GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-2982/2021-22/0737 Karachi, dated the 09th February, 2022

To,

The Executive Engineer,
Nasir Division,
Irrigation & Power Department,
HYDERABAD.

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 Arshad Hussain & Co V/s Executive Engineer, Nasir Division Hyderabad,** held on 02.02.2022, It is farther stated that Committee has reject appeal submitted by Arshad Hussain & Co.

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 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.

GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-2982/2020-21 Karachi, dated 4th, 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

Date of meeting (s)	02.02.2022
Appellant	M/s Arshad Hussain & Co Government Contractor
Procuring Agency	The Executive Engineer, Nasir Division Hyderabad Irrigation & Power Department Hyderabad.
PPMS ID # Reference No.	T01554-21-0005 NIT No.TC/G-55/2001/ dated:19.11.2021
Appeal Received in Authority Dated	20.1.2022
Complaint of the Appellant Addressed to the Superintendent Engineer Irrigation Rohri Circle Hyderabad.(Chairman Complaint Redressal Committee)	Dated:03-01-2022
Dated of Posting Notice Inviting Tender Corrigendum I Corrigendum II	23-11-2022 1- 25-11-2022 2-09-12-2022
Date of Opening of Bids Technical Opening Date of Opening of Bids Financial Opening	13.12.2021 30.12.2021
Date of Posting Bid Evaluation Report	01.01.2022
Date of Posting Contract Documents	Not Posted up-to 23.1.2022
SPPRA Observations communicated on	13.12.2021
Estimated Cost of NIT Total	About 537 Million
Total works in NIT	3 Work
Appellant Related work	Not mentioned in Appeal
Issue involved	Disqualification of the appellant

The Appellant's version	The procuring Agency's Version	The SPP Rules/Remarks
The appellant also submitted that the works are of simple and of routine in nature and the procuring agency called the bids on Single Stage two Envelope bidding procedure instead of calling the bids on the Single stage Single Envelope bidding procedure.	The procuring agency submitted that the works are for the cement concrete lining of the different water courses which are complex and require sufficient expertise and experience to complete the same within stipulated accordingly and effectively. Therefore, the bids were called on Single Stage Single Envelope bidding procedure.	
The appellant submitted that the procuring agency called the bids and knowingly inserted the difficult conditions such that inserting the condition of ***Experience and Past performance at least for last six years in executing and completing at least 2 assignments of similar nature.*** The bidder considered the insertion of such condition was restrictive, difficult and was favoring to a few contractors.	The procuring agency submitted that the evaluation criteria were based entirely upon the capability and resources of the prospective bidders to perform the particular contract satisfactorily and no any difficult condition was inserted which could restrict the competition.	
The appellant also claimed that the procuring agency commits the nepotism and the contracts are given to the chosen and favored contractors.	The procuring agency denied such allegation and submitted that the bids were evaluated in accordance with the evaluation criteria mentioned in the bidding documents and NIT.	
The bidder also submitted that the procuring agency disqualified his firm and the letter was received to his firm on 29.12.2021 in the late	The procuring agency submitted that the bidder was disqualified because the bidder could not meet the required criteria such as a. Experience ***and Past***	

evening whereas the bids were to be opened on 30,12.2021 in the morning .Hence, the bidder submitted that he could not get the proper time for proving his eligibility.	***performance at least for last six years in executing and completing at least 2 assignments of similar nature was mandatory but the bidder could not submit the required experience.*** ***The bidder was required to submit the annual turnover of construction company be either equal or twice the estimated cost of the project but the bidder could not submit the same.*** c.The bidder was required to submit the Audited Financial report of for last three years but the appellant could not submit the same.	
The bidder also submitted that no any intimation letter was written to the bidder before opening the financial bids.	The procuring agency clarified that the appellant was informed about his disqualification well before the opening of financial bids.	
The bidder also submitted that the procuring agency failed to observe transparency, impartiality and fairness in the procurement process.	The procuring agency denied such allegations and submitted that the procurement process was completed in a transparent and fair manner.	

Findings of the Review Committee:-

1. 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.
2. The Review Committee observed that the appellant could not submit the required documents such as past experience, turn over and Financial Statement. Hence, he was disqualified by the procurement committee. The appellant could not prove the submission of such required documents in the bidding documents.
3. The Review Committee also observed that the procuring agency had intimated the disqualification to the bidder and the bidder was informed about his disqualification before the opening of financial bids.

4. 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 prove any violation of rule against his disqualification 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 & Development Department Karachi

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