



Government of Sindh  
Sindh Public Procurement Regulatory Authority



No.AD(Legal-II)SPPRA/RC-4/2018-19

Karachi, dated

November, 2018

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

(Appeal)

Ammar Medical Store & Supplier

Versus

Liaquat University Hospital, Hyderabad

**Facts and background**

1. M/s Ammar Medical Store & Supplier, hereinafter referred to as Appellant, has filed an appeal, on 15-09-2018 to the Review Committee (RC) of Sindh Public Procurement Regulatory Authority (SPPRA), stating therein that the firm participated in the tender bearing No.LUH-Ger-Br-35693/96, dated 01.08.2018, for Local Purchase of Drugs and Medicines on Daily Emergency Basis (24/7 basis) dated 17.07.2018 invited by Medical Superintendent, Liaquat University Hospital Hyderabad, hereinafter referred as Procuring Agency (PA). The appellant was later on informed by P.A that the firm has been dis-qualified in technical evaluation (for not providing Professional Tax Certificate). The said certificate was subsequently provided to the procuring agency, but P.A did not accept it. The appellant approached the Medical Superintendent, Liaquat University Hospital Hyderabad, but instead of resolving the issue through Complaint Redressal Committee (CRC), the Purchasing Agency called upon him to explain why they were blacklisted in 2016 and such order was still hosted on SPPRA Website.

2. In the year 2016, the Appellant was blacklisted by the P.A and such order was sent by the then Medical Superintendent, Liaquat University Hospital to SPPRA for hosing on website. The appellant filed petition in Honourable High Court against the blacklisting decision of PA, but in the meantime on the assurance of Mr. Abdul Sattar Jatoi, Director Admin & Finance that his blacklisting order would be revoked, he withdrew the petition and participated in the tender, but his bid subsequently was again rejected on technical grounds. It was an indication that blacklisting of appellant was withdrawn as he was allowed to participate in bidding process.

3. Upon receiving the explanation letter on his blacklisting, the appellant approached this Authority against blacklisting order dated 20.10.2016. Hence the matter was taken up by R.C under Rule-35(4) of SPPRA Rule 2010. Accordingly notices were issued to the Parties for appearing before the Review Committee and the matter was fixed for hearing on 31-10-2018 at 12.00 a.m. The owner M/s Ammar Medical Store & Supplier the appellant and Dr. Abdul Wahab Wadho, Medical Superintendent and Mr. Abdul Sattar Jatoi, Director Admn, Liaquat University Hospital, Hyderabad, represented the Procuring Agency before the Review Committee.

### **Appellant Version**

4. The Appellant, while arguing for his appeal apprised the Review committee that the his firm participated in the aforesaid tender invited by Medical Superintendent, Liaquat University Hospital Hyderabad, but was dis-qualified on technical grounds. When appellant approached to Medical Superintendent, Liaquat University Hospital Hyderabad for redressal of his grievances, P.A instead of resolving the issue through Complaint Redressal Committee (CRC) called upon the appellant to explain the reason of his blacklisting, which is still hosted on SPPRA Website.

5. The Appellant further stated that in the year 2016 his firm had participated in the tender invited by the same Procuring Agency i.e. Liaquat University Hospital, Hyderabad, but his firm was blacklisted for the reasons that the Bank Certificate provided by the appellant was found fake. Whereupon the appellant informed that the bank certificate shown to him during the bidding process was not submitted by appellant, and wrongly managed by someone else.

### **Procuring Agency Version:-**

6. Mr. Abdul Sattar Jatoy, Director Admn. & Finance, Liaquat University Hospital, Hyderabad apprised the Review Committee that M/s Ammar Medical Store & Supplier participated in the aforesaid tender. During the opening of technical bids it was found that professional tax certificate was not attached with his tender. Further, some of the participating firms also pointed out that M/s Ammar Medical Store & Supplier was earlier declared blacklisted by the then Medical Superintendent, Liaquat University Hospital, Hyderabad and such blacklisting is still uploaded on SPPRA website. P.A. further apprised the committee that the appellant was blacklisted for providing fake Bank Certificate which also contains his stamp and signature, and bank also certified that the certificate produced was not issued by the bank.

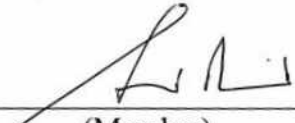
### **Review Committee observations:-**


7. After hearing the parties at length and perusal of record the Review Committee observed that P.A had blacklisted M/s Ammar Medical Store & Suppliers in 2016 on the basis of available record but no specific period for blacklisting was mentioned in the order. Further it was surprising that a blacklisted firm was allowed to participate in the tender process by the procuring Agency who had itself earlier blacklisted the firm. During the discussion the committee members gave their opinion that there should be specific time period for blacklisting of firm commensurate with the gravity of violation


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**Decision:-**

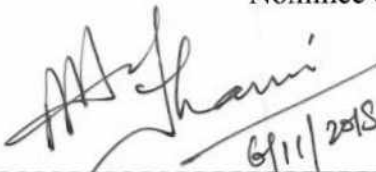
8. After detailed deliberations, the Review Committee, unanimously declared that the Procuring Agency should not have allowed a firm to participate in bidding process, which is already blacklisted by none other than the P.A itself. Therefore, P.A should fix the responsibility on the officer(s) / official(s) responsible and also take administrative action. The Review Committee further decided that the orders dated 20.10.2016 of blacklisting of the appellant be revised by P.A by mentioning specific time period for blacklisting.

  
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(Member)  
Engineer Saad Rashid  
Representative of Transparency  
International Pakistan  
Member on SPPRA Board

  
\_\_\_\_\_  
(Member)  
Asadullah Soomro  
Member SPPRA Board

  
\_\_\_\_\_  
Member  
Khalid Mehmood Soomro  
Member Federal Ombudsman,  
Regional office Karachi.  
(Independent Professional)

  
\_\_\_\_\_  
(Member)  
Nabiya Sohail  
Director (Audit)  
Nominee of Director General Audit  
Sindh

  
\_\_\_\_\_  
(Chairman)  
Muhammad Aslam Ghauri  
Managing Director  
Sindh Public Procurement Regulatory Authority