



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2783/2021-22/0676

Karachi, dated the 31st January, 2022

To,

The Chief Officer,
Municipal Committee Local Government,
Government of Sindh,
SANGHAR.

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 Abdul Hafeez Kolachi V/s Chief Municipal Officer, Municipal Committee Sanghar) held on 20.01.2022, 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, (Local Government) Department, Karachi.
2. The Administrator Local Government Department, District Sanghar.
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-2783/2021-22

Karachi, dated the, 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)	20.01.2022
Appellant	M/s Abdul Hafeez Kolachi
Procuring Agency	Chief Municipal Committee Sanghar 27 Local Government Department
Appeal received on	02.12.2021(vide letter dated 01.12.2021)
CRC filed on	20.09.2021
NIT PPMS ID	T01601-21-0001
NIT Reference No	No. MCS/GB/244/2021 dated 16-08-2021
NIT Posted on	23-08-2021
Bid opening date	08.09.2021
Bid Evaluation Report	16.09.2021
Contract documents	Not posted up-to the meeting of the Review Committee

This appeal has been preferred by the appellant M/s Abdul Hafeez Kolachi hereinafter referred as "Appellant" in terms of Rule 31(5) against the procuring agency "Chief Municipal Officer Municipal Committee Sanghar" hereinafter referred as the "procuring agency". The appellant was called by the Review Committee for ascertaining the maintainability of appeal. The appellant could not appear before the Review Committee. The Review Committee unanimously decided to dispose of the appeal bearing time-barred.

Findings of the Review Committee

1. The basic question involved is the maintainability of the instant appeal. Whether the appeal is time barred or not under SPP rules?
2. The Rule 31(5) & 32(1) provide the time limit for any bidder to approach the Review Committee.

Rule 31(5)

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 rule 32,]2 [if the aggrieved bidder files the review appeal within ten (10) days of such transfer;]3

Rule 32(1)

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.

3. From reading and analysis of the rules mentioned supra, it is evident that there are two ways to approach the Review Committee-by transfer or dissatisfaction from CRC decision. One of the way-approaching by transfer-is to approach the Review Committee in case the Complaint Redressal Committee fails to arrive at the decision within 7 of the receipt of the complaint. In this case, the appeal stands transferred to the Review Committee which is authorized to dispose of the complaint provided that the aggrieved bidder files the review appeal within ten (10) days of such transfer.
4. Another way to approach the Review Committee is after the announcement of the decision of Complaint Redressal Committee. In this case also the complainant is required to approach the Review Committee within ten (10) days of the announcement of the decision.
5. It may be noted that in either whether failure of CRC to decide the matter or dissatisfaction of the bidder from CRC decision, the bidder was required to approach the Review Committee within 10 days. In accordance with the rules, any appeal received after 10 days' time shall not be maintainable. In the instant matter, the bidder was not successful to approach the right forum at right time. He approached the Compliant Redressal Committee on 20.09.2021 but the compliant Redressal Committee failed to arrive at the decision within seven (7) days. Resultantly, the appellant approached the review Committee on 02.12.2021 (vide letter dated 01.12.2021) after the lapse of about forty two (42) days which is not allowed as per SPP Rules.
6. The above discussion is summarized in the table below.

Way of Approaching the Review Committee	Condition	Time limitation	In Appellant's case
By Transfer Rule 31(5)	If the CRC fails to arrive at the decision If the aggrieved bidder	Within 10 days of the transfer of appeal	The complainant filed complaint on 20.09.2021.



	files the Review Appeal within ten days of such transfer		The CRC failed to arrive at the decision within seven days (7). The appeal transferred on 28.09.2021. The appellant filed appeal after 34 (thirty four) days of the transfer of appeal.
Dissatisfaction From the Decision of the Complaint Redressal Committee Rule 32	If CRC announces its decision and the complaint is dissatisfied If the complainant lodges appeal within ten days of the announcement of decision.		

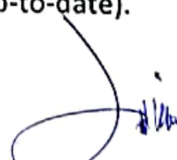
7. The above discussion is sufficient to prove that the appeal is time barred under SPP Rules.

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 being time barred under the SPP Rules 2010(amended up-to-date).



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)