



# PAKISTAN CIVIL & ELECTRIC WORKS

Address Office No. 308,  
3rd Floor, Frere Road,  
Frere Business Center,  
Saddar, Karachi - 74400,  
Tel: 92-21-32711867-66  
Email: pk\_electricwork@yahoo.com

APPROVED GOVERNMENT CONTRACTOR CIVIL & ELECTRICAL WORKS

PCEW/KHI/2080/2022

Dated: 22/06/2022

To,

Ms. Yasmeen Lari

The Chairperson,

Transparency International Pakistan

Plot 72-F/2, Floor 1, 9th Street, Jami Commercial, DHA Phase VII,  
Karachi, Pakistan

**SUBJECT: COMPLAINT AGAINST EXECUTIVE ENGINEER PROVINCIAL BUILDING DIVISION NO. III KARACHI "CONSTRUCTION OF MULTISTORIED FLATS PHASE-II AT SINDH GOVERNOR HOUSE KARACHI (48 NOS.) ADP # 733 OF 2021-22" (NIT Reference - TC/G-55/PBD-III/2021-22/671 Dated: 13-05-2022)**

**Reference: TI Pakistan Office Letter No. TIP22/0621/1A Dated: 21-June-2022**

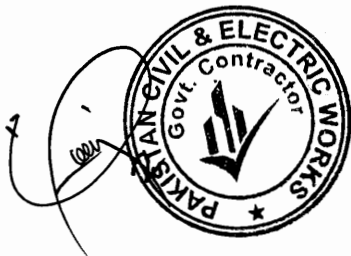
Respected Madam,

With due respect, it is to bring under your concern that in TI Pakistan Letter No. TIP22/0621/1A Dated: 21-June-2022 my firm namely "M/S Pakistan Civil & Electric Works" has been tremendously defamed without examining the complaint received from MS/ Badar Engineering Works; made against Executive Engineer Provincial Building Division-III Karachi for the subject tender awarding.

My firm has been declared **BLACKLISTED** by TI Pakistan in letter without any authentication; though we have never been blacklisted in any Province of Pakistan, never in Pakistan Engineering Council, not in SPPRA and not in any other organization/ Departments. TI Pakistan letter is biased and intentionally damaging my reputation; though I am regular tax payer to my country and this false allegation of declaring me as Blacklisted firm will lead to several destruction of my firm's name. Hence I have to unwillingly take the matter to the Legal Authorities for defamation of my name; in order to get justice and for the sake of my fundamental rights.

Following objection were made by the complainant against my firm, as also mentioned in your letter:

Complainant objection	Reply to objection
The subject tender was invited by the Executive Engineer Provincial Building Division-III Works & Services Department, Karachi with discriminatory eligibility conditions to favor a particular firm <b>M/S Pakistan Civil &amp; Electric Works already involved in litigation and blacklisted.</b>	My firm M/S Pakistan Civil & Electric Works has never been blacklisted, and no litigation outcome is against my firm till date; however Suit no 2899/2021 has been filled by my firm for the request of starting of awarded work, against the Executive Engineer, Provincial Building Division No. II, Karachi and others in the Sindh High Court at Karachi, whereas fate of the case not yet been decided.  As per SPPRA (Guidelines / Regulations for Procurement of Works) Page No. 13 & Page No. 74, Bidder should provide List of litigation (if any) with their nature and status / outcome, same was submitted by my firm over the Stamp paper to the Executive Engineer, Provincial Building Division No. III, Karachi



Continued to next page...



# PAKISTAN CIVIL & ELECTRIC WORKS

APPROVED GOVERNMENT CONTRACTOR CIVIL & ELECTRICAL WORKS

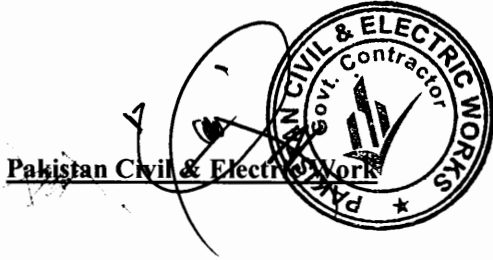
Address Office No. 308,  
3rd Floor, Frere Road,  
Frere Business Center,  
Saddar, Karachi - 74400,  
Tel: 92-21-32711867-66  
Email: pk\_electricwork@yahoo.com

Further added that participation in Tenders / works is the basic right as per Constitution of Pakistan and there is no such Law in Pakistan that can stop the Contractor / bidders to participate in Contracts/Bids if he has taken his petition to Court for getting his stopped work started and if decision has not been taken by the court.

Thus decision of this <sup>complaint</sup> ~~case~~ has not been taken by the CRC nor SPPRA have taken the matter till date, however without receiving any decision and recommendation from the concerned authorities TI Pakistan has declared my Firm as Blacklisted which is not justiciable.

Therefore it is requested to kindly withdraw your letter else we will knock the door of law & Remedy.

Thank you in anticipation.



Copy forwarded along with request to kindly intervene in this situation:-

- The Honorable Chief Minister (Sindh), Chief Minister House, Karachi
- Justice (Rtd) Nasira Iqbal, Vice Chair, Transparency International Pakistan.
- Mr. Daniel Eriksson, CEO, Transparency International Secretariat, Alt-Moabit 96 10559 Berlin Germany
- The Minister, Works & Services, Govt. of Sindh
- The Secretary, Works & Services, Govt. of Sindh
- The Managing Director, Sindh Public Procurement Regulatory Authority, Karachi
- The Chief Engineer, Building Department, Karachi
- The Chairman Complaint Redressal Committee / Chief Engineer, Building Department Sindh Hyderabad.

**SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY (R)**



**SPPRA**

**PROCUREMENT REGULATIONS (WORKS)**

- (vii) help the prospective bidders who are insufficiently qualified and where the preparation of detailed tenders can be costly which may discourage competition if the interested bidders feel that they are competing against a large number of bidders.

**2.15 Contracts/Assignments where pre-qualification is preferred:**

A procuring agency, prior to the floating of tenders, invitation to proposals or offers in procurement proceedings, may engage in pre-qualification of bidders in the following cases:-

- (i) in cases of contracts for large and complex works and services, or in any other circumstances in which there are high costs of preparing detailed bids;
- (ii) in the contracts to be let under turnkey, design and build, or Management contracts;
- (iii) in case of procurement of expensive and technically complex civil and mechanical works to ensure that invitations to bid are extended only to those who have adequate capabilities and resources.

**2.16 Evaluation Criteria:**

Pre-qualification of bidders shall be based entirely upon the capability and resources of the prospective bidders to perform the particular contract satisfactorily and evaluated in terms of criteria set forth in the notices or bidding documents. The information/documents required shall include but not limited to following:-

(A) **Evaluation criteria based on quantification** (In this method marks are assigned for each sub-criteria as mentioned in NITs & minimum threshold or percentage of marks required is to be mentioned for qualification)

(i) **Experience and past performance.**

Successful experience as prime contractor in the execution of at least one to three projects within the last five years:

- (a) of similar nature and complexity comparable to the proposed contract(s)
- (b) in similar site/geographical condition;

(ii) **Personnel Capabilities.**

Requirement will vary from project to project. However following factors should be given due consideration:-

(a) For Key Positions.

Academic qualification

- BE/B.Sc. Engineering or equivalent qualification approved by PEC.

Experience

- 2 or more similar projects
- 5 to 10 years

(b) For other Engineering Positions

Academic qualification

- BE/B.Sc. Engineering or equivalent qualification approved by PEC.

Experience

- 1 or more similar projects
- 3 to 5 years

(c) For other Positions

Procuring Agency shall assess and specify the experience & qualification requirements for other positions.

(iii) **Equipment Capability**

Procuring Agency should specify critical equipment required for the project. High value equipment may be available with contractor on

ownership basis, lease or hire. However the same shall be subject to achievement of project targets without abnormal failures.

**(iv) Financial**

- Documentary evidence of financial position, e.g.: a bank statement or audited accounts of the last two to three years.  
Annual turnover for construction be *either equal or twice the estimated cost of project.*

**(v) Other information.**

- Litigation history and arbitration with government departments and their outcome.
- Black listing (if any).

Provided that pre-qualification may be carried out for specific procurement/package/scheme/contact or project and will not be applicable for other schemes/contracts. The qualification of the contractors will cease with completion of such project/scheme.

Applicants meeting the eligibility and minimum requirements mentioned in Para 2.16 besides other factors shall be considered for pre-qualification. No compromise shall be made on *key personnel, academic qualification and experience.* History of excessive contract arbitrations and litigation resulting in decision against the applicant can be considered sufficient grounds for dis-qualification.

**(B) Evaluation criteria based on Yes/No OR Pass/Fail**

In this system is made on knockout basis; thus if bidder fails to obtain yes or pass in any sub criteria then he/it shall not be prequalified. (*Refer Annexure D for better understanding*).

**2.16 Pre-Qualification Procedure (Rule 28).** Steps to be followed for prequalification of bidders are as under:-

**(a) Prequalification Notice** prepared in line with instructions mentioned under the heading “**Methods of Advertisement**” (Rule 17) and advertised with mandatory requirements for qualification (**Annexure D**).

**(b) Pre-qualification documents.** The procuring agency shall **either** mention the required details including **Evaluation Criteria** in the **Prequalification Notice** or provide a set of **Prequalification documents** including the data sheet, the qualification criteria and a description of the type of works to which the pre-qualification applies at a cost not exceeding the cost of printing and preparation, containing the following details, but not limited to:-

- (i) Instructions to applicants for preparation and submission of the pre-qualification documents;
- (ii) Designation, address, Telephone and Fax No: of Procuring Agency;
- (iii) Date, Time and Place of obtaining and submissions of Applications are clearly mentioned;
- (iv) Scope of Contract;
- (v) Source of funding;
- (vi) Short listing criteria;
- (vii) Cost of Documents;
- (viii) List of Documents required from contractors such as:-

**Company Profile:**

*Sample*

**Annexure-E**

**NOTICE INVITING TENDER**

1. (*Name of Procuring Agency*) invites sealed tenders on Composite Schedule of Rates (CSR)/ Item Rate basis or on *both* from interested contractors/firms. (*List of works is to be mentioned below/ attached*).

**List of Works**

S No	Name of Work	Estimated Cost	Bid Security	Tender Fee	Time for completion
		Rs in Million			
1.	Construction of Primary School at -----	5.000	2% of Estimated cost/offered rate	<i>Cost of preparation &amp; printing only.</i>	
2.					

2. **Eligibility:** Valid Registration with Pakistan Engineering Council in relevant category and discipline (*mention the category and discipline*) except for works costing upto Rs2.5 million);
3. **Qualification:**
- (i) List of similar assignments with cost (*mention number of projects*), under-taken over the past (—) years;
  - (ii) Details of equipments, machineries and transport owned/ leased/ hired by firm/contractor;
  - (iii) Financial Statement (summary) and income tax return for the last ---- (mention) years;
  - (iv) List of litigation (if any) their nature and status / outcomes;
  - (v) Affidavit that firm has never been black listed;
  - (vi) *Any addition or deletion can be made by procuring agency.*
4. **Method of Procurement.** (*Mention the Method of Procurement i.e. Single Stage Single Envelope/Single Stage Two Envelope/Two Stage /Two Stage Two Envelope*).
5. **Bidding/Tender Documents:**
- (i) **Issuance:** Documents will be issued from date of publication to (*Insert the Date but not less than 15 days for NCB inclusive starting and closing dates*), on payment of tender fee (*Non-refundable-mentioned against each item in the list*).
  - (ii) **Submission:** Last date will be (*Insert the Date and time*).
  - (iii) **Opening:** will be opened on same *Date within one hour of submission of the bids*.
  - (iv) **Place(s)** of issuance, submission, inquiries and opening will be:-  
 Address :  
 Telephone No :  
 E-mail Address : Fax No. :
  - (v) **Un-responded tenders** will be again issued/submitted/opened on following dates:-  
 Attempt: (a) Issue date: (b) Submission & opening date  
 2<sup>nd</sup> (Insert the Date) (Insert the Date).
6. **Funding Position:** (*Mention the availability of funds and its source*).
7. **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;
    - (iii) Bids received after specified date and time.
    - (iv) Black listed firms.
  - (b) **Bid validity Period:** - (—) days (*Insert number of days. Not more than 90 days for NCB and 120 days for ICB*).
  - (c) Procuring Agency reserves the right to reject all or any bids subject to the relevant provisions of Sindh Public Procurement Rules 2010.

\* *The italic words are to be replaced with proper requirement of the procuring agency.*



**TRANSPARENCY  
INTERNATIONAL - PAKISTAN**

Plot 72-F/2, 1st Floor, 9th Street, Jami Commercial,  
Phase VII, Defence Housing Authority, Karachi  
Phone: +92-21-35390408, 35311898  
Fax: +92-21-35390410  
Email: ti.pakistan@gmail.com  
Website: www.transparency.org.pk

21 June 2022

TIP22/0621/1A

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

**Subject: Complaint against Executive Engineering Provincial Building Division-III, in the award of Tender Approx. Rs. 220 million NIT# TC/G-55/PBDIII/201-22/671 dated: 13-05-2022, Construction of Multi Storied Flats Phase II at Sindh Governor House Karachi**

Dear Sir,

Transparency International Pakistan has received a complaint from M/s Badar Engineering Works against Executive Engineering Provincial Building Division-III, in the award of Tender NIT# TC/G-55/PBDIII/201-22/671 dated: 13-05-2022 Construction of Multi Storied Flats Phase II at Sindh Governor House Karachi. **Annex-A**

The complainant has made the following allegations/objections:

That,

1. The subject tender was invited by the Executive Engineering Provincial Building Division-III Works and Services Department, Karachi with discriminating eligibility conditions to favor a particular firm M/s Pakistan Civil & Electric Works already involved in litigation and blacklisted.
2. A total of 07 bidders participated in the tender, submitted their bids on 10-05-2022. The technical bids were opened on the same date. Without giving any reason, the procuring agency declared 06 participated firms disqualified except M/s Pakistan Civil & Electric Works.
3. The financial bid of a single bidder was opened on 17-06-2022, and the tender is recommended to be awarded to a blacklisted and litigated firm, M/s Pakistan Civil & Electric Works.
4. The procuring agency uploaded the Bid Evaluation Report on the very next non-working day i.e., 18-06-2022.

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

**TI Pakistan Comments:**

- a) According to the SPPRA Rule 44, the procuring agency cannot introduce any condition which discriminate among bidders in their eligibility criteria.
- b) According to the SPPRA Rule 45, the procuring agency shall announce the results of bid evaluation in the form of a report giving reasons for acceptance or rejection of bids. The report shall be hoisted on website of the Authority and that of the procuring agency if its website exists and intimated to all the bidders at least seven (03) days prior to the award.



- c) In another complaint received by TI Pakistan against the same bidder M/s Pakistan Civil & Electric Works, against allegations of award of illegal contract of new building of Chief Minister Secretariat costing over Rs 1 Billion, by manipulating to a single non responsive bidder M/s Pakistan Civil & Electric Works, TI Pakistan sent a letter No. TL22/120/1A dated 20 January 2022 and TL22/0204/1A dated 4 February 2022, to Chief Minister Sindh requesting to authenticate the allegations against the same bidder who also submitted a false statement that it is not involved in any litigation, results in its disqualification under SPPRA Rule 30.
- d) Based on the authenticity of the documents submitted by M/s Badar Engineering Works, prima facie, this procurement may be declared as Mis-Procurement as per SPPRA Rule 56 by the Chairman Complaint Redressal Committee/Chief Engineer, Building Division Works & Services Department, Hyderabad.

**TI Pakistan Recommendations:**

TI Pakistan requests Chief Minister Sindh to investigate the complaint, and if it is found to be correct, direct the procuring agency to reinvite the tender as per SPPRA Rules.

TI Pakistan also requests Chief Minister Sindh to take up this issue and the previous one submitted by TI Pakistan through its letters No. TL22/120/1A dated 20 January 2022 and TL22/0204/1A dated 4 February 2022, as why Works and Services Department is awarding all such contracts to the same blacklisted firm M/s Pakistan Civil & Electric Works repeatedly by violating SPPRA Rules, and take action against those who found guilty.

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

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

Justice (Rtd) Nasira Iqbal  
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. Director General NAB, Karachi
3. Registrar, Sindh High Court, Karachi
4. Secretary Works & Services, Govt. of Sindh, Karachi
5. Managing Director, SPPRA, Karachi
6. Chairman Complaint Redressal Committee/ Chief Engineer, Building Division Works & Services Department, Hyderabad