



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No. AD (L-II)/SPPRA/CMS-3633/2022-23/0987 Karachi, dated the 28th April, 2023

To,

The Executive Engineer,
Highways Division,
Mirpur-Khas.

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 Umair Saleem v/s Executive Engineer, Highways Division, Mirpurkhas 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, Works & Services 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. M/s Umair Saleem, Address: House No. 2, old Power house, Valkart Road, Mirpurkhas.

O/C



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-3633/2022-23

Karachi, dated, 17th 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 Umair Saleem
Name of the Procuring Agency	Executive Engineer, Highway Division Mirpurkhas
NIT PPMS No	T01265-22-0001
NIT Reference No	No.TC/G-55/1170/ of 2022 dated: 02 -09 - 2022
NIT Posting Date	15.09.2022
Estimated Cost of NIT	Rs. 106.776 Million
Total No work	33 Works in NIT
Appellant related work	At Serial No. 31, 32 & 33 mentioned in NIT
Method of Procurement	Single Stage Single Envelope
Date of Opening of bids (Financial) through Corrigendum	07.10.2023
Bid Evaluation Report	Various bids were uploaded on 09.01.010.01. 13.01.2023
SPPRA Observations	20-09-2023
Reply to SPPRA Observations	Not received as yet
CRC Complaint dated	11.01.2023
CRC Decision	Not posted as yet
Review Appeal dated	10.02.2023

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Proceedings of the Review Committee:-

- i. The Review Committee was informed that the appellant was called for the maintainability of their appeal. The committee was informed that the appellant was served with notice and letter was also sent to him on whats-app number. He received the letter but did not appear before the Review Committee for the hearing of his appeal.
- ii. The Review Committee decided to decide 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 23 days instead of 10 days as per SPP Rules.
- iv. The Committee was informed that the Appellant filed the complaints on 11.1.2023. CRC failed to decide within 7 days and appeals transferred to the Review Committee on 18.01.2023. The appellant was required to approach the Review Committee till 28.01.2023. The Appeal period expired on 28.01.2023. The Appellant approached to the Review Committee on 10.02.2023 after the lapse of 23 days of the transfer of the complaint.

Observation of the Review Committee:-

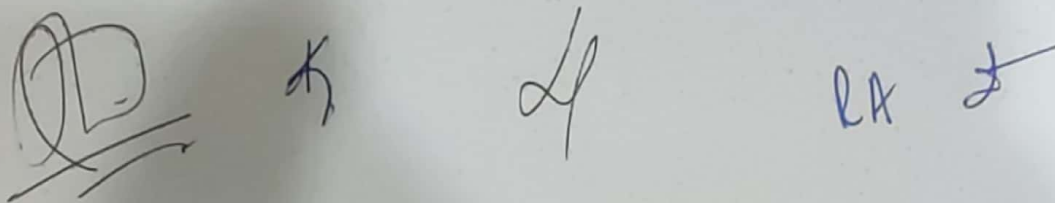
- i. The Review Committee observed that the SPP Rules have described time limit for complaint redressal mechanism. In case of transfer of appeal due to failure of CRC to decide the matter within 7 days, the complainants are required to approach to the Review Committee within 10 days of transfer.

Rule 31 (5) of the SPP Rules is reproduced as under:-

(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.]

- ii. In the instant matter the appellants could not approach the Review Committee within ten days of transfer but instead approached after laps of 23 days. The matter is summarized as below:-

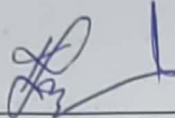
Date of complaint	11.01.2023
Date of transfer of complaint to the Review Committee	18.1.2023
Time limit for approaching to Review Committee/Expiry of appeal period	(10 days) 28.1.2023
Date of the receipt of appeals	10.2.2023 — 23 days after the transfer of appeal instead of 10 days

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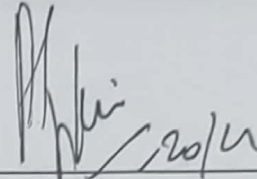
- iii. Keeping in view of the above, the committee observed that the appeal is time barred under the SPP Rule 31(5) hence could not be entertained.

Decision of the Review Committee:-

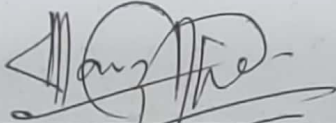
- i. Given proceeding, findings, observations and due deliberations, the Review Committee decided to reject the appeal being time barred under the SPP Rules 2010(amended up-to-date).



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



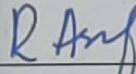
Member
(Syed Adil Gillani)
Private Member (SPPRA Board)



Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Eng: Muhammad Shakaib)
Independent Professional



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