letter of Executive Engineer, shows his ill intentions that while in the meeting he was asked by the Complaint Redressal Committee to provide the



bidding documents of the complainants but he diverted his part of responsibility and the Complaint Redressal Committee to direct the contractors to provide the eligibility criteria record which was already in his possession in shape of technical bidding documents on which he must have evaluated the eligibility criteria of the contractors.

3. In response to Executive Engineer / Procuring Agency letter, the Project Manager / Chairman Complaint Redressal Committee wrote a letter vide this office letter No: F-24/HMDCP/Complaint Redressal Committee/1325 Dated 15-06-2020 to produce the bidding documents by 16-06-2020 @ 4.00 PM positively but he failed to provide those documents.

Decision of Complaint Redressal Committee

After due deliberation, the complaint redressal committee has observed that the instant procurement which is still in process and the complainants grievances are seems to be genuine as the procuring agency failed to provide the relevant record which could have been his best weapon in its defence.

In the end, the members of the Complaint Redressal Committee unanimously agreed upon the decision that instant Notice Inviting Tenders may be declared as mis-procurement under Sindh Public Procurement Rules-32-A.

(Mr. Sarmad Ali Shah)
The Assistant Director,
O/o Director Road Research Laboratory,
(Cum) Director Monitoring, Works & Services
Department, Hyderabad.
Member Complaint Redressal Committee

(Mr. Mushtaque Ahmed)
Divisional Accounts Officer,
Provincial Buildings Division,
Hyderabad
Representative of A.G. Sindh
Member Complaint Redressal Committee

(Engr. Ghulam Shabir Memon)
Project Manager
Project Implementation Unit
Hyderabad-Mirpurkhas Dual Carraigeway Project
Hyderabad/
Chairman, Complaint Redressal Committee

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