



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2930/2021-22/0681.

Karachi, dated the 31st January, 2022

To,

The Executive Engineer,
Public Health Engineering Division-1,
Government of Sindh,
LARKANO.

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 Yar Muhammad Khan Mahar V/s Executive Engineer, Public Health Engineering Division-1, Larkano) held on 10.01.2022, for your information and further necessary action, under intimation to this Authority, at the earliest.


ASSISTANT DIRECTOR (Legal-II)

A copy is forwarded for information and necessary action to:

1. To the Secretary to Government of Sindh, Public Health Engineering & Rural Development Department Karachi, Sindh.
2. The Chief Engineer, (Dev/O&M), (Concerned) Public Health Engineering Division 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/Complainants.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-2930/2020-21

Karachi, dated 20th January, 2022

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

Decision of the Review Committee held on 20.01.2022

Date(s) of meeting(s)	10.1.2021 & 20.01.2022
Appellant	M/s Yar Muhammad Khan
Procuring Agency	The Executive Engineer Public Health Engineering Divison-1, Larkano
Appeal received on Authority	07.12.2021
PPMS NIT	T00916-21-0001
NIT Uploaded on PPMS Website	15.05.2021
Bid Opening Date	27.05.2021
Bid Evaluation Report on Authority website	12.12.2021
Contract Documents	Not posted up-to the meetings of the Review Committee

1. The matter was listed for hearing before the Review Committee twice. The appellant appeared before the Review Committee on 10.1.2022 but the procuring agency was absent .On the next date of hearing on 20.1.2022, The procuring agency was represented by the Executive Engineer whereas the appellant failed to appear before the Review Committee in its meeting on 20.1.2022.The Review Committee decided to adjudicate the matter ex-parte
2. The Review Committee observed that the appellant had filed the frivolous appeal.
3. The Committee noted that the problem of frivolous Review appeals is not only hampering smooth and timely working of the Review Committee but also causing huge loss of time resources and also cause harm to many entities, in many ways. The procuring agency against whom the groundless complaint is lodged becomes the source of serious harassment and inconvenience, and in some cases reputation on stake. The Review Committee process itself becomes clogged, disrupted, and delayed, thus affecting the other appellants in general, and becomes source of the undue delay in the disposal. The situation therefore cries out for remedies to avert these harms.

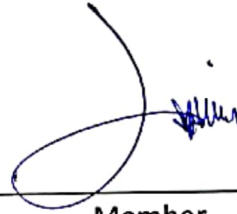
4. It was observed that the appellant had paid Rs.10, 000/ (Ten Thousands) as Review Appeal fees.

Decision of the Review Committee

Given the proceedings findings/observations and after due deliberation, the Review Committee, in exercise of powers conferred upon it under Rule 32(7) of SPP Rules declares the instant review appeal frivolous rejects and the Review Committee is of the unanimous opinion that the appellant has filed this review appeal to misuse the forum of the Review Committee for ulterior motives. Therefore, the Review Committee declares that the bid security submitted by the appellant shall be forfeited by the procuring agency. Furthermore, the committee decided to impose a penalty, equivalent to five times of the amount submitted as the Review Appeal fees, on the appellant. The appellant shall submit penalty of Rs50, 000, (Fifty Thousand) to the Authority in the same manner as the Review Appeal fees is submitted within one month.



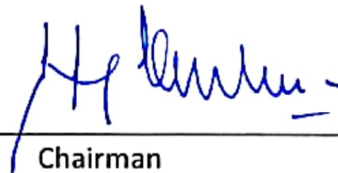
Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Munir Ahmed Shaikh)
Independent Professional



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



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