



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2946-47/2021-22/0736

Karachi, dated the 09th February, 2022

To,

The Executive Engineer,
Begari Sindh Feeder Division,
Irrigation & Power Department,
KASHMORE.

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 F.B Enterprises, M/s MBK Construction Company V/s Executive Engineer, Begari Sindh Feeder Division Kashmore, held on 02.02.2022, It is farther stated that Committee has reject appeal submitted by F.B & MBK.


DEPUTY DIRECTOR (Legal)

A copy is forwarded for information and necessary action to:

1. The Secretary to Government of Sindh, Irrigation & Power Department.
2. The Superintending Engineer, Irrigation & Power Department Sukkur.
3. Assistant director (I.T), SPPRA (with advice to post the decision on the Authority's website in terms of Rule-32(11) of SPP Rules, 2010)
4. The Staff Officer to the Chairman / Members Review Committee.
5. The Appellants.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-2946-47/2020-21

Karachi, dated the, 08th February, 2022

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

Decision of the Review Committee held on 02.02.2022

Appellants	1. M/S F.B Enterprises 2. Ghulam Murtaza Enterprises 3. M/S MBK Construction Co
Procuring Agency	Executive Engineer, Begari Sindh Feeder, Division Kashmore
PPMS ID # Reference No.	T00894-21-0002 TC/55/1124/2021 dated 6-12-2021
Appeal Received in Authority Dated	1. M/S F.B Enterprises dated 21.1.2022 2. Ghulam Murtaza Enterprises dated 21.1.2022 3. M/S MBK Construction Co 21.1.2022
Complaints of the Appellants Addressed to the Chief Engineer Guddu Barrage, Region Sukkur (Chairman Complaint Redressal Committee)	1. M/S F.B Enterprises dated 21.1.2022 2. Ghulam Murtaza Enterprises dated 21.1.2022 () 3. M/S MBK Construction Co 21.1.2022
Dated of Posting Notice Inviting Tender Corrigendum	09-12-2021 03-01-2022
Date of Opening of Bids Technical Opening	28.12.2022
Date of Opening of Bids Financial Opening	12.1.2022
Date of Posting Bid Evaluation Report	18.01.2022
Date of Posting Contract Documents	24.1.2022
SPPRA Observations communicated on	19.1.2022
Estimated Cost of NIT Total	1024 Million
Total works in NIT	Total No of Work are 4
Appellant Related work	Not mentioned in NIT
Issue involved	Non-opening of bids

Appellant's version

1. The bidders have submitted that they had visited the office of procuring agency for witnessing the opening of bids on 28,12,2022 but the procurement committee was absent and bids were not opened on time.
2. The Review Committee asked the appellants to prove their presence at the time and venue of bid opening on 28.12.2022. The appellants could not prove their presence or presence of their representatives.
3. The bidders also submitted that the procuring agency had issued the corrigendum for the extension of bids till next date of opening. However, the procuring agency opened the bids illegally and secretly without following the SPPRA Rules.
4. The bidders also submitted that the procuring agency had not issued the bidding documents while they had visited the office of the procuring agency.
5. The bidders also complained that the procuring agency failed to communicate the decision of CRC within three days' time as required under rule 31(5) of the SPP Rules.

The procuring agency's version

6. The procuring agency submitted that the bids were opened on 28.12.2021 in the presence of all bidders and the minutes of the meeting, attendance sheets are documentary evidences that the bid were opened on scheduled date, time and venue.
7. The procuring agency clarified that the appellant's had not participated in the bidding process.
8. The procuring agency submitted that bids were opened on 28.1.2022 and no such corrigendum was issued.
9. The procuring agency submitted that the decision of CRC was communicated with the bidders timely and the same was also intimated to the Authority.
10. The procuring agency clarified that the procurement process was completed in accordance with the rules.

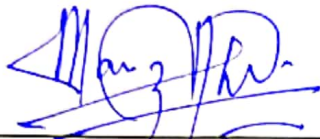
Finding of the Review Committee

1. The Review committee observed that the appellants could not prove their presence at the time of bid opening. It is well established principle of law that the burden of proof rests on the complainant or the person who files the appeal. The complainant/ complainants should prove that the allegations are true and that the other party, caused violation of rules in the procurement process. The appeals/ complaints which are more serious may require clear and convincing evidence or evidence that has a high probability of truth. In the instant matter the appellants could not prove their complaints and even could not prove their presence at the time of bid opening.
2. The Review Committee also observed that the appellant could not establish any violation of rules in the procurement process.

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Decision of the Review Committee

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(a) of the SPP Rules, the Review Committee rejects the appeals as the appellants neither could prove their allegations/complaints nor could prove any violation of rule during the procurement process.



Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Munir Ahmed Shaikh)
Independent Professional



Member
(G. Muhiuddin Asim)
Representative of P & D Board ,P& D
Department Karachi



Chairman
(Abdul Haleem Shaikh)
Managing Director
Sindh Public Procurement Regulatory Authority