



Government of Sindh
Sindh Public Procurement Regulatory Authority



NO.AD (L-II)/SPPRA/CMS-32243-44-45/2021-22/081 Karachi, dated 30th June: 2022

TO,

The Executive Engineer
Highways Division Thatta
Thatta

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 in the appeal preferred by **M/S Paghara Construction, M/S Shoaib Hussain Shah M/S Peer Shah Bakht Vs Executive Engineer Highway Division Thatta** held on 13.6.2022 for information & necessary action.


Assistant Director (LEGAL-II)

A copy is forwarded for necessary action to:

1. The Secretary to the Government of Sindh, Work & Services Department
2. Assistant Director I.T. SPPRA (**with advice to post the decision on authority website in terms of Rule-32(11) of SPP Rules, 2010**).
3. The PS to Chairman / Member of the Review Committee
4. The Appellant M/S M/S Paghara Construction, M/S Shoaib Hussain Shah M/S Peer Shah Bakht



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-2243-44-45/2021-22

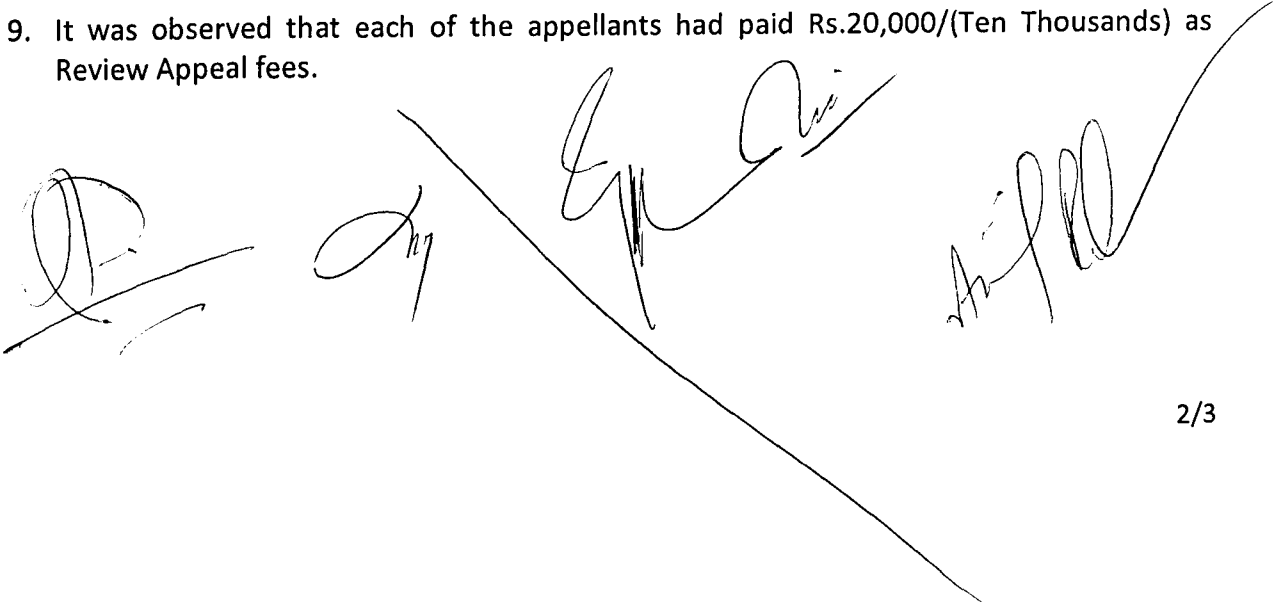
Karachi, dated the, 29th June, 2022

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

Decision of the Review Committee held on 13.06.2022

Name of Appellant	M/s Paghara Construction M/s Shoaib Hussain Shah M/s Peer Shah Bakht
Procuring Agency	Executive Engineer Highways Division Thatta
PPMS ID # Reference No.	T01231-21-0002 No. TC/G-55/210 Dated 09.03.2022
Appeals Received in Authority Dated	24.5.2022 M/s Paghara Construction 24.5.2022 M/s Shoaib Hussain Shah 24.5.2022 M/s Peer Shah Bakht
Complaint's of the Appellant Addressed to the Superintendent Engineer (Chairman Complaint Redressal Committee)	15.5.2022 M/s Paghara Construction 15.5.2022 M/s Shoaib Hussain Shah 15.5.2022 M/s Peer Shah Bakht
Dated of Posting Notice Inviting Tender	0 = 16-03-2022
Date of Opening (First Opening) Date of Opening (Second Opening)	05.04.2022 20.04.2022
Date of Posting Bid Evaluation Report	Various BER's have been uploaded from 14.05.2022 to 19.5.2022
Date of Posting Contract Documents	Not posted up-to 10.06.2022
SPPRA Observations communicated on	21.03.2022
Estimated Cost of NIT Total	About 290 Million
Total works in NIT	40 Works
Appellant Related work	Work 38 (M/S Paghara Construction) Work 39 (M/S Peer Shah Bakhat) Work 6 & 18 (M/S SHoaib Hussain Shah)
Issue involved	Non opening of Bids Not Showing the bidS of the Appellants
CRC Decision	No any

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 decided to adjudicate the matter ex-parte in terms of Rule 32(9) of the SPP Rules.
2. The Committee was also informed that letters had been received from the appellants whereby they informed that they had withdrawn bid and would not appear for hearing before the Review Committee.
3. The appellants submitted that they had sent their bid via courier service but the procuring agency did not open bids as per rules on the scheduled time and venue because one of the members of the procurement committee were not present.
4. Later on, the procuring agency issued BER but did not show the bid of the appellant and awarded works on higher rates.
5. The appellant also complained that the procuring agency intends to award the works on higher rates to the favored contractors
6. The Committee was informed that the appellants had filed the wrong and false complaints to drag the matter which cause financial losses and create inconvenience of travelling and wastes the time of work.
7. The Review Committee observed that the appellant had filed the frivolous appeal.
8. The Committee noted that that the problem of frivolous Review appeals is not 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.
9. It was observed that each of the appellants had paid Rs.20,000/(Ten Thousands) as Review Appeal fees.

The image shows several handwritten signatures in black ink. A prominent feature is a long, thin diagonal line that starts from the left side and extends towards the bottom right corner of the page, crossing over the signatures. The signatures are located above this line. There are four distinct signatures, each with a unique style of cursive or semi-cursive handwriting.

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.



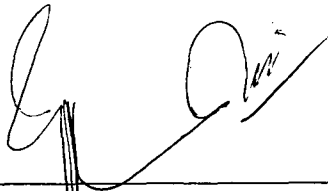
(Member)

Manzoor Ahmed Memon
(Member SPPRA Board)



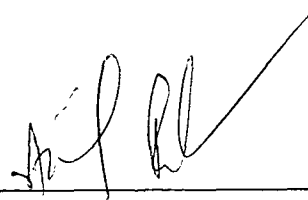
(Member)

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)