



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2814/2021-22/0599

Karachi, dated the 13<sup>th</sup> January, 2022

To,

The Medical Superintendent,  
Lyari General Hospital,  
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 JAF & CO V/s Medical Superintendent Lyari General Hospital Karachi, held on 10.01.2022.

  
DEPUTY DIRECTOR (Legal)

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

1. The Secretary to Government of Sindh, Health Department, Karachi.
2. 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)
3. The Staff Officer to the Chairman / Members Review Committee.
4. The Appellants.



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-2814/2021-22

Karachi, dated the 10<sup>th</sup> January, 2022

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

M/s JAF & Co

Vs

The Medical Superintendent Lyari General Hospital Karachi

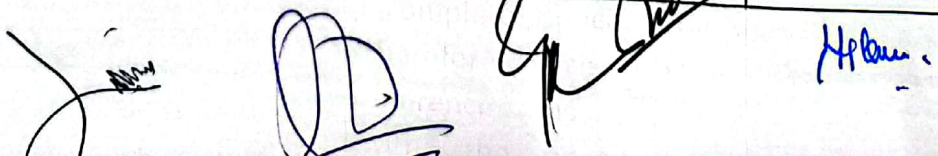
PPMS NIT NO. T01053-21-0011

Decision of the Review Committee held on 10.01.2022

Date(s) of meeting(s)	10.01.2022
Appellant	M/s JAF & Co
Procuring Agency	The Medical Superintendent Lyari General Hospital Karachi
Appeal received on Authority	29.12. 2021
Date of Opening of Bids	28.8.2021
BER was posted on	23.10.2021
Contract Documents	Not posted

S. No	Appellant's Version	Procuring Agency's Version	Remarks/SPP Rules/Regulations
1	<p>The Appellant submitted that the procuring agency had signed MOU for the installation of Laboratory machines.</p> <p>The appellant further submitted that as per M.O.U signed by the procuring agency in 2016-17 was bound to purchase reagents from the authorized dealer M/S JAF &amp; Co on regular basis. However, the procuring agency has called NIT for the procurement of</p>	<p>The procuring agency informed that the M.O.U was signed by the former Medical Superintendent. The procuring agency informed that the said M.O.U has not been renewed.</p> <p>The procuring agency</p>	<p>The Review Committee observed that the bids were called in accordance with the SPP Rules 2010(amended. Up to date)</p>

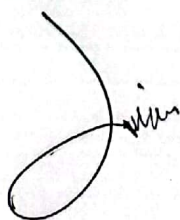
	<p>Reagents wherein Reagents of other companies have been procured in contraventions of the terms and conditions of the said M.O.U.</p>	<p>submitted that the bids were called as per SPP Rules because the said M.O.U does not have overriding effect on the SPP Rules. It was also informed that the bids were called for encouraging competition and saving the public funds by getting the lowest evaluated bid accordingly.</p>	
<p>2.</p>	<p>The appellant further submitted that the procuring agency had called the bids with brand name namely <i>Purchase of Reagents of Sysmex X-P 100 Part 03</i> but accepted the bids which does not meet the specifications of the brand mentioned in the bidding documents.</p>	<p>The procuring agency submitted that the specifications allowed the widest possible competition and had not favored any single contractor or supplier nor put others at a disadvantage .However; procuring agency was convinced that the use of a reference to a brand name was essential to complete an otherwise incomplete specification. Therefore, such use or reference was qualified with the words "<u>or equivalent</u>"</p>	<p>The Review Committee observed that as per SPP Rule 13, the procuring agency had inserted the word equivalent which had allowed all bidders to compete.</p>
<p>3.</p>	<p>The appellant also submitted that the procuring agency had miscalculated the amount of bid wherein M/S Diagnostic Medical Association has been declared lowest instead of the appellant.</p>	<p>The procuring agency submitted that the bid amount submitted by the M/S Medical Diagnostic Medical Association was the lowest. Therefore, he was declared successful by the procurement</p>	

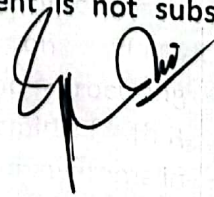
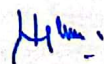


		committee.	
4.		<p>The procuring agency was asked whether the BER was intimated to the appellant in terms of Rule 45 of the SPP Rules.</p> <p>The procuring agency submitted that the appellant was well aware of the Bid Evaluation Report.</p>	
5.		<p>Responding to a question regarding award of work, the procuring agency informed that the procurement contract has been signed with the successful bidder on the recommendation of the procurement committee.</p> <p>In response to the question regarding the non-posting of contract document on PPMS website, the procuring agency submitted that there were many items in the NIT hence the documents will be uploaded on PPMS website</p>	

**Findings of the Committee;**

1. The Review Committee observed that the procuring agency had called the bids in accordance with the SPP Rules. M.O.U signed by the Medical Superintendent is not substitute of the open competitive bidding process.



2. The Review Committee also observed that the specifications included the word **Equivalent**. Hence, the procuring Agency was under no obligation to procure the only brand item, other suppliers were also available in the market to take part in the bidding competition. Moreover bid submitted by the appellant was the highest one.
3. The Review Committee also observed that the bids submitted by the appellant and other bidders were evaluated in accordance with the evaluation criteria mentioned in bidding documents and NIT.
4. The Review Committee also observed that the procuring agency had awarded the contract to the lowest evaluated bidder.
5. It was also observed that the procuring agency should have uploaded the contract agreement on Authority website, in terms of the SPP Rule-50.

**Decision of the Review Committee:-**

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(a) of the SPP Rules, the Review Committee rejects the appeal as no material violation of Rules & Regulations has been established.



Member  
(Manzoor Ahmed Memon)  
SPPRA Board



Member  
(Munir Ahmed Shaikh)  
Independent Professional



Member  
(G. Mohiuddin Asim)  
Representative of P & D Board ,P& D Department  
Karachi



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