



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY  
AUTHORITY



No.AD(L-II) SPPRA/CMS- /2020-21

Karachi, dated , April,2021

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

**REVIEW APPEAL**

Between:

*M/S Faqeer Muhammad Mithal Mangrio*

VS

*The Executive Engineer, Education & Works Division ,Umerkot*  
NIT ID Number T00885-20-0003 Dated:14-10-2020

**Facts and background**

The appellant M/S Faqeer Muhammad Mithal complained to the Superintendent Engineer, Education & works Division against NIT ID Number T00885-20-0003 Dated: **14-10-2020** floated by the Executive Engineer, *Education & Works Division ,Umerkot* 'the **procuring agency**' for procurement of various works.

2. The appellant therein complained that the procuring agency did not open the bids on time. Furthermore, he submitted that the procuring agency awarded contract without CRC decision.

3. Subsequently, the appellants preferred an appeal, along with the supporting documents and review appeal fee, before this Authority whereby the appellant stated that the CRC failed to decide the grievances within the stipulated time; hence, the appellant requested to place the case before the Review Committee in terms of Rule-31(5)<sup>1</sup> read with Rule 32(5) *ibid*<sup>2</sup>.

2 The committee shall announce its decision within seven days. The decision shall be intimated to the bidder and the Authority within three working days by procuring agency. In case of failure of the committee to decide the complaint, the Procuring Agency shall not award the contract;

4. Accordingly, the appellants' case was taken up by the Review Committee for hearing in its meeting scheduled on **01.04.2021, 15.04.2021 at 11.00 a.m.**, and in this regard, the Authority (vide letter dated 27.01.2021) issued notices to the parties concerned to appear in person, or depute authorized representative, well conversant with the procurement in question, along with the 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*<sup>3</sup>.

5. In compliance, the representative of the Executive Engineer, Education & Works Division Umerkot, '*the procuring agency's representative*', and appellant also appeared before the Review Committee.

### **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 procurement before the committee.

7. The bidder submitted that he is a contractor doing business of construction since last twenty years and he is registered with (PEC) Pakistan Engineering council Category C-3 License.

8. The bidder further submitted that he had participated in above mention NIT for work No.23 the bidding opening date was 02-11-2020 on that only technical bid was opened but the financial bid was not opened on the same date.

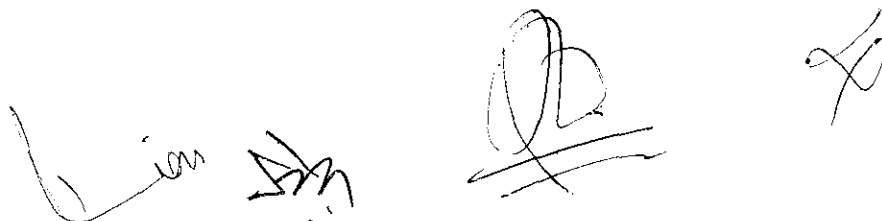
9. The bidder further informed that the procuring agency has changed the bid opening without any reason and on 2-12-2020 bid document has opened the tender were awarded on his blue eye contractor on bribe.

10. The bidder requested to take immediate action against illegally and violation of SPPRA rules in above mention NIT and requested to cancel or open the financial bid in few days according to SPPRA rules.

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<sup>3</sup>The bidder shall submit [following documents] to the Review Committee: - (a) a letter stating his wish to appeal to the Review Committee and the nature of the complaint; (b) a copy of the complaint earlier submitted to the complaint redressal committee of the Department and all supporting documents; (c) copy of the decision of procuring agency/ redressal committee, if any.

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 Nd 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.

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11. The bidder further requested to probe into for justice and stop this practices of the corruption in government departments and requested for fair and free bidding process as per SPPRA rules and without illegal term and conditions.

**The procuring agency's version**

12. The procuring agency informed that complainant is required to approach first to (CRC)Complaint Redressal Committee for remedy of his grievance thereafter if he does not satisfy the decision of CRC then He can approach the Review / Appeal committee. However, the matter is scrutinized carefully and all tenders process has been completed and bid Evaluation report was uploaded during the month of December 2020.

13. The Executive Engineer informed that his office called NIT for M&R work vide NIT No.XEN/E.W/Esst: 292/2020 dated: 09-10-2020 hosted on "(SPPRA ID NO. T00885-20-0002) and the same NIT was extended due to the some technical reason vide Corrigendum No.01 No.XEN/E.W/Esst: /332 / 2020 Dated: 02-11-2020and Corrigendum No. 02 No.XEN/E.W/Esst: / 335/ 2020 Dated: 17.11.2020 hosted on SPPRA website.

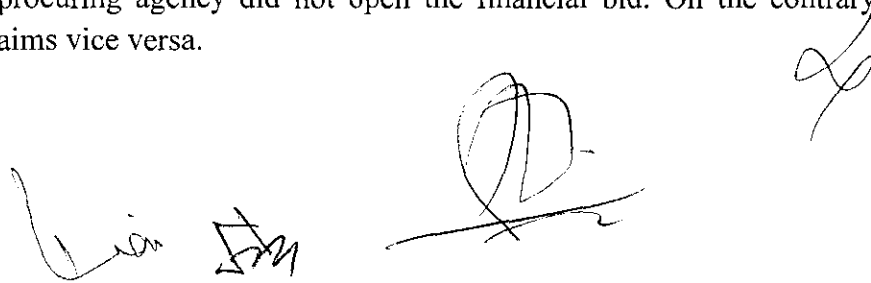
14. The Executive Engineer also informed that the complainant M/S Faqeer Muhammad MithalMangrio had applied for issuance of tender @ Serial No.18 & 23 and the office had issued blank tender documents vide No.71dated:16.11.2020 to the contractor.

15. It was informed that 04 Nos. contractors had participated in the work of Serial No.23 the lowest bidder M/S Abdul Razzak Shah has quoted bid amount Rs. 1705622/- and the complaint M/S Muhammad Faqeer Muhammad Mangrio has quoted bid amount Rs.1748309/- highest rate 05 Nos. contractor have participated in the work of Serial No. 18 and lowest bidder M/S Fayaz Ahmed quoted bid amount Rs.1816013/- and the complaint M/S Faqeer Muhammad Mithalmangrio has quoted has quoted bid amount Rs. 1955168/- which is highest rate.

16. The procuring agency pleaded that keeping the documentary evidence i-e D.R, attendance sheet, comparative statement showing the rates quoted by different contractors, bid evaluation reports and minutes hosted on SPPRA website it is crystal clear proof that all the tender process is completed with healthy competition among the contractors and rate quoted by the complaint were highest as compare with other bidder, therefore nothing is irregular and complaint is baseless.

**Findings of the Review Committee**

17. From the perusal of record, statements of bidder and the procuring agency the committee finds that the contention involved is regarding the non-opening of financial bid.The bidder submitted that the procuring agency did not open the financial bid. On the contrary to it,the procuring agency claims vice versa.

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### Observations of the Review Committee

18. The committee observed that the procuring agency had opened, evaluated and announced the bids in accordance with the rules. The documentary evidences i-e D.R, attendance sheet, comparative statement showing the rates quoted by different contractors, bid evaluation reports and minutes hoisted on SPPRA website are making it clear that the procurement process was completed in a fair and transparent manner. Whereas, the bidder was failed to provide any documentary evidence that may prove that any kind of violation has been done by the procuring agency.

19. The committee also observed that the successful bidders had submitted lower rates as compared to the complainant the details are as under:

<u>Work No</u>	<u>Rates submitted by successful bidder</u>	<u>Rates submitted by the complainant</u>
Serial No.23	Rs. 1705622/	1748309/
Serial No. 18	Rs.1816013	1955168/-

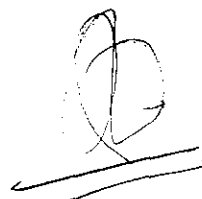
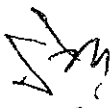
20. It may be noted that the procuring agency had described the awarding criteria in bidding documents. The same is reproduced as under

**IB.19 Award Criteria & Procuring Agency's Right 19.1 Subject to IB.19.2, the Procuring Agency will award the Contract to the bidder whose bid has been determined to be substantially responsive to the Bidding Documents and who has offered the lowest evaluated Bid Price, provided that such bidder has been determined to be qualified to satisfactory perform the Contract in accordance with the provisions of the IB.18.**

21. The SPP Rules 2010(amended upto date) also provide that the lowest submitted or lowest evaluated bid will be accepted. Rule 46(2)(i) states:

**bid found to be the lowest evaluated or best evaluated bid shall be accepted.**

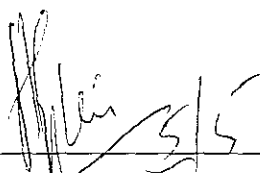
22. It is evident from the above discussion that the procuring agency accepted the lowest bid in accordance with the rules.



**Decision of the Review Committee**

23. Given the proceedings findings/observations, and after due deliberation, the review committee, In the exercise of statutory powers conferred upon it under Rule 32(7)(a) ibid read with Sub-Section (1) Section-2 of SPP act 2009 decides that

- I. The procuring agency has awarded the works according to rules
- II. The bidder failed to prove any violation in the procurement process.
- III. The instant Review Appeal is dismissed



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(Member)  
Syed Adil Gilani  
Private Member SPPRA Board  
Representative Transparency International




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(Member)  
Chief Engr. Haji Parpio Sahito  
Independent Professional



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(Member)  
Manzoor Ahmed Memon  
Member SPPRA Board



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(Chairman)  
Riaz Hussain Soomro  
Managing Director  
Sindh Public Procurement Regulatory  
Authority