



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2803/2021-22/ 0523

Karachi, dated the 30th December, 2021

To,

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

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 Empires Build & M/s Proud Construction Company V/s Executive Engineer, Public Health Engineering Division-1, Larkano held on 09.12.2021 & 13.12.2021, 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 Appellants.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY
AUTHORITY



No.AD (L-II) SPPRA/CMS- 2803/2020-21
2021

Karachi, dated the , December,

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

**M/S Empires Build & M/S Proud Construction Company VS Executive Engineer
Public Health Engineering Division Larkana NIT T00916-20-0001**

Decision of the Review Committee

Date(s) of meeting(s)	9.12.2021 & 13.12.2021
Appellant	<u>M/S Empires Build & M/S Proud Construction Company</u>
Procuring Agency	<u>Executive Engineer Public Health Engineering Division Larkana</u>
Appeal received on	M/S Proud Build Construction on 30.11.2021 M/S Empires Build 2.12.2021
NIT Uploaded on	12.05.2021
Bid Opening date	27.05.2021 First Attempt 11.6.2021 Second Attempt
Bid Evaluation Report	Various BER's have been uploaded for different works. First BER was uploaded on 30.10.2021 and last was uploaded on 21.11.2021
Contract signed on	Contract not posted as yet

The Appellant's Version

1. The appellants while presenting the case apprised the Committee that they were present there in the procuring agency's office on **27.05.2021** for the submission of bids and witnessing the opening of the bids but the neither did dropping had occurred nor the procuring agency had opened the bids.

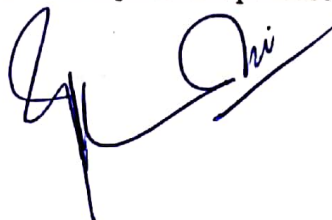
2. The appellants also complained that the procuring agency had announced that the bids will be cancelled but neither the bids were cancelled nor the corrigendum was issued.
3. The appellant also submitted that the procuring agency had selected the favorite contractors and violated the SPP Rules for the opening of bids.
4. The appellants also submitted the procuring agency had not complied with the directions and observations of the SPPRA.
5. The appellants also submitted that the procuring agency had issued the BER illegally as such no opening of bids was held.
6. The appellants also argued that the procuring agency illegally opened the bids on 27.5.2021 and BER had been issued from 30.10.2021 to 21.11.2021 that shows that the procuring agency could not complete the procurement process within bid validity period.
7. The appellants also submitted that the procuring agency had not resolved the complaints and illegally proceeded in the procurement process.

The Procuring Agency's version

1. Notices were issued to the procuring agency twice but the procuring agency failed to appear before the Review Committee. Resultantly, the Review Committee decided the adjudicate the matter ex-parte.

Findings of the Review Committee

1. The Review Committee observed that prima facie it appears that the procuring agency failed to open the bids publicly which is violation of rule 41 and Rule 4 of SPP Rules.
2. The procuring agency did not comply with the observations of the Authority which are posted on PPMS website.
3. The procuring agency was required to appear before the Review Committee whenever required in terms of SPP Rule 32(8) but the procuring agency did not appear before the Review Committee and has violated the said rule.
4. The procuring agency failed to resolve the complaints timely as required under rules.
5. The Review Committee observed that the procuring agency failed to complete the procurement within bid validity period of 90 as bids were opened on 27.5.2021(as claimed by P.A) and BER's were issued from 30.10.2021 to 21.11.2021 after the lapse of about 120 days to 175 days. Furthermore, the procuring agency had not extended the bid validity period as per procedure mentioned in the SPP Rule 38.
6. It was noticed that the procuring agency has not uploaded the contract agreement on PPMS in terms of Rule 50 read with 4 and 10 which shows that the procuring agency has not awarded the work.
7. The procuring agency failed to complete the procurement process in a transparent manner as required under rules.



Decision of the Review Committee:

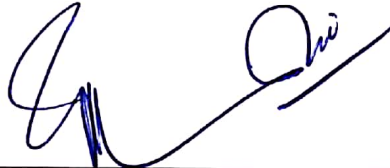
Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32 (7)(f), the Review Committee directs the procuring agency to cancel all the works because the bid validity period has been expired and the procuring agency has neither awarded the work nor has extended the bid validity period accordingly. The procuring agency shall initiate the procurement process afresh by observing the SPP Rules and Regulation.



Member
(Manzoor Ahmed Memon)
Member SPPRA Board



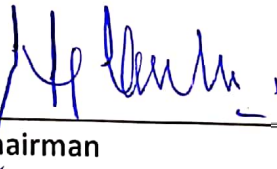
Member
(Syed Adil Gilani)
Member Transparency International



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