



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2855(2909)/2021-22/0557. Karachi, dated the 07<sup>th</sup> January, 2022

To,

The Executive Engineer,  
Public Health Engineering Division-1,  
**LARKANO.**

**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 & Abdul Hafeez Kolachi V/s Executive Engineer, Public Health Engineering Division-1, Larkano) 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 Chief Engineer, (Dev/O&M), (Concerned) Public Health Engineering Division Sukkur.
2. The Superintending Engineer, Public Health Engineering Division-1, Larkano.
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  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-2855(2909)/2020-21

Karachi, dated the, 06<sup>th</sup> January, 2022

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

M/s Asif Raza & M/s Abdul Hafeez Kolachi

Vs

The Executive Engineer, Public Health Engineering Division-1 Larkana

PPMS ID NO. T00916-20-0002

Decision of the Review Committee held on 30.12.2021

Date(s) of meeting(s)	23. & 30.12. 2021
Appellant	M/s Asif Raza & M/s Abdul Hafeez Kolachi
Procuring Agency	The Executive Engineer, Public Health Engineering Division-1 Larkano
Appeal received on	M/s Asif Raza 17.12.2021 M/s Abdul Hafeez Kolachi 07.12.2021
NIT Uploaded on	12-05-2021
Corrigendum for Extension of Bid validity request	01 = 26-08-2021
Bid Opening date	27.05.2021
Bid Evaluation Report	31-10-2021
Contract signed on	Contract documents not posted as yet

**The Appellant's Version:-**

1. The appellant M/s Abdul Hafeez Kolachi submitted that the procuring agency disqualified his firm illegally. The procuring agency had disqualified his firm due to non-provision of Bank Statement and on Going Work Orders.
2. The appellant M/s Asif Raza Contractor submitted that the procuring agency disqualified his firm illegally, on the basis of non-provision of some documents.


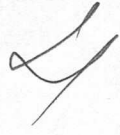

3. The appellants also submitted that the procuring agency failed to evaluate the bids during the bid validity period because the bids were opened on 27.5.2021 and BER was issued on 31-10-2021.
4. The appellants also complained that the procuring agency had not extended the Bid validity period.
5. The appellant also submitted that the Procuring Agency had selected the favorite contractors and violated the SPP Rules of the transparent procurement process.
6. The appellant also submitted the Procuring Agency had not complied with the directions and observations of the SPPRA communicated on PPMS website.
7. The appellant also submitted that the procuring agency had not resolved the complaints and illegally proceeded in the procurement process.

**The Procuring Agency's version:-**

1. The record and the written statement submitted by the procuring agency is on the record.
2. The Executive Engineer nominated Assistant Executive Engineer as the representative of the procuring agency. The Review Committee allowed the Assistant Executive Engineer to submit the record only but he was restrained from pleading in terms of Rule 32(8).
3. The procuring agency submitted that the appellant M/s Abdul Hafeez Kolachi had applied for the following works:-

S. No	Name of the work	Estimated Cost	Amount of CDR submitted
23	Construction of paver Block and CC Drains from Zulifiqar Shah house to Zahid Ali Buledi house Mumtaz Colony UC-07, Larkano	4.000 Million	Rs. 200,000/- Two Lac
24	Construction of paver Block and Disposal OF Dirty water in Ghulshan-e-Madian Colony near Quaid-e-Azam University Airport UC-20, Larkano	3.000 Million	Rs. 150,000/- One Lac Fifty Thousand
25	Construction of Paver Block and CC Drains in street Bhurgeri colony lahori Mohalla UC-08 Ward No. 02, Larkano	3.000 Millon	Rs. 150,000/- One Lac Fifty Thousand
26	Construction of paver block and CC Drains from Haji Khan Mugheri House to Mushan Abro jo waro Nazar Muhalla Larkano City	3.000 Million	Rs. 150,000/- One Lac Fifty Thousand

4. The Procuring Agency submitted that the Appellant could not meet the Eligibility Criteria, hence he was disqualified by the Procurement Committee and the Appellant was informed about his disqualification.

5. The procuring agency also informed that the appellant M/S Asif Raza Contractor had applied for the work No 36.the details of the work for which appellant had applied have been given below.

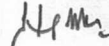
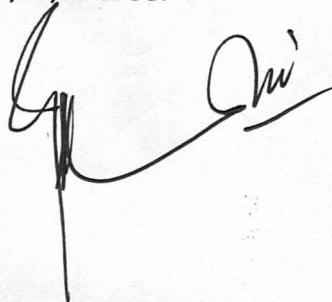
6.

S. No	Name of the work	Estimated Cost	Amount of CDR submitted
36	Construction of Paver Block and CC Drains from Asghar Dhakhan to shop of Ghulamullah Solangi via house of Dr. Wahid Bux Soalngi to house of Ghulam Hyder Solangi Badah City.	4.500 Million	Rs. 250.000/- Two Lac Fifty Thousand

7. The Procuring Agency submitted that the Appellant could not meet the Eligibility Criteria, hence he was disqualified by the Procurement Committee and the Appellant was informed about his disqualification
8. The procuring agency also informed that request was made for extension of bid validity period to Chief Engineer, Development Larkano. The Chief Engineer was pleased to accept the request for the extension of the Bid Validity period. The Bid Validity Period was extended for ninety days with effect from 26.08.2021 to 23.11.2021 under sub-rule-2 & 4 of Rule-38 of the (SPP Rules-2010 amended up to date).
9. The procuring agency also submitted that the bids were evaluated during the extended bid validity period and the bidders with the lowest evaluated cost were awarded the work within extended period of bid validity.
10. It was also submitted that the work was not awarded for the works no. 23,24,25,26 & 36 because the appellants had filed complaint under Rule-31 and subsequently approached to the Review Committee.
11. The procuring agency remained silent on the question of non-compliance of the directions and observations of the SPPRA which were communicated on PPMS website.

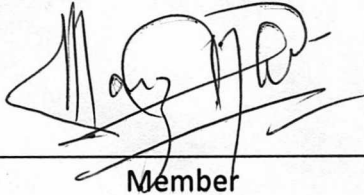
**Findings of the Review Committee:-**

1. The Procuring Agency did not comply with the observations of the Authority posted on PPMS website.
2. The Executive Engineer was required to appear before the Review Committee in terms of the SPP Rule 32(8) but he nominated an Assistant Executive Engineer as the representative of procuring agency the procuring agency can nominate an officer not below the rank of BS-19 as the representative of procuring agency. However, the Executive Engineer, Failed to appear before the review committee twice which is violation of SPP Rule-32(8).
3. The Procuring Agency failed to resolve the complaints timely as required under the rules.
4. The Procuring Agency failed to prove the disqualification of appellants on reasonable ground.
5. According to the Procuring Agency statement, the Procuring Agency has not awarded the works for No. 23,24,25,26 & 36.



**Decision of the Review Committee:**

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by Rule 32 (7)(f) the SPPRA Rules-2010, the Review Committee directs the procuring agency to cancel all the works for which appellants had applied for (works No. 23,24,25,26 & 36) The procuring agency shall initiate the procurement process of these works a fresh by observing the SPP Rules and Regulation.



Member  
(Manzoor Ahmed Memon)  
Member SPPRA Board



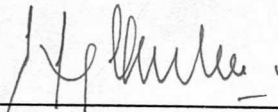
Member  
(Syed Adil Gilani)  
Transparency International Pakistan



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