



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY
AUTHORITY



No.LC/SPPRA/CMS-3851/23-24/007

Karachi, dated the 06 July, 2023

Assistant Director (Procurement)
Provincial Disaster Management Authority
KARACHI.

SUBJECT: DECISION OF THE REVIEW COMMITTEE OF SPPRA AGAINST THE REVIEW APPEAL SUBMITTED BY M/S KSF TRIZONE INDUSTRIES PVT LTD

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the decision of meeting of the Review Committee held on 08.06.2023 against Review Appeal submitted by M/s KSF Trizone Industries Pvt Ltd on NIT No. T0115-22-002.

(ABDUL JABBAR SHAIKH)
LEGAL COORDIANTOR

A copy is forwarded for information and necessary action:

1. The Chairperson / Members of the Review Committee (All).
2. The Secretary to Government of Sindh, Rehabilitation Department (*with a request to take necessary action as per Rule-32(A)(2) of the SPP Rules, 2010 under intimation to this Authority*).
3. Assistant Director (I.T), SPPRA (*with an advice to post the decision on the Authority's website in terms of Rule-32(11) of the SPP Rules, 2010*).
4. M/s KSF Trizone Industries Pvt Ltd, (**the Appellant**).



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Decision of the Review Committee of Sindh Public Procurement Regulatory Authority (SPPRA) under Rule-32 of the SPP Rules, 2010 held on 08.06.2023

M/s KSF Trizone Industries Pvt Ltd.....the Appellant

V/S

Provincial Disaster Management Authority, Karachi..... the Procuring Agency

1. Introduction:

1.1. Provincial Disaster Management Authority (PDMA) invited bids for procurement of various items including "Tarpulin Sheets" vide NIT No. INF/KRY/1504/2023 dated 6.4.2023 in Newspapers and also hoisted on SPPRA Website vide Serial No. T0115-22-0002.

1.2. Procurement Committee opened the bids on 8.5.2023 and hoisted Bid Evaluation Report (BER) on SPPRA Website under Rule-45 of the SPP Rules, 2010 wherein M/s KSF Trizone Industries Pvt Ltd was declared as the Lowest Bidder and recommended for award of contract for procurement of "Tarpulin Sheets" @ Rs.1,500/- per sheet and rejected M/s Kolachee International on the grounds that he has not submitted the bid on bidding documents issued by the Procuring Agency or downloaded from SPPRA Website as per Rule-24(2) of the SPP Rules, 2010.

1.3. M/s Kolachee International submitted a complaint before the Complaint Redressal Committee (CRC) on 25.5.2023 under Rule-31 of the SPP Rules, 2010 against the decision of the Procurement Committee regarding disqualification of his bid. His offered price was Rs. 1,455/- per sheet.

1.4. Accordingly, CRC convened its meeting on 29.5.2023 and announced its decision wherein it was decided that non-placement of original bidding documents is not enough ground to disqualify as the documents submitted by the M/s Kolachee International were sufficient / fulfilling all the conditions of the NIT and were adhering to the terms & conditions of the bidding document therefore; CRC unanimously decided to declare M/s Kolachee International as qualified bidder. In compliance of the decision of the CRC, the Procurement Committee than considered M/s Kolachee Internationsl as qualified bidder and issued / uploaded revised Bid_{3/2}

2 Aug

Evaluation Report (BER) on SPPRA Website wherein M/s Kolachee International has been recommended for award of work.

1.5. M/s KSF Trizone Industries Pvt Ltd has submitted Review Appeal under Rule-32 of the SPP Rules, 2010 against the decision of the CRC as he has been aggrieved by the decision of the CRC.

2. Proceedings of the Meeting:

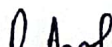
2.1. The Chair welcomed the participants and invited the representatives of the appellant (M/s KSF Trizone Industries Pvt Ltd) and the Procuring Agency to explain their versions.

2.2. Appellant explained that initially his bid was declared as lowest and recommended for award of contract. M/s Kolachee International submitted a complaint to the CRC regarding his disqualification. The CRC held its meeting and announced its decision wherein CRC reverse the decision of the Procurement Committee and declared M/s Kolachee International as lowest bidder.

2.3. He stated that since his firm is aggrieved from the decision of the CRC, therefore, they submitted review appeal before the Review Committee.

2.4. The Committee asked from the representative of PA to explain. He explained that the Procurement Committee had initially rejected the bid of M/s Kolachee International on the grounds that he has not submitted the bid on Bidding Documents issued by the PA or downloaded from SPPRA Website as required under Rule-24 of the SPP Rules, 2010 therefore, his bid was rejected.

2.5. Members of RC asked from the PA to showed the bid submitted by M/s Kolachee International and observed that the bidder had not furnished complete set of bidding documents issued by the PA duly signed and stamped by the authorized person on each page which is mandatory requirement for participation in the bid to ensure that the bidder has agreed all the terms and conditions as set out in the bidding documents and considered as Responsive Bidder. It was further been discussed that this condition has been mentioned under clause IB.18.5 "Format and signing of Bid" of Standard Bidding Documents notified by SPPRA. Members were of the view that the bidders must comply the SPP Rules, 2010 while submitting bids and as per Rule 24 of the SPP Rules, 2010 bidder are required to submit the bid on the bidding documents issued by the Procuring Agency.





Observations of the Committee:

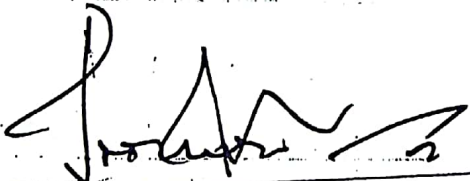
1. M/s Kolachee International had not submitted the bid on the bidding documents issued by the Procuring Agency or downloaded from SPPRA duly signed and stamped on each page.
2. Constitution of Complaint Redressal Committee (CRC) is not as per Rule-31 of the SPP Rules, 2010. CRC does not include an independent professional from the relevant field as required under Rule-31(2)(b) of the SPP Rules, 2010.

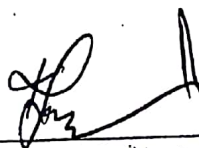
Decision of the Review Committee:

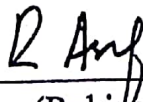
1. The Review Committee unanimously decided to annul in whole the decision of Complaint Redressal Committee in terms of Rule-32(7)(d) of the SPP Rules, 2010 and uphold the initial decision of Procurement Committee wherein M/s KSF Trizone Industries (Pvt.) Limited was recommended for award of contract.
2. The Procuring Agency is directed to reconstitute Complaint Redressal Committee and include an independent professional from relevant field (which shall not be a Government servant) as per Rule-31(2)(b) of the SPP Rules, 2010.


(Manzoor Ahmed Memon)
Member SPPRA Board
(Member)


(Syed Adill Gilani)
Member SPPRA Board
(Member)


(Assadullah Soomro)
Independent Professional
(Member)


(Khair Muhammad Kalwar)
Special Secretary
Planning & Development Department
(Member)


(Rubina Asif)
Managing Director, SPPRA
(Chairperson)