

MINUTES OF MEETING REGARDING REDRESSAL OF GRIEVANCES AND SETTLEMENT OF DISPUTE FOR TENDERING/BIDDING PROCESS OF PROJECTS BY MUNICIPAL COMMITTEE KAMOKE UNDER THE PUNJAB CITITES PROGRAM (PCP) HELD ON 23-01-23

1. In order to redress the grievances and settlement of disputes in the Tendering/Bidding Process for PCP Projects in MC Kamoke, the Assistant Commissioner/Administrator, Municipal Committee Kamoke constituted a Grievance Committee under Section (67) of PPRA Rules, 2014, consisting the following Officers, Tehsil Kamoke vide Notification No MC(KMK)/ 572 dated 23-09-2022. The detail is as under viz

Sr.No.	Composition	Designation
1	Municipal Officer (Regulation), M.C. Kamoke	Convener
2	Municipal Officer (Planning), M.C. Kamoke	Member
3	Assistant Director, LG & CD Department Kamoke	Member

2. On 21-12-2022, the Tender Opening Committee of M.C. Kamoke opened the Technical Bids against the project titled "Construction of (SWM) Parking Area in Kamoke City" and the Technical bid of Ch Shafqat & Co evaluated by the tender opening committee was disqualified, so the bidder was informed about his disqualification vide letter No 07 dated 04-01-2023 by Municipal Officer (I&S) MC Kamoke. Therefore, on receipt of said letter, M/S Ch. Shafqat & Co lodged an application before the Chief Officer, MC Kamoke dated 07-01-2023 with the request to review the technical evaluation of his firm and the said application forwarded by the CO to Convener of the Grievance Committee

3. After receipt of the said application, the Convener coordinated with the committee members and convened the preliminary meeting of the committee dated 10-01-23 where it was decided in the meeting that matter of disqualification was initiated and concerned to Engineering branch of MC Kamoke, therefore the matter should be referred to Municipal Officer (I&S) for provisions of detailed comments along with original relevant record on the representation of the petitioner. While seeking the technical report from MO (I&S) it was explicitly expressed that all three committee members of the said committee are not technically qualified therefore he must exhibit all relevant rules/ regulations and state the stance in detail without leaving any pilferage. The committee would consider the report and legal finding forwarded by him in the light of prevalent rules and laws for the purpose. Team leader, JERS Consultant Lahore may also be asked to cause his expert report on the subject matter for further deliberation. Consequently, a request vide letter No 44 dated 13-01-2023 was forwarded to JERS Consultant Lahore to accord his opinion to guide the grievances committee as per bidding documents/record to proceed further in the matter.

4. A notice was issued to M/S Ch. Shafqat & Co Government Contractor, Sheikhpura vide No 59 dated 17-01-2023 to appear before the committee on 19-01-2023 at 01:00 PM along with relevant record. But the bidder failed to personally appear before the committee on the fixed date. Therefore, to finalize the matter, the bidder is served a final notice vide No 66 dated 19-01-2023 at 01:00 PM to appear before the grievance committee along with the relevant record and to attend the meeting on 23-01-2023 at 01:00 PM in the office of Municipal Committee Kamoke under the Chairmanship of Municipal Officer (Regulation), M.C. Kamoke. Following attended the meeting

1.	Rana Mudassar Hassan Khan, M.O(Regulation)	Convener
2.	Mr Qamar ul Salam Butt, M.O (Planning)	Member
3.	Mr. Muzzafar Ahmad Bhatti, ADLG, Kamoke	Member
4.	Mr Muhammad Asif Farzand, M.O (I&S)	D.R.
5.	Mr. Uzair Shafqat s/o Ch Shafqat Ali	Rep. of Applicant

4. The Chair welcomed all the participants. Following agenda of the meeting was discussed in detail:

"Grievance of M/S Shafqat & Co. Government Contractor regarding disqualification for Construction of (SWM) Parking Area in Kamoke City".

5. The Municipal Officer (I&S), M.C. Kamoke appraised the committee that total 02 numbers of bidders/firms have submitted their bids for "Construction of (SWM) Parking Area in Kamoke City" under PCP in MC Kamoke on dated 21-12-2022. Out of which 01-No bidder/firm i.e. M/S Imran Sharif, Government Contractor has qualified and 01-No bidder/firm i.e. M/S Ch Shafqat & Co. Government Contractor has disqualified by the Tendering Opening Committee on technical evaluation of the bid for the reason that the value of 2020 do not match in both audit reports for financial year 2019-20 & 2020-21 in original technical bid.

6. M/s RM Tahir & Co. Chartered Accountant Firm is the auditor for the FY: 2020-21 & 2021-22 as per original technical bid. Whereas, M/S Tariq Iqbal & Associates Chartered Accountant Firm is the auditor for the FY: 2020-21 & 2021-22 as per copies of technical bid. The values of both auditors in their audit reports do not reconcile with each other. Municipal Officer (I&S) further elaborated technical proposal of M/s Ch. Shafqat & Co. received on the submission date & time and was opened in presence of Tender Opening Committee & bidders. M/s Ch. Shafqat & Co. has submitted only original Technical bid without its copies on the deadline of submission date & time. However, the copies of technical bid with modification of audit reports were received by this office from the bidder on next day. As per condition of contract (COC) under ITB clause IB.22.1 modification in bid after deadline of submission date & time cannot be entertained.

7. Moreover, for the entire satisfaction of the applicant, the Team Leader, JERS Consultant Lahore was requested to guide the grievances committee as per bidding documents/record to proceed further vide letter No.44 dated 13-01-2023. That in reply of said letter, the JERS Consultant vide his letter No.488-J01-07-24 dated 16-01-2023 stated that the technical proposal/bid of M/S Ch. Shafqat & Co. was evaluated in line with technical evaluation criteria given in the bidding documents of subproject. It was mandatory for the bidder to attach his audited reports for proof to his financial soundness as stated in the bidding documents. During evaluation of said bidder, major discrepancies were found in the audit reports attached in which values for two succeeding financial year did not match with each other attached in his original technical proposal/bid. The said bidder was disqualified under ITB Clause IB-7 and Clause-18.4 in addition to bidding data Clause IB.36.

8. Mr. Uzair Shafqat, proprietor of M/S Ch. Shafqat & Co. Government Contractor stated that his petition would be considered as his statement. In addition he further stated that as per instruction of World Bank any documents can be asked at lateral stage and the disputed document in the instant case was submitted original and two photocopies. Two provided copies are correct whereas as Audit report of one year is wrong in the original copy. He offer to furnish the corrected original copy otherwise the two provided photocopies may please be considered as original. He stated that the disputed audit report is due to Human error.

9. In light of above narrated facts & statements, the committee also observed that there found a difference of audit reports of bidders for the year 2020-21 & 2021-22 in the original technical proposal/bid as well as copies provided by the bidder for the project "Construction of (SWM) Parking Area in Kamoke City". It is evident from the statement of Municipal Officer (I&S), MC Kamoke that only one original document was submitted till the laps of deadline whereas as per sub clause 18.4 of bidding data sheet it is mandatory to submit the document of technical bid in triplicate i.e. one original and two photocopies. Operative part of the relevant clause has been reproduced as under:

"Each bidder shall prepare by filling out the forms completely and without alterations one original and number of copies specified in the bidding data of the documents comprising the bid as described in the clause IB.7 and clearly mark them original and copy as appropriate. In the event of discrepancy between them, the original shall prevail."


Moreover, as per clause IB.22.1 of COC, modification in bid after deadline of submission date & time cannot be entertained. Operative part of the relevant clause is reproduced as under:

"Any bidder may modify or withdraw his bid after bid submission provided that written notice of the modification or withdrawal is received by the employer prior to the deadline for submission of bidders."


Here in both ways the act of the bidder is against the rules and his photocopies of bid documents cannot be accepted being submitted after the deadline and even if by any means considered they are contrary to the original document. In pursuance of the clause IB.18.4, in event of discrepancy between the original and photocopy, the original shall prevail.

10. It is further added that the JERS Consultant also clearly mentioned in his letter that the major discrepancies were found in the audit reports in the original/copies of technical proposal/bid. Therefore as per instructions contained in the bidding documents, the original proposal/bid is mandatory to evaluate and considered it final. Consultant also declare this document

as fictitious in his evaluation report. The difference in original & copies of technical proposal/bid shows the malafide of the bidder. While considering and perusal of original record, provided laws and rules, statement of petitioner and Departmental Representative, opinion rendered by the consultant, factual position and cross examination with the petitioner it is unanimously concluded by the committee that petition for review, filed by M/s Shafqat & Co. is not maintainable in the eyes of law under the provisions of clauses IB.22.1, IB.18.4 & IB.36 of bidding data sheet of COC and is hereby rejected.


Municipal Officer (Planning)
MC Kamoke/
Member Grievance Committee


Assistant Director
LG & CD Kamoke/
Member Grievance Committee

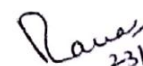

Municipal Officer (Regulation)
MC Kamoke/
Convener Grievance Committee

No.MC(KMK)/2023/ 70

Dated: 23-01-23

A copy is forwarded for information to:-

1. The Administrator, M.C. Kamoke.
2. The Chief Officer, M.C. Kamoke.
3. The applicant, M/s Shafqat & Co.
4. The Municipal Officer (I&S), M.C. Kamoke to consigned him as custodian of the record for further future proceeding.
5. The Consultant, JERS, Lahore.


Municipal Officer (Regulation)
MC Kamoke/
Convener Grievance Committee