GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-3711/2022-23/1064 Karachi, dated the 29th May, 2023

To,

The Executive Engineer,
Highway Division Khairpurmir's,
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 RM Associates V/s Executive Engineer, Highway Division Khairpurmir's)** held on 13.04.2023, for information.

ASSISTANT DIRECTOR (LEGAL-II)

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-3711/2022-23/064 Karachi, dated, 18th 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 13.04.2023

Name of the Appellant	M/s RM Associates
Name of the Procuring Agency	Executive Engineer, Highways Division Khairpur Mir's
NIT PPMS No	T00672-22-0004
NIT Reference No	NO.TC/G-55/108 dated 19.01.2023
NIT Posting Date	22.1.2023
Estimated Cost of NIT	Rs. 523.0823/-Million
Total No work	26 works in NIT
Appellant related work	17,24,25,26
Date of Opening of bids (Technical)	06.02.2023
Date of Opening of bids (Financial)	06.02.2023
Bid Evaluation Report	Various bids were uploaded from 31.3.2023 to 8.04.2023
SPPRA Observations	25.01.2023
Reply to SPPRA Observations	Not Received
CRC Complaint	08.03.2023
CRC Decision	Not posted as yet
Review Appeal Received dated	20.3.2023
Reason for delay	Due to completion of tenure of two Private Members from SPPRA Board, Review Committee was incomplete, hence meetings 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.
The appellant's Version	**The Procuring Agency's Version**
The appellant submitted that he had	The procuring agency submitted that the

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participated for four works and submitted all the documents.	appellant had submitted bids for three works not for four works.
The appellant further submitted that he had quoted 10.16 %, 13.44 % , 13.59% and 15.56% below rates for works No Sr.17, 24, 25 and 26 respectively.	The procuring agency submitted that rates of the appellant were called out at the time of bid opening. However, the bid evaluation is under process the same shall be uploaded on Authority' website and shall be communicated with the appellant.
The appellant complained that the procuring agency intended to award the works on higher rates to the favorite contractors, instead of the appellant who had submitted lower rates.	The procuring agency refuted such a complaint and reiterated that the bid evaluation is under way. Once the bid evaluation is completed, the contracts would be awarded to the successful bidders as per rules.
The appellant was enquired by the Review Committee why he had filed complaint and review appeal when the bid evaluation was still under way. The appellant submitted that he had apprehension that the procuring agency would award contracts to the favorite contractors even he had been the lowest for his mentioned works.	

Observations of the Review Committee:-

i. The Review Committee observed that there is a conflict regarding the number of bids. The appellant claims for 4 bids and the procuring agency admitted only three bids. This controversy needs be settled by the procuring agency after proper verification and detail scrutiny of record.

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ii. The Review Committee also observed that the appellant filed complaint pre-maturely before Review Committee without waiting for the announcement of Bid Evaluation Report. Procuring Agencies announce the results of bid evaluation in the form of a report giving reasons for acceptance or rejection of bids. The report is hoisted on website of the Authority and is intimated to all the bidders at least three (3) working days prior to the award of contract. As the matter is under process and procuring agency has not accepted or rejected the bids of the appellant. It is unreasonable to file any complaint and review appeal against the procuring agency.

Decision of the Review Committee:-

i. Given proceeding, findings, observations and due deliberations, the Review Committee decided to reject the appeal as the appellant has approached to the review committee before time. The appellant may filed a fresh complaint review appeal as per rules, if he becomes aggrieved after the announcement of Bid Evaluation Report.

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

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