MINUTES OF THE COMPLAINT REDRESSAL COMMITTEE (CRC) MEETING HELD ON 28 MAY 2019 AT 1:30 P.M. UNDER THE CHAIRMANSHIP OF VICE CHANCELLOR, DOW UNIVERSITY OF HEALTH SCIENCES, KARACHI.

A meeting of Complaint Redressal Committee (CRC) was held under the chairmanship of Prof. M. Saeed Quraishy, Vice Chancellor, Dow University of Health Sciences (DUHS), Karachi on 28 May 2019 at 01:30 p.m. at VC Secretariat, 4th Floor, Administrative Block, Dow Medical College Campus of DUHS for **Hiring of Security Services for Dow Medical College (DMC) Campus and Institute of Physical Medicines & Rehabilitation (IPM&R) (Ref. No. DUHS/DP/2019/64)** and **Hiring of Security Services for Dow Labs. & other Facilities situated at Karachi and across Sindh Province besides Quetta and Hub (Ref. No. DUHS/DP/2019/65).**

2. As per the Rule 31 of SPPRA 2010 (Amended upto date), the Complaint Redressal Committee formally examined the grievance / complaint of one of the bidders, M/s. Omer Razzaq Enterprises (Pvt) Limited vide its letter No. SG/OREL/DUHSK/19051 dated 16th May 2019 **(Annexure – A).**

3. The Committee composition is as under:

i. Professor M. Saeed Quraishy (Chairman)
Vice Chancellor,
Dow University of Health Sciences, Karachi.

ii. Mr. Arif Aziz (Member)
SP Security
Special Branch, Karachi
(Independent Professional)

iii. Mr. Santosh Kumar (Member)
Assistant Accountant General
(Representative of AG Sindh)

4. The Chairman briefed the participants of the Committee about the agenda of the meeting while Mr. S. Shafqat Hussain, Director Procurement was also called upon to respond to procedural & technical queries.

(Copy of attendance sheet is attached overleaf)

5. Meeting started with recitation from the Holy QURAN. Chair welcomed the participants and then commenced the proceedings.

6. Director Procurement apprised the participants that all relevant procedures including advertisement, opening of technical & financial bids have been executed in total compliance with SPPRA Rules. The Notice Inviting Tender (NIT) was hoisted on the DUHS and SPPRA websites and published in 3 widely circulated leading dailies of English, Urdu and Sindhi languages viz. Daily Dawn, Daily Jang and Daily Ibrat on 09 January 2019. A corrigendum was issued vide which tender purchasing date and bid delivery / submission date have been extended, the corrigendum was also hoisted on DUHS and SPPRA websites and published in Daily Dawn, Daily Jang and Daily Ibrat on 11 January 2019. Technical Bids were opened on 29 January 2019 whereas Financial Bids were opened on 16 April 2019.

7. The eligibility and technical evaluation was done by technical committee based on the documents submitted by the bidders, clarity was sought on certain areas through calling of certain documents as well.

8. The Technical Evaluation Report was communicated to all the bidders vide email on 15th April 2019, the total points awarded to M/s. Omer Razzaq Enterprises (Pvt) Limited by Technical Committee was 70 points **(Annexure – B)**. In response to the email of DUHS M/s. Omer Razzaq Enterprises (Pvt) Limited submitted some copies of the weapon licenses and invalid experience letters. Accordingly, technical committee revised the technical evaluation report and the point score of M/s. Omer Razzaq Enterprises (Pvt) Limited was increased from 70 points of to 76 points **(Annexure – C)**.

9. Mr. Arif Aziz (Technical Expert) enquired regarding the Technical Findings and Evaluation of bids in reference to the grievance of M/s. Omer Razzaq Enterprises (Pvt) Limited, the details of eligibility analysis and the basis for each and every criterion of the Technical Evaluation with the CRC Members were shared along with documentary evidence.

10. Subsequently, the Complaint Redressal Committee reviewed the complaint in presence of applicant / complainant.

11. Lt. Col. Muhammad Afzal Rana (Retd.) representative of M/s. Omer Razzaq Enterprises (Pvt) Limited which participated in the bids confirmed that the application is made by them. The chair asked from him that if he has any other observation except those mentioned in application may also state. He confined himself on the observations mentioned in the application. The complaint was considered point-wise along with the deliberation as under:

Complaint Sr. No. 01.

M/s. Omer Razzaq Enterprises (Pvt) Limited (OREL Security) was amazed to note that comparative statement uploaded on DOW website reveals following dichotomies:

Complaint Sr. No. 01(a)

a. Award of marks owing for not considering the organization referred as Government Clients is not fair. Therefore it is desired that it should be reconsidered.

Deliberations

CRC referred the Annexure – H of bid submitted by the complainant, initially total 6 points were awarded to bidder in respect of evaluation criteria of **Existing Clients**, as 3 points for Govt. / Semi Govt. clients (State Life Corp, Pakistan International Gateway Exchange and GPO Karachi) and 1 point for Bank (NBP) and 2 points for others / Private Sector (PTCL and Education Services (Pvt) Ltd.).

Mr. M. Afzal Rana responded that PTCL is not a private sector organization which was considered under the head of others/Private Sector, PTCL should be considered as a Semi-Government organization as Pakistan Government is a major shareholder of the company. Director Procurement informed the forum that the maximum points score of Government / Semi Government Clients are 4 (1 point for each) and Technical Committee already awarded 3 points against this criteria, now 1 point will be increased for Semi Govt. Client and 1 point will be decreased from the criteria of Other / Private Sector, hence there would be no impact on total point score **(Annexure-D)**.

Complaint Sr. No. 01(b)

b. Calculation of marks against holding of weapons type wise has also not been done logically, thus rendering less marks, therefore it is requested to recalculate this issue.

Deliberations

It was clarified to complainant that they had misunderstood the provision of Evaluation Criteria No. 4 "Weapon License" and submitted the details of **"Weapons Types / Number of Weapons"** instead of **"Weapons Licenses"**.

The chair asked the representative of complainant to check the attached numbers of Licenses of different weapons and reconcile with the number of points awarded to them. Mr. M. Afzal Rana shown his satisfaction on the 11 points score awarded to M/s. OREL after verifying the copies of License submitted with their bid and in response to DUHS email dated 15 April 2019.

Complaint Sr. No. 02.

Financially M/s. OREL quoted bid is 15 lac lower that the security company recommended for award of contract. This huge amount shall incur considerable loss not only to the client but also to the Government as DOW is state owned.

Deliberations

Chair informed the complainant that bids were evaluated and recommendations were made according to the provisions of SPPRA Rule 42, Rule 46 (2)(j) and in accordance with the Clause 16 of bidding documents.

Complaint Sr. No. 03.

Security Company declared second is automatically disqualified for not following the specified Government rates / order.

Deliberations

It was informed to M/s OREL that inclusion or exclusion of M/s. Achtung Security (Private) Limited from the comparative statement do not change the grading status of complainant **(Annexure – E)**.

Complaint Sr. No. 04.

In view of above, you are requested to kindly consider following observations:

a. M/s. OREL Security submit that the Procuring Agency has not followed the procurement laws which are meant to uphold and preserve transparency SPRA rule 09.
b. The violation of SPPRA Rule by the Procuring Agency rendered the entire procurement process ultra virus and liable to be investigated.
c. Without prejudice to anything mentioned above DOW has ignored and is in violation SPRA rules 42, 45,56

Deliberations

It was informed to complainant that there is no violation of said rule and DUHS will maintain the record of their respective procurement proceedings along with all associated documentation for the given period in accordance with SPPRA Rule 09.

It was also informed that there is no violation of Rule, 42, 45 & 56, as bids were evaluated as per the Rule 42 in accordance with evaluation criteria and other terms and conditions set forth in the bidding documents and announcement of evaluation reports were made in form of a report giving reasons for acceptance or rejection of bids, the report was uploaded on SPPRA

and DUHS websites according to the Rule 46 of SPPRA Rules. Moreover, Rule 56 is omitted from Sindh Public Procurement Rules, 2010 (Amended upto date).

CONCLUSION / DECISION

1. The CRC examined all the points of the letter from M/s. Omer Razzaq Enterprises (Pvt) Limited, the technical findings and evaluation of bids and concluded that the Procurement Regime as prescribed by the SPPRA Rules has been complied with accordingly ~~while~~ the evaluations has been done without any bias or subjectivity and is based on Merit.

2. The CRC also concluded that the Minutes of this Meeting shall be circulated to all concerned with the decision that the Complaint Redressal Committee (CRC) is satisfied with the procedures and evaluations of the subject tenders and that the process as prescribed in the SPPRA Rules 31 has also been complied with in letter & spirit. The complaint / grievance submitted by M/s. Omer Razzaq Enterprises (Pvt) Limited is unjustified and factually incorrect and that the Procurement Agency shall continue the subject tender process as per guidelines provided in SPPRA Rules 31(5), (6) & (7) and further complete the procurement proceedings as per Rule 48 as recommended by the Procurement Committee in view of the standing evaluation

COMPLAINT REDRESSAL COMMITTEE (CRC)

MR. SANTOSH KUMAR
Member - CRC
(Representative of AG Sindh)
Assistant Accountant General

MR. ARIF AZIZ
Member - CRC
(Independent Professional)
SP Security
Special Branch, Karachi

PROFESSOR M. SAEED QURAISHY
Chairman - CRC
Vice Chancellor,
Dow University of Health Sciences, Karachi