



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No. AD (L-II)/SPPRA/CMS-3656/2022-23/0908 Karachi, dated the 28th April, 2023

To,

The Executive Engineer,
Minority Affairs Department,
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 namely M/S Khan Electric Works v/s Executive Engineer, Minority Affairs Department, Karachi held on 12.04 .2023, for information & necessary action.


ASSISTANT DIRECTOR (LEGAL-II)

A Copy is forwarded for information to:

1. The Secretary to Government of Sindh, Minority Affairs Department Karachi.
2. Assistant Director IT SPPRA with a request to hoist the decision on Authority's website.
3. PS to MD SPPRA/ Members of the Review Committee
4. Mr. Khan Electric Works, C/o Khan Cloth Store Near Meezan Bank, Katchery Road, Nawabshah.

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GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-3656/2022-23

Karachi, dated, 13th 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 12.04.2023

Name of the Appellant	M/s Khan Electric works
Name of the Procuring Agency	Executive Engineer, Minorities Affairs Department Karachi Sindh.
NIT PPMS No	T01026-22-0009
NIT Reference No	XEN/MA/M&R/SINDH/4230 DATED 12-01- 2023
NIT Posting Date	19.01.2023
Estimated Cost of NIT	Rs. 213 Million
Total No work	65 Works in NIT
Appellant related work	At Serial No. 10 and 52 mentioned in NIT
Date of Opening of bids (Technical)	03.02.2023
Date of Opening of bids (Financial)	20.02.2023
Bid Evaluation Report	Various bids were uploaded on 05.03.06.03. 22.03.2023
SPPRA Observations	24-01-2023
Reply to SPPRA Observations	Not received as yet
CRC Complaint dated	07.03.2023
CRC Decision	Not posted as yet
Review Appeal dated	25.03.2023
The Appellant submitted that the procuring agency has rejected his bid because of Non Fulfillment of a difficult and discriminatory condition No i mentioned in NIT. The condition is as under:	The procuring agency submitted that the appellant was disqualified in accordance with the terms and conditions of bidding documents. The appellant could not submit the required experience.

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<p>"At least two works of similar in nature with equivalent or more cost under taken in last three years along with Completion Certificate of Respective Department showing total cost of work along-with colored photographs (At least 4 Photo-graphs)"</p>	<p>The procuring agency also submitted that the procuring agency formulate an appropriate evaluation criterion, listing all the relevant information against which a bid was to be evaluated and criteria of such evaluation was formed an integral part of the bidding documents. It was argued that past experience was required as condition in the bidding documents to choose eligible and qualified contractors who could perform the contracts.</p>
<p>The Appellant complained that the works were of simple and routine in nature but the PA inserted difficult condition to knock out many bidders.</p>	<p>The procuring agency submitted that the works were to be executed for the Repair and Maintenance of Religious worship place. These works required utmost care and experience. Therefore, condition of experience was required to choose eligible contractors.</p>
<p>The appellant submitted that he had applied for two works Sr. No 10 and 52 but the Procuring Agency had shown him in BER of work NO 10 but his bid had not been shown in work 52.</p>	<p>The procuring agency submitted that the appellant was required to submit the bids in separate envelopes but he submitted his bids only in one envelope. Therefore, only his single bid was mentioned in BER.</p>
<p>The appellant also submitted that the CRC failed to decide the matter within 7 days.</p>	<p>The procuring agency submitted that meeting had been called but one of the members could not attend the meeting therefore matter could not be resolved by CRC within 7 days.</p>

Observations of the Review Committee:-

- i. The Review Committee observed that the appellant was rightly disqualified as he could not fulfill mandatory condition No i mentioned in NIT.
- ii. The Review Committee also observed that the appellant could not prove that the condition NO 1 was difficult and discriminatory.
- iii. The Review Committee also observed that right and proper time for contending the difficult conditions was after the publication of NIT. The appellant could request the procuring agency for clarification of contents of the bidding document in writing in terms of Rule 23, if any condition was considered by the appellant as difficult or discriminatory.




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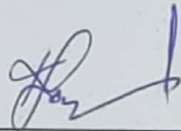


However, the appellant could not present any document that proves that the appellant did so.

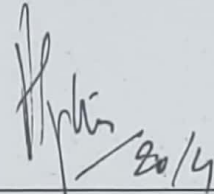
- iv. The Review Committee also observed that the appellant had accepted the terms and conditions of NIT and bidding documents at the time of submission of bids, therefore appellant cannot contend the terms and conditions after disqualification.
- v. However, procuring agency failed to hold the CRC meeting in time, neither sort out the issue nor responded to the observation made by SPPRA.

Decision of the Review Committee:

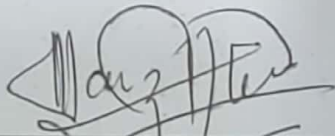
- i. Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(a) of SPP Rules the Review Committee rejects the Appeal of the appellant as the appellant could not prove violation of SPP Rules during the procurement process.



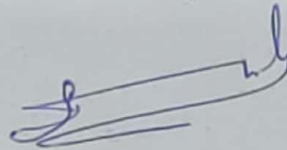
Member
(Khair Muhammad Kalwar)
Representative of Planning &
Development Department



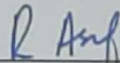
Member
(Syed Adil Gilani)
Private Member (SPPRA Board)



Member
(Manzoor Ahmed Memon)
Member SPPRA Board



(Chairman)
(Eng: Muhammad Shakaib)
Independent Professional



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