



Ph: 022-9210410.
 Fax: 022-9210411.
 Ce.phed.hyd@gmail.com

To,

NO.GM/PHED/CRC/414/2020.
 OFFICE OF THE CHIEF ENGINEER,
 PUBLIC HEALTH ENGG. DEPARTMENT,
 GOVERNMENT OF SINDH,
 Hyderabad dated 9/13/2020.

✓ The Assistant Director (Legal-II),
 Sindh Public Procurement Regulatory Authority,
 Government of Sindh,
KARACHI.

SUBJECT:- ILLEGAL OFFICE ORDER REGARDING
 CANCELLATION OF NIT NO: TC/PHE/NIT/652,
 DATED 10-04-2019.

REF'NCE:- Your office letter No. AD(L-II)/SPPRA/CMS-871/
 2019-20/2032 dated 05-03-2020

In response to your office letter No. cited above, it is stated
 that the clarification of subjected matter has already been issued to the aggrieved
 bidder M/s. Muhammad Iqbal Shaikh & Co. Government Contractor vide this
 office letter No. GM/PHED/CRC/379 dated 03-03-2020 and also endorsed to your
 office & others. Copy of the same is again enclosed herewith for ready reference
 alongwith all relevant documents.

10

D.A/As above.

(MUHAMMAD AKBAR BALOCH)
 CHIEF ENGINEER
 PUBLIC HEALTH ENGG: DEPARTMENT
 GOVT: OF SINDH, HYDERABAD.

C.C to the:-

Secretary, Public Health Engg: & Rural Development
 Department Government of Sindh Karachi for information.

Superintending Engineer, Public Health Engg: Circle
 Hyderabad for information.

Executive Engineer, Public Health Engg: Division Tando
 Allahyar For information.

M/s Muhammad Iqbal Shaikh & Co. Government Contractor
 F/1248, Aziz Nest Near Ibrat Press Gari Khata, Hyderabad
 for information.

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 6/3
 DD (Legal)

SPPRA INWARD DIARY
 NO : 8859
 DATED : 10/03/2020

Muhammad
 10/03/2020
 B367

Post CRC Decision



NO.GM/CRC / 379 of/2020.
OFFICE OF THE CHIEF ENGINEER,
PUBLIC HEALTH ENGG. DEPARTMENT,
GOVERNMENT OF SINDH,
Hyderabad dated 3/3 /2020.

To,

Mr. Muhammad Iqbal Shaikh & Co.
Government Contractor, Near Gari Khata
Hyderabad.

SUBJECT:- ILLEGAL OFFICE ORDER REGARDING
CANCELLATION OF NIT NO TC/PHE-NIT/652,
DATED 10-04-2019.

Ref'nce:- Your letter reference No.12 dated 02.03.2020.

Please refer to your correspondence on subject matter.

In this context it is clarified that bid validity for NCB is 90 days whereas technical bid of said NIT was opened on 06.05.2019.

SPPRA Rule 38-1(A) states that

"The bid validity period shall start from the date of opening of technical or financial bid, whichever is earlier"

Keeping in view aforementioned situation and SPPRA Rule-38 it reflects that bid validity expired on 04-08-2019 after lapse of period of 90 days, Chairman Procurement Committee advised to Executive Engineer Public Health Engineering Division Tando Allahyar to cancel the NIT vide No.GM/SPPRA/971, dated 10.10.2019.

Sindh Public Procurement Authority endorsed same to Executive Engineer PHE Division Tando Allahyar to cancel said NIT vide No.PPMS-Cell(AL)BE 01099-18-0008-1/1047 Karachi dated 20th November 2019.

Regarding CRC meeting it is clarified that minutes of CRC meeting have already been sent to stock holders including you. Copy of same letter No.GM/PHED/CRC/151, dated 22.01.2020 is again sent herewith for your information.

It is further clarified bid process is not restricted upto recommendations but same is considered upto award of work

SPPRA Rule 49 states

“The bidder with the lowest evaluated cost but not necessary the lowest submitted price shall be awarded the procurement contract within the original or extended period of bid validity”

Since work was not awarded to you therefore bid proceedings could not be completed within bid validity period.

In light of above narrated position your request to stop the NIT proceedings has no valid reason cushion in prevailing rules and regulations and can not be considered to act upon.

D.A/As Above:

o/c (Muhammad Akbar Baloch)
CHIEF ENGINEER
PUBLIC HEALTH ENGG. DEPARTMENT,
GOVERNMENT OF SINDH, HYDERABAD.

C.C to the:-

1. Secretary Public Health Engineering & Rural Development Department Government of Sindh Karachi for kind information.
2. Managing Director SPPRA Government of Sindh Karachi for kind information.
3. Superintending Engineer PIIE Circle Hyderabad for information.
4. Deputy Commissioner Tando Allahyar for information.



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NO.GM/PHED/CRC/151/2020.
OFFICE OF THE CHIEF ENGINEER,
PUBLIC HEALTH ENGG. DEPARTMENT,
GOVERNMENT OF SINDH,
Hyderabad dated 22/01/2020.


To, :-

The Director (C.B),
Sindh Public Procurement Regulatory Authority,
Govt: of Sindh,
Karachi.

SUBJECT:- MINUTES OF COMPLAINT REDRESSAL COMMITTEE.

Find herewith minutes of meeting of Complaint Redressal Committee held on 13-01-2020 @ 3:30 pm under the Chairmanship of the undersigned for taking further necessary action as per decision made by the Complaint Redressal Committee in pursuance of SPPRA Rule-31.

D.A/As above.


(MUHAMMAD AKBAR BALOCH)
CHIEF ENGINEER
PUBLIC HEALTH ENGG. DEPARTMENT
GOVT. OF SINDH, HYDERABAD.
Chairman Complaint Redressal Committee.

Copy alongwith a copy of minutes of meeting is forwarded to the:-

Secretary, Public Health Engg: & Rural Development Department
Govt: of Sindh, Karachi for information.

Superintending Engineer, Public Health Engg: Circle Hyderabad
for information.

Mr. Manohar Kumar, Superintending Engineer (Retired),
Independent Professional Member, Qasimabad, Hyderabad for
information.

Executive Engineer Public Health Engg: Division, Tando
Allahyar for information.

M/s Muhammad Iqbal Shaikh & Co. Govt: Contractor
Hyderabad for information.



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MINUTES OF COMPLAINT REDRESSAL COMMITTEE.

Complaint Redressal Committee was arranged in response to complaints against NIT No.TC/652 dated 10-04-2019 for Works of Public Health Engg: Division Tando Allahyar. The NIT was hoisted on SPPRA Website & as well as published in news papers. Complaints M/s. Muhammad Iqbal Shaikh & Company, Government Contractor approached Chairman Complaint Redressal Committee. CRC meeting was called vide letter No. GM/PIII:D/CRC/30, dated 03-01-2020, was re-scheduled through GM/PHED/CRC/40, dated 06-01-2020 scheduled on 13-01-2020 at 03.30 pm. District Accounts Officer Tando Allahyar did not attend the meeting.

On query from chair, Mr. Manzoor Ahmed Kalwar Concerned Executive Engineer informed that contractor who complained in Complaint Redressal Committee participated in tendering process. Technical bids were opened on 06-05-2019 in the office of Executive Engineer Public Health Engg: Division Tando Allahyar. Technical proposals were scrutinized by Secretary Procurement Committee/Executive Engineer Public Health Engg: Division Tando Allahyar. Financial proposals of qualified bidders were opened on 11-07-2019 after lapse of more than two months. Executive Engineer concerned took so much time to finalize the financial proposal even bid validity expired after 90 days with effect from 6th may 2019 (Expired on 4th August 2019). Keeping in view above circumstances Chairman Procurement Committee advised me to cancel said NIT vide letter bearing No GM/SPPRA/1971 dated 10-10-2019. Later on SPPRA also issued directives to cancel NIT No. TC/652 dated 10-04-2019 with a reason showing expiry of bid validity. Copy of SPPRA letter No. PPMS Cell/(AL)/BE01099-18-0008-1/1047 dated 20th November 2019 is enclosed herewith for ready reference (Annexed-I). It was also informed that M/s. Muhammiad Iqbal Shaikh & Co. protesting against the decision approached SPPRA. In response of his protest SPPRA endorsed previous decision and communicated same to aggrieved bidder vide letter No. AD (L-II)/SPPRA/CMS-871/2019-20/1387 dated 3rd January 2020. Copy of same is enclosed herewith (Annexure-II).

After thorough discussion it was agreed that aggrieved bidder did not produce solid evidence for violation made by Executive Engineer concerned. CRC after detailed deliberation disposed off complaint of M/S. Muhammad Iqbal Shaikh & CO regarding cancellation of NIT and advised Executive Engineer Public Health Engg. Division Tando Allahyar to proceed for new NIT already invited which is under process.

Meeting ended with vote of thanks from and to the Chair.


(MUHAMMAD AKBAR BALOCH)

CHIEF ENGINEER
PUBLIC HEALTH ENGG. DEPARTMENT.
GOVT OF SINDH, HYDERABAD
Chairman Complaint Redressal Committee.


(MANOHAR KUMAR)

SUPERINTENDING ENGINEER (RETIRED)
AN INDEPENDENT PROFESSIONAL MEMBER



Government of Sindh
Sindh Public Procurement Regulatory Authority



No.PPMS Cell/(AL)/BE01099-18-0008-1/
1047

Karachi, dated 20th November, 2019

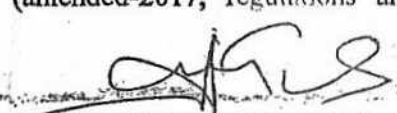
The Executive Engineer,
Public Health Engineering Division,
Tando Allahyar, Ph. No:0223891401

SUBJECT: NIT REF No:TC/PHE/NIT/652 DATED 10.04.2019 (BE01099-18-0008-1)

I am directed to refer to the BER of this NIT post on PPMS on dated 06.11.2019 at Serial No.BE01099-18-0008-1 and to observe that date of opening & submission mentioned in NIT as 17.03.2019 and in corrigendum as 20.03.2019. Accordingly 90-days of bid validity period with effect from 20.03.2019 was expired on 17.06.2019 as well as extension (if any) expired 15.09.2019. Whereas, Procuring Agency has posted Bid Evaluation Report after expiry of original / extended bid validity period (if any) on 06.11.2019. It is informed that as per Rule-38(5) of SPP Rules, 2010, which states that:- "In case the procuring agency fails to finalize the bid evaluation within the extended time, the bids shall stand cancelled and fresh bidding process shall be initiated."

2. In view of above, it is transpired, the Procuring Agency (PA) failed to finalize BERs within bid validity period (original and extended (if any)) therefore, in terms of above provision of SPP Rules the bids shall stand cancelled. Accordingly, Procuring Agency is required to call afresh NIT in compliance SPP Rules.

3. It may be noted, it is sole responsibility of the procuring agency to carry out all public procurement by observing SPP Rules, 2010 (amended-2017, regulations and procedure in vogue in letter and spirit.


ASSISTANT DIRECTOR
(ASSESSMENT PMS)

Copy is forwarded for information to:-

- i. The Secretary, Public Health Engineering Department, Government of Sindh, Karachi.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD(L-II)/SPPRA/CMS-871/2019-20/1387

Karachi, dated the 03rd January, 2020

To,

M/s Muhammad Iqbal Shaikh & Co.,
F/1248, Aziz Nest, Near Ibrat Press Gari Khata,
Hyderabad.

Subject: ILLEGAL OFFICE ORDER REGARDING CANCELLATION OF NIT NO. TC/PHE/652 DATED 10.04.2019.

Please refer to your letter bearing No.03 dated 30th December, 2019, on the subject cited above, whereby you have requested the Authority to direct the Executive Engineer, Public Health Engineering Division Tando Allahyar (procuring agency), for withdrawal of office order bearing No.TC/PHE/TDR/1771/2019 dated 22nd November, 2019, issued for cancellation of NIT No. TC/PHE/652

2. In this regard, the undersigned is directed to inform that the procuring agency may cancel the bidding process at any time prior to the acceptance of a bid or proposal and such decision of procuring agency is not even subject to appeal or review in terms of Rule-25(1) & 33(2) read with Rules-23(2) & 26(1) of SPP Rules, 2010 (Amended 2019); hence, your request in pursuance of the referred rules merits no consideration. However, you may approach the procuring agency to know the grounds for cancellation of the bidding process in terms of Rule-25(4) of SPP Rules, 2010 (Amended 2019).

ASSISTANT DIRECTOR (LEGAL-II)

A copy is forwarded for information to:

1. The Secretary to Government of Sindh, Public Health Engineering Dept., Karachi.
2. The Chief Engineer, Public Health Engineering Department, Hyderabad.
3. The Staff Officer to Managing Director SPPRA, Govt. of Sindh, Karachi.