



Government of Sindh
Sindh Public Procurement Regulatory Authority



No:MD/SPPRA/TI-Pakistan/2021-22/0755

Karachi, dated 14 February 2022

To,

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Ms. Yasmin Lari,
Sitara-e-Imtiaz, Hilal-e-Imtiaz,
Chairperson,
Transparency International Pakistan,
Karachi.

Justice (Retd) Nasira Iqbal,
Vice Chair, Sitara-e-Imtiaz,
Transparency International Pakistan,
Karachi.

SUBJECT: COMPLAINT AGAINST SPPRA AGAINST ALLEGATIONS OF AWARD OF ILLEGAL CONTRACT OF NEW BUILDING OF CHIEF MINISTER SECRETARIAT, KARACHI COSTING OVER RS.1 BILLION, BY MANIPULATION TO A SINGLE BIDDER.

Reference: Letter No.TL22/0204/1A dated 4th February, 2022, on the subject cited above, addressed to Hon'ble Chief Minister Sindh and copy endorsed to this Authority.

First of all at the outset this office takes strong exception to the caption of the subject, which is highly scandalous and vilifying and gives the impression as if SPPRA has awarded this Contract. It is not expected from the organization like Transparency International Pakistan to indulge in such glaring if not deliberate blunder. It is clarified that it is not the function of the Authority to award Contracts. It is the prime function of procuring agencies to do this job as per the Sindh Public Procurement (SPP) Act, 2009 and Rules, regulations and instructions made and issued thereunder.

2. Besides and above all, the contents of the letter are absolutely based on presumption, incomplete information and reflect the lack of knowledge of the Sindh Public Procurement Rules, 2010.

3. It is clarified that this Authority has been performing its functions and duties as per the Act and Rules *ibid*. Procedure is that the Authority examines the procurement notices posted on its website and communicates its observations/comments to the procuring agencies without any discrimination. Keeping in view the same when the subject tender was uploaded on the Authority's website, observations and comments were communicated to the Procuring Agency through Procurement Performance Management System and were also posted on Public Portal (Refer SPPRA NIT ID T00591-21-0015).

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3. As far as the matter regarding complaint of M/s Noor Muhammad & Sons is concerned, it is relevant to mention that the procedure for redressal of the grievances provided under Rule-31 and Rule-32 has not been properly interpreted in your above referred letter. The aforementioned rules describe the detailed procedure for redressal of grievance of the aggrieved bidder(s). According to the Rules *ibid*, in the first instance the aggrieved bidder is required to file the complaint with the Complaint Redressal Committee of the procuring agency and thereafter, the complainant, if not satisfied with the decision of the procuring agency or if the CRC does not convene meeting within seven days of receipt of complaint, the bidder may file an appeal to the Review Committee of the Authority within 10 days.

4. As per Rule-31(5) of SPP Rules, 2010, *“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 rule 32, if the aggrieved bidder files the review appeal within ten (10) days of such transfer”*. Furthermore, Rule-32 (6) of SPP Rules, 2010 stipulates that *“on receipt of appeal, along with all requisite information & documents the Chairperson shall convene a meeting of the Review Committee within seven working days*. Therefore, the contention of TIP that the SPPRA was required to inform the complainant to send the documents and deposit the required fee with SPPRA for Review Committee is not correct and baseless. Rather, it apparently seems to be based on malafide intention to sabotage impartiality of the Authority by levelling baseless allegations. It is evident from the rule that the meeting of the Review Committee shall only be convened after receipt of appeal from appellant and not calling the appeal from the appellant.

5. It is also not out of context to apprise you of:

Rule-48 of the SPP Rules, 2010 which provides that even when only one bid is submitted, the bidding process may be considered valid, if the bid was advertised in accordance with rules, and prices are comparable to PC-I cost or financial estimates or the prices or rates of the last awarded contract or the market prices.

Rule-25 of the SPP Rules, 2010 which empowers the procuring agencies to cancel the bidding process at any time prior to acceptance of a bid or proposal.

Rule-33 which stipulates that the procuring agency’s decision to cancel the bidding process under Rule-25 shall not be subject to appeal or review.

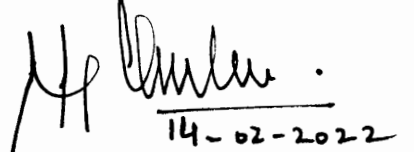
6. The request of the Transparency International-Pakistan regarding action against the responsible even after the cancellation of the bidding process is therefore beyond comprehension in the light of above rules. Besides, the Advisor of TIP being member of Review Committee also during the Review Committee meetings used to advise the procuring agencies for cancellation of the bidding process violative of the rules without any punitive action. Now the version seems to have had paradigm shift in this regard. Why!?

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7. In the end, as earlier requested also vide letter No.Dir(E&O)/SPPRA/TIP/Rule-31 &32/ 2020-21/4058 dated 16.12.2021 **(copy enclosed)**, it is once again politely and regardfully advised to exercise restraint from jump starting and raising irrelevant non-issues, as the same brings the lawful working of the Authority into controversies, subject of gossips and creates uncalled for misunderstanding amongst the people/institutions you forward letters to, as it will also be in the interest of justice and fair play and transparency we are all fighting for.

With regards for TIP.



14-02-2022

(ABDUL HALEEM SHAIKH)
MANAGING DIRECTOR

Copy forwarded for information to:

- (1) The Principal Secretary to the Hon'ble Chief Minister Sindh, Karachi.
- (2) The Auditor General of Pakistan, Islamabad.
- (3) The Chairman, SPPRA Board, Karachi.
- (4) The Director General NAB, Karachi.
- (5) The Deputy Secretary (Staff) to Chief Secretary Sindh,



Government of Sindh
Sindh Public Procurement Regulatory Authority



No.Dir(E&O)/SPPRA/TIP/Rule-31-32/ 2020-21/4058 Karachi, dated: 16th Dec. 2021

To,

Syed Adil Gilani,
Managing Director,
Transparency International Pakistan,
Karachi.

SUBJECT: ALLEGATION OF CORRUPTION IN TENDERS BR-, ID T00560-21-0015, 16 & 17 DATED 16.12.2021

I am directed to refer to your letter No.TIP21/15/12/1A dated 15th December, 2021 on the subject noted above and to state that Karachi Contractors Association's letter No. KCA/LTR/East/560/34 dated 10th December, 2021 has already been responded vide this Authority's letter No.Dir(E&O)/SPPRA/KCA/Rule-31-32/ 2020-21/4054 dated 14th December, 2021 (Copy enclosed).

2. It is relevant to mention here that Sindh Public Procurement (SPP) Rules, 2010 provides for a detailed procedure for redressal of grievances of the aggrieved bidder(s) under Rule-31 & 32 of SPP Rules, 2010. According to which in the first instance the bidder is required to lodge complaint with the Complaint Redressal Committee (CRC) of the procuring agency. In case the CRC fails to decide the complaint within stipulated time or the bidder is not satisfied with the decision of the CRC, it may file an appeal to the Review Committee in terms of Rule-32.

3. In view of the above, the complaint enclosed with your above referred letter does not fulfill the requirement for placing the same before the Review Committee, as it is neither filed by an aggrieved bidder nor has it exhausted the forum of CRC.

AC

16/12/2021
ASSISTANT DIRECTOR (R)