



No. Dir (Enf-II)/SPPRA/E&T-10(N)/14-15/0253

GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY
Karachi, dated the 14th July, 2015

ORDER


On the request of Excise, Taxation and Narcotics Department, Govt. of Sindh (the procuring agency), the committee after reviewing the decision of the previous meeting dated 17.06.2015 and submission by all the parties namely, Excise, Taxation and Narcotics Department, Govt. of Sindh, and M/s Progressive Engineering Associates (bidder) decided as under:


1. On the petition of the complainant filed vide CP NO.D-1502/2015 on 21.03.2015 in the Honourable High Court of Sindh at Karachi, the Court served notices to the respondents on 27.03.2015.
2. On 29.05.2015, the court ordered the respondents that "Today statement has been filed by the Assistant Advocate General Sindh along with which the Managing Director of the Respondent No.3 has submitted Para wise comments, wherein it has been stated that the entire procurement process stands cancelled. In view of this statement this petition has become infructuous. In the circumstances, while dismissing this petition, we direct the Respondents that in case the procurement process is repeated it should be in a transparent manner strictly in accordance with the Public Procurement Rules".
3. The Excise, Taxation and Narcotics Department, Govt. of Sindh knowing that there is litigation in tender No.INF-KRY NO.37/2015 opened on 27.01.2015, in the High Court of Sindh at Karachi and the department was ordered to act strictly in accordance with law. In view of the passing remarks by Honourable High Court of Sindh at Karachi, this should have been brought to the notice of the Review Committee that the matter is sub-judice before the Court, while during the pendency the tender was cancelled and fresh tender was invited on 13.04.2015 and the sequence of opening of fresh tender prior to cancelling of the earlier tender i.e. was after 5 days. This act of the department is violation of Rule-25 & 26 of SPP Rules, 2010 (amended 2013), which says that fresh tender can only be invited after cancellation and refund of earnest money to the parties to complete the cancellation process. The Review Committee have also noticed that the procuring agency cancelled the tender without evaluation of the bids by the procurement committee. However, according to Rule-42 of SPP Rules, 2010 (amended 2013), the bids should have been evaluated in accordance with evaluation criteria and other terms and conditions set forth in the bidding document. The cancellation by the procuring agency without carrying out the evaluation of the bids by the authorized procurement committee is gross violation of SPP Rules, 2001 (amended 2013) and the decision of the cancellation of the tenders was with malafide intention.

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4. The tender NO.INF/KRY 1346/15 opened on 28.04.2015, and its award is therefore, declared mis-procurement by the Review Committee under Rule-32(A) of SPP Rules, 2010 (amended 2013). The committee noted that the bill of contractor M/s Mehran Industries was processed for payment for 400,000 motorcycle plates and 150,000 pairs of motor vehicle plates for payment to AG Sindh. The committee is of the view that it is humanly impossible to manufacture 700,000 plates in short period of 10 – 12 days and is of the view that it was a bogus payment. However, AG Sindh on the complaint did not release the awaited to be made payment in view of SPPRA review dated 17th June, 2015 and Sindh High Court Order dated 29th May, 2015. The letter dated 24th June, 2015 and 27th June, 2015 by AG Sindh and letter dated 26th June, 2015 by Additional Secretary, Excise, Taxation & Narcotics Department are herein attached as annexures.
5. The Review Committee reaffirmed and confirmed the order dated 17th June, 2015, issued by the Review Committee and direct the department to take action in accordance with earlier decision. The department is directed to take action under Rule-32(A)(2) of SPP Rules, 2010 (amended 2013) against all the officers involved in mis-procurement.


Managing Director
SPPRA

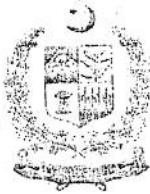

Syed Adil Gilani
Member SPPRA Board


Engr. M. Abdul Jabbar Memon
Member SPPRA Board

Copy for information and necessary action to:

1. Secretary to Government of Sindh, Excise, Taxation & Narcotics Department, Karachi.
2. Director General Audit, Karachi (member).
3. Engr. M. Abdul Jabbar Memon, Rep. of Civil Society on SPPRA Board, (Member).
4. Syed Adil Gilani, Advisor, Transparency International Pakistan, Karachi (Member)
5. Deputy Director, Industries Department, GoS, Profession for Tax Token Stickers.
6. PS to Chairman, SPPRA Board, Karachi.
7. Staff Officer to Managing Director, SPPRA.
8. M/s Progressive Engineering Associates, Karachi.


Deputy Director (A&F)



Ph No. 021-99244804
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OFFICE OF THE
ACCOUNTANT GENERAL SINDH
Pakistan Audit & Accounts Complex,
Gulshan-e-Iqbal, Block No. 11, University Road, Karachi.75300

No. AAG/CAA-III/2014-15/014

Dated: 24-06-2015

The Secretary,
Excise, Taxation and Narcotics Department,
Govt of Sindh, Karachi.

Subject: Cancellation of Registration Number Plates and Tax Token Tenders in
Light of Sindh High Court and SPPRA Orders

Kindly refer to your bills bearing token Nos. 240042, 240043, 240044, 240045, 240046 & 240047, regarding procurement of number plates and tax token stickers.

In this regard it is stated that Honorable Sindh High Court vide C.P No. D-1502 of 2015 dated 29th may 2015 has declared that said tendering process was not conducted in transparent manner in accordance with Public procurement rules. The same irregularities have also been pointed out by the SPPRA vide order No. Dir (Enf-II)/SPPRA E&T-10(N)/14-15/9761 dated 17th June 2015. Moreover, the tenders regarding tax token stickers have also been cancelled by the Review Committee in terms of Rule-32 (7) (d) of SPP rules 2010 SPPRA order No. Dir (Enf-II)/SPPRA/ E & T-09 (N)/14-15/9760 dated 17th June 2015.

In view of the above orders, clarification may be communicated to the office of Accountant General Sindh within two days positively (Before 26th June, 2015); otherwise bills shall be unpassed.


Mira Rizwan

(Assistant Accountant General)



NO: SO (G)/CASH/ET&N/Tax Token & NUMBER PLATE/ 2014-15

GOVERNMENT OF SINDH
EXCISE, TAXATION & NARCOTICS
DEPARTMENT

Karachi dated 22/06/2015

To,

Assistant Accountant General,
Accountant General Sindh,
Karachi.

SUBJECT: CANCELLATION OF REGISTRATION NUMBER PLATES AND TAX TOKEN TENDERS IN LIGHT OF SINDH HIGH COURT AND SPPRA ORDERS.

I am directed to refer to your letter No. AAG/CAA-III/2014-15/014 dated 24-06-2015 on the subject noted above and to submit as under:-

1. A complaint redressal committee for Number Plates and Token Stickers was called as per SPPRA Rule-31(1)(2), twice on 29-05-2015 and 02-06-2015. The complainant failed to attend the meeting on both the occasions. The committee considered the written complaints and decided that the procurement process was done transparently and contract should be awarded to best evaluated bids as per SPPRA rule.

Based on the decision of CRC and urgency (currently temporary number plates are being issued), work order was awarded to M/s. Mehran Industries for Number Plates and M/s Al-Hafeez Printer for Tax Token Stickers on 04-06-2015.

3. Subsequently, the complainants approached to SPPRA for a review committee meeting. The review committee decision was announced and communicated to the Department on June 17th 2015.

4. It should be noted that the Sindh High Court vide CP. No.D-1502 of 2015 was instructed to SPPRA to hold the procurement process transparently. There is nothing in the judgment that the procurement process is not being conducted in transparent manner and hence be cancelled.

ADDITIONAL SECRETARY (ADMINISTRATIVE)
GOVT. OF SINDH
Excise, Taxation & Narcotics Department

Md. 3308

22/06/2015



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ACCOUNTANT GENERAL SINDH
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No.AAG/CAA III/2014-15/010

Dated: 27.06.2015

The Secretary
 Excise, Taxation & Narcotics Department
 Govt. of Sindh
Karachi

**SUB: CANCELLATION OF REGISTRATION NUMBERS PLATE AND TAX TOKEN
 TENDERS IN LIGHT OF SINDH HIGH COURT AND SPPRA ORDERS**

Kindly refer to your bills bearing token NOs. 240042, 240043, 240044, 240045, 240046 & 240047, regarding procurement of number plates and tax token stickers.

1. Honourable Sindh High Court vide Order NO. Misc.12869/2015 (U/A) dated 29.05.2015 in the C.P.NO 1502 of 2015 had asked for transparency in the procurement as and when SPPR authority informed the Court that mentioned tendering process has already been cancelled.

2. SPPRA orders vide no. Dir (Enf-II) SPPRA/E&T-10(N)/14-15/9761 & No. Dir (Enf-II) SPPRA/E&T-10(N)/14-15/9761 dated 17.06.2015 regarding said procurements have declared the bidding process non-transparent.

In view of above orders, clarification given (Annexure-I) by your department was not tenable and satisfactory so referred bills have been unpassed.

[Handwritten Signature]

ASSISTANT ACCOUNTANT GENERAL
 (CAA III SECTION)

✓ Copy to:

1- Sindh Public Procurement Regulatory Authority, K

