



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3231/2021-22/ 1246

Karachi, dated 13th June, 2022

TO,

The Executive Engineer,
Highway Division,
SHIKARPUR.

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 namely **M/s Abdul Rasheed Bhutto v/s Executive Engineer, Highway Division Shikarpur** held on 09.06.2022, for information & necessary action.


ASSISTANT DIRECTOR (LEGAL-II)

A copy is forwarded for necessary action to:

1. The Secretary to the Government of Sindh, (Works & Services) Department, Karachi.
2. The Superintending Engineer, Highways Department, Shikarpur.
3. The PS to Chairman / Members of the Review Committee.
4. Assistant Director I.T. SPPRA (**with advice to post the decision on authority website in terms of Rule-32(11) of SPP Rules, 2010**).
5. The Appellant. Abdul Rasheed Bhutto



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3231/2021-22

Karachi, dated the, 13th June, 2022

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

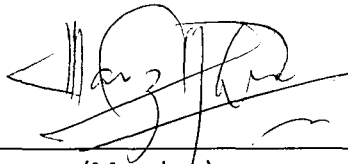
Decision of the Review Committee held on 09.06.2022

Name of Appellant	Abdul Rasheed Bhutto
Procuring Agency	The Executive Engineer Highways Division Shikarpur.
PPMS ID #	T00697-21-0003
Reference No.	TC/G-55/276/2022 DATED: 25-02-2022
Appeal Received in Authority Dated	13.05.2022
Complaint addressed to the Superintendent Engineer Works and Services Department Shikarpur	28.04.2022
Dated of Posting Notice Inviting Tender	0 = 15-03-2022 1 = 28-03-2022
Date of Opening of Bids	01.04.2022
Date of Posting Bid Evaluation Report	Various BER's had been 13.4.2022 to 28.04.2022
Date of Posting Contract Documents	Not posted up-to 06.07.2022
SPPRA Observations communicated on	18-03-2022
Estimated Cost of NIT Total	Around 110 million
Total works in NIT	13 Works
Appellant Related work	Work No 11
Issue involved	Non-opening of bids and not showing in BER
Complaint addressed to the Superintendent Engineer Works and Services Department Shikarpur	28.04.2022
CRC Decision	Not received

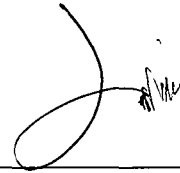
1. The matter was listed for hearing before the Review Committee. The appellant failed to appear before the Review Committee. The Review Committee decided to adjudicate the matter ex-parte in terms of Rule 32(9) of the SPP Rules.
2. The Committee was informed that the appellant had submitted that he had sent his bids via courier services and the same were received at the office of the procuring agency but his bids were not shown in Bid Evaluation Report. The appellant complained that the procuring agency wanted to award the contract on favoritism.
3. The Committee was also informed that a letter had been received from the appellant whereby he informed that he had withdrawn his bid security and would not appear for hearing before the Review Committee.
4. The Committee was informed that the appellant is a habitual complainant and he files the wrong and false complaints to drag the matter which cause financial losses and create inconvenience of travelling and wastes the time of work.
5. The Review Committee observed that the appellant had filed the frivolous appeal.
6. The Committee noted that the problem of frivolous Review appeals is not only hampering smooth working of the Authority but also causing huge losses of time and resources and also cause harm to many entities, and in many ways. The procuring agency against whom the groundless complaint is lodged becomes the source of serious harassment and inconvenience, in some cases reputation is stake. The Review Committee process itself becomes clogged, disrupted, and delayed, thus affecting the other appellants in general, and becomes source of the undue delay in the disposal. The situation therefore cries out for remedies to avert these harms.
7. It was noted by the Review Committee that the appellant each of the appellants had paid Rs.20, 000/ (Twenty Thousands) as Review Appeal fees.

Decision of the Review Committee:-

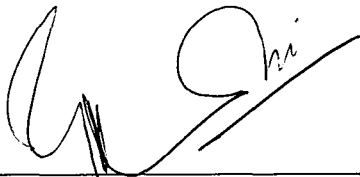
Given the proceedings findings/observations and after due deliberation, the Review Committee, in exercise of powers conferred upon it under Rule 32(7) of SPP Rules declares the instant review appeals frivolous and the Review Committee is of the unanimous opinion that the appellant has filed this review appeal to misuse the forum of the Review Committee for ulterior motives. Therefore, the Review Committee declares that the bid security submitted by the appellant was to be forfeited by the procuring agency but he had already withdrawn his bid security. Consequently, the committee decided to impose a penalty, equivalent to five times of the amount submitted as the Review Appeal fees, on the appellant. The Appellant shall submit penalty of Rs.100, 000, (One Hundred thousand) to the Authority in the same manner as the Review Appeal fees is submitted.



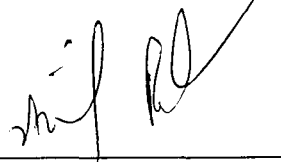
(Member)
Manzoor Ahmed Memon
(Member SPPRA Board)



(Member)
Munir Ahmed Shaikh
Independent Professional



(Member)
G. Muhiuddin Asim
Representative of DG, UP&SP, P&DD
Board, Planning & Development
Department Karachi



Chairman
Atif Rehman
Managing Director
(Sindh Public Procurement Regulatory Authority)