



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)

M/s Ghulam Siddique, D.I. Khan

Versus

Chairman, District Council, Larkana

M/S Ghulam Siddique Government Contractor and General order Supplier presented an application on 07-05-2018 enclosing the copy of an application made to the Chairman District Council Larkana, being the Head of the Complaint Redressal Committee. The appellant stated in his application that he presented an application to the Chairman District Council Larkana on 20-04-2018 highlighting the irregularities committed by XEN District Council Larkana regarding the Tender published in the newspaper on 23.03.2018 for the work of Solar Energy Panels. Till to date i.e. 07-05-2018 the Chairman District Council Larkana has not taken cognizance of the applicant grievance, hence this forum i.e. Review Committee.

2. The complainant made a complaint to Chairman Complaint redressal Committee on 20-04-2018 for redressal of his grievance but CRC failed to dispose of his complaint within seven days so he approached Review Committee by presenting his application for redressal of his grievance. The matter has been taken up under Rule 34(5) of SPP Rule 2010.

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. Mr. Waqar Shams Administrator M/S Ghulam Siddique, Mr. Khan Muhammad Sangro, Chairman District Council Larkana and Mr. Ali Muhammad District Engineer, District Council Larkana appeared before the Review Committee.

4. Mr. Waqar (appellant) while describing his appeal apprised the Committee that the procuring agency provided a specific eligibility criterion in Notice Inviting Tender and the bidding documents for evaluation of qualification of bidders. He added that as per the criteria the bidders were required to possess registration with Pakistan Engineering Council with Specialization Code and minimum three year experience in relevant field, whereas the bidder who had been shown as lowest evaluated bidder did not possess the PEC specialization Code.

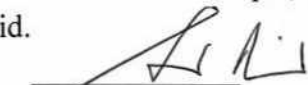
5. The XEN, District Council Larkana, while responding the queries, raised by the members of Review Committee regarding nature of work and qualification of lowest evaluated bidder, clarified that the procurement pertains to "supply of solar system to villagers", but the appellant's bid was Rs.22,00,000/- higher than the rate quoted by the bidder who has been

selected for award of contract and fulfill all requirements except the PEC Specialization code and was awarded with the contract. The respondent had apprehension that if the work would not have been awarded to the lowest bidder than NAB and other agencies might have taken action against respondent, ultimately the procuring agency would have to face enquiries and difficulties. The XEN District Council Larkana further said that he had fear of NAB, that's why the Procurement Committee recommended the award of the contract to the bidder who submitted lowest price despite the fact that he did not meet the criterion published in the advertisement. The XEN further apprised that the estimated cost of scheme was Rs.40,000,000/- whereas the lowest bid was Rs.18,700,000/-

6. After hearing the appellants, representatives of the Procuring Agencies and perusing the record along with the website of the Authority, the Review Committee is of the opinion that the bidder who had been declared lowest evaluated bidder i.e. M/s Amir Constructions, did not possess PEC Specialization code required for supply of "Solar lights" as per requirement mentioned in the NIT and in bidding documents. The procuring committee while evaluating the bids has violated Rule-42(1), as it has not evaluated the bids in accordance with the criteria mentioned in the NIT and bidding documents. The Review Committee also observed that estimates prepared by the procuring agency are not realistic and are on higher sides and bids received are more than 50% below the estimated cost.

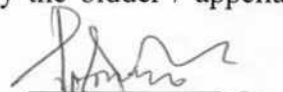
Decision:

In view of the above the Review Committee unanimously decides that the procuring agency shall cancel the bidding process in terms of Rule-25 and intimate promptly to all bidders and return the bid security to all the bidders. The procuring agency shall prepare the estimates afresh with due diligence and after carrying out a detailed market research. The XEN District Council Larkana shall Pay compensation of Rs.10,000/- in terms of Rule-32(7)(e) to the appellant Mr. Waqar of M/S Ghulam Siddique, DI Khan for cost incurred by the bidder / appellant on preparation of bid.


(Member)

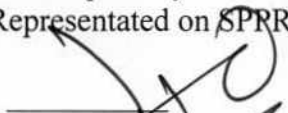
Saad Rashid

Representative Transparency International
Private Member Representated on SPPRA Board


(Member)

Asadullah Soomro

Private Member SPPRA Board

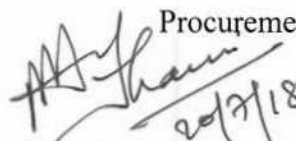

(Member)
Zahid Iqbal

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