



No. Dir (A&F)/SPPRA/RC/17-18/ 2763
**SINDH PUBLIC PROCUREMENT REGULATORY
AUTHORITY**
GOVERNMENT OF SINDH
Karachi, dated the 2nd May, 2018

1. The Chief Engineer,
Public Health Engineering Department,
Sukkur.
2. M/s Wazir Ahmed & Co.
Government Contractor,
Karachi.

**SUBJECT: MINUTES OF THE MEETING OF REVIEW COMMITTEE OF SINDH
PUBLIC PROCUREMENT REGULATORY AUTHORITY**

I am directed to refer to the appeal submitted by M/s Wazir Ahmed & Co., dated 19th February, 2016 against the orders of Chief Engineer, Public Health Engineering Department, Sukkur dated 23rd September, 2014 and to enclose herewith minutes of the meeting of Review Committee of Sindh Public Procurement Regulatory Authority (SPPRA) held on 16th April, 2018, for your kind information and necessary action, please.

2. It may also be noted that the decision of the Review Committee shall be final and binding upon the procuring agency in terms of Rule-32 (11) of SPP Rules, 2010.

(Muhammad Ayub Ali Khan)
Deputy Director (A&F)

CC to:

1. The Secretary, Works & Services Department, GoS, Karachi.
2. The PS to Chief Secretary Sindh, Karachi.
3. The PS to Minister for Food & Parliamentary Affairs / Chairman, SPPRA Board.
4. The members of Review Committee, SPPRA (all). M. D. SPPRA



No.Dir (A&F)/ SPPRA/RC/17-18 / 2729
GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY
Karachi, dated the 30th April, 2018

**BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT
REGULATORY AUTHORITY**

(Appeal)

M/s Wazir Ahmed & Co Karachi

Versus

Chief Engineer, Public Health Engineering Department, Sukkur

Mr. Wazir Ahmed Shaikh presented an appeal on 19-02-2016 to Managing Director SPPRA stating therein that he was government contractor, registered with PEC, SRB & Taxation Authorities, working with government departments and corporate authorities and commanding a good reputation. He further stated that a contract for construction of "Pacca Storage Tank for Rural Water Supply Scheme" was awarded to him by Executive Engineer Public Health Engineering Division – II Khairpur vide letter no. TC/WO/603/2009 dated 11-12-2009 being the lowest bidder. He started the construction work as per schedule and the first running bill was processed and approved on 18-06-2010 after complying with due procedure. After that due to unavoidable circumstances and other commitments on his request the same contract was sub-let to another contractor with the consent of both the parties i.e Executive Engineer PHED and Wazir Ahmed Sheikh and such agreement was also signed and work order was issued to new contractor Malik Sagheer Ahmed. The other contractor carried out the construction work and running bills were also prepared and processed in his name accordingly and amount was also released. Upon which the Chief Engineer PHED Sukkur vide office order no. GM/PHED/2546/2014 dated 23.09.2014 black-listed him and the order was served after six months of its issuance. No show cause notice was issued to him either by Executive Engineer or Secretary Local Government. The appellant has requested to review the decision and removal of his name from black-listed contractors list hosted on SPPRA website.

2. Upon that report from Chief Engineer PHED Sukkur was called vide authority letter no. Director/A&F/M-Complaints/SPPRA/2015-6/9657 dated 08-03-2016 who vide his letter no. GM/PHED /1366 dated 13-04-2016 reported that during his visit of Imp. & Ext: Water Supply Scheme of Pacca Chang District Khairpur on 24-02-2014 he found that fraud had been made by Executive Engineer and Assistant Engineer by recording bogus measurement and also made bogus payment amounting to Rs.5367600 to the M/s Wazir Ahmed & Company which was awarded the contract of that scheme for Rs. 10,248,646. Such report was made to higher ups for taking necessary action against the concerned vide his office letter no. G/PHED/1439 dated 20-05-2014. The Secretary local Government, RDD and PHE Department vide his office letter no. SO(PHE)2(6)/90 dated 20-08-2014 directed his office for black listing contractor M/s Wazir

AA Shami
[Signature]
[Signature]
[Signature]

Ahmed Shaikh & Others. The Black listing order was issued vide LGRDD&PHED letter No. GM/PHED/2546 dated 23-09-2014 and the inquiry against the officers / official was initiated.

3. The Report of Chief Engineer PHED was forwarded to appellant vide this authority letter no. Director/A&F/M-Complaints/SPPRA/2015-16/9684 dated 23-05-2016 for his comments. On 13-6-2016 appellant Wazir Ahmed Shaikh furnished his comments and requested for giving him an opportunity to explain his version in person. In the mean while appellant Wazir Ahmed Sheikh filed constitutional petition before the Honorable High Courts of Sindh. The Honorable High Courts disposed off the C.P. D-7042 of 2017 by issuing the order on 12-03-2018 whereby directing responded No. 3 (Managing Director SPPRA) to decide the appeal of the petitioner with in the period of four weeks from the date of receipt of order.

4. Accordingly notices were issued to the parties for appearing before the Review Committee of SPPRA on 16-04-2018 in accordance with Rule-35(4) of Sindh Public Procurement Rules, 2010. The Review Committee sat on 16-04-2018. The Chief Engineer PHED Sukkur Mr. Shamsuddin Shaikh, AEN PHED Sub Division Sobhieo, Mr. Khuda Bux Somroo and Contractor Mr. Wazir Ahmed Shaikh appeared before the Review Committee. Mr. Shamsuddin Sheikh Chief Engineer PHED Sukkur intimated the Review Committee members that no show cause notice was served upon the contractor and no other documents except the report of Chief Engineer to Secretary Public Health Engineering Department and the letter from Secretary office and office order black listing Mr. Wazir Ahmed Shaikh and other were presented by the department before the Review Committee. The inquiry against the concerned Executive Engineer was still pending as per verbal statement of departmental representative.


5. From the perusal of record and hearing both parties it is transpired that Mr. Wazir Ahmed Shaikh was awarded the contract for construction Pacca Storage Tank for Rural Water Supply Scheme of Pacca Chang District Khairpur. The contractor carried out the construction work and first running bill was processed and approved by the Executive Engineer, PHED and amount was released to the contractor then the same contract was sub-let to another contractor with the consent of both the parties i.e Executive Engineer PHED and Wazir Ahmed Sheikh and such agreement was also signed and work order was issued to new contractor Malik Sagheer Ahmed. The other contractor carried out the construction work and running bills were also prepared and processed in his name accordingly and amount was also released. From the perusal of record it is also obvious that no proper inquiry was conducted against the appellant and the appellant was not given fair opportunity to defend himself. Furthermore the inquiry against the executive Engineer is also pending

6. It is pertinent to mention that an officer under suspension or facing an inquiry continues to draw his salary and allowances but on the other hand blacklisting a private contractor on the basis of an ongoing enquiry is tantamount to malafide injustice which is against the rule of law and natural justice. The basic principle of "nobody shall be condemned unheard" seems to have been ignored in the instant case.




Decision

7. After hearing both parties at length the Review Committee unanimously conclude that no proper inquiry was conducted in this instant matter and no due course of law was adopted hence the review committee hold the order of the Chief Engineer PHED, black listing the contractor Wazir Ahmed Sheikh in abeyance and further direct the competent authority of Public Health Engineering Department to complete the enquiry and take action against those found involved in fraud and corrupt practices and furnish its finding to the Authority for further action thereto. Till that an interim relief is given to Wazir Ahmed by restoring him as an eligible contractor to participate in any procurement related activities. His name is struck off from the list of black listed contractors of SPPRA website.



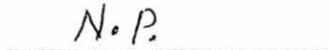
(Member)
Saad Rashid

Member Transparency International – Pakistan
Private Member represented on SPPRA Board



(Member)
Asadullah Soomro

Private Member represented on SPPRA Board



(Member)

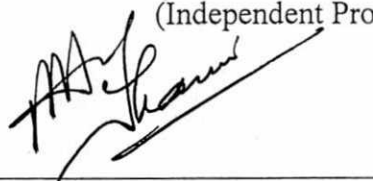
Nominee of Director General Audit Sindh



(Member)

Naveed Channa
Procurement & Contract Management
Specialist,

(Independent Professional from relevant field)



(Chairman)

Muhammad Aslam Ghauri
Managing Director
Sindh Public Procurement Regulatory Authority