



Government of Sindh  
Sindh Public Procurement Regulatory Authority



NO.AD (L-II)/SPPRA/CMS-3194/2021-22/004

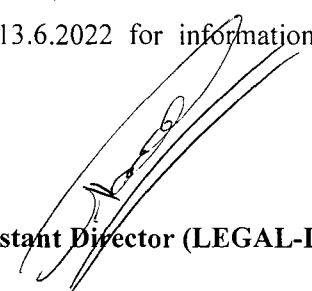
Karachi, dated 30th June: 2022

TO,

The Executive Engineer  
Public Health Engineering Division  
Nausheroferoz

**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 A.A Memon Vs Executive Engineer public Health Division Nausheroferoz** 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, Public Health Engineering Division Nausheroferoz
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 A.A Memon



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3194/2021-22

Karachi, dated the, 29<sup>th</sup> 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 A.A Memon
Procuring Agency	XEN Public Health Engineering Division Nausheroferoz (34-Public health Engineering Department)
PPMS ID #	T00819-20-0011
Reference No.	AB/TC/NIT/60/ 2022 DATED. 31-01-2022
Appeal Received in Authority Dated	20.4.2022
Complaint addressed to the Chief Engineer Dev Public Health Engineering Department Sukkur	Dated.06.04.2022
Dated of Posting Notice Inviting Tender	0 = 06-02-2022 1 = 06-02-2022 2 = 26-03- 2022 3 = 05-04-2022
Date of Opening of Bids	25.02.2022 21.3.2022
Date of Posting Bid Evaluation Report	05.04.2022
Date of Posting Contract Documents	Not posted
SPPRA Observations communicated on	08.04.2022
Estimated Cost of NIT Total	211 Million
Total works in NIT	2 Works
Appellant Related work	Both Works
Issue involved	Non Opening of bids
Complaint addressed to the Chief Engineer Dev Public Health Engineering Department Sukkur	Dated.06.04.2022
CRC Decision	15.04.2022
Cancelled Work	The Procuring Agency cancelled work No.1 vide corrigendum posted on Authority's website

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 Complaint and the Review Appeal submitted by the appellant are on the record.
3. The Committee was informed that the appellant had submitted that he had not opened the bids nor intimated the opening of bids which the appellant considered against the SPP Rules.
4. The appellant also submitted that the Executive Engineer was under suspension but violating the Rules, the Executive Engineer hoisted the BER in late night which the appellant considered to be fraudulent.
5. The Appellant also submitted that the Procuring Agency awarded contract to M/s Yaseen Chandio who had failed to submit Bid Security amounting to 5 % of total bid amount.
6. 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.

**The Procuring Agency's Version:-**

7. The Procuring Agency submitted that the appellant was disqualified due to non-submission of required documents and his complaint was also rejected by CRC vide its decision dated 15.04.2022.

**Observations of the Review Committee:-**

8. The Review Committee observed that the Appellant concealed the fact of his disqualification and it was also observed that if the Appellant had come to know about non-opening of bids on the day of bid opening, he should have reported the same. However, his silence for 2 months was questionable.
9. The Review Committee observed that the appellant had filed the frivolous appeal.
10. The Committee noted 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 too 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.
11. It was observed that the appellants had paid Rs.20,000/(Ten 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)



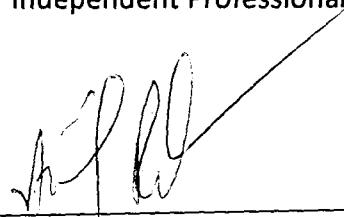
(Member)

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)