



Appeal No. PPRA/AP-06/2025
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad
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ORDER

M/s Gold Reef Computers

...the “Appellant”

Vs.

National Database & Registration Authority (NADRA), etc.

...the “Respondent(s)”

<u>Dates of Hearings</u>	Mr. Abdur Rehman Malik (Advocate High Court) (On behalf of Appellant)
22.04.2025	Barrister Hassnat Gul, Syed M. Raza-Ul-Islam (On behalf of Respondent)

APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004

The above mentioned learned counsel(s) and representative of the parties tendered appearance before the Appellate Committee and furnished their arguments at length.

2. At the outset of the hearing, learned counsel of the appellant i.e., M/s Gold Reef Computers submitted that National Database & Registration Authority (NADRA / the Respondent No.1) published a Pre-Qualification Notice No.NADRA-HQ-PRQ-162/2024 for the “Procurement of

Tonnors & Drums for Printers/ Photocopiers through Open Frameworks Agreements for One Year (Extendable)" on 22.10.2024 and having PPRA Ref No. TS549880E. The pre-qualification meeting was held on 30.10.2024 and the above tender was opened on 11.11.2024. The Evaluation Report ("1st Evaluation Report") was issued on 29.11.2024 and the same was published on the Authority's website on 03.12.2024.

3. The counsel of the appellant also submitted that as per the 1st Evaluation Report, nine (09) bidders participated, out of which seven (07) bidders were prequalified including M/s Gold Reef Computers (the Appellant). It is pertinent to mention that the Appellant had been deemed to be qualified after thorough evaluation and it can be seen from the evaluation report that the Appellant had fulfilled all mandatory requirements. On 06.01.2025, the Respondent No. 1 published a second Evaluation Report dated 03.01.2025 ("2nd Evaluation Report") and that through such 2nd Evaluation Report, three (03) firms including the Appellant, stood disqualified despite having already qualified earlier.

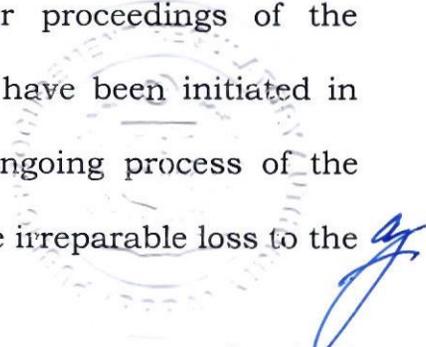
4. The counsel of the appellant further submitted that the Appellant immediately wrote a written complaint dated 06.01.2025 to the Respondent No. 2 (i.e., President Grievance Redressal Committee) as per Rule 48 of the PP Rules 2004, whereas, the Respondent No. 2 gave its decision rejecting such written complaint on 08.01.2025. It is pertinent to mention

that such decision dated 08.01.2025 was communicated to the Appellant through TCS post on 11.01.2025 bearing tracking No.5149503270.

5. The counsel of the appellant further added that, it is also appropriate to highlight that through the decision of the Respondent No.2 dated 08.01.2025, it came to the knowledge of the Appellant that the Respondent No. 2 acting on the complaints dated 11.12.2024, filed by 2 firms, directed the pre-qualification board to re-evaluate all the bids vide its decision dated 18.12.2024. The Appellant being aggrieved and dissatisfied by the decision of the Respondent No. 2 dated 08.01.2025, filed this instant appeal.

6. On the other side, learned counsel of the respondent i.e., National Database & Registration Authority (NADRA) denied all the assertions made by the counsel of the appellant and raised preliminary objections regarding the maintainability of the instant appeal and submitted that the instant appeal of is not maintainable under the law due to absence of a cause of action. The present case is frivolous, based on mala fide intent, and the appeal lacks merit and is liable to be dismissed with costs. Further, submitted that the instant appeal is an attempt by the appellant to halt the tender proceedings of the Respondent. The present proceedings have been initiated in bad faith, with intent to delay the ongoing process of the tender, such delay will eventually cause irreparable loss to the

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Respondent. Therefore, such vexatious litigation should not be entertained.

7. The counsel of the respondent also submitted that the tender for procurement of Toner & Drums of printers / photocopiers was published on 22.10.2024. The estimated amount of the aforesaid tender was PKR 320 million per annum and the pre-bid qualification meeting was held on 30.10.2024. The Minutes of the meeting were released on 31.10.2024. After that the Technical Evaluation Report was published on 03.12.2024, wherein, nine (09) bidders participated out of which seven (07) bidders were qualified which are as under:-

Sr.#	Name of Bidder	Technical Evaluation	Addresses
1	M/s R A Traders	Qualified	Office No.1, Ground Floor Rose Center, Kabeer Street, Urdu Bazar, Lahore. 042-37111056
2	M/s Ezee Solutions	Qualified	LG-12, lower Ground, RJ Shopping Mall, Main Rashid Minhas Road, Gulshan-e-Iqbal, Karachi. 0321-3272446
3	M/s Q R Enterprises	Qualified	Office # 805, 8 th Floor, Muhammad Trade Tower, Altaf Hussain Road, New Challi, Karachi. 021-32371060
4	M/s ASM Enterprises	Qualified	Office No.1, Makkah Plaza, Farooq-e-Azam Road, Shamsbad, Rawalpindi. 0332-7333301
5	M/s Shirazi Trading	Not Qualified	Plot # 41, Attaturk Avenue, East End Block, Blue Area, Islamabad 051-2871831-4
6	M/s MMS Contractors	Not Qualified	Shop # 13, Ground Floor, Barrister Arcade, Opp. Islamabad High Court, G-10/1, Islamabad. 051-2355259

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7	M/s Goldreef Computers	Qualified	54, Uni Plaza, I.I Chandrigar Road, Karachi. 021-32401073-4
8	M/s SY Office Automation	Qualified	F 118, F 119, F 120, 1 st Floor, Saima Trade Tower B, I.I Chandrigar Road, Karachi. 021-32217282-83
9	M/s Time Business Aid	Qualified	10, ground floor, State Life Building No.4, Shahra-e-Liaqat, Karachi. 0333-2361441

8. The counsel of the respondent further submitted that The GRC of the respondent received complaints against M/s Time Business Aids qualification on 11.12.2024, from a) M/s ASM Enterprises, and, b) M/s RA Traders. Therefore, on 11.12.2024 the GRC issued suspension order of the tender as per law. Further, the opportunity of personal hearing was provided to the following three firms by GRC:

- a) M/s ASM Enterprises on 13.12.2024;
- b) M/s R A Traders on 16.12.2024; and
- c) M/s Time Business Aid on 18.12.2024

After hearing, the GRC issued its decision on 18.12.2024 as: **“the Technical Evaluation Committee is instructed to re-evaluate all the bids against the mandatory clauses”**. The stance on M/s ASM Enterprises and M/s RA Traders was rejected.

9. The counsel of the respondent further added that, on 19.12.2024, the Procurement Department of the respondent requested the Technical Evaluation Committee to re-evaluate the bids as per the GRC decision dated 18.12.2024. Thereafter, the revised Technical Evaluation Report was published on PPRA Website on 06.01.2025, wherein, out of nine (9) bidder,

only four (4) bidder were qualified and the remaining five (5) bidders were disqualified including appellant i.e., M/s Goldreef Computers.

10. The counsel of the respondent also submitted that the appellant filed the complaint on 07.01.2025 against the revised Technical Evaluation Report dated 06.01.2025 regarding their disqualification from the pre-qualification process. Hence, the GRC issued suspension order on 07.01.2025. Moreover, the counsel of the appellant further added that the appellant was provided opportunity of personal hearing on 08.01.2025 and on the same day the GRC issued its decision against the complaint of the appellant i.e., M/s Goldreef Computers. The Technical Evaluation Board disqualified M/s Goldreef for not submitting the mandatory document "invoice" in the bid. As per page 24 of the standard bidding documents under Section III – Qualification Criteria and Requirements (mandatory clause):

*"Toner must be of well-known brand and submission of **import document with invoice** is mandatory. (Proof required)".*

11. After perusal of all available record and arguments made by both the parties, the Appellate Committee ("the Committee") inquired from the counsel of the respondent i.e., National Database & Registration Authority (NADRA) about the mode of procurement, either it was conducted / processed manually or electronically. Upon this, the counsel of the respondent apprised that it was processed manually.

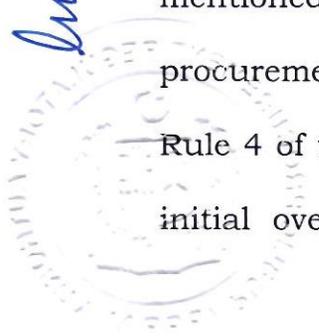
12. In this regard, the Appellate Committee observed that all the procuring agencies are under obligation to carry out the procurement process through e-Pak Acquisition and Disposal System (EPADS) under Rule 7A of the PP Rules, 2004 and the Regulations made thereunder i.e. e-Pak Procurement Regulations, 2023. Contrary to this, the respondent i.e., NADRA conducted the said procurement process manually, which is contrary to the abovementioned Rule & Regulations. This fact is sufficient to nullify the entire procurement process.

13. The Committee also observed that the first Technical Evaluation Report was published on 03.12.2024, wherein, nine (09) bidders participated out of which seven (07) bidders were qualified including the appellant, after that, surprisingly, the GRC of the respondent received complaints on 11.12.2024 against one of the qualified bidder in the said technical evaluation report namely M/s Time Business Aids regarding qualification of the said firm. The complainants i.e., M/s ASM Enterprises, and, M/s RA Traders were also qualified in the said report. It is very relevant to mention here that the GRC rejected the stance of the said complainants and issued its decision on 18.12.2024 by stating that *"the Technical Evaluation Committee is instructed to re-evaluate all the bids against the mandatory clauses"*. Upon the said re-evaluation order, Technical Evaluation Committee disqualified the appellant on the ground of not submitting the mandatory

document "invoice" as required under Section III - Qualification Criteria and Requirements (mandatory clause). Resultantly, the respondent published the revised / second evaluation report on 06.01.2025.

14. The Committee further observed that, as per Rule 30(1) of the Public Procurement Rules, 2004, all bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding documents. However, in the instant case, at first stage, the procuring agency overlooked the technical evaluation of the appellant in accordance with the Rule 30(1) of the PP Rules, 2004 as well as the mandatory clause of Section III of the standard bidding documents (i.e., "import document with invoice"). Later on, by complying with the directions of the GRC of the procuring agency, the revised / second technical evaluation report was issued wherein the appellant was disqualified due to above mentioned clause of the bidding documents. Moreover, the Committee is of the view that while evaluating the technical bids in the first instance, the procuring agency failed to adhere the technical evaluation of the bidders including the appellant as per the above-mentioned clause which creates doubt in the whole procurement process and the same is also against the spirit of Rule 4 of the Public Procurement Rules, 2004. Moreover, the initial oversight and subsequent reversal undermined the





transparency and fairness of the process by violating **Rule 4 and Rule 30(1)** of the PP Rules, 2004.

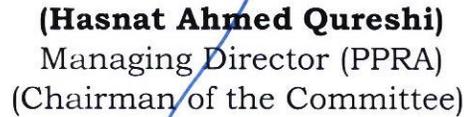
15. For what the reasons mentioned above, since the violations of the Public Procurement Rules, 2004 have been made by the Respondent i.e., NADRA, hence, the entire procurement process is required to be reinitiated through E-PADS, so that, the spirit of Rule 4 of the PP Rules, 2004 may be fulfilled. Therefore, the appeal in hand is **disposed of** accordingly.



(Dr. Muhammad Aslam Waseem)
Director General (Legal)
(Member)



(Sheikh Afzaal Raza)
Director (M&E)
(Member)



(Hasnat Ahmed Qureshi)
Managing Director (PPRA)
(Chairman of the Committee)

Each page of the order has been signed by all members of the Appellate Committee. The order comprises of nine (09) pages.

