GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-3103/2021-22/9732 Karachi, dated the 16th March, 2022

To,

The Administrator,
Town Committee Dighri,
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 Shahzain Builders v/s Town Committee Dighri** held on 01.03.2022 & 08.03.2022, for information & necessary action.

ASSISTANT DIRECTOR (Legal-II)

A copy is forwarded for information and necessary action to:

1. The Secretary to the Government of Sindh, Local Government Department Karachi.
2. The Executive Engineer, Town Committee Dighri, District Mipurkhas.
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 PS to the Chairman / Members Review Committee.
5. The Appellant.

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4. The PS to Managing Director, SPPRA Karachi.
5. The Staff Officer to the Chairman / Members Review Committee.
6. The Appellant.

GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-3103/2020-21 Karachi, dated the, 16th March, 2022

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

Decision of the Review Committee held on 01 & 08.03.2022

Name of Appellant	M/s Shahzain Builders
Procuring Agency	Town Committee Dighri District Mirpurkhas
PPMS ID # Reference No.	T01432-21-0001 TC/DGHR/824/OF 2021, Dated 23-12-2021
Appeal Received in Authority Dated	23.02.2022
Complaint of the Appellant Addressed to the Administrator Town Committee Dighri District MirpurKhas	14.2.2022
Dated of Posting Notice Inviting Tender	26-12-2021 1 = 20-01-2022
Date of Opening (First Opening)	07.02.2022
Date of Posting Bid Evaluation Report	Not posted up to 25.2.2022
Date of Posting Contract Documents	Not posted up to 25.2.2022
SPPRA Observations communicated on	24-01-2022
Estimated Cost of NIT Total	About Rs.35 to 40 Million
Total works in NIT	49 Works
Appellant Related work	1,2,3,4,5,6,7,8,10,18,22,34,41 & 42
Issue involved	Non-opening of bids
Complaint of the Appellant Addressed to the Town Committee Dighri District Mirpurkhas	No Nil Dated Nil received to this Authority on 28.01.2022
CRC Decision	Not received as yet.

Appellant's Version:-

1. The appellant has submitted that one of the members of PC was not present at the time of bid opening. The appellant was asked to prove his presence at the time of bid opening. The appellant submitted that he had submitted call deposits before the opening of bids and paid bidding documents fees which, the appellant maintained, were sufficient proofs to believe that he was present at the time of bid opening.
2. The appellant also submitted that the procuring agency did not open the bids nor issued corrigendum for the extension of bids.
3. The appellant also complained that the procuring agency was asking for pool money and works were distributed among the favorite contractors.
4. The appellant also complained that the procuring agency committed corruption during the procurement process.
5. The appellant was asked as whether he had submitted his bid or not. The appellant submitted that he had not submitted his bid as the procurement committee was not present at the time of bid opening.

The procuring agency's version:-

1. The procuring agency submitted that the procurement process was completed in a transparent manner and no any violation was done during the procurement process.
2. The procuring agency submitted the corrigendum was uploaded on PPMS website 5 days before the opening of bids.
3. The procuring agency informed that the bids were opened but the bidder had not participated in the bidding process. The appellant neither had submitted bid by hand nor had sent through mail.
4. The procuring agency informed that the minutes of bid opening meeting and attendance sheet signed by the bidders are evident that the bidder had not participated in the bidding process and the bids were opened publicly.
5. The procuring agency informed that the dropping had been held on scheduled date, time and venue but the bidder had neither purchased the bidding documents nor had submitted the tender fees.

Observations of the Review Committee:-

1. The Review Committee observed that the appellant failed to submit his bid prior to the opening of bids. The appellant contended that he could not submit his bid because the procurement committee was not present. Such contention is not maintainable because the submission of bid was obligatory upon the bidder irrespective of the presence or absence of the procurement committee. Furthermore the appellant showed his bid security call deposit in hand during the meeting of the Review Committee which showed that he had neither prepare bid nor enveloped and submitted his bid rather he kept security deposits with himself.
2. The appellant has filed a wrong complaint before the procuring agency against NIT ID

(T01639-21-0001) which related to OFFICE OF THE DISTRICT COUNCIL TANDO MUHAMMAD KHAN (27-Local Government Department instead of the procuring agency.

3. The Review Committee also observed that the appellant could not prove any violation during the procurement process.

Decision of the Review Committee:-

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(a), the Review Committee rejects the appeal of the appellant in terms of reasons mentioned in findings above.

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