



No. Dir(Enf-II)/SPPRA/E&T-09(N)/14-15/ 9760  
**SINDH PUBLIC PROCUREMENT REGULATORY  
AUTHORITY**

Karachi, dated the 17<sup>th</sup> June, 2015

**ORDER**

This will dispose of Review Appeal decided in a meeting of the Review Committee held under Rule-32 of SPP Rules, 2010 on 15<sup>th</sup> June, 2015 against the decision of Complaint Redressal Committee filed M/s LEO International regarding procurement of tax token stickers by the Excise, Taxation & Narcotics Department (the procuring agency) in NIT No. INF-KRY # 1345/15 dated 13<sup>th</sup> April, 2015.

The committee heard the complainant Mr. Waqar Mateen of M/s Leo International at length, who explained his grievances and presented his arguments. Subsequently clarification was also sought from the Procuring Agency i.e. Excise, Taxation & Narcotics Department represented by M/s Muhammad Sadiq Rajar, Additional Secretary and Mr. Sohail Ahmed Kalhoro, Deputy Secretary. The department could not give tangible reason for repeated cancellation of tenders.

The complainant/ appellant informed that they participated in the first tender (INF-KRY No.3378/14 on 31.10.2014) for supply of Tax Token Stickers under the name of M/s Mark International and were the lowest bidder, but the procuring agency cancelled the bidding process without assigning any reasons for cancellation. He further apprised that the procuring agency did not communicate reasons of cancellation on their enquiries which is violation of SPP Rules. The appellant further informed that they again participated in second tender (INF-KRY No.35/15) in the name of M/s LEO International and this time also their bid was the lowest, but again the procuring agency cancelled the tender without assigning any reason. He added that after opening of bids the procuring agency formed another technical committee comprising all members from the procuring agency and that technical committee rejected their samples and approved samples of other party, although they did not meet the requirement of the tender. Later, the procuring agency again floated a third tender before cancellation of second NIT, this time bidding documents were not provided to M/s LEO International. He informed that they tried to download the bidding documents from the website of the procuring agency, but tender documents were

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blocked, hence they could not download the same. This complaint was lodged with SPPRA, regarding non-issuance of bidding documents.

The committee after due diligence and keeping in view the Act, Rules and norms of Transparency in the procurement procedure has unanimously decided that Excise, Taxation and Narcotics Department has violated SPP Rules 2010 and also failed to respond to irregularities pointed out by the complainants and queries made by this Authority from time to time. The representative of Industries Department informed that they were part of the committee in first tender, in which M/s Mark was the lowest and its sample was qualified. The representative of Industries Department was not invited in second and third tenders (No. INF-KRY # 1345/15 dated 13<sup>th</sup> April, 2015).

Whereas, the procuring agency was required to award the contract after verification of samples and manufacturing facilities of the bidders as per conditions of the tender, which has not been done by the Procuring Agency, in this instant procurement.

NOW THEREFORE, the Review Committee in terms of Rule-32 (7) (d) of SPP Rules, 2010 (amended 2013) has decided that the act / decision of Procuring Agency to evaluate bids without verifying the samples and allied facilities of bidder as mentioned in tender documents is annulled and the Procuring Agency shall cancel the process and re-tender in terms Rule-26 of SPP Rules, 2010 (Amended-2013)"



  
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**MANAGING DIRECTOR**

1. Secretary to Govt. of Sindh, Excise, Taxation and Narcotics Department, Karachi.
2. Director General Audit Sindh, Karachi (Member)
3. Engr. M. Abdul Jabbar Memon, Representative of Civil Society on SPPRA Board, (Member).
4. Syed Adil Gilani, Advisor, Transparency International Pakistan (Member)
5. Mr. M. Amir, Deputy Director, Industries Department, GOS, Professional for Tax Token Stickers
6. P.S to Chairman, SPPRA, Board
- ✓ 7. Staff Officer to Managing Director, SPPRA
8. M/S LEO International, Karachi.