GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-2346/2021-22/4085 Karachi, dated the 22nd December, 2021

To,

The Secretary,
Works & Services Department,
Government of Sindh,
KARACHI.

Subject: **DECISION OF THE 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 Abdul Hafeez Kolachi V/s Executive Engineer, Highway Division Tando Allahyar,** held on 02.12.2021, for taking further necessary action under intimation to this Authority, at the earliest.

DEPUTY DIRECTOR (HRF & CB)

A copy is forwarded for information and necessary action to:

1. The Superintendent Engineer, Chairmen (CRC), (Works & Services) Concerned Education Works Circle Sujawal.
2. The Executive Engineer, Highway Division Tando Allahyar.
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.

SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-2860/2020-21 Karachi, dated the , December, 2021

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

M/s Abdul Hafeez Kolachi

VS

Executive Engineer Highways Division Tando Allahyar

PPMS ID NIT NO. T00621-21-0001 & T00621-21-0002

Decision of the Review Committee Meeting

Held on 02.12.2021 & 08.12.2021

Date(s) of meeting(s)	02.12.2021 & 08.12.2021
Appellant	Abdul Hafeez Kolachi
Procuring Agency	Muhammad Yousuf XEN Highways Division Tando Allahyar
Appeal received on	24.11.2021
Reasons for the delay in decision of the Review Committee in terms of rule 32(10)	The Executive Engineer Highways Division, Tando Allahyar did not attend the meeting on 02.12.2021 due to fever

S. No.	Appellant's Version	Procuring Agency's Version	Remarks/SPP Rules/Regulations
1.	The appellant claimed that he went to the Procuring agency's office but the procurement committee was not present at the time of bid opening dated 27.10.2021 & 29.10.2021.	The procuring agency informed that the bids were opened but the bidder did not participate in the bidding process. The appellant neither submitted bid by hand nor sent through mail. The minutes of bid opening meeting and attendance sheet signed by the bidders are evident that the bidder had not participated in	**Rule 40. Opening of Bids** 3. The bids shall be opened within one hour of the deadline for submission of bids. 4. All bids shall be opened publicly in the presence of all the bidders, or their

		the bidding process and the bids were opened publicly on 27.10.2021 and 16.11.2021 respectively.	***representatives***, who may choose to be present in person, at the time and place announced in invitation to bid.
2.	The appellant submitted that the bids were neither opened on 27.10,2021 for NIT ID# T00621-21-0001 nor the bids were opened on 29.10.2021 for NIT ID#T00621-21-0002	The procuring agency informed that the dropping was held on scheduled date, time and venue on 27.10.2021 for NIT#00621-21-0001 and bids were opened on 16.11.2021 on second attempt mentioned in NIT for NIT ID 00621-21-0002 but the bidder was not present in both openings.	Second attempt is allowed only in case of un-responded bids. The procuring agency may extend the deadline for submission of bids only, if one or all of the following conditions exist; (1)Fewer than three bids have been submitted and procurement committee is unanimous in its view that wider competition can be ensured by extending the deadline. In such case, the bids submitted shall be returned to the bidders un-opened
3.	The appellant submitted that the procuring agency neither published the corrigendum for NIT ID nor the notice was uploaded on PPMS website.	The procuring agency submitted that the notice was affixed on notice board for the information of bidders.	For Fairness and Transparency, the procuring agency shall upload the extension notice on PPMS website but the procuring agency failed to upload the notice of extension on PPMS website.
4.	The procuring agency did not	The procuring agency	

	resolve the complaints and preceding the procurement process, the P.A issued Bid Evaluation Report which was illegal.	claimed that the bidder had not approached CRC.	
5.		Responding to a question regarding the letter of SPPRA for the CRC decision, the procuring agency submitted that no such letter had been received. Responding to another question regarding award of other work, the procuring agency informed that the procurement contract had not been signed as yet. In response to the question regarding the non-compliance of Observations of Authority issued on PPMS, the procuring agency was unable to give any satisfactory reply.	

Findings of the Committee:-

1. The Review Committee observed that the procuring agency did not publish the corrigendum in the newspapers nor uploaded on PPMS website, for extension of the bids.
2. It was noted that the procuring agency affixed corrigendum on notice board while according to the SPP regulations, the affixing of notice on the board cannot be substituted for publication in the newspapers and uploading on PPMS website.
3. The Review Committee also observed that the procuring agency did not resolve the complaint and preceded the procurement despite the fact that the SPPRA also intimated it about the Complaint.
4. It was noted that the procuring agency had not awarded the work till the Review Committee meeting.
5. It was also observed that the procuring agency did not comply with the observations issued by the Authority on PPMS website.
6. The procuring agency failed to complete the procurement process in a transparent manner.

Decision of the Review Committee:

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(f),the Review Committee directs the procuring agency to terminate the procurement proceedings, as the procurement contract has not been signed .The procuring agency shall initiate the process afresh by observing rules and regulation accordingly.

(Member)
Manzoor Ahmed Memon
Member SPPRA Board

(Member)
Syed Adil Gilani
Member Transparency International

(Member)
G Mohi-Uddin Asim
Representative of P & D Board ,P& D
Department Karachi

(Member)
Munir Ahmed Shaikh
Independent Professional

(Chairman)
Abdul Haleem Shaikh
Managing Director
Sindh Public Procurement Regulatory Authority