



Government of Sindh
Sindh Public Procurement Regulatory Authority



NO.AD (L-II)/SPPRA/CMS-3234/2021-22/005

Karachi, dated 30th June: 2022

TO,

The Project Manager
Local Government Project Zone (B)
Karachi

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 Sadar Ud din mandokhail Vs Project Manager Local government Project Zone (B) 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, Local Government Department, Karachi
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 Sadar ud din mandokhail.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3234/2021-22

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 Sadar ud din Madokhail
Procuring Agency	Project Manager Local Government Project Zone (B) 27 Local Government Department
PPMS ID #	T01913-21-0006
Reference No.	PM/Zone-B/LGP/GOS DATED: 07-03-2022
Appeal Received in Authority Dated	19.05.2022
Complaint addressed to the Special Secretary Technical, Local Government Department, Government of Sindh Karachi	06.05.2022
Dated of Posting Notice Inviting Tender	0 = 11-03-2022
Date of Opening of Bids	29.3.2022 Financial Opening
Date of Posting Bid Evaluation Report	29.4.2022
Date of Posting Contract Documents	Not posted up-to 10.6.2022
SPPRA Observations communicated on	16-03-2022
Estimated Cost of NIT Total	Around 423 million
Total works in NIT	5 Works (
Appellant Related work	Work No 5
Issue involved	Recommending the contract award against the SPP Regulation
CRC Decision	Not received

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 appellant submitted that three bidders quoted same rates i.e Rs.65, 593,600.00 which showed that the bid was tied and should be declared as rejected and should have been re-invited, but the appellant maintained that the procuring agency tried to award contract illegally in contravention of Regulation 11.3.4..
3. The Committee was also informed that a letter had been received from the appellant whereby he informed that he had withdrawn his bid and would not appear for hearing before the Review Committee.
4. The Committee was informed that the appellant e filed the wrong and false complaints to drag the matter which causes 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 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.
7. It was observed that the appellant had paid Rs.20,000/(Twenty Thousands) as Review Appeal fees.

The image shows five handwritten signatures in black ink, arranged horizontally. From left to right: the first is a stylized, circular signature; the second is a signature with a large loop and the word 'sig' written below it; the third is a signature with a large 'G' and 'A' and a horizontal line; the fourth is a signature with a large 'A' and 'R' and a horizontal line; the fifth is a signature with a large 'A' and 'R' and a horizontal line.

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)