



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2507/2021-22/4089

Karachi, dated the 23<sup>rd</sup> December, 2021

To,

The Secretary,  
Works & Services Department,  
Government of Sindh,  
**KARACHI.**

**Subject: DECISION OF THE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY.**

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the Authority's Review Committee decision (**M/s Khan Electric Works V/s Executive Engineer, Provincial Building Division Health works (Lower Sindh) Hyderabad**, held on 14.12.2021, for taking further necessary action under intimation to this Authority, at the earliest.

  
ASSISTANT DIRECTOR (Legal-II)

**A copy is forwarded for information and necessary action to:**

1. The Superintendent Engineer, (Works & Services) Hyderabad.
2. The Executive Engineer, Provincial Building Division Health Works (Lower Sindh Hyderabad).
3. Assistant director (I.T), SPPRA (**with advice to post the decision on the Authority's website in terms of Rule-32(11) of SPP Rules, 2010**)
4. The Staff Officer to the Chairman / Members Review Committee.
5. The Appellants.

NO.AD (L-II)/SPPRA/CMS-2707/2021-22/

Karachi, dated the 22<sup>nd</sup> December, 2021



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY  
AUTHORITY



No.AD (L-II) SPPRA/CMS-2507/2020-21

Karachi, dated the , December, 2021

**BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY  
AUTHORITY UNDER RULE-32 OF SPP RULES 2010.**

**M/s Khan Electric Works & Executive Engineer Provincial Building Division Health  
Works (Lower Sindh) Hyderabad**

**PPMS NIT NO. T01697-20-0009**

**Decision of the Review Committee held on 13.12.2021**

Date(s) of meeting(s)	<sup>3</sup> 14.12.2021
Appellant	MS Khan Electric
Procuring Agency	Executive Engineer Provincial Building Division Health Works Lower Sindh Hyderabad
Appeal received on	10.06.2021
Reasons for the delay in decision of the Review Committee in terms of rule 32(10)	Many complaints were pending before the Review Committee because the working of the committee was kept in abeyance due to the non-availability of one member of the Review Committee.

**The appellant's Version**

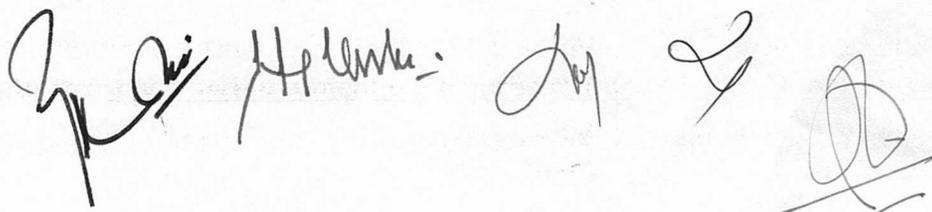
1. The appellant **M/s Khan Electric Works** has submitted that the procuring agency disqualified his firm due to the lack of experience whereas he claimed that he possessed required qualification and experience but the procuring agency had knowingly disqualified.
2. The appellant submitted that he had requested for rechecking of his disqualification to the procuring agency but the procuring agency did not allow opportunity to be heard before CRC.
3. The appellant also claimed that the procuring agency **has qualified M/s Honey Enterprises and M/s Junejo Ali Muhammad and brothers.** The appellant claimed that both of the bidders do not possess mandatory registration of Regional Electrical Inspector.
4. The appellant further submitted that the CRC failed to resolve the complaint timely.
5. The appellant also complained that the procuring agency has issued work orders without decision of the Review Committee.

### The procuring agency's version

1. The procuring agency submitted that the appellant was disqualified because he had submitted the photocopy of affidavit whereas as per the necessary conditions of NIT he was required to submit the original affidavit.
2. The procuring agency also informed that the appellant had not submitted the required experience as mentioned in the NIT and bidding documents.
3. The procuring agency clarified that the work had been awarded to the contractor who fulfilled the criteria of the procuring agency.
4. Procuring Agency informed that the bidder was informed in writing about his disqualification vide letter dated 5.5.2021 and the same was received by the bidder.
5. The procuring agency was asked about the scoring on which the bidders' bids were evaluated. The procuring agency informed that they had prepared the scoring sheet but it was not uploaded on PPMS website.
6. The procuring agency informed to the Review Committee that the scoring sheet will be shared with the committee but till the end of the meeting of the Review Committee meetings, the procuring agency did not to present any such sheet.
7. The procuring agency confirmed that the works had been awarded to the successful contractors.
8. It was clarified by the procuring agency that the Review Committee was kept in abeyance and the works were relating to hospital in such a situation it was not possible to wait for the final decision of the Review Committee and it was necessary in public interest that the works may proceeded accordingly.

### Findings of the Committee;

1. The Review Committee observed that the procuring agency failed to evaluate the bids in accordance with the scoring criteria mentioned in the NIT and bidding documents which is violation of SPP Rule 25 which made compulsory that the bids shall be evaluated in accordance with the criteria mentioned in the bidding documents.
2. The Review Committee observed that the procuring agency had given ambiguous evaluation criteria and needlessly the 60 score was assigned for the experience.
3. It was also observed that the procuring agency had inserted the difficult conditions which restricted the open competitive process. Hence, the violation of Rule 44 has been established upon the procuring agency.
4. The procuring agency was required to upload the contracts documents within 15 days of the award of the work but the procuring agency failed to upload the same which is violation of SPP Rule 50.



5. The Review Committee observed that the procuring agency signed the contract even knowing that the appeals of the appellants were pending before the Review Committee. Such signing of the contract is against the SPP Rule 31(7) which reads as under;

**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.]**

**Decision of the Review Committee:**

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7) (g), the Review Committee:

1. Declares the **procurement of work No 3** as Mis-Procurement.
2. Decide to refer the matter to the Competent Authority i.e. Secretary (Works & Services) Department Karachi for initiation of disciplinary action against the official(s) of the procuring agency responsible for Mis-procurement.
3. The Department shall recover any loss or damage incurred by it on account of its corrupt business practices and pay compensation to Government of Sindh (GoS) in an amount equivalent to ten times the sum of any commission, gratification, bribe, finder's fee or kickback given by Contractor as aforesaid for the purpose of obtaining or inducing the procurement of any contract, right, interest, privilege or other obligation or benefit in whatsoever form, from (GoS) due to Mis-procurement under integrity pact.



Member  
(Manzoor Ahmed Memon)  
Member SPPRA Board



Member  
(Syed Adil Gilani)  
Member Transparency International



Member  
(G. Mohi-Uddin Asim)  
Representative of P & D Board ,P& D  
Department Karachi



Member  
(Munir Ahmed Shaikh)  
Independent Professional



Chairman  
(Abdul Haleem Shaikh)  
Managing Director  
Sindh Public Procurement Regulatory Authority