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**DIRECTORATE  
AGRICULTURE ENGINEERING  
SINDH HYDERABAD**

No: DAE/Stores/ <sup>4481</sup>1146 /13  
Hyderabad dated: 29-07-2013


To,

✓ Mr. Junaid Ahmed,  
Manager (Enforcement-II),  
Sindh Public Procurement Regulator Authority,  
Government of Sindh  
Karachi.

Subject: **REVIEW PANEL (NIT REF: INF-KRY NO. 786/13 DATED 14/3/2013)**

Kindly refer to the subjected meeting of Review Panel held on 26/07/2013 in the Committee Room of Sindh Public Procurement Regulator Authority Karachi. A copy of the contract agreement held between the Department and M/s Orient Energy Systems is enclosed herewith as per instruction of the Review Panel.

In addition to this, copies of the Tender proceeding of Agriculture Department Khyber Pakhtunkhwa indicating rejection of bid offer by the same bidder i.e. M/s Multiline Enterprises for same Shantui DS10YE Model and findings of their Review Committee are also attached herewith for ready reference & record other required documents were already submitted during the meeting.

  
**MUHAMMAD RAMZAN BAPRANI**  
DIRECTOR  
AGRICULTURE ENGINEERING  
SINDH HYDERABAD

**C.C. to the:-**

1. Additional Secretary (Tech), Agriculture Department, Government of Sindh, Karachi for kind information
2. Director General, Agriculture Engineering & Water Management Sindh Hyderabad for kind information.

/  
DIRECTOR

SPPRA INWARD DESK

No: 842  
dated: 30/7/13  
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CONTRACT NO. DAE/ST-949(2)/396/13 dt 12/3/2013

THIS CONTRACT made at Hyderabad on the 3rd day of May 2013 between the Agriculture Department Government of Sindh through the Director Agricultural Engineering Sindh Hyderabad, Block "B", Shahbaz Building, Hyderabad (hereinafter called "the Purchaser") of the one part and M/s Orient Energy Systems (Pvt) Limited Plot No.9, Sector-24, Korangi Industrial Area, Karachi hereinafter called "the Supplier" of the other part.

WHEREAS the Purchaser invited bids for procurement of 24 Nos Crawler Tractors (Bulldozers) along with spare parts Under the Scheme Replacement of Earth Moving Machinery vide Tender No.DAE/Stores-949(02)/396/13, dated 12-03-2013, on Delivery Duty Paid (DDP) basis at Consignee's end.

WHEREAS the Purchaser has accepted the Supplier's bid dated 29<sup>th</sup> April 2013 regarding supply, through import, of 24 (Twenty four) New Holland Bulldozers Model D95B USA by CNH FPT 667TA/E66 Turbo charged after cooler, 4 valves, 6 Cylinder, Tier IIIA Diesel Engine developing Net Fly-wheel Power 96 Hp, 6.71 liter Displacement, 12 volt electric starting system, Angle Blade, Hydrostatic Transmission, Sealed & Lubricated Tracks, Hydraulic Track Adjuster, Cab with Air conditioner/Heater, Front Pull Hook, Tool kit. in the sum of Rs.357,600,000/- (Rupees Three Hundred fifty seven million, six hundred thousand only) along with 10% Spare Parts in the sum of Rs. 35,760,000/- thirty five million seventy six hundred thousand only (hereinafter called "the Contract Price").

NOW THIS CONTRACT WITNESSETH AS FOLLOWS:

1. In this Contract words and expressions shall have the same meaning as are respectively assigned to them in the General and Special conditions of Contract referred hereto.
2. The following documents shall be deemed to form and be read and construed as an integral part of this Contract, viz.:
  - (a) The contract;
  - (b) The General Conditions of the Contract (Annex-I);
  - (c) The Special Conditions of the Contract (Annex-II);
  - (d) The Bid Form (Annex-III);
  - (e) The Technical Specifications of Bulldozer New Holland model D95B (Annex-IV);
  - (f) The Purchaser's Notification of Award No.DAE/Stores-949(02)/693/2013 dated 25-04-2013 (Annex-V);
  - (g) The Supplier's Letter No.OESC/EMM-U-03-0018/2013 date:29<sup>th</sup> April 2013 accepting Purchaser's Notification of Award (Annex-VI);
  - (h) The Integrity Pact (Annex-VII);

The Supplier hereby covenants with the Purchaser to provide the goods and services and to remedy defects therein in conformity, in all respects, with the provisions of this Contract.



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The Purchaser hereby covenants to pay the Supplier in consideration of the provision of the goods and services and the remedying of defects therein, the Contract Price or such other sum as may become payable under the provisions of this Contract and in the manner prescribed therein.

The Parties agreed that, in the event of dispute between them under or in connection with this Contract, the mechanism for resolution of disputes under the General & Special Conditions of Contract shall be followed in the manner specified therein.

IN WITNESS whereof the parties hereto have caused this Contract to be executed in accordance with their respective laws, on the day and year first above written.

(For & on behalf of the Purchaser)

(For & on behalf of the Supplier)

*[Signature]*

(DIRECTOR)  
Agricultural Engineering Sindh  
Hyderabad

*[Signature]*

(GENERAL MANAGER)  
M/s Orient Energy System  
(Pvt) Limited  
Plot # 9, Sector-24, Korangi Industrial  
Area, Karachi

In the presence of:



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### Bid Evaluation (Technical)

Bids for the procurement of the 25 Bulldozers for reclamation in Khyber Pakhtunkhwa were invited and opened on 10-10-2012 in the office of the Director Agricultural Engineering in the presence of the representative of the Bidders and tender Opening & Evaluation Committee comprising of the following:

- |   |           |
|---|-----------|
| 1. Secretary to Govt Khyber Pakhtunkhwa, Agricultural Livestock & Cooperative Departments       | In chair  |
| 2. Chairman Mechanical Engineering Department University of engineering & Technology Peshawar   | Member    |
| 3. Chairman Agricultural Engineering Department University of engineering & Technology Peshawar | Member    |
| 4. Chief Planning Officer Agriculture Department, Peshawar                                      | Member    |
| 5. Director Agricultural Engineering Govt Khyber Pakhtunkhwa, Tarnab, Peshawar                  | Secretary |
| 6. Deputy Director Agricultural Engineering Tarnab, Peshawar                                    | Member    |

Bidding Documents were purchased by eight firms; however, only four firms participated in the bidding as follows:

1. M/s Multiline Enterprises, Lahore
2. M/s Allied Engineering & Services Limited, Karachi
3. M/s Orient Energy System (Pvt) Limited
4. M/s Jaffer Brothers (Pvt.) Ltd., Karachi

The Firms Submitted Technical as well as financial Bids. The Technical Bids were opened and signed by all the members of the committee however, Financial Bids were not opened and kept in the custody of AED and which were to be opened after finalization of the technical evaluation in the presence of all the bidders.

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After thorough scrutiny and analysis of the bids, the committee has assessed the firms as follows:

1. M/S Multiline Enterprises, Lahore:

The firm submitted technical bid of Shantui SD10YE model with rated H.P. as 75 KW at 2200 rpm whereas the engine model offered by the firm is Cummins QSB4.5 (USA), 4 cylinders with specific fuel consumption as 213 g/KW-Hr. After scrutiny of specifications and further enquiry into the manufacturing of the Cummins engines, it was revealed that Cummins engines are manufactured in 3 tiers i.e. tier-2, tier-3 and tier-4. Engines in tier-3 have swept volume of 4.5 liters with bore: stroke ratio as 102 mm:137 mm whereas the specifications provided by the bidder about the proposed Cummins engine are 4.5 liters with bore: Stroke ratio of 107mm:124mm which are not in line with the specifications provided by the manufacturers of Cummins engines.

Furthermore the power rating provided by manufacturer for all the 3 tiers engine is 110 H.P (minimum) whereas they have claimed to provide Cummins engine of power rating 100 H.P. so the power rating provided by the manufacturer as 110 H.P. (minimum) is not within the scope of demand.

Finally the specific fuel consumption of Shantui Bulldozer is 213 g/KW-Hr which is much higher than the other brands and which would cause financial loss in the long run in terms of more expenditure on fuel.

On account of above mentioned ambiguities and incompatibilities in the specification, it is not advisable to risk such a big investment of public money on such a bid. Hence the committee is unanimously of the view to declare the offer for Shantui SD10YE (China) as non responsive under the clause 23.2 of the bidding document.

2. M/S Allied Engineering & Services Limited, Karachi:

The firm has offered technical bid of Caterpillar Bulldozer model D4KXL (made in Japan) with power rating of 86H.P. at 1900 rpm, with average specific fuel consumption of 150 g/KW-Hr. The offered engine model is Cat C 4.4.

After Scrutiny of document and further enquiry the bid is found in line with the specifications given in the bidding document hence the committee is of the view to declare the bid as responsive..

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3. Orient Energy System (Pvt) Limited:

The firm has offered technical bid for New Holland (USA) Bulldozer model D95B (LT), 96 H.P. at 2000 rpm with specific fuel consumption as 176 g/KW-Hr.

After scrutiny of the bid document and further enquiry of the technical specifications, it was concluded that the bid is in line with the demands and specification laid down for the bid. Hence the committee declared the bid as responsive.

4. M/S Jaffer Brothers (pvt.) Ltd. , Karachi:

The firm has offered technical bid for Komatsu (Japan) for model D37EX-22 , 89 H.P. at 2200 rpm with specific fuel consumption as 7.5 liter/hour vide letter MCH/AED/KOMATSU/0302 on dated 22-10-2012 (The information was missing in the bidding document submitted by the firm) , which is very much on the lower side. The actual average fuel consumption should be around 10 liter/hour. Furthermore, production of 89 H.P. with 3.27 liter swept volume is really not understood. The firm has given bore to stroke ratio as 95mm: 115mm which is about 3.26 liters and is too less to produce 89 H.P. The firm is hereby declared Partially responsive by the committee subject to the condition that the firm would confirm the actual average specific fuel consumption of the bulldozer and the reason for producing 89 H.P. with a very small engine having bore and stroke ratio as 95mm: 115mm and swept volume of 3.26 liters, authenticated by the manufacturer within a week time otherwise the firm would automatically become non responsive. The firm is further directed to provide the maximum torque/operating torque of the engine.

Conclusion:

After careful examination of four bids quoted by participating bidders , it was concluded by the committee that one bid of M/S Multiline enterprises, Lahore did not conform the terms and specifications of the bidding document technically therefore the firm was declared non-responsive. Hence their financial bid would not be entertained. The two firms i.e. M/S Allied Engineering Services Karachi and M/S Orient Energy System Karachi obtained qualifying scores in the technical bids. For the reason given herein above these firms i.e. M/S orient energy system Karachi and M/S Allied engineering services have been fully declared responsive while M/S Jaffer Brothers (pvt.) Ltd. Karachi has been partially

*[Handwritten mark]*

declared responsive subject to the condition that they would furnish the requisite information regarding their bid.

*[Signature]*  
1. Chairman Mechanical Engineering  
UET Peshawar.

*[Signature]*  
2. Chairman Agricultural Engineering  
UET Peshawar.

*[Signature]*  
3. Chief Planning Officer, Agriculture

*[Signature]*  
4. Deputy Director Agricultural Engg.

*[Signature]*  
5. Director Agricultural Engg.

*[Signature]*  
6. Secretary Agriculture  
Govt. Khyber Pakhtunkhwa.



UNIVERSITY OF ENGINEERING & TECHNOLOGY PESHAWAR,  
DEPARTMENT OF MECHANICAL ENGINEERING

Phone: +92-91-9216499 Fax: 92-91-9216663

Email: mechanical@nwfpuet.edu.pk

Reference No: 4060/mech. Eng.

Dated 27/12/12

Secretary  
Agriculture Department  
Khyber Pakhtunkhwa, Peshawar.

Subject: Finding of the Review Committee Regarding Procurement of 25 Bulldozers for Land Leveling In Khyber Pakhtunkhwa.

Sir,  
Reference may be made to the Notification No. COP (AD) Mech-53/2011/vol I, dated 12<sup>th</sup> of December, 2012. A committee was constituted to investigate the complaint launched by M/s Multiline against the decision made by the "Tender opening and evolution committee". The committee, comprises of the following members, is asked to review the case field by M/S Multiline.

- |  |          |
|--|----------|
| 1. Chairman,<br>Mechanical Engineering Department,<br>UET, Peshawar.   | Chairman |
| 2. Engr. Aman Elahi,<br>Director General,<br>On Form water Management. | Member   |
| 3. Mr. Abdur Rasheed,<br>Director General,<br>Agriculture (Extension). | Member   |
| 4. Chief Planning Officer,<br>Agriculture Department                   | Member   |

In light of the above notification the Chairman of the committee wrote a letter to M/s Multiline to appear before the review committee to explain and defend the complaint on 24 December 2012, in the office of the Director Agricultural Engineering, Tarnab. The same was also communicated to all concerned with the request to attend the meeting. (Copy of the letter is attached for ready reference.)





Reference No: \_\_\_\_\_

Dated \_\_\_\_\_ 

Proceeding of the Review Committee Meeting.

A delegate of four persons, lead by Mr. Nasir A. Malik, of the aggrieved firm participated in the meeting to present their case before the review committee. The leader of the aggrieved party was asked to explain his point of view in light of the written complaint by them. After which the Director, Agricultural Engineering was asked to respond on the matter. At the end once again the aggrieved party was asked to comment on the response of the Director. The point per point summery of the whole deliberation is given below.

1. Response of the Multiline Enterprises.

*"It has been confirmed by our manufacturer SHANTUI that our engine bore and stroke is 107 mm x 124 mm. For Commins QSB4.5, there are two stages, Tier 3A and Tier 3B, we are using Tier 3A, may be you are confused with Tier 3B. .... "*

While responding on the claim of the aggrieved party, the Director, Agricultural Engineering provided a Photocopy of the Technical specification for the Commins QSB 4.5 Litter Diesel Engine, highlighting the fact that:

*"The QSB 4.5 has three tiers: tier 2, tier 3, and tier 4. Though structurally the same, the out rating do change from tier to tier."*

*"The QSB 4.5 has a bore of 102 mm and a stroke of 137 mm."*

(The same is attached with the report for ready reference)

The representatives of the M/s Multiline Enterprises were failed to provide any documented proof in support of their claim.

2. Response of the Multiline Enterprises.

*".....It is correct that the engine gross power is 110 HP, but when the equipment manufacturer assembles certain power is consumed by following components;*

Fan	6Hp
Alternator	3Hp
Heater/Air conditioner	2Hp

*The bulldozer net power becomes turns out to be 99 ~100 Hp. "*



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Reference No: \_\_\_\_\_

Dated \_\_\_\_\_  2/1/15

The representative of the M/s Multiline Enterprises were failed to provide any documented proof in support of their claim.

3. *"The Technical analysis is quite astonishing for us as some participants have given "Average specific fuel consumption" while other have given average consumption. This is the first time we have learned the term "Average specific fuel consumption", despite of the fact that such term doesn't exit but the participant is favorably accepted. "*

During the deliberation on this point, when it was pointed by the chairman of the committee that in the catalog provided by the M/s Multiline the term "Minimum specific fuel consumption" is written, then how they can have an objection on others to use similar terms.

The answer was that it is a mistake in our catalog.

On further investigation in to the documents/catalogs of the others bidders, it was revealed that no one has used the above mentioned terms in their catalogs and it was only the catalog of the Multiline which has the term "Minimum specific fuel consumption".

Furthermore it was also observed that the fuel consumption of the dozer provided by M/s Multiline Enterprises is higher than others.



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Reference No: \_\_\_\_\_

Dated \_\_\_\_\_ 27/12

Conclusions

Based on the above mentioned facts it was concluded by the review committee that the decision made by the "Tender opening and evolution committee", standstill.

1. Chairman,  
Mechanical Engineering Department  
UET, Peshawar.

2. Engr. Aman Elahi,  
Director General,  
On Form water Management.

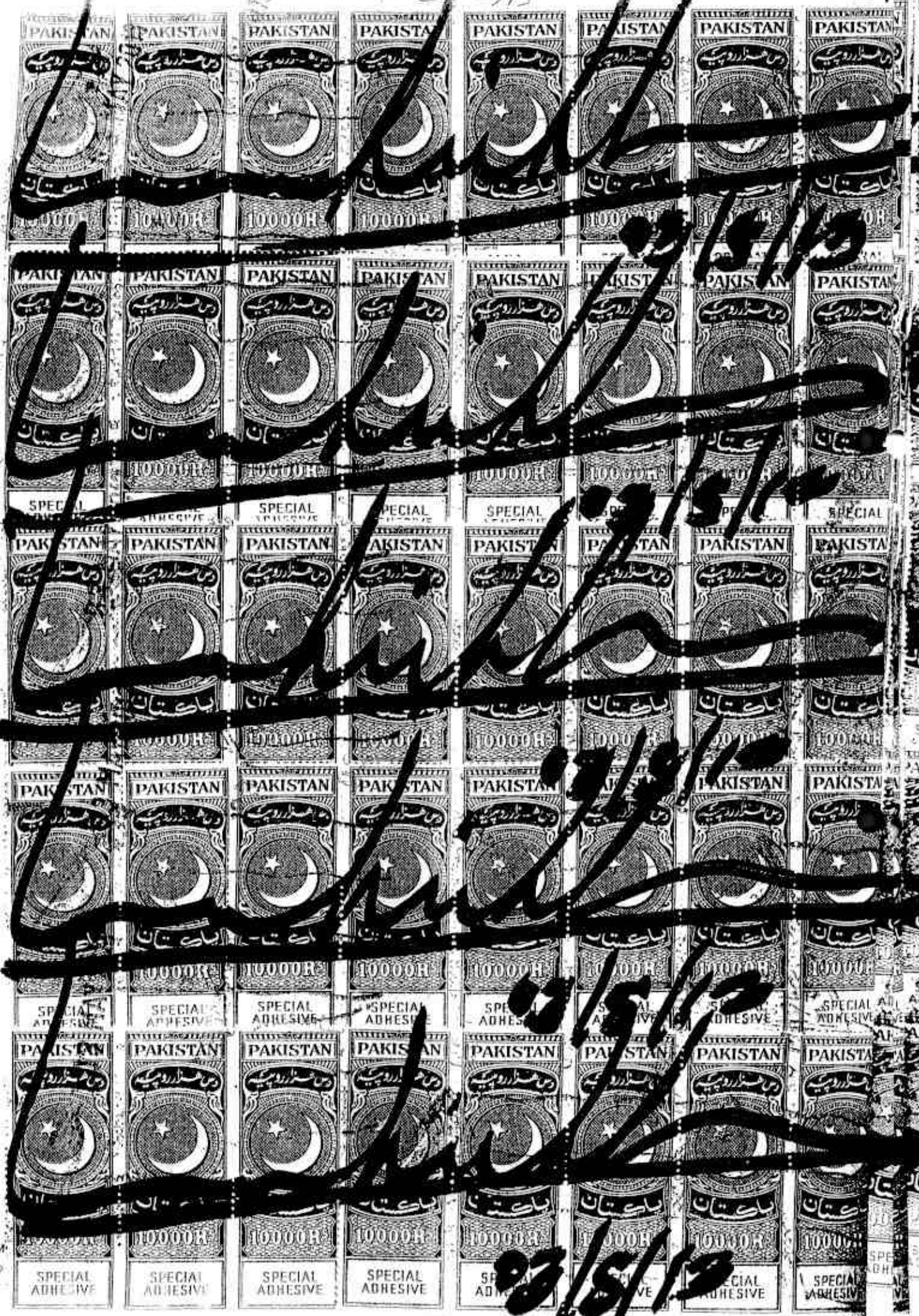
3. Mr. Abdur Rasheed,  
Director General,  
Agriculture (Extension).

4. Chief Planning Officer,  
Agriculture Department

No. 4061-62/meh. Engg. dt. 27/12/12  
Copy to:

1. Mr. Nasir Ahmad Malik, M/S Multiline Enterprise, Lahore.
2. Director, Agricultural Engineering, Tarnab, Peshawar.

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## Bid Evaluation Report

Name of Procuring Agency	<u>Agriculture Department, Government of Sindh, through Directorate Agriculture Engineering, Sindh, Hyderabad</u>
Tender Reference No:	<u>DAE/Stores-949(02)/396/13 dated 12-03-2013.</u>
Tender Description/Name of work/item	<u>PROCUREMENT OF:-</u> a. Crawler Tractor 90-100 HP. (24 Nos.) b. Spare Parts valuing 10% Price of the Crawler Tractors / Bulldozers, on DDP Basis. c. Under ADP scheme "Replacement of Earth Moving Machinery Phase II"
Method of Procurement	<u>As per Sindh Public Procurement Regulatory Authority Rules 2010.</u>
Tender Published	<u>Tender Notice was published in Newspapers:-</u> <ul style="list-style-type: none"><li>▪ Daily The Leader, dt; 14.03.2013.</li><li>▪ Daily The News, dt; 15.03.2013.</li><li>▪ Daily Express, dt; 14.03.2013.</li><li>▪ Daily Awami Awaz dt; 15.03.2013.</li><li>▪ Daily Sindh Express dt; 14.03.2013.</li></ul>
Total Bid documents Sold	Seven (07) Bid documents were purchased by the following:- <ol style="list-style-type: none"><li>1. M/s Auto World International (Pvt.) Ltd, Karachi.</li><li>2. M/s Multiline Enterprises, Lahore.</li><li>3. M/s Orient Energy System (PVT.) Ltd, Karachi.</li><li>4. M/s Allied Engineering &amp; service (Pvt.) Ltd, Karachi.</li><li>5. M/s Shahnawaz (Pvt.) Ltd, Karachi.</li><li>6. M/s Rastagar, Karachi.</li><li>7. M/s Cummins Sales &amp; Services, Karachi.</li></ol>
Total Bids Received:	Two (02) bids documents were submitted by the following firms:- <ol style="list-style-type: none"><li>1. M/s Multiline Enterprises, Lahore.</li><li>2. M/s Orient Energy System (Private) Limited, Karachi.</li></ol>
Technical Bid Opening date:	02/04/2013
No. of Bid technically qualified	M/s Orient Energy System (Pvt.) Ltd. Karachi qualified for the opening of Financial proposal.
Bid(s) Rejected	M/s Multiline Enterprises Lahore. - Higher Horse power against requirement. - Higher fuel consumption. - Machine under carriage is not according to required specification.
Financial Bid Opening date	05/04/2013.

**Bid Evaluation Report:**

Make & Model	Country of Origin	Manufacturer
New Holland Model D95B (Italy) 96 Hp NET @ 2000 rpm	U.S.A.	New Holland Kobelco Construction Machinery S.P.A. Italy.

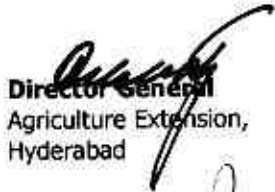
S No	Name of Firm or Bidder	Cost offered by the Bidder	Ranking in terms of cost	Comparison with Estimated cost	Reasons for acceptance/rejection	Remarks
0	1	2	3	4	5	6
1.	M/s Orient Energy System (Pvt.) Ltd. Karachi	Rs. 14.9 Million Per Unit	Single source	Rs.16.00 Million	Bid was found technically responsive.	Technically qualified bid accept

**Signatures of the Members of the Committee.**


**Deputy Secretary (Technical)**  
Agriculture Department,  
Government of Sindh, Karachi




**Director**  
Agriculture Engineering,  
Sindh Hyderabad.




**Director General**  
Agriculture Extension,  
Hyderabad



**Director General**  
Agriculture Research,  
Sindh, Tandojam



**Additional Secretary (Tech)**  
Agriculture Department,  
Government of Sindh, Karachi



**Director General**  
Agriculture Engineering  
& Water Management  
Sindh, Hyderabad