



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3005/2021-22/ 0876

Karachi, dated the 04th March, 2022

To,

The Administrator,
Town Committee Jhuddo,
District Mirpurkhas.

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 Chand Builders v/s Town Committee Jhuddo**, held on 01.03.2022, for information & necessary action.


ASSISTANT DIRECTOR (Legal-II)

A copy is forwarded for information and necessary action to:

1. The Secretary to Government of Sindh, Local Government Department Karachi.
2. The Town Officer, Town Committee Jhuddo.
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-3005/2020-21

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 .02.2022

Date of Meeting of the Review Committee	16.2.2022
Name of Appellant	M/s Chand Builders <i>Town Committee Tando</i>
Procuring Agency	Office of the District Council Tando Muzaffargarh (Local Government) Department) <i>Muzaffargarh</i>
PPMS ID # Reference No.	T01552-21-0001 to T01552-21-0009 (total 9 NIT's)
Appeal Received in Authority Dated	07.01.2022
Complaint of the Appellant	on 25.1.2022
Dated of Posting Notice Inviting Tender	0 = 08-01-2022
Date of Opening (First Opening)	25.1.2022
Date of Opening (Second Opening)	10.02.2022
Date of Posting Bid Evaluation Report	Various BER's have been issued on 31-01-2022
Date of Posting Contract Documents	Not posted up-to .15.2.2022
SPPRA Observations communicated on	15.2.2022
Estimated Cost of NIT Total	About Rs.10 Million each NIT
Total works in NIT	5 to 6 Works in each NIT
Appellant Related work	Complete NIT's
Issue involved	Non- observance of SPP Rules
Complaint of the Appellant	25.1.2022
CRC Decision	27.1.2022


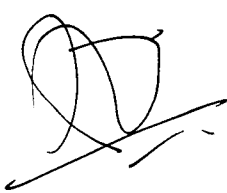
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The Appellant's version:-

1. The appellant submitted that the Procuring Agency (PA) constituted the Procurement Committee in terms of Rule-31(1)(2) for the year 2019-20 which expired on 30th June.
2. The appellant also submitted that the procuring agency has constituted a CRC committee through fake CRC notification.
3. The appellant has also submitted that one member of procurement committee was absent at the time of bid opening.
4. The appellant also submitted that the Tenders were signed by different Engineers on same date, time and venue.
5. The appellant also submitted that the Administrator Town Committee Jhuddo issued CRC Notification whereas it was to be issued by the Secretary Local Government and Town Planning Department Karachi. The appellant considered such issuance of notification.
6. The appellant also complained the external member nominated in committee is a political person.
7. The appellant also submitted that the procuring agency has violated the SPP Rules during the procurement process.
8. The appellant also claimed that one of the members of the procurement committee was not present at the time of bid opening.
9. The appellant also complained that the procuring agency has not complied with the observations of SPPRA which are communicated on Authority's website.
10. The appellant also submitted that the procuring was not provided clear authorization and delegation of powers for different categories of procurement and the procuring agency initiated the procurements process without getting approval of the competent authorities concerned.

The procuring agency's version:-

1. The procuring agency submitted that (Town Committee Jhuddo) had applied for the Constitution of public procurement committee to the Secretary Local Government and Town Planning Department Karachi vide letter dated TC/JDO/262/ Of 2021 Dated 22nd November 2021 as per SPPRA Rules 2010.
2. It was also contended by the procuring agency that without wastage of time work was started on the preparation of Bidding Documents of Development Schemes through Assistant Executive Engineer Town Committee Jhuddo and at the end of December all tender process was completed and the NIT's were uploaded on PPMS website with ID NO.T0552-21-0001, T0552-21-0002, T0552-21-0003, T0552-21-0004, T0552-21-0005, T0552-21-0006, T0552-21-0007, T0552-21-0008 , T0552-21-0009 on PPMS website on 08-01-2022 by observing all codal formalities.



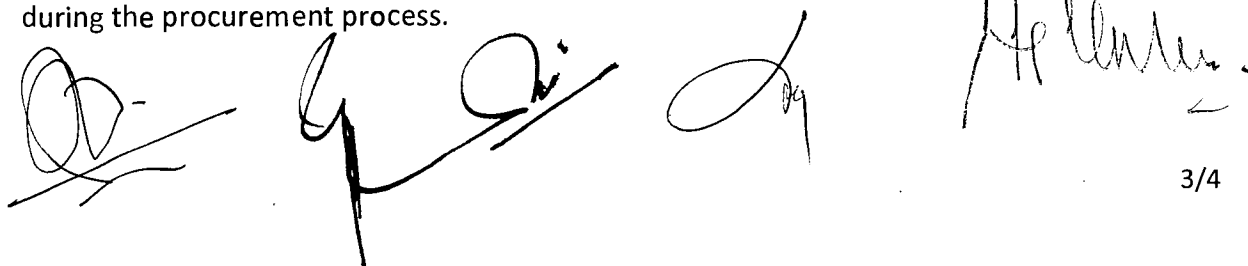
3. The procuring agency submitted that procurement committee Notification was updated vide Notification No. SO (LG) I-22/2016/MK Dated 21st January 2022 and the same was uploaded on PPMS website.
4. It was also pleaded that the said CRC notification was issued by the Administrator, Town Committee Jhuddo in terms of Rule 31 of the SPP Rules 2010 (amended up-to-date)
5. It was also contended by the procuring agency that the bids were opened in a transparent manner before all participant and even appellant was present at the time of bid opening.
6. The procuring agency denied such allegation and submitted that the bids were evaluated in accordance with the evaluation criteria mentioned in the bidding documents and NIT
7. The procuring agency also clarified that the appellant had applied for different four NIT's and wherein he had submitted the lowest bid, his bid was accepted but work had not been awarded till the meeting of the Review Committee
8. The procuring agency also submitted that approval was accorded by the department for the procurement process.
9. The procuring agency denied any kind of violation rules during the procurement process and informed that the appellant had applied for four NITs whereas he was not the bidder for the remaining NITs.

Observations of the Review Committee

1. The Review Committee observed that the **procuring agency failed to constitute procurement committee** with the approval of its Head of the Department. In the instant case it was observed that the procuring agency had **not notified or got notified** the Procurement Committee for the procurement in question. The procurement Committee notification which the procuring agency had hoisted for the **instant** procurement was not **applicable for the instant procurement**. The operative Para is reproduced as under

With the approval of Competent Authority, this department's notification of even number dated 23-09-2019 of procurement committee is hereby modified with the following composition for undertaking Development work in Town Committee Jhuddo during the Financial Year 2019-20 is hereby constituted under Rule 7 of SPPRA Rule 2010

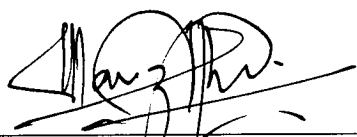
2. It may be noted that the notification of Procurement Committee is only applicable **during the Financial Year 2019-20** whereas the procuring agency is bidding for financial year 2021-22. As such notification which has ceased to exist cannot be applicable for FY 2021-22.
3. The Review Committee also observed that the procuring agency had not complied with **the observations of the Authority** which shows the grave negligence and procedural flaw during the procurement process.



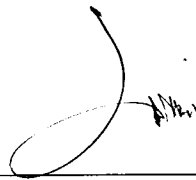
4. The Review Committee also observed that the procuring agency had notified the political person as the independent member which violates the very essence of impartiality and fairness during the procurement process.
5. The Review Committee also noted that the procuring agency has not awarded the work till the meetings of the Review Committee.
6. The Committee also observed that the appellant had filed Review Appeal for Nine NITs whereas from the perusal of record it appears that the appellant had applied only for five NITs: NIT 1. No. T01552-21-0003 (NO: TC/JHUDDO/ /EENG/ 07 / of 2022 Dated:04-01, 2. T01552-21-0002NO: TC/JHUDDO/ /EENG/ 08 / of 2022 Dated:04-01) 3. T01552-21-0006 (NO: TC/JHUDDO/ /EENG/16 / of 2022 Dated:07-01-2022) 4. T01552-21-0007 (NO: TC/JHUDDO/ /EENG/ 17/ of 2022 Dated:10-01-2022) 5. 01552-21-0008(NO: TC/JHUDDO/EENG/18 / of 2022 Dated: 10-01-2022) whereas he was not interested bidder for the remaining four NITs.

Decision of the Review Committee

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(f) of the SPP Rules, the Review Committee directs that the procurement proceedings be terminated for the for five NITs: NIT 1. No. T01552-21-0003 (NO: TC/JHUDDO/ /EENG/ 07 / of 2022 Dated: 04-01, 2. T01552-21-0002NO: TC/JHUDDO/ /EENG/ 08 / of 2022 Dated: 04-01) 3. T01552-21-0006 (NO: TC/JHUDDO/ /EENG/16 / of 2022 Dated:07-01-2022) 4. T01552-21-0007 (NO: TC/JHUDDO/ /EENG/ 17/ of 2022 Dated: 10-01-2022) 5. 01552-21-0008(NO: TC/JHUDDO/EENG/18 / of 2022 Dated: 10-01-2022), in which appellant had participated, as the procurement contract has not been signed.



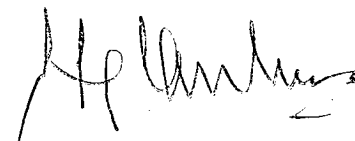
Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Munir Ahmed Shaikh)
Independent Professional



Member
(G. Muhiuddin Asim)
Representative of P & D Board ,P&
Development Department Karachi



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