

OFFICE OF THE
SUPERINTENDING ENGINEER PROVINCIAL HIGHWAY CIRCLE SUKKUR

Ph: 071-9310768
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No. BB-(i)/ 1148 /2020

Dated: 16 / 9 /2020

To

The Chief Engineer
Highway Sukkur

Subject: **MINUTS OF THE MEETING OF COMPLAINT REDRESSAL COMMITTEE
HELD ON 16-09-2020**

The Decision / Minutes of the meeting of complaint Redressal Committee on complaint made by **M/S. Shaikh Abdul Qayyum** Government Contractor against Executive Engineer Provincial Highway Division (Hyd) Sukkur is submitted herewith for favour of kind information.

DA/As...Above

**SUPERINTENDING ENGINEER
PROVINCIAL HIGHWAY CIRCLE
SUKKUR**

Copy (alongwith copy of above minutes of the meeting) forwarded with compliments

- 1 ✓ The Assistant Director (Legal-II) Government of Sindh, Sindh Public Procurement Regulatory Authority Karachi
- 2 The District Accounts Officer Sukkur
- 3 The Executive Engineer Barrage Division Sukkur
- 4 The Executive Engineer Provincial Highway Division Sukkur
- 5 **M/S. Shaikh Abdul Qayyum** Government Contractor Address:
Banglow No: 7 Block A Jafria Housing Socity Shikarpur Road Sukkur

*Post the CRC
decision then
put up
Amman
21/09/20*

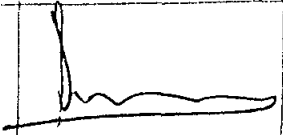

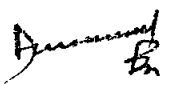
**SUPERINTENDING ENGINEER
PROVINCIAL HIGHWAY CIRCLE
SUKKUR**

Meeting of Complaint Redressal Committee over complaint made by

1. M/S. Shaikh Abdul Qayoom Government Contractor.

V/S. Executive Engineer Provincial Highway Division Sukkur

Held on 16-09-2020

S.No	Name of Participant	Designation	Contact No:	Signature
1.	Syed Muzammil Muzaffar Musavi	Superintending Engineer Provincial Highway Circle Sukkur		
2.				
3.	Dr. Mubtashir Mingrejo	Sr. Assistant CDO Sukkur.	0302-861585	
4.	Amirul Haq Memon AXEN Rebalahin Sub.	AXEN	0333-654 9775	
5.				
6.				

**MINUTES OF THE COMPLAINT REDRESSAL COMMITTEE (CRC)
MEETING HELD UNDER THE CHAIRMANSHIP OF SUPERINTENDING ENGINEER
PROVINCIAL HIGHWAY CIRCLE SUKKUR ON 16-09-2020
(LIST OF PARTICIPANTS ATTACHED)**

Meeting of Complaint Redressal Committee (CRC) fixed on 16-09-2020, as per SPPRA Rule 31 to hear complaint made by M/S. Shaikh Abdul Qayoom Government Contractor Sukkur, the meeting was convened vide this office letter No: BB(i)/ 1059 Dated: 07-09-2020.

Back Ground:- the sealed bids were called by Executive Engineer Provincial Highway Division Sukkur through NIT No: TC/G-55/ 494 of 2020 Dated: 07-07-2020. from the interested bidders for the works mentioned in the same.

M/S. Shaikh Abdul Qayoom Government Contractor Sukkur, complaint that Executive Engineer Provincial Highway Division Sukkur invited the bids vide its advertisement No: TC/G-55/494 Dated: 07-07-2020, that thereafter on 21-08-2020, the complainant ~~through its authorized person~~ approached the office of the Executive Engineer Provincial Highway Division Sukkur / procuring agency in the morning of submission of bidding documents, however, the officials of the Provincial Highway Division have received the documents and the complaint filed ~~from~~ for two works, namely **"REHABILITATION / RECONDITION OF ROAD FROM WATER WORKS BUNDER ROAD TO BHOOSA LINE VIA TANGA STAND, ROYAL ROAD, NAWAB TIKA SHOP QURESHI ROAD, NUMAISH POLICE STATION CHOWK I/C LINK ROAD NADRA OFFICE LOCAL BOARD THICK ASPHALT PAVING BLOCK 5.00 KMS"** and **Rehabilitation / Reconstruction of High Court Road Sukkur.**

That thereafter Executive Engineer Provincial Highway Division Sukkur has opened that Bid in presence of complainant and other contractors and the Bid of the complainant was lowest in price 86825661.00 but it is surprisingly it was hosted on the internet according to SPPRA rules on 03-09-2020 and name of the complainant has not mentioned in the list and bid has been issued to the M/S. Abra Construction Company Government Contractor on the rate of 99697399.00 and first lowest shown to him and it is evident from the signal stage one envelop and complainant become lowest from the all the contractors but with malafied intention ulterior motive of the Executive Engineer Provincial Highway Division Sukkur has not mentioned and name of complaint in the final list and bid has been handed over from the highest of the complainant and given heavy loss to the Government ex chequer.

That procurement committee and their officials, in as much as the complainant was prevented from getting even the slighted chance to bid and give fair competition to the other so called bidders. The entire exercise of bidding was managed only to favour of blue eyes firm in order to siphon off funds from the public ex-chequer and placed it in the hand of the corrupt officials in violation of the constitution of Islamic republic of Pakistan, (Constitution 1973) the Sindh Public Procurement act 2009 and the rule 2010.

That it is pertinent to mention here that inviting tenders and the subsequent bidding process in regarded to be one of the fairest ways to award to contract, in this process all the eligible persons must have an opportunity to bid in the auction and there should be total transparency as it affords an equal opportunity to eligible persons to complete and to bring a better and competitive price of the Government and thus also avoids

loss to public ex-chequer. This avoids favoritism and discrimination in awarding contracts. This also accords with the principle of equality as enshrined in Article 25 of the constitution of the Islamic republic of Pakistan Constitution 1973 and negates the highly discouraged concept of pick and choose. It is an essential requirement of a democratic setup where the people are supreme, that all public acts must be actuated by public interest and should inspire public confidence.

That the complainant exercising his right to redressal of the aforesaid grievances, prior to award of the contract, his approached his Honourable Committee upon consideration of the aforesaid facts, ground and circumstance since the same has ample jurisdiction to prohibit the procurement committee from acting in violation in the rules, 2020 and quash any unauthorized act or decision of the same.

The Complaint was admitted on record. The Executive Engineer Provincial Highway Davison Sukkur furnished detailed report vide his letter No: TC/G-55/ 778 Dated: 14-09-2020.

	Observation	Replies
	<p>that thereafter on 21-08-2020, the complaint through its authorized person approached the office of the Executive Engineer Provincial Highway Division Sukkur procuring agency in the morning of submission of bidding documents, however, the officials of the Provincial Highway Division have received the documents and the complaint filed from for two work namely “REHABILITATION / RECONDITION OF ROAD FROM WATER WORKS BUNDER ROAD TO BHOOSA LINE VIA TANGA STAND ROAD, NAWAB TIKA SHOP QURESHI ROAD, NUMAISH POLICE STATION CHOWK I/C LINK ROAD NADRA OFFICE LOCAL BOARD THIK ASPHALT PAVING BLOCK 5.00 KNS” and Rehabilitation / Reconstruction of High Court Road Sukkur.</p>	<p>Vehemently denied. The complainant came late and approached this office at 11:40 AM for dropping his bids, however as per deadline the sealed bids already opened at 11:00 AM by the PROCUREMENT COMMITTEE.</p> <p>The allegations of the complainant are behind the facts</p>


Observation	Replies
<p>That thereafter Executive Engineer Provincial Highway Division Sukkur has opened that Bid in presence of complainant and other contractors and the bid of the complainant was lowest in price 86825661.00 but it is surprisingly it was hosted on the internet according to SPPRA rules on 03-09-2020 and name of the complainant has not mentioned in the list and bid has been issued to the M/S. Abra Construction Company Government Contractor on the rate of 99697399.00 and first lowest shown to him and it is evident from the signal stage one envelop and complainant become lowest from the all the contractors but with malafied intention ulterior motive of the Executive Engineer Provincial Highway Division Sukkur has not mentioned and name of complaint in the final list and bid has been handed over from the highest of the complainant and given heavy loss to the government ex chequer.</p>	<p>It is stated that the complainant could not drop his bids in the tender box as he came late at 11:40 AM after opening of all sealed bids so he was not eligible to participate in bidding process.</p> <p>Therefore, his claim for offering lowest rates/bids in behind the facts and managed by himself which is clearly showing his ulterior motive to sabotage the fair and transparent bidding process of this office.</p>
<p>That procurement committee and their officials, in as much as the complainant was prevented from getting even the slighted chance to bid and give fair competition to the other so called bidders. The entire exercise of biding was managed only to favour of blue eyes firm in order to siphon off funds from the public ex-chequer and placed it in the hand of the corrupt officials in violation of the constitution of Islamic republic of Pakistan, (Constitution 1973) the Sindh Public Procurement act 2009 and the rule 2010.</p>	<p>It is stated that the bidding process of above NIT was conducted in fair and transparent atmosphere and all interest bidders were participated very well and offered their rates/bids, which were opened before all participated contractors by the procurement committee.</p> <p>However allegations leveled by the bidder / complainant are baseless and fabricated and to pressurize the undersigned for undue favour.</p>

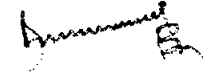
	Observation	Replies
	<p>That it is pertinent to mention here that inviting tenders and the subsequent bidding process is regarded to be one of the fairest ways to award a contract, in this process all the eligible persons must have an opportunity to bid in the auction and there should be total transparency as it affords an equal opportunity to eligible persons to complete and to bring a better and competitive price of the Government and thus also avoids loss to the public exchequer. This avoids favoritism and discrimination in awarding contracts. This also accords with the principle of equality as enshrined in Article 25 of the constitution of the Islamic Republic of Pakistan Constitution 1973 and negates the highly discouraged concept of pick and choose. It is an essential requirement of a democratic setup where the people are supreme, that all public acts must be actuated by public interest and should inspire public confidence.</p>	<p>It is submitted that equal opportunity was given to all interested bidders for participating and offering their bids in the largest interest of public works/exchequer.</p> <p>The allegations are baseless and fabricated and to sabotage the fair and transparent bidding process of this office. The complainant is only pressurizing to acquire a contract through illegal means.</p>
	<p>That the complainant, exercising his right to redressal of the aforesaid grievances, prior to award of the contract, has approached his Honourable Committee upon consideration of the aforesaid facts, ground and circumstance since the same has ample jurisdiction to prohibit the procurement committee from acting in violation of the rules, 2020 and quash any unauthorized act or decision of the same.</p>	<p>The complainant approached for CRC after completion of 3 days compulsory for hosting on web site also he has not complained on web site SPPRA within stipulated time of hosting. So conducting of CRC is not appropriate for this complaint and may be considered as time bar and application may kindly be disposed of.</p>


Conclusion:- The perusal of Complaint, report and documents shows that the complainant did not drop the Bids in tender box as he came late and approached office of the Executive Engineer @ 11:40 AM for dropping his Bids, however as per dead line, the sealed Bids have already been opened at 11:00 AM by the Procuring Committee, the allegation of the complainant is rejected as per SPPRA rule 41(7) "All bids submitted after the time prescribed as well as those not opened and read out at Bid opening due to any procedural flaw, shall not be considered, and shall be returned without being opened".

Looking to the above facts and circumstances, the Complaint Redressal Committee is of the unanimous view that there is no any illegality, irregularity or any malpractice on the part of the Procuring Committee, the complaint has been made without any justification and proof hence complaint do not merit any consideration, which stands dismissed.

Bids & Mr. Tech. Member


District Accounts Officer
Sukkur
(Member CRC)


Executive Engineer
Barrage Division
Sukkur
(Member CRC)


(Syed Muzamil Muzafar Musavi)
Superintending Engineer
Provincial Highway Circle
Sukkur
(Chairman CRC)