



Government of Sindh
Sindh Public Procurement Regulatory Authority



NO.AD (L-II)/SPPRA/CMS-3218/2022-23 010

Karachi, dated 04th JULY, 2022

TO,

The Director School Education
E/S & H/S Karachi
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 **Faiz Scientific Company Vs the Director School Education E/S & H/S Karachi** held on 22.6.2022 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 Faiz Scientific



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3218/2021-22

Karachi, dated, 04th July, 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

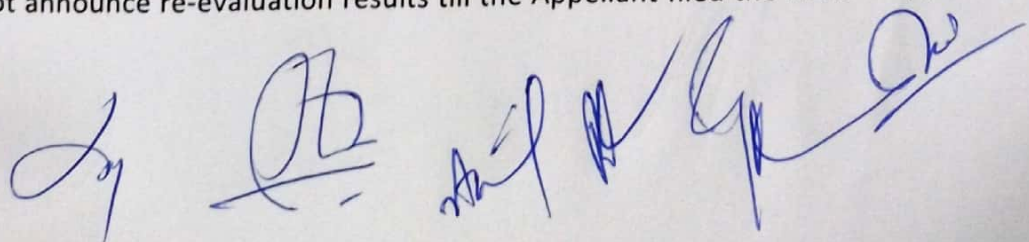
Name of Appellant	M/s Faiz Scientific Company
Procuring Agency	The Director School Education E/S & H/S Karachi.
PPMS ID #	T01947-21-0001
Reference No.	No:DES&SH/TC/001-04/03/ Dated: 04-03-2022
Appeal Received in Authority Dated	06.06.2022
Complaint addressed to the SELD Karachi	19.4.2022
Dated of Posting Notice Inviting Tender	0 = 05-04-2022 1 = 25-04-2022
Date of Opening of Bids	25.03.2022
Date of Posting Bid Evaluation Report	Various BER's had been uploaded on 23.4 2022
SPPRA Observations communicated on	07-04-2022
Estimated Cost of NIT Total	Around 492 million
Total works in NIT	14 Works
Appellant Related work	All Works
Issue involved	Disqualification of the bidder due to lack of Registration as Manufacturer or Supplier
Complaint addressed to the SELD Karachi	19.4.2022
CRC Decision	12 th May 2022 (but the Appellant did not get the decision till the filing of the Review Appeal)

The Appellant's Version:-

1. The Appellant appeared before the Review Committee and submitted the application of Learned ASC with a submission that the matter has been stayed by the Honorable High Court of Sindh vide its order dated 16.6.2022 passed by the Honorable High Court of Sindh@ Karachi.
2. The Review Committee perused the order dated 16.6.2022 passed by the Honorable High Court of Sindh@ Karachi and asked to the Appellant that there were no direction in the order passed by the Honorable High Court of Sindh regarding stay for deciding the matter of the Review Committee. The Appellant was informed that the Review Committee a legal forum for the Procurement matters under the SPP Rules and it would continue to work unless expressly prohibited by the Honorable Court .

The Committee held that the petitioner must exhaust remedy before the Review Committee and thereafter he might avail any other remedy as per law.

4. The Appellant complained that the CRC wasted his time and announced a vague decision wherein no relief was granted to him rather matter was referred back to the Procuring Agency for re-evaluation of all bids.
5. The Appellant also complained that his Appeal was not listed for hearing within 10 days as per the SPP Rule 32(10) and contended that the Review Committee could not hear the parties and announce its decision within ten working days of submission of appeal.
6. The Appellant also complained that many mistakes were committed in the letter of the Review Committee that he had received for meeting.
7. The Appellant also complained that letters were received for the meeting of the Review Committee meeting that was to be held on 16.6.2022 but the same was not held which caused inordinate delay in deciding the appeal of the Appellant. The Review Committee was informed that the firstly appellant's one appeal was listed thereafter both were listed for hearing. Furthermore, the Review Committee noted that the meeting scheduled on 14.6.2022 but the same was rescheduled on 16.6.2022 because on 14th June 2022 Budget was presented in the Provincial Assembly of Sindh and Managing Director SPPRA was engaged in the budgetary matters, regarding the meeting of the Review Committee re-scheduled on 16.06.2022, written request was received from the Director Education Karachi wherein he informed that due to by Elections he would not be able to attend the meeting and requested for next date of hearing. The Review Committee granted next date of hearing, keeping in view of the by Election in Karachi.
8. The Appellant was asked why he did not approach the Review Committee when the Complaint Redressal Committee failed to decide the complaint within seven days of the receipt of the complaint. The Appellant said that he was waiting for the decision of CRC.
9. The Committee informed the appellant he was required to approach the Review Committee within 10 days' time if the Complaint Redressal Committee had failed to decide the complaint within seven days. The Appellant could not answer the question satisfactorily and became furious. Thereafter, he misbehaved before the Review Committee and went out shouting that the matter was pending before the Honorable High Court so he maintained that the Review Committee cannot consider/ Review at any cost.
10. The Review Committee decided to adjudicate the matter as mandated by the Rule 32 of the SPP Rules and perused the record available.
11. The Committee noted that the appellant was disqualified by the Procuring Agency as the Appellant's Sales Tax and NTN were neither registered as Manufacturer nor were registered as Supplier.
12. **The Appellant approached to the Complaint Redressal Committee on 19.4.2022 against his disqualification vide letter FSC/562/2021-22 dated 19.4.2022 with a request to form complaint Redressal Committee under provision of SPPRA Rules # 31 and address the grievances of the appellant timely.**
13. The Complaint Redressal Committee failed to arrive at the decision within seven days but later on the Complaint Redressal called its meeting on 10.5.2022 after 21 days of receipt of the complaint and announced its decision on 12.4.2022 (23) days after the receipt of the complaint.
14. The Complaint Redressal Committee directed to the Procuring Agency to re-evaluate all the bids including the bid of the appellant.
15. The Appellant kept waiting for the re-evaluation of bids by the Procuring Agency but the Procuring Agency could not announce re-evaluation results till the Appellant filed the Review Appeal before



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- The Review Committee of SPPRA on 6.6.2022 after 48 days of the submission of complaint before the Complaint Redressal Committee.
- The Appeal submitted by the Appellant is on the record wherein the Appellant submitted that he had not received the CRC decision since 10.5.2022 till the filing of the review appeal so he wanted to apply for the Review Committee under provision of SPPRA Rules.
17. The Appellant also contended that the Procuring Agency qualified M/s AL Shahzaib Traders, Al-Waris & Company, M/S Brisk Services Company and M/S Scientific Traders even they did not submit the required criteria.
 18. The Review Committee also noted that in letter NO FSC/593/2021-22 dated 6th June 2022 (received to this Authority on 06.06.2022) the Appellant maintained that the Procuring Agency shall not award the contract till the final decision.
 19. The Appellant also complained that the disqualification on the matter of non-registration as a manufacturer was unjustified and unreasonable.
 20. The Appellant also complained that the re-evaluation of bids would take him in a position to get the contract and disqualification prevented him from getting the contract.

The Procuring Agency's Version:-

1. The Procuring Agency contended that the Appeal was not maintainable in terms of Rule 31(5) and informed that the Appellant was disqualified because he was not registered as Manufacturer neither he submitted Authorization letter.
2. The Procuring Agency also submitted that the Appellant's bid was re-scrutinized on the directions of CRC by the Procurement Committee and it was found that he could not get the minimum 50% score in many fields of evaluation criteria such as Contract Experience, Tools and Machinery, Warehouse / Storage Capacity and skilled labor.
23. The Procuring Agency also submitted that work orders were issued to the successful bidder after the expiry of appeal period in terms of Proviso of Rule 31(7).
24. The Procuring Agency also contended that the appellant was neither Manufacturer nor authorized dealer therefore the details of tools, machinery, warehouse/ storage capacity are questionable.

Findings of the Review Committee:-

From the perusal of record, bare reading of the complaint, appeal and statement submitted by the Procuring Agency, the Review Committee found that there are following issues/questions to be resolved by the Review Committee:

1. Whether the decision of Complaint Redressal Committee was within time limits or beyond the prescribed time limits?
2. Whether the Appeal is time barred under the SPP Rules or not?
3. Whether the Appellant was required to approach the Review Committee or wait for CRC decision?
4. Whether the Procuring Agency was under obligation to not award the contract till the final decision or the PROCURING AGENCY was allowed to award the contract?
5. Whether the disqualification on the matter of non-registration was unjustified and unreasonable or the disqualification was as per terms and conditions of the NIT and bidding documents?
6. Whether the re-evaluation of bids would take the bidder in a position to get the contract and disqualification prevented him from getting the contract?
7. Whether the Order dated 16.6.2022 passed by the Honorable High Court of Sindh in the C.P NO 919 of 2022 restrained the Review Committee to decide the matter as per the SPP Rules or there was no prohibition for the Review Committee in order dated 16.6.2022?

Observations of the Review Committee:-

As a matter of fact, the SPP Rules provide a detailed mechanism for the timely, speedy and efficient Redressal of grievances to protect the rights of the bidders in a transparent manner. The SPP Rules have established a two-tier independent Redressal mechanism with binding authority to direct remedial measures within well-defined time and with well-defined authority and functions. This two-tier Redressal mechanism includes the establishment of a Complaint Redressal Committee under Rule 31 of the SPP Rules with the aim of investigating and resolving complaints by timely accessing any procuring agency's functions, data and documents. Besides that, a second tier of complaint Redressal includes the Review Committee of SPPRA under Rule 32 of the SPP Rules, in case the CRC fails to arrive at decision within seven days or the bidder is not satisfied with the decision of CRC, taken within seven days, as the case may be.

2. The Review Committee observed that the decision of Complaint Redressal Committee was taken after the time limits prescribed under the SPP Rules and decision of the CRC was without legal authority, as the decision was taken after the lapse of time limit of 15 days instead of within seven days. For convenience and easiness, the Rule 31(5) is reproduced as under:

Rule-31 (5) [The complaint Redressal committee shall announce its decision within seven days and intimate the same to the bidder and the Authority within three working days. If the committee fails to arrive at the decision within seven days, the complaint shall stand transferred to the Review Committee which shall dispose of the complaint in accordance with the procedure laid down in rule 32,]2 [if the aggrieved bidder files the review appeal within ten (10) days of such transfer

3. The Complaint Redressal Committee had no legal authority to decide the complaint of M/s Faiz Scientific Company after seven days of the receipt of the complaint. After the lapse of seven days, the complaint had transferred to the Review Committee and the authority of the Complaint Redressal Committee stood ceased. M/s Faiz Scientific Company was required to approach the Review Committee within 10 days of the transfer of the Review Appeal. However, M/S Faiz Scientific Company did not approach to the Review Committee within legal time of ten days. Hence there was no legal worth of the complaint of the bidder after the expiry of appeal period.

Whether the Appeal is time barred under the SPP Rules or not

4. The Rule 31(5) & 32(1) provide the time limits for any bidder to approach the Review Committee.

Rule 31(5)

The complaint redressal committee shall announce its decision within seven days and intimate the same to the bidder and the Authority within three working days. If the committee fails to arrive at the decision within seven days, the complaint shall stand transferred to the Review Committee which shall dispose of the complaint in accordance with the procedure laid down in rule 32,]2 [if the aggrieved bidder files the review appeal within ten (10) days of such transfer;]3



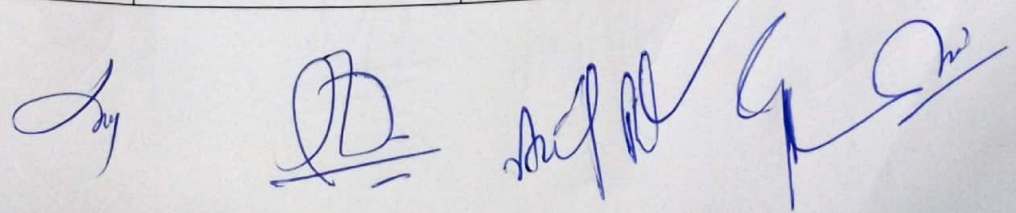
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Rule 32(1)

A bidder not satisfied with decision of the procuring agency's complaints redressal committee may lodge an appeal to the Review Committee [within ten (10) days of announcement of the decision]' provided that he has not withdrawn the bid security, if any, deposited by him.

5. From reading and analysis of the rules mentioned SPPRA, it is evident that there are two ways to approach the Review Committee-by transfer or dissatisfaction from CRC decision.
6. Approaching by transfer-is to approach the Review Committee in case the Complaint Redressal Committee fails to arrive at the decision within 7 of the receipt of the complaint. In this case, the appeal stands transferred to the Review Committee which is authorized to dispose of the complaint provided that the aggrieved bidder files the review appeal within ten (10) days of such transfer.
7. Another way to approach the Review Committee is after the announcement of the decision of Complaint Redressal Committee. In this case also the complainant is required to approach the Review Committee within ten (10) days of the announcement of the decision.
8. It may be noted that in either of the cases whether failure of CRC to decide the matter or dissatisfaction of the bidder from CRC decision, the bidder was required to approach the Review Committee within 10 days. In accordance with the rules, any appeal received after 10 days' time shall not be maintainable. In the instant matter, the bidder was not successful to approach the right forum at right time. He approached the Complaint Redressal Committee on 19.04.2022 but the complaint Redressal Committee failed to arrive at the decision within seven (7) days. Resultantly, the appellant approached to the review Committee on 06.06.2022 (vide letter dated 06.06.2022) after the lapse of about forty one days which is not allowed as per SPP Rules.
9. The above discussion is summarized in table below.

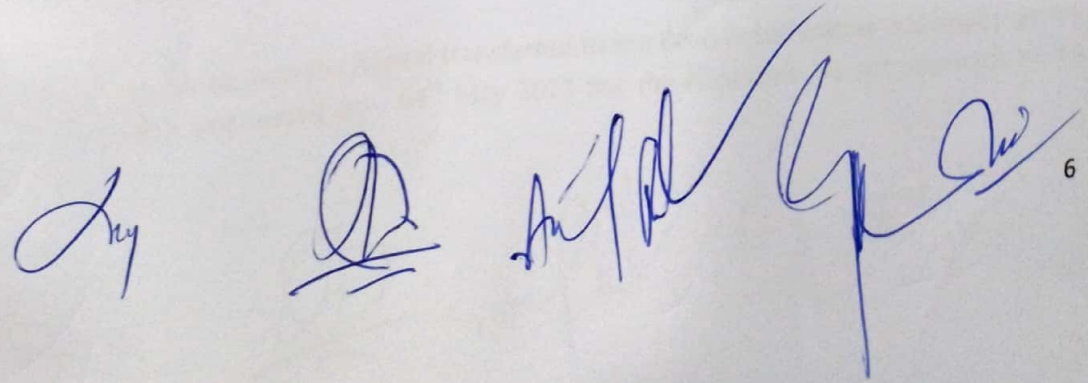
Way of Approaching the Review Committee	Condition	Time limitation	In Appellant's case
By Transfer Rule 31(5)	If the CRC fails to arrive at the decision If the aggrieved bidder files the Review Appeal within ten days of such transfer	Within 10 days of the transfer of appeal	The complainant filed complaint on 19.4.2022. The CRC failed to arrive at the decision within seven days(7). The Appeal transferred on 26.04.2022 The Appellant filed the Review Appeal on 06.06.2022. The appellant filed appeal after



			41 days of the transfer of appeal whereas he was required to approach the Review Committee within 10 days of the transfer of the complaint.
Dissatisfaction From the Decision of the Complaint Redessal Committee Rule 32	If CRC announces its decision and the complaint is dissatisfied If the complainant lodges appeal within ten days of the announcement of decision.		

Whether the Appellant was required to approach the Review Committee or wait for CRC decision?

10. The Appellant contended that he was waiting for CRC decision announcement therefore he could not approach the Review Committee within time. The Review Committee held that It is a well settled principle of law that Vigilance is required for the claim and infringement of rights. Vigilance requires that those who wish to seek assistance of law must move with speed to do so. **"Law aids the vigilant and not the indolent."** If one sleeps upon his rights, his rights will slip away from him and therefore this maxim is expressed. If someone has any right, he must come to the Right forum for remedy within stipulated time period as laid down in the law. If he comes within fixed time period, then his right would be recognized and enforced. Delay in claim defeats right.
11. Furthermore, the Appellant claims that he has experience Of 27 years in business so surely he should not be unaware of the Right forums and time limits for making complaints.
12. It must also be noted that the Appellant has referred to the Rule 31 of the SPP Rules in his correspondence then how it could be assumed that he was not aware about filing the Review Appeal within time. Furthermore, if the procurement related issues are not resolved within time it would lead to the expiry of bid validity period leading to cancellation of the procurement process and causing unnecessary loss of time and creating inconvenience for the procurement entities.
13. The Review Committee reiterated the importance of challenging procurement decisions at the right time is mandatory no relaxation can be granted in the regard.



whether the Procuring Agency was under obligation to not award the contract till the final decision or the PROCURING AGENCY was allowed to award the contract?

14. The Appellant complained that the procuring Agency was required to not award the contract till the final decision reliance has been taken on Rule 31(7) of the SPP Rules.

15. The Review Committee observed that the appellant contended that the Procuring Agency awarded contract in contravention with the SPP Rule 31(7) which requires that the procuring agency shall not award the contract unless the complaint is decided by the CRC or the appeal period is expired. For convenience and ready reference the Rule 31(6) and the Rule 31(7) are reproduced as under:

- 6. The Procuring Agency shall award the contract after the decision of the complaint redressal committee
- 7. Mere fact of lodging of a complaint shall not warrant suspension of the procurement proceedings;

Provided that in case of failure of the Complaint Redressal Committee to decide the complaint; the procuring agency shall not award the contract, [until the expiry of appeal period or the final adjudication by the Review Committee.]

17. The Rule 31(6) states that the Procuring Agency shall award the contract after the decision of the complaint redressal committee (the decision arrived at within Seven days in terms of Rule 31(5) of the SPP Rules in case the decision is arrived at after seven days such days shall not be considered as valid because the same would be taken after the prescribed period of 7 days) whereas the proviso of Rule 31(7) bars the Procuring Agency from awarding the contract in case of failure of the Complaint Redressal Committee to decide the complaint within stipulated time till the expiry of appeal period i.e ten days period after transfer of the complaint or the final adjudication by the Review Committee in case the complainant approaches within 10 days of the complaint.

18. In the instant matter, the Complaint Redressal Committee failed to decide the complaint within stipulated time and the complaint transferred to the Review Committee but the appellant could to approach to the Review Committee consequently appeal period had been expired and bar on the procuring agency had been lifted with the expiry of appeal period. The Procuring Agency was at liberty to award the contract. The matter is illustrated as below:

19. Total Period of Complaint Redressal Committee to decide the matter (7 days from 19th April to 25th April)

19	20	21	22	23	24	25

20. CRC Failed to decide the matter and the Appeal transferred to the Review Committee and appeal period started on 26th April 2022 and ended on 04th May 2022 but the Appellant did not approach to the Review Committee.

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21. Bar on the Procuring had been lifted on 4th May 2022 when the appeal period had expired and the Appellant could not file the Review Appeal. Therefore, The Procuring Agency was at liberty to award the contract. Hence, signing of contract after the expiry appeal period had been allowed under the SPP Rules and such cannot be contended.
22. The Review Committee noted that the Appeal period had expired and the Appellant failed to approach to the Review Committee.

Whether the disqualification on the matter of non-registration as Manufacturer was unjustified and unreasonable or the disqualification was as per terms and conditions of the NIT and bidding documents?

23. The Appellant was disqualified by the Procuring Agency on the basis the he was not registered as Manufacturer with FBR rather his NTN and Sales Tax registrations show him registered as wholesaler and General Order supplier. In order to understand the matter fully the operative para of the Sales Tax registration is pasted as below:

Registration Status		Income tax: Active, Sales tax: OPERATIVE	
Sr.	Business/ Branch Name	Business/ Branch Address	Principal Activity
1	FAIZ SCIENTIFIC COMPANY	FLAT 303-B, FALCON PLAZA TARIQ ROAD	
2	FAIZ SCIENTIFIC COMPANY	2 WALI CENTER SB 6 BLOCK 13 C GULSHAN E IQBAL	
3	M/S. FAIZ SCIENTIFIC COMPANY	SHOWROOM D-28, D MARKET, BLOCK 6, PECHS, SHAHRAH-E-FAISAL, Karachi East Jamshed Town	01@000-Importer/Exporter/Importer
4	M/S FAIZ SCIENTIFIC COMPANY	2-WALI CENTRE, SB-6, BLOCK-13/C, GULSHAN-E-IQBAL	469000-Wholesale and retail trade; repair of motor vehicles and motorcycles/Non-specialized wholesale trade/Non-specialized wholesale trade

24. The Appellant contended that the Procuring Agency clearly mentioned in the NIT that the Original Manufacturer/their Authorized distributors/Supplier were allowed to participate in the bidding process. Hence, disqualification on the basis that the Appellant was not a manufacturer was unjustified and unreasonable. The operative Para relied upon by the Appellant is reproduced as under:

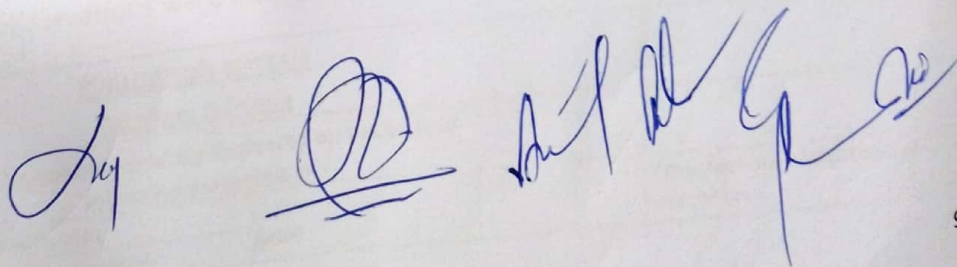
A copy in the p. of the Appellants

The Director School Education (Elementary, Secondary & Higher Secondary), Karachi Region School Education & Literacy Department now invites sealed bids from eligible bidders and original manufacturers/the authorized distributors/suppliers registered with Income Tax, Sales Tax & SRB etc. for the supply of Furniture & Fixture items. Interested eligible bidders may obtain further information from the office of Directorate of School Education (E/S&H.S), Karachi Region.

25. The Review Committee observed that the Appellant has challenged his disqualification on two grounds:
- The Appellant is a registered Whole seller so and General Supplier and he should be included in Bidding Process
 - In Earlier tenders, the Appellant was allowed to participate in the bidding process but now he has been prevented from participating
26. The Review Committee noted that it was an admitted position that the appellant was not a manufacturer. Therefore, the appellant was required to submit **Manufacturer's Authorization Form** duly filled and signed by the Manufacturer wherein the Appellant was to be authorized to submit a bid, and subsequently negotiate and sign the Contract for the goods to be manufactured by the registered Manufacturer. Furthermore, the Manufacturer had to extend full guarantee and warranty as per Clause 15 of the General Conditions of Contract for the goods offered for supply by the Appellant against the Invitation for Bids. However, the Appellant failed to submit **Manufacturer's Authorization Form with the technical bid even the instructions in the bidding documents clearly asked for authorization. The Instructions mentioned in the bidding documents are mentioned below:**

11.1 (g) Furnish Technical Proposal:

- i) **Each bidder has to submit a Technical Proposal containing all the required category wise information/data as described in the Technical Evaluation Criteria given as Annexure-1 to Bidding Data to demonstrate the adequacy of the bidder meeting the requirements for timely supply/delivery of Furniture & Fixture items. Each bidder must also submit technical drawings of all the Furniture & Fixture items mentioned in the BOQ. Manufacturer's or relevant supplier Authorization (on the format provided as Schedule-C) (in case the Bidder is not a manufacturing company/firm or relevant supplier):**
27. **In order to get formal authorization, the form No.6 was attached to the bidding documents to be filled by the Manufacturer .The Form NO.6 is reproduced as under**



The image shows four handwritten signatures in blue ink. The first signature is on the left, followed by a circular stamp or signature. The second and third signatures are in the middle, and the fourth is on the right. The signatures are written in a cursive style.

6. Manufacturer's Authorization Form

[See Clause 13.3 (a) of the Instructions to Bidders.]

To:

WHEREAS [name of the Manufacturer] who are established and reputable manufacturers of [name and/or description of the goods] having factories at [address of factory]

do hereby authorize [name and address of Agent] to submit a bid, and subsequently negotiate and sign the Contract with you against IFB No. [reference of the Invitation to Bid] for the above goods manufactured by us.

We hereby extend our full guarantee and warranty as per Clause 15 of the General Conditions of Contract for the goods offered for supply by the above firm against this Invitation for Bids.

[signature for and on behalf of Manufacturer]

Note: This letter of authority should be on the letterhead of the Manufacturer and should be signed by a person competent and having the power of attorney to bind the Manufacturer. It should be included by the Bidder in its bid.

- 26. The Authorization was required to be on the letterhead of the Manufacturer and was to be signed by a person competent and having the power of attorney to **bind the Manufacturer** and the same was to be included by the Bidder in its bid
- 27. In the Instant matter, the Appellant did not submit any Authorization form to be filled by the **Manufacturer to bind him and get his Guarantee for the supplies.**
- 28. **As the Appellant was neither manufacturer nor Authorized by the Manufacturer, there was no question to include his bid.**

Whether the re-evaluation of bids would take the bidder in a position to get the contract and disqualification prevented him from getting the contract?

29. The Review Committee noted from the perusal of record that the Appellant claimed that his bids must be considered qualified and must be re-evaluated so he would be in a position to be awarded the contract. The bid submitted by the Appellant was scrutinized and the following observations were made;

EVALUATION CRITERIA		Observations of the Review Committee
Furniture & Fixture		
The Technical Bids Shall be Evaluated on the basis of following parameters:		
Sr #	Evaluation Parameters	Brief
	Company / Firm / Individual	

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		MARKS		
1	Experience of the firm 10 years	15	<ul style="list-style-type: none"> ➤ 15 marks will be added in case of valid evidence are provided in the field of furniture, dual desk & fixture for last 10 years. ➤ 10 marks will be added in case of valid evidence are provided in the field of furniture, dual desk & fixture for last 05 years ➤ 05 marks will be added in case of valid evidence are provided in the field of furniture, dual desk & fixture for last 03 years. 	<ul style="list-style-type: none"> ➤ The Appellant can be awarded 15 Marks because the appellant has demonstrated the experience of 10 years
2	Contract Experience	20	<p><u>BREAK UP OF 15 MARKS</u></p> <ul style="list-style-type: none"> ➤ 20 marks will be given if bidder have successfully completed 03 x contract/project similar type, nature, financial & Physical complexity worth upto 20 million or above (Proof Required) ➤ 10 marks will be given if bidder has successfully completed 02 x contract/project similar type, nature, financial & Physical complexity worth upto 50 million or above (Proof required). ➤ No marks will be awarded if the number of contract is less than 02. 	<p><u>The Appellant would be awarded zero Marks because neither the appellant submitted the 3 projects of worth upto 20 million or above nor submitted 2 Projects Of 50 million or above. The value of projects Submitted by the appellant is given below at Table 1. The Appellant submitted 33 different Work orders but none of the Work orders meets the required criteria. Hence Appellant will get Zero marks</u></p>
3	Annual Turnover of last 10 years	10	<ul style="list-style-type: none"> ➤ 10 marks are given if the available average annual turnover for last 10 years is equal to or above PKR 30 Million ➤ 05 marks are given if the available average annual turnover for last 5 years is equal to or above PKR 15 Million ➤ No marks shall be given if available average working capital of last three years is less than PKR 15 Million. 	<ul style="list-style-type: none"> ➤ 05 Marks will be given.
4	Annual Income Tax Returns of Last 03 Years	5	<ul style="list-style-type: none"> ➤ 05 Marks of 03 year GST/Income Tax Paid Returns 	<ul style="list-style-type: none"> ➤
5	Audited Financial Statements of	5	<ul style="list-style-type: none"> ➤ 05 Marks of 03 year Financial Statement Report 	<ul style="list-style-type: none"> ➤ 0 Marks will be awarded because the

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				Appellant submitted Audited financial statement upto June 2020 but did not submit the statement up-to June 2021 as the
6	Tools & Machinery	20	<ul style="list-style-type: none"> ➤ Firm provides complete details of technical workshop of Iron & Wood with list and picture of factory premises where such machineries are installed. However details also required for machinery categories such as how many CNC, Manual, Simple & hand operated (Relevant Evidence Mandatory) ➤ No marks will be given if the bidder do not provide relevant information. 	<ul style="list-style-type: none"> ➤ The Appellant will get Zero Marks because the appellant is neither Neither manufacturer nor Authorized dealer. Therefore, details of technical workshop of Iron & Wood with list and picture of factory premises where such machineries which are Installed seem to be unrealistic.
7	Ware house / Storage Capacity	10	<ul style="list-style-type: none"> ➤ 10 mark will be given if the bidder posses a warehouse having covered area 5000 Sft. or above ➤ 5 marks if the bidder possesses ware house having covered are less than 2000 Sft. ➤ No marks will be given if the bidder do not possess warehouse to store furniture items 	<ul style="list-style-type: none"> ➤ Zero Marks Details may be seen at Para
8	Skilled Manpower	5	<ul style="list-style-type: none"> ➤ 5 marks will be given if the acceptable detail of strength / skilled manpower with qualification possessed by the company has been provided. ➤ 03 marks for skilled manpower only with experience of 05 years or more. ➤ No marks will be given if acceptable details of skilled manpower is not provided 	0 Marks will be given because The appellant has only one carpenter

Head Office / Establishment	10	➤ Head office of the bidder with establishment / staff details (Postal address / Landline / Mobile phone number / email / website) details to be provided with a technical bid along with substantial evidence.	➤ No substantial evidence has been provided
TOTAL MARKS	100		The Appellant would not be able to get Passing criteria because in each category 50% score is compulsory whereas the appellant would not be able to get 50% score in many categories and also would not be able to get 70% marks Technical Evaluation to qualify as per prescribed criteria.

NOTE: 1. Firm must get minimum 70% marks in Technical Evaluation to qualify as per above mentioned criteria. 2. 50% of marks in each category of evaluation will be mandatory to qualify, as per above mentioned criteria.

Note:- • Please attached copies of financial statements (balance sheets including all related notes, and income statements) for the last 3 years, duly audited by a certified chartered Accountant Firm in Pakistan, tax returns of last 3 years. • Moreover also submit Tax returns substantiate the above claims. • All Such documents must reflect the financial situation of the legal entity or entities comprising the bidder and not the bidder's parent companies, subsidiaries or affiliates.

The Value of Contracts submitted by the Appellant

SR.No	Award Letter No	Department	Total Value of work order
1	NO.SO(Dev)/S&YAD/2020-21/505 dated 30 th April 2021	Sports & Youth Affairs Department Karachi	8,622,900
2	NO.EDPP&R/AC/S.O/2020-21/872-76 dated 14.4.2021	Livestock & Fisheries Department Karachi	937,200
3	NO.EDPP&R/AC/S.O/2020	Livestock & Fisheries Department Karachi	227,200
4	NO.EDPP&R/AC/S.O/2018-19/1035-11 dated 15.5.2019	Livestock & Fisheries Department Karachi	394,600
5	Nil	SELD	5,494,475
6	NO.SO(S-I)Edu-E&A/Pro-ADP(Fur)/2015-16 dated 30.5.2016	SELD	4,578,424
7	NO.SO(S-I)Edu-E&A/Pro-	SELD	2,205,210

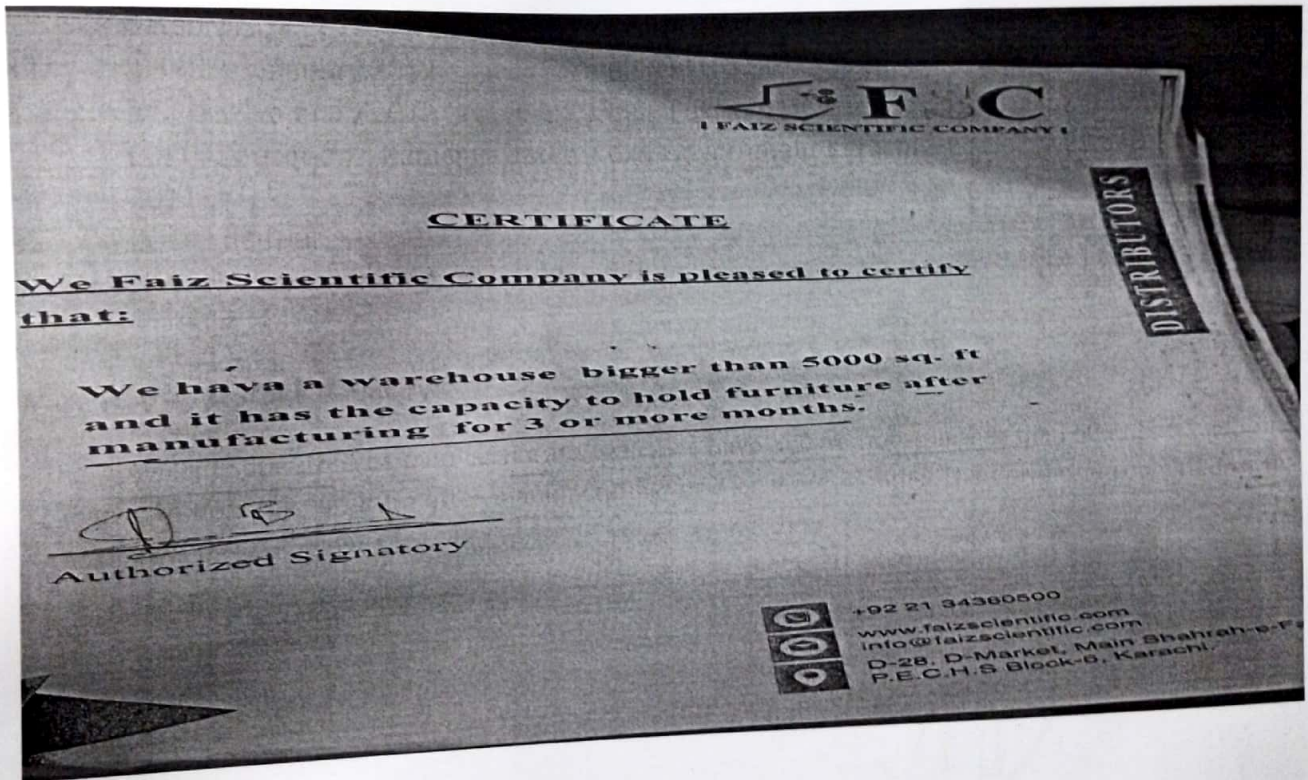
13

	ADP(Fur)/2015-16 30.5.2016	dated		
8	ADP(Fur)/2015-16 30.5.2016	dated	SELD	
9	ADP(Fur)/2015-16 30.5.2016	dated	SELD	4,732,632
10	ADP(Fur)/2015-16 30.5.2016	dated	SELD	4,587,934
11	ADP(Fur)/2015-16 30.5.2016	dated	SELD	4,488,720
12	ADP(Fur)/2015-16 30.5.2016	dated	SELD	4,578,424
13	ADP(Fur)/2015-16 30.5.2016	dated	SELD	4,732,632
14	ADP(Fur)/2015-16 30.5.2016	dated	SELD	4,587,934
15	ADP(Fur)/2015-16 30.5.2016	dated	S2ELD	4,578,424
16	ADP(Fur)/2015-16 30.5.2016	dated	SELD	4,488,720
17	ADP(Fur)/2015-16 30.5.2016	dated	SELD	8,919,600
18	ADP(Fur)/2015-16 30.5.2016	dated	SELD	8,919,600
19	Karachi dated 08.06.2015		SELD	210,190
20	NO.SO(SI)E&A/PRO/DG/Colle/ dated 04.06,2015		SELD	44,400
21	NO.DSE(P&D)/914/2012-13 dated 12.06.2012		SELD	29000
22	NO.DSE(P&D)/990/2012-13 dated 12.06.2012		SELD	279,955
23	NO.DSE(P&D)/527/2012-13 dated 12.06.2012		SELD	29,000
24	NO.DSE(P&D)/854/2012-13 dated 12.06.2012		SELD	279,965
25	NO.DSE(P&D)/855/2012-13 dated 12.06.2012		SELD	29,000
26	NO.DSE(P&D)/900/2012-13 dated 12.06.2012		SELD	29,000
27	NO.DSE(P&D)/900/2012-13 dated 12.06.2012		SELD	279,955
28	NO.DSE(P&D)/946/2012-13 dated 12.06.2012		SELD	279,955
29	NO.DSE(P&D)/8792012-13 dated 12.06.2012		SELD	29,000
30	NO.DSE(P&D)/1109/2012-13 dated 12.06.2012		SELD	199,600
	NO.DSE(P&D)/521/2012-13		SELD	29,000

	dated 12.06.2012		
	NO.DSE(P&D)/984/2012-13		
	dated 12.06.2012	SELD	
32	BISP 13 th January 2012		279,955
33	BISP 13 th January 2012	BISP Pakistan	2,817,500
		BISP Pakistan	546,374
34	EDO Education Karachi dated 2011	City Government Karachi	22,840
35	EDO Khairpur		
36	NO.STEVTA/Proc/2546/20210	SELD	3,740,000
		STEVATA	517,520

Ware House/Storage Capacity:-

30. The Appellant submitted its own certificate that they have a ware house bigger than 5000 sq.ft and it has capacity to hold the furniture after manufacturing for 3 or more months. The Certificate submitted by the Appellant is pasted below:



31. The Review Committee observed that it is admitted by the Appellant that he was not a registered manufacturer then the certificate of ware house where furniture is held after manufacturing for 3 or more months is questionable. Hence, the scrutiny of Technical Proposals submitted by the Appellant shows that in case the bids are to be re-evaluated, the bidder would not be able to get even minimum score to pass the technical criteria **(Although when bid is rejected due to eligibility/Mandatory Qualification the bid is not evaluated further.)**

15

Neither the Order dated 16.6.2022 passed by the Honorable High Court of Sindh in the C.P NO 919 of 2022 restrained the Review Committee to decide the matter as per the SPP Rules or there was no prohibition for the Review Committee in order dated 16.6.2022?

32. The Review Committee noted that an application was submitted by the Appellant with reference to his advocate Learned ASC Khawaja Shams-ul-Islam wherein the Learned ASC contended that the Review Committee shall withdraw the letters of hearing of the Review Committee till the final decision by the Honorable High Court of Sindh.
33. The Appellant also contended that the Honorable High Court of Sindh in the C.P NO 919 of 2022 vide order dated 16.6.2022 restrained the Review Committee to decide the matter.
34. The Review Committee perused the order Honorable High Court of Sindh in the C.P NO 919 dated 16.6.2022. The operative Para of the order is reproduced as under:

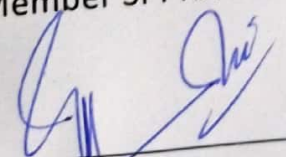
Let the notice be issued to the defendants for 06.07.2022. In the meanwhile, the operation of the award of the defendants NO 9 to 15 shall remain suspended till the next date of hearing and the defendants NO.5 to 7 are directed not to release any sum in favor of defendants 9 to 15.

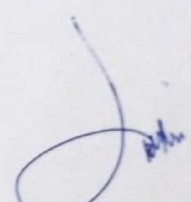
35. The Review Committee observed that the Honorable High Court of Sindh neither expressly nor impliedly barred the Review Committee from its legal work. The submission made by the Learned ASC Khawaja Shams-ul-Islam and contention of the Appellant are out of the context.

Decision of the Review Committee:

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(a) of the SPP Rules, the Review Committee rejects the appeal as the appeal is time barred under the SPP Rules 2010(amended up-to-date) and devoid of merits for the reasons recorded supra in the observations of the Review Committee.


Member
(Manzoor Ahmed Memon)
Member SPPRA Board


Member
(G. Mohiuddin Asim)
Representative of P & D Board, P&
Development Department Karachi


Member
(Munir Ahmed Shaikh)
Independent Professional


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