



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3675-3716/2022-23/0960

Karachi, dated the 14<sup>th</sup> April, 2023

To,

The Executive Engineer,  
Highway Division,  
(Works & Services) Department,  
**KHAIRPURMIR'S.**

**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 Imdad Ali Mangi & Al-Naveed Enterprises V/s Executive Engineer, Highway Division Khairpurmir's), held on 06.04.2023, for information.

  
DEPUTY DIRECTOR (LEGAL)

**A copy is forwarded for information and necessary action to:**

1. To the Secretary to Government of Sindh, Works & Services 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-3675-3716/2022-23

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 06.04.2023

|                                         |                                                                                                                                                              |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appellant                               | M/s Imdad Ali Mangi and Al-Naveed Enterprises                                                                                                                |
| Procuring Agency                        | Executive Engineer, Highway Division<br>Khairpurmir's                                                                                                        |
| SPPRA PPMS Reference ID #               | T00672-22-0004                                                                                                                                               |
| RFP Reference No.                       | No. TC/G-55/106 of 2023 Dated 19.01.2023                                                                                                                     |
| Method of Procurement                   | Single Stage One Envelope                                                                                                                                    |
| Estimated Cost of RFT Total             | Rs. 523.0894/- Million                                                                                                                                       |
| Total works in NIT                      | 26 works in NIT (Consultancy)                                                                                                                                |
| Dated of Posting Notice Inviting Tender | 22-01-2023                                                                                                                                                   |
| Date Opening of Bids                    | 06.02.2023                                                                                                                                                   |
| Date of Posting Bid Evaluation Report   | 31-03-03.04.2023                                                                                                                                             |
| Contract Documents                      | Yet not posted on SPPRA website                                                                                                                              |
| SPPRA Observations                      | 25.01.2023                                                                                                                                                   |
| Work on which appellant complained      | Not mentioned in complaint                                                                                                                                   |
| CRC letter submitted by the complainant | 13.02.2023                                                                                                                                                   |
| CRC of Decision                         | Not received as yet                                                                                                                                          |
| Review Appeal dated                     | 13.03.2023                                                                                                                                                   |
| Reason for delay                        | Due to completion of tenure of two Private Members from SPPRA Board the Review Committee was incomplete, hence meetings were not conveyed. Now the Board has |

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|  | 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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**Proceedings of the Review Committee:-**

- i. The Review Committee was informed that the appellants were called for the maintainability of their appeals. The committee was informed that they served with notices and letter were also were sent to them on whats-app numbers. They received the letters but did not appear before the Review Committee for the hearing of their appeals.
- ii. The Review Committee decided to consider the appeals Ex-parte.
- iii. The Committee was informed that these appeals had been listed for maintainability in terms of Rule 31(5) as the appellants approached to the Review Committee after 25 days instead of 10 days.
- iv. The Committee was informed that the Appellant filed the complaints on 09.02.2023 as CRC failed to decide within 7 days and appeals transferred to the Review Committee on 16.2.2023. The appellants was required to approach the Review Committee till 26.2.2023. The Appeal period expired on 26.2.2023. The Appellants approached to the Review Committee on 13.3.2023 after the lapse of 25 of the transfer of the complaint.

**Observation of the Review Committee:-**

- i. The Review Committee observed that the SPP Rules have described time limits for complaint redressal mechanism. In case of transfer of appeal due to failure of CRC to decide the matter within 7 days, the complainants are required to approach to the Review Committee within 10 days of transfer. The rule 31(5) is reproduced as under:

**Rule 31 (5) of the SPP Rules**

- ii. (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.]
- i. In the instant matter the appellants could not approach to the Review Committee within ten days of transfer instead approached after 25 days of transfer of complaint. The matter is summarized as below:-

|                                                       |            |
|-------------------------------------------------------|------------|
| Date of complaint                                     | 09.02.2023 |
| Date of transfer of complaint to the Review Committee | 16.2.2023  |


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|------------------------------------------------------------------------|-------------------------------------------------|
| Time limit for approaching to Review Committee/Expiry of appeal period | 26.2.2023                                       |
| Date of the receipt of appeals                                         | 13.3.2023, 25 days after the transfer of appeal |


- ii. Keeping in view of the above, the committee observed that the appeal was barred under the SPP Rule 31(5) hence could not entertained.


**Decision of the Review Committee:-**

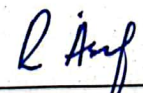
- i. Given proceeding, findings, observations and due deliberations, the Review Committee decided to reject the appeal, for the reasons recoded supra in the observations of the Review Committee. The Procuring Agency is allowed to proceed as per the SPP Rules.

  
 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