

11th May, 2023

TIP23/1105/1A

Chief Minister,
Government of Sindh,
CM House
Karachi.

Sub: Complaint Against the Allegation of Violation of SPPRA Rules 2010 by Executive Engineer, Highways Division Jacobabad Amounting to Mis-Procurement and Irregularities in the Tenders (NIT ID # T01403-22-0004: Dated 30.03.2023) Containing (36 works) of Development Works, Estimated Cost Rs. 282.560 Million.

Dear Sir,

Transparency International Pakistan has received a complaint against the allegation of violation of SPPRA Rules 2010 by Executive Engineer, Highways Division Jacobabad regarding mis-procurement and irregularities in the Tenders (NIT ID # T01403-22-0004: Dated 30.03.2023) Containing 36 works of Development Works, Estimated Cost Rs. 282.560 Million (**Annex-A**)

The complainant has made the following allegations that;

1. The Office of the Executive Engineer, Highway Division Jacobabad invited Tender/ Bid vide No. TC/G-55/275/2023 dated 30/03/2023 under "Single Stage Single Envelope" bidding procedure and posted on the website of SPPRA-PPMS on 12.04.2023. The tender consists (36-Work) of Development Works with the total estimated cost Rs. 282.560 Million.
2. On 26.04.2023 M/s Nawab & Sons Construction Services submitted bid for the works @ 21, 23 and 24 (Works Related to Construction of C.C Block and Construction of Link road) along with Bid security, Pay orders, Company profile and other requirements.
3. As per the notice inviting tenders, the last date of bid submission and opening of tenders was 26.04.2023 (Wednesday) at 2:00pm (**Annex-B**). However, the Procuring Agency /XEN Highways Division Jacobabad, failed to open the sealed envelope on the opening day and announce the results in presence of the bidders, which is a clear violation of SPPRA Rules 2010 Rule 41(4).
4. On the day of bid opening, there was no member of procurement committee (PC) available to open the bids in front of the contractors/ bidders.
5. The Bid Evaluation Report (BER) of the subject work was posted on the website of SPPRA-PPMS dated 04.05.2023 (Saturday), whereby the XEN Highways Division Jacobabad accepted the highest work 21 bid of M/s AL-RIAZ CONSTRUCTION CO. at Rs.6,729,754/= and also other work serial 23 awarded the same firm highest accepted at Rs.8,825,902/= the other work serial 24 accepted the highest work 21 bid of one M/s M. ANWAR Sr CO. at Rs.6,882,583/= .



6. On 17.04.23, several infirmities/observations were raised by the SPPRA, through system generated at its website, however, the Procuring Agency failed to rectify the same (Annex-C).
7. All these efforts were made by the XEN Highways Division, Jacobabad to ensure the award of different works of NIT worth Rs.282.560 million to favorite contractors/firms on the basis of huge bribe, political influence, and in violation open competition in transparent manner as per requirement of SPPRA Rules, 2010.

Transparency International Pakistan Comments

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

1. Under SPPRA Rule 41(1) it is mandated for all bids to be opened publicly in front of the representatives and the bidders. SPPRA Rule 41(1) is quoted below;

41(1) Opening of bids; All bids shall be opened publicly in the presence of all the bidders, or their representatives, who may choose to be present in person, at the time and place announced in the invitation to bid;

2. Under SPPRA Rule 31(1). Redressal committee shall be formed comprising of odd numbers with appropriate authorization to address the complainant's grievance. SPPRA Rule 31(1) is quoted below;

31(1) Mechanism for Redressal of Grievances; 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.

3. TI Pakistan would like to further highlight that any attempt to favor a particular contractor/firm falls within the ambit of corrupt and fraudulent practices as defined under Rule 2 (q) of the SPPRA Rules 2010, quoted below:

Rule 2(q) "Corrupt and Fraudulent Practices" means either one or any combination of the practices given below;

(ii) "Collusive Practice" means any arrangement between two or more parties to the procurement process or contract execution, designed to achieve with or without the knowledge of the procuring agency to establish prices at artificial, noncompetitive levels for any wrongful gain;

Transparency International Pakistan Recommendations

Transparency International Pakistan requests Chief Secretary, Sindh to examine the complaint in light of SPPRA Rules 2010 and if found correct, direct the office of the Executive Engineer Highway Division Jacobabad to rectify the above mentioned violations and re-initiate the procurement process in accordance with SPPRA Rules 2010 to avoid mis-procurement under SPPRA Rules 2010.



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. Chief Secretary, Government of Sindh, Karachi
2. Secretary, Works and Services Department, Govt. of Sindh, Karachi
3. Office of the Executive Engineer, Division Jacobabad, Sindh
4. Director General, NAB, Karachi
5. MD SPPRA, SPPRA, Karachi
6. Registrar, High Court of Sindh, 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, Justice Syed Mansoor Ali Shah in his landmark judgment in case of Ataulah Malik v. Federation of Pakistan includes following order.


Right to information is another corrective tool which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19-A empowers the civil society of this country to seek information from public institutions and hold them answerable. PLD 2010 Lahore 605.

LIST OF SCHEMES

Sr.	Name of Schemes	Approved Cost	Ernest Money (5%)	Tender Fee	Time allowed for completion
1	2	3	4	5	6
1	Const: of road From village Niaz Muhammad Jakhani to Beghari Canal Taluka Garhi Khairo, (Mile 0/0-0/2+548').	10.50 M		3000.00	24 Months
2	Construction of Tough Tile / C.C Drain at village Mir Liaqat Ali Khan Brohi UC Khudaabad Taluka Garhi khairo District Jacobabad (1000Rft)	5.50 M		3000.00	24 Months
3	Construction of Tough Tile Paver in Various Streets of Muhammadpur Odho Garhi Khairo (1990Rft)	9.80 M		3000.00	24 Months
4	Construction of Tough Tile at Muhalla Sher Khan Jamali Garhi khairo City (1950Rft)	7.50 M		3000.00	24 Months
5	Construction of Tough Tile Bachal Leghari Garhi khairo Street and Niaz Jan Brohi Street Chahwan and Babar Muhalla and village Ali Nawaz Malghani (1540Rft)	7.54 M		3000.00	24 Months
6	Construction of Tough Tile Paver at village Gulab Khan Brohi (2270Rft)	11.15 M		3000.00	24 Months
7	Reconditioning of road Miranpur Buriro to Jani Wandh Buriro UC Miranpur Buriro, (Mile 0/0-0/2+475').	7.35 M		3000.00	24 Months
8	Const: of road village Soon Khan Umrani Taluka Garhi Khairo, (Mile 0/0-0/5+495').	17.50 M		3000.00	24 Months
9	Const: of link road from village Azad Khan Jakhriani to Main Shabeshah By Pass Road, (Mile 0/0-0/4+310').	14.20 M		3000.00	24 Months
10	Construction of C.C Drain / C.C Block at Street Ghazi khan Domki Ward No: 06 (1300Rft)	4.50 M		3000.00	24 Months
11	Const: of road at village Shah Murad Jat, (Mile 0/0-0/5+396).	20.20 M		3000.00	24 Months
12	Const: of link road village Pir Bux Golo, (Mile 0/0-0/3+581').	11.90 M		3000.00	24 Months
13	Reconditioning of road GarhiKhairo road to village Qadirpur, (Mile 0/0-0/3+640').	10.05 M		3000.00	24 Months
14	Construction of Tough Tile at village Haji Mir Ali Nawaz Khan Panhwar (865Rft)	4.00 M		3000.00	24 Months
15	Const: of Tough Tiles at Various Muhallah & Villages of Taluka Jacobabad.(2015Rft).	9.32 M		3000.00	24 Months
16	Construction of Tough Tile at village Sardar Dad Muhammad khan Jakhriani / Ayaz khan Jakhriani (2400Rft)	11.90 M		3000.00	24 Months
17	Construction of Tough Tile at village Azizullah Marehto (1125Rft)	5.40 M		3000.00	24 Months
18	Construction of C.C Block at village Kanghia (1500Rft)	4.90 M		3000.00	24 Months

LIST OF SCHEMES

Sr.	Name of Schemes	Approved Cost	Ernest Money (5%)	Tender Fee	Time allowed for completion
1	2	3	4	5	6
19	Construction of C.C Block at village Sherwani Near Mir Wah (1190Rft)	3.90 M		3000.00	24 Months
20	Const: of road Village Sharbat Solangi Mile 0/0-0/1 and Const: of C.C Block at village Zulfqar Solangi / Abdul Ghani Lashari / Rahib Pahore (1000Rft)	5.50 M		3000.00	24 Months
21	Construction of C.C Block at village Roshan Solangi to village Ali Muhammad Brohi (2070Rft)	6.80 M		3000.00	24 Months
22	Construction of C.C Block at village Qadir Bux Brohi (1470Rft)	4.80 M		3000.00	24 Months
23	Construction of C.C Block at village Haji Bakhtiar Khan Khilji (2620Rft)	8.90 M		3000.00	24 Months
24	Const: of link road at village Rahim Bux Brohi to village Sanwal Lehri and Jaffer Brohi, (Mile 0/0-0/2+475').	6.90 M		3000.00	24 Months
25	Construction of Tough Tile at village Sanghroo (645Rft)	3.00 M		3000.00	24 Months
26	Construction of Tough Tiles at Street Zohaib Khan Sarki, Street Shahzeb Khan Sarki, Raees Anwar Ali Dayo and Aziz Ahmed Dayo Taluka Thul	5.20 M		3000.00	24 Months
27	Construction of Tough Tiles at Village Bahadur Khan Buriro u/c Ranjhapur Taluka Thul District Jacobabad	2.50 M		3000.00	24 Months
28	Construction of Tough Tiles Mirza Wah to Ali Bahar Village Ghulam Mustafa Tanwari	4.80 M		3000.00	24 Months
29	Construction of Tough Tiles Various Streets of Village Bahu Khoso (Part-I) and Construction of Tough Tile of New Market at Bahu Khoso Near Ghulam Rasool Khoso Petrol Pump (Part-II)	5.00 M		3000.00	24 Months
30	Construction of Tough Tiles at Village Shafqat Ali Banglani	4.00 M		3000.00	24 Months
31	Construction of link road from Dil Murad Manjhipur road to Village Zubar Ahmed Khoso	5.00 M		3000.00	24 Months
32	Rehabilitation of road from Chandran Village Baboo Farman Ali Khan Village via Thul Hamayon road to Bypass Mirpur Thul	5.40 M		3000.00	24 Months
33	Rehabilitation of road Village Hassanabad to Village Abdul Rafay Khoso Mile 0/0-0/3	10.20 M		3000.00	24 Months
34	Constction of Tough Tiles at Various Muhallah & Villages of Taluka Thul	10.45 M		3000.00	24 Months
35	Construction of Tough Tile at Street Muhat Khan Khoso House opp: Imam Bargah Thul City	3.00 M		3000.00	24 Months
36	Construction of Road from Garhi Budhal Raod to village Mir Aijaz Hussain Khan Jakhrani Mile 0/0-0/4+330'	14.00 M		3000.00	24 Months


 EXECUTIVE ENGINEER
 HIGHWAYS DIVISION JACOBABAD

DRAFT OF N.I.T FOR APPROVAL SRRPA RULE 2010 (AMENDED 2019)

OFFICE OF THE EXECUTIVE ENGINEER, HIGHWAYS DIVISION JACOBABAD

No: TC/G-55/ 275 /2023.

Dated: 30 / 03 /2023

NOTICE INVITING TENDERS

1. Sealed tenders are invited from the interested persons/ firms/suppliers /companies/Pre-qualified firms on slandered bidding documents (SBD) Forms for procurement / execution of the following works.

As per list attached

Sr. No:	Name of Schemes	Approved Cost	Ernest Money (5%)	Tender Fee	Time allowed for completion
1	2	3	4	5	6

PROGRAMME FOR ISSUE / RECEIPT AND OPENING OF TENDERS

Sr. No	Particular	1 st attempt	2 nd attempt (in case of un-responded tender)
1	Last date of receipt of application and issuance of tenders after publication of the NIT in Newspaper upto 12:00pm	25/4/2023	11/5/2023
2	Tender will be receipt upto 1:00pm and open on the same day at 2:00pm	26/4/2023	11/5/2023

Method of procurement (Single Stage Single envelop) Must contain otherwise such tenders will not be entertained.

Bidding / Tender documents.

A complete set of bidding documents can be obtained from the office of the undersigned at the address given below on tender fee of Rs.3000/= or download the same from the website of www.e.pprasindh.gov.pk.

All bids must be accompanied with earnest money / Bid security in form of Call deposit. The Contractors / firms make Call Deposit from his own Accounts, in the name of undersigned from scheduled Bank and must be accompanied with the bid.

Address : Executive Engineer, Highways Division Jacobabad ,
Email address : [Email:xenhighwayicd@gmail.com](mailto:xenhighwayicd@gmail.com)
Telephone No. : 0722921181
Fax No. : 0722653487

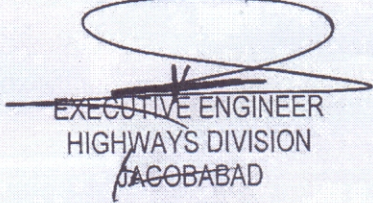
4 The tender will be opened in presence of the procurement Committee / participating contractors / firm and their authorized representatives.

Contd:-P/2.....

5. Eligibility conditions for intending participants are as under:-
- i. Registration with Pakistan Engineering Council (PEC) valid Category (as per work applied for) and having Specialization codes of CE-01, Income Tax department (NTN), Sales Tax (GST) and Sindh Revenue Board (SRB) all required, registrations should be valid during current financial year.
 - ii. Bio data of Engineers, technical staff and other management personals working with the firm.
 - iii. Documentary evidence of works executed/works in progress and certificate of satisfactory completion of works by the employees for the last three years in progress indicating cost of each work and copy of letter.
 - iv. List of machinery and equipment available with firm with documentary evidence.
 - v. Undertaking regarding litigations pending / finalized.
 - vi. Certificates of Bank showing credit worthiness along with Bank statement for last three years.
 - vii. Affidavit to the effect that the firm / contractor have not been black listed previously by any executing agency.
 - viii. Affidavit with effect that all documents / particulars / information furnished all true and correct.
 - ix. In case of firm, list of partners / partnership deed, giving full particulars of directors / proprietors or others connected along with power of attorney. In case of being sole proprietors such undertaking on affidavit be furnished.
 - x. Conditional tenders will not be entertained.
 - xi. List of works also can be seen on Government of Sindh website www.e.pprasindh.gov.pk.
 - xii. In case of holiday or any unforeseen circumstances the schedule of submission & opening shall be on next working day.


Terms & Conditions.

- (a) Under following conditions bid will be rejected:
- i. Conditional, electronic and telegraphic bids / tenders;
 - ii. Bids not accompanied by bid security of required amount and form as specified in the bidding document;
 - iii. Bids received after specified date and time;
 - iv. Black listed firms.
 - v. No any Demand Drafts acceptable for the Bidding.
- (b) **Bid validity period:- 90 days**
- (c) Procuring Agency reserves the right to reject all or any bids subject to the relevant provisions of Sind Public Procurement Rules 2010 (Amended 2019).


EXECUTIVE ENGINEER
HIGHWAYS DIVISION
JACOBABAD

Copy forwarded with compliments to:-

1. The Director Information (Advertisement) Public Relation Department Government of Sindh, Block No: 96 Karachi along with 6 spare copies for insertion. He is requested to please give the Advertisement in three leading Newspapers daily viz: English, Urdu and Sindhi.
2. The Director (A&F) Sindh Public Procurement Regularity Authority Karachi Barrack No.08, Secretariat No.4-A Court road Karachi with copies of N.I.T along with C.D for favour of information and placing them website of Government of Sindh.
3. The Chief Engineer, Highways Sukkur.
4. The Superintending Engineer Works & Services Department Jacobabad, for information and necessary approval.
5. The Assistant Engineer, Highways Sub-Division (All) in working under Highways Division Jacobabad.
6. The Assistant Engineer, Public Health Sub-Division, Thul for information. He is requested to be present at the time of opening dates as above.
7. The Assistant Engineer, Buildings Sub-Division Jacobabad (Member) for information. He is requested to be present at the time of opening dates as above.
8. Divisional Head Clerk / Head Draftsman for information.
9. Copy to Notice Board.


EXECUTIVE ENGINEER
HIGHWAYS DIVISION
JACOBABAD

Date: 17-04-2023 10:48:54

Preliminary Assessment/Observations /Findings:

T01403-22-0004 estimated cost. 282.56 million

1. Procuring Agency has required to upload NIT published in remaining Sindhi newspaper which is required in terms of Rule-17(2) of SPP Rules, 2010.

1. Bid Data Sheet and other pages of bidding documents are required to be signed by the Head of procurement committee. P.A shall ensure the compliance.

3. The CRC does not comprise independent Professional, as required under Rule-31. PA is required to re-notify the CRC comprising Independent Professional from relevant field. An independent professional shall not be any Government official and shall be from the relevant field for which the procurement process is being carried out.

4. Procuring Agency has mentioned bid security in percentage and Millions which needs rectification

Comments:

5. The procuring agency is required to rectify the observation generated by the system.

6. The procuring agency is required to pay NIT hoisting charges in accordance with this Authority's letter dated 18.05.2018 available on the following link of the Authority's website <http://www.pprasindh.gov.pk/policies/Policy18May2018.pdf>

a. Estimated Cost of NIT /EOI / RFP (Cumulative)

b. Hoisting Charges up to Rs. 1.00 Million is Rs. 5,000.

c. Above Rs. 1.00 Million and up to Rs. 200 Million is Rs. 10,000.

d. Above Rs. 200 Million is Rs. 15,000

7. 3. The procuring agency is advised to constitute procurement committees and complaint redressal committees comprising the officers/officials who have completed procurement certification course in terms of Circular No.SO (C-IV)SGA&CD/4-13/6 dated 20th April, 2017.