



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-1918/2020-21/1730 Karachi, dated the 4<sup>th</sup> December, 2020

To,

**Executive Director,  
National Institute of Cardio Vascular Disease (NICVD),  
KARACHI.**

**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 Total Technologies v/s Executive Director, National Institute of Cardiovascular Disease (NICVD), held on 09.12.2020, for your information and further necessary action, under intimation to this Authority, at the earliest.

  
**DEPUTY DIRECTOR (LEGAL)**

*A copy is forwarded for information and necessary action to:*

1. The Secretary to Government of Sindh, Health Department.
- ✓ 2. 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)
3. The Staff Officer to the Chairman / Members Review Committee.
4. The Appellant /Complainant.



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.DD(L-II)/SPPRA/CMS-1338/20-21

Karachi, dated the December, 2020

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

(REVIEW APPEAL)

(Appeal)

*M/s Total Technology (Pvt) limited*  
*Versus*  
*National Institute of Cardiovascular Diseases*

(NIT ID # T00022-19-0013 dated 27.06.2020)

**FACTS AND BACKGROUND**

1. The appellant, M/s Total Technology (Pvt) limited lodged a complaint (vide letter dated 18.11.2020) with the Complaints Redressal Committee (CRC) of the Procuring Agency in respect of item No.1 i.e. Supply & Installation of CSSD equipment's of the NIT posted on PPMS vide NIT ID T00022-19-0013 for procurement of six items for NICVD Satellite Centre (Hyderabad) invited by Executive Director, National institute of Cardiovascular Dieses (NICVD) '*the procuring agency*'.
2. In his complaint the appellant has raised serious concerns with regard to its disqualification without assigning the reason and claimed that the result of the technical evaluation was also not communicated to him prior to the opening of the financial bids. This Authority (vide letter dated 11.11.2020 and 19.11.2020 respectively) forwarded the complaint to the Procuring Agency with an advice to redress the grievances under intimation to this Authority as per SPP Rules, 2010 (Amended 2019).
3. Subsequently, the appellant (vide letter No Nil dated 26<sup>th</sup> November, 2020) lodged an appeal, along with supporting document, before Review Committee in terms of Rule-31(5) read with Rule-32(5) as the CRC of the Procuring Agency has failed to announce its decision within stipulated time.
4. Resultantly the appellant's case was placed before the Review Committee in its meeting held on 09.12.2020 at 10:00 am. Notices, in this regard, were issued to the parties concerned (vide this Authority's letter dated 04.12.2020) to appear before the Committee on the scheduled date, time, and venue in terms of Rule-32(6), (8) & (10) of SPP Rules, 2010.

5. In Compliance Mr. Junaid and Mr. Faisal Majeed '*representatives of the procuring agency*' and Syed Israr Ahmed '*representative of the appellant*' appeared before the Committee.

### REVIEW COMMITTEE PROCEEDINGS

6. Meeting started with recitation of verses from the Holy Quran. The Chairperson of the Review Committee commenced the meeting by welcoming all the participants of the meeting. Then, the chair asked the appellant to present the case / version over the instant procurement issues / grievances.

### APPELLANT'S VERSION

7. Syed Israr Ahmed '*representative of the appellant*' apprised the Committee that the Procuring Agency has disqualified their firm on technical grounds but failed to communicate the grounds for rejection of their bids. He claimed that the firm was informed about its disqualification during the opening of Financial bids. He further informed that the Procuring Agency vide letter dated 6.10.2020 informed the reasons for rejection of their bid. In response, the appellant submitted replies with justifications but the Procuring Agency had not considered their justifications. The appellant further claimed that the lowest evaluated bidder (M/s Radiant Medical Pvt Ltd) has also not fulfilled the technical evaluation criteria mentioned in the Bidding Documents and is the only single bidder, hence fair competition was not done in the instant procurement.
8. Moreover, the appellant contended before Review committee that the CRC had failed to fulfill statutory obligation on deciding the matter.

### PROCURING AGENCY'S VERSION

9. Procurement Officer Mr. Junaid Lakher '*representatives of the procuring agency*' Clarified that – Total Technology was disqualified on the grounds that the firm did not fulfilled the required technical criteria. Mr. Faisal Majeed '*representatives of the procuring agency*' further submitted that due to the current wave of COVID-19, CRC meeting could not held, however, the Procuring Agency furnished reply to the complainant. Moreover, the representative of the procuring agency denied the allegations leveled by the complainant that M/s Radiant Medical Pvt. Ltd. has not fulfilled the technical criteria mentioned in the bidding documents. He also informed that the Procuring Agency invited bids for the instant item in 2018 but the same could not be completed due to litigations and complaints lodged by the suppliers which suffers the patients a lot and NICVD failed to provide services to the community due to non-availability of the equipment.

### REVIEW COMMITTEE OBSERVATIONS / FINDING

10. Syed Adil Gilani (Member of Review Committee) pointed out that the procuring agency's CRC failed to announce its decision within seven days and intimate the same to the bidder and authority within three working days in accordance with SPP Rule-31 (5), hence the Rule has been violated. He added that evaluation criteria and terms and conditions of the procurement seems to be difficult and discriminatory which did not

attract the prospective bidders, due to which wider competition could not take place. He also read aloud Rule-13 and Rule-44 of SPP Rules, 2010.

11. The Chair asked about the current status of the instant procurement. The procuring agency's representative informed that the work has not been awarded. The Chair also observed that due to delay in the procurement of such an important item, not only general public suffer but this would have resulted in increase of the cost of the items to be procured manifold due to inflation and rise in dollar rate, which will ultimately put financial burden on public exchequer.

### **REVIEW COMMITTEE DECISION**


*Given the preceding finding and observations and after due deliberation the Review Committee unanimously decided that since the procuring agency has not awarded or signed any contract (as confirmed by the Procuring agency's representative) therefore, the procurement proceedings against item No. 1 of the instant NIT i.e. **Supply & Installation of CSSD equipment's** shall be terminated in terms of Rule-32 (7)(f) and fresh tender be floated in terms of Rule-26 with advice to prepare specifications and evaluation criteria clear and unambiguous subject to Rule-13 and 44 of SPP Rules, 2010. The Committee further directed to the Head of the Department to probe the reasons for delay in the procurement of the instant item which suffer the community and also fix responsibility against the delinquent officer / officials involved in this delay which cause heavy financial burden on public exchequer due to inflation and increase in dollar rate. Compliance of decision shall be submitted to this Authority within fifteen (15) days of issuance of this decision.*




(Engr. Munir Ahmed Shaikh)  
Independent Professional  
**Member**



(Manzoor Ahmed Memon)  
Member SPPRA Board  
**Member**



(Syed Adil Gilani)  
Member SPPRA Board  
**Member**



(Riaz Hussain Soomro)  
Managing Director SPPRA  
**Chairman**