GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-2788/2021-22/0676 Karachi, dated the 31st January, 2022

To,

The Secretary,
Works & Services Department,
Government of Sindh,
KARACHI.

Subject: DECESION OF REVIEW COMMITTEE OF SINDH PRUBLIC 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 Executive Engineer, Highway Division Khairpur Mir's)** 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 Superintending Engineer, Highway Circle Sukkur.
2. The Executive Engineer, Highway Division Khairpur Mir's.
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-2788/2021-22 Karachi, dated the, 20th January, 2022

BEFORE THE 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)	10.10.2022 & 20th January 2022
Appellant	M/s Abdul Hafeez Kolachi
Procuring Agency	The Executive Engineer, Highways Division Khairpur Mir's
PPMS ID # Reference No.	T01740-21-0004 NIT No.TC/G-55/1433/2021, dated:6.12.2021
Appeal Received in Authority Dated	30.12.2021
Dated of Posting Notice Inviting Tender Corrigendum	09-12-2021 22-12-2021
Date of Opening of Bids First Attempt 2nd opening	28.12.2021 12.01.2022
Date of Posting Bid Evaluation Report	Various BER's have been uploaded from 16.1.2022 to 19.01.2022
Date of Posting Contract Documents	Not Posted up-to the meeting of Review Committee

1. The matter was listed for hearing before the Review Committee twice. The appellant and the procuring agency "XEN PROVINCIAL HIGHWAY DIVISION KHAIRPUR MIRS (51-Works and Services Department)" could not appear before the Review Committee.
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 working of the Review Committee but also causing huge losses of time and resources and also cause harm to many entities, and in many ways. The procuring agency against whom the groundless complaint is lodged becomes the source of serious harassment and inconvenience, in some cases reputation is 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 noted that the appellant had paid Rs.20, 000/ (Twenty Thousands) as Review Appeal fees.
5. The Review Committee also observed that the procuring agency could not appear before the Review Committee twice which is violation of Rule 32(8) of the SPP Rules.

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 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 Rs100, 000, (One Hundred Thousand Only) to the Authority in the same manner as the Review Appeal fees is submitted.

The Review Committee also decided to refer the matter of the absence of the procuring agency "Executive Engineer Provincial Highway Division Khairpur Mirs (51-Works and Services Department), to the competent Authority i.e Secretary Works & Services Department for taking necessary action against the officers of the procuring agency

Member
(Manzoor Ahmed Memon)
Member SPPRA Board

Member
(Munir Ahmed Shaikh)
Independent Professional

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

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