



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3681-85/2022-23/0961

Karachi, dated the 14th April, 2023

To,

The Director,
Education & Literacy Department,
Primary Larkano Region,
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 (M/s Imtiaz Ali Malano & Abdul Karim Bughio V/s Director, Education & Literacy Department, Primary, Larkano Region, Larkano), held on 11.04.2023, for taking further necessary action.


DEPUTY DIRECTOR (LEGAL)

A copy is forwarded for information and necessary action to:

1. To the Secretary to Government of Sindh, Education & Literacy Department Karachi.
2. The PS to Chairman / Members of the Review Committee.
3. Assistant Director I.T. SPPRA (with advice to post the decision on authority website in terms of Rule-32(11) of SPP Rules, 2010).
4. The Appellant.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-3691-AS/2022-23

Karachi, dated, 06th April, 2023

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

Decision of the Review Committee held on 05.04.2023

Appellant	M/s Imtiaz Ali Malano and M/s Abdul Karim Bughio
Procuring Agency	Directorate of School Primary Larkano Region Larkano
SPPRA PPMS Reference ID #	T01937-22-0010
NIT Reference No.	DSE/(Primary)L/P&D/Procu: F&F/Non-ADP-2021-22/04/2022
Estimated Cost of NIT Total	Not mentioned in NIT
Total works in NIT	03 works in NIT (Furniture & Fixture)
Dated of Posting Notice Inviting Tender	19-11-2022
Date of Opening Technical Bids	07.12.2022
Date of Opening Financial Bids	Not mentioned
Date of Posting Bid Evaluation Report	Not posted
Contract Documents	Yet not posted on website
SPPRA Observations	05.01.2023
Work on which appellants complained	03 works
CRC letter submitted by the complainants	13.02.2023
CRC Decision	Not received as yet
Review Appeals dated	24.02.2023
Reason for delay	Due to completion of tenure of two Private Members from SPPRA Board the Review Committee was incomplete, hence meetings

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	were not conveyed. Now the Board has nominated Members for RC under Rule-32(3) of the SPP Rules, 2010 and accordingly the meeting of the Committee was conveyed to dispose of the Review Appeal.
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The Appellant's Version:-

- I. The appellants submitted that the procuring agency disqualified him due to non-submission of documents for Contract Experience, Ware House and Head Office. The appellants complained that the procuring agency awarded them zero marks whereas they were to be awarded full marks as they had submitted all the required documents.
- II. The Appellants submitted that the procuring agency did not inform them about disqualification that the appellants considered against the SPP Rules.
- III. The Appellants also argued that the Complaint Redressal Committee failed to redress their complaints timely.
- IV. The Appellants prayed that their technical bids may be re-evaluated and reviewed in the best interest of justice.

The Procuring agency's Version:-

- i. The Director Schools Education Primary Larkana submitted that he is attending the Honorable Court due to some case at the court so he would not be able to attend the meeting of the Review Committee. However, he submitted a written statement which reads as under:

"This is in reference to your letter NO;AD(LII)/SPPRA/CMS-3681-85/20221—22/0912 Karachi dated 31-03-2023 regarding cited subject and to inform you that the competent Authority i.e Secretary Schools Education and Literacy Department has already got cancelled/ withdrawn the procurement committee vide notification NO.SO (G-I) SE&LD/FUR-ADP/2022 Dated 13-3-2023 hence NITs invited by that committee for procurement of furniture and fixture against ADP & Non-ADP schemes have become in fructuous, pointless and ineffective in the eyes of SPPRA rules.

- ii. The Committee was also informed that the Authority had also advised to the procuring agency vide letter No: PPMS /T01937-22-0008, 9 & 10/2022-23/ Karachi, dated January, 2023 Observations of the Review Committee to cancel the bids under Rule 25 of the SPP Rules in order to avoid mis-procurement

Observations of the Review Committee:-

- I. The Review Committee observed that the Secretary Schools Education and Literacy Department has already cancelled/ withdrawn the procurement committee vide notification NO.SO (G-I) SE&LD/FUR-ADP/2022 Dated 13-3-2023,



the procurement committee has been ineffective from 13-3-2023 and all the orders, suggestions and recommendations of the committee shall stand void.

- II. The Review Committee also observed that the procuring agency has already advised by the Authority vide letter No:PPMS/T01937-22-0008, 9 & 10/2022-23/ Karachi, dated ^{51K} January, 2023 to cancel the bids in order to avoid the declaration of mis-procurement.

The operative para of the letter is reproduced as under:

In view of above, it is transpired that Procuring Agency has failed to comply Rule-22 read with clause 4.10 of SPPRA Regulations; therefore it is advised to invoke Rule-25 of the SPP Rules, 2010 and may call afresh NIT as per Rule-26 of the SPP Rules, 2010 to avoid mis-procurement.

Decision of the Review Committee:-

- I. Given proceeding, findings, observations and due deliberations, the Review Committee decided to direct the Procuring Agency to with draw / cancel terminate the instant procurement process for the reasons recoded above. The procuring agency is directed to update the status of cancellation of NIT on Authority's website.



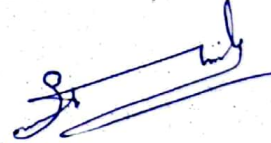
Member
(Khair Muhammad Kalwar)
Representative of Planning & Development
Department Karachi



Member
(Syed Adil Gillani)
Private Member (SPPRA Board)



Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Eng: Muhammad Shakaib)
Independent Professional



(Chairman)
Rubina Asif
Managing Director
Sindh Public Procurement Regulatory
Authority