



Government of Sindh
Sindh Public Procurement Regulatory Authority



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

(Appeal)

Ms Pakistan Civil & Electric Works Karachi

Versus

Executive Engineer Provincial Buildings, Thatta

M/S Pakistan Civil & Electric Works Karachi presented an application on 05-06-2018 enclosing the copy of an application made to the Chief Engineer (Buildings) Hyderabad, being the head of the Complaint Redressal Committee. The appellant has stated in his application that he presented an application to the Chief Engineer (Buildings) Hyderabad on 26-05-2018 highlighting the irregularities committed by XEN provincial Building Thatta regarding the Pre-Qualification of Contractors for Construction of Judicial Corridor published in the newspaper on 20.03.2018. Till to-date the Chief Engineer (Buildings) Hyderabad, has taken no action, hence requested for redressal of his grievances.

2. The complainant made a complaint to Chief Engineer (Buildings) Hyderabad on 26-05-2018 being the head of CRC for redressal of his grievances but the CRC did not take any action. According to Rule 31(5) of SPP Rule 2010 CRC is bound to dispose off the complaint presented before it in seven days otherwise the matter shall stand transferred to Review Committee for disposal. In the instant matter the CRC has failed to dispose off the matter within stipulate time, therefore the matter is referred to the Review Committee ipso facto.

3. Accordingly, notices were issued to the parties for appearing before the Review Committee and the matter was fixed for hearing on 04-07-2018. Appellant Mr. Muhammad Aamir, Mr. Asadullah Khan, Executive Engineer, Provincial Building Division, Thatta appeared before the Review Committee.

4. Mr. Aamir (appellant), while pleading his case, apprised the committee that the day when he was submitting the Pre-qualification Bid in the office of Executive Engineer Thatta, neither the tender Box for dropping the documents nor any member of Procurment Committee was available in the office. He waited there from 10.30 to 3.30 for submitting the documents but no one was there. He then contacted concerned Executive Engineer, who replied that he was out of Station at Hyderabad and asked him to submit the documents to the clerk at office. He then submitted complete set of document in the office. The appellant stated that result of Pre-qualification had not been hoisted on SPPRA Website till to-date showing the mala-fide intention of Executive Engineer. He further argued that the firm namely "Subhan traders & Rehman Builders" got pre-Qualified, as such did not meet the Criteria. As asked in the pre-qualification documents the firm did not possess required Specialized Codes. The Appellant


claimed that the Executive Engineer Thatta didn't make proper evaluation for qualifying the firms as the pre-qualified firms had no track record of such work experience & was also not financially sound. Subsequently the appellant approached Review Committee for taking an appropriate action against the concerned Executive Engineer Thatta by providing immediate remedy against this injustice.

5. The Executive Engineer Thatta responding the queries raised by the Review Committee regarding non-hoisting of pre-qualification report on SPPRA website admitted that neither the report was hoisted on website nor conveyed the result to the appellant regarding his dis-qualification yet. The Executive Engineer also admitted before the Review Committee that no subsequent BER and contract documents had been sent to authority for hoisting.

6. In addition to hearing the appellant and the Executive Engineer concerned the Review Committee perused the record along with the website of the Authority. The Review Committee is of the opinion that procuring Agency has failed to defend its actions, and also failed to provide any documentary evidence for hoisting on the SPPRA website. It is also observed that Procuring Agency has not sent the pre-qualification result to the Authority for hoisting on SPPRA website site which is sheer violation of SPPRA Rule 28. Furthermore, the procuring agency had not sent the BER and Award of Contract for hoisting on SPPRA website which is violation of SPP Rules 45 and 50.

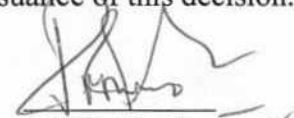
Decision:

After due deliberations, the Review Committee unanimously declares the instant tender as Mis-Procurement in term of Rule-32-A and refer the matter to the head of department for initiating disciplinary action against the Executive Engineer provincial Building Division Thatta. In addition, the Review Committee has also decided that the Executive Engineer concerned shall pay Rs.10,000/ from his Pocket to the appellant Mr. Aamir as compensation for cost incurred by the bidder / appellant on preparation of bid in terms of Rule-32(7)(e). Compliance of this decision submitted before the Review Committee within 15 days of issuance of this decision.




(Member)
Saad Rashid

Representative Transparency International
Private Member Representated on SPPRA Board



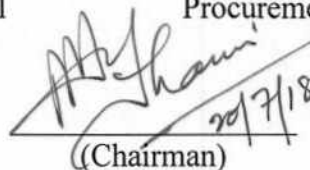
(Member)
Asadullah Soomro
Private Member SPPRA Board



(Member)
Zahid Iqbal
Nominee of Director General
Audit Sindh



(Member)
Naveed Channa
Procurement & Contract Management Specialist
Independent Professional



20/7/18

((Chairman)
Muhammad Aslam Ghauri
Managing Director
Sindh Public Procurement Regulatory Authority