



Ph: 02199207144

NO. DAE/Solar/2016/100/4
GOVERNMENT OF SINDH
Directorate of Alternative Energy
ENERGY DEPARTMENT

Karachi dated: 10th April, 2018

SAY NO TO CORRUPTION

To, ✓

The Director (Admin & Finance),
Sindh Public Procurement Regulatory Authority

Subject: ANNOUNCEMENT OF BID EVALUATION REPORTS ON SPPRA WEBSITE UNDER RULE NO.45 OF SPPRA RULES 2010 (AMENDED 2013) OF "SUPPLY, INSTALLATION & 3 YEARS OPERATION AND MAINTENANCE OF 352 SOLAR PV SYSTEMS UNDER PROJECT "ELECTRIFICATION OF PRIMARY HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY"

Reference: Letter No. DAE/Solar/2016/100/4 dated 6th April, 2017, Advertisement No. INF-KRY No.1820/17 appeared in the dailies Daily Dawn & Kawish dated 8th April, 2017, and daily Jang dated 10 April, 2017 vide No. INF/KRY/1820/17, SPPRA Website at Sr. No. 32630 and ID No. 2147483647, Letter No. DAE/Solar/2016/100/3 dated 26th May, 2017 (copy enclosed) and Court Order No. D-4345 of 2017 dated 22.2.2018 (copy enclosed)

I am directed to refer the subject and references noted above and to enclose herewith the following with a request to hoist the revised Bid Evaluation Report (revised in light of the said court orders) on SPPRA website:

- Bid Evaluation Report (in original);
- Comparative Statement (Copy enclosed. Original already hoisted on SPPRA Website);
- Bidder's qualification/Technical Evaluation Report;
- Attendance Sheet; and
- Minutes of Procurement Committee Meeting showing clear recommendations for acceptance/rejection in terms of Rule 41(9) of SPP Rules, 2010 (Amended 2013)

2. It is further stated that the bidders are also being informed accordingly. This is submitted in pursuance to Rule No. 45 of Sindh Public Procurement Rules, 2010 (Amended 2013).

Mushtaq 11/4

(Signature)

(I) TEKHAR AHMED)

Deputy Director (Off-Grid Solar/
Biomass)

Copy to:

- Director Alternative Energy, Energy Department, Government of Sindh
- P.S to the Secretary, Energy Department, Government of Sindh
- All Bidders
- Web Developer, Energy Department (for hoisting on the Department's website in pursuance of the said rule)

INWARD DIARY

4336

10-04-2018



Ph: 02199207144

NO. DAE/Solar/2016/100/4
GOVERNMENT OF SINDH
Directorate of Alternative Energy
ENERGY DEPARTMENT

Karachi dated: 26th May, 2017

SAY NO TO CORRUPTION

To,

The Director (Admin & Finance),
Sindh Public Procurement Regulatory Authority

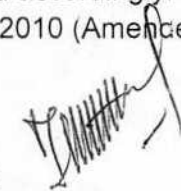
Subject: **ANNOUNCEMENT OF BID EVALUATION REPORTS ON SPPRA WEBSITE UNDER RULE NO.45 PF SPPRA RULES 2010 (AMENDED 2013) OF "SUPPLY, INSTALLATION & 3 YEARS OPERATION AND MAINTENANCE OF 352 SOLAR PV SYSTEMS UNDER PROJECT "ELECTRIFICATION OF PRIMARY HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY"**

Reference: Letter No. DAE/Solar/2016/100/4 dated 6th April, 2017, Advertisement No. INF-KRY No.1820/17 appeared in the dailies Daily Dawn & Kawish dated 8th April, 2017, and daily Jang dated 10 April, 2017 vide No. INF/KRY/1820/17 SPPRA Website on 11th April, 2017

I am directed to refer the subject and references noted above and to enclose herewith the following with a request to hoist the Bid Evaluation Report on SPPRA website:

- a. Bid Evaluation Report (in original);
- b. Comparative Statement (in original);
- c. Bidder's qualification/Technical Evaluation Report;
- d. Attendance Sheet; and
- e. Minutes of Procurement Committee Meeting showing clear recommendations for acceptance/rejection in terms of Rule 41(9) of SPP Rules, 2010 (Amended 2013)

2. It is further stated that the bidders are also being informed accordingly. This is submitted in pursuance to Rule No. 45 of Sindh Public Procurement Rules, 2010 (Amended 2013).


(IFTEKHAR AHMED)
Deputy Director (Off-Grid Solar/
Biomass)

Copy to:

1. Director Alternative Energy, Energy Department, Government of Sindh
2. P.S to the Secretary, Energy Department, Government of Sindh
3. All Bidders (M/s 'Zaffar Enterprises / M/s Renewable Power (Pvt) Ltd.)
4. Web Developer, Energy Department (for hoisting on the Department's website in pursuance of the said rule)

IN THE HIGH COURT OF SINDH AT KARACHI

[Writ Jurisdiction]

Writ Petition No. ^{D-4345} OF 2017

21.6.17
Additional Registrar

1. ZAFFAR ENTERPRISE

A partnership firm registered under the laws of Pakistan
Having its registered office at 1st Floor,
Plot No. 13/C, 37th Commercial Street,
Tauheed Commercial Area, DHA,
Phase 5, Karachi.
Through its authorized representative
Lt Col. Azam Khan (Retd).

..... PETITIONER

VERSUS

1. FEDERATION OF PAKISTAN

Through the Secretary,
Ministry of Water and Power
having its office on 2nd Floor
A block, Pak Secretariat
Islamabad

GOVERNMENT OF SINDH

Directorate of Alternative Energy
Energy Department
Having its' office at 3rd Floor
Statelife Building No. 3
Dr Ziauddin Ahmed Road
Karachi

**3. SINDH PUBLIC PROCUREMENT
REGULATORY AUTHORITY**

A statutory body existing under the
Sindh Public Procurement Act, 2009
Through its Managing Director
Having its office at Barrack 8,
Secretariat 4A, Court Road
Karachi

..... RESPONDENTS



IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-4345 of 2017

Date

Order with signature of Judge

Hearing / Priority Case:

1. For hearing of CMA No.18885/2017.
2. For hearing of main case.

22nd February, 2018

Mr. Arshad M. Tayebaly, Advocate for Petitioner.

Mr. Asim Mansoor Khan, D.A.G.

Mr. Ghulam Shabbir Shah, Addl. A.G. Sindh.

--

After hearing the learned counsel for the petitioner and the learned DAG & Addl. A.G., by consent, instant petition is disposed of in the following terms: -

1. Respondent No.2 shall refer the complaint of petitioner dated 13.06.2017 (available at page 139 as Annexure 'E' of the MoP) to the Redressal Committee, which shall be constituted in terms of Rules 31 and 32 of the Sindh Public Procurement Rules, 2010, within one week from the date of this order.
2. The Committee so constituted shall decide the complaint of Petitioner, after providing an opportunity of being heard to all concern, preferably, within a period of two weeks from the date when petitioner may approach to the Committee, however, strictly in accordance with law and the rules, without being influenced with the letter dated 11.05.2017 issued by Sindh Public Procurement Regulatory Authority (SPPRA) [available at page 75 as Annexure "III" of the Statement filed by respondent No.2].

Instant petition stands disposed of in the above terms alongwith listed application.

Sd/- Ayaz Ahmed Abbasi
JUDGE

CERTIFIED TO BE TRUE COPY

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24/2/18

Assistant Registrar (Copy)

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24/2/18

Assistant Registrar (Copy)



DAE/Solar/2016/100/04
GOVERNMENT OF SINDH
DIRECTORATE OF ALTERNATIVE ENERGY
ENERGY DEPARTMENT

BID EVALUATION REPORT

| | | |
|-----|---------------------------------------|---|
| 1. | Name of Procuring Agency: | Directorate of Alternative Energy, Energy Department, Government of Sindh |
| 2. | Tender Reference No.: | DAE/Solar/2016/100/BD4 dated 6 th April, 2017 |
| 3. | Tender Description/Name of Work/item: | Supply, Installation & 3 years Operation and Maintenance of 352 Solar PV Systems under project "Electrification Of Primary Health Facilities Through Solar PV Technology" |
| 4. | Method of Procurement: | Single Stage Two Envelope Procedure |
| 5. | Tender Published: | Daily Dawn & Kawish dated 8 th April, 2017, and daily Jang dated 10 April, 2017 vide No. INF/KRY/1820/17 SPPRA Website on 11 th April, 2017 |
| 6. | Total Bid Document Sold: | Six (6) |
| 7. | Total Bids Received: | Four (4 No.) |
| 8. | Bids Opening Date: | Technical on 24 th April, 2017 |
| 9. | No. of Bids Technically Qualified: | Two (2 No.) |
| 10. | Bid(s) Rejected: | Two (2 No.) |
| 11. | Financial Bid Opening Date: | 3 rd May, 2017 |

Item Wise Bid Evaluation Report:

| S/No | Name of Firm or Bidder | Estimated Cost | Cost offered by the Bidder | Ranking in terms of cost | Comparison in terms of estimated cost | Reasons of acceptance/rejection | Remarks |
|------|---|-------------------|----------------------------|--------------------------|---------------------------------------|---|---------|
| 0 | 1 | | 2 | 3 | 4 | 5 | 6 |
| A | 352 Complete Solar PV System, Remote Monitoring System, Online Biometric attendance system, wiring & accessories, Installation and Transportation & 3 Years O&M | | | | | | |
| 1. | M/s Renewable Power Pvt. Ltd | Rs. 422,400,000/- | Rs. 267,520,000 | 1 st | 36.6% Lower than the estimated cost | Rejected because of bid security submitted is 25% less than specified bid security amount | |
| 2. | M/s Zaffar Enterprises | | Rs. 289,750,000 | | 31.4% Lower than the estimated cost | Accepted. The only responsive bid | |

(DR. MOBIN AHMED MEMON)
Additional Director
DG Health Services Sindh
Member

(IFTEKHAR AHMED)
Deputy Director (Off-Grid Solar & Biomass)
Member/Secretary

(MEHFOOZ AHMED QAZI)
Director Alternative Energy
Chairman PC



DAE/Solar/2016/100/BD4
GOVERNMENT OF SINDH
DIRECTORATE OF ALTERNATIVE ENERGY
ENERGY DEPARTMENT

COMPARATIVE STATEMENT

Name of Work: Supply, Installation & 3 years Operation and Maintenance of 352 Solar PV Systems under project "Electrification Of Primary Health Facilities Through Solar PV Technology"

| S/No | Description of Work | Estimated Cost in Rs. | | | M/s Renewable Power Pvt. Ltd. | | M/s Zaffar Enterprises | |
|------|--|-----------------------|---------------|-----------------|-------------------------------|-----------------|------------------------|-----------------|
| | | Qty. | Unit Cost | Total | Unit Cost | Total | Unit Cost | Total |
| 1 | Single Complete Solar PV System, Remote Monitoring System, Online Biometric attendance system, wiring & accessories, Installation and Transportation & 3 Years O&M | 352 | Rs. 1,200,000 | Rs. 422,400,000 | Rs. 760,000 | Rs. 267,520,000 | Rs. 823153.41 | Rs. 289,750,000 |


(IFTEKHAR AHMED)
Deputy Director (Off-Grid Solar & Biomass)
Member/Secretary


(MEHFOOZ AHMED QAZI)
Director Alternative Energy
Chairman



Ph: 02199207144

NO. DAE/Solar/2016/100/04
GOVERNMENT OF SINDH
Directorate of Alternative Energy
ENERGY DEPARTMENT

Karachi dated: 26 April, 2017

SAY NO TO CORRUPTION

To,

Deputy Director (Off-Grid Solar),
Directorate of Alternative Energy,
Energy Department

Subject: MEETING OF THE TECHNICAL EVALUATION COMMITTEE FOR
EVALUATION OF TECHNICAL PROPOSALS RECEIVED FOR
PROCUREMENT OF SOLAR PV SYSTEMS UNDER THE PROJECT
"ELECTRIFICATION OF PRIMARY HEALTH FACILITIES THROUGH SOLAR
PV TECHNOLOGY"

I am directed to refer to the subject noted above and to state that meeting of the Technical Evaluation Committee constituted for evaluation of technical proposals received for procurement of solar PV systems through National Competitive Bidding under the project "Electrification of Primary Health Facilities Through Solar PV Technology" is scheduled on 27th April, 2017 at the Committee Room of the Energy Department, located at 3rd Floor, State Life Building No. 3, Opp. CM House, Karachi at 3:00 pm

2. Agenda of the meeting is to evaluate the technical proposals received from interested bids against NIT No. DAE/Solar/2016/100/BD4 dated 6.4.2017. The Bids were opened on 24th April, 2017.

3. It is requested to please attend the said meeting.

(ARIF SHARIF RAJPUT)

Deputy Director (On-Grid Solar)/Secretary

Copy for information to:

1. The Deputy Director (Wind) /Chairman, Energy Department, Government of Sindh
2. PS to the Secretary, Energy Department, Government of Sindh
3. PA to the Director Alternative Energy, Energy Department, Government of Sindh

GOVERNMENT OF SINDH
DIRECTORATE OF ALTERNATIVE ENERGY
ENERGY DEPARTMENT

MINUTES OF THE MEETING

SUBJECT: MEETING OF THE TECHNICAL EVALUATION COMMITTEE FOR
EVALUATION OF TECHNICAL PROPOSALS RECEIVED FOR
PROCUREMENT OF SOLAR PV SYSTEMS UNDER THE PROJECT
ELECTRIFICATION OF PRIMARY HEALTH FACILITIES THROUGH SOLAR
PV TECHNOLOGY

The subject meeting was held on 27th April, 2017 at 3:00 pm in the committee room of Energy Department, Karachi. Following attended the meeting:

- i. Engr. Shah Nawaz Farhan Khahro, Deputy Director (Wind), Directorate of Alternative Energy (Chair)
 - ii. Mr. Iftkhar Ahmed, Deputy Director (Off-Grid Solar & Biomass), Directorate of Alternative Energy (Member)
 - iii. Engr. Arif Sharif Rajput, Assistant Director (AE), Directorate of Alternative Energy (Member/Secretary)
2. Followed by the welcome note by the Chair, the Chair invited the Secretary to the Committee to brief about the Agenda of the meeting.
3. The Secretary informed that a Technical Evaluation Committee has been constituted for technical evaluation of bids received from interested bidders for procurement of solar PV systems under the scheme "Electrification of Primary Health Facilities through Solar PV Technologies".
4. The Secretary further informed that bids were received against procurement invited vide NIT No. DAE/Solar/2016/100/BD4 dated 6.4.2017 and opened on 24.4.2017 by the Procurement Committee. The technical proposals have been handed over to the Technical Evaluation Committee for further evaluation as per criteria given in the Bid Document.
5. The Secretary further added that technical proposals of the following four participants have been received for evaluation:

| Name of firm / contractor / company | Complete address |
|-------------------------------------|--|
| EBR Energy Pakistan Pvt. Ltd | Suite No. 315, Siddiq Trade Centre, 72 Main Boulevard, Gulberg II, Lahore. |
| M/s Renewable Power Pvt. Ltd | Plot No. 3-A, Industrial Estate, Peshawar. |
| Zaffar Enterprises | 1 st Floor, Plot No. 13-C, 37 th Commercial Street, DHA Phase V, Karachi |
| 4. M/s Solar Tech Pvt. Ltd. | 3 rd Floor, PACE, MM Alam Road, Gulberg III, Lahore. |

6. Each proposal was examined in detail in light of evaluation criteria specified in Bidding Document. Initially the proposals were examined for their responsiveness in light of "Bid Evaluation Check list". Further the proposals of responsive bidders were examined thoroughly against technical specifications given in Bid Document and prepared bid evaluation report.

Decision:

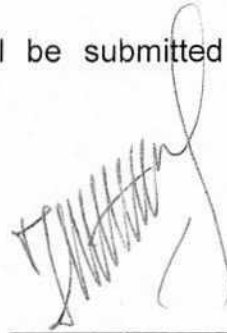
- i. The Technical Bid Evaluation Report shall be submitted to the Chairman Procurement Committee

The Meeting ended with vote of thanks.



(ENGR. ARIF SHARIF RAJPUT)

Assistant Director (AE)
Energy Department
Member/Secretary



(IFTEKHAR AHMED)

Deputy Director (Off-Grid Solar
& Biomass)
Member



(ENGR. SHAHNAWAZ FARHAN KHAHRO)

Deputy Director (Wind)
Chairman



GOVERNMENT OF SINDH
Directorate of Alternative Energy
ENERGY DEPARTMENT

Karachi, dated 27th April, 2017

ATTENDANCE SHEET

Subject: MEETING OF THE TECHNICAL EVALUATION COMMITTEE FOR EVALUATION OF TECHNICAL PROPOSALS RECEIVED FOR PROCUREMENT OF SOLAR PV SYSTEMS UNDER THE PROJECT "ELECTRIFICATION OF PRIMARY HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY"

| S/NO. | NAME & DESIGNATION | ORGANIZATION | Contact No. | SIGNATURE |
|-------|--|--------------|-------------|-----------|
| 1 | Shahnawaz Farhan ED (Gen. A) DAE | ED, GOS | 99207148 | |
| 2 | Muhammad Ahmed ED, GOS | ED, GOS | | |
| 3 | Arif Sharif Rajput Asst. Director - DAE | ED, GOS | | |
| 4 | | | | |
| 5 | | | | |
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Bid Evaluation Report for Procurement of Solar PV Systems under Project "Electrification of Primary Health Facilities Through Solar PV Technology"

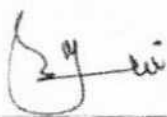
Bid Evaluation Check List

| Sr. No. | Item | EBR Energy Pakistan Pvt Ltd | Renewable Power Pvt Ltd | Zafar Enterprises | Solar Tech Pvt Ltd |
|---------|--|--|------------------------------------|------------------------------------|--|
| 1 | Specific Works Data | Yes | Yes | Yes | Yes |
| 2 | Separate Technical & Financial Bids | Yes | Yes | Yes | Yes |
| 3 | P.F.C. Registration in Relevant Category | Yes | Yes | Yes | Yes |
| 4 | Income Tax Registration | Yes | Yes | Yes | Yes |
| 5 | Sales Tax Registration | Yes | Yes | Yes | Yes |
| 6 | Registration with Sindh Revenue Board | Yes | Yes | Yes | Yes |
| 7 | List of similar projects undertaken | Yes | Yes | Yes | Yes |
| 8 | Project of Solar Solution undertaken worth Rs. 300 million during last 3 years | No | Yes | Yes | Yes |
| 9 | List of Experienced Staff with CVs | Yes | Yes | Yes | Yes |
| 10 | Certificate of Non Black Listing | Yes | Yes | Yes | Yes |
| 11 | Financial Statement of last 3 Years | Yes | Yes | Yes | No |
| 12 | Manufacturer's Quality | Yes | Yes | Yes | Yes |
| 13 | Schedule B to bid duly filled | Yes | Yes | Yes | No |
| 14 | Response on Schedule C to bid | Yes | Yes | Yes | Yes |
| 15 | Response on Schedule D to bid | Yes | Yes | Yes | Yes |
| Remarks | | Not Qualified due to not undertaken a Rs.300 M Project during last 3 years | Qualified for Technical Evaluation | Qualified for Technical Evaluation | Not Qualified because the Proposal is non responsive in terms of schedule B to bid of BD and therefore cannot be evaluated |

Technical Evaluation Methods

Bidder will be qualified for financial opening if attained 75% marks

| | | | | | |
|---------------------------------|---|-----|-------|-------|----|
| 1 | Understanding of the Assignment | 5 | 4.5 | 4.5 | |
| 2 | Quality of staff | 5 | 4.5 | 4.5 | |
| 3 | Financial stability (Turn over Rs.150 million minimum) | 10 | 7.5 | 10 | |
| 4 | Previous experience in similar projects | | | | |
| 5 | Letter on performance of installed systems from departments be attached | 10 | 10 | 10 | |
| 6 | Quality of the project implementation/management plan | 10 | 8 | 8 | |
| 7 | Operation and Maintenance strategy | 10 | 8 | 8 | |
| 8 | User information strategy | 5 | 4 | 4 | |
| 9 | PV panel | 10 | 10 | 10 | |
| 10 | Charge Controller | 5 | 5 | 5 | |
| 11 | Battery | 10 | 10 | 10 | |
| 12 | Inverter | 10 | 10 | 10 | |
| 13 | Remote Monitoring & Biometric System | 5 | 5 | 5 | |
| 13 | Cabinet & Mounting Structure | 5 | 5 | 5 | |
| Total | | 100 | 91.50 | 94.00 | |
| Qualified for Financial Opening | | No | Yes | Yes | No |



(Engr. Arif Sharif Rajput)
Assistant Director (On-Grid Solar)
Member/Secretary



(Iftekhar Ahmed)
Deputy Director (Off-Grid Solar & Biomass)/Member



(Engr. Shahnawaz Farhan Khairo)
Deputy Director (Wind)
Chairman



GOVERNMENT OF SINDH
Directorate of Alternative Energy
ENERGY DEPARTMENT

Karachi, dated 3rd May, 2017

MEETING OF THE PROCUREMENT COMMITTEE WITH REGARD TO FINANCIAL BID
OPENING FOR SUPPLY, INSTALLATION & 3 YEARS OPERATION AND
MAINTENANCE OF 352 SOLAR PV SYSTEMS UNDER PROJECT "ELECTRIFICATION OF
PRIMARY HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY" AGAINST NIT
PUBLISHED IN THE NEWSPAPERS I.E. DAILY DAWN & KAWISH DATED 8.4.2017 AND
THE DAILY JANG DATED 10.4.2017 HELD ON 3RD MAY, 2017 AT THE COMMITTEE
ROOM OF ENERGY DEPARTMENT, GOVERNMENT OF SINDH, KARACHI

B) FOR THE REPRESENTATIVES OF FIRM / CONTRACTORS / COMPANY

| SR. # | NAME & DESIGNATION | ORGANIZATION | CELL NO | SIGNATURE |
|-------|---|----------------------|------------------------------|-----------|
| 01 | Ashraf Khan Manager Finance. | Zaffar Enterprise | 0312 9099849 | |
| 02 | WAQAS ALI Renewable Power | Renewable Power | 0322-6299486 0333-7917151 | |
| 03 | Masroor Khan Project-Manager EBR Energy | EBR Energy | 0300-8411827 | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |



Ph: 02199207144

NO. DAE/Solar/2016/100
GOVERNMENT OF SINDH
Directorate of Alternative Energy
ENERGY DEPARTMENT

Karachi dated: March 27, 2018

SAY NO TO CORRUPTION

The Assistant Director (Assessment),
Sindh Public Procurement Regulatory Authority,
Government of Sindh,
Karachi.

Subject: MINUTES OF COMPLAINT REDRESSAL COMMITTEE (CRC) MEETING FOR THE PROJECT TITLED "ELECTRIFICATION OF PUBLIC HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY" HOISTED ON SPPRA WEBSITE AT (SR.NO.31525)

I am directed to refer your office letter No.A.D(A)/SPPRA/(31525-DAE/Solar/Energy)/2016-17/2066 dated 22nd March, 2018 on the subject noted above,

2. It is clarified that already cancelled bid hoisted on SPPRA website at (Sr.No.31525) referred in the above mentioned letter belongs to procurement of office equipments (i.e. computers, printers, etc...) and does not related to procurement of Solar Systems. The subject minutes of CRC meeting relates to procurement of Solar PV System hoisted on SPPRA website at (Sr.No.32630).

3. The CRC meeting was convened on the directives of Honourable Sindh High Court (SHC). The copy of court decision is enclosed herewith for ready reference.

4. It is requested that the minutes of the CRC meeting may be hoisted on SPPRA website as per SPPRA rules.

Encl:

- I. Copy of SHC decision

(Arif Sharif Rajput)
Assistant Director (Dev)
For Director Alternative Energy

Copy to:

- PS to the Secretary, Energy Department, Government of Sindh

**GOVERNMENT OF SINDH
ENERGY DEPARTMENT**

SUBJECT: MEETING OF THE COMPLAINT REDRESSAL COMMITTEE (CRC) FOR THE PROJECT "ELECTRIFICATION OF PUBLIC HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY"

The meeting of the Complaint Redressal Committee (CRC) was held under the chairmanship of Secretary, Energy Department, Government of Sindh on 09.03-2018 in the committee room of Energy department, 3rd floor, State Life Building No. 3, Opp. CM House, Karachi. The List of the participants is attached at **Annexure-I**.

2. The chair welcomed the participants and after a brief introduction of members read out the TORs/mandate of the Complaint Redressal Committee (CRC), he then asked Director Alternative Energy to brief the committee about the agenda of the meeting.
3. The Director Alternative Energy/Head of procuring agency informed that a project of "Electrification of Primary Health Facilities Through Solar PV Technology" for electrification of 352 solar PV systems in Basic Health Units, Mother Child Healthcare Centers, Rural Health Centers and Maternity Homes of Sindh is being executed by the Directorate of Alternative Energy, under the ADP Scheme No.607 (FY 2017-18).
4. In line with Sindh Public Procurement Rules 2013, a procurement committee was constituted for the purpose of procuring 352 solar systems of 3 KW each. The committee as per its mandate under SPPRA Rules adopted Single Stage Two Envelope Method and tenders were invited through Public notices in leading newspapers in April 2017; four bids were received. The technical bids were opened on 24th April 2017 and out of four only two were found technically qualified. The financial bids of both the qualified bidders were opened on 3rd May 2017.
5. The prices quoted by M/s Renewable Power (Pvt) Ltd was Rs 267.52 M and M/s Zafar Enterprises was 289.75 M. Both the prices were lower than the estimated prices of Rs.422.4 M i.e. one was 36.6% lower and the other was 31.4% lower than the estimated price.
6. The procurement committee observed that although M/s Renewable Power submitted the lowest price but the bid security against the quoted price was lower than the prescribed level as per SPPRA Rules therefore the bid was considered as non-responsive. On the other hand, the bid of M/s Zafar Enterprises was the only qualified bid accompanied with requisite bid security. According to SPPRA Rules, M/s Zafar Enterprises should have been declared as the only responsive/successful bidder, the procurement committee decided to approach SPPRA for advice.
7. The SPPRA vide letter dated 11th May 2017, categorically informed that under Rule 37 read with Clause 6.4 (a) of the bidding document, a bid security which is less than the prescribed level under the SPPRA Rules may be rejected and treated as non-responsive. Further, SPPRA advised that it would be better to re-initiate the bidding process to ensure value for money.

9. As per SPPRA advice, the bidding process was re-initiated and M/s Zafar Enterprise informed accordingly. The company objected on the re-tendering process and asked for the award of contract as per SPPRA Rules. The procurement committee did not refer the objections of the petitioner to the CRC in contravention of SPPRA Rules. However, the company was informed that the decision of re-tendering has been taken in consultation with SPPRA.

10. The decision of the procurement committee was challenged in Sindh High Court by M/s Zafar Enterprises (petitioner) vide CP-D-4345 of 2017, wherein, the court vide order dated: 21st June 2017, restrained the procuring agency from re-tendering the project.

11. After several hearings, the honorable SHC disposed the case on 22nd February 2018 with the directions to refer the application of petitioner dated: 13-06-2017 before the Complaint Redressal Committee. The court further directed that the committee should provide opportunity to the petitioner, preferably within two weeks and decide the complaint strictly in accordance with law and without being influenced by SPPRA letter of 11th May 2018 regarding re-tendering the project.

12. Mr. Irfan Ahmed, Independent Energy Consultant, raised query that whether 3-bids are necessary to proceed with the bidding process and further asked whether technical evaluation was done as per criteria. It was informed that SPPRA Rule 48 clause 1 states that "Even when only one bid is submitted, the bidding process may be considered valid, if the bid was advertised in accordance with rules, and prices are comparable to the prices or rates of the last awarded contract or the market prices".

13. The chair asked for circulation of SPPRA Rule 31 amongst the committee members with specific focus on clause 4 regarding the role of CRC in disposal of complain which categorically states that CRC shall not make any decision to award the contract. He then asked the committee to review the complain of the petitioner dated 13th June 2017 in line with court directives and then called the representatives of M/s Zafar enterprises to hear their grievance.

14. Representative of M/s Zafar Enterprises said that they were the only responsive/successful bidder as the other qualified bidder submitted insufficient bid security and the same fact was acknowledged/agreed by other bidder namely M/s Renewable Power during the financial bid opening. He further pointed out clause 13.2 of the bidding document to support his claim for award of contract. The committee asked Director Alternative Energy to read Clause 13.2 of the bid document and observed that the procurement committee itself violated the said clause of the bidding document by considering a non-responsive bid as responsive. The chair further observed that the project has been delayed and has been revised due to delayed procurement process. The CRC was already constituted in January 2017 and the complaint of the petitioner should have been referred to the CRC by the procurement committee for timely execution of the project. Regarding a query of Independent consultant, the representative of M/s Zafar Enterprises showed commitment to complete the project according to prescribed specifications and requested for award of contract.

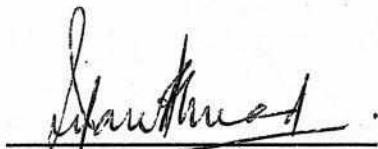
15. The representative of AG Sindh, Mr. Zafar Abbas, pointed out whether the complainant will claim inflation rate? The complainant showed willingness to complete the project in accordance with the SPPRA Rules and the bid document. The chair pointed out that the technical/financial evaluation was carried out by procurement committee as it is its mandate.

Deliberations were held by the committee and expressed its concern on unnecessary delay caused by the incorrect decision of the procurement committee by not referring the complaint dated 13th June to the CRC. Further, the procurement committee also failed to comply with Rule 37 clause 6.4 of SPPRA Rules 2010 (amended in 2013) and clause 11.2 of the bidding document.

Decisions:

- a) The CRC contended that procurement committee was responsible to follow the SPPRA rules and not to indulge in unnecessary innovation. The view taken by the procurement committee delayed the project badly. Besides, the correspondence initiated by the procurement with SPPRA has been set aside by the honourable SHC.
- b) The CRC also decided, in terms of SPPRA Rule 31 (4) (a), to prohibit the procurement committee from acting or deciding the matter in a manner which is inconsistent with SPPRA Rules.
- c) The CRC further decided to refer the matter back to the procurement committee to decide in accordance with law, SPPRA Rules, SHC order dated 22nd Feb, 2018, and without being influenced by SPPRA letter dated 11th May 2017 at the earliest.
- d) The above decisions of the CRC may be communicated to the complainant and posted on SPPRA website as well.

16. The meeting ended with a vote of thanks by the chair.



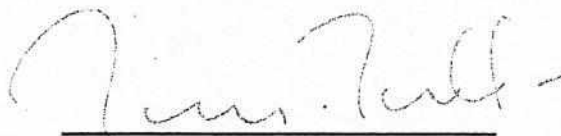
(Mr. IRFAN AHMAD)

Independent Energy Consultant
Member CRC



(Mr. ZAFAR ABBAS UNAR)

Representative
Accountant General Sindh
Member CRC



(AGHA WASIF ABBAS)

Secretary, Energy Department
Chairman CRC

LIST OF PARTICIPANTS

MEETING OF THE COMPLAINT REDRESSAL COMMITTEE (CRC) FOR THE PROJECT "ELECTRIFICATION OF PUBLIC HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY"

(Held on 09-03-2018, at 11:00 in the Committee Room, Energy
Department, 3rd Floor, State Life Building No. 3, Opp. CM House,
Karachi.)

| S.No. | Name | Designation | |
|-------|-----------------------------|---|----------|
| 1. | Agha Wasif Abbas | Secretary, Energy Department | In Chair |
| 2. | Mr. Zafar Abbas Unar | Accounts Officer, Accountant General Sindh | Member |
| 3. | Mr. Irfan Ahmed | Independent Energy Consultant | Member |
| 4. | Engr. Mehfooz Ahmed Qazi | Director, Alternative Energy | |
| 5. | Mr. Shahnawaz Farhan Khahro | Deputy Director (Wind) | |
| 6. | Mr. Iftekhhar Ahmed | Deputy Director (Off-Grid Solar & Biomass) | |
| 7. | Mr. Arif Sharif Rajput | Assistant Director (Dev) | |
| 8. | Mr. Arshad Fawad | Representative, M/s Zafar Enterprises | |
| 9. | Mr. Asif Ali | Representative, M/s Zafar Enterprises | |

GOVERNMENT OF SINDH
DIRECTORATE OF ALTERNATIVE ENERGY
ENERGY DEPARTMENT

MINUTES OF THE MEETING

Subject: MEETING OF THE PROCUREMENT COMMITTEE FOR THE PROJECT TITLED "ELECTRIFICATION OF PRIMARY HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY"

The Procurement Committee meeting was held under the chairmanship of the Director Alternative Energy, Energy Department on 03.04.2018 in the Committee Room of Energy Department, 3rd Floor, State Life Building No. 3, Opp. CM House, Karachi. The List of the participants is attached at **Annexure-I**.

2. The Chair welcomed the participants and asked the secretary of the committee to proceed as per agenda of the meeting.

3. The secretary of the committee informed that the Technical committee has submitted its report in the light of previous decisions of the procurement Committee held on March 20, 2018. As per report, the quotations were called from reputable companies in the market and following companies responded and quoted their prices as under;

- | | |
|--------------------------------|--------------|
| i) Nizam Energy (Pvt.) Limited | Rs.965900/- |
| ii) K-Power | Rs.964200/- |
| iii) MESEC | Rs.1883400/- |

4. Detailed deliberations were held and various options were discussed regarding the award of contract to the only qualified bidder or the retendering of the project for the fresh prices from the market. It was discussed that the recent price obtained from market is at higher side. It was pointed out that due to increased conversion rate of US Dollar, the recent quoted price of the system obtained from market seems higher than the bidding price submitted by bidder M/s Zaffar Enterprise.

5. The representative of Health Department, Dr. Mubeen Ahmed Memon, Additional Director Health Services Sindh said that M/s Zaffar Enterprises, is the only responsive bidder, but the difference between the quoted price of the bid is Rs.22,230,000/- higher than the other bid of M/S Renewable Power, rejected due to short of bid security. He further stated that this difference is huge amount and we may ask the bidder to reduce its price at par with the differential price but SPPRA Rules does not allow the negotiations, therefore, the retendering of the project will be viable option to determine the best prices and only option is to save public money.

6. The Deputy Director informed about the market price report of technical committee, wherein, the prevailing market prices were relatively higher and within a range of Rs. 965,000/= system. Since, the project requires three years O& M warranty in remote areas, therefore, the product prices cannot be considered to determine the system value.

7. The chair informed that almost 70% of the project equipment consists of four equipments i-e: Solar PV array, Battery, MPPT charge controller and inverter, which will directly be imported. The price offered for these components is Rs.573,703 /= out of 823,153. (i-e; 70%) .The Dollar Conversion rate at the time of Bid Opening on 3rd May 2017 was PKR 105/US\$ and the prevailing Dollar conversion rate is RPKR 115/US\$. The additional impact on dollar rupee parity on the price of these four components is Rs.54638 /= per unit and total impact on project is Rs. 19232432/= , If this prize is added in the lowest rejected bid, then the difference of 22230000/= reduces to Rs. 2997568/=. Further, the bid price was for the FY 2017-18 and as per the revised PC-1 . the project will be completed in FY 2018-19. The Bidder may claim the cost escalation/inflation at around the rate of 5% and if the qualified bidder claims this cost, then the project cost will further increase 4390320. Therefore , while considering the award to the qualified bidder, it may be assured that no any cost escalation or any other expense will be additionally claimed by the bidder.

8. It was informed that the PC-1 has been revised and the scheduled completion of the project has been enhanced from FY 2017-18 to 2018-19 and the primary health facilities under PPHI has been replaced with other health facilities , while keeping the scope of the project unchanged. The qualified bidder if considered may not claim any additional costs due to change in locations.

9. The Chair inquired that is there any previous experience of any Government department including Energy Department whose quoted bid price can be compared with this project bidding price? The Secretary of the committee informed that Directorate of Alternative Energy, Energy Department has completed project titled "Supply and Installation of Solar Home System" in two villages of Khipro (desert area), district Sanghar. The quoted bid price of that project is comparable with current project bid price. He further informed that the remote monitoring system is additional items in the current project. It was discussed that these prices are three years old and the remote monitoring system is an additional value added feature, that has not been considered in the last project of the Directorate.

10. After detailed deliberations on financial impacts, it was appraised that the Dollar Rupee parity difference impacts Rs.19.23 million on the prices quoted by M/S Zaffar Enterprises and difference with the other bid becomes Rs.3 million instead of Rs.22.23 million. Further, the cost escalation/inflation @ 5% due to time delay on local componenets only also becomes Rs.4.39 million.

11. Based on the above, it was discussed that the qualified bidder M/S Zaffar enterprises may be recommended for award of the contract subject to the assurance of the bidder for strict adherence on the quoted prices without claiming any escalation costs or any other cost.

Decisions:

12. The Procurement Committee revisited its decision in the light of High Court Orders and subsequent Complaint Redressal Committee Decisions and in strict adherence of SPPRA Rules 2010 (as amended) and market conditions in presence of Health Department representative's note about re-tendering to save public money and recommended the award of contract to M/S Zaffar Enterprises being the only qualified bidder, and favour of circumstantial conditions of market position, subject to execution of the project on the same quoted prices without any escalation /inflation or any other claim.

13. The meeting ended with a vote of thanks by Chair.



(DR. MOBIN AHMED MEMON)

Additional Director
DG Health Services Sindh



(IFTEKHAR AHMED)

Deputy Director (Off-Grid Solar &
Biomass)
Member/Secretary



(ENGR. MEHFOOZ AHMED QAZI)

Director Alternative Energy
Chairman

LIST OF PARTICIPANTS

SUB: MEETING OF THE PROCUREMENT COMMITTEE FOR THE PROJECT TITLED "ELECTRIFICATION OF PRIMARY HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY"

(Held on 03-04-2018, in the Committee Room, Energy Department, 3rd Floor, State Lift Building No. 3, Opp. CM House, Karachi.)

| S.No. | Name | Designation | |
|--|--------------------------|--|------------------|
| <u>Directorate of Alternative Energy, Govt of Sindh</u> | | | |
| 1. | Engr. Mehfooz Ahmed Qazi | Director, Alternative Energy | Chair |
| 2. | Mr. Iftekhhar Ahmed | Deputy Director (Off-Grid Solar & Biomass) | Member/Secretary |
| <u>Health Department, Government of Sindh</u> | | | |
| 1. | Dr. Mobin Ahmed Memon, | Add. DG Health Services Sindh | Member |

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GOVERNMENT OF SINDH
Directorate of Alternative Energy
ENERGY DEPARTMENT

Karachi, dated 03rd April, 2018

ATTENDANCE SHEET

Subject: MEETING OF THE PROCUREMENT COMMITTEE FOR PROCUREMENT OF SOLAR PV SYSTEMS UNDER THE PROJECT "ELECTRIFICATION OF PRIMARY HEALTH FACILITIES THROUGH SOLAR PV TECHNOLOGY"

| S. NO. | NAME & DESIGNATION | ORGANIZATION | Contact No. | SIGNATURE |
|--------|--------------------|--|-------------|-----------|
| 1 | Dr. Iqbal Ahmad | Director A&E DGHS | 03003073422 | |
| 2 | Dr. Iqbal Ahmad | DD. AE, ED, GoS | | |
| 3 | | | | |
| 4 | Shahnawaz Farhan | DD AE, ED GoS (representative of Dir AE) | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
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