



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2965/2021-22/0698

Karachi, dated the 02nd February, 2022

To,

The Deputy Director General Health Services (VBD) Sindh,
HYDERABAD.

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 Build Con V/s Deputy Director General Health Services (VBD) Hyderabad) held on 27.01.2022 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. The Secretary to Government of Sindh, Health Department, Karachi.
2. The Director General Health Service Sindh, Hyderabad.
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/Complainant.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-2965/2020-21

Karachi, dated the, 31st 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 27.01.2022

Date of Review Committee Meeting	27.01.2022
Appellant	M/s Build Con
Procuring Agency	Deputy Director General Health Services (VBD) Sindh
PPMS ID #	T01410-21-0002
Reference No.	TC/KRY/3656/2021 dated 25-09-2021
Appeal Received in Authority Dated	20.1.2022
Complaint of the Appellant Addressed to the Secretary Health Department, (Chairman Complaint Redressal Committee)	Dated: 10.01.2022
Dated of Posting Notice Inviting Tender	25-09-2022
Date of Opening of Bids Technical Opening	11.10.2021
Date of Opening of Bids Financial Opening	16.12.2021
Date of Posting Bid Evaluation Report	08.01.2022
Date of Posting Contract Documents	Not Posted up-to 25.1.2022
SPPRA Observations communicated on	13.1.2022
Total works in NIT	Total No of Work are 4
Appellant Related work	Work No 4. Long Lasting Impregnated Nets (LLINs)
Issue involved	Non-Acceptance of the bid of the bidder

The appellant's Version

1. The bidder has submitted that the procuring has not accepted the bids and has awarded the contract illegally.

- The bidder has claimed that the procuring agency is causing 30,000,000 (thirty Million Loss) to the exchequer by recommending the higher bidder.

Comparison of rates as per data submitted by the appellant

Rates Accepted by the P.A	Rates submitted by the appellant	Difference of Cost Between the Accepted bid and the appellant's bid
72,000,000/ Rs. Seventy Two Milliom	42,000,000/ Rs.Forty Two Million	30,000,000/ Rs.Thirty Million

- The appellant also submitted that the procuring agency had inserted the difficult conditions which restrict the competition, discriminate among the bidders and prevent the novice competent companies from participating in the bidding process.
- The appellant also submitted that the procuring agency was not able to resolve the complaint and had signed the contract. The appellant considered the signing of such contract against the SPP Rules.

The Procuring Agency's Version

- The procuring agency informed that the M/S, Build Con Karachi had participated in the tender of Long Lasting Impregnated Nets (LLINs) for the fiscal year 2021-22 in the tender issued by the "Deputy Director General Health Services (VBD) Sindh Hyderabad" hereinafter referred as the "procuring agency"
- The procuring agency also informed that the Build Con was disqualified due to non-fulfilling of mandatory criteria i.e not having bid cover Sheet, Letter of intention , affidavit on judicial stamp paper and tender bidding documents.
- The procuring agency also submitted that the appellant could not secure 75 marks in the technical evaluation as mandatory criteria for qualifying the technical proposal of the bidder.
- The procuring agency also informed that the financial bids were opened on 16th Dec 2021 in the presence procurement committee and in the presence of all bidders or their representatives.
- The P.A also submitted that the Technical and Financial Comparative Report along with BER, attendance sheet and minutes of the meeting of CPC were hoisted on SPPRA website dated 08-01-2022 and after hoisting the technical and financial comparative report, no complaint was received neither to chairman CRC and nor to Deputy Director General (VBD) till 12-01-2022.
- The procuring agency also pleaded that after the lapse of 03 days mandatory period of CRC, the department hoisted Certificate for having no complaint regarding the said tender on SPPRA website.


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Findings of the Review Committee

11. The Review Committee observed that the procuring agency had evaluated the bids in accordance with the evaluation Criteria mentioned in the bidding documents in terms of the Rule 41 (1) and 46(2) of the SPP Rules.
12. The Review Committee observed that the appellant could not secure 75 (seventy five) mandatory score for qualifying the technical proposal. Hence, he was disqualified by the procurement committee.
13. The Review Committee also observed that the appellant could not establish any violation of rules in the procurement process.

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 appeal as the appellant could not able to substantiate its three points complied and also could not prove the violation of the SPPRA Rules against the procuring agency during the procurement process.

Member
(Manzoor Ahmed Memon)
Member SPPRA Board

Member
(Munir Ahmed Shaikh)
Independent Professional

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

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