GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.LC/SPPRA/CMS-3858/2022-23 0186 Karachi, dated the 22nd September, 2023

To,

The Secretary,
Zakat Ushar & Auqaf Department,
KARACHI.

Subject: **DECESION 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 decision of Review Committee meeting held on 20.07.2023 against Review Appeal submitted by **M/s Ahmed Ali Junejo** on NIT No T01324-22-0008 with a request to take necessary action as per Rules under intimation to this Authority at the earliest.

(ABDUL JABBAR SHAIKH)
LEGAL COORDIANTOR

A copy is forwarded for information and necessary action to:

1. The Chief Administrator Auqaf Hyderabad, Department Karachi.
2. Assistant Director (I.T), SPPRA **(with an advice to upload the decision on the Authority's website in terms of Rule-32(11) of the SPP Rules, 2010)**
3. The Chairperson / Members of Review Committee (All)
4. M/s Ahmed Ali Junojo Office/House B/79/80 Ghulam Muhammad Jamali Colony Housing Society Nawabshah, **(The Appellant)**

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Decision of the Review Committee Meeting of SPPRA under Rule-32 of the SPP Rules, 2010 held on 20.07.2023

M/s Ahmed Ali Junejo ..... Appellant

V/S

The Chief Administrator Auqaf Sindh Hyderabad ..... Procuring Agency

1. Introduction:

1.1 Chief Administrator Auqaf Sindh Hyderabad, "The Procuring Agency," invited bids for the procurement of various works vide NIT No.AUQF(CAA)TENDER/1498 dated: 29-03-2023 through publication in newspapers and also hoisted on SPPRA's website vide Serial No. T01324-22-0008. The method of procurement was Single-Stage, Two-Envelope. The appellant applied for work No. 7 of the NIT.

1.2 Appellant submitted a complaint to the Complaint Redressal Committee (CRC) of the procuring agency on 18.5.2023. However; CRC failed to arrive at the decision within 7 days, as required under Rule 31(5) of the SPP Rules.

1.3 Appellant submitted a review appeal before the Review Committee vide letter dated 03.06.2023 under Rule 31(5) of the SPP Rules, 2010.

2. Proceedings of the Meeting:

2.1. The Chair welcomed the participants. It was informed to the Committee that the appeal was listed for maintainability in the meeting of the Review Committee held on July 13, 2023. The Review Committee decided that the appeal should be listed for hearing. In compliance, the appeal was placed before the Review Committee for hearing. The appellant appeared before the RC, but representative of the procuring agency failed to appear despite the service of notice. The committee heard the appeal ex - parte.

2.2. The Appellant informed to the Review Committee that he had submitted his bid on April 28, 2023, for Work No. 7 of the instant NIT. The procuring agency uploaded the Bid Evaluation Report (BER) on the Authority's website on May 17, 2023, wherein his firm was declared as disqualified during technical evaluation without any intimation to him and opened the financial bids.

2.3 Appellant also informed that he had submitted an application to the Chairman of the CRC on May 18, 2023. The CRC meeting was scheduled on 24.5.2023, but representative of the procuring agency was absent, hence the meeting was not convened. He added that later on, the CRC meeting was held on 26.5.2023 and announced its decision on 29.5.2023 (after lapse of seven days time) without any intimation to the appellant. Accordingly, he approached the RC for redressal of his grievances.

2.4 Appellant also claimed that he had submitted all the required documents but the Procuring Agency disqualified his firm due to non submission of required documents and awarded the contract on higher rates to another bidder.

2.5 The Review Committee scrutinized the documents and found that the appellant had been disqualified by the procuring agency because he had not submitted relevant experience and, completion certificates As the representative of the procuring agency was not present nor the contract documents were uploaded on Authority's website, therefore; the Review Committee decided to get the status of w.rk No.7, for which the appellant had applied, from the procuring agency. Accordingly, letter was written to the procuring agency for seeking the status of work No.7.The procuring agency vide letter dated 22.8.2023 informed that the procuring agency had awarded the work after the decision of the CRC meeting, issued vide letter NO.SO(Dev) 06(07)/CRC-Matt/2020 dated 29th May 2023, wherein the complaint of the appellant was rejected by the CRC, work order of work No. 07 has been awarded.

3. Observations of the Review Committee:

3.1 The Review Committee observed that the procuring agency did not record the minutes of bid opening meeting properly as the bid of the appellant is not shown in minutes of the meeting which is non- compliance of Rule 41(4) of the SPP Rules 2010.

3.2 The procuring agency failed to inform the bidder about his technical disqualification.

3.3 The procuring agency did not intimate the result of bid evaluation to the bidder three days prior to the award of contract which is in violation of Rule-45 of the SPP Rules, 2010.

3.4 The procuring agency did not hoist the contract documents on Authority's website as required under Rule-50 of the SPP Rules, 2010.

3.5 The procuring agency in violation of Rule 31(7) of the SPP Rules 2010 awarded the contract during the pendency of the appeal, despite the failure of the complaint redressal committee to decide the complaint within 7 days.

4. Decision of the Review Committee:

Given the proceedings findings/observations and after due deliberation, the Review Committee,

1. Declares the instant procurement as Mis-Procurement in terms of Rule-32(7) (g) on account of violation of Rule-31(7), Rule-41(6), Rule-45 and Rule-50 of the SPP Rules, 2010.

2. Refers 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 the Mis- Procurement.

(Manzoor Ahmed Memon)
Member SPPRA Board
(Member)

(Syed Adill Gilani)
Member SPPRA Board
(Member)

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

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

(Rubina Asif)
Managing Director, SPPRA
(Chairperson)