



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3288/2021-22/035

Karachi, dated 20th July, 2022

TO,

The Executive Engineer,
Building Division,
Shaheed Benazir Abad.

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 Permanand & Company, M/s Allah Nawaz Brothers & Company v/s Executive Engineer, Building Division Shaheed Benazir Abad** held on 29.06.2022, for information.

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

A copy is forwarded for necessary action to:

1. The Secretary to the Government of Sindh, Works & Services Department, Karachi.
2. The Superintending Engineer, Building Division Sukkur.
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-3289-90/2022-23

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	M/s Permanand & Company M/s Allah Nawaz Brothers & Company
Procuring Agency	The Executive Engineer, Building Division Shaheed Benazir Abad (SBA)
PPMS ID # Reference No.	T00693-21-0007 No. XEN (B)/TC/-G55/231 Dated 09-05-2022
Appeal Received in Authority Dated	10.06.2022
Complaint addressed to the Chief Engineer (Building's) Works & Services Department Sukkur.	02.06.2022
Dated of Posting Notice Inviting Tender	11-05-2022
Date of Opening of Bids	31.05.2022 First Attempt 15.06.2022 second Attempt
Date of Posting Bid Evaluation Report	BER posted on Authority website 03.06.2022
The Appellants submitted that they participated in the bidding process and quoted the lowest rates but the Procuring Agency did not open their bids.	The Procuring Agency submitted that the Appellants bids were opened by the Procurement Committee on the date of the bid opening but the Procurement Committee submitted that the Appellants had not filled rates in the bids properly. Therefore, their bid was rejected in terms of the NIT and SPP Rules.
The Appellants also informed that the Procuring Agency did not show his bid in the Bid Evaluation Report.	The Procuring Agency also informed that the as the Appellant's bid was rejected being incomplete, no further evaluation was carried out.
The Appellants contended that the Procuring Agency did not inform them about their rejection of bids.	The Procuring Agency further submitted that the appellant were verbally informed about their rejection of bids.
The Appellants also contended that the Procuring Agency awarded the contract even the CRC failed to arrive at the decision and Review Appeal was pending.	The P.A also informed that they were unaware of the complaint of the Appellants as no intimation was sent to them for complaint. It was also informed that the work was awarded

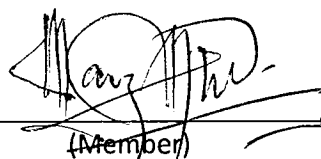
	to the successful bidders whose bids were declared responsive in accordance with the terms and conditions of the NIT and Bidding documents.
The Appellants also contended that the Procuring Agency awarded contract on higher rates and awarded work on around 20% higher rates that caused financial losses to the exchequer.	The Procuring Agency contended that when the Appellants did not fill the rates properly there was no question about lower or higher rates.

Observations of the Review Committee:-

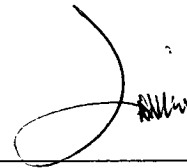
1. The Review Committee observed that the Appellant failed to prepare their bids properly. They did not fill the rates in the required places .Although rates were filled at the last pages but that was insufficient and incomplete. The Areas left blank by the Appellant are pasted below:
2. The Review Committee noted that there no illegality in the rejection of the bids of the Appellants due to their failure to prepare bids accordingly.
3. It was also noticed that the works have been awarded to the bidders who were declared successful by the Procuring Agency.
4. The Review Committee observed that the most advantageous bid, that is in accordance with the terms and conditions of NIT and bidding documents, is accepted rather than the lowest submitted bid, means the lowest price quoted in a bid, which is otherwise not substantially responsive.
5. The Review Committee also noted that the Appellants could not prove any violation of Rules for rejection of their bids.

Decision of the Review Committee:-

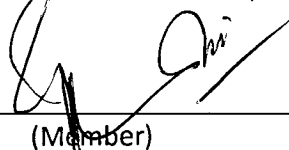
Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(a) of the SPP Rules, the Review Committee rejects the references / appeals for the reason stated above in the observations of the Review Committee.



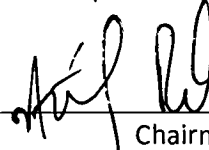
(Member)
Manzoor Ahmed Memon
(Member SPPRA Board)



(Member)
Munir Ahmed Shaikh
Independent Professional



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



Chairman
(Atif Rehman)
Managing Director
(Sindh Public Procurement Regulatory Authority)