



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2673/2021-22/ 0520

Karachi, dated the 31st December, 2021

To,

The Executive Engineer,
Public Health Engineering Division-1,
Government of Sindh,
KHAIRPUR.

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 Fatima & Company V/s Executive Engineer, Public Health Engineering Division-1, Khairpur held on 14.12.2021 & 23.12.2021, 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 Secretary to Government of Sindh, Public Health Engineering & Rural Development Department, Karachi.
2. The Chief Engineer, (Dev/O&M), (Concerned) Public Health Engineering Division Sukkur.
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 Fatima & Company.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY
AUTHORITY



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

Karachi, dated the 30th December,2021

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

**M/S Fatima & Co V.S The Executive Engineer, Public Health Engineering
Division-1 Khairpur NIT T00692-20-0007**

Decision of the Review Committee

Date(s) of meeting(s)	14.12.2021 & 23.12.2021
Appellant	M/S Fatima & Co
Procuring Agency	<u>Executive Engineer, Public Health Engineering Division 1.Khairpur</u>
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.

1. The matter was listed for hearing before the Review Committee twice. The appellant failed to appear before the Review Committee twice. The Review Committee. However, Learned Counsel, for the appellant Mr.Kamran Ali Shaikh appeared on the second date of hearing i.e on 23.12.2021 and submitted that he has been authorized by the appellant to plead his matter before the Review Committee. The Review Committee did not accept the submission of the learned counsel for pleading of case in the absence of the appellant. The Review Committee decided to decide the appeal ex-parte in terms of Rule 32(9) of the SPP Rules.

Helena

Jin

Kamran Ali Shaikh

[Signature]

The Appellant's Version

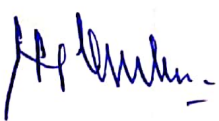
2. The complaint of the bidder that he had submitted before Complaint Redressal Committee and the appeal of the appellant are available on the record.
3. The appellant submitted to that he had submitted his bid via courier service and the same was received on 21.06,2021 at the office of the procuring agency.
4. The appellant also informed that he wanted to submit two bids but the XEN wanted to favor other contractors.
5. The appellants had also submitted that the procuring agency wanted to award the contracts on higher rates to the favorite contractors and the appellant claimed that the procuring agency had violated the SPP Rules and regulations.
6. The appellants had also pointed out that the procuring agency has violated the transparency and rule of law in the bidding process.
7. The appellants approached the Review Committee and submitted that CRC failed to decide the matter with in stipulated time as described under Rules.

Observations of the Review Committee

8. The Review Committee observed that the appellant has not submitted any evidence that may establish the violation of the SPP Rules in the procurement process.
9. The Review Committee also observed that minutes of the meeting and attendance sheet signed by the bidders are documentary evidences that the bids were opened on the scheduled time, date and venue.
10. The Review Committee also observed that, under Rule 32(8),it is necessary for the appellant to appear before the Review Committee. However, the appellant could not appear before the Review Committee twice.
11. The Review Committee also observed that the representative of the appellant cannot be allowed to appear in his/her place to appear before the Review Committee ,as the rule 32(8) demands the appellant shall appear before the Review Committee.

It shall be mandatory for the appellant and the head of procuring agency or his nominee not below the rank of BS-19 to appear before the Review Committee as and when called and produce documents, if required.

12. It may be noted that wherever the representative is allowed to appear under rules, it has been expressively mentioned in the SPP Rules. The relevant rules are reproduced as under;



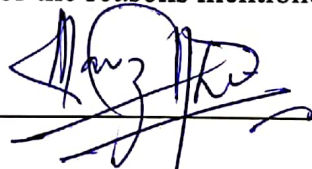
41(4).All bids shall be opened publicly in the presence of all the bidders, or their representatives, who may choose to be present in person, at the time and place announced in the invitation to bid;

47(4)(a)(i) technical proposal shall be discussed with all the bidders or their representatives present together with reference to the procuring agency's technical requirements;

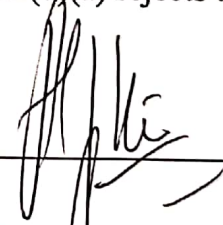
13. From the reading and the analysis of the rules mentioned above ,it is clear that wherever any representative is allowed ,it has been expressively described under rules and in the case of Rule 32(8),the appellant is required to appear before the Review Committee not the representative.

Decision of the Review Committee


14. Given the proceedings findings/observations and after due deliberation, the Review Committee, in exercise of powers conferred upon it under Rule 32(7)(a) rejects the appeal of the appellant for the reasons mentioned above.



(Member)
Manzoor Ahmed Memon
(Member SPPRA Board)



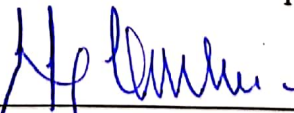
(Member)
Syed Adil Gilani
(Transparency International Pakistan)



(Member)
Ghulam Muhiud Din 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)