



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3285/2021-22/033

Karachi, dated 20th July, 2022

TO,

The Executive Engineer,
Minorities Affairs Department,
Karachi.

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 namely **M/s AA Memon v/s Executive Engineer, Minorities Affairs Department Karachi** held on 29.06.2022, for information.

(ABDUL SATTAH SOOMRO)
ASSISTANT DIRECTOR (LEGAL-II)

A copy is forwarded for necessary action to:

1. The Secretary to the Government of Sindh, Minorities Affairs Department, Karachi.
2. The Director Minorities Affairs Sindh Karachi.
3. The PS to Chairman / Members of the Review Committee.
4. Assistant Director I.T. SPPRA (with advice to post the decision on authority website in terms of Rule-32(11) of SPP Rules, 2010).
5. The Appellant.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3285/2022-23

Karachi, dated the, 07th July, 2022

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

Decision of the Review Committee held on 29.06.2022

Name of Appellant	A.A Memon
Procuring Agency	The Executive Engineer, Minorities Affairs Department Karachi.
PPMS ID # Reference No.	T01026-21-0006 NO.XEN/MA/ DATED: 04-03-2022
Appeal Received in Authority Dated	06.06.2022
Complaint addressed to the Director, Minorities Affairs Sindh	25.05.2022
Dated of Posting Notice Inviting Tender	0 = 15.03.2018
Date of Opening of Bids	31.03.2022
Date of Posting Bid Evaluation Report	Various BER's have been posted from 28.5.2022 to 28.04.2022
Date of Posting Contract Documents	Not posted up-to 17.07.2022
SPPRA Observations communicated on	21-03-2022
Estimated Cost of NIT Total	Around 700 million
Total works in NIT	68 Works
Appellant Related work	Work No 01,02,03,04 57,58 & 59
Issue involved	Disqualification Non acceptance of bids

The appellant's Version:

1. The matter was listed for hearing before the Review Committee twice. The appellant failed to appear before the Review Committee twice. The Review Committee decided to adjudicate the matter ex-parte in terms of Rule 32(9) of the SPP Rules.
2. The Complaint and the Review Appeal submitted by the appellant are on the record.
3. The appellant submitted that the procuring agency did not accept his bid due to Non-submission of Original Pay Order. The Appellant contended that the Procuring Agency was required to ask him, if any documents were missing. The Appellant submits that the procuring agency wanted to award the contract on favoritism.

4. The Committee was informed that the appellant is a habitual complainant and he files the wrong and false complaints to drag the matter which cause financial losses and create inconvenience of travelling and wastes the time of work.

The Procuring Agency's Version:-

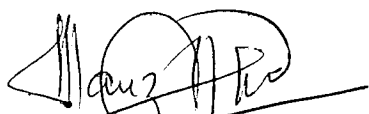
1. The Procuring Agency submitted that the Appellant's bid was due to Non-submission of Original Pay Order which was mandatory as per the terms and conditions of contract.

Observations of the Review Committee:-

1. The Review Committee observed that the appellant had filed the frivolous appeal.
2. The Committee noted that that the problem of frivolous Review appeals is not hampering smooth working of the Authority but also causing huge losses of time 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 and inconvenience, in some cases reputation is 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.
3. It was observed that each of the appellants had paid Rs.20, 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 appellant was to be forfeited by the procuring agency but he had already withdrawn his bid security. Consequently, 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.100,000/-(One Hundred thousand) to the Authority in the same manner as the Review Appeal fees is submitted.



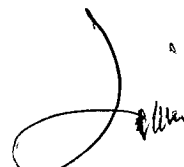
(Member)

Manzoor Ahmed Memon
(Member SPPRA Board)



(Member)

G. Muhiuddin Asim
Representative of DG, UP&SP, P&DD
Board, Planning & Development
Department Karachi



(Member)

Munir Ahmed Shaikh
Independent Professional



Chairman

Atif Rehman
Managing Director
(Sindh Public Procurement Regulatory Authority)