GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-2761/2021-22/ 4087 Karachi, dated the 23rd December, 2021

To,

The Executive Engineer,
Highway Division,
Works & Services Department,
Government of Sindh,
SUJAWAL.

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 Malik Khan V/s Executive Engineer, Highway Division Sujawal,** held on 09.12.2021 & 13.12.2021, for taking further necessary action under intimation to this Authority, at the earliest.

ASSISTANT DIRECTOR (Legal-II)

A copy is forwarded for information and necessary action to:

1. The Secretary to Government Sindh, (Works & Services) Department.
2. The Superintendent Engineer, Concerned Circle Highway Division Sujawal.
3. The Executive Engineer, Highway Division Sujawal.
4. 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)**
5. The Staff Officer to the Chairman / Members Review Committee.
6. The Appellants.

GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-2761/2020-21 Karachi, dated the 20, December, 2021

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

M/s Abdul Malik Khan
Vs
Executive Engineer Highways Division Sujawal
PPMS NIT NO. T01381-20-0002
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 Abdul Malik Khan	
Procuring Agency		Executive Engineer Highways Division Sujawal	
Appeal received on		11.11.2021	
Bid Opening date		29.6.2021	
Bid Evaluation Report		29.10.2021	
Contract signed		Not posted as yet.	
Sr.	**Appellant's Version**	**Procuring Agency**	**Remarks/Rules**
1.	The appellant claimed that he had sent his bid via mail TCS courier Service and the same was received at the office of the Procuring agency but the when procuring agency uploaded BER on PPMS website his was not shown in the BER.	The procuring agency informed that the bids were opened but the bidder had not submitted the bid by hand nor sent by mail.	The bidder submitted the receipt report which is evident that the bids were received by the procuring agency on **28.6.2021** one day prior to the opening of bids.
2.	The appellant submitted that the procuring agency had opened bids on 29.6.2021 and Bid Evaluation Report had been uploaded on PPMS website on 29.10.2021 after the lapse of about 4 months.	The procuring agency informed that the Bid Evaluation Report had been uploaded on PPMS website by the procuring agency after the proper	The procuring agency has uploaded the BER after the expiry of bid validity. The bid validity period shall not exceed 90 days in

		evaluation of bids.	terms of Rule 38(1). Rule 38(1) A procuring agency, keeping in view nature of procurement, shall subject the bid to a validity period, which shall be specified in the bidding document and shall not be more than 90 days in case of National Competitive Bidding and 120 days in case of International Competitive Bidding;
3.	The appellant also informed that he had approached CRC for the Redressal of Grievances but the CRC failed to decide the matter within time.	The procuring agency submitted that the Complaint was addressed to the Chief Engineer Buildings Hyderabad/Chairman CRC and the Chief Engineer had forwarded such complaint to the Superintendent Engineer with direction to furnish the record of the procurement process. Meanwhile, the bidder approached the Review Committee in terms of Rule 31(5). The procuring agency also informed that the appellant had not intimated the complaint to the procuring agency.	
		Status of the procurement	

		Responding to a question regarding award of work, the procuring agency informed that the procurement contract had not been signed as yet.	

Findings of the Committee;

1. The Review Committee observed that the appellant's bid was received by the procuring agency but the procuring agency failed to open the bid and violated the Rule 41 of SPP Rules.
2. The Review Committee also observed that the procuring agency has uploaded the BER after the lapse of 120 days and failed to complete the procurement process within bid validity period in terms of the Rule 38 of SPP rules.
2. It was noted also that the procuring agency has not awarded the work up to the meeting of the Review Committee.

Decision of the Review Committee:

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(g), 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)
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