



Government of Sindh
Sindh Public Procurement Regulatory Authority



NO.AD (L-II)/SPPRA/CMS-3255/2021-22/043

Karachi, dated 30th June: 2022

TO.

The Secretary to Government of Sindh
Education & Literacy Department
Sindh

The Executive Engineer
Education Works Division
Larkano

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 Saeed Jatoi & Co Vs Executive Engineer Education Works Division Larkano 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, Education & Literacy 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 Saeed Jatoi & Co



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3255/2021-22

Karachi, dated the, 27th 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 22.06.2022

Name of Appellant	M/s Saeed Jatoi & Co	M/s Saeed Jatoi & Co
Procuring Agency	Executive Engineer, Education Works Division Larkano.	Executive Engineer, Education Works Division Larkano.
PPMS ID # Reference No.	T00702-21-0002 XEN (EWD)/TC/G-55/153 Larkano, Dated 10.02.2022	T00702-21-0003 XEN (EWD)/TC/G-55/161 Larkano, Dated 11.02.2022
Appeal Received in Authority Dated	25.5.2022	25.5.2022
Complaint of the Appellant Addressed to the Education Works Division Larkano (Chairman Complaint Redressal Committee)	Dated: 17-05-2022	Dated: 17-05-2022
Dated of Posting Notice Inviting Tender	12.02.2022	18-02-2022
Date of Opening (First Opening) Date of Opening (Second Opening)	02.03.2022 22.03.2022	10.03.2022 29.03.2022
Date of Posting Bid Evaluation Report	Various BER's have been uploaded from 14 & 15 .05.2022	Various BER's have been uploaded from 02.05.2022
Date of Posting Contract Documents	Not posted as yet	Not posted up-to
SPPRA Observations communicated on	15.02.2022	22.02.2022
Estimated Cost of NIT /161Total	About 35.765 Million	About 471.955 Million
Total works in NIT	25 Works	62 Works
Appellant Related work	Works at Serials No. 05,07 & 09	GBPS Khaliq Colony Larkano
Issue involved	Not showing the bid of the appellant	Not Showing the bid of the 1/4 appellant

<p>The Appellant submitted that the Procurement Committee of the Procuring Agency did not open the financial bids on the date, venue and time. The Appellant substantiated his claim about non-opening of bids by sharing a video of the opening date. It could be watched in video that the officials of the Procuring Agency were just calling the names of bidders but Financial bids had not been opened at that time.</p>	<p>The Procuring Agency clarified that the financial bids were opened timely in the presence of all bidders on 11.04.2022. The Procuring Agency submitted that the Appellant had submitted unsigned bids and also did not quote the rates of the bids. Hence, his bids were rejected by the Procurement Committee.</p>
<p>The Appellant also complained that the Procuring Agency secretly opened his bids, changed rates and showed his bids rejected illegally.</p>	<p>The Procuring Agency reiterated that the bids were opened on scheduled time and venue and bid of the Appellant was rejected because it was submitted unsigned bids and NIL rates.</p>
<p>The Appellant submitted that the Procuring Agency violated the SPP Rule 4 and did not follow transparency</p>	<p>The Procuring Agency clarified that the procurement process was completed as per the SPP Rules.</p>
<p>The Appellant also complained that the Procuring Agency has awarded the works on favoritism and after getting gratification. The Appellant informed to the Review Committee of SPPRA that four works were awarded to a relative of tender clerk of the Executive Engineer Education and Works Division Larkana.</p>	<p>It was contended by the PROCURING AGENCY that works were awarded to the experienced and responsive bidders without discriminating whether someone was the relative or not.</p>
	<p>It was informed by the Procuring Agency that the Appellant had applied for three Works No. 05, 07 and 09. All the Works had been awarded to the successful bidder.</p>

The Appellant's Version	The Procuring Agency's Version
<p>The Appellant submitted that the Procurement Committee of the Procuring Agency did not open the financial bids on the date, venue and time. The Appellant substantiated his claim about non-opening of bids by sharing a video of the opening date. It could be watched in video that the officials of the Procuring Agency were just calling the names of bidders but Financial bids had not been opened at that time.</p>	<p>The Procuring Agency clarified that the financial bids were opened timely in the presence of all bidders on 11.04.2022. The Procuring Agency submitted that the Appellant had offered highest bid i.e 50% on Part A and 50% on Part-B for work GBPS Khaliq Colony Larkano. Consequently, the bid of the Appellant was rejected accordingly.</p> <p>It was also informed that the bidding process for other work i.e CMC Garhi Khuda Bux Bhutto was cancelled due to unavoidable reasons under Rule 25 of the SPP Rules.</p>
<p>The Appellant also complained that the Procuring Agency secretly opened his bids, changed rates and showed his bids rejected illegally.</p>	<p>The Procuring Agency reiterated that the bids were opened on scheduled time and venue and bid of the Appellant was rejected because it was submitted unsigned bids and NIL rates.</p>
<p>The Appellant submitted that the Procuring Agency violated the SPP Rule 4 and did not follow transparency</p>	<p>The Procuring Agency clarified that the procurement process was completed as per the SPP Rules.</p>
<p>The Appellant also complained that the Procuring Agency has awarded the works on favoritism and after getting gratification. The Appellant informed to the Review Committee of SPPRA that four works were awarded to a relative of tender clerk of the Executive Engineer Education and Works Division Larkana.</p>	<p>It was contended by the PROCURING AGENCY that works were awarded to the experienced and responsive bidders without discriminating whether someone was the relative or not.</p>
	<p>It was informed by the Procuring Agency that the Appellant had applied for Works No.6 and 24.The Work No.6 had been awarded to the successful bidder whereas the Work 24 was cancelled.</p>

Observations of the Review Committee:-

1. The Review Committee observed that the Procuring Agency failed to open the bids on the scheduled time and venue and violated the Rule 41 of the SPP Rules. The recorded video evidence was sufficient to prove that bids were not opened timely as per the rules.
2. The Review Committee also observed that Composition of CRC was against the SPP Rules because it did not include the Independent Professional. Furthermore, the CRC


discussed irrelevant matters such as past works instead of focusing on the complaint of the Appellant.

3. The Review Committee also observed that many works have been awarded to the relatives of the officials of the Procuring Agency therefore such matter must be enquired and investigated accordingly.
4. It was also observed that the Procuring Agency failed to complete the procurement process in a transparent manner.
5. It was also noted that the Procuring Agency awarded the contract during the pendency of the appeal of the Appellant before the Review Committee. Such signing of contract during the pendency of appeal was against the provision of Rule 32(7) of the SPP Rules.
6. The Procuring Agency failed to comply with the observations of the SPPRA that were communicated on PPMS website.
7. The Appellant had applied for three works NO.05, 07 & 09 of NIT T00702-21-0002 & applied for 2 works NO.6 and 24 of NIT T00702-21-0003. (Work No 24 has already been cancelled by the Procuring Agency).

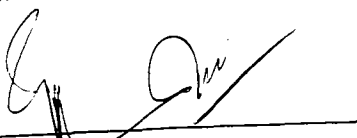
Decision of the Review Committee:-

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(g) of the SPP Rules, the Review Committee declare the procurement of three works NOs.05,07 & 09 of NIT T00702-21-0002 and one work NO.6 of NIT T00702-21-0003, as **Mis-procurement**, as it has been established that the **Procuring Agency has violated the SPP Rules during the procurement process.**

Decides to refer the matter to the Competent Authority i.e. Secretary School Education & Literacy Department, Karachi for initiation of disciplinary action against the official(s)/ Officers of the procuring agency responsible for Mis-procurement. It is further added that the Head of Procuring Agency / XEN (Works Division Larkano) appeared ill prepared and without proper information / Record. He was unable to respond many questions was found least interested in the matter. Therefore the matter need to be looked into and proper action be initiated against him.



(Member)
Manzoor Ahmed Memon
(Member SPPRA Board)



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



(Member)
Munir Ahmed Shaikh
Independent Professional



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