



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2882/2021-22/0554. Karachi, dated the 07<sup>th</sup> January, 2022

To,

The Chief Municipal Officer,  
Municipal Committee,  
**MATLI BADIN.**

**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 Noor Enterprises V/s Municipal Committee Matli Badin**) held on 23 & 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 Account Officer /Chairman (CRC), Municipal Committee, Matli Badin.
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 6<sup>th</sup> January,2022

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

**M/S Noor Enterprises & Co V.S The Chief Municipal Officer,Municipal  
Committee Matli Badin NIT T00603-20-0001**

**Decision of the Review Committee 30.12.2021**

Date(s) of meeting(s)	23.12.2021 & 30.12.2021
Appellant	M/S Noor Enterprises
Procuring Agency	<b><u>The Chief Municipal Officer,Municipal Committee Matli Badin</u></b>
Appeal received on	<b><u>8.12.2021</u></b>
Date of opening of bids	<b><u>18.11.2021</u></b>
Bid Evaluation Report	
Contract Documents	
Reasons for the delay in decision of the Review Committee in terms of rule 32(10)	Many complaints were pending before the Review Committee because the working of the committee was kept in abeyance due to the non-availability of one member of the Review Committee.  Furthermore, on the first date of hearing dated 23.12.2021, the appellant could not appear before the Review Committee

1. The matter was listed for hearing before the Review Committee twice. The appellant failed to appear before the Review Committee twice.. However, Mr Talal Khan , being representative of the appellant appeared on the second date of hearing i.e on 30.12.2021 and submitted that he has been authorized by the appellant to plead his matter before the Review Committee. The Review Committee did not accept the submission of the representative of the appellant for pleading of case in the absence of the appellant. The Review Committee decided to decide the appeal ex-parte in terms of Rule 32(9) of the SPP Rules.

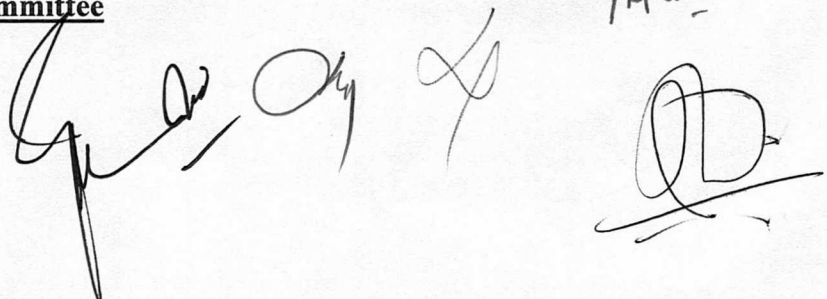
### **The Appellant's Version**

2. The complaint of the bidder that he had submitted before Complaint Redressal Committee and the appeal of the appellant are available on the record.
3. The appellant has submitted that the procuring agency did not rectify the preliminary infirmities that were communicated on PPMS website.
4. The appellant has also submitted that the procuring agency did not open the bids on the scheduled time, date and venue
5. The appellant had also submitted that the procuring agency wanted to award the contracts on higher rates to the favorite contractors and the appellant claimed that the procuring agency had violated the SPP Rules and regulations.
6. The appellants had also pointed out that the procuring agency has violated the transparency and rule of law in the bidding process.
7. The appellants approached the Review Committee and submitted that CRC failed to decide the matter with in stipulated time as described under Rules.

### **The Procuring Agency's Version**

1. The Procuring Agency informed that the infirmities pointed out by the SPPRA had been rectified/uploaded timely.
2. The Procuring agency submitted that the bids were opened on the scheduled time, date and venue.
3. The procuring agency also informed that bids were evaluated in accordance with the evaluation criteria.
4. The procuring agency also informed that the appellant had not appeared before the CRC in its meeting held on 15.12.2021.
5. It was also informed that the appellant Mr Salal Khan had withdrawn his bid security dated 22.11.2021 .The procuring agency submitted the documentary evidence for the withdrwal of the bid security by the appellant.

### **Observations of the Review Committee**

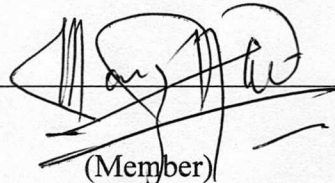


The block contains several handwritten signatures and initials. On the left, there is a large, stylized signature. To its right are two smaller, more compact signatures. On the far right, there is a signature that appears to be 'H. Khan' with a horizontal line underneath it, and below that, a large, circular stamp or signature.

2. The Review Committee also observed that minutes of the meeting and attendance sheet signed by the bidders are the documentary evidences which reveal that the bids were opened on the scheduled time, date and venue.
3. The Review Committee also observed that the appellant had withdrawn his bid security from the procuring agency. Hence, the appeal is not maintainable.
4. The Review Committee also observed that, under Rule 32(8), it is necessary for the appellant to appear before the Review Committee. However, the appellant could not appear before the Review Committee twice.
5. The Review Committee also observed that the representative of the appellant cannot be allowed to appear in his/her place to appear before the Review Committee, as the rule 32(8) demands the appellant shall appear before the Review Committee.

### Decision of the Review Committee

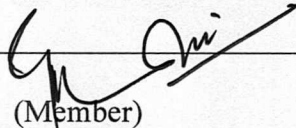
6. Given the proceedings findings/observations and after due deliberation, the Review Committee, in exercise of powers conferred upon it under Rule 32 (1) and 32(7)(a) rejects the appeal of the appellant as the appeal is devoid of merit and it is also not maintainable for the reasons mentioned above.



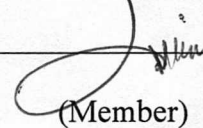
(Member)  
Manzoor Ahmed Memon  
(Member SPPRA Board)



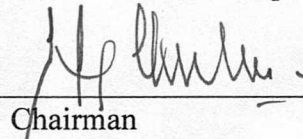
(Member)  
Syed Adil Gilani  
( Transparency International Pakistan)



(Member)  
Ghulam Mohiud 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)