



Government of Sindh
Sindh Public Procurement Regulatory Authority



No.Dir(E&O)/SPPRA/Rule-23&31 2020-21/4048

Karachi, dated: 10 Dec. 2021

To,

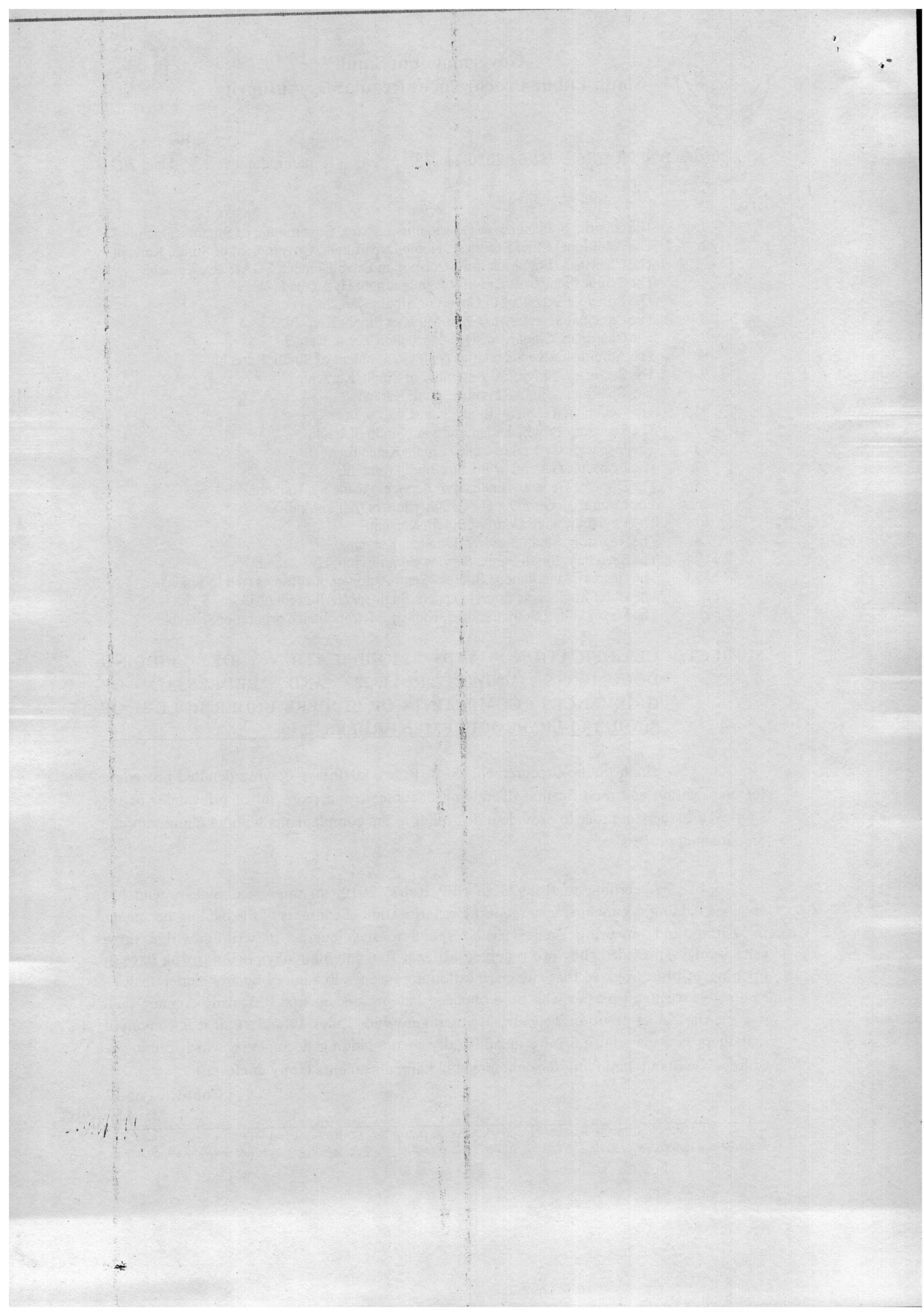
1. The Chairman, Planning & Development Board, Government of Sindh, Karachi.
2. The Additional Chief Secretary, Home Department, Government of Sindh, Karachi.
3. The Chairman, Enquiries, Anti-Corruption Establishment, SGA&CD, Karachi.
4. The Senior Member Board of Revenue Sindh, Hyderabad.
5. The Principal Secretary to Governor Sindh, Karachi.
6. The Principal Secretary to Chief Minister Sindh, Karachi.
7. The Chairman, Chief Minister's Inspection Team, Karachi.
8. The Administrative Secretaries (All) Government of Sindh, Karachi.
9. The Secretary, Provincial Assembly of Sindh, Karachi.
10. The Chairman, Sindh Revenue Board, Karachi.
11. The Accountant General Sindh, Karachi.
12. The Secretary Provincial Ombudsman Sindh, Karachi.
13. The Inspector General of Police Sindh, Karachi.
14. The Inspector General of Prisons Sindh, Karachi.
15. The Director General, Sindh Civil Services Academy, Karachi.
16. The Commissioner / Deputy Commissioners (All in Sindh).
17. The Registrar, High Court of Sindh, Karachi.
18. The Registrar, Sindh Services Tribunal, Karachi.
19. The Secretary, Sindh Public Service Commission, Hyderabad.
20. The Head of Autonomous Bodies / Semi-Autonomous Bodies (All in Sindh).
21. The Chief Engineers / Superintendent Engineers (All in Sindh).
22. The Metropolitan Commissioner, Karachi Metropolitan Corporation, Karachi.

SUBJECT: CLARIFICATION AND MODIFICATION OF BIDDING DOCUMENTS UNDER RULE-23 AND REDRESSAL OF GRIEVANCES / COMPLAINTS OF BIDDERS UNDER RULE-31 OF SINDH PUBLIC PROCUREMENT RULES, 2010.

Sindh Public Procurement (SPP) Rules, 2010 lays down a detailed procedure for clarification and modification of bidding documents and redressal of grievances of the aggrieved bidders in order to provide quick relief to the complainants without hampering the procurement process.

2. According to Rule-23 of SPP Rules, 2010, an interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding document in writing, and procuring agency shall respond to such queries in writing within three calendar days, provided they are received at least five calendar days prior to the date of opening of bid. Provided that any clarification in response to a query by any bidder shall be communicated to all parties who have obtained bidding documents. Procuring Agency shall re-issue the Notice Inviting Tenders, in accordance with Rules 17 and 18, if it is convinced that there is a material infirmity or ambiguity in the bidding documents, which cannot be addressed without modifying the contents of bidding documents (copy enclosed).

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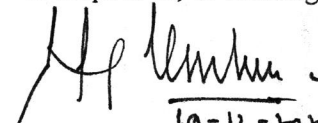


3. Besides, Rule-31 of SPP Rules, 2010 stipulates that all the procuring agencies shall constitute a complaint redressal committee and any bidder aggrieved by any act or decision of the procuring agency may lodge a written complaint to the Complaint Redressal Committee during procurement process i.e. after the issuance of notice inviting tender but prior to award of contract to the successful bidder/ contractor/ consultant. The complaint redressal committee of the procuring agency shall announce its decision within seven days and intimate the same to the bidder and the authority within three working days.

4. However, it has been observed that most of the procuring agencies do not observe Rule-23 & 31 of SPP Rules, 2010 in letter and spirit, which is not only violation of the Sindh Public Procurement Rules, 2010 but also unnecessarily delays public procurements and results in inefficient and substandard procurements.

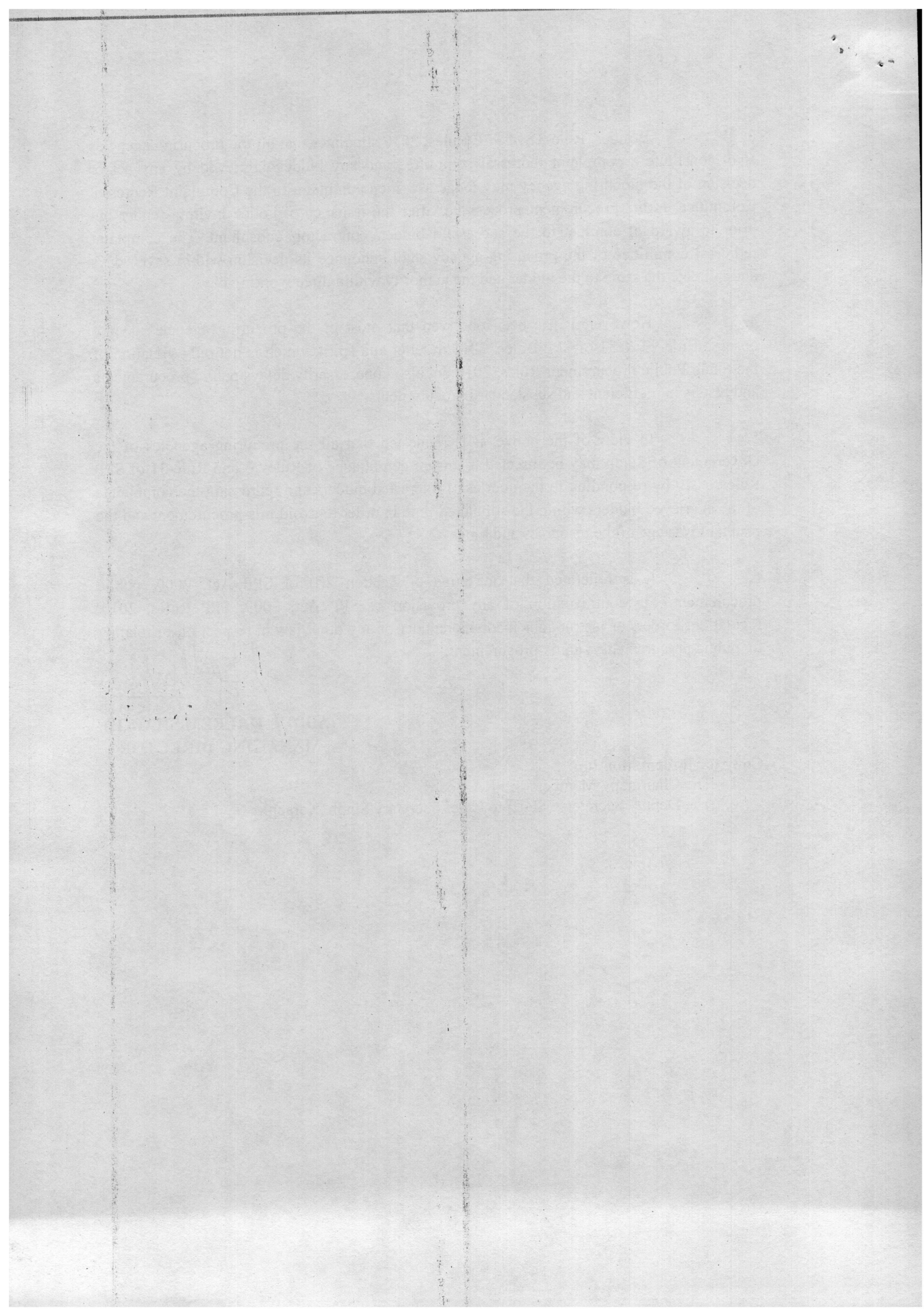
5. In view of the above, it is requested that all the procuring agencies of the Government of Sindh may be directed to ensure compliance of Rule-23 and Rule-31 of SPP Rules, 2010 by responding to the queries of interested bidders and redressing the complaints of the aggrieved bidders within the stipulated time in order to avoid mis-procurement and the resultant wastage of the resources and time.

6. It is reiterated that in terms of Section 2(i) of SPP Act, 2009, public procurement, in contravention of any provision of SPP Act, 2009, SPP Rules, 2010, regulations, orders or instructions made thereunder or any other law in respect of, or relating to public procurement is a mis-procurement.


10-12-2021
(ABDUL HALEEM SHAIKH)
MANAGING DIRECTOR

Copy for information to:

1. The Chairman / Members SPPRA Board.
2. The Deputy Secretary (Staff) to Chief Secretary Sindh, Karachi.



23. Clarification and Modification of Bidding Documents:

- (1) An interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding document in writing, and procuring agency shall respond to such queries in writing within three calendar days, provided they are received at least five calendar days prior to the date of opening of bid;

Provided that any clarification in response to a query by any bidder shall be communicated to all parties who have obtained bidding documents;

- (2) Procuring Agency shall re-issue the Notice Inviting Tenders, in accordance with Rules 17 and 18, if it is convinced that there is a material infirmity or ambiguity in the bidding documents, which cannot be addressed without modifying the contents of bidding documents.

31. Mechanism for Redressal of Grievances:

- (1) The procuring agency shall constitute a committee for complaint redressal comprising odd number of persons, with appropriate powers and authorizations, to address the complaints of bidders that may occur during the procurement proceedings [prior to award of contract.]
- (2) The committee shall be headed by head of the procuring agency or an official of the procuring agency, at least one rank senior to the head of the procurement committee and shall include the following:
 - (a) District Accounts Officer, or his representative, in case of the local governments or provincial line departments at district level, or a representative of the Accountant General, Sindh in case of Government departments at the provincial level;
 - (b) An independent professional from the relevant field concerning the procurement process in question, to be nominated by the head of procuring agency;
- (3) Any bidder being aggrieved by any act or decision of the procuring agency after the issuance of notice inviting tender may lodge a written complaint
- (4) The complaint redressal committee upon receiving a complaint from an aggrieved bidder may, if satisfied;
 - (a) prohibit the procurement committee from acting or deciding in a manner, inconsistent with these rules and regulations;

- (b) annul in whole or in part, any unauthorized act or decision of the procurement committee; and

Provided while re-issuing tenders, the procuring agency may change the specifications and other contents of bidding documents, as deemed appropriate.

- (bb) recommend to the Head of Department that the case be declared a mis-procurement if material violation of Act, Rules Regulations, Orders, Instructions or any other law relating to public procurement, has been established; and.
- (c) reverse any decision of the procurement committee or substitute its own decision for such a decision;

Provided that the complaint redressal committee shall not make any decision to award the contract.

- (5) The complaint redressal committee shall announce its decision within seven days and intimate the same to the bidder and the Authority within three working days. If the committee fails to arrive at the decision within seven days, the complaint shall stand transferred to the Review Committee which shall dispose of the complaint in accordance with the procedure laid down in rule 32,]2 [if the aggrieved bidder files the review appeal within ten (10) days of such transfer;
- (6) The Procuring Agency shall award the contract after the decision of the complaint redressal committee;
- (7) Mere fact of lodging of a complaint shall not warrant suspension of the procurement proceedings;

Provided that in case of failure of the Complaint Redressal Committee to decide the complaint; the procuring agency shall not award the contract, until the expiry of appeal period or the final adjudication by the Review Committee.