



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-(2269)/2020-21/5077 Karachi, dated the 15th April, 2021

To,

Executive Engineer,
Provincial Highway Division
Works & Services Department,
Government of Sindh,
Dadu.

Subject: DECISION OF REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY.

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the Authority's Review Committee decision (M/s Khokhaor Brothers Construction V/s Executive Engineer Provincial Highway Division Dadu, held on 01.04.2021 for taking further necessary action in compliance of referred decision, under intimation to this Authority, at the earliest.


ASSISTANT DIRECTOR (LEGAL-II)

A copy is forwarded for information and necessary action to:

1. The P.S to Secretary to Government of Sindh, Works & Services Department.
2. The Superintendent Engineer, Highway Circle (Works & Services) Department Hyderabad.
3. Assistant director (I.T), SPPRA (with advice to post the decision on the Authority's website in terms of Rule-32(11) of SPP Rules, 2010)
4. The Staff Officer to the Chairman / Members Review Committee.
5. The Appellants.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/2269/2020-21677

Karachi, dated 14th April 2021

BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY UNDER RULE-32 OF SPP RULES 2010.

REVIEW APPEAL

M/S Khokhar Brothers

VS

The Executive Engineer, Provincial Highway Division, Dadu

(NIT#T00595-20-0002 Dated **19.1.2021**)

The appellant, M/S Khokhar Brothers Construction Government Contractor lodged a complaint to the Superintendent Engineer Provincial Highway Circle, Hyderabad **Chairman Complaint Redressal Committee** against the Tender #T00595-20-0002 Dated **19.1.2021** floated by the Executive Engineer Provincial Highway Division Dadu (*the procuring agency*) vide letter NO.073/2021 dated 01.02.2021. The appellant submitted that the procuring agency has not opened the bids on 01.02.2021 and further submitted that the procuring agency failed to observe rule 4 of SPP Rules 2010 which is against the rules.

2. Therein the appellant approached the Review Committee on 18.3.2020 vide letter NO.101/2021 dated 17.3.2020 because CRC failed to decide the matter within stipulated time. Complaint was taken up by the Complaint Redressal Committee and decided the matter accordingly. The bidder also submitted Review Appeal fees and other required documents before the Review Committee.

3. Accordingly, the appellant's case was taken up by the Review Committee for hearing in its meeting scheduled on **1.04.2021 at 11.00 a.m.** The Authority issued notices to the parties concerned to appear in person or depute an authorized representative, well conversant with the instant procurement along with relevant documents and evidence, if any, before the Committee on the scheduled date, time and venue to present and/ or defend the case in terms of Rules-32(6), (8) & (10) *ibid*¹. The meeting was attended by the appellant and the Executive Engineer Highway Division Dadu.

4 On receipt of appeal, along with all requisite information and documents, the Chairperson shall convene meeting of the Review Committee within seven working days. It shall be mandatory for the appellant and the head of procuring agency or his nominee not below the rank of BS-19 to appear before the Review Committee and when called and produce documents, if required. The Review Committee shall hear the parties and announce its decision within ten working days of submission of appeal. However, in case of delay, reasons thereof shall be recorded in writing.

REVIEW COMMITTEE'S PROCEEDINGS

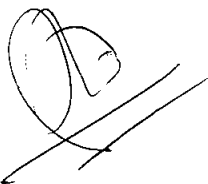
6. The Chairperson of the Committee commenced the meeting by welcoming all the participants of the meeting. Then, the chair asked the appellant to present the case/version over the instant matter before the committee.

The Appellant's Version

7. The bidder submitted that the procuring agency called bids having PPMS ID No.T00595-20-0002 Dated 13.01.2021.
8. The bidder further submitted that the date for submission of bids was fixed on 01.02.2021 and the same was re-fixed on 16.02.2020 at 10.30 AM.
9. The appellant has submitted that he participated in the bidding through TCS courier services and the same was received by the office. The procuring agency has hosted the bid evaluation report on 04.03. 2021. However, the appellant's bid has not been shown by the procuring agency which is violation of rules and against the transparency. The appellant further submitted that the procuring agency failed to observe SPP Rules 31,3 & 5.
10. The bidder further submitted that the appellant had approached CRC against the mis-conduct of the procuring agency and CRC meeting was scheduled to be held on 15.03. 202. However, the same was not convened.
11. The bidder was asked regarding the documentary evidence of the receipt of the bidding documents as the procuring agency's office. The bidder submitted the courier receipt document which makes clear that the bidding documents were received at the procuring agency's office.
12. The bidder stated he approached the Review Committee on 18.03.2021 because bidder because CRC was failed to decide the matter within stipulated time.

The Procuring Agency's version

13. The Procuring agency submitted that the bids were called in accordance with the rules. The date was for the submission and opening of bids was fixed on 1.02.2021 and the same was extended till 16.2.2021.
14. The procuring agency submitted that bids were opened publicly and the same were evaluated in accordance with the criteria mentioned in the bidding documents. The procuring agency also submitted that the was held publicly in the presence of all bidders and all the firms were well informed regarding opening in advance via corrigendum issued.



15. The procuring agency also contended that bid evaluation report was made public on **04.03.2021** and the bids were evaluated in accordance with the rules.

16. The procuring agency was asked regarding the whether contract has been awarded or not? The procuring agency submitted that contract agreement has not been signed.

Observations of the Review Committee

17. The Review Committee observed that the bidder has not been listened by the Complaint Redressal committee whereas the rules clearly state that the CRC shall listen to the bidder and announce its decision within seven days of the receipt of complaint and intimate the same to the bidder and the Authority within three working days.

18. The committee also observed that the procuring agency is required to award the contact after the decision of complaint redressal Committee.

Decision of the Review Committee

19. *Given the preceding finding and observations and after due deliberation the Review Committee unanimously decided that Procuring Agency shall not award the contract under Rule-31(7) of SPP Rules, 2010 against the instant NIT and directed the Procuring Agency to place the matter before the Complaint Redressal Committee (CRC). The Complaint redressal committee shall decide the matter by 21.4.2021 and intimate the decision to the aggrieved bidders and the Authority within three working days under Rule-31(4) of SPP Rules, 2010.*

(Member)

Syed Adil Gilani

Private Member SPPRA Board

Representative Transparency International

(Member)

Manzoor Ahmed Memon

Member SPPRA Board

(Member)

Chief Engr@Haji Parpio

Independent Professional

(Chairman)

Riaz Hussain Soomro

Managing Director Sindh Public Procurement
Regulatory Authority

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