


**ORDER**


Based on the observations of the Review Panel and recommendations thereof, it is not possible not to agree with whatever has been said in the report.

Recommendations contained at Para-17 of the report of the Review Panel are endorsed.

  
4-4-14  
(Chief Secretary, Sindh)

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Dated 8/4/14

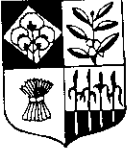
~~MD-SPPRA~~  
~~Dir (Eng-II)~~

  
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Chairman

Trading Corporation of Pakistan  
(Pvt.) Limited



*Put up*  
*10/01*

No. TCP/CH-1/2013  
January 06, 2014

The Managing Director,  
Sindh Public Procurement Regulatory Authority,  
Government of Sindh,  
Block-B, Sindh Secretariat No.4-A,  
Court Road,  
Karachi.

*DDG (A)*

Subject: REVIEW PANEL (NIT REF NO: INF-KRY NO: 786/13  
DATED 14-03-2013)

Kindly refer to notification No:SO(C-IV)SGA&CD/5-15/10(P-I) dated 16-07-2013 of SGA&CD regarding constitution of Review Panel to examine the complaint of M/S Multiline Enterprises against subject NIT and Authority's letter No: No.Dir(Enf-II)M18(Agr)/SPRA/2-1/12-13/303 dated 18-07-2013 on the subject noted above.

2. The report of the Review Panel along with XXIV (twenty four) annexures is submitted for further necessary action.

Yours Sincerely

*Rizwan Ahmed*  
(Rizwan Ahmed)

Encl: XX IV annexures

Copy to:-

1. Barrister Zamir Ahmed Ghumro, Member Review Panel, Clifton Centre, Karachi.
2. Mr. Muhammad Zeeshan Tarique, Member Review Panel.

**RECOMMENDATIONS OF THE PROCUREMENT APPEALS / REVIEW PANEL FOR  
DECISION ON THE COMPLAINT OF M/S MULTILINE ENTERPRISES**

**(Complainant)**

**REGARDING PROCUREMENT OF CRAWLER TRACTORS (24) AND SPARE PARTS (ADP  
SCHEME "REPLACEMENT OF EARTH MOVING MACHINERY PHASE II")**

**BY DIRECTORATE GENERAL OF AGRICULTURE ENGINEERING, AGRICULTURE  
DEPARTMENT, GOVERNMENT OF SINDH**

**(Respondent)**

**(NIT # INF-KRY No: 786/13)**

1. The Chief Secretary, Government of Sindh, upon receipt of the appeal invoking provisions of Rule 31 of the Sindh Public Procurement Rules 2010 by M/s Multiline Enterprises, against the departmental complaints committee and the above referenced procurement, referred the matter to this tribunal/review panel constituted by the Government of Sindh vide its notification no SO (C-IV) SGA&CD/5-15/10(P-1) dated 16<sup>th</sup> of July 2013 (Annex-I), in accordance with Rules 31 and 32, of the Sindh Public Procurement Rules 2010 (Annex II). Sindh Public Procurement Regulatory Authority, upon receipt of the constitution of this appeal/review panel and reference by the Chief Secretary Sindh, forwarded the reference to the review panel vide letter no. Dir (Enf-II)M18(Agr)/SPPRA/2-1/12-13/303 dated 18<sup>th</sup> of July 2013.

2. The review panel constituted for the appeal against the procurement of Bulldozers and spare parts carried out by Agriculture Department held its detailed deliberations on the 26<sup>th</sup> of July 2013 at SPPRA Head Office, Block 8, Sindh Secretariat No. 4-A, Court Road, Karachi. Both the parties, including the complainant / petitioner and the respondent / Agriculture Department, Sindh were present. Relevant record made available by the complainant and the respondent / department through the SPPRA which served as the secretariat for this review panel, was reviewed. Twice, the two parties were asked to provide set of record that was not available initially, both parties complied with. On receipt of the information from both the parties, it was observed that the calculations of net horse power in the case of SHANTUI bulldozer offered by M/S Multiline, parties differed from other party. For verification of technical calculations, the matter was referred to NED University of Engineering and Technology, Karachi. On receipt of the response, final meeting was held on the 19<sup>th</sup> of December

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2013, at the SPPRA Head Office, and the matter was concluded and recommendations firmed up. Extension of time was sought in accordance with the provision of Rule 31, as technical verification was required and some record was sought from both the parties.

### **Background of the case**

3. The Agriculture Department had floated notice inviting tender (NIT) in the print media on the 14<sup>th</sup> of March 2013. Total of 7 organizations / firms purchased bidding document (Annex III), while only 2 of them submitted the bids, one being the complainant and the other being the successful bidder i.e M/s Orient Energy System (Pvt) Limited. Technical bids were opened on the 2<sup>nd</sup> of April 2013, evaluated and decision to qualify only one bidder was made on the same day along with communication on disqualification to the complainant (Annex IV – Bid Evaluation Report and Annex V- Communication to the complainant, informing that the bidder has technically not qualified). The complainant M/s Multiline Enterprise wrote a letter challenging the disqualification on the 5<sup>th</sup> of April 2013 and complaining against the evaluation (Annex VI). Complaint redressal committee was constituted by the Agriculture Department which met and decided on the complaint, on the 24<sup>th</sup> of April 2013 (Annex VII). The decision of the committee (Annex VII) was communicated.

4. Against the decision, the complainant still aggrieved, appealed to the Chief Secretary vide their letter dated 29<sup>th</sup> of May 2013 (Annex VIII) for constituting review / appeals panel and referring the case to the panel. After the registration fee was deposited, the Government of Sindh notified the Panel and reference was sent to the panel.

5. According to the representatives (list of those in attendance at the hearing is at Annex IX) of the Agriculture Department, the contract was awarded after the decision of the complaints redressal committee and bulldozers have been supplied / received by the Department.

### **Maintainability of the Appeal**

6. The Agriculture Department contended vide Secretary Agriculture's note to the Chief Secretary dated 18<sup>th</sup> of June 2013 (Annex X) that the bid security has been withdrawn by the bidder. This was also raised on the day of hearing of this complaint by the representatives of the

Agriculture Department. This procurement appeals panel duly considered this submission of the department.

7. Sub Rules (9) and (10) of the Rule 31 of Sindh Public Procurement Rules 2010 lays down the condition for filing an appeal, which are:

“a) that the bidder has exhausted his complaint to the Complaint Redressal Committee (CRC); and

b) that he has not withdrawn the bid security deposited by him during the procurement process”

8. The first condition of sub-rule (9) was met as committee was constituted by the department and decision made as well as communicated to the complainant.

9. The procurement procedure laid down in Rules 46 of the Sindh Public Procurement Rules 2010 been ‘Single stage – two envelopes’ was adopted by the Procuring Agency for this procurement. The procedure requires that after the evaluation of the technical evaluation, financial bids of the technically qualified bidders shall be opened while the ones not qualified / found non-responsive shall be returned un-opened to the respective bidder (s). Accordingly, this second condition of the sub-rules (9) and its spirit, is also met /satisfied as the bidder has not withdrawn (nor requested for withdrawl of the bid security) rather it was the department which returned the bid (not an action of the bidder) security after disqualifying the bidder according to the Rule 46 which cannot be attributed to ‘withdrawl of bid’ as provided in Rule 31. Further this should be read with Rule 4 on principles of procurement demanding transparency and fairness and Rule 38 of the Bid Validity where conditions of ‘withdrawl of bid security’ have been mentioned.

10. Further, the conditions laid down in sub-rule (10) of Rule 31 of Sindh Public Procurement Rules 2010 being; a/ letter stating his/complainant’s wish to appeal to the review panel and the nature of the complaint, b) copy of the complaint earlier submitted, and c) depositing non-refundable complaint registration fee to the Authority were also met.

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11. We accordingly conclude that all conditions laid down for this appeals process as provided in the Rule (31) were met and the appeal is maintainable. The respondent agreed and cooperated during the entire hearing and deliberations, by providing their version along with presentation of facts/documents/evidence. The data / facts / information provided from both the parties were challenged by each other. We also observe here that the letter and spirit of sub-rule (2) of Rule 31 was not followed and the department/complaints redressal committee hastily went through the motions to hand over the decision without due care, diligence and consideration of transparency and fairness, for the reasons listed below. It was a critical juncture in the procurement proceedings, as after the decision of the committee, the rules (sub rule (6) of Rule 31) permit award of contract which seems was followed by the committee. The committee met on the 24<sup>th</sup> and notification of award was issued on the 25<sup>th</sup> of April 2013 by the Agriculture Engineering Department (minutes of redressal committee at Annex XI and Award Letter at Annex XII).

- a) The composition of the committee was not appropriate, as the head of the procurement committee was made the Head of the complaint redressal committee which should not be the case;
- b) The intimation letter was sent a day earlier to all members including the outside Government Agency i.e the Accountant General whose representative could not attend. The matter was rushed into.
- c) The complainants were not provided an opportunity to be heard.

12. This being one (process, procedure adopted including not providing an opportunity to be heard not in line with the principles of natural justice and transparency) of the contentions of the complainant is hereby endorsed by this tribunal.

**Contentious Issues**

13. The department had technically not qualified (declared technically non-responsive) the complainant during evaluating the technical proposals of the two firms which had submitted the bids. Other 5 firms, which obtained the bidding documents, did not submit their bids. Reasons of non-participation are not known. The department had not approached the other potential bidders

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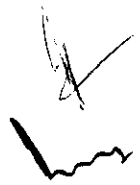
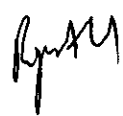
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who had purchased the bidding documents after the procurement notice appeared and requirements became known, for ascertaining reasons of lack of interest demonstrated by the other five, in the subsequent round of bidding process. The following issues were agitated by the petitioner and the respondent:

- i. **Condition of registration with the Securities and Exchange Commission of Pakistan was part of the bidding documents and criteria for qualification / evaluation. The complainant termed it discriminatory and not in accordance with the law.**

In this regard and during the hearing of the case, the Deputy Director of Agriculture Engineering Department stated that, "we have to follow two sets of rules, one that SPPRA has notified and the others of Transparency International". This was rather surprising statement coming from a public servant being custodian of public funds. This demonstrates some gap in understanding and also certain extent of disregard of the governing law / rules / regulations / directions (on public procurement), in this context. Government Laws, Rules and regulations are sacrosanct and needs to be followed in letter and spirit during public management.

The versions of both the parties were heard. Sub Rule (1) (y) of Rule 2 of Sindh Public Procurement Rules 2010 lays down the definition of the national company or firm as '..an enterprise, firm or company setup or incorporated in Pakistan'. Further (sub Rules (1) (aa) of Rule 2 of Sindh Public Procurement Rules 2010, provides level playing field for all such firms, companies or organizations to bid as part of the open competitive method. Sub Rule (2) (b) of Rule 15 provides for all national companies, firms or parties to participate in national competitive bidding. Rule 29 on eligibility for participation and its spirit provides for participation of all firms, organizations registered or incorporated (under relevant law) in Pakistan and its sub-rule 4 explicitly debars procuring agencies to restrict bidding in any manner. Accordingly we are of the view that inclusion of

registration condition is tantamount to restricting competition, provision being discriminatory and negating the principles of procurement.

ii. **The department accused the complainant of not having a sales & services center or an office in Hyderabad as was required in the Schedule of qualification of the bidders.** While this was not listed as a reason for not qualifying the complainant, in the communication no. DAE/Store-949(02)/553/13 dt 2<sup>nd</sup> April 2013 by the Director Agriculture Engineering, Hyderabad to M/s Multiline, it was observed, noted and recommendation was made for not qualifying the complainant bidder, under sub rule (1) of Rule 30 by the Complaints Redressal Committee. It was observed during the proceedings of this review, that an office of M/s Multiline exists at the given address (also accepted by the respondent but with a slight change in stance that it is not good enough for servicing) and that the same outlet had been providing such services to the department, as part of the earlier contract. While this seems to be an afterthought, we cannot ascertain if this facility is still 'adequate' to the 'needs' (whether changed or not) of the procuring agency. However, we note that earlier practices had been to mobilize deputed personnel from this center for providing on-site service and maintenance wherever the machinery (bulldozer) was located and that the bulldozers were / are not required or mobilized physically to a center, which otherwise is also far more costlier (in terms of time and money).

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iii. **The department of Agriculture (respondent) has contested that M/s Multiline had wrongly stated that SHANTUI is the OEM supplier for KOMATSU.** The department substantiated this by placing two letters on record. The first one is a letter (e-mail copy of the letter) no. DAE/Store-926/253/09 dt 16<sup>th</sup> of February 2010, written to the KOMATSU Limited by the Agriculture Engineering Department (Annex XIII) for verifying and the other letter is the response from Komatsu, bearing ref no. KMEPK/20100217 dt 17<sup>th</sup> February 2010 (Annex XIV), confirms that ‘.. there is no existing arrangements between Komatsu Ltd and any Chinese manufacturers to install engine or undercarriage assemblies from

*Rajendra*



Komatsu Ltd Japan into their bulldozers. Shantui is also not supplying undercarriages assemblies to Komatsu ltd for its own designed bulldozers..' The petitioner protested that the information has no relevance now.

While neither this was included in the 'reasons for not technically qualifying the bidder' in the communication by the respondent, nor it apparently had an effect on an earlier contract (which was in 2011 – Annex XV) between the respondent and petitioner, despite the fact that department claims to have known this in 2010, this is found to be serious, materially incorrect and should have been considered by the department at the time of getting into the earlier agreement or any other time or at the time of bid evaluation of this contract, by invoking Sub Rule (1) of Rule 30, right after this information became available. This was either negligence or the information was concealed with malafides and this can be held against the concerned officials. Presenting this information in 2013 is of little or no consequence (and after the procurement process is over), unless fresh information is obtained as to whether such an arrangement currently exists or not. Department / procuring agency reserves the right to verify information / contents of the bid in any case, in accordance with Rule 30. We would recommend that the department may conduct an inquiry as to why the earlier contract was awarded despite the fact that the department had been in possession of the above referenced certificate and fix responsibility in this regard. The department may invoke provisions of Rule 35, in case the department is satisfied that the conditions laid down in the above referenced rule, are met.

iv.

**The petitioner has expressed his doubtfulness on the process of evaluation as the bids were opened, evaluated and decided on the same day i.e 2<sup>nd</sup> April 2013. Even the communication to the petitioner regarding their disqualification was made on the same day. We note with surprise, the pace of the evaluation carried out in such a short period (same day), considering (with the presumption) that the members of the evaluation committee would have gone through the technical proposals in detail, worked out the net horsepower from the gross horsepower, checked and verified all the necessary documents and attachments**

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and sought approval of the competent authority, of such a large procurement. This is an unusual fast disposal. Such a large procurement should have been carried out with due care and diligence and not rushed through. The above gives credence to the doubt of the bidder.

v. In the letter communicating that the bidder has technically not qualified {No. DAE/Store-949(02)/553/13 dt 2<sup>nd</sup> April 2013}, the Agriculture Department has listed three major reasons:

a. **The performance report of CUMMINS QSB 4.5 engine indicates a gross engine output of 115 HP @ 2000 RPM, even after deducting HP consumed by other equipment, the net HP is higher than the requirement of 90-100 HP**

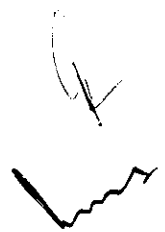
The bidding documents required the bidder to furnish engine performance report. The complainant / petitioner has attached the engine performance report from CUMMINS which specifies gross 115 HP @ 2000 RPM as noted by the respondent in its evaluation report. However and importantly **the respondent only notes that the net HP after factoring out the requirement of other equipment on gross HP is still higher than the requirement of 90-100 HP, but has not substantiated it.** Whereas the complainant argues that the net HP of the offered SHANTUI product is 100 and falls in the requirement bracket of 90-100 HP. However, in a communication to SPPRA, as part of proceeding of this review, the complainant / bidder has stated net HP as 99.2 (letter of M/s Multiline to SPPRA dt 29<sup>th</sup> of July 2013 - Annex XVI). The technical specifications document, part V of the bidding document requires the bidder to specify the Net Engine Output which M/s Multiline has indicated as 100 HP (Annex XVII – Technical Bid). The complainant stated in the hearing that the engine performance report of CUMMINS which was part of the submitted bid, needs to be treated differently i.e 'as advertised' and not the actual is found, not to be tenable. As the bid submitted by the bidder along

with all the submissions and attachment is sacrosanct, we note the gross HP as 115 @ 2000 HP.

Both the parties were asked to submit the calculations on which their claims are based. The procuring agency was also asked to submit the technical comparative matrix or evaluation sheet whereas the technical aspects were compared and technically evaluated and along with the basis of calculations (Annex XVIII).

The complainant in their response to the above referenced communication to the SPPRA, submitted that its engine's gross power (HP) is 110 with net 100 along with calculations vide their letter dt 22<sup>nd</sup> August 2013 (Annex XIX). The department in their response vide letter dt 22<sup>nd</sup> of August 2013 stated the power as 82 KW (not in HP – although in all the other documents, HP is used), along with calculations. However the department neither provided a technical evaluation matrix providing real comparison on technical grounds along with the basis of calculations, nor did it mention that the calculations provided in the above referenced letter were the basis of rejection (Letter – Annex XX)

Further, it was decided that the two sets of calculations be referenced (along with all necessary technical details and submissions by the two parties) to NED University of Engineering and Technology for their technical opinion. **The NED's response (Annex XXI) received on the 2<sup>nd</sup> of September 2013, stated that the 'net power is almost identical for both machines' and indicated 72 KW @ 2000 RPM for New Holland and 74 KW @ 2200 RPM for SHANTUI (net power is slightly higher due to higher RPM in case of SHANTUI). Max torque was also stated to be almost identical for both machines as it is 435 NM @ 1400 RPM for New Holland and 488 @ 1500 RPM for SHANTUI (slightly higher value for SHANTUI due to higher RPM). This provides credence to the claim of the complainant and**



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**contradicts the submission of the department with regard to SHANTUI's engine net output being 82 KW.**

Further, it is noted that the Department of Agriculture accepted the stated net HP as 96 (Annex XXII -Technical Bid) by the successful bidder on the face of submission (technical specification sheet), it rejected the stated net HP as 100 by the complainant. The department should have either accepted or rejected the stated net HP's duly supported by the documents, in case of both the bidders, by evaluating on same grounds / criteria or provided calculations as part of the evaluation. Through the detailed evaluation the department should have substantiated if stated net HP of New Holland is correct and that of CUMMINS/SHANTUI is wrong or any other possibility. Making a mere statement that net HP of CUMMINS/SHANTUI is still more than the requirement is not found to be backed with substantiating information, data and calculations.

Accordingly we conclude that the department failed to record and provide basis (calculations and evidence) to the bidders and subsequently to this forum and could not substantiate their claim made in the statement while providing reasons to M/s Multiline for not qualifying them technically and backing technical evaluation with calculations. Further the NED's calculations contradicted the claim of the department (SHNATUI's engine net output of 82 KW) and their report indicated that the net output and torque of SHANTUI and New Holland are almost identical.

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- b. **The performance report indicates the specific fuel consumption of 235 g/kwh @ 2200 RPM which is equivalent to 23 lt/hr and contradicting the claim of 10 lt/hr, in offered specification;**

The performance report of CUMMINS, which is part of the bid submitted by the petitioner, indicates 235 g/kwh @ 2200 RPM and as had been noted by the

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evaluation committee. While the petitioner has conceded to the fuel consumption (with the addition of 'at full load') of 235 g/kwh @ 2200 RPM as provided in the engine performance report (which they had earlier contested as merely been an 'advertised' one), they have argued that there cannot be any machine with exact 172 g/kwh fuel consumption as stated by new Holland (the successful bidder 'M/s Orient Power). It is important to note here that while the technical specifications section required bidder to state the fuel consumption in g/kwh, the complainant has stated the same in unit l/h (litre/hour). While the Department has converted the fuel consumption provided in the performance report by the complainant into litres/hour and has contested the claim of the complainant of 10 lt/hr, the complainant has also submitted a different consumption rate of 13.11 lt/hr in their calculations vide their e-mail of 22<sup>nd</sup> August 2013 (Annex XXIII).

Further NED, in its technical opinion has stated the specific fuel consumption of New Holland to be 176 g/kwh and 213 g/kwh in case of SHANTUI. Using a conversion formula provided by NED as well, the lt/hr calculated for New Holland is 14.7 and 18.3 for SHANTUI. While the engine efficiency in terms of fuel consumption is better in case of New Holland as compared to SHANTUI, the calculations for SHANTUI made by NED are different and flatly contradict the claim of the complainant (10 and subsequently 13.11 lt/hr) and the subsequent calculation of the department of 23 lt/hr.

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This further substantiates that the technical evaluation by the department lacked in a number of ways and their subsequent calculations are contradicted by the NED's technical opinion as well. The claim of the department and that of the complainant, seems to be incorrect in view of the above.

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The department has not prepared a comparative matrix by comparing the technical aspects of the offer by the two bidders on a uniform basis, calculating and validating/rejecting the claims of the two bidders with substantiating documents, while technically evaluating the bids. RPM (revolutions per minutes) are also different in the narrative used by the Department while stating power of the engine and fuel consumption. This has hindered the letter and spirit of evaluation and comparison of apples with apples cannot be ascertained on the basis of the process followed and documented. NED's technical opinion contradicts the evaluation and the subsequent calculations done by the department with regard to the engine's output, torque and fuel consumption.

- c. **The offered undercarriage of SHANTUI SD10YE is not according to the requirement of bidding document.**

The petitioner has contested the inclusion of brand names for undercarriages as non-conforming to the Sindh Public Procurement Rules 2010. This has been mentioned as one of the reasons for disqualification (not qualifying) by the Agriculture Department vide letter No. DAE/Store-949(02)/553/13 dt 2<sup>nd</sup> April 2013 to the petitioner / complainant, whereas no reasons have been assigned, other than the statement that the offered undercarriage is not according to the requirement of the bidding document. Sub Rule (1) of the Rule 13 of Sindh Public Procurement Rules 2010 provides for generic specifications allowing widest competition while restricting the procuring agency to using brand names, catalogue or model numbers, with the exception that if use of such names or numbers is necessary, it should be done with the inclusion of 'or equivalent' (for sake of completeness only). The specifications should not be to the advantage or disadvantage of any contractor or supplier. In this case, the brand names were included in the bidding document in violation of the provisions of Rule 13 and SHANTUI was excluded from the list, 'or equivalent' was also not included which

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substantiates the claim of the petitioner, who found it discriminatory and meant to exclude them for the competition.

14. PC-1 (Annex XXIV) provides for 90-100 HP bulldozers, undercarriage and spares. During the hearing, the petitioner stated that the small bulldozers (90-100 HP) which the department had procured are in fact becoming obsolete in the international market and very few actually offer them. There has been a shifting trend towards bigger bulldozers and even the Agriculture Department has been procuring bigger bulldozers. The department, to an extent, agreed to the above.

15. The Planning and Development Department of the Government of Sindh which approved (PDWP) the PC-1, may like to have a look on the technical appraisal of the PC-1 in view of the observation made above and for future reference. It is highly desirable that current trends, utility requirements, most advantageous technical specification (for the buyer) and 'value for money' in use of public funds should form core of the technical appraisal process.

16. The sub rule (13) (c) of Rule 31 requires the review panel also to identify infirmities and deviations in practicing public procurement rules 2010. Accordingly, these have been stated below;

INFIRMITIES AND BREACH OF SINDH PUBLIC PROCUREMENT RULES 2010

Sr #	Sindh Public Procurement Rules 2010 – Rule #	Our observations
1	Rule 4 – Principles of Procurement	Partially followed
2	Rule 7 – Constitution of Procurement Committee	Partially in conformity with rules (headed by officer above BS 18). The condition of 1/3 <sup>rd</sup> members to be from other than the procuring agency / department and having odd numbers ( total number of committee members

*Reported*

		were 6), have not been met
3	Rule 9 – Record of procurement proceedings	Partially in conformity with rules
4	Rule 10- Transparency	Partially in conformity with rules
5	Rule 13 – Specifications	Violation of sub Rule (1) by procuring agency
6	Rule 15 – Types of bidding (national competitive bidding)	Violation of sub Rule (2) (b)
7	Rule 17 – Methods of notification and advertisement	Partially in conformity with rules
8	Rule 18 – Response time	Conforms with rules
9	Rule 20 – Provision of bidding documents	Conforms with rules
10	Rule 21 – Contents of bidding documents	Conforms with rules
11	Rule 27 – Pre Qualification of Suppliers and Contractors	Not followed despite this being an expensive and complex equipment procurement
12	Rule 29 – Eligibility	Not in conformity with rules
13	Rule 30 – Disqualification of contractors, suppliers and consultants	Department has stated to have been provided materially incorrect information by the complainant, and reference has been made to this Rule (at least in two instances), but provision has not been invoked.
14	Rule 31 – Grievances Redressal	Violation of sub Rules (1) and (2)
15	Rule 35 – Blacklisting of Suppliers, Contractors and Consultants	The procuring agency has contended that materially incorrect info has been provided by the complainant bidder which calls for disqualification; however, it has not proceeded

*R. J. M.*



		further on disqualifying the bidder.
16	Rule 37 – Bid Security	In conformity with rules.
17	Rule 38 – Bid Validity	In conformity with rules.
18	Rule 41 – Bid Opening	In conformity with rules.
19	Rule 42- Evaluation of bids	Not in conformity with rules.
20	Rule 48 – Acceptance of bids	Quotes were obtained from the bidder who obtained the bidding documents, but did not submit its bid as such cannot be considered as market price. Not in conformity with rules
21	Rule 52- Bar on negotiations	The successful bidder revised its bid by stating that the custom duty was initially included, but subsequently taken out in the revised offer. Not fully in conformity with rules

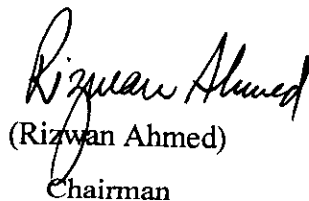
17. Based on the above, this Review Panel in accordance with provisions of Rules 31 and 56, recommend compensation to the tune of Rs. 150,000/- invoking sub Rule (4) (b) (ii) of Rule 56.

18. Recommendations with annexes are submitted for decision of the Chief Secretary Sindh, according to Rule 31.

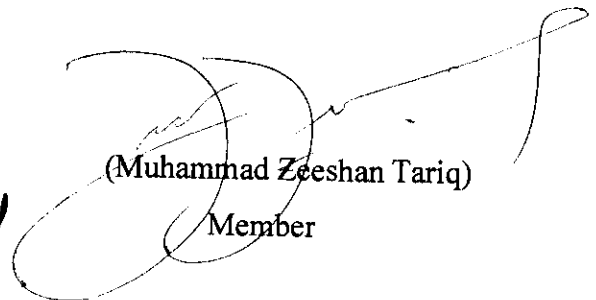


(Barrister Zamir Ghumro)

Member



(Rizwan Ahmed)  
Chairman



(Muhammad Zeeshan Tariq)  
Member

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DETAIL OF ANNEXURES

S. NO.	DESCRIPTION	ANNEX NO.
1	NOTIFICATION - SO(C-IV)SGA&CD/5-15/10(P-1) DT. 16 <sup>TH</sup> JULY, 2013.	I
2	SINDH PUBLIC PROCUREMENT RULES 2010.	II
3	BIDDING DOCUMENT.	III
4	BID EVALUATION REPORT.	IV
5	COMMUNICATION TO THE COMPLAINANT REGARDING DISQUALIFICATION.	V
6	COMPLAINT OF M/S MULTILINE (PVT) LTD. DT. 15 <sup>TH</sup> APRIL, 2013.	VI
7	CONSTITUTION OF COMPLAINT REDRESSAL COMMITTEE	VII
8	APPEAL OF COMPLAINANT TO THE CHIEF SECRETARY.	VIII
9	REPRESENTATIVES OF AGRICULTURE DEPTT IN ATTENDANCE ON THE DAY OF HEARING BY REVIEW PANEL.	IX
10	SECRETARY AGRICULTURE NOTE TO THE CHIEF SECRETARY AGAINST REFERRING THE MATTER TO REVIEW PANEL.	X
11	MINUTES OF MEETING OF COMPLAINT REDRESSAL COMMITTEE.	XI
12	AWARD LETTER.	XII
13	LETTER TO KOMATSU BY AGRICULTURE ENGINEERING DEPARTMENT NO. DAE/STORE-926/253/09 DT. 16 <sup>TH</sup> FEBRUARY, 2010.	XIII
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