



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3037/2021-22/0856

Karachi, dated the 1st March, 2022

To,

The Administrator,
District Council, Local Government Department,
Tando Muhammad Khan.

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 Ahsan Ali Jamali, v/s Administrator District Council Tando Muhammad Khan, held on 16 & 22 .02.2022, It is farther stated that Committee has rejected appeal submitted by the Appellant M/s Ahsan Ali Jamali.


ASSISTANT DIRECTOR (Legal-II)

A copy is forwarded for information and necessary action to:

1. The Secretary to Government of Sindh, Local Government Department.
2. The Chief Officer District Council Tando Muhammad Khan.
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 Appellant.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3037/2020-21

Karachi, dated the 24th February, 2022

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

Decision of the Review Committee Meeting Held on 16 & 22.02.2022

Name of Appellant	M/s Ahsan Ali Jamali
Procuring Agency	Office of the District Council Tando Muhammad Khan (Local Government Department)
PPMS ID #	T01639-21-0001
Reference No.	TC/TMK/761/2021-22
Appeal Received in Authority Dated	08.02.2022
Complaint of the Appellant Addressed to the Administrator District Council T.M Khan	No Nil Dated Nil received to this Authority on 28.1.2022
Dated of Posting Notice Inviting Tender	0 = 04-01-2022
Date of Opening (First Opening)	20.1.2022
Date of Opening (Second Opening)	04.02.2022
Date of Posting Bid Evaluation Report	Various BER's have been issued from 4.2.2022 to 5.2.2022
Date of Posting Contract Documents	Not posted up-to22.02.2022
SPPRA Observations communicated on	10.2.2022
Estimated Cost of NIT Total	About Rs.35 to 40 Million
Total works in NIT	29 Works
Appellant Related work	Not mentioned in Appeal (
Issue involved	Non-opening of bids
Complaint of the Appellant Addressed to the Administrator District Council T.M Khan	No Nil Dated Nil received to this Authority on 28.1.2022
CRC Decision	14.02.2022

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The Appellant's Version:-

1. The matter was listed for hearing before the Review Committee twice. The appellant was served with the notices of meetings with advice to appear before the Review Committee. The appellant failed to appear before the Review Committee both the time. The Review Committee decided to adjudicate the matter ex-parte.
2. The appeal and complaint of the appellant are on the record. The appellant submitted that he had sent his bid by registered courier on 16.1.2022 for participation but the official of the procuring agency refused to receive his bid.
3. The appellant accused that the procuring agency failed to complete the procurement process in a transparent manner and prayed for the cancellation of NIT and taking action against the officials of the procuring agency.

The procuring agency's version:-

1. The procuring agency submitted that the appellant had not signed the complete Budding documents and neither submitted original call deposit nor annexed B.O.Q. Therefore, the appellant was disqualified.
2. The procuring agency also submitted that the matter of the appellant was discussed by the Complaint Redressal Committee in its meeting held on 31.01.2022 but the appellant failed to appear before the complaint Redressal Committee.
3. The procuring agency also informed that the legal process was completed in respect of the procurement process and Bid Evaluation report was made public.
4. It was also contended by the procuring agency that the attendance sheet, minutes of the meeting of the procurement committee, Bid Evaluation and Minutes of the meeting of CRC are documentary evidences which prove that the procurement process was completed in a transparent manner.
5. The procuring agency prayed that the appeal may be rejected as the appellant had filed a frivolous complaint before the Review Committee. it was also contended that false and fake complaints cause financial losses and create inconvenience of travelling and wastes the time of work.

Observations of the Review Committee

1. The Review Committee observed that the appellant was disqualified by the procuring agency due to non-submission of essential and mandatory documents.
2. The Committee also noted that prima facie it appears that the procuring agency has not committed any omission or commission which may establish the violation of rules.
3. The Review Committee observed that the appellant had filed the frivolous appeal.
4. The Committee noted that the problem of frivolous Review Appeals is not hampering smooth working of the Authority but also causing huge losses of time and resources and also cause harm to many entities, and in many ways. The procuring agency against whom the groundless complaint is lodged becomes the source of serious harassment



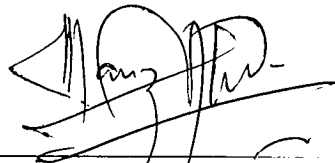
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and inconvenience, in some cases reputation is also on stake. The Review Committee process itself becomes clogged, disrupted, and delayed, thus affecting the other appellants in general, and becomes source of the undue delay in the disposal. The situation therefore cries out for remedies to avert these harms.

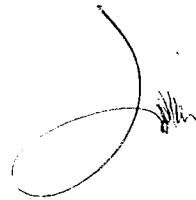
5. It was observed the appellant had paid Rs.10,000/- (Ten Thousands) as Review Appeal fees.

Decision of the Review Committee

Given the proceedings findings/observations and after due deliberation, the Review Committee, in exercise of powers conferred upon it under Rule 32(7) of SPP Rules declares the instant review appeals frivolous and the Review Committee is of the unanimous opinion that the appellant has filed this review appeal to misuse the forum of the Review Committee for ulterior motives. Therefore, the Review Committee declares that the bid security submitted by the appellants shall be forfeited by the procuring agency. Furthermore, the committee decided to impose a penalty, equivalent to five times of the amount submitted as the Review Appeal fees, on the appellant. The appellant shall submit penalty of Rs.50,000/- (fifty Thousand) to the Authority in the same manner as the Review Appeal fees is submitted. Till payment of penalty of Rs.50,000/- no further complaint in any matter of appellant be entertained by Review Committee forum.



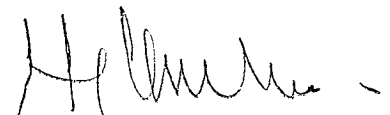
Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Munir Ahmed Shaikh)
Independent Professional



Member
(Ghulam Muniuddin Asim)
Representative of P & D Board, P& D
Department Karachi



Chairman
(Abdul Haleem Shaikh)
Managing Director
(Sindh Public Procurement Regulatory Authority)