GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-2853/2021-22/ 4083 Karachi, dated the 22nd December, 2021

To,

The Secretary,
Auqaf, Zakat & Ushar 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 Tawakal Engineering Works V/s Chief Administrator Auqaf Sindh Hyderabad,** held on 09.12.2021 & 13.12.2021 for taking further necessary action in compliance of referred decision, under intimation to this Authority, at the earliest.

DEPUTY DIRECTOR (HRF & CB)

A copy is forwarded for information and necessary action to:

1. The Special Secretary/Chairman (CRC), Auqaf, Religious Affairs, Zakat & Ushar Department Government of Sindh Karachi.
2. The Chief Administrator Auqaf Sindh 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.

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No.AD (L-II) SPPRA/CMS-2853/2020-21 Karachi, dated the , December, 2021

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

M/s Tawwakal Engineering
Vs
Chief Administrator Auqaf Sindh Hyderabad
PPMS NIT NO. T01324-21-0003

Decision of the Review Committee
Held on 09.12.2021 & 13.12.2021

Date(s) of meeting(s)	09.12.2021 & 13.12.2021
Appellant	M/S Tawakal Engineering
Procuring Agency	Chief Administrator Auqaf Sindh Hyderabad.
Appeal received on	26.11.2021
Bid Opening date	8.11.2021
Bid Evaluation Report	**BE01324-21-0003-5 dated 18.11.2021**
Contract signed on	24.11.2021

Sr.No.	Appellant's Version	Procuring Agency	Remarks/Rules
1.	The appellant claimed that he had sent his bid via TCS Courier Service and the same was received at the office of the Procuring agency. The appellant submitted that ay the time of opening of bids only two participants had submitted the bids namely **a.** M/s Tawakal Engineering **b.** H.M Traders	The procuring agency submitted that two bidders had applied for the work No.5 **a.** M/s Summa Traders **b.** M/s Tawakal Engineering Services. The procuring agency clarified that M/S H.M Traders had applied for work **No.9** not for the work No.5.	The Minutes of the meeting show that M/s Summa Traders and M/s Tawakal Engineering had applied for the work No 05. Whereas M/s H.M traders had applied for the work No.9.

2.	The appellant submitted that the procuring agency had awarded the work on higher rates.	The procuring agency denied the claim of the appellant and submitted that the M/s Summa Enterprise had quoted the rates of 941,000 whereas the appellant had quoted the rate 1,157,200 M/s Summa Enterprises was awarded the contract being the lowest.	The procuring agency has awarded the work on the rate of 941,000 to the M/s Summa Enterprises.
3.	The appellant submitted that the procuring agency had uploaded the BER twice.	The procuring agency clarified that the NIT contained 09 works and the BER was issued separately for each work.	
4.	The appellant also informed that he had approached CRC for the Redressal of Grievances but the CRC failed to decide the matter within time and the procuring agency awarded the contract in violation of rules.	The procuring agency also informed that the appellant had not intimated the complaint to the procuring agency. The procuring agency also denied any kind of violation in the SPP Rules.	
5.		Status of the procurement Responding to a question regarding award of work, the procuring agency informed that the procurement contract had been signed before the notice of the Review Committee was received.	

Findings of the Committee;

1. The Review Committee observed that the Minutes of the meeting show that M/s Summa Traders and M/s Tawakal Engineering had applied for the work **No.5** whereas M/S H.M traders had applied for the work **No.9**.
2. The procuring agency has awarded the work on the rate of 941,000 to the M/s Summa Enterprises whereas the appellant had quoted the bid of Rs.1, 157, 200.Hence; the rates of M/S Summa Enterprises were lower than that of the appellant.
3. The procuring agency had uploaded the Bid Evaluation Report separately because there were 9 different works in NIT.
4. The appellant could not prove any violation of rules in the procurement process.

Decision of the Review Committee:

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(a), the Review Committee rejects the appeal of the appellant in terms of reasons mentioned in findings above.

(Member)
Manzoor Ahmed Memon
Member SPPRA Board

(Member)
Syed Adil Gilani
Transparency International Pakistan

(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