



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD(L-II)/SPPRA/CMS-17(68-79-87)/2020-21/1605

Karachi, dated the 03rd December, 2020

To,

The Medical Superintendent,
Sir C.J. Institute of Psychiatry,
Hyderabad.

Subject: DECISION OF 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 Al-Farooque Enterprises and Anors v. Sir C.J. Institute of Psychiatry Hyderabad*) held on 05th November 2020, for information and further necessary action, please.

DEPUTY DIRECTOR (LEGAL)

A copy along with enclosures/ decision is forwarded for information to:

1. The Secretary to Government of Sindh, Health Department, Karachi.
2. The Deputy Secretary (Staff) to Chief Secretary Sindh, Karachi.
3. The 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 Staff Officer to the Chairman/ Members of the Review Committee.
5. Messrs Al-Farooque Enterprises, Noman Enterprises, and Al-Syed Enterprises.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD(L-II)/SPPRA/CMS-17(68-79-87)/2020-21/1605

Karachi, dated the

November 2020

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

REVIEW APPEALS

Between:

M/s Al-Farooque Enterprises and Anors
v.
Sir C.J. Institute of Psychiatry Hyderabad
NIT ID Number
T01157-20-0004 dated 04.09.2020

DATE OF HEARING

05.11.2020

FACTS AND BACKGROUND

The appellants Messrs Al-Farooque Enterprises¹, Noman Enterprises², Al-Syed Enterprises³ lodged individual complaints (vide letters dated 07 & 10.10.2020, respectively) addressed to the Chairman Complaints Redressal Committee (CRC)⁴ as well as this Authority against the NIT No. I.P/HYD/1912 dated 22.08.2020 floated by the Medical Superintendent, Sir C.J. Institute of Psychiatry Hyderabad 'procuring agency' for procurement of 'diet and linen/ petty articles/ other misc. Items with an estimated cost of PKR 50.754 and 4.121 million, respectively'⁵ in accordance with the SPP Rules, 2010.

2. The appellants therein raised an averment that the procuring agency convened a meeting on 30.09.2020 to open the financial proposals (dietary articles) of technically qualified bidders, whereby they found the tender box as already opened that was required to be kept sealed until the opening of financial proposals. Besides, the procuring agency already opened and repacked the bidders' financial proposals that were objected to by a bidder whose call deposit/ bid security was found as replaced. As per the appellants, the procuring agency acted so in following the previous practice to favor two specific bidders whose quoted bids stood declared as the lowest with a margin ranging between PKR 1-5 only. Consequently, the appellants, being aggrieved from the procuring agency's impugned action, requested the authorities to conduct an inquiry into the matter for the sake of justice and ensure compliance with rules. In turn, this Authority (vide letters dated 14.10.2020) forwarded the appellants' complaints to the CRC with advice to redress the grievances and furnish the decision to the appellants and the Authority within the stipulated period as per Rules-31(3) & (5) *ibid*⁶.

3. Subsequently, the appellants preferred individual appeals along with the supporting documents and review appeal fee⁷ (vide letters dated 18, 15 & 16.10.2020, respectively) before this Authority by stating that the CRC had failed to fulfill its statutory obligations on deciding the matters within the prescribed time. Hence, the appellants requested to place their cases before the Review

¹ Appellant # I having its office located at 1st Floor, Bungalow # 76, Block-E, Unit-8, Latifabad, Hyderabad

² Appellant # II having its office located at E/27-2450 Khowaja Chowk, Hyderabad

³ Appellant # III having its office located at House # 247/A, Block-C, Unit-2, Latifabad, Hyderabad

⁴ Constituted under the chairmanship of Secretary Health, Government of Sindh vide notification No.SO(PM&I)2-1/2013(CRC) dated 24.12.2018 issued by the Section Officer (PM&I), Health Department

⁵ Detailed description/ nature of the procurement items can be accessed via the instant procurement's NIT available on the PPMS website at ID # T01157-20-0004 [<https://ppms.pprasindh.gov.pk/PPMS/public/portal/notice-inviting-tender>]

⁶ Any bidder being aggrieved by any act or decision of the procuring agency after the issuance of notice inviting tender may lodge a written complaint. The complaint redressal committee shall announce its decision within seven days and intimate the same to the bidder and the Authority within three working days. If the committee fails to arrive at the decision within seven days, the complaint shall stand transferred to the Review Committee which shall dispose of the complaint in accordance with the procedure laid down in under rule 32, if the aggrieved bidder files the review appeal within ten (10) days of such transfer.

⁷ This Authority's Office Order No. Dir(A&F)/SPPRA/18-19/0325 dated 26.07.2019 [<https://ppms.pprasindh.gov.pk/PPMS/>]

Committee in terms of Rule-31(5) read with Rule-32(5) *ibid*⁸. In turn, the Authority (*vide* letter dated 23.10.2020) forwarded the cases to the procuring agency with advice to update the bid securities' status for ascertaining the maintainability of the cases in terms of Rule-32(1) *ibid*⁹, and the procuring agency (*vide* letter dated 27.10.2020) confirmed the appellants' bid security as still intact.

4. Accordingly, the appellants' cases were taken up by the Review Committee for a hearing in its meeting scheduled on 05.11.2020 at 11.45 a.m. In this regard, the Authority (*vide* letter dated 02.11.2020) issued a summon to the parties concerned to appear in person or depute authorized representatives, well conversant with the procurement in question, along with relevant documents and evidence, if any, before the Committee on the scheduled date, time, and venue in terms of Rules-32(6), (8) & (10) *ibid*¹⁰. In compliance, the following representatives appeared before the forum:

Name of Representative	Designation/ Organization
Procuring Agency	
Dr. Aijaz Qadir Patoli	Chief Executive Officer/ Medical Superintendent, Sir C.J. Institute of Psychiatry & Behavioral Sciences (CJIPBS) Hyderabad
Dr. Ayaz Hassan Qureshi	Deputy Medical Superintendent Sir CJIPBS Hyderabad
Mr. Ghansham	Accountant Sir CJIPBS Hyderabad
Appellants	
Muhammad Salman Khan	Proprietor, M/s Al-Farooque Enterprises
Muhammad Noman	Proprietor, M/s Noman Enterprises
Syed Misbahuddin	Proprietor, M/s Al-Syed Enterprises

REVIEW COMMITTEE PROCEEDINGS

5. The Chairperson of the Review Committee commenced the meeting by welcoming all the meeting participants. Then, the chair asked the appellants to present their cases/ versions, one by one, over the instant procurement issues/ grievances.

APPELLANTS' VERSION

6. Muhammad Noman 'the appellant # II', after narrating the facts leading to the filing of the instant appeals, submitted that their main concern relates to the procurement of dietary items, against which the Procurement Committee (PC)¹¹ declared all the bidders, including the appellants, as 'technically qualified'. After that, the procuring agency called a meeting on 30.09.2020 for opening financial proposals, whereupon the appellants found a tender box as opened that was required to be unsealed publicly in the presence of all bidders or their representatives at the time and place for opening of financial bids. Besides, the appellants observed the bidders' financial proposals as opened/ resealed leading to disclose and maneuver the submitted/ quoted bids' amount for awarding the procurement contracts to the specific firms (M/s S.A. Enterprises and M/s Unique Enterprises) on a favoritism basis in circumventing the principles of fairness & transparency.

7. Muhammad Salman Khan 'the appellant # I', while supporting the appellant # II contentions, submitted that he has supplied the quality items to the procuring agency from the last two decades.

⁸ The bidder shall submit [following documents] to the Review Committee:- (a) a letter stating his wish to appeal to the Review Committee and the nature of the complaint; (b) a copy of the complaint earlier submitted to the complaint redressal committee of the Department and all supporting documents; (c) copy of the decision of procuring agency/ redressal committee, if any.

⁹ A bidder not satisfied with decision of the procuring agency's complaints redressal committee may lodge an appeal to the Review Committee within ten (10) days of announcement of the decision provided that he has not withdrawn the bid security, if any, deposited by him.

¹⁰ On receipt of appeal, along with all requisite information and documents, the Chairperson shall convene a meeting of the Review Committee within seven working days. It shall be mandatory for the appellant and the head of procuring agency or his nominee not below the rank of BS-19 to appear before the Review Committee as and when called and produce documents, if required. The Review Committee shall hear the parties and announce its decision within ten working days of submission of appeal. However, in case of delay, reasons thereof shall be recorded in writing.

¹¹ Constituted under the chairmanship of Medical Superintendent/ In charge of Health Institution *vide* notification No.SO(PM&I)2-1/20-21/pc(Misc.Items/LP) dated 23.06.2020 issued by the Section Officer (PM&I), Health Department

Nevertheless, the procuring agency deliberately disqualified the appellant's lowest bid in last year's procurement, but he never approached any forum in the hospital and its patients' best interest. The appellant contended that the procuring agency maneuvered the specific bidders' submitted rates, as held in last year, through premature opening the tender box and the sealed bids that was objected by various bidders when the call deposits/ bid securities (PKR 0.110 & 2.175 million against dietary and petty articles, respectively) of the appellant # III found replaced with corresponding envelopes during the financial proposals' opening. The PC declared all the technical bids as eligible and also approved all the samples without any single rejection in this exceptional bidding process (dietary). The appellant further contended that the procuring agency has also awarded the procurement contracts despite knowing the impugned procurement is challenged by various bidders before the CRC and this forum.

- Syed Adil Gilani (Member of Review Committee) asked the appellants that the procuring agency opened the financial bids on 30.09.2020, then why did they challenge the procuring agency's impugned action after a lapse of one week?
 - ◆ The appellants stated that they lodged their complaints (through the procuring agency and also mail)¹² before the CRC within three days of evaluation results announcement¹³.
- Engr. Munir Ahmed Shaikh (Member of Review Committee) asked the appellants as to why did they endorse the instant bidding process as transparent and satisfactory by signing a certificate at the time of financial bids' opening?
 - ◆ The appellants claimed that the procuring agency got their endorsement on the referred certificate before opening financial bids. *Per contra*, the procuring agency's representative vehemently refuted the appellants' claim by adding that the PC opened the sealed financial bids on 30.09.2020 at 02.00 p.m. After the announcement of the quoted offers, the bidders signed the certificate that can be witnessed from the date and time (30.09.2020 03.50 p.m.) as mentioned by a bidder M/s Jannat Drug Agency who also lodged a similar nature of the complaint under instant procurement. While responding to a query, the procuring agency's representative emphasized that the PC opened financial bids category-wise (refer to para-9) and completed the evaluation process by 03.50 p.m.¹⁴.
- Mr. Manzoor Ahmed Memon (Member of Review Committee) asked the appellants as to how they would prove the bidders' financial proposals (envelopes) were opened and then repacked before the publicly opening of the bids?
 - ◆ The appellants stated that they found the tender box unsealed before opening financial proposals. Secondly, the PC opened the bids without showing the envelopes 'as sealed' that created doubt among bidders. Thirdly, two bidders M/s S.A. and M/s Unique quoted bids under different/ critical items (flour, sugar, and lentils) rather than quoting bids for similar items, and their bids found as the lowest among others. Fourthly, these two bidders submitted their managed call deposits amounting to PKR 0.6 million and won contracts against the major critical items worth up to PKR 2.00 million per month. As a whole, it reflects that the procuring agency managed the entire process to favor specific firms by changing their submitted/ quoted bids while infracting the rules.

PROCURING AGENCY'S VERSION

8. Dr. Aijaz Qadir Patoli (Chief Executive Officer/ Medical Superintendent) and Dr. Ayaz Hassan Qureshi (Deputy Medical Superintendent), Sir C.J. Institute of Psychiatry & Behavioral Sciences

¹² M&P Consignment # 322000246512 dated 08.10.2020 reveals the appellant's mail was delivered to Mr. Sajid of the Health Department on 09.10.2020 at 10.05 a.m. [<https://mulphilog.com/tracking-detail.php>]

¹³ Bid Evaluation Report at ID # BE01157-20-0004-1 & 2 [<https://ppms.pprasindh.gov.pk/PPMS/public/portal/ber>]

¹⁴ The procuring agency's representative placed the original record (the bidders' financial proposals) during proceedings before the forum. The Committee checked the financial proposals to the extent of the bidders' quoted rates are encircled by the PC Chairman, and bidders' financial proposals are signed by the PC members as required under Rule-41(8) Ibid.

Hyderabad 'the procuring agency's representatives' submitted that the procuring agency received a total number of twenty-eight (28) bids from various bidders under three different categories (I. diet; II. linen/ petty articles/ other misc. items; III. medicines) that (technical proposals) were opened/ evaluated by the PC on 21.09.2020; whereas, the financial proposals were kept in three different sealed boxes. Subsequently, the PC publicly opened sealed boxes and the bidders' financial proposals altogether on 30.09.2020 in accordance with Rule-46(2) read with Rule-7(2) *ibid*¹⁵. After the opening of proposals, the PC instantaneously afforded the bidders an opportunity to raise concern/ grievance, if any, to avoid later complaints, and all the participated bidders, in response, expressed entire satisfaction upon the bidding process. In relying so upon, the procuring agency's representative placed copies of the certificates duly signed by the bidders, and same are reproduced herein-below for the sake of convenience and apparent reference¹⁶:

Certificate: Certified that we have participated in the technical tender for procurement of diet items for the financial year 2020-21 on 21.09.2020 at 11.00 a.m. at Sir C.J. Institute of Psychiatry Hyderabad. The Committee carried-out tender process transparently & we are satisfied, and we have not any objection:

Certificate: Certified that we have participated in the financial tender for procurement of diet items for the financial year 2020-21 on 30.09.2020 at 02.00 p.m. at Sir C.J. Institute of Psychiatry Hyderabad. The Committee carried-out tender process transparently & we are satisfied, and we have not any objection:

Signed by	I.	M/s Jannat Drug Agency (30.09.20 at 3.50 pm)	V.	M/s Al-Syed Enterprises
	II.	M/s Sirat Enterprises	VI.	M/s Al-Farooque Enterprises
	III.	M/s A.Z. Enterprises	VII.	M/s S.A. Enterprises
	IV.	M/s Noman Enterprises	VIII.	M/s Unique Enterprises

Certificate: Certified that we have participated in the technical tender for procurement of petty articles/ linen/ other miscellaneous items for the financial year 2020-21 on 21.09.2020 at 11.00 a.m. at Sir C.J. Institute of Psychiatry Hyderabad. The Committee carried-out tender process transparently & we are satisfied, and we have not any objection:

Certificate: Certified that we have participated in the financial tender for procurement of petty articles/ linen/ other miscellaneous items for the financial year 2020-21 on 30.09.2020 at 02.00 p.m. at Sir C.J. Institute of Psychiatry Hyderabad. The Committee carried-out tender process transparently & we are satisfied, and we have not any objection:

Signed by	I.	M/s A.Z. Enterprises	V.	M/s Al-Syed Enterprises
	II.	M/s Medisus Enterprises	VI.	M/s Al-Farooque Enterprises
	III.	M/s Babar & Sharique Traders	VII.	M/s S&T Corporation
	IV.	M/s M.F Traders (30.09.20 at 4.0 p.m.)	VIII.	M/s Hammad Enterprises

9. The procuring agency's representative asserted that the appellants, if aggrieved due to the alleged premature opening of the sealed tender box and/ or financial proposals, could raise their concerns before the PC members at the time of the financial proposals' opening rather than endorsing the bidding process 'as transparent' while signing the certificates without any coercion. Therefore, the appellants' concerns at this stage when the PC opened the financial proposals transparently, following the governed procurement mechanism, do not have any locus standi at all in the given position. Secondly, the appellants have already entered into agreements with the procuring agency under procurement of other categories 'except diet items' (the bids opened under these categories at the

¹⁵ Single Stage Two Envelope Procedure: (a) bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the financial proposal and the technical proposal; (b) envelopes shall be marked as 'Financial Proposal' and 'Technical Proposal' in bold and legible letters to avoid confusion; (c) initially, only the envelope marked 'Technical Proposal' shall be opened; (d) envelope marked as 'Financial Proposal' shall be retained in the custody of the procuring agency without being opened; (e) procuring agency shall evaluate the technical proposal in a manner prescribed in advance, without reference to the price and reject any proposal which does not conform to the specific requirements; (f) no amendments in the technical proposal shall be permitted during the technical evaluation; (g) financial proposals of technically qualified bids shall be opened publicly at a time, date and venue announced and communicated to the bidders in advance; (h) financial proposal of bids found technically non-responsive shall be returned un-opened to the respective bidders; and (j) bid found to be the lowest evaluated or best evaluated bid shall be accepted. The procurement committees comprising three members: all members shall form quorum.

¹⁶ The certificates are accessible along with the bid evaluation report announced/ posted by the procuring agency via the PPMS website at ID # BE01157-20-0004-1 & 2 dated 06.10.2020 [<https://ppms.pprasinidh.gov.pk/PPMS/public/portal/ber>]

same time and the appellants also found as the lowest under major diet items) that suffice to prove the procurement process as transparent and impartial.

- Mr. Manzoor Ahmed Memon raised a query as to why the procuring agency's CRC, having its statutory responsibility to address the bidders' grievances, failed to decide matters on time when the appellants approached that forum while lodging their individual written complaints?
 - ◆ The procuring agency's representative stated that the Health Department, being an administrative department, has already constituted a CRC under the chairmanship of Secretary Health and others members to address the bidders' complaints, if any occur, during the procurement proceedings of any health institution in terms of Rule-31(1) & (2) *ibid*¹⁷. As such, the hospital is legally unable to constitute the CRC at its level in the given circumstances when the PC is headed by the Medical Superintendent, being the most senior officer of the procuring agency.
- The Committee noted that it does not seem reasonably possible for a single CRC to address all the bidders' complaints arising through procurement proceedings initiated by various health institutions as can be witnessed from previous procurements' records. *The administrative department, keeping in view of the rules, needs to constitute the CRCs at a decentralized level (Institutional/ hospital/ division/ district based) to address the bidders' concerns in a timely manner. In practicing so, the department can also add value within the procurement process through reduction in cycle time, which may get longer due to the bidders' subsequent complaints/ appeals at this or any other forum, preferably when CRC fails to take timely judicious action.*
- Subsequently, Syed Adil Gilani asked the procuring agency's representatives to update/ confirm the current status of the instant procurement (dietary items);
 - ◆ The procuring agency's representatives confirmed that they announced the bid evaluation reports via the PPMS website on 06.10.2020 and then awarded the procurement contracts on 13.10.2020 in terms of Rules-45 & 49 *ibid*¹⁸. Dr. Patolli added that the procuring agency could award the contracts on 09.10.2020, but the delay occurred due to his brother's critical health condition and so admitted to a hospital. He further added that the Authority issued letters restraining the procuring agency from awarding contracts on 14 & 23.10.2020 when the contracts were already awarded.

CHRONOLOGY OF THE BIDDING PROCESS¹⁹

10. The chronology of significant procurement events evinces that the procuring agency in the present case (diet items) invited bids under open competitive bidding while formulating/ incorporating the evaluation criteria, as tabulated below, in accordance with the single stage two envelope bidding procedure laid down under Rule-46(2) read with Rule-47(2) & Clause-aa of Sub rule-2(1) *ibid*²⁰:

¹⁷ The procuring agency shall constitute a committee for complaint redressal comprising odd number of persons, with appropriate powers and authorizations, to address the complaints of bidders that may occur during the procurement proceedings prior to award of contract. The committee shall be headed by head of the procuring agency or an official of the procuring agency, at least one rank senior to the head of the procurement committee and shall include [the following]; (a) District Accounts Officer, or his representative, in case of the local governments or provincial departments at district level, or a representative of the Accountant General, Sindh in case of Government departments at the provincial level; (b) An independent professional from the relevant field concerning the procurement process in question, to be nominated by the head of procuring agency.

¹⁸ Procuring agencies shall announce the results of bid evaluation in the form of a report giving reasons for acceptance or rejection of bids. The report shall be hoisted on website of the Authority and that of the procuring agency if its website exists and intimated to all the bidders at least three (3) working days prior to the award of contract. The bidder with the lowest evaluated cost, but not necessary the lowest submitted price, shall be awarded the procurement contract within the original or extended period of bid validity.

¹⁹ The procurement procedure under which sealed bids invited, received, opened, examined and evaluated for the purpose of awarding a contract.

²⁰ Single stage two envelope bidding procedure shall be used for goods, works and services where the bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation. Open competitive bidding means a fair and transparent specified procedure defined under these rules, advertised in the prescribed manner, leading to the award of a contract whereby all interested persons, firms, companies or organizations may bid for the contract and includes both national and international competitive biddings.

EVALUATION CRITERIA

- I. Original tender receipt;
- II. Photocopy of pay order/ demand draft of earnest money in which amount should not be readable;
- III. Copy of the bid offer showing without rates and stamp;
- IV. NTN and GST Certificate;
- V. Audit reports of last three years;
- VI. Chamber of commerce certificate;
- VII. Three years' supply experience in any government institute of Health Department;
- VIII. Professional tax certificate from Excise & Taxation Department;
- IX. The bidder shall furnish an affidavit on non-judicial stamp paper of PKR 100/- that the firm is not blacklisted by any government department;
- X. Three years' annual turnover statement with bank certificate as required in tender document;

11. In response to the NIT, the procuring agency received eight (8) timely proposals (technical and financial) that were opened/ evaluated by the PC on 21 & 30.09.2020, respectively. Then, the procuring agency announced the evaluation results (as summarized below) via the PPMS website on 06.10.2020:

SUMMARY OF THE BIDS EVALUATION RESULTS (TOTAL ITEMS = 78)²¹

Sr. #	Bidder's Name	Technical Bid	No. of Items Quoted	No. of Items Awarded	Cumulative Percentage
I.	M/s Unique Enterprise	Qualified	31/78	25/31	33.12%
II.	M/s S.A. Enterprises	Qualified	38/78	15/38	18.07%
III.	M/s Al-Farooque Enterprises	Qualified	47/78	13/47	15.66%
IV.	M/s Jannat Drug Agency	Qualified	34/78	7/34	8.43%
V.	M/s A.Z Enterprises	Qualified	22/78	2/22	2.41%
VI.	M/s Al-Syed Enterprises	Qualified	67/78	14/67	16.87%
VII.	M/s Siraat Enterprises	Qualified	11/78	3/11	3.61%
VIII.	M/s Noman Enterprises	Qualified	56/78	4/56	4.82%

12. On the announcement of results, the appellants, feeling aggrieved and dissatisfied with the procuring agency's impugned action favoring the specific bidders through alleged manipulation of the bids, lodged complaints before the CRC that could not decide the cases. Resultantly, the appellants preferred individual appeals before the Review Committee, which allowed the rival parties to present/ defend their case for deciding the matters fairly and impartially. Meanwhile, the procuring agency had already awarded the procurement contracts on 13.10.2020²².

REVIEW COMMITTEE'S FINDINGS

13. The Committee heard at length the representatives appearing for the respective parties and dispassionately considered their arguments/ viewpoints on the controversy raised before the forum. The Committee also perused the procurement record having proximity and connection with the issue raised under instant appeals. The whole crux of the cases, as presented by appellants, is that the procuring agency allegedly opened the tender box and sealed financial proposals before the scheduled date/ time for the opening of financial proposals to maneuver the quoted rates favoring to Messrs Unique and S.A. In relying so, the appellants established a plea that they found the tender box unsealed and bid security (appellant # III) replaced when the PC opened financial bids. Plus the beneficiary bidders quoted bids under dissimilar items but found as the lowest with a lesser margin against most of the critical items that reflected the procuring agency's managed the bidding process. On the other hand, the procuring agency's representatives vehemently denied the appellants' allegation by stating that the PC opened the sealed tender box and the financial proposals in the presence of the bidders' representatives, who signed a certificate for authentication of the bidding

²¹ The data is based on the record as made available by the procuring agency via the PPMS website.

²² Contract Documents at ID # C01157-20-0004-2 dated 18.10.20 [https://ppms.pprasindh.gov.pk/PPMS/public/portal/contract_list]

process as transparent and satisfactory. The Review Committee discussed the controversial issue in detail while examining the relevant record/ facts and noted that it is exceedingly difficult, if not impossible, to conclusively ascertain for this forum whether the procuring agency opened and repacked the financial proposals before the scheduled time, especially when all bidders had appended their signatures on certificates showing their free consent over the bids opening process (technical as well as financial) as transparent and satisfactory. The appellants had to raise their timely concern and/ or dissent not, if any relating to their current issue, during the financial bids' opening rather than endorsing the procuring agency's action as valid at that time. Secondly, the PC opened the financial bids on 30.09.2020 against which the appellants leveled their allegations after a lapse of more than a week that raises a question over the credibility of their concerns. In the given position, the Committee is of the considered view that the appellants have not been able to prove or satisfy their case with sufficient evidence supporting their plea that the financial bids were repacked for maneuvering the rates of the specific bidders.

REVIEW COMMITTEE'S DECISION

14. Given the preceding findings, as at para-13, and after due deliberation, the Review Committee, in exercise of the statutory powers conferred upon it under Rule-32(7)(a) *ibid*²³, unanimously decides to reject/ dismiss the appeals.



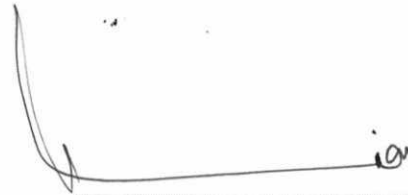
(Member)
Syed Adil Gilani
Private Member SPPRA Board
Representative Transparency International



(Member)
Manzoor Ahmed Memon
Private Member SPPRA Board



(Member/ Independent Professional)
Engr. Munir Ahmed Shaikh
(Rtd.) Executive Engineer



(Chairman)
Riaz Hussain Soomro
Managing Director
Sindh Public Procurement Regulatory Authority

²³ [The Review Committee may] reject the reference, stating its reasons and vacate the bar provided for in the proviso of Sub-Rule 7 of Rule-31