

ATIF NAZAR (PVT.) LTD.

PROJECT MANAGERS, PLANNERS, ARCHITECTS,
& CONSULTING ENGINEERS



FORMERLY
ATIF NAZAR ASSOCIATES

Ref: ANPL/KHI/EOI-SELECT/PACKAGE-I/475-23

Dated: 4th July, 2023

Mr. Waleed Anwar
Program Assistant, World Bank
20-A, Shahra-e-Jamhuriat, G-5/1, Islamabad

SUBJECT: PROCUREMENT COMPLAINT ON THE SHORTLISTING FOR THE HIRING OF CONSULTANCY FIRM FOR THE DESIGN AND SUPERVISION OF CIVIL WORKS UNDER WORLD BANK FUNDED PROJECT, SINDH EARLY LEARNING ENHANCEMENT THROUGH CLASSROOM (SELECT), REFORM SUPPORT UNIT, SCHOOL EDUCATION AND LITERACY DEPT., GOVT. OF SINDH (PACKAGE-1 &2)

REFERENCE: A. Chief Program Manager (RSU) (PMIU), School education & Literacy Dept., Govt. of Sindh, Letter No. PMIU/SELECT/PROC/40-2023, Dated 22-06-2023
B. Letter of Even No. 41-2023, Dated 22-06-2023
C. ANPL Letter No. ANPL/KHI/EOI-SELECT/PACKAGE-I/373-23, Dated 25-05-2023
D. Letter of Even No. 400-23, Dated 01-06-2023

Dear Sir,

1. That Borrower was approached to share result of evaluation of EOI for shortlisting of Consultants (Package-1 &2), vide this office letters under reference (C) & (D) (attached), in view of our exclusion from next stage of procurement process, though we fulfill shortlisting/qualification criteria, as per REOI advertisement, in view of our overwhelming experience of providing Consultancy Services for similar projects in the past.
2. That there are contradictions in Borrower's response regarding Package-1 vide letters under reference (A) & (B) (attached), which are briefly stated as under:
 - a. As on one hand it has been acknowledged that M/s Atif Nazar (Pvt.) Ltd. has reasonable credentials against the parameters of evaluation, especially against the criteria of general experience and relevant technical experience (facts and evidences) (background facts) (para #4), while on other, it is contended that "your claim is not correct that you fulfill the qualification criteria and should therefore be shortlisted" (decision and reference to the basis for the decision) (para #1).
 - b. That shortlisting/qualification criteria for EOI prepared by Borrower differs with criteria stipulated vide clause (7.1) sub-clause (f) (Annex-XII) of Procurement Regulations for IPF Borrowers, as the criteria to be used for shortlisting may normally include: core business and years in business, relevant experience, technical and managerial capability of the firm, while additional evaluation parameters like general experience, geographic experience and list of staff are included in the shortlisting criteria which needs to be clarified.

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📍 D-11/A, Block-17, Gulshan-e-Iqbal, Karachi-Pakistan.

✉ mail@atifnazar.com, 🌐 www.atifnazar.com

☎ +92-21-34982561, 📠 +92-21-34820497



- c. Similarly, (Annex-III), clause (7.1) sub-clause (f) (which is reproduced as under) provides for communication of final shortlist to all firms that expressed interest as well as any other firm that request this information which has not been shared in violation of Procurement Regulations.
- "For contracts subject to prior review, inform the Bank promptly of any Complaint submitted and provide the Bank a copy of all relevant documents and information."*
- d. That para 3.7 (Annex-III) of Procurement Regulation for IPF Borrowers warrant that borrower shall provide timely and sufficient information to Bidders/Proposers/Consultants so that Bidders/Proposers/Consultants can both understand the basis for the Borrower's decision and make an informed decision on whether to lodge a Complaint challenging that decision, however in the instant case pertinent information/details have not been shared/disclosed which led to ANPL-EMC (JV) exclusion from the procurement process and similarly the information in quantifiable terms regarding better credentials of 05 top ranked consulting firms shortlisted for the assignment have not been disclosed.
- e. That consultants right to seek information regarding their EOI bid has been acknowledged (Analysis, claim #2), however no information whatsoever has been shared with us regarding JVs lacking in any of the parameters of the shortlisting/qualification criteria and sharing requisite details of 05 top ranked firms which have better credentials in those parameters for sake of transparency.
- f. That clause (5.20) Procurement Regulation for IPF Borrowers has been referred for not sharing the evaluation report for shortlisting of consulting firms which is used in the context of information submitted by consulting firms for technical and financial proposal evaluation. Similarly, clause (5.19) authorizes Borrower not to disclose proprietary information, trade secrets and commercial or financially sensitive information on the condition that it will not prejudice the principle of transparency and other obligations, though no such sensitive or proprietary information is involved in the instant consultancy assignment, which may restraint Borrower from sharing the pertinent details sought by complainant.
- g. That shortlisting/evaluation criteria specifies percentage marks for each parameter against which EOI requests have been evaluated. ANPL – EMC (JV) has substantial relevant technical experience of providing services for design and construction supervision of building works especially education institutions in the last 10 years which carries 60% marks, as evident from requisite details submitted in EOI document, due to which we have legitimate expectancy to be included in the top 5 ranked firms shortlisted for participation in next stage of the procurement process (RFP stage), however JV has been excluded in the pre-qualification stage for reasons not yet fully explained.



- h. That the Borrower should at least share comparative analysis of marks obtained by 05 top ranked consulting firms shortlisted for the assignment vis-à-vis ANPL-EMC (JV) for each parameter of shortlisting/qualification criteria to up-hold principle of transparency as consistently advocated in Procurement Regulations for IPF Borrowers.

Above in view, it is earnestly pleaded that Borrower may be directed to halt next stage of the procurement process, until and unless discrepancies and anomalies highlighted above are not fully addressed to the satisfaction of complainant (JV) and evaluation report is not shared, in the interest of transparency in procurement process as per spirit of World Bank Procurement Regulations for IPF Borrowers. Let me make it abundantly clear that if our genuine grievances are not addressed in transparent and unbiased manner, we will be constrained to knock doors of all available fora to seek justice.

Regards,



Wasif Nazar Siddique
Director
M/s Atif Nazar (Pvt.) Ltd.

Cc to:

1. Managing Director, SPPRA, Karachi
2. Chief Program Manager (RSU) (PMIU), School Education & Literacy Dept., Govt. of Sindh, Karachi
- ✓ 3. Transparency International Pakistan, Plot 72F/2, Floor 1, 9th Street, Jami Commercial Street, D.H.A. Phase 7, Karachi City, Sindh 75500, Pakistan
4. PS to Secretary School Education & Literacy Dept., Govt. of Sindh, Karachi

ATIF NAZAR (PVT.) LTD.

PROJECT MANAGERS, PLANNERS, ARCHITECTS,
& CONSULTING ENGINEERS



FORMERLY
ATIF NAZAR ASSOCIATES

Ref: ANPL/KHI/EOI-SELECT/PACKAGE-I/373-23
Dated: 25th May, 2023

Project Director (PMIU)
Reform Support Unit (RSU), School Education & Literacy Department,
Government of Sindh, #47-E/1 - 48th Street, Block-6, PECHS,
Nursery, Shahrah-e-Faisal, Karachi

SUBJECT: HIRING OF NEED ASSESSMENT, DETAILED ARCHITECTURAL / ENGINEERING DESIGN AND SUPERVISION CONSULTING FIRM (DSC) FOR PACKAGE-01-REGION-HYDERABAD (1) DISTRICT TANDO MUHAMMAD KHAN (2) BADIN (3) SUJAWAL (4) THATTA (5) MATIARI & REGION MIRPUR KHAS (6) DISTRICT MIRPUR KHAS

Reference: This Office Letter No. ANPL/KHI/EOI-SELECT/PACKAGE-I/763-22, Dated November 18, 2022

Dear Sir,

Please refer to letter on subject matter regarding submission of EOI documents for shortlisting as Consultants for the prestigious World Bank funded project. In this connection, it is submitted that we have heard from reliable sources that bid of M/s ANPL and M/s EMC Pakistan (Pvt.) Ltd. (Sub-Consultant) for Consultancy Services has not been considered, as such we are not shortlisted as Consultants, for un-explained reasons, though we fulfill qualification criteria, as specified in EOI Notice, advertised in national press, duly supported by relevant documents.

It is further stated that we are really perturbed on un-confirmed rumors being circulated in Consulting Firms' fraternity regarding ANPL disqualification, in view of credibility and reputation we enjoy in market, as we possess hands-on experience of providing Consultancy Services for gigantic projects during last 40 years, with support of qualified and highly experienced team of experts.

In view of above, it is requested that evaluation report for short-listing of Consultants may please be shared with us along with reasons for disqualifying our bid (if so) in writing, at the earliest, to enable us to lodge formal complaint at appropriate forum, in the light of "World Bank Procurement Regulations for IPF Borrowers", Clause (3.26) & (3.27) (Procurement Related Complaints) (Annex-I) in the interest of transparency and fairness in Consultant Selection Process, failing which we will be constrained to approach all relevant legal fora, to seek redressal of our grievance.

Regards

Wasif Nazir Siddiqui
Wasif Nazir Siddiqui
Director
M/s. Atif Nazar (Pvt.) Ltd.

Cc : 1. MD (SPPRA), Karachi
2. Secretary Health Govt. of Sindh
3. Secretary Education and Literacy Department
4. Transparency Pakistan

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Pl. Address the queries/grievances
of the Complainant
as per Rules.

Procurement Consultant

9 D-11/A, Block-17, Gulshan-e-Iqbal, Karachi-Pakistan.

✉ mail@atifnazar.com, 🌐 www.atifnazar.com

☎ +92-21-34982561, 📠 +92-21-34820497



SINDH EARLY LEARNING ENHANCEMENT THROUGH CLASSROOM TRANSFORMATION (SELECT)	SEBID	DATE	DATE
	INWARD NO. 386	29-5-23	OUTWARD NO.



OFFICE OF THE PROJECT MANAGEMENT & IMPLEMENTATION UNIT
SINDH EARLY LEARNING ENHANCEMENT THROUGH CLASSROOM TRANSFORMATION
REFORM SUPPORT UNIT (RSU), SCHOOL EDUCATION & LITERACY DEPARTMENT
HOUSE NO.47-E/1, 48TH STREET, BLOCK#06, PECHS, NEAR NURSERY, SHAHRAH-E-
FAISAL, KARACHI



NO: PMIU/SELECT/PROC/40-2023 :

Dated: 22-6, 2023

Mr. Wasif Nazar Siddique
Director
MS/ Atif Nazar (PVT) Ltd.
D-11/A. Block-17, Gulshan-E-Iqbal, Karachi
Pakistan
E-Mail: mail@atifnazar.com

Subject: Procurement Complain on the shortlisting for the hiring of consultancy firm for the design and supervision of Civil Work under World Bank Funded Project, Sindh Early Learning Enhancement Through Classroom (SELECT) Reform Support Unit School Education & Literacy Department Government of Sindh

With reference to your letter Ref No: ANPL/KHI/EOI-SELECT/PACKAGE-1/373-23 received on 29th May 2023 at PMIU-SELECT Reform Support Unit, the acknowledgement letter from PMIU-SELECT was sent on 30th May 2023 via, email@atifnazar.com, for acknowledging receipt of your letter. We have reviewed your complaint in detail as per the World Bank Regulations and published REOI. Following the detailed review of complaint, our response to your queries is provided below.

- 1. Claim:** You have claimed that M/s Atif Nazar (Pvt) Ltd and Associates fulfil qualification criteria in EOI notice and have good market reputation and previous experience of providing consulting services for gigantic projects and should therefore be shortlisted.

Response: The Client selected a limited pool of 5 consultants in accordance with Para 7.17 of the World Bank Procurement Regulations and issued Request for Expression of Interest (REOI). These firms have the best qualifications among those who submitted their EOIs. The evaluation is relative and firms with better qualifications against the parameters mentioned in the REOI are shortlisted. Based on the information of your EOI, your qualifications are not ranked among the top ones and therefore you are not shortlisted. Your claim is, therefore, not correct that you fulfill the qualification criteria and should be shortlisted.
- 2. Claim:** You have requested that shortlisting evaluating report should be shared with you.

Response: The evaluation report cannot be shared with you considering that it includes information related to other consultants and the provisions of Para 5.20 and Annex III, Para 3.7(d) of the Procurement Regulations require that the Client/Borrower preserve the confidentiality of other consultants.

With the responses above to your complaint, we will close this case.

We thank you for your interest shown in the current procurement process and hope to receive your interests for other procurement opportunities on the project.

JUNAID HAMEED SAMO
CHIEF PROGRAM MANAGER (RSU)

CC:

- World Bank
- Secretary Education and Literacy Department

ATIF NAZAR (PVT.) LTD.

PROJECT MANAGERS, PLANNERS, ARCHITECTS,
& CONSULTING ENGINEERS



FORMERLY
ATIF NAZAR ASSOCIATES

Ref: ANPL/KHI/EOI-SELECT/PACKAGE-II/400-23

Dated: 1st June, 2023

Project Director (PMIU)

Reform Support Unit (RSU), School Education & Literacy Department,
Government of Sindh, #47-E/1 - 48th Street, Block-6, PECHS,
Nursery, Shahrah-e-Faisal, Karachi

SUBJECT: HIRING OF NEED ASSESSMENT, DETAILED ARCHITECTURAL / ENGINEERING DESIGN AND SUPERVISION CONSULTING FIRM (DSC) FOR PACKAGE-02- REGION LARKANA(1-DISTRICT KASHMORE 2-JACOBABAD 3-SHIKARPUR 4-KAMBAR-SHAHDADKOT, REGION SUKKUR (5-DISTRICT GHOTKI) AND REGION III BENAZIRBAD (6-DISTRICT SANGHAR)

Reference: This Office Letter No. ANPL/KHI/EOI-SELECT/PACKAGE-II/765-22, Dated November 18, 2022

Dear Sir,

Please refer to letter on subject matter regarding submission of EOI documents for shortlisting as Consultants for the prestigious World Bank funded project. In this connection, it is submitted that we have heard from reliable sources that bid of M/s ANPL and M/s EMC Pakistan (Pvt.) Ltd. (Sub-Consultant) for Consultancy Services has not been considered, as such we are not shortlisted as Consultants, for un-explained reasons, though we fulfill qualification criteria, as specified in EOI Notice, advertised in national press, duly supported by relevant documents.

It is further stated that we are really perturbed on un-confirmed rumors being circulated in Consulting Firms' fraternity regarding ANPL disqualification, in view of credibility and reputation we enjoy in market, as we possess hands-on experience of providing Consultancy Services for gigantic projects during last 40 years, with support of qualified and highly experienced team of experts.

In view of above, it is requested that evaluation report for short-listing of Consultants may please be shared with us along with reasons for disqualifying our bid (if so) in writing, at the earliest, to enable us to lodge formal complaint at appropriate forum, in the light of "World Bank Procurement Regulations for IPF Borrowers", Clause (3.26) & (3.27) (Procurement Related Complaints) (Annex-I) in the interest of transparency and fairness in Consultant Selection Process, failing which we will be constrained to approach all relevant legal fora, to seek redressal of our grievance.

Regards

Wasif Nazar Siddiqui

Director

M/s. Atif Nazar (Pvt.) Ltd.

- C.c: 1. MD (SPPRA), Karachi
2. Secretary Education and Literacy Department
3. Transparency Pakistan

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11/A, Block-17, Gulshan-e-Iqbal, Karachi-Pakistan.

mail@atifnazar.com, www.atifnazar.com

+92 21 34982561, +92 21-34820497





OFFICE OF THE PROJECT MANAGEMENT & IMPLEMENTATION UNIT
SINDH EARLY LEARNING ENHANCEMENT THROUGH CLASSROOM TRANSFORMATION
REFORM SUPPORT UNIT (RSU), SCHOOL EDUCATION & LITERACY DEPARTMENT
HOUSE NO.47-E/1, 48TH STREET, BLOCK#06, PECHS, NEAR NURSERY, SHAHRAH-E-
FAISAL, KARACHI



NO: PMIU/SELECT/PROC/41-2023 :

Dated: 22-6, 2023

Mr. Wasif Nazar Siddique
Director
MS/ Atif Nazar (PVT) Ltd.
D-11/A. Block-17, Gulshan-E-Iqbal, Karachi
Pakistan
E-Mail: mail@atifnazar.com

Subject: Procurement Complain on the shortlisting for the hiring of consultancy firm for the design and supervision of Civil Work under World Bank Funded Project, Sindh Early Learning Enhancement Through Classroom (SELECT) Reform Support Unit School Education & Literacy Department Government of Sindh

With reference to letter Ref No: ANPL/KHI/EOI-SELECT/PACKAGE-1/373-23 received on 29th May 2023 at PMIU-SELECT Reform Support Unit, the acknowledgement letter from PMIU-SELECT for the compliant has been sent on 30th May 2023 via, email@atifnazar.com, mentioned in received letter. We have reviewed your complaint in detail in accordance with the published REOI and World Bank Procurement Regulations.

Statement of Issues:

The complainant has sent letter to PMIU-SELECT wherein it is mentioned that they have come to know that they have not been shortlisted. The complainant has claimed that they fulfill the qualification criteria stipulated in the request for EOI (REOI), possess good market reputation and previous experience for the assignment and requested that evaluation report for shortlisting of consultants may be shared with the complainant.

Facts and Evidence:

Background facts:

1. The REOI for the consulting assignment was published in newspapers on Oct 20th, 2022. The Client namely PMIU-SELECT received 23 EOIs in response to the advertise. The REOI clearly indicated that the consultants will be shortlisted in accordance with the shortlisting criteria which included i) years in business, ii) general experience, iii) relevant technical experience, iv) technical and managerial capacity and geographic experience. The shortlisting/evaluation criteria indicated the required information against each of the respective sub criterion along with weightage for the period of last 10 years to evaluate the consultants who submitted the EOI. There is no minimum qualification criteria and information indicated in the REOI that may indicate that meeting those requirements would mean an automatic shortlisting of the consultants for further process.
2. Para 7.17 of the "World Bank Procurement Regulations, dated July 2016, Revised Nov 2017 and August 2018" allows a pool of five(05) to eight(08) eligible firms for shortlisting wherein the Client's evaluation committee decided to select five firms to ensure that those with best credentials are shortlisted for the assignment.

3. The firms were evaluated against the parameters of evaluation stipulated in the REOI and were ranked accordingly based on the respective credentials of each firm as only five firms (05) had to be selected out of 23. The evaluation transpired the firms having better credentials than others based on previous record and information furnished in REOI.
4. Though the claimant M/s Atif Nazar (Pvt) Ltd has reasonable credentials against the parameters of evaluation specifically against the criteria of general experience and relevant technical experience, however, the firms which are shortlisted have significantly better credentials both by value and number of projects. The Top Five (5) ranked Firms have Strong and robust credential than M/S Atif Nazar and Associates and other consulting firms who have expressed interest. The evaluation report was shared with World Bank for the review and concurrence of the evaluation has been received.
5. The evaluation report cannot be shared with the consultant considering it includes information related to other consultants and Annex III, para 3.7(d) of the procurement regulations require that the borrower preserve the confidentiality of other consultants. Moreover, the requirement in para 5.20 of the procurement regulations require the Borrower/Client to avoid disclosure of information related to other consultants participating in the selection process.

Decision and reference to the basis for the decision:

Pursuant to the detailed explanations and facts above, following decisions are hereby made in accordance with the provisions contained in the World Bank Procurement Regulations for IPF Borrowers and issued request for expression of interest. :

1. Your claim is not correct that you fulfill the qualification criteria and should, therefore, be shortlisted. The REOI does not indicate a minimum qualification criteria or requirement which may indicate that the consultant meeting those will be shortlisted. The Client must select a limited pool of consultants in accordance with para 7.17 of the procurement regulations. The number of shortlisted firms decided by the evaluation committee is 5 in this case to submit the proposals. The evaluation is, therefore, relative and firms with better credentials against the parameters mentioned in the REOI are shortlisted. You may have previous experience and good market reputation as mentioned in your complaint; however, the shortlisted firms have better credentials. It should be noted that 23 firms expressing the interest for the assignment and having market reputation and previous experience cannot be shortlisted for the assignment and the Client must select the firms with best credentials. The detailed evaluation has been shared with the World Bank for review and concurrence and subsequent process is followed obtaining the concurrence of World Bank.
2. The evaluation report cannot be shared with you considering that it includes information related to other consultants and provisions of para 5.20 and Annex III, para 3.7(d) of the procurement regulations require that the borrower preserve the confidentiality of other consultants.



lysis:

ie complaint has two parts/claims which are analyzed as below.

Claim No. 1: The consultant assert that they possess previous experience and good market reputation and should, therefore, be shortlisted. The Borrower/Client must select the firms with best credentials and not all the firms having any previous experience expressing the interest for the assignment can be shortlisted. The firms which have been shortlisted have significantly larger number of projects both in terms of relevance and value of consulting assignments.

Claim No.2: The Consultant requires that evaluation report shall be shared. While the consultant has the right to seek information regarding their evaluation, however, it does not mean that the consultant should receive information related to the EOIs of other consultants. The evaluation report includes information on all other consultants and thus can not be shared with every participating consultant.

Conclusion:

For this consultant contract, the procurement process is carried out as per World Bank Procurement Regulations and shortlisting of the consulting firms is in line with the provisions and guidance provided in the regulations and issued request for expression of interest.

In the above said context, your complaint is now considered as closed. Further, this letter is being issued after the prior review by the World Bank.

We strongly encourage and appreciate you to kindly raise your concerns/questions about the procurement process. We thank you for your interest shown in the current procurement process and encourage you to participate in all upcoming procurement opportunities under the project.



JUNAID HAMEED SAMO

CHIEF PROGRAM MANAGER (RSU)

CC:

- A. World Bank
- B. Secretary Education and Literacy Department