



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3190/2021-22/0856

Karachi, dated 11th October, 2022

TO,

The Executive Engineer,
Provincial Highway Division,
Khairpurmir's.

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 Abdul Hafeez Kolachi v/s Executive Engineer, Provincial Highway Division Khairpurmir's** held on 20.07.2022, for information & necessary action.

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

A copy is forwarded for necessary action to:

1. To the Secretary to Government of Sindh, (Works & Services) Department Karachi.
2. The Superintending Engineer, (works & Services) concerned circle 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-3190/2020-21

Karachi, dated the 15th August, 2022

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

Decision of the Review Committee Held on 20.7.2022

Appellant	M/s Abdul Hafeez Kolachi
Procuring Agency	Executive Engineer Provincial Highways Division, Khairpur.
PPMS NIT No.	T01740-21-0010
Appeal received on	07.06.2022
Complaint	23.5.2022

Sr.	Appellant's Version	Procuring Agency's version
1.	The Appellants submitted that he participated in the procurement process and quoted lower rates but the procuring agency awarded works to other bidders on higher rates.	The Procuring agency submitted that the appellant's representative was present at the time of bid opening where he put fake signature but did not submit his bid.
2.	The appellant claimed that he had gone for the opening of bids and dropped the tenders.	The procuring agency informed that the bids were opened but the bidder did not participate in the bidding.
3.	The appellant claimed that attendance sheet shows that the appellant had participated in the bidding process.	The procuring agency informed that the dropping was held on scheduled date, time and venue and bidder's representative was present who making a noise at the time of bid opening. Regarding the signature of the bidders, the procuring agency submitted that representative put a fake signature but did not drop the tender.
4.	The Appellant submitted that the	The Procuring agency clarified that during the

	decision of the Review Committee shows that the appellant had participated in the procurement process.	meeting of Review Committee it was just apprised that Bid Evaluation underway. When bids were evaluated it was observed that the appellant had not submitted any bid for participating in the procurement process.
5.	The Appellant submitted that the Procuring Agency was under obligation not to sign the contract during the pendency of the appeal before the Review Committee.	The Procuring Agency submitted that the appellant was neither a bidders nor his complaint was maintainable under the SPP Rules. Responding to a question regarding award of work, the procuring agency informed that the procurement contract had been signed with the successful bidders as per law.

Findings of the Committee;

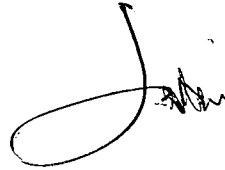
1. The Review Committee observed that the appellant failed to prove his participation in the procurement process and could not establish any violation of rules during the procurement process.
2. It was noted that the procuring agency has awarded the work to the successful bidders.
3. The Review Committee was of the view that neither appellant nor the procuring agency could prove their version.
4. The appellant could not prove submission of tender al-though his representative has signed the attendance sheet on the other hand the procuring agency claimed that the appellant's representative made un-voice at the time of opening of bids. The committee observed that even if the appellant's representative signed the attendance sheet unfairly it was mandatory upon the procuring agency to record the same situation in the minutes of bid opening meeting. Hence, the failure to record the minutes shows the carelessness on the part of the procuring agency.
5. Furthermore, the Review Committee observed that the procuring agency awarded the contract before the decision of CRC nor waited for the final adjudication of the Review Committee. such awarding the contract during the pendency of appeal is opening violation of Rule-32(7) of SPP Rules-2010 (amended up to date).

Decision of the Review Committee:


6. Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(a), the Review Committee.
7. Rejects the appeal of the appellant as the appellant could not prove his submission of his bids participation in the procurement process.
8. Decides to refer the matter of awarding the contract by the procuring agency during the pendency of appeal to the Head of Department i.e. the Secretary to Government of Sindh (Works & Services Department) for initiation disciplinary action against the official of the procuring agency who were responsible for non compliance of Rule-31(7).
9. The compliance of the decision shall be made within (15) days of the announcement of the Decision.



Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Munir Ahmed Shaikh)
Independent Professional



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