



NO.F. D / HIC /30-02/2016  
GOVERNMENT OF SINDH  
FINANCE DEPARTMENT  
Karachi dated the 28<sup>th</sup> October, 2020

Ph: 021-99222214

To,

Mr. Kader Ali Baig,  
Country Head-Personal Line Business,  
**M/s. Askari General Insurance Co. Ltd,**  
G-167, Marium Square, P.E.C.H.S, Block-03, Khalid Bin Waleed Road,  
Karachi-Pakistan. Ph No: 021-3432-3543; Cell No: 0322-201-8345.

**Subject:** MINUTES OF THE MEETING OF THE CRC (COMPLAINT REDRESSAL COMMITTEE) IN RESPECT OF COMPLAINT LAUNCHED BY M/S. ASKARI GENERAL INSURANCE CO. LTD REGARDING THE REJECTION OF THEIR LATE BID & VIOLATION OF SPPRA RULES-2010 (AMENDED-2019) BY THE PROCUREMENT COMMITTEE FOR PROCUREMENT OF HEALTH INSURANCE SERVICES FOR THE EMPLOYEES OF SINDH SECRETARIAT/ SINDH ASSEMBLY GOVERNMENT OF SINDH, KARACHI AND THEIR ENTILED FAMILY MEMBERS (NIT ID # T00526-20-0002 DATED 19.08.2020 & NIT # INF-KRY NO. 2073/2020)

Please find enclosed herewith a decision copy of Complaint Redressal Committee's Minutes duly signed by the members along with the relevant Annexures in respect of subject complaint received from the Aggrieved Bidder namely; M/s. Askari General Insurance Co. Ltd.

(FAHAD SHAIKH)  
Section Officer (Medical)  
For Secretary to Government of Sindh

(Enclosed: 38 x Pages)

No. FD / HIC /30-02 / 2016

Karachi, dated the 28<sup>th</sup> October, 2020

A copy is forwarded for information & necessary action to the: -

1. Managing Director, Sindh Public Procurement Regulatory Authority, Government of Sindh, Karachi with the request to upload the same minutes on SPPR Authority's Official website.
2. Deputy Director Computer Cell-III (Res Wing), with the request to posting the same Minutes on Government of Sindh, Finance Department's Official website.
3. Members of Complaint Redressal Committee, (All).
4. Additional Finance Secretary (Admn/Sr) / Chairman of the Procurement Committee, Finance Department, Government of Sindh, Karachi.
5. All Members of Procurement Committee.
6. Office Copy.

*(Signature)*  
28/10/2020

(FAHAD SHAIKH)  
Section Officer (Medical)  
For Secretary to Government of Sindh

Office Address: Room No. 139, 06<sup>th</sup> Floor, Finance Department, Government of Sindh, Building No.06, Sindh Secretariat A.K Lodhi Block, Kamal Atta-Turk Road, Karachi

SPPRA INWARD DIARY  
NO: 3079  
DATED: 29/10/20

Post the  
Admission  
29/10  
for up



NO.F. D / HIC/30-02/2016  
GOVERNMENT OF SINDH  
FINANCE DEPARTMENT

Karachi dated the 26<sup>th</sup> October, 2020

**BEFORE COMPLAINT REDRESSAL COMMITTEE (CRC) OF FINANCE DEPARTMENT, GOVERNMENT OF SINDH UNDER RULE-31 OF SPP RULES-2010 (AMENDED-2019)**

*M/s. Askari General Insurance Co. Ltd*

*Versus*

*Procurement Committee*

*Government of Sindh, Finance Department*

**(NIT ID # T00526-20-0002 Dated 19-08-2020)**

**Facts and Background:**

M/s. Askari General Insurance Co. Ltd. Karachi (hereinafter referred to as the Complainant) lodged complaint vide letter dated 09.10-2020 addressed to the Chairman of the Procurement Committee and other members against the NIT# INF-KRY NO. 2073/2020 dated 19.08-2020 floated for the Procurement of Health Insurance Services for the Employees of Sindh Secretariat / Sindh Assembly Government of Sindh, Karachi and their entitled family members during the Financial Year 2020-2021. In response, the Chairman of the Procurement Committee vide letter dated 16.10.2020 furnished the factual position with further advice to approach, if still aggrieved, the statutory forum i.e. the Complaints Redressal Committee constituted for Redressal of the Aggrieved Bidder's Grievances in terms of Rule-31 of SPPRA-2010 (Amended-2019).

2. Subsequently, the Aggrieved Bidder vide letter dated 19.10-2020 lodged a Complaint before the CRC. In turn, the Procuring Agency issued notice to the Complainant to appear along with relevant record and evidence, if any, before the CRC forum on 23.10.2020 at 03:00 pm at 01<sup>st</sup> Floor Executive Committee Room, Finance Complex, A.K Lodhi Block, Building No. 06, Kamal-Atta-Turk Road, Karachi. In compliance, Mr. Kader Ali Baig, Country Head-Personal Line Business, M/s. Askari General Insurance Co. Ltd. (Complainant) and Mr. Asif Jahangir, Additional Finance Secretary (Admn/Sr), Chairman of the Procurement Committee and Mr. Aamir Zia Isran, Deputy Secretary (Admn/Accounts), one of the member of the Procurement Committee appeared before the CRC.

3. Following members of the Complaint Redressal Committee were present during the hearing of Complainant: -

i.) Secretary to Government of Sindh,  
Finance Department, Karachi.

*Chairman*

ii.) Representative of Deputy Accountant General,  
Office of the Accountant General Sindh, Karachi

*Member*

iii.) Chief Financial Officer,  
Premier Insurance limited

*Independent Professional*

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**SYED HASAN NAQVI**  
FINANCE SECRETARY  
GOVT. OF SINDH

**Premier Insurance Limited**  
Chief Financial Officer

**Complaint Redressal Committee Proceedings:**

4. The Chairperson of the CRC welcomed all the participants of the meeting and introduced the members of the CRC. Then, the Chair asked the Complainant to present his case/grievances, on the instant Procurement before the CRC.

**Complainant's Grievances:**

5. Mr. Kader Ali Baig, Country Head-Personal Line Business, M/s. Askari General Insurance Co. Ltd. (Complainant) while arguing his complaint apprised the Committee that:

- On behalf of M/s. Askari General Insurance Co. Ltd (AGICO), I was not allowed to participate on the grounds of being merely 05-minutes late to the scheduled closing time of 11:00 am. The minute delay as explained was due to a long queue at the Reception Area on the Ground Floor of the A.K Lodhi Complex, Finance Department Building.
- I was misled by the Peon of AFS (Admn/Sr) office; suggesting that "all bosses are in a meeting" and escorting me instead to the Secretariat Staff of the Additional Finance Secretary (Admn/Sr). The staff was occupied with their routines and despite my hurry and inquires and losing another 07-10 minutes in the process, I was again misled and told that the Tender Documents are to be submitted at the office of Mr. Fahad Shaikh, Section Officer (Medical) at the Sixth Floor. Upon my insistence on the Secretarial Staff of the Additional Finance Secretary (Admn/Sr) and presenting the Finance Department's Official Letter No. F.D /HIC/30-02, 2016 mentioning that the submission of Tender Documents is required at AFS (Admn/Sr) office and thereafter the office Peon finally guided me to an office room locked from the outside.
- The Additional Finance Secretary (Admn/Sr), Finance Department and Deputy Secretary (Admn/Accounts) were sit inside the room. It was unusual considering that it was Tender submission time and the office room with Two of the Procurement Committee members was locked from outside. I was told that this is a normal meeting practice of locked door from outside, through the official time was still to lapse.
- He further stated to the CRC that the Procurement Committee comprises of the following members:
  1. AFS (Admn/Sr), Finance Department, Gov. of Sindh, Karachi.
  2. AFS (L.F), Finance Department, Gov. of Sindh, Karachi.
  3. Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.
  4. Additional Secretary (PM&I) Health Department, Gov. of Sindh, Karachi.
  5. Deputy Secretary (B&A)/Representative of SGA&CD, Gov. of Sindh, Karachi.
  6. R.O to Secretary to Gov. of Sindh, Finance Department, Karachi.
- The overtly aggressive decision to not allow Askari General Insurance, submit Tender Documents was taken in the presence of only 02 out of 06 Procurement Committee Members, namely the;
  1. AFS (Admn/Sr), Finance Department, Government of Sindh, Karachi.
  2. Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.

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SYED HASAN NAQVI  
FINANCE SECRETARY  
GOVT. OF SINDH

  
Premier Insurance Limited  
Chief Financial Officer

- This hurry and haste to decide and to disbar AGICO from participation when the four (04) worthy Committee Members are not even present; only leaves a vivid impression that as special favor was engineered to ban the only competition and leave the ground open for only one Insurance Company allowed for Tender submission.
6. Mr. Kader Ali Baig, Country Head-Personal Line Business, M/s. Askari General Insurance Co. Ltd. (Complainant) further apprised the CRC that:
- The Procurement Committee has also violated the Rule-23 of SPPRA-2010 (Amended-2019) by extended the time period for submission of Bids on the eve of the Tender submission day, on the written request of one of the Bidder which was received to the Procuring Agency Three (03) days prior to opening of Bids, which amplifies the serious violation and spirit of Transparency as per the SPP Rule-23(1) which is reproduced as under for reference of CRC:

**Rule-23: Clarification and Modification of Bidding Documents:**

- (1) An Interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding document in writing, and procuring agency shall respond to such queries in writing within Three calendar days, provided they are received at least Five calendar days prior to the date of opening of bid.

**PRAYER:**

7. Given the above submission, the extraordinary favor and support extended in this case to the sole Bidder's Proposal should be immediately withdrawn which was accepted by the Procurement Committee and a new corrigendum assigning a new date of Tender submission for the Procurement of Health Insurance Services for the Employees of Sindh Secretariat/Sindh Assembly, Government of Sindh should be immediately notified.

**Procurement Committee's Clarifications:**

8. Mr. Amir Zia Isran, (Member of the Procurement Committee) while responding to grievances raised by the Complainant before the CRC are as under:
- The bids were scheduled to be received on Monday, the 05<sup>th</sup> of October, 2020 on or before 11:00 a.m. in the office of Section Officer (Medical), Health Insurance Cell, Finance Department, Government of Sindh, Room No. 139, 06<sup>th</sup> Floor, Finance Complex, A.K. Lodhi Block, Sindh Secretariat Building No. 06, Kamal-Attaturk Road, Karachi and opened on Monday, the 05<sup>th</sup> of October, 2020 at 12:00 Noon in the office of Additional Finance Secretary (Admn/Sr) at 04<sup>th</sup> Floor, Finance Department, Building No. 06, Sindh Secretariat, Kamal-Atta-Turk Road, Karachi, Whereas, the Complainant intended to submit its bid after lapse of more than 38-minutes of specified Time.


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SYED HASAN NAQVI  
FINANCE SECRETARY  
GOVT. OF SINDH

  
Premier Insurance Limited  
Chief Financial Officer

- Therefore, the Procurement Committee did not entertain the same bid as per Rules-2(1)(h); 24(1) & 41(7) of SPP Rules-2010 (Amended-2019), which spells out that ‘Bidding Process means the procurement procedure under which sealed bids are invited, **received, opened,** examined and evaluated for the purpose of awarding of contract’; ‘Bids shall be submitted on the place, date and time in the manner specified in the Tender Notice and Bidding Documents and **any bid submitted late due to any reason whatsoever, shall not be considered by the Procurement Committee**’ and ‘**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**’.
- The Chair asked the member of Procurement Committee that how would they prove that the Complainant intended to submit its bid after lapse of more than **38-minutes** of specified Time.
  - The member of the Procurement Committee stated that they have an evidence of CCTV Cameras recording and images of the A.K Lodhi Building and the same evidence was also shared with the Complainant while clarified their reservations vide this department’s letter dated 16.10.2020.
  - The member of the Procurement Committee also apprised the CRC that the Complainant vide its letter dated 09.10.2020 addressed to Additional Finance Secretary (Admn/Sr) accepted for submission of his bid after the deadline for the submission of bids.
- Further, the Chairman of the Procurement Committee apprised the forum of CRC regarding the averments raised by Complainant for misled of his staff for submission of bid place during submission Time. While arguing, he stated the Chair that it was evidently mentioned in the Bidding Documents followed by Revised Bidding Documents at the Clause-12 “Terms & Conditions” in Para-13 at Page No. 15 reproduced as **“The sealed Proposals/Bids should be submitted on or before 11:00 a.m. to the Section Officer (Medical), Health Insurance Cell, Finance Department, Government of Sindh, Room No. 139, 06<sup>th</sup> Floor, Finance Complex, A.K Lodhi Block, Sindh Secretariat, Building No. 06, Kamal-Atta-Turk Road, Karachi”**. However, the Complainant intentionally tried to submit its late Bid in the Office of Additional Finance Secretary (Admn/Sr) which was rejected by the Procurement Committee.
- Moreover, Mr. Amir Zia Isran, Deputy Secretary (Admn/Accounts), member of the Procurement Committee stated the forum of CRC as well as Complainant that as per Rule-7 of SPP Rules-2010 (Amended-2019), the Procurement Committee is consist of Five (05) Members and not consist of Six (06) Members and all the Procurement Committee members were present (as per Attendance Sheet) on the stipulated time during the Bids submission/opening process as per Rule-8(2) read with Rule-41 of SPPRA-2010 (Amended-2019), the same evidence was also shared with the Complainant while clarified its reservations vide this department’s letter dated 16.10.2020. Hence, the Complaint of Aggrieved Bidder that the **“Tender Documents was taken in the presence of only 02 out of 06 Procurement Committee Members”** is concocted and baseless.

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SYED HASAN NAQVI  
FINANCE SECRETARY  
GOVT. OF SINDH

  
Premier Insurance Limited


Chief Financial Officer

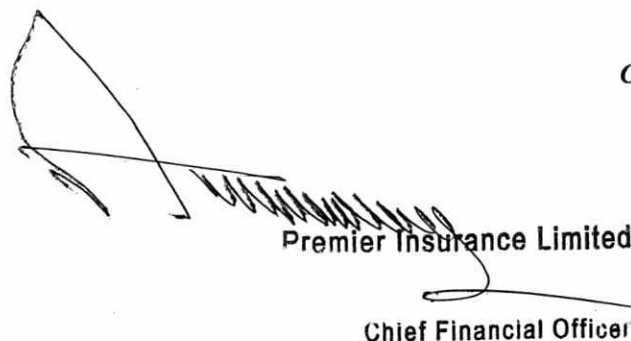
- As far as the concern of the Complainant regarding the violation of Rule-23 (1) of SPPRA-2010 (Amended-2019) that extending the Bid submission date on the written request of one of the Bidder, Mr. Asif Jahangir, Chairman of the Procurement Committee apprised the forum of CRC that the quoted Rule-23(1) of SPP Rules-2010 (Amended-2019) does not pertain to “**Extension of Time Period for submission of Bids**” but the same Rule pertains to “**Clarification and Modification of Bidding Documents**” hence extension of one last time in the period for submission of Bids was exercised in a manner similar to the original advertisement in accordance of Rule-22 (1) of SPP Rules-2010 (Amended-2019), that gives sole discretion to the Procurement Committee to perform such practice.
- Mr. Amjed Bahadur Ali, Chief Financial Officer, Premier Insurance Limited being an Independent Professional asked the members of Procurement Committee that why did the Procurement Committee has not extended the time period further for submission of bids, as if they had received only bid on the specified time period, so that the bidding process would have made the process more transparent.
  - The Chairman of the Procurement Committee stated that the Procuring Agency floated a Tender in an open and transparent manner while advertising the NIT in various leading newspapers & posting the same on the PPMS website in terms of Rule-17(1A)(2)(4) of SPPRA-2010 (Amended-2019). The obligation of publication was to ensure wider competition in the bidding process. The Bidder(s) who submitted bid(s) in timely manner were allowed to participate as per rules and this does not guarantee for award of contract to any specific bidder until the process of evaluation is not completed by the Procurement Committee.
  - He further added that the Procuring Agency has already extended the Bid submission dates twice in a manner similar to the original advertisement in order to ensure the competitive process in transparent manner. The Procurement Committee unanimously is of the view that further extension in the Bid submission time would over-delay the Procurement Process as the existing Health Insurance Agreement of Procuring Agency will be expired on December, 2020.
  - In view of the above scenario, the Procurement Committee accepted the bid of sole Bidder and opened its Technical Bid on the stipulated time for further evaluation as per Rules.

**Complaint Redressal Committee’s Version:**

9. After hearing both parties at length and perusal of the available record; the Chair and other members of Complaint Redressal Committee determined and directed to Procuring Agency to seek opinion from SPPR Authority in respect of the quoted Rule(s) herein above mentioned by the Complainant before proclaiming any decision in the instant Procurement case. The meeting ended with the vote of thanks to all those present in the gathering with the assurance to address the said matter after due diligence of codal formalities in the next meeting to be scheduled on Monday, the 26<sup>th</sup> October, 2020 at 04:00 pm at the same venue.

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YOUSAF HASAN NAQVI  
FINANCE SECRETARY  
GOVT OF SINDH

  
Premier Insurance Limited  
Chief Financial Officer

**Complaint Redressal Committee's Decision:**

10. The meeting of the Complaint Redressal Committee held on Monday, the 26<sup>th</sup> October, 2020 at 04:00 pm, wherein the Complainant appeared before the forum. As per direction of CRC to the Procuring Agency in the last hearing dated 23.10.2020, to seek the opinion in respect of the Rule(s) from SPPR Authority quoted by the Complainant in its complaint. The SPPR Authority vide letter dated 26-04-2020 forwarded its views and the same presented before the forum and reproduced as under:

**“Rule-22:** Accordingly to Rule-22(1) of the Sindh Public Procurement (SPP) Rules-2010.

“The Procuring Agency may extend the deadline for submission of bids only, if one or all of the following conditions exists;


(1) Fewer than three bids have been submitted and Procurement Committee is unanimous in its view that wider competition can be ensured by extending the deadline. In such case, the bids submitted shall be returned to the bidders unopened.

**Rule-24:** In terms of Rule-24(1) of the Sindh Public Procurement (SPP) Rules-2010.


(1) Bids shall be submitted on the place, date and time and in the manner specified in the Tender Notice and Bidding Documents and any bid submitted late due to any reason whatsoever, shall not be considered by the Procurement Committee.

In view of the above, it is the Prerogative of the Procuring Agency to extend the deadline for submission of bids in terms of Rule-22(1) either on its own initiative or on the request of a Bidder. Further, any bid submitted Late due to any reason whatsoever, shall not be considered by the Procurement Committee.”

11. In the light of the views of SPPR Authority and Rule(s) as mentioned under Para-8, above and after due deliberation, Complaint Redressal Committee unanimously decides that there is not any apparent violation of Rule(s) as alleged by the Complainant. Hence, the Complaint Redressal Committee unanimously decides to reject the Complaint of the Aggrieved Bidder and upheld the decision of the Procurement Committee.

  
(MAJID RAJPAR)  
Deputy Accountant General  
Accountant General Sindh  
(Member)

  
(SYED HASSAN NAQVI)  
Secretary to Government of Sindh  
Finance Department  
(Chairman)

  
(AMJED BAHADUR ALI)  
Chief Financial Officer  
Premier Insurance Limited  
(Independent Professional)



# Askari General Insurance Co. Ltd.

Office No. G-167, Mezzanine Floor, Marium Square, Khalid Bin Waleed Road, Karachi.

☎ 021-34306701-08 📠 021-34306709-10 ✉ agicokch@agico.com.pk

Karachi, October 9, 2020

DEPARTMENT  
Government of Sindh  
R&I Dairy No. 190  
Dated 12/10/20

To,  
The Additional Finance Secretary (Admn/Sr),  
Finance Department,  
Govt. of Sindh,  
Karachi.

**SUBJECT: GRIEVANCE AGAINST RESTRAINING TO PARTICIPATE IN THE TENDER BID SUBMISSION AND THE OPENING FOR THE PROCUREMENT OF HEALTH SERVICES FOR THE EMPLOYEES OF SINDH SECRETARIAT/SINDH ASSEMBLY, GOVT. OF SINDH.**

Dear Sir(s),

On behalf of Askari General Insurance Company (AGICO), I am writing to register my greivance on the restraining of AGICO to participate in the cited above tenders' bid submission; along with the serious violation of the SPPRA 2010 Rule 23 (1).

Following is the summary of restraining event and SPPRA rule violation for your immediate attention and appropriate action:

On Monday, October 05, 2020, the opening of the tendered Technical Proposal was scheduled at your office at 12:00 Noon. On behalf of AGICO, I was not allowed to participate on the grounds of being merely 5-minutes late to the scheduled closing time of 11 a.m. This has come as a complete surprise and disappointment for being left in limbo. Please note that I made every effort to explain it to the procurement member comprising of the following.

- **Mr. Asif Jehangir**  
Additional Finance Secretary (Admn/SR), Finance Department, Government of Sindh, Karachi.
- **Mr. Aamir Zia Isran**  
Deputy Secretary (Admn/Accounts)
- **Mr. Fahad Shaikh**  
Section Officer (Medical) For Secretary to Government of Sindh

ADDL. SECRETARY (L.F.)  
Dairy No. 145  
Dated 12/10/20

*ASIF*  
*12/7/20*  
*ASIS (SB/Admn)*  
*urgent please*  
*12/7*  
*DS/Admn*



335

The minute delay as explained was due to a long queue at the Reception Area on the ground floor of the A.K.Lodhi Complex; and when allowed, I was misled by the Peon at your office; suggesting that "all bosses are in a meeting" and escorting me instead to the Secretarial Staff of The Additional Finance Secretary (Admn/SR). The staff was occupied with their routines and despite my hurry and inquires and losing another 7-10 minutes in the process, I was again misled and told that the tender documents are to be submitted at the office of Mr.Fahad Shaikh, Section Officer (Medical) room at the First Floor.

Upon my insistence on the Secretarial Staff of The Additional Finance Secretary (AFS) and presenting the Finance Departments Official Letter No.F.D/HIC/30-02,2016 (copy attached); mentioning that the submission of tender documents is required at your office, the AFS (Admn/SR) office Peon finally guided me to an office room locked from the outside.

The peon as he unlocked the door with keys I was surprised to see Mr.Asif Jehangir, The Additional Finance Secretary (Admn/SR), Finance Department and Mr.Aamir Zia Isran, The Deputy Secretary (Admn/Accounts) inside the room. It was unusual considering that it was tender submission time and the office room with two of the procurement committee members was locked from outside. I was told that this is normal meeting practice of locked door from outside, though the official time was still to lapse.

The Procurement Committee comprises of the following members:

1. AFS (Admn/SR), Finance Department, Gov. of Sindh, Karachi.
2. AFS (L.F), Finance Department, Gov. of Sindh, Karachi.
3. Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.
4. Additional Secretary (PM&I) Health Department, Gov. of Sindh, Karachi.

Deputy Secretary (B&A)/Representative of SGA&CD, Gov. of Sindh, Karachi.

5. R.O to Secretary to Gov.of Sindh, Finance Department, Karachi.

The overtly aggressive decision to not allow Askari General Insurance, submit Tender Documents was taken in the presence of only 2 out of 6 Procurement Committee Members, namely the:

- AFS (Admn/SR), Finance Department, Government of Sindh, Karachi
- Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi,

This hurry and haste to decide and to disbar AGICO from participation when the four (04) worthy committee members are not even present: only leaves a vivid impression that a special favor was engineered to ban the only competition and leave the ground open for only one insurance company allowed for tender submission.

According to figures submitted by Section Officer (Medical) vide his letter No. F.D/HC/30-02/2016 dated September 25, 2020, the minimum estimated health expenses incurred by the Government of Sindh, Finance Department was Rs.789.70 Million only, during the one year of 2019-20 for its Secretariat/Sindh Assembly Employees, while the insurance coverage mentioned in the tender was for 3-years. This effectively crosses an overall cost over Rs.2.30 Billion for the respective 3-year policy period.



Purposefully allowing only one Insurance Company for a minimum of Rs. 789.70 Million worth mega business suggests favoritism. A fair and healthy competition by allowing at least 2 or more insurance companies to participate in the bid process would have made the process transparent. Furthermore, a legitimate competitive environment could have saved the Sindh Government financially.

By running over and disallowing the participation of the only competitor, the Askari General Insurance Company; this procurement is questionable, for lacks both the transparency and the fair competition.

To reiterate, the sincere and genuine interest of Askari General Insurance Company can be gauged from the facts that:

1. Both pre-bid meetings held on Tuesday, September 01, 2020, and Tuesday, September 15, 2020, were attended with full conviction to participate in the bidding process.
2. Due to queries raised by bidding insurance companies in the pre-bid meeting, the first submission date of Thursday, September 10, 2020, was postponed through a Corrigendum issued and notified vide letter No. FD/HIC/30-02/2016, Government of Sindh, Finance Department from 10-Sep-2020 to 28-Sep-2020.
3. Partial disclosure of information during the first pre-bid meeting led to the second pre-bid meeting informed vide Finance Department, Govt. of Sindh letter No. FD/HIC/30-02 dated September 14, 2020.
4. The second Corrigendum dated September 28, 2020, was issued, and tender submission was pushed further to October 5, 2020, on the grounds that an Insurance Company has requested for additional information thus the second submission as was advised by The Finance Department Sindh Government vide its letter dated September 28, 2020.
5. Incidentally, on the eve of the second tender submission date of September 28, 2020, only two of the bidders i.e. Askari General Insurance Company Limited and the United Insurance Company Limited were physically present to submit the bidding documents but all the six procurement committee members present at the time were of the opinion to postpone the tender submission and with consensus decided on October 05, 2020.
6. Askari Insurance was firmly of the opinion, the email received from an Insurance on the eve of Submission does not provide the provision of deferring the entire tender bidding process which amplifies the serious violation and spirit of transparency as per the **SPPRA Rule-23 (1) of SPPRA-2010 (Amended-2019) which is reproduced as under for ready reference:**  
  
*“An interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding documents in writing, and procuring agency shall respond to such queries in writing within 3 (03) calendar days, provided they are received atleast 5 calendar days prior to the date of opening of bid”.*
7. We further wish to draw the attention of the Members of the Procurement Committee, the denial of Askari Insurance to participate was taken by only two (02) members in presence of **Mr. Asif Jehangir**, The Additional Finance Secretary (Admn/Sr), Finance Department Government of



Sindh and **Mr.Aamir Zia Isran**, Deputy Secretary (Admn/Accounts) without waiting for the presence of four (04) other committee members. On the contrary, when the case of deferring the tender submission date from 28-Sep-2020 to 05-Oct-2020 was before the procurement committee, the impartial procedure of seeking the consensus of all members was observed. A rush to the decision in the overwhelming absence of 2/3<sup>rd</sup> of committee members further amplifies the undeserved and unfair treatment meted out with Askari Insurance Company Limited.

Given the above submission, the extraordinary favor and support extended to the only bidder; in this case, the United Insurance Company should be immediately withdrawn and in the best interest of the Department, and the financial implications involved, the bid accepted by Finance Department should be canceled forthwith and a new date for submission should be immediately notified.

In all fairness, the Askari General Insurance Company looks forward to a new corrigendum assigning a new date of tender submission for the procurement of Health Insurance Services for the Employees of Sindh Secretariat/Sindh Assembly Government of Sindh.

We deserve equal justice and opportunity in the best interest institutional financial benefit could have generated by Sindh Government was totally ignored.

Sincerely,



**Kader Ali Baig**

Country Head-Personal Line Business  
**Askari Insurance Company Limited**  
G-167, Marium Square, P.E.C.H.S. Block-3  
Khalid Bin Waleed Road  
Karachi.

**A Copy Is Forwarded For Information To The Procurement Committee Members:**

- 1) The Additional Finance Secretary (L.F), Finance Department, Govt. of Sindh, Karachi.
- 2) The Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.
- 3) The Additional Secretary (PM&I), Health Department, Govt. of Sindh, Karachi.
- 4) The Deputy Secretary (B&A)/Representative of SGA&CD, Govt of Sindh, Karachi

Encl:



NO.F. D /-HIC /30-02/2016  
GOVERNMENT OF SINDH  
FINANCE DEPARTMENT  
Karachi dated the 16<sup>th</sup> October, 2020

Ph: 021-99222214

To,

Mr. Kader Ali Baig,  
Country Head-Personal Line Business,  
M/s. Askari Insurance Company Limited,  
G-167, Marium Square, P.E.C.H.S, Block-03, Khalid Bin Waleed Road,  
Karachi-Pakistan. Ph No: 021-3432-3543; Cell No: 0322-201-8345

**Subject: GRIEVANCE AGAINST RESTRAINING TO PARTICIPATE IN THE TENDER BID SUBMISSION AND THE OPENING FOR THE PROCUREMENT OF HEALTH SERVICES FOR THE EMPLOYEES OF SINDH SECRETARIAT / SINDH ASSEMBLY. GOVT OF SINDH.**

Please refer to your letter dated 09<sup>th</sup> October, 2020, received to this department on 12-10-2020 on the subject cited above whereby you have raised various averments over the bidding process.


2. In this regard the undersigned is directed to clarify your concerns as under: -

Sr. No	Observations from M/s. Askari Insurance Company Limited	Reply on behalf of Chairman Procurement Committee
1.	On behalf of AGICO, I was not allowed to participate on the grounds of being merely 5-minutes late to the scheduled closing time of 11:00 am. The minute delay as explained was due to a long queue at the Reception Area on the Ground Floor of the A.K Lodhi Complex.	The bids were scheduled to be received on Monday, the 05 <sup>th</sup> of October, 2020 on or before 11:00 a.m. in the office of Section Officer (Medical), Health Insurance Cell, Finance Department, Government of Sindh, Room No. 139, 06 <sup>th</sup> Floor, Finance Complex, A.K Lodhi Block, Sindh Secretariat Building No. 06, Kamal-Attaturk Road, Karachi and opened on Monday, the 05 <sup>th</sup> of October, 2020 at 12:00 Noon in the office of Additional Finance Secretary (Admn/Sr) at 04 <sup>th</sup> Floor, Finance Department, Building No. 06, Sindh Secretariat, Kamal-Atta-Turk Road, Karachi, Whereas, you intended to submit bid after lapse of specified Time. Therefore, the Procurement Committee did not entertain the same bid as per Rules /Clauses at <u>Flag-A</u> , the same reproduced as under: - <b>Rule-2(1) (h): Bidding Process:</b> means the procurement procedure under which sealed bids are invited, received, opened, examined and evaluated for the purpose of awarding a contract.

*JU*  
18/oct/2020  
SECTION OFFICER (M-1)  
Finance Department  
Government of Sindh

*JS*

		<p><b>Rule-2(1) (aa): <u>Open Competitive Bidding:</u></b> means a fair and transparent specified procedure defined under these Rules, advertised in the prescribed manner, leading to the award of a contract whereby all interested persons, firms, companies or organizations may bid for the contract and includes both National and International Competitive Biddings.</p> <p><b>Rule-24(1): <u>Submission of Bids:</u></b> Bids shall be submitted on the place, date and Time and in the manner specified in the Tender Notice and Bidding Document and any bid submitted late due to any reason whatsoever, shall not be considered by the Procurement Committee.</p> <p><b>Rule-41(7): <u>Opening of Bids:</u></b> 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.</p> <p>Moreover, you have admittedly accepted that the bid you tried to submit was after the deadline, which is in contradiction of the Rules.</p>
<p>2.</p>	<p>I was misled by the Peon at your office; suggesting that "all bosses are in a meeting" and escorting me instead to the Secretariat Staff of the Additional Finance Secretary (Admn/Sr). The staff was occupied with their routines and despite my hurry and inquires and losing another 07-10 minutes in the process, I was again misled and told that the Tender Documents are to be submitted at the office of Mr. Fahad Shaikh, Section Officer (Medical) Room at the First Floor.</p> <p>Upon my insistence on the Secretarial Staff of the Additional Finance Secretary (AFS) and presenting the Finance Departments Official Letter No. F.D /HIC/30-02, 2016 (Copy attached); mentioning that the submission of Tender Documents is required at your office, the AFS (Admn/Sr) office Peon finally guided me to an office room locked from the outside.</p> <p>The Peon as he unlocked the door with keys I was surprised to see Mr. Asif Jahangir, The Additional Finance Secretary (Admn/Sr), Finance Department and Mr. Aamir Zia Isran, The Deputy Secretary (Admn/Accounts) inside the room. It was unusual considering that it was</p>	<p>As at Para-1 above;</p> <p>This is to clarify you that it was evidently mentioned in the Bidding Documents followed by Revised Bidding Documents at the Clause-12 "Terms &amp; Conditions" in Para-13 at Page No. 15 that <u>"The sealed Proposals/Bids should be submitted on or before 11:00 a.m. to the Section Officer (Medical), Health Insurance Cell, Finance Department, Government of Sindh, Room No. 139, 06<sup>th</sup> Floor, Finance Complex, A.K Lodhi Block, Sindh Secretariat Building No. 06, Kamal-Atta-Turk Road, Karachi". (Copy enclosed at Flag-B).</u></p> <p>Moreover, the Procurement Committee members were also present during the Bids submission /opening process as per Rule-8(2) read with Rule-41 of SPPRA-2010 (Amended-2019) <u>(Copies of Rules &amp; Attendance Sheet Enclosed at Flag-C)</u></p>

  
 16/10/2020  
 SECTION OFFICER (M-I)  
 Finance Department  
 Government of Sindh



	<p>Tender submission time and the office room with Two of the Procurement Committee members was locked from outside. I was told that this normal meeting practice of locked door from outside, through the official time was still to lapse.</p> <p>The Procurement Committee comprises of the following members:</p> <ol style="list-style-type: none"> <li>1. AFS (Admn/Sr), Finance Department, Gov. of Sindh, Karachi.</li> <li>2. AFS (L.F), Finance Department, Gov. of Sindh, Karachi.</li> <li>3. Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.</li> </ol>	
	<ol style="list-style-type: none"> <li>4. Additional Secretary (PM&amp;I) Health Department, Gov. of Sindh, Karachi.</li> <li>5. Deputy Secretary (B&amp;A)/Representative of SGA&amp;CD, Gov. of Sindh, Karachi.</li> <li>6. R.O to Secretary to Gov. of Sindh, Finance Department, Karachi.</li> </ol> <p>The overtly aggressive decision to not allow Askari General Insurance, submit Tender Documents was taken in the Presence on only 02 out of 06 Procurement Committee Members, namely the;</p> <ul style="list-style-type: none"> <li>• AFS (Admn/Sr), Finance Department, Government of Sindh, Karachi.</li> <li>• Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.</li> </ul> <p>This hurry and haste to decide and to disbar AGICO from participation when the four (04) worthy committee members are not even present; only leaves a vivid impression that as special favor was engineered to ban the only competition and leave the ground open for only one insurance company allowed for Tender submission.</p>	
<p>3.</p>	<p>According to Figures submitted by Section Officer (Medical) vide his letter No. F.D /HC/30-02/2016 Dated September 25, 2020, the Minimum Estimated Health expenses incurred by the Government of Sindh, Finance Department was Rs. 789.70 Million only, during the One Year of 2019-2020 for its Secretariat /Sindh Assembly Employees, while the insurance coverage mentioned in the Tender was for 03-Years. This effectively crosses an overall cost over Rs. 2.30 Billion for the respective 03-Year Policy Period.</p> <p>Purposefully allowing only one Insurance Company for a minimum of RS. 789.70 Million worth Mega Business suggests favoritism. A fair and healthy competition by allowing at least 02 or more insurance companies to participate in the bid process would have made the process</p>	<p>The Procuring Agency floated a Tender in an open and transparent manner while advertising the NIT in various leading newspapers &amp; posting the same on the PPMS website in terms of Rule-17(1A)(2)(4) of SPPRA-2010 (Amended-2019), <u>(Copy enclosed at Flag-D)</u>. The obligation of publication was to ensure wider competition in the bidding process. The Bidder(s) who submitted bid(s) in timely manner were allowed to participate as per rules and this does not guarantee for award of contract to any specific bidder until the process of evaluation is not completed by Procurement Committee.</p>

  
 18/oct/2020  
 SECTION OFFICER (M-1)  
 Finance Department  
 Government of Sindh



7	<p>transparent. Furthermore, a legitimate competitive environment could have saved the Sindh Government Financially.</p> <p>By running over and disallowing the participation of the only competitor, the Askari General Insurance Company; this procurement is questionable, for lacks both the transparency and the fair competition.</p>	
4.	<p>Askari Insurance was firmly of the opinion, the email received from an Insurance on the eve of submission does not provide the provision of deferring the entire Tender Bidding process which amplifies the serious violation and spirit of transparency as per the SPPRA Ruel-23 (1) of SPPRA-2010 (Amended-2019) which is reproduced as under fro ready reference:</p> <p><i>"An interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding documents in writing, and procuring agency shall respond to such queries in writing within (03) calendar days, provided they are received atleast 05-Calendar days prior to the date of opening of bid".</i></p>	<p>It is to clarify that the quoted Rule-23 (1) of SPRRA-2010 (Amended-2019) does not pertain to <u>"Extension of Time Period for submission of Bids"</u> but the same Rule pertains to <u>"Clarification and Modification of Bidding Documents"</u> (Copy enclosed at Flag-E).</p> <p>It is further apprised that as the process was already over-delayed, hence an Extension for one last time in the period for submission of Bids was made in accordance to the provision of Rule-22 (1) of SPPRA-2010 (Amended-2019), (Copy Enclosed at Flag-F) that gives sole discretion to the Procurement Committee to perform such practice.</p>
5.	<p>We further wish to draw the attention of the Members of the Procurement Committee, the denial of Askari Insurance to participate was taken by one (02) members in presence of Mr. Asif Jahangir, the Additional Finance Secretary (Admn/Sr), Finance Department Government of Sindh and Mr. Aamir Zia Isran, Deputy Secretary (Admn/Accounts) without waiting for the presence of four (04) other committee members. On the contrary, when the case of deferring the Tender submission date 28-Sep-2020 to 05-Oct-2020 was before the Procurement Committee, the impartial procedure of seeking the consensus of all members was observed. A rush to the decision in the overwhelming absence of 2/3<sup>rd</sup> of the Committee members further amplifies the undeserved and unfair treatment meted out with Askari Insurance Company Limited.</p>	<p>The decision to returned / unaccepted your sealed bid was taken as per Rules mentioned herein above at Para-1 of this letter.</p>
6.	<p>Given the above submission, the extraordinary favor and support extended to the only bidder; in this case, the United Insurance Company should be immediately withdrawn and in the best interest of the Department, and the financial implications involved, the bid accepted by Finance Department should be cancelled forthwith and a new date for submission should be immediately notified. In all fairness, the Askari General Insurance Company looks forward to a new corrigendum assigning a new date of tender submission for the procurement of Health Insurance Services for the Employees of</p>	<p>The Procuring Agency has already extended the Bidding Process twicely in order to ensure the competitive process. The Procurement Committee is of view that further extension in Bid Submission would delay the procurement process and cannot accepted on such request.</p>

  
 16/oct/2020  
 SECTION OFFICER (M-1)  
 Finance Department  
 Government of Sindh



3. The above clarification would suffice to clarify your reservations. Nevertheless, if you have further query then feel free to ask and /or approach the statutory forum i.e. Complaints Redressal Committee constituted for Redressal of grievances as prescribed under Rule-31 of SPP Rules-2010 (Amended-2019).

*JH*  
16/oct/2020

(FAHAD SHAIKH)

**SECTION OFFICER (MEDICAL)**

For Additional Secretary to Government of Sindh

**SECTION OFFICER (M-I)**  
Finance Department  
Government of Sindh

*Sf*

(Enclosed: 14 x Pages)

No. FD / HIC /30-02 / 2016

Karachi, dated the 16<sup>th</sup> October, 2020

A Copy is forwarded for information to the:

*JH*  
19-10-2020

*Prof*  
19/10  
*S.O.B*  
19/10/20

1. Additional Finance Secretary (Admn/Sr), Finance Department, Govt. of Sindh, Karachi.
2. Additional Finance Secretary (L.F), Finance Department, Govt. of Sindh, Karachi.
3. Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.
4. Additional Secretary (PM&I), Health Department, Govt. of Sindh, Karachi.
5. Deputy Secretary (B&A)/ Representative of SGA&CD, Govt. of Sindh, Karachi.
6. JAVP Health underwriting, Head office: Askari General Insurance Co. Ltd. 03<sup>rd</sup> Floor, AWT Plaza, The Mall, Rawalpindi, Pakistan
7. The Office Concerned copy.

*JH*  
16/oct/2020

**SECTION OFFICER (MEDICAL)**

For Additional Secretary to Government of Sindh

**SECTION OFFICER (M-I)**  
Finance Department  
Government of Sindh

*Sf*

*Two*  
12:50 PM  
19/10/2020

*[Signature]*  
19/10/20

*[Signature]*  
19/10/20

Address:

Room No. 139, 06<sup>th</sup> Floor, Finance Department, Government of Sindh, Building No. 06, Sindh Secretariat A.K Lodhi Block, Kamal Atta-Turk Road, Karachi



the procuring agency regarding disqualification may seek relief through the mechanism of grievance redressal, as provided under Rule 31.

## REDRESSAL OF GRIEVANCES AND SETTLEMENT OF DISPUTES

### 31. Mechanism for Redressal of Grievances

- (1) The procuring agency shall constitute a committee for complaint redressal comprising odd number of persons, with appropriate powers and authorizations, to address the complaints of bidders that may occur during the procurement proceedings [prior to award of contract.]<sup>1</sup>
- (2) The committee shall be headed by head of the procuring agency or an official of the procuring agency, at least one rank senior to the head of the procurement committee and shall include the following:
  - (a) District Accounts Officer, or his representative, in case of the local governments or provincial line departments at district level, or a representative of the Accountant General, Sindh in case of Government departments at the provincial level;
  - (b) An independent professional from the relevant field concerning the procurement process in question, to be nominated by the head of procuring agency;
- (3) [Any bidder being aggrieved by any act or decision of the procuring agency after the issuance of notice inviting tender may lodge a written complaint;]<sup>2</sup>
- (4) The complaint redressal committee upon receiving a complaint from an aggrieved bidder may, if satisfied;
  - (a) prohibit the procurement committee from acting or deciding in a manner, inconsistent with these rules and regulations;
  - (b) annul in whole or in part, any unauthorized act or decision of the procurement committee; and

<sup>1</sup> Inserted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>2</sup> Amended vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 8<sup>th</sup> October, 2013

Provided while re-issuing tenders, the procuring agency may change the specifications and other contents of bidding documents, as deemed appropriate.

- (bb) [recommend to the Head of Department that the case be declared a mis-procurement if material violation of Act, Rules Regulations, Orders, Instructions or any other law relating to public procurement, has been established; and.]<sup>1</sup>
- (c) reverse any decision of the procurement committee or substitute its own decision for such a decision;

Provided that the complaint redressal committee shall not make any decision to award the contract.

- (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,]<sup>2</sup> [if the aggrieved bidder files the review appeal within ten (10) days of such transfer;]<sup>3</sup>
- (6) The Procuring Agency shall award the contract after the decision of the complaint redressal committee;
- (7) Mere fact of lodging of a complaint shall not warrant suspension of the procurement proceedings;

Provided that in case of failure of the Complaint Redressal Committee to decide the complaint; the procuring agency shall not award the contract, [until the expiry of appeal period or the final adjudication by the Review Committee.]<sup>4</sup>

<sup>1</sup> Inserted vide SGA&CD Notification No.SORI(SGA&CD)2-30/2010 dated 8<sup>th</sup> October, 2013

<sup>2</sup> Amended vide SGA&CD Notification No.SORI(SGA&CD)2-30/2010 dated 8<sup>th</sup> October, 2013

<sup>3</sup> Added vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>4</sup> Added vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019



# Askari General Insurance Co. Ltd.

Office No. G-167, Mezzanine Floor, Marium Square, Khalid Bin Waleed Road, Karachi.  
☎ 021-34306701-08 📠 021-34306709-10 ✉ agicokch@agico.com.pk

Dated: Monday, October 19, 2020

To,

The Secretary Finance,  
Sindh Secretariat,  
Government of Sindh,  
Karachi.

Subject: **GRIEVANCE AGAINST RESTRAINING TO PARTICIPATE IN THE " TENDER FD/HIC/30-02/2016" BID SUBMISSION FOR THE PROCUREMENT OF HEALTH SERVICES FOR THE EMPLOYEES OF SINDH SECRETARIAT/SINDH ASSEMBLY, GOVT.OF SINDH**

Dear Sir,

This is to bring to your kind attention, the undersigned has been advised by Sindh Public Procurement Regulatory Authority vide their letter dated Friday 16<sup>th</sup> October, 2020 to approach the procuring agency's complaints redressal committee (constituted under chairmanship of Secretary Finance, Government of Sindh) for redressal of grievances. (Letter enclosed for ready reference **Annexure I**).

The above direction to pursue your good self was following lodgment of complaint vide our letter dated Wednesday 14<sup>th</sup> October, 2020 with Sindh Public Procurement Regulatory Authority, Government of Sindh against procurement committee for procurement of health services for the employees of Sindh Secretariat/Sindh Assembly against " TENDER FD/HIC/30-02/2016" BID. (This letter was also copied to you acknowledgement of your office enclosed for your ready reference **Annexure II**).

Earlier, a similar letter of protest was addressed to all the procurement committee members vide our letter dated Friday 09<sup>th</sup> October, 2020. (Letter enclosed for ready reference **Annexure III**)

We are looking forward towards you for providing an independent hearing for redressal of our grievances and seeking justice and declaring the whole proceedings held at the office of Additional Finance Secretary (Admn/Sr) 4<sup>th</sup> Floor, Building No.6, Sindh Secretariat, AK Lodhi Block, on Monday 5<sup>th</sup> October, 2020 as null and void as a redressal to our justified grievances against the procurement committee members.

Kind Regards,

**Kader Ali Baig**  
Country Head-Personal Line Business  
Askari General Insurance Company Limited  
Karachi.

CC: Assistant Director (Legal-II)  
Sindh Public Procurement Regulatory Authority  
Government of Sindh

Encl: Annexure I, Annexure II & Annexure III.

S.F.S (B&E)
S.F.S (DEV)
S.F.S (REG)
S.F.S (ADMN/GR)
A.F.S (B&E)
A.F.S (DEV)
A.F.S (REG)
A.F.S (ADMN/GR)
A.F.S (LEGAL)

*Pl. call meeting of CRC inform all members accordingly*  
*DS (A/N)*  
*21/10*  
*23/10*



# Annexure I

## GOVERNMENT OF SINDH SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD(L-II)/SPPRA/CMS-1830/2020-21/1141

Karachi, dated the 16<sup>th</sup> October, 2020

To,

Mr Kader Ali Baig,  
Country Head – Personal Line Business,  
Askari General Insurance Company Ltd.,  
Office No. G-167, Mezzanine Floor,  
Mariam Square, Khalid Bin Waleed Road,  
Karachi.

Subject: **GRIEVANCE AGAINST RESTRAINING TO PARTICIPATE IN THE  
“TENDER FD/IC/30-02/2016” BID SUBMISSION FOR THE  
PROCUREMENT OF HEALTH SERVICES FOR THE EMPLOYEES OF  
SINDH SECRETARIAT/ SINDH ASSEMBLY, GOVT. OF SINDH.**

The undersigned is directed to refer to your complaint received vide letter dated 14<sup>th</sup> October 2020, on the subject cited above, and to advise you to approach the procuring agency's complaints redressal committee (*constituted under the chairmanship of Secretary Finance, Government of Sindh*) for redressal of grievances in terms of Rules-31(1) & (3) of SPP Rules, 2010, which provide as follows:

*“The procuring agency shall constitute a committee for complaint redressal comprising odd number of persons, with appropriate powers and authorizations, to address the complaints of bidders that may occur during the procurement proceedings prior to award of contract. Any bidder being aggrieved by any act or decision of the procuring agency after the issuance of notice inviting tender may lodge a written complaint.”*

2. In case, the complaints redressal committee fails to arrive at the decision within seven days or the bidder is not satisfied with the decision of the complaints redressal committee then the bidder/ complainant may lodge an appeal, *along with requisite documents and review appeal fee*, to this Authority's Review Committee within ten days of transfer of complaint to the Review Committee or announcement of the Complaints Redressal Committee's decision in terms of Rules-31(5) & 32(1) *ibid*.

3. In view of the above, you are advised to follow the prescribed mechanism, as laid down under SPP Rules, for redressal of grievances.

16/10/2020  
ASSISTANT DIRECTOR (LEGAL-II)

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## Annexure II

Managing Director  
Sindh Public Procurement Regulatory Authority  
Barrack 8, Secretariat 4A  
Court Road  
Karachi.

Wednesday, October 14, 2020

**SUBJECT:** GRIEVANCE AGAINST RESTRAINING TO PARTICIPATE IN THE "TENDER FD/HIC/30-02/2016"  
BID SUBMISSION FOR THE PROCUREMENT OF HEALTH SERVICES FOR THE EMPLOYEES OF  
SINDH SECRETARIAT/SINDH ASSEMBLY, GOVT. OF SINDH.

Dear Sir,

We humbly wish to draw your attention to our grievance for restraining Askari General Insurance Company Limited (AGICO) to participate in the cited above tender bid submission held on Monday 05<sup>th</sup> October, 2020 for procurement of Health Services for the employees of Sindh Secretariat/Sindh Assembly, Government of Sindh.

Askari General Insurance Co Ltd, was restrained from bid submission for being late to participate in this mega financial deal for being 5 minutes late from the scheduled submission time, seems a coordinated effort of the lower staff who deliberately misled the undersigned by stating that procurement members are having meeting at 1<sup>st</sup> Floor of the Building.

Upon insisting to the peon on showing the letter FD/HIC/30-02/2016, the bid submission at 4<sup>th</sup> floor, who then led me to the room of Additional Finance Secretary (Admn/Sr), upon of unlocking of the door by the peon from outside, two of the procurement committee members namely Mr.AsifJehangir, Additional Secretary Finance and Mr.Aamir Zia Isran, Deputy Secretary (Admn/Accounts) were present at the room who were later joined by Mr.Fahad Shaikh, Section Officer (M-1) Finance Department, Government of Sindh.

Deliberate engineering to restrict to only single bidder namely United Insurance Company Limited to participate in tender bid submission for this mega financial 3 Year deal as per estimate with only Hospitalization premium for the year 2019-20 amounted to Rs.440.10 (Rupees Forty Four Crore and Ten Lakhs) with added Corporate Pool of Rs.50.0 Million (Rupees Five Crore) was incomprehensible, particularly taking into account 3 years the cumulative financial burden affecting Sindh Government by approximately Rs.2.30 Billion (Rupees Two Hundred Thirty Crores).

Allowing only a single bidder for tender submission of such a huge magnitude only creates doubt, misgiving, distrust and disbelief financial impact likely to cause to Sindh Government sans competition.

This tender FD/HIC/30-02/2016, bid submission was originally scheduled for 10<sup>th</sup> September, 2020 to 28<sup>th</sup> September 2020 which was postponed through Corrigendum 10<sup>th</sup> September, 2020 incidentally, this was date for bid submission date.

Second Corrigendum dated 28<sup>th</sup> September, 2020 to 05<sup>th</sup> October, 2020., issued in presence of the physically present representatives of only two participating insurance companies namely Askari General Insurance Company Limited and United Insurance Company Limited, this postponement co-incidentally also happens be the date of tender submission which was 28.09.2020.

The undersigned representing Askari General Insurance Company Limited, strongly objected to issuance of Second Corrigendum for postponing for second time on eve of submission day, as gross violation of SPPRA Rule-23 (1) of SPPRA-2010 (Amended-2019), on the reason that A Insurance Companies has sent email on the eve of tender submission date for further clarification of certain ambiguity.



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The SPPRA Rule-23 (1) is crystal clear and is reproduced hereunder for ready reference.

**"An interested bidder, who has obtained bidding documents, may request for clarification of contents for the bidding document in writing and providing agency shall respond to such queries in writing within three days, provided they are received at least five (05) days prior to the date of opening of bid"**

Despite the objection raised by Askari General Insurance Company Limited, members of the procurement committee headed by Additional Finance Secretary postponed the tender submission date from 28.09.2020 to 05.10.2020 through second Corrigendum issued on the same date of submission i.e. 28.09.2020. (Copy of Corrigendum enclosed for ready reference).

The bidders present on 28.09.2020 i.e. Askari General Insurance Company Limited and United Insurance Company Limited, was asked to sign the attendance sheet to mark their presence on 28.09.2020.

The undersigned representing Askari General Insurance Company Limited strongly objected to the postponement on the eve of submission day as clear violation of SPPRA Rules and perhaps this strong objection and reminder of the SPPRA Rules has offended and perhaps agitated the members of the procurement committee to this damaging decision and compromising the transparency, financial implication and open competition and its financial impact to the resources of Sindh Government by allowing the only singly present United Insurance Company Limited.

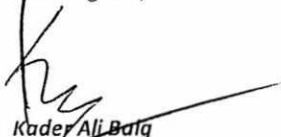
Frequent shifting of tender submission dates, only creates an increased suspicion and contravention of principles of procurements.

Reiterating the fact, the presence in all the two (02) pre-bid meetings and presence on 28.09.2020 the date for tender submission only amplifies Askari Insurance scalable interests to participate in independent and open competition.

Askari General Insurance Company Limited views this as a patronizing a single bidder which tant amounts to transparency deficiency, collusion act while compromising value for money.

In view of the infirmities pointed out and breach of rules and regulations by the procuring committee, requests your Authority to declare the whole proceedings as null and void and terminate the contract with immediate effece and set a new date for re-submission of tender.

Kind Regards,



Kader Ali Baig

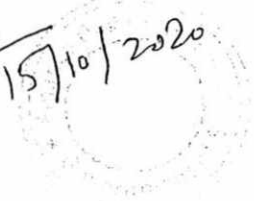
Country Head-Personal Line Business

Askari General Insurance Company Ltd.

CC: Secretary of Finance,  
Government of Sindh.

Enclosure:

15/10/2020



# Askari General Insurance Co. Ltd.

Office No. G-167, Mezzanine Floor, Marium Square, Khalid Bin Waleed Road, Karachi.

☎ 021-34306701-08 📠 021-34306709-10 ✉ agicokch@agico.com.pk

Annexure III

Karachi, October 9, 2020

To,

The Additional Finance Secretary (Admn/Sr),  
Finance Department,  
Govt. of Sindh,  
Karachi.

**SUBJECT: GRIEVANCE AGAINST RESTRAINING TO PARTICIPATE IN THE TENDER BID SUBMISSION AND THE OPENING FOR THE PROCUREMENT OF HEALTH SERVICES FOR THE EMPLOYEES OF SINDH SECRETARIAT/SINDH ASSEMBLY, GOVT. OF SINDH.**

Dear Sir(s),

On behalf of Askari General Insurance Company (AGICO), I am writing to register my grievance on the restraining of AGICO to participate in the cited above tenders' bid submission; along with the serious violation of the SPPRA 2010 Rule 23 (1).

Following is the summary of restraining event and SPPRA rule violation for your immediate attention and appropriate action:

On Monday, October 05, 2020, the opening of the tendered Technical Proposal was scheduled at your office at 12:00 Noon. On behalf of AGICO, I was not allowed to participate on the grounds of being merely 5-minutes late to the scheduled closing time of 11a.m. This has come as a complete surprise and disappointment for being left in limbo. Please note that I made every effort to explain it to the procurement member comprising of the following.

- **Mr. Asif Jehangir**  
Additional Finance Secretary (Admn/SR), Finance Department, Government of Sindh, Karachi.
- **Mr. Aamir Zia Isran**  
Deputy Secretary (Admn/Accounts)
- **Mr. Fahad Shaikh**  
Section Officer (Medical) For Secretary to Government of Sindh



*[Handwritten signature]*

The minute delay as explained was due to a long queue at the Reception Area on the ground floor of the A.K.Lodhi Complex; and when allowed, I was misled by the Peon at your office; suggesting that "all bosses are in a meeting" and escorting me instead to the Secretarial Staff of The Additional Finance Secretary (Admn/SR). The staff was occupied with their routines and despite my hurry and inquires and losing another 7-10 minutes in the process, I was again misled and told that the tender documents are to be submitted at the office of Mr.Fahad Shaikh, Section Officer (Medical) room at the First Floor.

Upon my insistence on the Secretarial Staff of The Additional Finance Secretary (AFS) and presenting the Finance Departments Official Letter No.F.D/HIC/30-02,2016 (copy attached); mentioning that the submission of tender documents is required at your office, the AFS (Admn/SR) office Peon finally guided me to an office room locked from the outside.

The peon as he unlocked the door with keys I was surprised to see Mr.Asif Jehangir, The Additional Finance Secretary (Admn/SR), Finance Department and Mr.Aamir Zia Isran, The Deputy Secretary (Admn/Accounts) inside the room. It was unusual considering that it was tender submission time and the office room with two of the procurement committee members was locked from outside. I was told that this is normal meeting practice of locked door from outside, though the official time was still to lapse.

The Procurement Committee comprises of the following members:

1. AFS (Admn/SR), Finance Department, Gov. of Sindh, Karachi.
2. AFS (L.F), Finance Department, Gov. of Sindh, Karachi.
3. Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.
4. Additional Secretary (PM&I) Health Department, Gov. of Sindh, Karachi.

Deputy Secretary (B&A)/Representative of SGA&CD, Gov. of Sindh, Karachi.

5. R.O to Secretary to Gov.of Sindh, Finance Department, Karachi.

The overtly aggressive decision to not allow Askari General Insurance, submit Tender Documents was taken in the presence of only 2 out of 6 Procurement Committee Members, namely the:

- AFS (Admn/SR), Finance Department, Government of Sindh, Karachi
- Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi,

This hurry and haste to decide and to disbar AGICO from participation when the four (04) worthy committee members are not even present; only leaves a vivid impression that a special favor was engineered to ban the only competition and leave the ground open for only one insurance company allowed for tender submission.

According to figures submitted by Section Officer (Medical) vide his letter No. F.D/HIC/30-02/2016 dated September 25, 2020, the minimum estimated health expenses incurred by the Government of Sindh, Finance Department was Rs.789.70 Million only, during the one year of 2019-20 for its Secretariat/Sindh Assembly Employees, while the insurance coverage mentioned in the tender was for 3-years. This effectively crosses an overall cost over Rs.2.30 Billion for the respective 3-year policy period.



Purposefully allowing only one Insurance Company for a minimum of Rs. 789.70 Million worth mega business suggests favoritism. A fair and healthy competition by allowing at least 2 or more insurance companies to participate in the bid process would have made the process transparent. Furthermore, a legitimate competitive environment could have saved the Sindh Government financially.

By running over and disallowing the participation of the only competitor, the Askari General Insurance Company; this procurement is questionable, for lacks both the transparency and the fair competition.

To reiterate, the sincere and genuine interest of Askari General Insurance Company can be gauged from the facts that:

1. Both pre-bid meetings held on Tuesday, September 01, 2020, and Tuesday, September 15, 2020, were attended with full conviction to participate in the bidding process.
2. Due to queries raised by bidding insurance companies in the pre-bid meeting, the first submission date of Thursday, September 10, 2020, was postponed through a Corrigendum issued and notified vide letter No. FD/HIC/30-02/2016, Government of Sindh, Finance Department from 10-Sep-2020 to 28-Sep-2020.
3. Partial disclosure of information during the first pre-bid meeting led to the second pre-bid meeting informed vide Finance Department, Govt. of Sindh letter No. FD/HIC/30-02 dated September 14, 2020.
4. The second Corrigendum dated September 28, 2020, was issued, and tender submission was pushed further to October 5, 2020, on the grounds that an Insurance Company has requested for additional information thus the second submission as was advised by The Finance Department Sindh Government vide its letter dated September 28, 2020.
5. Incidentally, on the eve of the second tender submission date of September 28, 2020, only two of the bidders i.e. Askari General Insurance Company Limited and the United Insurance Company Limited were physically present to submit the bidding documents but all the six procurement committee members present at the time were of the opinion to postpone the tender submission and with consensus decided on October 05, 2020.
6. Askari Insurance was firmly of the opinion, the email received from an Insurance on the eve of Submission does not provide the provision of deferring the entire tender bidding process which amplifies the serious violation and spirit of transparency as per the **SPPRA Rule-23 (1) of SPPRA-2010 (Amended-2019) which is reproduced as under for ready reference:**

*"An interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding documents in writing, and procuring agency shall respond to such queries in writing within 3 (03) calendar days, provided they are received atleast 5 calendar days prior to the date of opening of bid".*

7. We further wish to draw the attention of the Members of the Procurement Committee, the denial of Askari Insurance to participate was taken by only two (02) members in presence of **Mr. Asif Jehangir**, The Additional Finance Secretary (Admn/Sr), Finance Department Government of



4/5

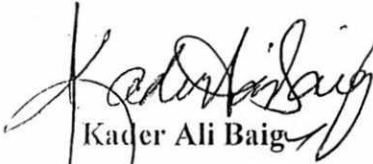
Sindh and **Mr. Aamir Zia Isran**, Deputy Secretary (Admn/Accounts) without waiting for the presence of four (04) other committee members. On the contrary, when the case of deferring the tender submission date from 28-Sep-2020 to 05-Oct-2020 was before the procurement committee, the impartial procedure of seeking the consensus of all members was observed. A rush to the decision in the overwhelming absence of 2/3<sup>rd</sup> of committee members further amplifies the undeserved and unfair treatment meted out with Askari Insurance Company Limited.

Given the above submission, the extraordinary favor and support extended to the only bidder; in this case, the United Insurance Company should be immediately withdrawn and in the best interest of the Department, and the financial implications involved, the bid accepted by Finance Department should be canceled forthwith and a new date for submission should be immediately notified.

In all fairness, the Askari General Insurance Company looks forward to a new corrigendum assigning a new date of tender submission for the procurement of Health Insurance Services for the Employees of Sindh Secretariat/Sindh Assembly Government of Sindh.

We deserve equal justice and opportunity in the best interest institutional financial benefit could have generated by Sindh Government was totally ignored.—

Sincerely,



**Kader Ali Baig**

Country Head-Personal Line Business  
**Askari Insurance Company Limited**  
G-167, Marium Square, P.E.C.H.S. Block-3  
Khalid Bin Waleed Road  
Karachi.

**A Copy Is Forwarded For Information To The Procurement Committee Members:**

- 1) The Additional Finance Secretary (L.F), Finance Department, Govt. of Sindh, Karachi.
- 2) The Deputy Secretary (Admn/Accounts), Finance Department, Govt. of Sindh, Karachi.
- 3) The Additional Secretary (PM&I), Health Department, Govt. of Sindh, Karachi.
- 4) The Deputy Secretary (B&A)/Representative of SGA&CD, Govt of Sindh, Karachi

Encl:



GOVERNMENT OF SINDH  
SERVICES, GENERAL ADMINISTRATION AND  
COORDINATION DEPARTMENT  
(REGULATION WING)  
Karachi, dated 8<sup>th</sup> March, 2010

**NOTIFICATION**

No. SORI (SGA&CD): 2-30/2010: In exercise of the powers conferred by Section 26 of the Sindh Public Procurement Act, 2009, the Government of Sindh are pleased to make the following rules:

**1. Short Title and Commencement**

- (1) These rules shall be called the Sindh Public Procurement Rules, 2010.
- (2) They shall come into force at once.
- (3) They shall be applicable throughout the province.

**Part I - GENERAL PROVISIONS**

**2. Definitions**

- (1) In these rules, unless there is anything repugnant in the subject or context;
  - (a) “Act” means Sindh Public Procurement Act, 2009;
  - (b) “Authority” means the Sindh Public Procurement Regulatory Authority established under Section 3 of Sindh Public Procurement Act, 2009;
  - (c) “Best Evaluated Bid” means in case of Public Private Partnership projects, a bid, which attains the highest score under criteria laid down in Rule 84, read with respective bidding documents;
  - (d) “Bid” means a tender, or an offer by a person, consultant, firm, company or an organization expressing willingness to

undertake a specified task at a price, in response to an invitation by a procuring agency;

- (e) [XXX]<sup>1</sup>
- (f) ["Bidder" means a person or entity;
  - (i) submitting a bid; or
  - (ii) who intends to submit a bid and is able to substantially prove such intention;]<sup>2</sup>
- (g) ["Bidding Documents" means the documents notified by the Authority for preparation of bids in uniform manner;]<sup>3</sup>
- (h) "Bidding Process" means the procurement procedure under which sealed bids are invited, received, opened, examined and evaluated for the purpose of awarding a contract;
- (i) "Blacklisting" means barring [or debarring]<sup>4</sup> a bidder, contractor, consultant or supplier from participating in any future procurement proceedings by the procuring agency;
- (j) "Calendar Days" means days including all holidays;
- (k) "Competent Authority" means an officer of the procuring agency empowered to exercise financial powers and approve the award of contract for procurement of goods, works or services, as the case may be;
- (l) "Conflict of Interest" means -
  - (i) where a contractor, supplier or consultant provides, or could provide, or could be perceived as providing biased professional advice to a procuring agency to obtain an undue benefit for himself or those affiliated with him;
  - (ii) receiving or giving any remuneration directly or indirectly in connection with the assignment except as provided in the contract;

<sup>1</sup>Omitted vide SGA&CD Notification No.SORI(SGA&CD)2-30/2010 dated 8<sup>th</sup> October, 2013

<sup>2</sup>Amended vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>3</sup>Amended vide SGA&CD Notification No.SORI(SGA&CD)2-30/2010 dated 8<sup>th</sup> October, 2013

<sup>4</sup>Inserted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

be communicated to all parties who have obtained bidding documents;

- (2) Procuring Agency shall re-issue the Notice Inviting Tenders, in accordance with Rules 17 and 18, if it is convinced that there is a material infirmity or ambiguity in the bidding documents, which cannot be addressed without modifying the contents of bidding documents.

**24. Submission of Bids**

- (1) Bids shall be submitted on the place, date and time and in the manner specified in the tender notice and bidding documents and any bid submitted late due to any reason whatsoever, shall not be considered by the procurement committee;
- (2) [The Bidders may submit bids on the bidding documents issued by the procuring agency or downloaded from the Authority's website along with tender fee if any by mail or by hand.]<sup>1</sup>

**25. Cancellation of Bidding Process**

- (1) A procuring agency may cancel the bidding process at any time prior to the acceptance of a bid or proposal;
- (2) The procuring agency shall incur no liability towards the bidders, solely by virtue of its invoking sub-rule (1);
- (3) [Intimation of the cancellation of bidding process shall be immediately hoisted on the Authority's website and procuring agency's website followed by prompt return of bid security.]<sup>2</sup>
- (4) The procuring agency shall, upon request by any of the bidders, communicate to such bidder, grounds for the cancellation of bidding process, but is not required to justify such grounds.

**26. Re-issuance of Tenders** - The procuring agency may re-issue tenders in case, the bidding process has been cancelled, as provided in Rule 25 or one of the following conditions exist:

- (1) Such an infirmity in the bidding documents has surfaced that the procuring committee recommends to the competent authority that the bids have to be invited afresh;
- (2) The case has been declared as one of mis-procurement, in pursuance of [Rule 32 and 32-A]<sup>3</sup>;

<sup>1</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 8<sup>th</sup> October, 2013

<sup>2</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>3</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 8<sup>th</sup> October, 2013

## OPENING, EVALUATION AND REJECTION OF BIDS

### 41. Opening of Bids

- (1) The date for opening of bids and the last date for the submission of bids shall be the same, as given in the bidding documents and in the Notice Inviting Tender;
- (2) Subject to provisions of Rule 18, in case, the two dates are different, the date and time, given in the bidding documents shall apply;
- (3) The bids shall be opened within one hour of the deadline for submission of bids;
- (4) All bids shall be opened publicly in the presence of all the bidders, or their representatives, who may choose to be present in person, at the time and place announced in the invitation to bid;
- (5) The procuring agency shall read aloud the name of the bidder and total amount of each bid, and of any alternative bids if they have been permitted, shall be read aloud and recorded when opened;
- (6) All bidders in attendance shall sign an attendance sheet;
- (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;
- (8) The official chairing procurement committee shall encircle the rates and all the members of procurement committee shall sign each and every page of financial proposal;
- (9) The procurement committee shall issue the minutes of the opening of the tenders and shall also mention over writing or cutting, if any.

### 42. Evaluation of Bids

- (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the bidding documents;
- (2) For the purpose of comparison of bids quoted in different currencies, price shall be converted into a single currency specified in the bidding documents. The rate of exchange shall be the selling rate prevailing seven working days before the date of opening of the bids specified in the bidding documents, as notified by the State Bank of Pakistan;

HEALTH INSURANCE POLICY FOR SINDH SECRETARIAT / PROVINCIAL ASSEMBLY EMPLOYEES THEIR  
ENTITLED  
FAMILY MEMBERS

- Finance Department, Government of Sindh will not be responsible for any costs or expenses incurred by Bidders in connection with the preparation or delivery of Bids;
- The sealed proposals/bids should be submitted on or before 11:00 a.m. on September 28, 2020 to the Section Officer (Medical), Health Insurance Cell, Finance Department, Government of Sindh, Room No.139, 6<sup>th</sup> Floor, Finance Complex, A.K Lodhi Block, Sindh Secretariat Building No.06, Kamal Atta-Turk Road, Karachi.
- The Tenders / Bids will be open at 12: 00 Noon. on September 28, 2020 as per timings prescribed in the tender advertisement in the presence of bidders;
- Finance Department, Government of Sindh reserves the right to accept or reject any tender/bid or proposal subject SPPRA Rules;
- Any oral communication from or with the authorized person(s) will be considered as un-official and non-binding on the procuring agency i.e. Finance Department, Government of Sindh. The Insurance Company should rely only on written statements exchanges with the authorities within Finance Department, Government of Sindh;
- The companies/firms may be called for presentations.

13 – IMPORTANT NOTE .

The Bidders must ensure that they submit all the required documents indicated in the Bidding Documents without fail. Bids received without undertakings, valid documentary evidence, supporting documents and the manner for the various requirements mentioned in the Bidding Documents or test certificates are liable to be rejected at the initial stage itself. The data sheets, valid documentary evidences for the critical components as detailed hereinafter should be submitted by the Bidder for scrutiny. It is intimated that no objection shall be entertained regarding the terms and conditions of the Bidding Documents at the later stages during the tender process. This Bidding Process will be governed under Sindh Public Procurement Rules-2010 (amended 2019, as amended from time to time.

request for expressions of interest shall be issued in aforementioned three languages.

- (2) In case of any dispute reference shall be made to the original documentation retained on record and decision shall be made in accordance with such original documentation.

**7. [Constitution of a Procurement Committee and Quorum-**

- (1) The procuring agency shall, with the approval of its Head of the Department, constitute as many procurement committees, as it deems fit, each comprising odd number of persons and headed by a gazetted officer not below the rank of BS-18 or if not available, the officer of the highest grade, and shall ensure that at least one of the members of the procurement committee is from the agencies or departments other than the procuring agency.
- (2) The Procurement Committees comprising three members: all members shall form quorum;
- (3) The Procurement Committees comprising more than three members: two-third of the members shall form the quorum and presence of at least one outside member shall be mandatory.
- (4) The decision of the Procurement Committee shall be taken on the basis of majority of votes of the total strength of the committee.]<sup>1</sup>

**8. Functions and Responsibilities of Procurement Committee(s) - Procurement Committee(s) shall be responsible for;**

- (1) [Preparing and/or Reviewing bidding documents;]<sup>2</sup>
- (2) Carrying out technical as well as financial evaluation of the bids;
- (3) Preparing evaluation report as provided in Rule 45;
- (4) Making recommendations for the award of contract to the competent authority; and
- (5) Perform any other function ancillary and incidental to the above.

<sup>1</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>2</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019



**DETAILS OF SEALED TENDER ENVELOPES RECEIVED FROM THE BIDDER(S) REGARDING PROCUREMENT OF HEALTH INSURANCE SERVICES FOR THE EMPLOYEES OF SINDH SECRETARIAT / SINDH ASSEMBLY AND THEIR ENTITLED FAMILY MEMBERS**

**Tender Submission Day & Time:** Monday, Dated: 05-10-2020 on or before 11:00 am.  
**Tender Submission Place:** Office No. 139, Section Officer (Medical), 06<sup>TH</sup> Floor, A.K Lodhi Building No. 06, Finance Department Government of Sindh, Kamal-Atta-Turk Road Karachi

Sr.#	Name of Firm(s)/Bidder(s)	Sealed Bids submission Time	Rider/focal person name	CNIC No.	Valid Contact /Cell Number	Signatures as per CNIC
1.	M/s. Askari Insurance Company Limited	/	/	/	/	/
2.	M/s. Adamjee Insurance Company of Pakistan	/	/	/	/	/
3.	M/s. The United Insurance Company of Pakistan	10:40 AM	Qureshi	4219 8829685	0333 - 2354450	
4.	M/s. Jubilee General Insurance Company Limited	/	/	/	/	/
5.	M/s. Atlas Insurance Ltd	/	/	/	-	-
6.	M/s. Takaful Pakistan Ltd	/	/	/	/	/

(Aamir Zia Isran)  
 Deputy Secretary (Admn/Accounts)  
 Finance Department,  
 Government of Sindh  
 (Member)

Deputy Secretary (B&A) / (Representative)  
 Services General Administration & Co-Ordination  
 Department, Government of Sindh  
 (Member) (Representative)

(Mozzam Ali Marri)  
 Additional Finance Secretary (L.F)  
 Finance Department,  
 Government of Sindh  
 (Member)

(Dadlo Zuhriani) / (Representative)  
 Additional Secretary (PM &I)  
 Health Department,  
 Government of Sindh  
 (Member)

(Asif Jahangir)  
 Special Finance Secretary/ Additional Finance Secretary (Admn/Sr)  
 Finance Department,  
 Government of Sindh  
 (Chairman)

request for expressions of interest shall be issued in aforementioned three languages.

- (2) In case of any dispute reference shall be made to the original documentation retained on record and decision shall be made in accordance with such original documentation.

**7. [Constitution of a Procurement Committee and Quorum-**

- (1) The procuring agency shall, with the approval of its Head of the Department, constitute as many procurement committees, as it deems fit, each comprising odd number of persons and headed by a gazetted officer not below the rank of BS-18 or if not available, the officer of the highest grade, and shall ensure that at least one of the members of the procurement committee is from the agencies or departments other than the procuring agency.
- (2) The Procurement Committees comprising three members: all members shall form quorum;
- (3) The Procurement Committees comprising more than three members: two-third of the members shall form the quorum and presence of at least one outside member shall be mandatory.
- (4) The decision of the Procurement Committee shall be taken on the basis of majority of votes of the total strength of the committee.]<sup>1</sup>

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- (3) Preparing evaluation report as provided in Rule 45;
- (4) Making recommendations for the award of contract to the competent authority; and
- (5) Perform any other function ancillary and incidental to the above.

<sup>1</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>2</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

## OPENING, EVALUATION AND REJECTION OF BIDS

### 41. Opening of Bids

- (1) The date for opening of bids and the last date for the submission of bids shall be the same, as given in the bidding documents and in the Notice Inviting Tender;
- (2) Subject to provisions of Rule 18, in case, the two dates are different, the date and time, given in the bidding documents shall apply;
- (3) The bids shall be opened within one hour of the deadline for submission of bids;
- (4) All bids shall be opened publicly in the presence of all the bidders, or their representatives, who may choose to be present in person, at the time and place announced in the invitation to bid;
- (5) The procuring agency shall read aloud the name of the bidder and total amount of each bid, and of any alternative bids if they have been permitted, shall be read aloud and recorded when opened;
- (6) All bidders in attendance shall sign an attendance sheet;
- (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;
- (8) The official chairing procurement committee shall encircle the rates and all the members of procurement committee shall sign each and every page of financial proposal;
- (9) The procurement committee shall issue the minutes of the opening of the tenders and shall also mention over writing or cutting, if any.

### 42. Evaluation of Bids

- (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the bidding documents;
- (2) For the purpose of comparison of bids quoted in different currencies, price shall be converted into a single currency specified in the bidding documents. The rate of exchange shall be the selling rate prevailing seven working days before the date of opening of the bids specified in the bidding documents, as notified by the State Bank of Pakistan;

documents are notified.

- (4) [All procuring agencies shall hoist the bidding documents or prequalification documents or shortlisting documents, as the case may be, on or before the first date of issuance of such documents on Authority's website as well as on the website of procuring agency, in case it has its own website.]<sup>1</sup>

**21(A). [Evaluation Criteria-** The procuring agencies shall formulate an appropriate evaluation criterion, listing all the relevant information against which a bid is to be evaluated and criteria of such evaluation shall form an integral part of the bidding documents. The failure to provide a clear and unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.]<sup>2</sup>

**22. Extension of Time Period for Submission of Bids -** The procuring agency may extend the deadline for submission of bids only, if one or all of the following conditions exist;

- (1) Fewer than three bids have been submitted and procurement committee is unanimous in its view that wider competition can be ensured by extending the deadline. In such case, the bids submitted shall be returned to the bidders un-opened;
- (2) If the procuring agency is convinced that such extraordinary circumstances have arisen owing to law and order situation or a natural calamity that the deadline should be extended;

Provided that the advertisement of such extension in time shall be made in a manner similar to the original advertisement

**23. Clarification and Modification of Bidding Documents**

- (1) An interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding document in writing, and procuring agency shall respond to such queries in writing within three calendar days, provided they are received at least five calendar days prior to the date of opening of bid;

Provided that any clarification in response to a query by any bidder shall

<sup>1</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>2</sup> Inserted vide SGA&CD Notification No.SORI(SGA&CD)2-30/2010 dated 8<sup>th</sup> October, 2013

be communicated to all parties who have obtained bidding documents;

- (2) Procuring Agency shall re-issue the Notice Inviting Tenders, in accordance with Rules 17 and 18, if it is convinced that there is a material infirmity or ambiguity in the bidding documents, which cannot be addressed without modifying the contents of bidding documents.

**24. Submission of Bids**

- (1) Bids shall be submitted on the place, date and time and in the manner specified in the tender notice and bidding documents and any bid submitted late due to any reason whatsoever, shall not be considered by the procurement committee;
- (2) [The Bidders may submit bids on the bidding documents issued by the procuring agency or downloaded from the Authority's website along with tender fee if any by mail or by hand.]<sup>1</sup>

**25. Cancellation of Bidding Process**

- (1) A procuring agency may cancel the bidding process at any time prior to the acceptance of a bid or proposal;
- (2) The procuring agency shall incur no liability towards the bidders, solely by virtue of its invoking sub-rule (1);
- (3) [Intimation of the cancellation of bidding process shall be immediately hoisted on the Authority's website and procuring agency's website followed by prompt return of bid security.]<sup>2</sup>
- (4) The procuring agency shall, upon request by any of the bidders, communicate to such bidder, grounds for the cancellation of bidding process, but is not required to justify such grounds.

**26. Re-issuance of Tenders** - The procuring agency may re-issue tenders in case, the bidding process has been cancelled, as provided in Rule 25 or one of the following conditions exist:

- (1) Such an infirmity in the bidding documents has surfaced that the procuring committee recommends to the competent authority that the bids have to be invited afresh;
- (2) The case has been declared as one of mis-procurement, in pursuance of [Rule 32 and 32-A]<sup>3</sup>;

<sup>1</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 8<sup>th</sup> October, 2013

<sup>2</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>3</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 8<sup>th</sup> October, 2013

principles of procurement prescribed in Rule 4.

- (e) **Repeat Orders** - means procurement of additional quantities of the item(s) from the original contractor or supplier, where, after the items originally envisaged for the project or scheme have been procured through open competitive bidding, and such additional quantities of the same item(s) of goods or works are needed to meet the requirements of the project or scheme;

Provided that;

- (i) the cost of additional quantities of item(s) shall not exceed 15% of the original contract amount;
- (ii) the original supplier and contractor are willing to supply goods or carry out additional work on the same prices as agreed in the original contract; and
- (iii) in case of goods, it shall be permissible only within the same financial year, and in case of works, during the currency of the project(s) or scheme(s).

## NOTIFICATION AND ADVERTISEMENTS

### 17. Methods of Notification and Advertisement

- (1) Procurements over [three hundred thousand rupees and up to two million]<sup>1</sup> rupees shall be advertised by timely notifications on the Authority's website and may in print media in the manner and format prescribed in these rules.
- [(1A) All procurement opportunities over [two]<sup>2</sup> million rupees shall be advertised on the Authority's website as well as in the newspapers as prescribed.]<sup>3</sup>
- (2) The advertisement in the newspapers shall appear in at least three widely circulated leading dailies of English, Urdu and Sindhi languages.

<sup>1</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>2</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>3</sup> Inserted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 8<sup>th</sup> October, 2013

- (3) The notice inviting tender shall contain the following information:
- (a) name, postal address, telephone number(s), fax number, e-mail address (if available) of the procuring agency;
  - (b) purpose and scope of the project;
  - (c) schedule of availability of bidding documents, submission and opening of bids, mentioning place from where bidding documents would be issued, submitted and would be opened;
  - (d) amount and manner of payment of tender fee and bid security;
  - (e) any other information that the procuring agency may deem appropriate to disseminate at this stage;
- (4) In cases, the procuring agency has its own website; it shall also post all advertisements concerning procurement on that website as well;
- (5) A procuring agency utilizing electronic media shall ensure that the information posted on the website contains all the information mentioned in sub-rule (3) above;
- (6) In the case of international competitive bidding, the notice shall be advertised in two widely circulated local English language newspapers in accordance with sub-rules (1) (3) (4) and (5) above, and shall also be posted in English language on an internationally known website dedicated for the particular goods, works or services, or any widely circulated English language international newspaper.

**18. [ Response Time -** The procuring agency shall give due consideration to the scope, magnitude and nature of procurement, while deciding the response time, which shall not be less than fifteen calendar days in case of National Competitive Bidding, and thirty calendar days in case of International Competitive Bidding; [XXX]2

Provided [xxx]3 that the Notice Inviting Tender (NIT) shall be hoisted on Authority's website in case of procurements upto rupees [two]4 million and published in newspapers in case of over rupees [two]5 million on or before the date of issuance of bidding documents.]1

<sup>1</sup> Substituted vide SGA&CD Notification No.SORI(SGA&CD)2-30/2010 dated 8<sup>th</sup> October, 2013

<sup>2</sup> Omitted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>3</sup> Omitted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>4</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019

<sup>5</sup> Substituted vide SGA&CD Notification No SORI(SGA&CD) 2-30/2010 dated 15<sup>th</sup> March, 2019



Government of Sindh  
Sindh Public Procurement Regulatory Authority



No. Dir (CB)/SPPRA/1232

Dated: 26<sup>th</sup> October, 2020

To,

Mr. Fahad Shaikh  
Section Officer (Medical)  
Finance Department,  
Government of Sindh  
Karachi.

**SUBJECT: GRIEVANCE AGAINST RESTRAINING TO PARTICIPATION IN THE TENDER BID SUBMISSION AND THE OPENING FOR THE PROCUREMENT OF HEALTH SERVICES FOR THE EMPLOYEES OF SINDH SECRETARIAT / SINDH ASSEMBLY, GOVT. OF SINDH.**

I am directed to refer to your letter No. FD /HIC/30-02/2016 dated 23<sup>rd</sup> October, 2020 on the subject noted above and to reproduce the relevant rules as under:

**Rule-22:** According to Rule-22(1) of the Sindh Public Procurement (SPP) Rules, 2010, "the procuring agency may extend the deadline for submission of bids only, if one or all of the following conditions exists:

(1) Fewer than three bids have been submitted and procurement committee is unanimous in its view that wider competition can be ensured by extending the deadline. In such case, the bids submitted shall be returned to the bidders un-opened.

**Rule-24(1)** In terms of Rule-24(1) of the Sindh Public Procurement (SPP) Rules, 2010, Bid shall be submitted on the place, date and time and in the manner specified in the tender notice and bidding documents and any bid submitted late due to any reason whatsoever, shall not be considered by the procurement committee.

2. In view the above, it is the prerogative of the procuring agency to extend the deadline for submission of bids in terms of Rule-22(1) either on its own initiative or on the request of a bidder. Further, any bid submitted late due to any reason whatsoever, shall not be considered by the procurement committee.

*[Signature]*  
26/10/2020  
Assistant Director (Research)

Government of Sindh  
R&I Dated 26-10-20

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