

To,

Superintending Engineer  
Desert Pat Feeder Circle Sukkur  
(Notified by Chief Engineer Guddu Barrage Sukkur)  
(As per request of S.E Begari Sindh Feeder Circle Sukkur) (Un-lawful)

**SUBJECT: COMPLAINT AGAINST EXECUTIVE ENGINEER BEGARI BAND DIVISION SUKKUR (PA) UNDER RULE 31 TO CONDUCT CRC AGAINST THE SERIOUS CONCERNS AND VIOLATION OF SPP RULES AND REGULATIONS DURING THE PROCUREMENT PROCESS BY THE PROCURING AGENCY T01497-24-0001 No. TC/G-55/1428 Dated: 20.11.2024 ADP Civil Works Executive Engineer Sukkur Begari Bund Division Sukkur (23-Irrigation & Power Department) 0 = 26-11-2024**

[Illegal Notification of the procurement Committee and violation of Rule 7](#)

**Respect Sir,**

Please allow this letter to serve as our complaint of discrimination with contractors on the account of corrupt intentions and commission by Chairman and Members of Procurement Committee of Office of The Executive Engineer Begari Band Division Sukkur, we the undersigned submits following few lines before your good committee under **Rule-31** of SPPRA Rules-2010 (amended up-to-date) to redress the grievances of undersigned firms on the basis of not allowing to the undersigned contractor for their basic rights to drop the tenders in the tender box on the time of dropping and treating with arrogant attitude with misbehaving so also threatened with the private Gunda Mafia's armed with deadly weapons belongs to Mr. Younis Domki Superintending Engineer who is not competent authority who illegally nominated by Chief Engineer without lawful authority, besides the competent authority is the Secretary Irrigation Govt: of Sindh to attend the venue of Tenders process, so we complaint & we are agitated before you as per correspondence/complaints to invoke Rule 31 SPPRA to conduct CRC as per mentioned following objections in the interest of justice.

The SPPRA rules stipulate that the procurement committee must be notified only after the Secretary's approval. However, in this case, the Chief Engineer has independently notified the procurement committee without obtaining the necessary approval from the Competent Authority i.e Secretary, which is a breach of the established procedure.

### **1. Violation of Rule 31**

According to SPPRA Rule 31, it is explicitly stated that the Complaint Rederssal Committee (CRC) must include an independent professional from relevant field. However, in this case, the Procurement Agency (PA) has unlawfully notified the committee without the involvement of an independent professional, which is a direct violation of the rule 31.

R By notifying the CRC without an independent professional, the Procurement Agency has acted in violation of Rule 31, undermining the integrity and transparency of the procurement process. This breach compromises the independence of the review process and fails to meet the requirements set forth by the rule.

## 2. Double and uncertain requirements for the Bid Security

The procuring agency has required bid security in the form of call deposit as well as in other forms, In NIT the procuring agency has required that bid security shall be in the form of call deposit Such self-contradictory statements violate SPP Rules and Regulation which require that the manner of payment of bid security shall be specified.

Bid Security in the shape of Call Deposit (called by PA)	Bid security in any form (As per SPPRA Rules)
All bids must be accompanied by a bid security at the 03% of bid amount in the shape of call deposit from any scheduled bank of Pakistan in favour of the Executive Engineer Sukkur Begari Bund Division Sukkur.	The bid security shall be at the option of the bidder, in the form of deposit at call, Pay order or a bank guarantee issued by a Scheduled Bank in Pakistan or from a foreign bank duly counter guaranteed by a Scheduled Bank in Pakistan in favour of the procuring agency, which should commensurate with the bid validity period. The bank guarantee for bid security shall be acceptable in the manner as provided at Annexure”

## 3. Documents Accompanying the Bid: Work commitments since prequalification;

The procuring agency has required for update the information indicated and listed in the bidding data and previously submitted with the application for prequalification, and continue to meet the minimum criteria set out in the prequalification documents, which as a minimum, would include the following:

“Work commitments since prequalification”.

However, in the instant matter no such pre-qualification has been done. Hence, this is the grave mistake of the procuring agency in the bidding documents.

## 4. Financial Evaluation as per repealed rules and ambiguous evaluation

It is crucial to highlight that the procuring agency has stated that the contract will be awarded to the lowest evaluated bid. However, this approach contradicts the recent amendments to the rules, which now specify that the contract should be awarded to the most advantageous bid, not merely the lowest evaluated one. This deviation from the updated rules constitutes a clear violation of the Sindh Public Procurement Rules (SPPR), undermining the principles of legality, efficiency, fairness and transparency in the procurement process. Therefore, the decision to prioritize the lowest evaluated bid, rather than the most advantageous one, is inconsistent with the current legal framework and should be reconsidered accordingly.

## 5. Failure of the procuring to provide clear evaluation Criteria

The Procuring Agency (PA) has failed to provide appropriate evaluation criteria as required under the Sindh Public Procurement Rules (SPPR), specifically Rule 21A. According to Rule 21A:

[21-A. EVALUATION CRITERIA.]

*The Procuring agencies shall formulate an appropriate evaluation criterion, listing all the relevant information against which a bid is to be evaluated, and the criteria for such evaluation shall form an integral part of the bidding documents. The failure to provide clear and unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.*

Furthermore, the SPP Regulations mandate that the evaluation criteria must be defined clearly, either on a Yes/No basis or on a scoring basis. Specifically, technical evaluation should follow one of two methods:

1. If the requirements for responsiveness are based on minimum managerial capacity, experience with similar projects, professional qualifications, or financial statements, then responsiveness should be determined on a Yes/No basis.
2. If marks are assigned to each criterion or sub-criterion, a minimum threshold must be specified in the bidding documents/ NIT, with bidders failing to meet the threshold being considered non-responsive.

The absence of clear specifications for how the technical evaluation will be conducted in the bidding documents renders the procurement process illegal and unfair. As a result, if the procuring agency proceeds with the procurement without fulfilling these obligations, it will be considered mis-procurement under Rule 21A, further violating the principles of transparency, fairness, and legal compliance.

## **6. Lack of specified manner of Performance Security**

The Procuring Agency (PA) has provided two conflicting statements regarding the Performance Security:

1. "Performance Security Amount of Performance Security 4.2 Not applicable."
2. "The successful bidder shall furnish to the procuring agency a Performance Security in the form of pay order or demand draft or bank guarantee, and the amount stipulated in the bidding data and the Conditions of Contract within a period of 28 days after the receipt of Letter of Acceptance."

These contradictory statements create confusion and inconsistency regarding the requirements for Performance Security, which is a fundamental aspect of the procurement process. The first statement declares that the Performance Security is "Not applicable," while the second statement implies that it is required, with specific instructions for submission. This inconsistency violates established procurement norms and is considered illegal activity, as it fails to provide clear and transparent guidelines for bidders. Such ambiguity can lead to unfair practices, undermine the integrity of the procurement process, and potentially expose the procuring agency to legal challenges.

## 7. Failure to Provides clear Special Conditions of Contract

The Procuring agency has been failed to provide special conditions of contract as required under rules and regulation. This has given ambiguous conditions of contract leading to uncertainties.

## 8. Failure to provide clear Scope of work

The procuring agency is required to give clear scope of work as per rule 15 and other regulation of SPP Rules. The PA has mentioned the following paragraph instead of giving scope of work.

The Procuring Agency as defined in the Bidding Data (“Executive Engineer Sukkur Begari Bund Division Sukkur”) wishes to receive Bids for the Works summarized in the Bidding Data (Restoration Banks of Group Regulator up and Downstream and its off taking channels and Repair of Structure along Sindh Canal Mile 18 and MungharWah”).

The Procurement Authority (PA) has only mentioned the ADP (Annual Development Program) name without specifying the scope of the project. The scope refers to a detailed description of the work, deliverables, and objectives of the project, including the specific tasks, timelines, and performance criteria that the contractor or supplier is expected to fulfill. It is essential for the procurement process because:

## 9. Uploading of Standard Bidding Documents from an international financial institution instead of using the Standard Bidding Documents (SBDs)

The Procuring Agency (PA) has violated Rule 21(3) of the Sindh Public Procurement Regulatory Authority (SPPRA) rules, which mandates that procuring agencies must use the standard bidding documents as and when they are notified by the Authority. The Rule 21(3) is reproduce below

*(3) Procuring agencies shall use standard bidding documents as and when notified by the Authority*

The Uploading of Standard Bidding Documents from an international financial institution instead of using the Standard Bidding Documents (SBDs) prescribed by SPPRA is a clear violation of the established procurement regulations in Sindh. According to the Sindh Public Procurement Regulatory Authority (SPPRA) rules, procuring agencies are required to follow the standard bidding documents that are specifically designed for compliance with local laws, regulations, and practices. By using documents from an international institution, which may have different terms, conditions, and procedures, the procuring agency risks non-compliance with national procurement standards, leading to potential legal challenges, inconsistencies, and unfair competition. This act is a breach of the procurement process and undermines transparency and accountability in public procurement.

## 10. Ambiguities in whole document

The procuring agency has issued a bidding document that is riddled with ambiguities, making it difficult for bidders to understand the scope of work, requirements, and evaluation criteria. This lack of clarity will inevitably lead to confusion, misinterpretations, and potential disputes. Such ambiguity undermines the principles of fair competition and transparency, and may result in suboptimal outcomes for the project.

## 11. Non Provision of Drawings

In the FORM OF CONTRACT AGREEMENT the PA has mentioned that The Drawings shall be part of Contract agreement but drawings have not been given in the bidding documents.

The Procurement Authority (PA) has failed to provide the necessary drawings as part of the bidding documents, which are crucial for bidders to accurately assess the scope of work and submit informed bids. This omission is a violation of the procurement process, as it prevents potential bidders from having access to essential information required for preparing their bids, thus compromising the fairness, transparency, and competitiveness of the procurement process.

## 12. Violation of Rule 23

The Procuring Agency (PA) has asked clarifications 7 days before the bid submission deadline. However, according to Rule 23 of the procurement regulations, clarifications should be sought at least 5 days before the bid submission deadline. The relevant Rule is reproduced below

*23. CLARIFICATION AND MODIFICATION OF BIDDING DOCUMENTS.- (1) An interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding document in writing, and procuring agency shall respond to such queries in writing within three calendar days, provided they are received at least five calendar days prior to the date of opening of bid:*

This deviation from the prescribed timeline violates the established procurement rules and may hinder bidders from submitting informed and accurate proposals, as they are not provided with sufficient time to address the clarifications requested.

## Issue of Mobilization Advance

The Procuring Agency (PA) has stated in one section of the bidding documents that mobilization advance will not be given. This statement contradicts common procurement practices where mobilization advance is typically provided to facilitate the initial stages of project execution. Such a provision, if not clearly aligned with the terms and conditions, creates confusion and ambiguity for potential bidders, potentially leading to unequal opportunities and a lack of clarity regarding financial arrangements. This inconsistency may also hinder the ability of bidders to accurately assess the financial viability of the project and may affect the overall fairness of the procurement process.

On the other hand, the Procurement Authority (PA) has also mentioned the mobilization advance and outlined its procedure in another section of the bidding documents. This inconsistency between the two statements creates confusion and ambiguity regarding the

financial arrangements for the project. While one section indicates that no mobilization advance will be provided, another outlines the procedure for it. This discrepancy undermines the clarity and transparency of the procurement process, as bidders are unable to ascertain the actual terms and conditions of the project's financial arrangements. Such contradictions can lead to misunderstandings, unequal bidding conditions, and potential legal challenges.

#### Mis-information About amount of ADP scheme

The estimated cost of the schemes in ADP book is less as compared to the cost given by the procuring agency in the estimated cost. Comparison is given below

ADP No	Name of ADP	Estimated Cost given ADP Book	Estimated Cost is NIT
1670	Restoration banks of group regulator up and downstream and off taking channels and repair of structure along Sindh Canal Mile 18 and MungharWah.	200.000 Million	357 Million
1672	Rehabilitation of Sindh Canal from RD-100 to 140 Sukkur Begari Bund Division Sukkur	250.000 Million	447.34 Million

Such as huge cost difference makes clear that there are certain underlying illegalities and malafide intention of the procuring agency.

#### Turn over requirements

The Procurement Authority (PA) has stipulated a turnover requirement that is lower than the minimum required under the Sindh Public Procurement Rules (SPPR). This practice is illegal as it deviates from the established regulations designed to ensure that only bidders with sufficient financial capacity and experience can participate in the procurement process. By setting a turnover threshold that is lower than the prescribed minimum, the PA is potentially allowing bidders without the necessary financial stability to compete for contracts.

#### Never shall be blacklisted

The Procurement Authority (PA) has stated that a bidder "shall never be blacklisted", which is a clear violation of procurement regulations. According to SPPRA rules, blacklisting is a legitimate measure that can be applied to bidders who fail to meet contractual obligations, engage in fraudulent activities, or violate the terms and conditions of the contract. The procuring agency shall ask that the bidder shall not be in blacklisting period.

#### Experience requirements

The Procurement Authority (PA) has stipulated that bidders must have completed two similar works in the past 10 years, whereas the Sindh Public Procurement Regulations (SPPR) clearly require that bidders should have completed two similar works in the past 5

years. This deviation from the prescribed regulation is illegal and undermines the fairness and competitiveness of the procurement process. The purpose of the 5-year requirement is to ensure that bidders have recent, relevant experience and are capable of meeting the current demands of the project.

The identified infirmities are of such a nature that they cannot be rectified. In such cases, Rule 23(2) applies, which is reproduced below:

**"The Procuring Agency shall re-issue the Notice Inviting Tenders, in accordance with Rules 17 and 18, if it is convinced that there is a material infirmity or ambiguity in the bidding documents, which cannot be addressed without modifying the contents of the bidding documents."**

This rule mandates the reissuance of the Notice Inviting Tenders if the identified issues cannot be corrected without altering the bidding documents, ensuring compliance with procurement regulations and maintaining fairness in the process.

Keeping in view of the above, the procuring agency is requested to clarify the observations mentioned above in terms of the Rule 23 of the SPP Rules.

In the light of above facts and circumstances the necessary notifications, documents are annexed with this complaint to redresses our grievances under rule 31 SPPRA in the interest of justice.

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|---|---|---|
| 1/- <br>M/S SASTECH CONSTRUCTION WORKS                                 | 2/- <br>M/S SASTECH CONSTRUCTION WORKS   | 3/- <br>HAMAD GLOBAL ENTERPRISES<br>Govt: Contractor                             |
| 4/- <br>M/S SAQIB RASHEED & CO.  | 5/- <br>M/S SASTECH CONSTRUCTION WORKS   | 6/- <br>M/s Bukhari Engineer<br>Govt: Contractor<br>Prop: Engr. Muzafar Ali Shah |
| 7/- <br>M/S SAS ENGINEERING & CONSTRUCTION CO:<br>The Sias Associates  | 8/- <br>M/S MD Construction Company<br>Govt: Manda Contractor & Consultant<br>Sukkur | 9/- <br>RASHID ENTERPRISES<br>Government Contractor & General Order Supplier     |
| 10/- <br>M/S SAS ENGINEERING & CONSTRUCTION CO:<br>The Sias Associates | 11/- <br>NAB Sukkur<br>Government Contractor   | 12/- <br>RASHID ENTERPRISES<br>Government Contractor & General Order Supplier    |
| 13/- <br>Malik Muhammad<br>Ishaq                                       | 14/- <br>ANIS ENTERPRISES<br>Govt: Contractor & General Order Supplier              | 15/- <br>Waheed Khan Co.<br>Govt: Contractor<br>Prop:                            |

- Copy to worthy Chief Secretary Govt: of Sindh for information and necessary action.
- Copy to the Secretary Irrigation & Power Deptt: Govt: of Sindh Karachi for N/action.
- Copy to the Managing Director SPPRA Karachi for information and necessary action.
- ✓ Copy to Director Transparency International Karachi for necessary action.
- Copy to the Director General NAB Sukkur for necessary action.
- Copy to the Deputy Director Anti Corruption Establishment Sukkur Division for N/action.
- Copy to the Chief Engineer Irrigation Guddu Barrage Sukkur for necessary action.

Govt: Contractors of Sukkur

Address :- C441/2C Ground Floor Shaikh Apartment Queen's Road Sukkur  
(0333-7133223)



GOVERNMENT OF SINDH  
IRRIGATION DEPARTMENT

Karachi dated the 16<sup>th</sup> Oct 2020

VB

147 23/10

OFFICE ORDER

No. SO(R&S)/8-110/2019-20 Pt-XII In exercise of the powers conferred upon the Secretary as a Head of the Department under Rule 7 of the Sindh Public Procurement Rules, 2010 (Amended 2010), the Regional Chief Engineers, Project Directors, Irrigation Department and Managing Director Sindh Irrigation & Drainage Authority (SIDA), Hyderabad are hereby directed to constitute Procurement Committee under Rule 7 of the Sindh Public Procurement Rules, 2010 (Amended 2010) and Complaint Redressal Committee (CRC) under Rule 31 (1) of the Sindh Public Procurement Rules, 2010 (Amended 2010) consisting Superintendent Engineer/Director Area Water Board (Concerned) as Chairman, District Accounts Officer (concerned being representative of Accountant General Sindh) as Member and an Independent Professional (to be nominated by concerned Regional Head/Managing Director/Project Director) prior to initiation of any procurement proceedings in their respective areas of responsibility.

The Complaint Redressal Committee (CRC) shall perform all its functions and exercise with all the powers as per SPP Rules and relevant financial, procurement and regulatory laws.

This Department's Notification No SO(R&S)/8-110/2018-19 dated 30 12 2019 regarding Complaint Redressal Committee of Irrigation Department may be treated as withdrawn / cancelled

SECRETARY TO GOVT. OF SINDH

No SO(R&S)/8-110/2019-20/Part-XII/1706

Karachi, dated the 16<sup>th</sup> Oct 2020

A copy is forwarded for information & necessary action to:-

1. The Chief Secretary, Sindh, Karachi
2. The Accountant General Sindh, Karachi.
3. Managing Director Sindh Public Procurement Regulatory Authority Govt of Sindh, Karachi with request to direct the concerned Assistant Director Legal-II /Assessment to forward the complaint of aggrieved complainant to the Chairman C R C namely (Superintendent Engineer/Director Area Water Board of Irrigation Department concerned) in future, please.
4. ✓ The Chief Engineers / Project Directors of Irrigation Department (All) *Sukkur Bassejo LBR*
5. The Managing Director, Sindh Irrigation & Drainage Authority SIDA, Hyderabad *Sukkur*
6. The Director Area Water Board in Sindh (All)
7. The District Accounts Officer in Sindh (All)
8. The Director Design in Sindh Irrigation Deptt Govt of Sindh Hyderabad with reference your letter No D D /Notification/171 dated 20 07 2020
9. The Executive Engineer Irrigation Department in Sindh (All)
10. The Deputy Secretary (Dev) Irrigation Department Govt of Sindh Karachi
11. The Section Officer (Planning), Irrigation Department Govt of Sindh Karachi
12. The Section Officer (B&A), Irrigation Department, Govt of Sindh Karachi.
13. P.S. to Secretary Irrigation Department, Govt of Sindh Karachi.
14. P.A. to Additional Secretary Tech Irrigation Department, Govt of Sindh Karachi.

37 RMB

SECTION OFFICER (RR&S)  
For Secretary to Government of Sindh



**OFFICE OF THE CHIEF ENGINEER IRRIGATION GUDU BARRAGE SUKKUR**



NO:CE/GD/T/W.B-I/ 2908.  
SUKKUR DATED: 20/11/2024  
TEL OFF: 071-9310181  
FAX: 071-9310182  
RES: 071-9310183

**NOTIFICATION:-**

In pursuance of Rule No. 7 of SPPRA Rule 2010 a Procurement Committee is hereby constituted comprising following officers to open and evaluate the bids offered by various Contractors for execution of ADP Works for the year 2024-2025 in Sukkur Begari Bund Division Sukkur in terms of Rule No. 8 of SPPRA Rule 2010.

- |    |  |          |
|----|--|----------|
| 1. | Superintending Engineer,<br>Begari Sindh Feeder Circle,<br>Sukkur. | Chairman |
| 2. | Executive Engineer,<br>Sukkur Begari Bund Division,<br>Sukkur.     | Member   |
| 3. | Assistant Engineer,<br>Highways Sub-Division,<br>Lakhi.            | Member   |

**SAYED SARDAR ALI SHAH  
CHIEF ENGINEER  
IRRIGATION GUDU BARRAGE  
SUKKUR**

**Copy f.w.cs to:-**

1. The Secretary to Government of Sindh Irrigation Department Karachi.
2. The Managing Director Sindh Public Procurement Regulatory Authority Government of Sindh Karachi.
3. The Superintending Engineer Begari Sindh Feeder Circle Sukkur.
4. The Executive Engineer Sukkur Begari Bund Division Sukkur,
5. The Assistant Engineer Highways Sub-Division Lakhi,

for information.

  
**FOR CHIEF ENGINEER  
IRRIGATION GUDU BARRAGE  
SUKKUR**

**OFFICE OF THE CHIEF ENGINEER IRRIGATION GUDU BARRAGE SUKKUR**



NO:CE/GB/T/W.B-1/ 2909  
SUKKUR DATED: 20/11/2024  
TEL OFF: 071-9310181  
FAX: 071-9310182  
RES: 071-9310183

**NOTIFICATION:-**

As requested by the SuperIntending Engineer Begari Sindh Feeder Circle Sukkur under letter No: SAC/G-2(b)/2853 dated 19.11.2024. The Chief Engineer Irrigation Gudu Barrage Region Sukkur is pleased to constitute a Complaint Redressal Committee (CRC), in terms of Rule-31(1) & (2) of Sindh Public Procurement Regulatory Authority, 2010 (Amended 2019), comprising on following officers, regarding Procurement of ADP/PSDP for the year 2024-2025 in Sukkur Begari Bund Division Sukkur.

- |    |   |          |
|----|---|----------|
| 1. | SuperIntending Engineer,<br>Desert Pat Feeder Circle,<br>Sukkur.        | Chairman |
| 2. | Executive Engineer,<br>Sukkur Begari Bund Division,<br>Sukkur.          | Member   |
| 3. | Divisional Accounts Officer,<br>Sukkur Begari Bund Division,<br>Sukkur. | Member   |

**SAYED SARDAR ALI SHAH  
CHIEF ENGINEER  
IRRIGATION GUDU BARRAGE  
SUKKUR**

Copy f.w.cs to:-

1. The Secretary to Government of Sindh Irrigation Department Karachi.
2. The Managing Director Sindh Public Procurement Regulatory Authority Government of Sindh Karachi.
3. The SuperIntending Engineer Desert Pat Feeder Circle Sukkur.
4. The SuperIntending Engineer Begari Sindh Feeder Circle Sukkur.
5. The Executive Engineer Sukkur Begari Bund Division Sukkur.
6. The Divisional Accounts Officer, Sukkur Begari Bund Division Sukkur,

for information.

**FOR CHIEF ENGINEER  
IRRIGATION GUDU BARRAGE  
SUKKUR**