

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

No: F-24/HMDCP/Complaint Redressal Committee/ 542

Dated: - 15/02/2022.

To,

✓
The Assistant Director (Legal-II),
Sindh Public Procurement Regulatory Authority,
Government of Sindh,
Karachi.

Subject: -


**COMPLAINT AGAINST EXECUTIVE ENGINEER, PROVINCIAL
HIGHWAYS DIVISION, SHAHEED BENAZIRABAD REGROUPED
THE WORKS & IMPOSING ILLEGAL TERMS AND CONDITIONED
IN NIT.**

Reference: -

Assistant Director (Legal-II), Sindh Public Procurement Regulatory
Authority, Government of Sindh, Karachi's letter No: AD (L-II) CMS-
3050 / 2021-22/0740 Dated 11-02-2022

In response to your office letter No: cited above, the minutes of the
Complaint Redressal Committee meeting held on 11-01-2022 has already been submitted to
your office vide this office letter No: F-24/HMDCP/Complaint Redressal Committee/156
Dated 12-01-2022. However copy is attached herewith for ready reference.

✓
17/2


(Engr. Ayaz Hussain Memon)
Project Manager
Project Implementation Unit
Hyderabad-Mirpurkhas Dual Carriageway Project
Hyderabad

Copy forwarded for information to the: -

- Executive Engineer, Provincial Highways Division, Shaheed Benazirabad.

Pls
put up for
Hosting on
Website. 17/2
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OFFICE OF THE
PROJECT MANAGER PROJECT IMPLEMENTATION UNIT
HYDERABAD-MIRPURKHAS DUAL CARRIAGEWAY PROJECT HYDERABAD
ADCP/Complaint Redressal Committee/ 186 Dated: - 12/01/2022

The Chief Engineer,
(Highways) Hyderabad.

Subject: -

MINUTES OF THE MEETING OF COMPLIANT REDRESSAL COMMITTEE (CRC) OF PROVINCIAL HIGHWAYS DIVISION, SHAHEED BENAZIRABAD IN RESPECT OF NIT No: TC/G-55/2872 Dated 13-12-2021 & No: TC/G-55/2920 Dated 24-12-2021, AS PER RULE-31 OF SPPRA RULES 2010 (AMENDED 2019) HELD ON WEDNESDAY, 11th JANUARY 2022 @ 11:30 AM IN OFFICE OF THE PROJECT MANAGER PROJECT IMPLEMENTATION UNIT, HYDERABAD-MIRPURKHAS DUAL CARRIAGEWAY PROJECT, HYDERABAD.

Please find enclosed herewith the minutes of Complaint Redressal Committee meeting Dated 11-01-2022 of Provincial Highways Division, Shaheed Benazirabad for favour your kind information and further action.


(Engr. Ayaz Hussain Memon)
Project Manager
Project Implementation Unit
Hyderabad-Mirpurkhas Dual Carriageway Project
Hyderabad

Copy forwarded for information to the: -

- Executive Engineer, Provincial Highways Division, Shaheed Benazirabad.
- Assistant Director (Legal-II), Sindh Public Procurement Regulatory Authority, Government of Sindh, Karachi.
- The Divisional Accounts Officer, Sindh Provincial Improvement Road Project, Hyderabad (Member Complaint Redressal Committee).
- Mr. Harish Vankvani, Project Manager, Construction Co. (Private), (Member Complaint Redressal Committee).
- M/S Ghulam Murtaza Enterprises, Government Contractor, Bungalow No: C-377/3, Phase-I, Qasimabad, Hyderabad Cell No: 0321-3028490 - 0336-3062440.

**THE MEETING OF COMPLIANT REDRESSAL COMMITTEE (CRC) OF
PROVINCIAL HIGHWAYS DIVISION, SHAHEED BENAZIRABAD IN RESPECT OF NIT
5/2872 Dated 13-12-2021 & No: TC/G-55/2920 Dated 24-12-2021, AS PER RULE-31 OF
SPPRA RULES 2010 (AMENDED 2019) HELD ON WEDNESDAY, 11TH JANUARY 2022 @ 11:30 AM
IN OFFICE OF THE OFFICE OF THE PROJECT MANAGER PROJECT IMPLEMENTATION
UNIT, HYDERABAD-MIRPURKHAS DUAL CARRIAGEWAY PROJECT, HYDERABAD.**

The Meeting of Complaint Redressal Committee (CRC) in order to redress the grievance / complaint of M/S Ghulam Murtaza Enterprises, Government Contractor regarding Tenders invited for procurement of different works in office of the Executive Engineer, Provincial Highways Division, Shaheed Benazirabad, as per Rule-31 of SPPRA Rules 2019 (Amended up to date) was held on Tuesday 11th January 2022 @ 11:30 AM in office of the Project Manager, Project Implementation Unit, Hyderabad-Mirpurkhas Dual Carriageway Project, Hyderabad. The following attended the meeting:

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|---|---|
| 1. Engr: Ayaz Hussain Memon
Project Manager
Project Implementation Unit
Hyderabad-Mirpurkhas Dual Carriageway Project
Hyderabad | Chairman,
Complaint Redressal
Committee |
| 2. Mr. Qamaruddin Solangi,
Divisional Accounts Officer,
Sindh Provincial Road Improvement Project,
Hyderabad | Member
Complaint Redressal
Committee |
| 3. Mr. Harish Vankvani,
Project Manager,
Construction Co. (Private). | Member
Complaint Redressal
Committee
(An Independent Professional) |
| 4. Mr. Abdul Majeed Panhyar,
Executive Engineer, Provincial Highways Division,
Shaheed Benazirabad. | Executive Engineer/
Chairman Procurement
Committee |
| 5. M/S Ghulam Murtaza Enterprises, Government
Contractor | Complainants |

Complaint Redressal Committee Proceedings

The meeting was started with name of Almighty Allah. The Project Manager, Project Implementation Unit, Hyderabad-Mirpurkhas Dual Carriageway Project, Hyderabad / Chairman Complaint Redressal Committee welcomed all the participants for attending the meeting and narrated that the meeting was conveyed in terms of Rule No: 31 of Sindh Public Procurement Regulatory Authority Rules-2010 (Amended-up to date). He informed that above mentioned applicants have lodged complaint for redressal of their

regarding Tenders invited for procurement of different works in office of the Executive Engineer, Provincial Highways Division, Shaheed Benazirabad, vide No: TC/G-55/2872 Dated 13-12-2021 & No: TC/G-55/2920 Dated 24-12-2021. The Chair asked the complainant M/S Ghulam Murtaza Enterprises, to present their case / version on the instant Notice Inviting Tenders before the committee.

The Complainants allegations are mentioned as under: -

M/S Ghulam Enterprises, Government Contractor version

The complainant complained as under: -

- ✓ That the Executive Engineer, Provincial Highways Division, Shaheed Benazirabad did regrouped the works having different locations and schemes in together for facilitate his choicy contractor on favouritsim basis in darkness of night, which is clear violation of SPPRA Rule-12
- ✓ That Executive Engineer, Provincial Highways Division, Shaheed Benazirabad imposed following illegal terms and conditions: -
 - a. That XEN has adopted single stage two envelop for this procedure is only to facilitate some choiced contractors, Moreover this road works having simple and routine have not technical complexity or innovation is involved in this road works, which is violation of SPPRA Rule-47.
 - b. That the XEN has required that the contractor must have at least three works of same specification and nature of equal or more cost quantum completed during past three years duly supported with completion certificate, certified copies of detailed working estimates, Bid Evaluation Report & SPPRA ID. Which is violation of SPPRA Rule-44.
 - c. That the XEN has required that the contract has certificate of Bank
 - d. Showing credit worthiness of at least 15% of estimate cost of work.
 - e. That the XEn has fixed Rs. 5000/- for tender form / bidding documents fee.
- ✓ That as per SPPRA Rules, the above requirements, and procedure are against the Rules and Regulation.
- ✓ That SPPRA from time to time has made observations on PPMS website about illegal terms and conditions imposed by XEN, but inspite of that, XEN continued such illegal practice.

Mr. Abdul Majeed Panhyar, Executive Engineer, Provincial Highways Division Shaheed Benazirabad, / Chairman Procurement Committee replied as under: -

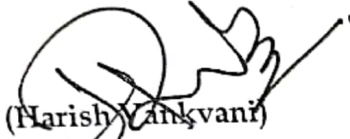
- ⇒ The works mentioned in the NIT are according to their U/C wise bifurcation made in the approved PC-I and joint approved cost of the different roads. Hence, neither re-grouping has been made nor there is any intention to extend favoritism to the contractors of own choice.
- ⇒ The tenders invited for different works are not of the simple or routine nature but the contractors who have relevant experience, required machinery and managerial capability can carry out of the works. Moreover SPPRA authority has already decided that discretion lies with the procuring agency to take decision regarding the method of procurement according to the nature of work, circumstances and needs of the procuring agency.
- ⇒ According to Rule No: 2.16 (A) (i) of Regulation for procurement of works (2013) SPPRA Rules 2010 (Amended 2019) Procuring Agency can obtain experience and completion of the work satisfactorily.
- ⇒ According to Rule No: 2.16 (A) (iv) of Regulation for Procurement of Works (2013 SPPRA Rules 2010 amended 2019) procuring agency can obtain documentary evidence of financial position in a bank statement and annual turnover either or twice the estimated cost of the project. Hence condition of credit worthiness atleast 15% estimated cost of the work is nominal.
- ⇒ The bidding documents fees has been mentioned amounting to Rs. 3000/- instead of Rs. 5000/- as alleged by the complainant.
- ⇒ The justification of observations on PPMS website regarding conditions mentioned in the eligibility criteria has been justified properly.

After detailed reply submitted by the Executive Engineer, Provincial Highways Division, Shaheed Benazirabad, and discussing the relevant issues with the complainant, the complainant in presence of all the Complaint Redressal Committee members during the meeting said that he has been satisfied with the replies of the Executive Engineer all his relevant issues and grievances have been resolved and he further announced that he is withdrawing from his complaint

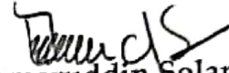
Complaint Redressal Committee

After hearing the both parties, detailed discussion and the relevant issues grievances of the complainant has been resolved as accepted by the complainant and he verbally withdraw from his complaint in presence of all the members of Complaint Redressal Committee, the members of the Complaint Redressal Committee unanimously agreed upon the decision that issues and grievances of the complainant stand resolved and the complaint is hereby disposed off.

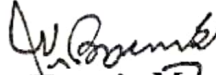
The meeting ended with the vote of thanks to and from the chair.



(Harish Vankvani)
Project Manager,
Construction Co. (Private).
(An Independent Professional)
Member Complaint Redressal Committee



(Qamaruddin Solangi)
Divisional Accounts Officer,
Sindh Provincial Road Improvement Project,
Hyderabad
Member Complaint Redressal Committee



(Engr: Ayaz Hussain Memon)
Project Manager
Project Implementation Unit
Hyderabad-Mirpurkhas Dual Carriageway Project
Hyderabad/
Chairman, Complaint Redressal Committee