



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2872/2021-22/0795

Karachi, dated the 18<sup>th</sup> February, 2022

To,

The Executive Engineer,  
Rohri Division,  
Irrigation & Power Department,  
KANDIARO.

**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 Abdul Hafeez Kolachi V/s Executive Engineer, Rohri Division Kandiaro, held on 09.02.2022, It is further stated that Committee has rejected appeal submitted by the Appellant Abdul Hafeez Kolachi.

  
DEPUTY DIRECTOR (Legal)

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

1. The Secretary to Government of Sindh, Irrigation & Power Department.
2. The Superintending Engineer, Rohri Canal Circle Irrigation & Power Department 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 Appellant.



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-2872/2021-22

Karachi, dated the, 16<sup>th</sup> February, 2022

BEFORE THE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY  
AUTHORITY UNDER RULE-32 OF SPP RULES 2010  
Decision of the Review Committee held on 09.02.2022

Name of Appellant	M/s Abdul Hafeez Kolachi
Procuring Agency	The Executive Engineer, Rohri Division Kandiara Irrigation & Power Department Kandiara.
PPMS ID # Reference No.	01473-21-0004 TC/G – 55/ 2406 dated: 23.11.2021
Appeal Received in Authority Dated	18.1.2022
Complaint of the Appellant Addressed to the the Superintendent Engineer Irrigation Rohri Circle Hyderabad.(Chairman Complaint Redressal Committee)	Dated:05-01-2022
Date of Posting Notice Inviting Tender Corrigendum 1	26-11-2021 01-15-12-2021
Date of Opening of Bids Technical Opening Date of Opening of Bids Financial Opening	17.12.2021 04.01.2022
Date of Posting Bid Evaluation Report	04.01.2022
Date of Posting Contract Documents	27.1.2022
SPPRA Observations communicated on	28.1.2022
Estimated Cost of NIT Total	About 822 Million
Total works in NIT	3 Works
Appellant Related work	Not mentioned in Appeal
Issue involved	Opening of Financial bids without information Procedure of bidding "Single Stage Two Envelope Bidding Procedure" has been questioned.
CRC Decision	CRC dismissed the complaint via its decision dated 13.1.2022

### The appellant's Version:-

The appellant informed that the procuring agency was required to call the bids on single stage single envelope bidding procedure as the works in NIT are simple and are of routine nature. However, the procuring agency adopted the Single Stage two Envelope Bidding Procedure which the appellant considers illegal.

The appellant has also submitted that the procuring agency did not open Financial bids as per rules and did not intimate the opening of Financial bids.

The appellant also informed that the procuring agency did not rectify the observation and infirmities that were communicated to the procuring agency by SPPRA.

The appellant also submitted that the procuring agency intends to award the works on higher rates.

The appellant clarified that he had earlier requested the procuring agency for the return of bid security but when the procuring agency had not returned the bid security, he applied for the Review appeal and such request for the return of bid security has been made after the filing of the Review appeal.

#### The procuring agency's version

The procuring agency submitted that the bids were called on single stage two envelope bidding procedure with the approval of competent Authority and process was made competitive in order to encourage widest possible participation of bidders.

The procuring agency also informed that the works such as C.C Lining including Construction of Head Regulator are complex and technical nature. The procuring agency pleaded that such works require relevant experience and expertise to perform such job accordingly. Therefore, the bids were called on Single Stage Two Envelope Bidding procedure.

The procuring agency also submitted that the appellant had applied for work No.3 for which he does not possess required experience and does not meet eligibility criteria.

The procuring agency also submitted that the appellant has withdrawn his bid security therefore the appeal is not maintainable as per SPP Rules.

The procuring agency also clarified that the observations of SPPRA were complied with timely.

Replying to a question regarding the withdrawal of bid security, the procuring agency informed that the bid security was returned to the bidder on his request.

It was also informed that the complaint of the bidder was also rejected by the Complaint Redressal Committee vide its decision dated 13.1.2022.



## Findings of the Review Committee:-

1. The Review Committee observed that the procuring agency had called the bids in accordance with the Rule 46 (2). For ease of reference, the Rule 46 (2) is reproduced below:

**46 (2) Single Stage Two Envelope Bidding Procedure shall be used for goods, [works]' and services where the bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation;**

2. Regarding the contention of the bidder that the works were easy and of routine nature so that the works would have been called on Single Stage Single Envelope bidding procedure in terms of Rule 46(1). For the ease of reference, the Rule 47 (1) is reproduced under:

**Single Stage One Envelope Bidding Procedure shall be used as the standard bidding procedure for procurement of goods, works and services of simple and routine nature and where no technical complexity or innovation is involved;**

3. The Review Committee observed that this like matter of Single Stage Single Envelope procedure in terms of Rule 46(1) was brought before stating the rules or principles that govern the subject matter of the reference. The observations of the Review Committee made vide decision dated NO.AD,(LII)/SPPRA/CMS-2104/2020-21/2070 Karachi dated the 11<sup>th</sup> February 2021 on the matter of Single Stage Single Envelope Bidding Procedure are reproduced as under

**The procuring agency is empowered to choose any method of procurement by observing SPP rules. The appellant submits that the works are of low-cost therefore they may be procured on single stage single envelope instead of single stage two envelope. The committee is of the view that the complexity, technicality and particularly of works is determined by the nature and objectives of the works. Merely, low cost is not the touchstone for any work to be classified as simple or complex.**

**The appellant also contended that the same works were earlier called on single stage Single Envelope but later on procuring agency cancel the work and were re-tendered on single Stage two envelope. The committee is of the view that the discretion lies with the procuring agency to take decision regarding the method of procurement according to the nature of work circumstances and needs of the procuring agency. Therefore it is not binding upon the processing agency to adopt the same procedure continuously**

4. The Review Committee reiterates the decision in the matter of Single Stage Single Envelope as mentioned above.

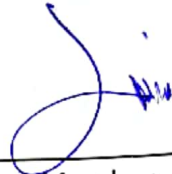
5. The Review Committee observed that the appellant could not prove any violation of rules in calling the bids on single stage two envelope bidding procedure.
6. The Review Committee also observed that the appellant did not possess the required experience as required by the procuring agency.
7. The Committee also observed that the appellant could not prove any violation of rules in the instant procurement process.

**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 the appellant could not prove any violation of rules during the procurement process.



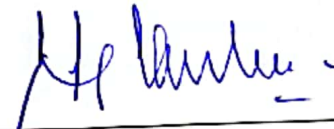
Member  
(Manzoor Ahmed Memon)  
Member SPPRA Board



Member  
(Munir Ahmed Shaikh)  
Independent Professional



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



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