



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2918(2919)/2021-22/0555

Karachi, dated the 07th January, 2022

To,

The Chief Municipal Officer,
Municipal Committee,
Tando Adam District Sanghar

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 Asif Raza Contractors V/s Municipal Committee Tando Adam**) held on 21 & 30.12.2021, for your information and 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 Administrator Municipal Committee Tando Adam (Chairman), Municipal Committee Tando Adam.
2. 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**)
3. The Staff Officer to the Chairman / Members Review Committee.
4. The Appellants.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



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

Karachi, dated the 6th January ,2021

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

M/S Asif Raza vs The Chief Municipal Officer Municipal Committee TandoAdam NIT T00687- 21-0004 & NIT T00687-21-0005

Decision of the Review Committee 30.12.2021

Date(s) of meeting(s)	21.12.2021
Appellant	<u>M/S Asif Raza</u>
Procuring Agency	<u>The Chief Municipal Officer Municipal Committee TandoAdam</u>
Appeal received on	21.12.2021
Date of Opening of Bids	<u>T00687- 21-0004</u> <u>T00687-21-0005</u>

Sr.	Appellant's Version	Procuring Agency's Version	Remarks/SPP Rules/Regulations
1.	The appellant claimed that he had gone to the Procuring agency's office but the procurement committee was not present at the time of bid opening. The appellant submitted that the bids were neither opened on 6.12,2021 for NIT ID# <u>T00687- 21-0004</u> nor the bids were opened on 16.12.2021 for NIT ID#00621-21-0002	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 the bidding process and the bids were opened publicly on for NIT <u>T00687- 21-0004</u> on	Rule 41. 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 representatives , who

		<p>06.12.2021. Furthermore, the procuring agency submitted that the bids were to be opened on for NIT <u>T00687-21-0005</u> on 16.12.2021 but the same could not be opened because the NIT was responded. Hence, Corrigendum was issued and it was announced that the bids will be opened on the 29.12.2021. The bids were opened on 29.12.2021 but the bidder again had not participated in the bid opening process.</p>	<p>may choose to be present in person, at the time and place announced in the invitation to bid;</p>
<p>2.</p>	<p>The appellant submitted that the procuring agency had not issued the corrigendum for the next date of opening. It was also contended that the procuring agency could not advertise the extension in time of the opening of bids for NIT <u>T00687- 21-0005</u></p>	<p>The procuring agency informed that the Corrigendum was issued for the next date of opening and all the bidders were informed for that. The procuring agency also believed that the Corrigendum had been uploaded on PPMS Website.</p>	<p>Second attempt is allowed only in case of un-responded bids.</p> <p>The procuring agency may extend the deadline for submission of bids only, if one or all of the following conditions exist;</p> <p>(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.</p> <p>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</p>

Handwritten initials or signature


			website.
3.	The procuring agency did not resolve the complaints and preceding the procurement process, the P.A issued Bid Evaluation Report which was illegal.	The procuring agency claimed that the bidder had not participated in the bidding process and he had just intended to halt the procurement process.	
4.		<p>Responding to a question regarding award of work, the procuring agency informed that the procurement contract had not been signed as yet.</p> <p>In response to the question regarding the non-compliance of Observation of Authority issued on PPMS, the procuring agency was unable to give any satisfactory reply.</p>	

Findings of the Committee;

1. The Review Committee observed that the procuring agency did not 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 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 the procuring agency did not resolve the complaint and proceeded with the procurement even the complaint was also intimated by SPPRA.
4. It was noted that the procuring agency has not awarded the work as yet.
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.

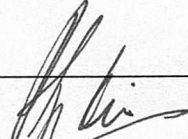
Decision of the Review Committee:

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



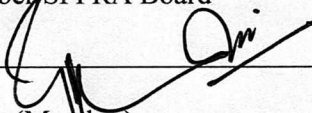
(Member)

Manzoor Ahmed Memon
Member, SPPRA Board



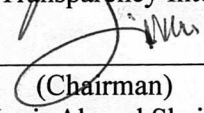
(Member)

Syed Adil Gilani
Member Transparency International



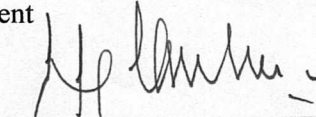
(Member)

Ghulam Mohiud Din Asim
Representative of P & D Board, P& D Department
Karachi



(Chairman)

Munir Ahmed Shaikh
Independent Professional



(Chairman)

Abdul Haleem Shaikh

Managing Director

Sindh Public Procurement Regulatory Authority