



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD(L-II)/SPPRA/CMS-1045 & 1055/2019-20/0021 Karachi, dated the 02 July, 2020

To,

The Program Director,  
Municipal Services Delivery Program,  
Planning & Development Department,  
Government of Sindh,  
Khairpur.

**Subject: DECISION OF 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 Engineering Links International and M/s Indus Construction Company v Municipal Services Delivery Program, Planning & Development Department*) held on 23<sup>rd</sup> June, 2020, for your information/ compliance and further necessary action under intimation to this Authority, at the earliest.

  
ASSISTANT DIRECTOR (LEGAL-II)

*A copy along with enclosures/ decision is forwarded for information to:*

1. The Chairman, Planning & Development Department, Govt. of Sindh, Karachi.
2. The Deputy Secretary (Staff) to Chief Secretary Sindh, Karachi.
3. The Assistant Director (I.T), SPPRA *[with an advice to post the Authority's Review Committee decision on website in terms of Rule-32(11) of SPP Rules, 2010].*
4. The Staff Officer to the Chairman/ Members Review Committee.
5. M/s Engineering Links, E-78, Ground Floor, Defence View, Phase II, Karachi.
6. M/s Indus Construction Company, A-54, Phase-I, Qasimabad, Hyderabad.



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



July, 2020

NO.AD(L-IT)/SPPRA/CMS-1046 & 1055/2019-20

Karachi, dated the

**BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY UNDER RULE-32 OF SPP RULES 2010.**

(Appeals)

*M/s Engineering Links International and M/s Indus Construction Company*

Versus

*Municipal Services Delivery Program, Planning & Development Department*

(NIT ID # T00042-19-0004 dated 20.12.2019)

**Facts and background**

The appellants<sup>1</sup>, M/s Engineering Links International, Karachi, and M/s Indus Construction Company, Hyderabad, lodged separate complaints (vide letters No. ELJ/MSDP/WS-18/JCD/20/1349 dated 21.02.2020 and 20.02.2020/ 09.03.2020, respectively) addressed to the Complaints Redressal Committee (CRC)<sup>2</sup> and copy endorsed to this Authority against the NIT No. PMU/MSDP/P&DD/VT/2019-2020 dated 17.12.2019 floated by the Program Director, Municipal Services Delivery Program Sindh, Planning & Development Department, Government of Sindh 'the procuring agency' for procurement of 'rehabilitation work of existing water supply lagoons (WS-18); procurement of equipment and machinery for sewers and drains cleaning (EM-17); and procurement supply & installation of solar lights in water filter plant of Jacobabad (SL-01) having an estimated cost of PKR 207, 25, and 33 million, respectively' whereby the appellants raised concerns against their disqualification under eligibility criteria on baseless grounds<sup>3</sup> to favor a particular bidder. In turn, the Authority (vide letters of even number dated 25 & 26.02.2020, respectively) also forwarded the matters to the procuring agency's CRC with an advice to redress the appellants' grievances and then furnish decision within the stipulated period as specified under Rule-31(5) of SPP Rules, 2010 (Amended 2019)<sup>5</sup>.

2. Subsequently, the appellant<sup>6</sup> (vide letter No. ELJ/MSDP/Review/JCD/19/1351 dated 05.03.2020) preferred an appeal, along with review appeal fee<sup>7</sup>, stating that the CRC had failed to decide the matter – complaint as referred above – within the stipulated period; hence, the appellant requested the Authority to place the matter before the Review Committee in terms of Rule-31(5) of SPP Rules, 2010<sup>8</sup>. In turn, the Authority (vide letter of even number dated 12.03.2020) forwarded the appellant's matter to the procuring agency with an advice to update/ confirm status of the appellant's bid security, latest by 13.03.2020, for ascertaining the maintainability of the case, in terms of Rule-32(1) of SPP Rules, 2010<sup>9</sup>; however, the procuring agency failed to furnish any response.

3. Later on, the procuring agency (vide letter No. PMU/MSDP/P&DD/WS-18 CRC/2019-20/2923 dated 20.05.2020) furnished the CRC decisions to the appellants as well as this Authority whereby it was

<sup>1</sup> Appellant # I: M/s Engineering Links International; and Appellant # II: Indus Construction Company  
<sup>2</sup> Constituted under the chairmanship of Program Director Sindh, Municipal Services Delivery Program as per notification No.SO(ADMN.D/P&D)12(97)/2014 dated 14.07.2020 issued by Planning Development Department  
<sup>3</sup> Detailed description/ nature of procurement can be accessed via instant procurement's NIT available on the PPMS website at ID # T00042-19-0004 dated 20.12.2019 [https://ppms.prasindh.gov.pk/PPMS/public/portal/notice-inviting-tender]  
<sup>4</sup> The appellant # I raised concerns against his disqualification under eligibility criteria based on condition # 6 'execution of at least one project of similar nature during last ten years'; whereas, the appellant # II raised concerns against his disqualification based on conditions # 2, 4 & 9 'registered in SRB, an average annual turnover of last three years – minimum PKR 100 million, and integrity pact signed with the stamp'.  
<sup>5</sup> Rule-31(5) provides that 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 under rule 32, if the aggrieved bidder files the review appeal within ten (10) days of such transfer.  
<sup>6</sup> Appellant # I  
<sup>7</sup> Ibid.  
<sup>8</sup> Ibid.  
<sup>9</sup> Rule-32(1) provides that a bidder not satisfied with decision of the procuring agency's complaints redressal committee may lodge an appeal to the Review Committee within ten (10) days of announcement of the decision provided that he has not withdrawn the bid security, if any, deposited by him.

mentioned that the CRC called its meeting, to redress the complainants/ appellants' grievances on 19.03.2020, which was later on postponed due to COVID-19 lockdown announced by the Government of Sindh<sup>10</sup> and subsequently rescheduled on 20.05.2020, whereof the CRC heard the aggrieved bidders, examined the procurement record and resultantly upheld the procurement committee's decisions<sup>11</sup>.

4. Given the CRC's aforementioned decisions, both the appellant preferred separate appeals (vide letters No. ELI/MSDP/CRC/WS-18/WS-7,8,9,10/JCD/20/1356 dated 01.06.2020 and nil, respectively) to this Authority with requests to review the CRC's decisions for the sake of justice. Resultantly, these cases were taken up by the Review Committee for hearing in its meeting scheduled on 23.06.2020 at 01.00 p.m. and notices, in this regard, were issued to the parties concerned (vide this Authority's letter of even number dated 30.06.2020) to appear before the Committee on the scheduled date, time, and venue in terms of Rule-32(8) of SPP Rules, 2010<sup>12</sup>. In compliance, the meeting was attended by the following:

Sr. #	Name of Representative with Designation	Name of Organization
<b>Procuring Agency</b>		
I.	Mr. Ibrahim Memon, Director Finance	Municipal Services Delivery Program, Planning & Development Department
II.	Mr. Yahya Noor Ansari, Assistant Director (Procurement)	
<b>Appellants</b>		
I.	Engr. Farooq Aziz, Chief Executive Officer	M/s Engineering Links International
II.	Mr. Abdul Qadeer, Managing Partner	M/s Indus Construction Company

### REVIEW COMMITTEE PROCEEDINGS

5. The Chairperson of the Review Committee commenced the meeting by welcoming all the participants of the meeting. Then, the chair asked the appellants to present the case/ version, one by one, on the instant procurement before the committee.

#### Appellants' Version

6. **M/s Engineering Links International:** Engr. Farooq Aziz 'the appellant # I' apprised the Committee of his submission of the bid along with requisite documents against instant procurement NIT's work listed at Sr. # A 'construction tender' whereby the procuring agency disqualified the appellant based on two reasons, viz. (i) average annual turnover of PKR 100 million during the last three years; and (ii) execution of at least one (01) project of similar nature during the last ten (10) years. The appellant contended to have completed various works including a project 'for construction of semi pacca storage tanks at Thull Jacobabad awarded by the Public Health Engineering Department Jacobabad', which resembles the instant procurement's work. The appellant further contended to have submitted the bid supporting documents against completed works/ projects and audit reports for three years that were not considered by the procuring agency. Moreover, the appellant claimed that an amount of PKR 60 million is pending that is still to be released by the procuring agency, which suffices to prove his firm's eligibility under both the impugned conditions.

- The Chair of Review Committee pointed out that one of the key reasons for disqualification of the appellant was lack of financial capability (average annual financial turnover below the required amount of PKR 100 million) as highlighted/ recommended by the procurement committee and subsequently upheld by the CRC. How the appellant # I would justify to that position/ criterion?
- ◆ The appellant clarified to have completed a project amounting to PKR 140 million with the procuring agency, which has to release pending amount of PKR 60 million (42% of the total contract price). The appellant could have qualified the condition of financial

<sup>10</sup> The Services General Administration & Coordination Department issued an order vide letter NO.SOI(SGA&CD)-6/29/2019 (SMC) dated 14.03.2020 whereby it was directed that no employee shall visit the offices of Sindh Secretariat, Karachi, and also shall not leave headquarter in the wake of an outbreak of COVID-19.

<sup>11</sup> <http://www.pprasindh.gov.pk/committee/53CRCMSDP11062020.pdf>

<sup>12</sup> Rule-32(8) provides that it shall be mandatory for the appellant and the head of procuring agency or his nominee not below the rank of BS-19 to appear before the Review Committee as and when called and produce documents, if required.

capability if the pending payment had been released or considered while evaluation by the procuring agency in a timely manner.

- Mr. Sheeraz Siddiqui (Member of Review Committee) noted that the accounts receivables<sup>13</sup> are generally considered/ taken into account of the company's sales/ revenue in the profit & loss statement, generated for respective year, as per standard accounting principles; hence, the appellant's plea for meeting average annual financial turnover does not stand on a sound footing. If the audited firm/ individual, who audited the appellant's financial accounts, failed or missed to incorporate the accounts receivable into sales/ revenues generated for that year then such mistake falls on the part of the auditor but not on the procuring agency<sup>14</sup>.

7. M/s Indus Construction Company: Mr. Abdul Qadeer 'the appellant # II' apprised the Committee of his submission of the bid along with requisite documents (including registration certificates – NTN/ SRB/ BST/ PEC – and integrity pact duly signed by the appellant's authorized representative with stamp<sup>15</sup>) against instant procurement NIT's work listed at Sr. # A 'construction tender' where the procurement committee disqualified the appellant based on three reasons, viz. (i) registration with SRB; (ii) average annual turnover of PKR 100 million during the last three years; and (iii) integrity pact signed with the stamp. The appellant's representative contended to have submitted all documents along with their bid in support of the evaluation criteria; nevertheless the procurement committee disqualified the appellant to favor a particular bidder. The appellant further contended that they approached the CRC, which acknowledged the appellant's average annual financial turnover but did not pay proper heed towards other concerns/ grievances against which the appellant already submitted supporting documents to the procuring agency.

#### Procuring Agency's Version

8. Mr. Ibrahim Memon, Director Finance, Municipal Services Delivery Program 'representative of the procuring agency' clarified that the procuring agency called pre-bid meeting, for clarification of queries against instant procurement, on 31.12.2019 that was attended by the representatives of eight (08) firms including the appellant # I. During the pre-bid meeting, the procuring agency received a total number of sixteen (16) queries that were clarified among all the bidders through issuing minutes of the pre-bid meeting (vide letter No.PMU/MSDP/Pr.Bd.Mint-WS-18, EM-17 & SL-01/2019/20/2726 dated 31.12.2019). The procuring agency's representative further clarified that the bid documents, including eligibility and evaluation criteria, were prepared/ reviewed by the consulting firm (RCC) and the procurement committee<sup>16</sup> and the procuring agency did not receive any query or complaint related to the eligibility and evaluation criteria from any bidder as well the appellants, who were disqualified in terms of Rule-42(1) of SPP Rules, 2010<sup>17</sup>.

9. Mr. Yahya Noor Ansari, Assistant Director (Procurement), Municipal Services Delivery Program, 'representative of the procuring agency' clarified that the procuring agency received a total number of seven (07) bids under instant procurement NIT's work listed at Sr. # A 'construction tender' where only two (02) firms/ bidders were found as technically qualified whose financial bids were opened and subsequently, the bid evaluation report was posted on the Authority's PPMS website<sup>18</sup>. The procurement committee declared the appellant # I as ineligible due to non-conformance with the criteria # iv & vi (minimum average annual turnover of PKR 100 million during last three years; and execution of at least 01 project of similar nature during last 10 years); whereas, the appellant # II was found as ineligible due

<sup>13</sup> Accounts receivable means sales made but not paid-for by the customers (trade debtors) - Accounts receivables are shown as current (short-term) assets in a balance sheet and are, in fact, unsecured promises by customers to pay in the future. These sums are a key factor in determining a firm's liquidity and may be discounted used in raising a short-term bank loan, or sold to a factor. A provision is usually made in the accounts of a firm to offset uncollectible accounts receivable (bad debts) as losses (<http://www.businessdictionary.com/definition/accounts-receivable-A-R.html>) – Read with Rule-2(2) of SPP Rules

<sup>14</sup> Profit & loss statements submitted by the appellant along with his bid showed annual revenue as PKR 69.97, 54.61, and 48.47 million during the financial years of 2018-19, 2017-18, and 2016-17, respectively, which stands as PKR 57.68 million based on average annual financial turnover and does not comply the requirement of the procuring agency.

<sup>15</sup> The appellant pointed out that the integrity pact signing takes on formal basis takes place at the time of award of the procurement contract as certain fields viz. contract number, contract value, contract title and date are uncertain before submission of the bid to the procuring agency.

<sup>16</sup> Constituted under the chairmanship of Director (Finance & Compliance), USAID-Sindh MSDP as per notification No.SO(ADMN.I)(P&D)12(113)/2013 dated 05.01.2017 issued by Planning Development Department.

<sup>17</sup> Rule-42(1) provides that all bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the bidding documents.

<sup>18</sup> Bid Evaluation Report at ID # BE00042-19-0004-1 dated 05.03.20 [<https://ppms.pprasinhd.gov.pk/PPMS/public/portal/ber>]

to conformance with the criteria # ii, iv & ix (registered with SRB; minimum average annual turnover of PKR 100 million during last three years; and integrity pact signed with the stamp). The CRC also upheld the decision of the procurement committee except for minor change of accepting/ considering the appellant # II financial turnover that was found as commensurate with the required turnover<sup>19</sup>.

- Syed Adil Gilani (Member of Review Committee) pointed-out that the appellant # II while submitting bid to the procuring agency clearly mentioned the availability of SRB registration certificate with the technical proposal that was later on found as either missed or detached. The procuring agency could have sought the clarification from the appellant # II for confirmation of SRB registration certification in terms of Rule-43 of SPP Rules, 2010<sup>20</sup>, or the CRC could consider the SRB certificate, submitted by the appellant along with the complaint, as it acknowledged the appellant's financial turnover for the sake of ensuring procurement principles as expressed under Rule-4 of SPP Rules, 2010<sup>21</sup> read with Clause-2.2 of the Procurement Regulations (Works)<sup>22</sup>.
- ◆ The procuring agency's representative stated that the procurement committee calculated the average annual financial turnover by taking into account the audited reports (annual revenue generated) for the financial years up to 2018-19, whereas the appellant did not furnish the audited report 2018-19. Subsequently, the CRC acknowledged the appellant's financial turnover on the basis of Clause-3.1.4 of bid document which required the bidders to submit audited reports for the financial years of 2017-18.
- Subsequently, Mr. Sheeraz Siddiqui asked the procuring agency's representative to update the current status of instant bidding process;
  - ◆ The procuring agency's representative confirmed that procurement contract (NIT's work listed at Sr. # A – Construction Tender) has not been awarded yet. However, the bid evaluation report has been posted on the Authority's PPMS website on 05.03.2020 in terms of Rule-45 of SPP Rules, 2010<sup>23</sup>.

#### Review Committee's Observations/ Findings

10. After hearing the parties at length and close scrutiny of the procurement record, the Review Committee observed that:

- **Appellant # I Case:** The appellant was disqualified under eligibility criteria based two conditions i.e. minimum amount of average annual financial turnover up to PKR 100 million; and completion of at least one (01) project of similar nature during last ten (10) years. The Committee examined the appellant's audited reports, submitted along with the bid, which showed the revenue as PKR 48.47, 54.61, and 69.97 million during the financial years of 2016-17, 2017-18, and 2018-19, respectively; resultantly, the average annual financial turnover stands as PKR 57.68 (below 42.32% as compared to the required turnover). The appellant's plea that the procurement committee or CRC could have incorporated the due amount, to be released by the procuring agency, while calculating the financial turnover does not stand on a sound footing<sup>24</sup>; therefore, the Committee upholds the decision of the CRC to the extent of the appellant # I as the

<sup>19</sup> The procuring agency's representatives submitted copies of documents including consultant reports, evaluation reports, and minutes of the meetings that have been thoroughly examined by the Review Committee and placed on the Authority's record.

<sup>20</sup> Rule-43 provides that no bidder shall be allowed to alter or modify his bid(s) after the expiry of deadline for the receipt of the bids; provided that the procuring agency may ask the bidders for clarification needed to evaluate the bids but shall not permit any bidder to change the substance or price of the bid. Any request for clarification in the bid, made by the procuring agency, shall invariably be in writing. The response to such request shall also be in writing.

<sup>21</sup> Rule-4 provides that while procuring goods, works or services, procuring agencies shall ensure that procurements are conducted in a fair and transparent manner and the object of procurement brings value for money to the agency and the procurement process is efficient and economical.

<sup>22</sup> Clause-2.2 provides that the public procurement has a number of objectives which are enumerated herewith:- (a) economy and efficiency in the implementation of the project/scheme including the procurement of the works and related services thereof, with due attention to considerations of economy and efficiency and without regard to political or other non-economic influences or considerations; (b) provide equal opportunity and information to all eligible and interested bidders to compete in the procurement process; (c) ensure transparency and fairness in the process; (d) obtaining works and services of the appropriate quality; (e) avoid cost and time over run; and (f) best value for money.

<sup>23</sup> Rule-45 provides that the procuring agencies shall announce the results of bid evaluation in the form of a report giving reasons for acceptance or rejection of bids. The report shall be hoisted on website of the Authority and that of the procuring agency if its website exists and intimated to all the bidders at least three (3) working days prior to the award of contract

<sup>24</sup> <http://www.ppra.gov.pk/policies/PolicyLetter230719.PDF>

sole reason for non-compliance with the basic requirement suffices to disqualify the appellant under eligibility criteria.

- **Appellant # II Case:** The appellant was disqualified under eligibility criteria based on two conditions<sup>25</sup> i.e. integrity pact signed with stamp; and registration with SRB. *The Committee examined the appellant's technical proposal and found the integrity pact duly signed and stamped as per the requirement of the criteria*<sup>26</sup>. The remaining and core issue, in this case, was to ascertain whether the appellant submitted the SRB certificate along with the bid or not, against which the procuring agency presented an original copy of technical proposal where the SRB certificate was mentioned under the appendix titled as 'NTN, SRB & BRB Certificate', whereas a copy of the same was not annexed. Per contra, the appellant claimed to have submitted a copy of the certificate, which had been deliberately detached after the opening of bids to disqualify the appellant. The Committee, to unearth the genuine claim of the procuring agency or the appellant, minutely examined the entire procurement record by covering all the relevant facts of the case and applicable rules/ regulations and came to the conclusion as under:

- ◆ The procuring agency solicited bids under single stage two envelope bidding procedure in terms of Rule-46(2) of SPP Rules, 2010, that were received and opened on 13.01.2020<sup>27</sup>, which requires the procurement committee to follow three important stages of evaluation: **i. preliminary screening; ii. detailed evaluation; and financial evaluation** in terms of Clause-7.6(A) of the Authority's Procurement Regulations (Works)<sup>28</sup>. Preliminary screening involves to ascertain the participated bidders have fulfilled key requirements including, but not limited to: *the envelope is sealed; availability of required amount of bid security and bid validity (where applicable); signing of bid by the authorized person; availability of documents (valid registration certificate from PEC – in required discipline and category – and valid registration certificate from tax authorities) as per checklist available under Clause-7.9(ii) read with Clause-7.13(a) of the Authority's Procurement Regulations (Works)*<sup>29</sup>.
- ◆ The minutes of the bid opening meeting (circulated vide letter No.PMU/MSDP/SL01, EM17, WS18/2019-20/2742-B dated 13.01.2020) highlights that the procurement committee opened bids on 13.01.2020 in presence of representatives of bidders including the appellant. Paragraph-7 of the minutes further highlights that *the validity of PEC and other mandatory documents were evaluated by the procurement committee and the*

<sup>25</sup> As per the CRC decision

<sup>26</sup> The procuring agency's representatives submitted original copies of the appellants' technical proposal along with supporting documents to the Review Committee for record examination and further decision.

<sup>27</sup> Rule-46(2) provides that (a) bids shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the financial proposal and the technical proposal; (b) envelopes shall be marked as 'Financial Proposal' and 'Technical Proposal' in bold and legible letters to avoid confusion; (c) initially, only the envelope marked 'Technical Proposal' shall be opened; (d) envelope marked as 'Financial Proposal' shall be retained in the custody of the procuring agency without being opened; (e) procuring agency shall evaluate the technical proposal in a manner prescribed in advance, without reference to the price and reject any proposal which does not conform to the specified requirements; (f) no amendments in the technical proposal shall be permitted during the technical evaluation; (g) financial proposals of technically qualified bids shall be opened publicly at a time, date and venue announced and communicated to the bidders in advance; (h) financial proposal of bid found technically non-responsive shall be returned unopened to the respective bidders; and (j) bid found to be the lowest evaluated or best evaluated bid shall be accepted.

<sup>28</sup> Clause-7.6 provides that [the three important stages of bid evaluation are listed as follows:] **i. preliminary screening, to (a) eliminate tenders who fail to comply with the basic requirements of the Bidding Document and (b) bidders who do not meet mandatory eligibility requirements; ii. detailed evaluation, to determine whether tenders are substantially responsive to the commercial and technical requirements stated in the bidding document and to eliminate tenders which are not responsive; and iii. financial evaluation to compare the costs of responsive tenders and determine which is the lowest priced tender. The successful tender will be the lowest priced tender, which is substantially responsive to requirements of the bidding document. But in case of Single Stage One Envelope Procedure, Post qualification procedure is used to determine Eligible and responsive bidder. The above stages of evaluation are very use full in case of single stage two envelope procedure,**

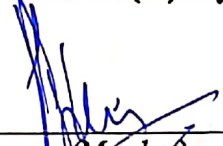
<sup>29</sup> Clause-7.9(ii) provides bid opening checklist (preliminary requirement) containing items (where items are applicable) as: i. envelope sealed; ii. required amount of bid security; iii. required bid validity period; iv. authority of signing; v. alternate bid signed or not; vi. withdrawal; vii. substitution or modification, if any; viii. any discounts; ix. price read aloud; x. form of tender if any; xi. other documents attached (PEC valid registration in required discipline and category) 12. etc. Tenders which do not pass the preliminary screening are eliminated. List the eliminated tenders, with tender number, name of bidder and reason for rejection on a separate sheet (sheets) of paper. Clause-7.13(a) ibid provides that where a tender was rejected during the preliminary screening, the letter should give a brief statement of the reason or reasons for rejection. For example: (i) bid security was not attached/issued by an acceptable institution; (ii) bid was not signed and authorized; or (iii) bid validity was not of required period. (iv) valid registration certificate from PEC/relevant professional body or tax authorities is not attached; (v) an eligibility criterion is not fulfilled.


representative of the RCC consultant; however, detailed scrutiny of the documents by procurement committee & RCC consultant shall be done on a date to be announced later.


- ◆ It can be construed from the minutes of meeting that the procurement committee conducted a preliminary screening of bids by following the checklist (required documents) on the date for opening of bids, where the appellant's SRB registration certificate was enclosed with the technical proposal or the procurement committee missed to check at that time and in such case the responsibility falls on the procurement committee as to why they missed to check the appellant's mandatory documents while conducting the preliminary screening as required under the referred rules/ regulations. Secondly, the procurement committee could also verify the appellant's SRB registration status, from the appellant's given information (SNTN), via an online portal by inserting SNTN/ CNIC/ Passport/ Reg/ Inc No.<sup>30</sup> in terms of Clause-2.6 of the Authority's Procurement Regulation (Works)<sup>31</sup>.
- ◆ The above examination vehemently supports the appellant's contentions and the Committee is of view that the appellant # II qualifies both the impugned conditions (qualifies under eligibility criteria).

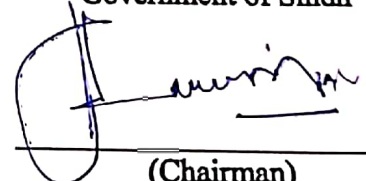
### Review Committee Decision

11. In view of the foregoing findings/ observations, as at para-10, and after due deliberation, the Review Committee unanimously decides that since the procuring agency has not awarded or signed contract against procurement work as mentioned under NIT's Sr. # A Construction Tender (WS-18 Rehabilitation Work of Existing Water Supply Lagoons), therefore, the procurement proceedings may be terminated in terms of Rule-32(7)(f) of SPP Rules, 2010<sup>32</sup>, and fresh tenders be floated in terms of Rule-23(2) & 26(1) of SPP Rules, 2010<sup>33</sup>. Compliance of the decision shall be submitted to this Authority within fifteen (15) days of issuance of this decision.

  
\_\_\_\_\_  
(Member)  
Syed Adil Gilani  
Private Member SPPRA Board  
Representative Transparency International

  
\_\_\_\_\_  
(Member/ Independent Professional)  
Engr. Munir Ahmed Shaikh  
(Rtd.) Executive Engineer  
Public Health Engineering Department  
Government of Sindh

  
\_\_\_\_\_  
(Member)  
Sheeraz Siddiqui  
Director (Audit)  
Nominee of Director General Audit Sindh

  
\_\_\_\_\_  
(Chairman)  
Abdul Rahim Sheikh  
Managing Director  
Sindh Public Procurement Regulatory Authority

<sup>30</sup> <https://e.srb.gos.pk/Registration/onlinesearchTaxpayer.aspx>

<sup>31</sup> Clause-2.6 provides that in order to determine the eligibility of bidder when pre-qualification is not undertaken, the procuring agency may ask for additional information/documents, but such information shall be limited to documents that are essential to ensure the bidder's capability to successfully perform the contract. The participation of the bidder shall not be denied for the reasons not related to its capability and resources to successfully perform the contract. The procuring agency shall carry out due diligence on the technical and financial qualifications of bidders to be assured of their capabilities in relation to the specific project which may include:- i. general experience; ii. similar experience; iii. personnel capabilities; iv. equipment capabilities; v. financial position; vi. litigation history; and vii. any other information

<sup>32</sup> Rule-32(7)(f) provides that [the Review Committee may] direct that the procurement proceedings may be terminated, in case the procurement contract has not been signed.

<sup>33</sup> Rules-23(2) & 26(1) provides that procuring agency shall re-issue the Notice Inviting Tenders, in accordance with Rule-17 and 18, if it is convinced that there is a material infirmity in the bidding process, which cannot be addressed without modifying the contents of bidding documents. [The procuring agency may re-issue tenders in case, the bidding process has been cancelled, as provided in Rule-25 or one of the following conditions exist] such an infirmity in the bidding documents has surfaced that the procurement committee recommends to the competent authority that the bids have to be invited afresh.