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28 July 2022

TIP22/0728/1A

Syed Murad Ali Shah Chief Minister Sindh Chief Minister House, Karachi

Subject: Complaint of violation of SPPRA Rules 2010, in the tender NIT No. IE/TC/G-55/1977
dated 2012-2021 Sr. No. 3 Construction of Bridge over Mirwah Canal @ RD-260 b/w Deh Jalbani
Thari Mirwah

Dear Sir,

Transparency International Pakistan received a complaint from Mr. Abdul Waheed Laghari against the violation of SPPRA Rules 2010 in in the tender NIT No. IE/TC/G-55/1977 dated 2012-2021 Sr. No. 3 Construction of Bridge over Mirwah Canal @ RD-260 b/w Deh Jalbani Thari Mirwah. (Annex-A)

The complainant has made the following allegations/objections:

#### That,

- 1. The sealed bids for 03 works in the tender NIT No. IE/TC/G-55/1977 dated 20-12-2021 were invited by the Executive Engineer Irrigation East Division Khairpur Following tenders were not advertised as per SPRRA Rules.
- 2. The corrigendum for cancellation of Work No. 3: Construction of Bridge over Mirwah Canal @ RD-260 b/w Deh Jalbani Thari Mirwah was issued by Executive Engineer Irrigation East Division Khairpur Mir vide Corrigendum No. TC/G-55/39 dated 07-01-2022 due to wrong location RD-260 instead of RD-251. (Annex-B)
- 3. On 27-01-2022, the bids were not opened publicly, processed, and the work order was issued to M/s AGK Construction Company.
- 4. The work was started over Mirwah canal @ RD-260, b/w Deh Jalbani Thari Mirwah, instead of RD-251, and along with surveys were made for illegal construction of road to link the bridge with Thari Mirwah road.
- 5. The Bid Evolution Report for the construction of bridge over Mirwah Canal @ RD-260 b/w Deh Jalbani Thari Mirwah (ADP No. 1223) was published on SPPRA website. (Annex-C)
- 6. Three bridges with linked roads exist over Mirwah canal within two kilometers between Thari Mirwah and village Haji Muhammad Ismail Laghari. The land where the bridge and road were to be constructed is a disputed land, and the matter is in High Court of Sindh CP. No. D-4105 of 2015. And the construction of road, water course, and above Bridge is to facilitate the land grabbers. (Annex-D)

TI Pakistan has examined the complaint, and following are its comments and recommendations.

#### **TI Pakistan Comments:**

a) Based on the authenticity of the submitted documents, prima facie it appears that bids were not opened publicly which is the violation of Rule 28(2) of SPPRA Rules 2010, and this procurement may be declared as Mis-Procurement under Rule 50 of SPPRA Rules 2010.



28(2): All bids shall be opened publicly in the presence of the bidders or their representatives who may choose to be present, at the time and place announced prior to the bidding. The procuring agency shall read aloud the unit price as well as the bid amount and shall record the minutes of the bid opening. All bidders in attendance shall sign an attendance sheet. All bids submitted after the time prescribed shall be rejected and returned without being opened.

b) The Corrigendum No. TC/G-55/39 dated 07-01-2022 cancelled the Work No. 3 due to wrong location RD-260 instead of RD-251, however, it is noted that the work was started at RD-260, and the procurement was on the wrong road.

#### TI Pakistan Recommendations:

TI Pakistan requests Chief Secretary to examine the complaint and if the complaint is found to be correct, please cancel this tender, and order an inquiry against the officers/contractors found responsible to any violation of SPPRA Rules.

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

Regards

Sitara-e-Imtiaz, Hilal-e-Imtiaz

Chairperson

Transparency International Pakistan

Justice (Rtd) Nasira Iqual

Vice Chair, Sitara-e-Imtiaz

Transparency International Pakistan

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

- 1. PSPM. PM House, Islamabad
- 2. Prime Minister's Inspection Commission (PMIC), Islamabad
- 3. Director General NAB, Karachi
- 4. Registrar, Sindh High Court, Karachi
- 5. MD, SPPRA, Karachi
- 6. Chief Engineer Irrigation, Sukkur Barrage Left Bank Region Sukkur.

#### Note:

TI Pakistan act as 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 Ataullah 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.

## Transparency International Pakistan, Karachi

Subject:

Mis-procurement in Public Procurement Violating SPPRA
Rules and Regulations devised for good governance,
Management, Transparency, Accountability, and Quality
of Public Procurement of Goods, Services and Works.

Respectfully, following few lines are being submitted regarding above subject matter for taking further necessary action as per rules / Government policy.

- 1. The bids were invited by publications in the newspapers and Sindh Public Procurement Regulatory Authority Website Vide Tender notice No.IE/TC/G-55/1977 of 2021 Khairpur Mir's dated December 20, 2021 by The Executive Engineer Irrigation East Division Khairpur Mir's. Copy of tender is Attached at "A'.
- 2. The Corrigendum for cancellation of work at serial No.3 in the above Tender (construction of Bridge over Mirwah

canal @RD-260 B/w Deh Jalbani Thari Mirwah) was issued by Executive Engineer Irrigation East Division Khairpur Mir's Vide his Corrigendum No. TC/G-55/39 of 2022 Khairpur dated January 07, 2022 due to wrong location in the PC-1 @RD-260 instead of RD-251. it was published in English, Urdu, Sindhi newspapers as well as on SPPRA website. Copy is attached at "B".

After cancellation of above-mentioned work (construction 3. of Bridge over Mirwah Cannal @RD-260 B/W Deh Jalbani Thari Mirwah) cancelled Bids were processed, Evaluation of cancelled bids were made and work order was M/s A.G.K Construction Company, issued immediately started the construction of Bridge over Mirwah canal @RD-260 B/w Deh Jalbani Thari Mirwah, and along with that, surveys were made for illegal construction of road to link the Bridge with Thari Mirwah road. The Evaluation report of cancelled bids, and issuance of work order against cancelled bids were published on SPPRA website only, the copies of the same are attached at "C" for your legal action against all responsible according to law /Government policy to ensure existence of rule of law.

4.

It is evident from Senior Superintendent of Police Khairpur and SHO PS Thari Mirwah reports in C.P.No. D-4105 of, 2015 in the Honorable High Court of Sindh Karachi copies are attached at "D". That, "there is actually dispute between petitioner party and respondent No.4 Sultan Ali Leghari (Addl: Sessions Judge) over a land property", now property has become properties and despite of Honorable High Court orders Sultan Ali Leghari along with his land grabbers are miss-using Government machinery for construction of Roads, Water courses, and Bridges illegally to easily grab opponents / other's properties which will specially multiply tribal enmities, threats to life, honour, prestige, and properties of complainants/residents of Haii Hyder Bux Laghari(Late), who already has submitted their grievances complaint dated March 15, 2022 to the Secretary to Govt. Of Sindh, Irrigation Department, Karachi regarding the above subject matter. Hence, it is humbly submitted that, their already exist Three Bridges with linked roads over Mirwah canal within two Kilometers between Thari Mirwah and village Haji Muhammad Ismial Laghari to facilitate all surrounding villages population, construction

of road, water course, and above Bridge to facilitate above land grabbers may kindly be ceased ones for ever to protect life, honour, prestige, and properties of complainants / residents of Haji Hyder Bux Laghari per Honorable High Court order copies are attached at "D".

Karachi.

Dated: July , 2022

Abdul Waheed Laghari

Mob. 0301-2345897

#### Cc: to,

- Chief Secretary
- Secretary to Government of Sindh, Irrigation & Power Department Karachi
- Additional Chief Secretary (Development) Planning & Development Department
- Secretary Finance Department
- Secretary Law, Parliamentary Affairs, Human Rights and Criminal Prosecution Service Department
- Secretary, Irrigation and Power
- Secretary, Works & Services Department
- Secretary, Information & Technology Department
- Secretary (GA) Services, General Administration and coordination Department
- Transparency International Pakistan, Karachi
- Auditor General Pakistan
- Managing Director SPPRA
- Commissioner Sukkur
- Chief Engineer Irrigation, Sukkur Barrage Left Bank Region Sukkur
- Deputy Commissioner Khairpur
- Superintending Engineer Khairpur Irrigation Circle Sukkur
- Executive Engineer(all) of Khairpur Irrigation Circle Sukkur
- Executive Engineer Irrigation East Division Khairpur

### <u>OFFICE OF THE EXECUTIVE ENGINEER IRRIGATION EAST DIVISION KHAIRPUR</u>

Ph: No. 0243-9280138

NO. HETC/G-55/ 17 tr 2021

Khairpur dated: 20 /12 /2021

#### **INVITATION OF BIDS.**

Sealed Bids—under single stage one Envelopes Procedure bidding process are hereby invited from all the contractor / firms who are registered with Pakistan Engineering Council in the relevant field and appropriate following categories, in separate sealed envelopes in accordance with SPPRA rules 2010 (Amended upto date).

S. No.	Name of Work	Estimate Cost	category	Earnest Money	Tender Fee	Time Period
1	2	3	5	6	7	8
01	C.C lining of Kandiyari Minor from RD-0+00 to 28+00.	127.399 Million	CE04	5% on bid cost	3000/-	03 years
02	C.C lining of Kobri Minor from RD-0+00 to 44+00.	172.133 Million	CE04	5% on bid cost	3000/-	03 years
03	Construction of Bridge over Mirwah Canal @ RD-260 b/w Deh Jalbani Thari Mirwah.	63.902 Million	CE02	5% on bid cost	3000/-	03 years

The interested Government Contractors / Firms can purchase the separate set of bidding documents on non-refundable payment of Rs. 3000/- from 23-12-2021 to 10-01-2022 @ 10.30 AM from the Office of the undersigned. The same will be received back on 11-01-2022 @ 12.00 A.N and will be opened on same day at 1.00 P.M by the procurement committee constitute for the purpose in the presence of participants or representative of the contractor /firms .

The second attempt for receiving bids on 27-01-2022 @ 12:00 PM and will be opened on same date at 1:00 P.M.

The bidder should submit earnest money at the rate of 5% (Five) against quoted bid price of the work shape of call deposit from any schedule bank of Pakistan in favour of the undersigned and should be attached with biding documents. In absence of requisite call deposit the bid offered by the Contractors Firms will not be entertained.

1. The applicant should be registered with Income Tax Department & Sindh Revenue Board and NTN and SRB certificates should be attached with the application, otherwise—the application will not be entertained. Also copy of CNIC should be attached.

#### Non - filer Contractor/Firm will not be entertained in the bidding process

- 2. Contractors / Firms should have experience in similar nature of works at least 03 three works in mentioned costing of above works. The same should be attached with application during obtaining bidding documents.
- 3. List of works in progress indicating cost of each work and copy of letter of award of work should be attached with application for last 03 years of same nature.
- Documentary evidence of work executed /works in progress and certificate of satisfactory completion of works by the employers should be attached with application for last three years.

Cont: P-2

- 5. The following undertaking on affidavits should be provide by the firm.
- (i) The Firm is not involved in any litigation or abandoned any work in any Department.
  - (ii) The Firm has not been blacklisted previously by any executing agency
  - (iii) All Documents / Information provided by the Contractor/firm are true and correct
    - (iv) Provide no litigation certificate.
- 6. Fresh Bank Certificate of the firm, also provide fresh bank statement of the firm account, turn over equal to estimate cost.
- 7. Complete postal address of the Contractors / Firms . Landline Number Mobile Number & E-mail address.
- 8. Contractors / Firms should provide company profile showing the staff and available machinery etc.
- 9. In case of public holly day or Chairman / any Member of Procurement Committee out of head quarter the bid will be submitted and opened on the next working day

#### FINANCIAL RESOURCES.

- (a) Financial credit Certificate from recognize Bank to meet out the said work.
- (b) Audit report for the last 03-years.
- (c) Income Tax return for last 03-years.

No conditional bid will be accepted

The above documents should be attached with application, otherwise bid will not entertained as unresponsive.

The procuring agency has resaved the right to reject all or any bid under the provision of SPPRA rules -2010 and amendments upto date issued by the SPPRA time to time.

EXECUTIVE ENGINEER IRRIGATION EAST DIVISION KHAIRPUR

#### Copy forwarded with compliments to:-

- The Managing Director Sindh Public Procurement Regularity Authority Karachi Barrack & Secretariat 4- A Court Road Karachi Tel: 021-99205369 for hoisting on website.
- 2. The Director Information and Public Relation Govt: of Sindh Block -95 Sindh Secretariat 4B opposite Sindh Assembly Building Karachi along with 07 Copies for publication in the (03) Three leading newspapers.
- 3. The Director Information Technology Department 1st Floor Building No. 06 Sindh Secretariat Kamal Ata Turk Road Karachi for Hosting on website.
- 4. The Chief Engineer Sukkur Barrage Left Bank Region Sukkur for favour of kind information.
- 5. The Superintending Engineer Khairpur Irrigation Circle Sukkur for favour of kind information.
- 6. The Executive Engineer (all) of Khairpur Irrigation Circle Sukkur for information.
- 7. Copy to Notice Board.

EXECUTIVE ENGINEER IRRIGATION EAST DIVISION KHAIRPUR

# OFFICE OF THE EXECUTIVE ENGINEER IRRIGATION

Ph: No. 0243-9280138

No. TC/G-55/ 39

No. TC/G-55/ 51 of 2022
Khairpur dated:- 07 01 2021

### CORRIGENDUM

B

Sealed Bids were invited vide this office NIT No. IE/TC/G-55/1977 dated: 20-12-2021 Sr. No. 03, is here by cancelled. The RD which shown in PC-I @ RD-260 is wrong instead of RD-251, due to computerized mistake, when & where the permission accorded from higher authorities the bid will be opened in next date.

> **Executive Engineer Irrigation East Division** Khairpur

Copy forwarded with compliments to:-

- 1. The Managing Director Sindh Public Procurement Regularity Authority Karachi Barrack & Secretariat 4- A Court Road Karachi Tel: 021-99205369 for hoisting on website.
- The Chief Engineer Sukkur Barrage Left Bank Region Sukkur for favour of kind 2. information.
- The Superintending Engineer Khairpur Irrigation Circle Sukkur for favour of kind 3. information.
- The Executive Engineer (all) of Khairpur Irrigation Circle Sukkur for information. 4.
- Copy to Notice Board. 5.

Executive Engineer rrigation East Division

# BID EVALUATION REPORT.

1. Name of procuring Agency:-

Executive Engineer Irrigation East Division Khairpur.

 Tender Reference No. TC/G-55/1977 dated:-20/12/2021, & Corrigendum No. TC/G-55/39 dated 07-01-2022.

3. Tender Description / Name of Work/Item: Construction Of Bridge Over Mirwah Canal @ RD-260 B/W Deh Jalbani Thari Mirwah (ADP NO. 1223).

4. Method of Procurement

5. Tender Published SPPRA ID No.

Single Stage- One envelope procedure. Hoisted through website of SPPRA vide. Sr. No. T00896-21-0001 dated:24/12/2021 & published in Newspapers viz: Daily Express Tribune (English) dated 23/12/2021 Daily (Jhang Urdu) dated 23/12/2021 Daily Phanje

6. Total Bid documents sold:

7. Total Bids Received:

8. Technical Bid Opening date:

9. No of Bid technically qualified:

10. Bid(s) Rejected:

11. Financial Bid Opening date:

12. Bid Evaluation Report.

03 Nos.

Sindhi dated 23/12/2021.

03 Nos.

N/A N/A

27/01/2022

S. No	Name of Firm or Bidder	Cost of offered by the Bidder	Ranking In term of Cost	Comparison with Estimated Cost	Reasons for acceptance	Remarks
1	M/S AGY Construction Company	73320292/-	1 <sup>31</sup> Lowest	14.74% above	J <sup>st</sup> lowest (Responsive)	Accepted being 16 lowest & recommended for award of work
2	M/S Nazeer & Brothers	73583274/-	2 <sup>rd</sup> Lowest	15.15% above	2 <sup>na</sup> lowest (Responsive)	Highest
3	M/s M. Abbasi & Co:	73840195/-	3 <sup>rd</sup> Lowest	15.55% above	3 <sup>rd</sup> lowest (Responsive)	Highest

Signature of the Member of the Committee.

(MEMBER)

(Jamil Ahmed Sangi)
Executive Engineer
Irrigation West Division

Khairpur

(MEMBER)
(Hafoezullah Memon)
Executive Engineer
Public Health Engineering
Division-I Khairpur

(CHARMAN)
(Muhammad Younis Domki)
Executive Engineer
Irrigation East Division
Khairpur

OFFICE OF THE EXECUTIVE ENGINEER IRRIGATION EAST DIVISION KHAIRPUR.

Phone No. 9280138

No. TC/G-55/ 2-2 Khairpur dated: 7-2-2022

ORK ORDE

To.

M/s A.G.K Construction Company

Government Contractor

Mill Colony @ Jinah Colony Block No. 05

Quarter No. 12 Khairpur Mir's

SUBJECT:-

**CONSTRUCTION** OF BRIDGE OVER **JALBANI** MIRWAH

The rate quoted by you at 65% above on the schedule rate as entered in Schedule "B" for Rs. 73320292/- for the above mentioned work which work out to be 14.74% above on the estimated rate / cost is found to be lowest and accepted by the competent authority.

The time for completion of the work is 18 Months.

You are hereby directed to start the work under the supervision of Assistant Executive Engineer, Irrigation Sub-Division Thari Mirwah.

The payment shall be made subjected to availability of funds.

DA/AS above.

IRRIGATION EAST DIVISION KHAIRPUR

Copy alongwith copy of schedule of price forwarded to the Assistant Ex: Engineer Irrigation Sub-Division Thari Mirwah for information and report the date of start of work in time.

DA/AS above.

IRRIGATION EAST DIVISION KHAIRPUR

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### IN THE HON'BLE HIGH COURT OF SINDH KARACHL

#### Constitution Petition No. D-4105/2015.

Mst. Ameer Zudi ....... Versus ...... Province of Sindla & others.

It is respectfully prayed that I have high respect and regards for the Hon'able Court as well as orders. I cannot even imagine to disobey or disgracing the same However, if any inconvenience is caused to this Hon'able Court, I pray for excuse.

That in compliance of the order of this Hon'able Court dated 12-07-2016, the strict directions were conveyed to SHO PS Mirwah, to provide legal protections of life, honour, prestige and property to the petitioner in the manner that she shall not be caused harassment.

that the report was called from SHO PS Mirwah, who has reported

that there is actually dispute between petitioner party and respondent No. 4, Sultan \*

Leghari, (Addl: Sessions Judge) over a landed property. The legal protection

The allegations leveled by the petitioner are false and incorrect.

It is further prayed that in order to redress the grievances of politioner.

police picket (PC/181 Riasat Ali, PC/2591 Khadim Hussain Shar) has been

Partished at the house of petitioner for her protection / security.

In view of above submissions, it is respectfully further prayed that the

contempt proceeding may kindly be vacated for the best interest of justice.

SENIOR SUPERINTENDENT OF POLICE

RUNRPUR

Contemnor No.

D

# THE HON'BLE HIGH COURT OF SINDH KARACHL

Annex D

# Constitution Petition No. D-4105/2015.

Mst. Ameer Zadi ...... Versus ...... Province of Sindh & others.

I, SIP Muhammad Abbas Bajwa, SHO PS Mirwah, respondent No. 2, respectfully prayed that I have high respect and regards for the Hon able Court as well as orders. I cannot even imagine to disobey or disgracing the same. However, if any inconvenience is caused to this Hon able Court, I pray for excuse.

That in compliance of the order of this Hon'able Court dated 12-07-2016, the strict directions were received through the SSP Khairpur for providing legal protections of life, honour, prestige and property to the petitioner in the manner that she shall not be caused harassment.

That there is actually dispute between petitioner party and respondent.

No. 4; Sultan Ali Leghari, (Addl: Sessions Judge) over a landed property. The legal protection has been provided to the petitioner party as and when she approached for the same. The allegations leveled by the petitioner are false and incorrect.

It is further prayed that in order to redress the grievances of petitioner; the SSP Khairpur has established a police picket (PC/181 Riasat Ali, PC/2591 Khadim Hussain Shar) at the house of petitioner for iter protection / security:

In view of above submissions, it is respectfully further prayed that the contempt proceeding may kindly be vacated for the best interest of justice.

Station Flouse Officers

Contempor No. 2

# 

None present for the State.

order passed on dated 09/07/2015 has not been made by the concerned police. Let notice be repeated to SHO P.S. Thari Mirwah, District Khairpur Mirs for 28/07/2016. Respondent No.4 is directed to provide legal protection of life, honour, prestige and property to the petitioner in the manner that she shall not be caused harassment by anyone.

Comified to be true copy

Petitioner

SD/- JUDGE SD/- JUDGE

Assistant Registrar(Writ)

C.P.No.D-4105/2015 Karachi Dated 12.07.2016

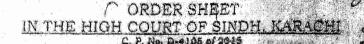
Copy of above order forwarded for information and necessary complies to:

Respondent NO.4)

The Senior Superintendent of Police District

Khairpur Having its office at Khairpur Mirs.

Assistant Registrar (Al Sir.



Order with signature of Judge

#### Hearing/Priority.

- 1. For orders on Misc. No. 16955/2016. T. For orders on Misc. No. 16956/2016. S. For hearing of CMA No. 18114/2015. 4. For hearing of case.

07.06.2016.

Mr. Abdul Latif Leghari, advocate for the Petitioner.
Mr. Muhammad Tariq, lioking brief for Mr. Alfaf Hussain
Shaikh, advocate for Respondent No. 11 Abdul Rassai.
Mr. Ch. Muhammad Rafique, Addi. A. G. alengwati, SIP.
Ghulam Asghar Chang of Police Station Mirwah, District.
Khairrus Mirwa Khairpur Mirus.

- Urgency application is allowed.
- Notice for 12.07.2015.

SIP. Ghulam Asghar Chang of Police Station Mirway, District Khairpur, present in Court, has filed report, which is taken on record, copy whereof has been supplied to the learned counsel for the Pennoner

. . . In the meanwhile, the concerned SHO is directed to provide proveduon to the Petitioner and her family members and ensure con mance of the Court's order dated 19 07 2015;



MUDASHIR

وينوف العركييشن كران is fais closes pour pour مع لئ وارا ، مجون جسر کیس تعالی آلیا و منان عادو رمیرس فی این میران میر میران می Significations of the contractions of the cont (308260 C3)14 Cest 3 Mix dest. 2. 05,25 July Stew 1 050 真しらえられずいる وفاريخ المنافية المنا in Sign and the did القال و المحالية المحال مي المحالي مي المحالي مي المحالي المالي المحالية ا 2 1 2 me 21 2 مرجي عالي کورښاي هورس کورس سر والو لي هرايي مرس عالي لي ورسي مرس عالي لي ورسي مرس عالي لي ورسي Received as broko celes

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