GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-2611/2021-22/ 4087 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 Fida Hussain & Brothers V/s Executive Engineer, Highway Division Shikarpur,** held on 09.12.2021 & 13.12.2021, 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) Department Shikarpur.
2. The Executive Engineer, Highway Division Shikarpur.
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
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SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II)SPPRA/CMS- /2020-21 Karachi, dated the 17th, December,2021

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

M/S Fida Hussain vs Executive Engineer, Highways Division Shikarpur NIT T00697-20-0003

Decision of the Review Committee held on 13.12.2021

Date(s) of meeting(s)	9.12.2021 & 13.12.2021
Appellant	M/S Fida Hussain
Procuring Agency	Executive Engineer Highways Division Shikarpur.
Appeal received on	25.08.2021
NIT Uploaded on	05.06.2021
Bid Opening date	21.06.2021
Bid Evaluation Report	**Various BER's have been uploaded for different works. First BER was uploaded on 28.6.2021 and last was uploaded on 29.10.2021**
Contract signed on	Contract not posted as yet

The Appellant's Version

1. The appellant while presenting the case apprised the Committee that he was present there in the Procuring Agency's office on **28.06.2021 from 2.00 p.m. to 4.00 pm** for submission and witnessing the opening of the bids but neither bid dropping had occurred nor the Procuring Agency had opened the bids.

2. The appellant also claimed that the Procuring Agency had announced that the bids would be cancelled but neither the bids were cancelled nor the corrigendum was issued.

3. The appellant also submitted that the Procuring Agency had selected the favorite contractors and violated the SPP Rules for the opening of bids.

4. The appellant also submitted the Procuring Agency had not complied with the directions and observations of the SPPRA communicated on PPMS website.

5. The appellant also submitted that the Procuring Agency had issued the BER illegally as such no opening of bids was held.

6. The appellant also submitted that the procuring agency had not resolved the complaints and illegally proceeded in the procurement process even though the procuring agency does not have funds for the procurement.

7. **The Procuring Agency's version**

   1. Notices were issued to the procuring agency twice but the procuring agency failed to appear before the Review Committee .Resultantly, the Review Committee decided to adjudicate the matter ex-parte.

8. **Findings of the Review Committee**

1. The Review Committee observed that prima facie it appears that the Procuring Agency failed to open the bids publicly which is violation of rule 41 and Rule 4 of SPP Rules.

2. The Procuring Agency did not comply with the observations of the Authority which are posted on PPMS website.

3. The Procuring Agency was required to appear before the Review Committee whenever required in terms of SPP Rule 32(8) but the Procuring Agency did not appear before the Review Committee and has violated the said rule.

4. The Procuring Agency failed to resolve the complaints timely as required under rules.

5. It was noticed that the procuring agency has not uploaded the contract agreement on PPMS in terms of Rule 50 read with 4 and 10 which shows that the procuring agency has not awarded the work.

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 cancel all the works because the bid validity period has expired and the procuring agency has neither awarded the work nor has extended the bid validity period accordingly. The procuring agency shall initiate the procurement process afresh by observing SPP Rules and Regulation. The loss occurred to the bidder due to the non-transparent process which is against the rules and due to unnecessary delay by PA be paid to the bidder. The amount shall be paid by the officer/officials of the procuring agency under Rule 32(7)(e).

(Member)
Manzoor Ahmed Memon
Member SPPRA Board

(Member)
Syed Adil Gilani
Transparency International Pakistan

(Member)
G. Muhiud Din 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