

20th December, 2023

TL2023/1220/IA

Mr. Fakhre Alam Irfan,
Chief Secretary,
Government of Sindh,
Karachi.

Sub: Complaint Against Executive Engineer Ghotki Division (Irrigation) Regarding Mis-Procurement/Cancellation of Badin NIT NO: TC/ G/ 2196 dated 07-11-2023 of Ghotki Division (Irrigation) And Request for Redressal of Grievances to Settle the Dispute Under Rule-31 of SPP Rules.

Dear Sir,

Transparency International Pakistan has received a complaint on the allegations of violation of SPPRA Rules 2010–Complaint Against Executive Engineer Ghotki Division (Irrigation) Regarding Mis-Procurement/Cancellation of Badin NIT NO: TC/ G/ 2196 dated 07-11-2023 of Ghotki Division (Irrigation) at Ghotki and Request for Redressal of Grievances to Settle the Dispute under Rule-31 of SPP Rules (Annex-A).

The complainant has made the following allegations;

That;

1. The XEN Ghotki Irrigation invited the bids vide its advertisement No.TC/ G/ 2196/ 2023 and the Technical and Financial bids were opened on 16-11-2023 at 02:00 PM.
2. The complainant, M/s Bahadur Ali Shaikh dropped his technical and financial bids in the tender box on the closing/opening date, however his name was not on the Bid Evaluation report and not shown as participant, which is against SPPRA Rules.
3. The complainant, M/s Bahadur Ali Shaikh alleges to be the lowest bidder amongst all the other bidders who had participated in the Ghotki Division (Irrigation) tender.
4. The complainant fulfilled all mandatory requirements, including filling the rates, attached Original Pay Order with required earnest money along with D.R. fees in properly sealed envelope with complete required documents on closing/opening date.
5. That no attendance sheet is available and when the complainant, M/s Bahadur Ali Shaikh asked XEN to stop unlawful and unethical acts he got threatened for dire consequences.
6. The XEN has allegedly awarded the tender to his chosen contractors, which shows his mala fide intentions with Procurement Committee (PC) members.
7. The XEN Irrigation Division Ghotki restrained the rights of the complainant from participating in the bidding process.

Transparency International Pakistan's Comments

Transparency International Pakistan has reviewed the allegations of the complainant, prima facie allegations seem correct. Following are TI Pakistan comments:

1. Sindh Public Procurement Rules, 2010, General Provisions Part I, requires procuring agency to conduct procurement processes in a fair and transparent manner ensuring that the qualified bidder brings value for money to the agency. SPPRA General Provisions Part I (4) is quoted below for your reference;



4. Principles of Procurements - While procuring goods, works or services, procuring agencies shall ensure that procurements are conducted in a fair and transparent manner and the object of procurement brings value for money to the agency and the procurement process is efficient and economical.

2. SPPRA Rule 31(5) requires the Complaint Redressal committee upon receiving a complaint from an aggrieved bidder shall announce its decision within seven days. The Rule is quoted below for your reference;

31. Mechanism for Redressal of Grievances (5) The committee shall announce its decision within seven days. The decision shall be intimated to the bidder and the Authority within three working days by procuring agency. In case of failure of the committee to decide the complaint, the Procuring Agency shall not award the contract

3. The allegation of exclusion of a participating firm in Bid Evaluation Report amounts to violation of SPPRA Rules 2010, Rule 42(1), and must be investigated. The Rule is quoted below for your reference;

42. Evaluation of bids (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the bidding documents;

4. If the allegations on the above violations are correct, the subject procurement may deemed to be declared as Mis-Procurement under SPPRA Rule No 32 (A) 1 (b), quoted below:

SPPRA Rule 32(A) 1(b): The Authority may take notice of any material violation of provisions of the Act, Rules, Regulations, Orders, Instructions or any other law relating to public procurement and declare the case to be of mis-procurement if such violation has been established.

Transparency International Pakistan Recommendations

Transparency International Pakistan requests the Chief Secretary Sindh to examine the complaint in light of SPPRA Rules 2010 and if found correct, take action against the alleged XEN and issue directives to re-invite the subject tender under SPPRA Rules 2010 to ensure that the process is transparent and fair.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.

With Regards,

(Advocate Daniyal Muzaffar)
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for the information with request to take action under their mandate to:

1. Caretaker Chief Minister Sindh, CM House, Karachi.
2. The Secretary, Irrigation department Government of Sindh, Karachi.
3. Managing Director, SPPRA, Karachi.
4. Registrar, Sindh High Court, Karachi.



Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, and a three member bench in case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

“What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, **but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution**”



M/s Bahadur Ali Shaikh

GOVERNMENT CONTRACTOR

Mob: 0300-9315215 - 0312-0031000

Ref: _____

Date: 04/12/2023

The Chairman /Director Ghotki Feeder Canal Area Water Board
Chairman Complaint Redressal
Committee (CRC),
Ghotki

SUBJECT: COMPLAINT AGAINST EXECUTIVE ENGINEER GHOTKI DIVISION IRRIGATION GHOTKI REGARDING OPEN CORRUPTION & MIS-PROCUREMENT/CANCELLATION OF BIDIN NIT NO: TC/G/2196 dated 07-11-2023 OF GHOTKI DIVISION IRRIGATION GHOTKI AND REQUEST FOR REDRESSAL OF GRIEVANCES TO SETTLE THE DISPUTE UNDER RULE-31 OF SPP RULES 2010 (AMENDED 2019).

Respected Sir,

Please refer to the above noted subject that the complaint submitted before your good committee under rule 31 of SPPRA 2010 amended (2019) to redress the grievances of undersigned firm in the interest of justice, which are as under for your ready reference.

1. That Sir, the XEN Ghotki Irrig Ghotki invited the bids vide its advertisement No.TC/G/2196/2023 dated 07-11-2023 and the same Technical & Financial Bids/tenders were to be opened on 16-11-2023 at 02:00PM in the above mentioned office, and undersigned dropped his 2 bids in the Tender Box on the date of opening (video recording available) but undersigned name was not shown in the Bid Evolution report and not shown as participated which is against the law and rules as the undersigned is lowest offer bidders as compared to others bidder which declared as lowest bidders, the same tenders were hoisted on sppra website, which is against the sprit of SPPRA rules and against the law. (Tender copies attached with Bid evolution report.)

2. That Sir, In order to bid in the above-mentioned tender, our firm carried out all necessary preparations such as downloaded the bidding documents from the Website

M/s Bahadur Ali Shaikh

M/s Bahadur Ali Shaikh

Govt. Contractor

Banglow NO: A-153, At Sindhi Cooperative Housing Society Sukkur



M/s Bahadur Ali Shaikh

GOVERNMENT CONTRACTOR

Mob: 0300-9315215 - 0312-0031000 4/12/20

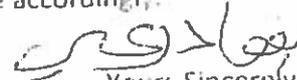
Ref: <https://ppms.ppr.sindh.gov.pk> and filled the rates and attached Original Pay orders of required Earnest money and D.R fees and properly sealed in envelop with complete required documents and dropped on the opening date and till to date the same (Call Deposits) lying with XEN office.

3. That Sir, no any attendance sheet available & after the undersigned firm representative tried to convince XEN not to unlawful act but he threatened me for dire consequences, the alleged XEN awarded the works to their chosen contractors, which clearly show the bad intentions of XEN with PC Members.

4. That Sir, the undersigned is respectable citizen, as such his rights and privileges are guaranteed under the constitution of Islamic republic of Pakistan 1973, under the article 18 & 25.

5. That Sir, the XEN Ghotki Division Irrigation Ghotki restrained from the rights of undersigned in the Tender/Bidding process, and also may be penalized for not following the due process laid down in Rule 25 (3) (4) of Sindh Public Procurement Rules 2010 (Amended 2019) also be bound to ensure the Transparent Bidding Process.

In view of the above mentioned facts and circumstances it is requested you to take notice and redress the grievances and Cancel the above mentioned tenders to settle the dispute as per provision of Rule-31 of SPP Rules 2010 (Amended 2019) and decide the matter within the stipulated time period in the relevant rule accordingly.


Yours Sincerely
M/s Bahadur Ali Shaikh
Govt. Contractor

Copy f.w.cs to the Managing
Director SPPRA Karachi for his kind information and necessary action.

Copy f.w.cs to the Circle Officer Anti Corruption Ghotki for necessary action.

Banglow NO: A-153, At Sindhi Cooperative Housing Society Sukkur

OFFICE OF THE EXECUTIVE ENGINEER



**GHOTKI DIVISION (IRRIGATION)
@ GHOTKI**

**STANDARD BIDDING / TENDER DOCUMENTS
FOR THE WORK OF**

**RESTORATION / RAISING & STRENGTHENING ALONG R.N LOOP BUND
MILE 0/0 TO 3/0 & GARKINO LOOP BUND MILE 0/0 TO 2/6; PROVIDING
STONE PITCHING ALONG R.N BUND MILE 5/0 TO 6/0 AND PROVIDING
STONE APRON ALONG BALI BUND MILE 7/5 TO 7/6**

YEAR 2023-24

GHOTKI DIVISION (IRRIGATION) @ GHOTKI

PHONE NO: 07224924006

**BUILDING RESILIENCE OF DAMAGED FLOOD MITIGATION
STRUCTURES ALONG RIVER INDUS IN SINDH PHASE-II**

**(BMCE) B.M CONSULTING ENGINEERING (PVT) LTD
CITIZEN COLONY, HYDERABAD**

**PROJECT MANAGER UNIT FLOOD EMERGENCY
RECONSTRUCTION PROJECT (FERP)**

(Handwritten signature)

**OFFICE OF THE
EXECUTIVE ENGINEER
GHOTKI DIVISION (IRRIGATION)
@ GHOTKI**

Issued to: _____

Vide D/R No. & Date: _____

Bid Security No. & Date: _____

Name of Bank (Branch): _____

For Rs.: 5,000/-

Handwritten signature

**EXECUTIVE ENGINEER
GHOTKI DIVISION (IRRIGATION)
@ GHOTKI**

**STANDARD FORM OF BIDDING DOCUMENT
FOR THE WORK OF**

**RESTORATION/RAISING & STRENGTHENING ALONG R.N LOOP BUND
MILE 0/0 TO 3/0 & GARKINO LOOP BUND MILE 0/0 TO 2/6. PROVIDING
STONE PITCHING ALONG R.N BUND MILE 5/0 TO 6/0 AND PROVIDING
STONE APRON ALONG BAUI BUND MILE 7/5 TO 7/6**

drawings, photographs, catalogues, illustrations, and such other information as is necessary to illustrate clearly the significant characteristics such as general construction dimensions and other relevant information about the works to be performed.

- 13.1 Method of Procurement: National Competitive Bidding
Single Stage - One Envelope Procedure.
- 13.2 Amount of Bid Security: 5% of Estimated Cost
- 13.3 Amount of Bid Security in Rs.: PKRs. 9,577 (Million)
- 14.1 Period of Bid Validity: 90 Days
- 14.4 Number of Copies of the Bid to be submitted: One Original
- 14.6 (a) Procuring Agency's Address for the Purpose of Bid Submission: Office of the Executive Engineer
Ghotki Division (Irrigation)
@ Ghotki
- 15.1 Deadline for Submission of Bids: Time: 01:00 PM on 16th Nov 2023
- 16.1 Venue, Time, and Date of Bid Opening: Venue: Office of the Executive Engineer
Ghotki Division (Irrigation)
@ Ghotki
Time: 02:00 PM on 16th Nov 2023

- (a) Security Deposit (Including Bid Security): 10%
- (b) Percentage if any to be deducted from Bills (Taxes):
1. 8% (Income Tax)
2. 5% (Sindh Revenue Board)
- (c) Minimum Financial Turnover/Capacity: Rs. 200,000 Min at least last five years
- (d) Liquidity Damages: 0.5%
- (e) Deposit Receipt No: _____ Dated: _____ Amount: _____
- (f) D.R No: _____ Date & Amount: _____ Rs: _____
- (g) Tender issued to:

(Executive Engineer / Authority issuing bidding documents)

16.4 Responsiveness of Bids:

- (i) Bid is valid till required period;
- (ii) Bid prices are firm during currency of contract/price adjustment;

تعداد



M/s Bahadur Ali Shaikh

GOVERNMENT CONTRACTOR

To,

Mob: 0300-9315215 - 0312-0031000

Dated: 14/12/2023

Date: _____

Ref: _____

The Chief Secretary Sindh
Govt: of Sindh Karachi.

The Managing Director/Chairman Review Committee,
(SPPRA) Karachi.

The Secretary
Irrigation Department Govt: of Sindh Karachi.

SUBJECT: APPEAL FOR CONSTITUTE THE REVIEW COMMITTEE REGARDING COMPLAINT AGAINST MR. EXECUTIVE ENGINEER GHOTKI DIVISION IRRIGATION GHOTKI (ANWAR ALI SOOMRO), UNDER RULE-32 OF SPP RULES 2010 (AMENDED 2019) FOR CANCELATION OF NITs ON ACCOUNT OF CRC DECISION AS PER LAW, NIT No. TC//G/2196 Dated: 07-11-2023.

Respected Sir,

This is in Continuation of undersigned firm's complaints reference numbers cited above, which were delivered on 05/12/2023 through TCS Courier Service No. TCS (5565950826 & 27) regarding committed irregularities & Criminal negligence's by the PA (XEN ANWAR ALI SOOMRO) which are as under:-

- i) Qualification & Disqualification letters .not issued.
- ii) Financial Bids were not opened in presence of bidders.

M/s Bahadar Ali Shaikh
Govt. Contractor

M/s Bahadar Ali Shaikh

Banglow NO: A-153, At Sindhi Cooperative Housing Society Sukkur



M/s Bahadur Ali Shaikh

GOVERNMENT CONTRACTOR

Mob: 0300-9315215 - 0312-0031000

Ref: _____

- iii) During the pendency of CRC ~~MEM~~ H/Way issued work orders to the contractors, besides there are clear restrictions from Election Commission of Pakistan not to announce schemes after the 15th August and schemes which allocation not allocated or work orders not issued. Not only but the PA (XEN) violated the rules and laws that after the expiry of CRC days, the alleged XEN issued work orders without having legal authority as per law.
- iv) Decisions of CRC has not been announced by the CRC Chairman as per Rules/law within 7 days & he miserably failed, even not a issue letter to the members CRC and complainant for calling CRC meeting for redressing the grievances, which tantamount high handiness of the XEN (ANWAR ALI SOOMRO).

That Sir, the Complaint Redressal Committee (CRC) Of Executive Engineer Ghotki Division irrigation Ghotki failed to arrive at the decision within the stipulated time & still to date of this complaint no any decision is received, not only that issue any single notice to complainant & CRC Members for calling CRC meeting.(PS copy of complaints to CRC is annexed as annexure "A")

That sir, during the pendency of the CRC which is not announced, the alleged XEN (PA) issued work orders in hasty manner and not followed the rules of SPPRA which is tantamount breach of section 166 Cr.PC also.

M/s Bahadur Ali Shaikh
Govt. Contractor

Banglow NO: A-153, At Sindhi Cooperative Housing Society Sukkur



M/s Bahadur Ali Shaikh

GOVERNMENT CONTRACTOR

Mob: 0300-9315215 - 0312-0031000

Ref: _____

*That Sir, Undersigned firm's Call Deposits and
Pay orders for Tender Fees are intact & have not yet been encashed.
(PS copy of certificate issued by Bank is annexed as annexure "B")*

That it is pertinent to mention here that as per law if the
CRC fails to announce the decision of the Complaint of the bidder
With-in given time in rules, this shall be automatically transferred
in review and shall be sent to the Review committee for further
proceedings as the Chairman CRC not concluded the matter of
complaint, but the Chairman CRC malafidely, intentionally,
deliberately, unlawfully & illegally kept and hold the decision by his
ulterior motive which is against the norms of law, but not only to
announce decision, the Chairman did not bothered to issue
letter/notice for calling CRC meeting.

That the PA (XEN) Anwar Ali Abro breach the law of
SPPRA and exercise his powers beyond the law to floated the Bid
on SPPRA website which was illegal and during the pendency of CRC
complaint and for its law is very much clear that during the
pendency of complaint no work order to be issued but the alleged
XEN high handiness he issued work order with in the span of short
time, without having lawful authority and he also exercise his
powers beyond the law & is also held responsible for illegal doing
and shall be prosecuted as per law.

That Sir, Undersigned firm hereby requested to you
May Please transfer the above mentioned complaint to the review committee
under Rule-32; it is furthermore requested to the Chairman Review Committee
(RC) to restrain the Procuring agency (PA) for further proceeding till the decision
of the Review committee as per law. (Original Pay Order of fees is annexed as
annexure "C")

*M/s Bahadar Ali Shaikh
Govt: Contractor*

Banglow NO: A-153, At Sindhi Cooperative Housing Society Sukkur



M/s Bahadur Ali Shaikh

GOVERNMENT CONTRACTOR

Mob: 0300-9315215 - 0312-0031000

Ref: _____

That Sir, In view of the above mentioned facts and circumstances, It is requested you to ~~proceed~~ proceed as per the requirement of SPP Rules 2010 (Amended 2019) to *declare above mentioned NIT as Mis-Procurement and fix the responsibility and recommend Punishment for officials involved for loss sustained to the government exchequer by offering full rates to the contractors concerned, and also bound (PA) to ensure the Transparent Bidding Process next time.*

That Sir, the undersigned is respectable citizen of Pakistan, and would like to pray for immediate remedy which is my fundamental right and such rights and privileges are guaranteed by the constitution of Islamic republic of Pakistan 1973 under the article 18 & 25, and undersigned reserve the right to file the petition against the Departments/Officials involved.

Praying for due justice.

M/s Bahadur Ali Shaikh
Govt: Contractor
BAHADUR ALI SHAIKH
GOVT: CONTRACTOR SUKKUR

Copy submitted for information and necessary action to:

The Deputy Director Enquiries & Anticorruption Establishment Sukkur with the request to initiate impartial enquiry against the alleged XEN in the light of above complaint as per ACE Rules in the interest of justice.

The Circle Officer Anti-Corruption Establishment Ghotki with the request to initiate impartial enquiry against the alleged XEN in the light of above complaint as per ACE Rules in the interest of justice.

The Executive Director Transparency International Pakistan, Karachi.