



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2996/2021-22/ 0874

Karachi, dated the 04th March, 2022

To,

The Medical Superintendent,
Chandka Medical College Hospital,
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 Shabir Ahmed Abbasi & M/s Sartaj Ali v/s Medical Superintendent Chandka Medical College Hospital Larkano, 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, Health Department.
2. The District Health Officer, District 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 Appellant.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-2996/2020-21

Karachi, dated the 03rd March, 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 01.03.2022

Appellant	M/s Shabbir Ahmed Abbasi M/s Sartaj Ali
Procuring Agency	The Medical Superintendent CMC Hospital Larkano.
PPMS ID #	T00738-21-0003
Reference No.	CMCHL/ACCTS:/ 8124/27 Dated: 18.11.2021
Appeal Received in Authority Dated	M/s Shabbir Ahmed Abbasi (16.2.2022) M/s Sartaj Ali (17.2.2022)
Complaint of the Appellant Addressed to the District Health Officer Health Department, Larkana (Chairman Complaint Redressal Committee)	M/s Shabbir Ahmed Abbas (8.2.2022) M/s Sartaj Ali (8.2.2022)
Dated of Posting Notice Inviting Tender	23-11-2021
Date of Opening of Bids	10.12.2021
Date of Posting Bid Evaluation Report	Not posted as yet
Date of Posting Contract Documents	Not posted as yet
SPPRA Observations communicated on	25.11.2022
Estimated Cost of NIT Total	not mentioned in NIT
Total works in NIT	One work
Appellant Related work	Tender Regarding diet
Issue involved	Non-opening Disqualification of the bidder Recommending inexperienced contractors
Complaint of the Appellant Addressed to the District Health Officer Health Department, Larkano (Chairman Complaint Redressal Committee)	Dated:10.12.2022
CRC Decision	Not Received

The appellant M/s Shabbir Ahmed Abbasi's Version

1. The appellant M/s Shabbir Ahmed Abbasi submitted that the procuring agency had not opened the bids on scheduled time and venue as mentioned in the NIT and bidding documents but opened the bids after the lapse of two months' time.
2. The bidder has also submitted that the procuring agency had declared the ineligible bidders as qualified. The appellant submitted that four bidders 1. M/s Mujeeb-ur-Rehman Tunio.2. M/s Asghar Ali.3. M/s Ashraf Ali.4. M/s Jalaluddin had been declared qualified whereas these bidders did not possess the required qualification and experience.

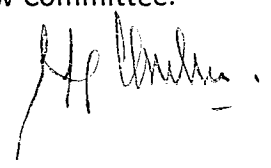
3. The appellant also informed that the procuring agency failed to constitute Complaint Redressal Committee in terms of Rule 31 of the SPP Rules.
4. It was also contended by the appellant that the procuring agency opened the financial bids without observing the codal formalities.
5. The committee was also informed that the bidders who had been declared as qualified lacked basic eligibility criteria.
6. The committee was also informed that the appellant was not informed in writing about the opening of financial bids.

The appellant M/s Sartaj Ali's Version:-

1. The appellant **M/s Sartaj Ali** submitted that he had been disqualified due to lack of relevant experience of diet supply in hospitals whereas other four bidders who had not submitted such experience were declared as qualified by the Procurement Committee which the appellant considered as against the principles of equality and fairness.
2. The appellant also claimed that the procuring agency had not communicated the disqualification in a proper way as required under the SPP Rules.
3. The appellant also claimed that the procuring agency failed to complete the procurement process in a fair and transparent manner.
4. Replying to a question regarding the non-submission of relevant documents, the appellant submitted that he had not submitted the required documents but he pleaded that if waiver was allowed to other bidders he should have also been allowed.

5. The Procuring Agency's Version:-

1. The procuring agency submitted that the bids were opened on scheduled time, date and venue in the presence of all bidders or their representatives.
2. It was also informed that the bids were evaluated in accordance with the evaluation criteria mentioned in the bidding documents.
3. It was also maintained that the working experience of all qualified bidders was not verified by the procurement committee.
4. The procuring agency submitted that the qualified bidders were called for the opening of financial bids including the appellant M/s Shabbir Ali Abbasi and the financial bids were opened in the presence of all bidders
5. The procuring agency was asked about the uploading of BER. It was informed that BER had not been issued as the appellant had filed CRC application and subsequently approached to the Review Committee therefore the process was stopped till the final adjudication of the Review Committee.
6. The procuring agency submitted that the Complaint Redressal Committee Order issued in accordance with the customary practice that the CRC Order was to be issued by the incumbent Medical Superintendent.
7. Replying to question, regarding the issuance of work orders, the procuring agency submitted the work orders have not been issued due to pendency of appeal before the Review Committee.
8. The procuring agency denied any kind of violation in the SPP Rules.

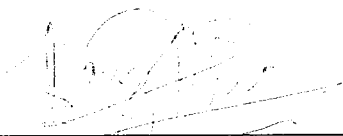


Observation of the Review Committee:-

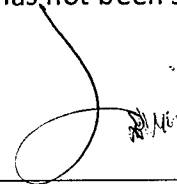
1. The Review Committee observed that M/s Sartaj Ali was rightly disqualified due to non-submission of relevant experience. Hence, his appeal stood dismissed.
2. The Review Committee observed that the procuring agency could not comply with the rules during the procurement process. i.e Rules-31, 7, 37 of the SPP Rules.
3. The Procuring agency had upload copy of request letter for attending the meeting in place of Notification of Procurement Committee on PPMS. Procuring Agency was required to upload Notification of Procurement Committee in terms of Rule-7 of SPP Rules, 2010 (Amended 2019) but the procuring agency failed to comply with the Rule 7 of the SPP Rules.
4. The procuring agency constituted the Complaint Redressal Committee without approval of competent Authority. Furthermore, the Complaint Redressal Committee (CRC) did not comprise of independent Professional, as required under Rule-31. Procuring Agency was required to re-notify the CRC comprising Independent Professional from relevant field. However, the procuring agency failed to do so.
5. The procuring agency was required to evaluate the bids in accordance with the evaluation criteria but the procuring agency failed to do so. The procuring agency could not submit any documentary proof that may prove that the procuring agency had evaluated the bids in impartial and transparent manner.
6. Procuring Agency had mentioned Bid Security in rupees at para-2 of NIT (i.e. Rs. 1250000/- fixed) whereas according to bidding documents 3% and 1.5% bid security was mentioned in details of NIT on PPMS. Procuring Agency failed to mention specific percentage of bid security in terms of Rule-37 of the SPP Rules.
7. The procuring agency had prepared Bid Evaluation Report but could not hoist the same on PPMS.
8. It was noted that the procuring agency had not awarded the work.

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 the procuring agency to terminate the procurement proceedings, as the procurement contract has not been signed.



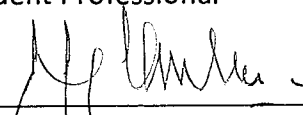
Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Munir Ahmed Shaikh)
Independent Professional



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



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