



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.D D (L-II)/SPPRA/CMS-3862/2022-23/069

Karachi, dated 27 July 2023

To,

The Secretary to Government of Sindh,
Works & Services Department.,
KARACHI.

Subject: DECISION OF THE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY IN THE APPEAL OF M/S AL Saif Builders VS THE EXECUTIVE ENGINEER, BUILDING DIVISION, NAUSHERO FEROZ.

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the decision of Review Committee meeting held on 13.07.2023 against Review Appeal submitted **BY M/S AL SAIF BUILDERS VS THE EXECUTIVE ENGINEER, BUILDING DIVISION, NAUSHERO FEROZ** on NIT No T00859-22-0001 for your information and further necessary action in terms of Rule 32(A) of the SPP Rules.


(ABDUL JABBAR SHAIKH)
LEGAL COORDIANTOR

A copy is forwarded for information and necessary action to:

1. The Chairperson / Members of Review Committee (All)
2. The Superintendent Engineer, Works & Services Department, Naushehroferoz.
3. The XEN, Building Division, Naushehroferoz.
4. 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)
5. M/s Al Saif Builders. Village Sanwal Khan Bhutto, P.O Molhan Taluka Bhiria, Naushero Feroz Mobile No 0300-3083148 (The Appellant)



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY
AUTHORITY



**Decision of the Review Committee of SPPRA under Rule-32 of the
SPP Rules, 2010 held on 13.07.2023**

M/s Al-Saif Builder..... the Appellant

V/S

The XEN Building Division Naushero Feroz the Procuring Agency

1. Introduction:

1.1. The Executive Engineer, Building Division Naushero Feroz invited bids through publication of NIT in newspapers vide NIT No. TC/G-55/ N.Feroze/ 179/2023 dated 10.03.2023 and uploaded on SPPRA Website at Serial No. T0859-22-0001 for 40 works. Method of Procurement was Single Stage One Envelope under the SPP Rules, 2010.

1.2. Bids were opened on 30-03-2023 at 12:00 noon in the office of the Executive Engineer, Building Division Naushero Feroz. The appellant sent his bid via courier services against Work No. 29 and 30 of the NIT.

1.3. The procuring agency uploaded Bid Evaluation Report (BER) on SPPRA Website under Rule-45 of the SPP Rules, 2010 wherein appellant name was not shown.

1.4. The appellant complained to the Superintendent Engineer, Works & Services Department Naushero Feroz / Chairman Complaint Redressal Committee (CRC) vide letter Ref. No. AS/009/23 dated 26.05.2023 to redress the grievances as per rules

1.5. The CRC failed to arrive at the decision within 7 days hence, the appellant approached to the Review Committee vide letter No. ASB/0013/23 dated 2nd June, 2023 for redressal of grievance.

2. Version's of Complainant's and Procuring Agency:

2.2. The Meeting started with recitation of verses from the Holy Quran. After that the Chair welcomed the participants and asked the appellant and the procuring agency to explain their versions one by one.

Complainant's Version:

2.3. Mr. Asif Ali Bhutto, Proprietor explained that in compliance of NIT published by the Procuring Agency he had downloaded the bidding documents from SPPRA Website and submitted his bid through courier along with tender fee and bid security as per the SPP Rules,

2010. The appellant claimed that the procuring agency did not open the bids on scheduled time and date mentioned in the NIT.

2.4. He claimed that the procuring agency did not consider his bid neither his name has been shown in the Bid Evaluation Report uploaded on SPPRA Website.

The Procuring Agency's Version

2.5. Mr. Ilmudding, XEN, Building Division, N. Feroze explained that the bids were opened as per scheduled time, date and venue mentioned in the bidding documents and refused the claim of the appellant.

2.6. The representative of the procuring agency admitted that the bid of the appellant had been received via Courier and the same had been opened by the procurement Committee. However, during evaluation of bids it was found that the appellant had not attached bid security with the bid, therefore, the bid of the appellant had been rejected and the same had been recorded in the minutes of bid opening meeting. He also replied, on a query from RC, that this referred bid due to rejection did not include in the BER.

3. Proceedings of the Review Committee:

3.1. Members of the Committee asked from the representative of the Procuring Agency regarding non-convening of the meeting of the CRC within stipulated time. Representative of the PA replied that he was unaware about any complaint submitted to the CRC.

3.2. The representative of the procuring agency was asked whether BER was intimated to all bidders prior to award of contract as per Rule-45 or otherwise. The procuring agency replied that the report was uploaded on Authority's website but did not sent to all bidders.

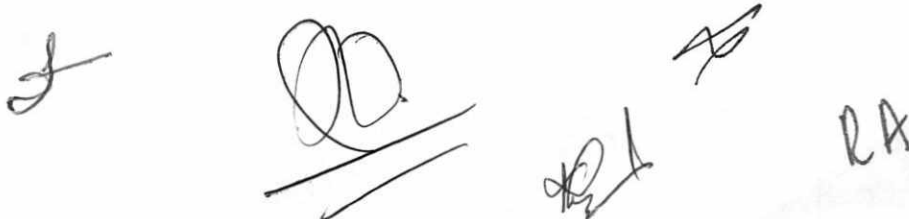
3.3. Members of the RC asked from the appellant to show proof of Bid Security and Tender Document fee. The appellant showed folio of Pay orders issued by the Bank for Bid Security and Tender Document Fee.

3.4. The Members asked status of the procurement from the representative of the Procuring Agency who replied that works have been awarded during the month of May, 2023.

Observations of the Review Committee

1.1. The RC was not satisfied from the reply of PA regarding non-convening of CRC as it is their responsibility to redress the grievance before award of contract as per Rules.

1.2. The procuring agency had not mentioned the bid of the appellant in Bid Evaluation Report (BER) and Bidders Qualification Report (BQR) and also did not intimate to the appellant at

The bottom of the page contains several handwritten signatures and initials. From left to right, there is a signature that appears to be 'J', a signature that looks like 'OO' with two horizontal lines underneath, a signature that looks like 'RA' with a flourish, and the letters 'RA' written in a larger, blocky font.

least three (3) working days prior to the award of contract which is violation of Rule-45 of the SPP Rules, 2010.

1.3. The Procuring Agency had not convened CRC meeting and awarded the contract without final adjudication by the RC whereas, the complaint stands transfer to the RC under Rule-31(5) of the SPP Rules, 2010 hence violated the Rule.

1.4. The Procuring Agency has not uploaded the Contract Documents on SPPRA Website within 15 days from the signing of the contract as per Rule-50 of the SPP Rules, 2010 hence violated the Rule.

Decision of the Review Committee

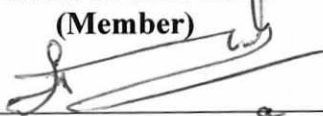
After due deliberation, the Review Committee unanimously decided as under;

1. Declare the instant procurement (Work No. 29 & 33) of NIT uploaded at SPPRA at Serial No. T085922-0001 as Mis-Procurement in terms of Rule-32(7)(g) on violation of Rule-31(7), 45 and 50 of the SPP Rules, 2010.

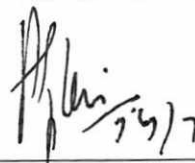
2. To refer the matter to the head of department of the procuring agency for initiation of disciplinary action against the officers / officials of the procuring agency responsible for Mis-Procurement.



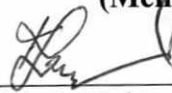
(Manzoor Ahmad Memon)
Member SPPRA Board
(Member)



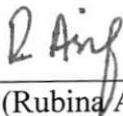
(Engr. Syed Muhammad Shkaib)
Independent Professional
(Member)



(Syed Adill Gilani)
Member SPPRA Board
(Member)



(Khair Muhammad Kalwar)
Special Secretary, P&D Department
(Member)



(Rubina Asif)
Managing Director, SPPRA
(Chairperson)