



No. PPRA/AP-17/2025
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 Muhammad Siddique Ch. & Co.

...the "Appellant"

Vs.

Pakistan Sports Board

...the "Respondent"

Dates of Hearing 09.09.2025 06.08.2025	Mr. Mateen Qureshi <p style="text-align: right;">(On behalf of Appellant)</p> Mr. Saifur Rehman Rao (Legal Advisor PSB), Mr. Hazoor Bukhsh (Executive Engineer), Mr. Irfan Aziz (Consultant) <p style="text-align: right;">(On behalf of Respondent)</p>
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APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004

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

2. The background of the instant Appeal is that the respondent i.e., Pakistan Sports Board, being the procuring agency, advertised the tender in newspapers on 08.11.2024 for the work titled "Provision and Installation of Equipment for

Bio-Mechanical Lab at Pakistan Sports Complex, Islamabad” with 03.12.2024 as the closing / opening date for submission of proposals. A Corrigendum to the bid was issued by PSB through daily newspapers published on 29.11.2024 and the date of its submission was extended upto 16.12.2024 with the same date for closing / opening of bids. Subsequently, a meeting of Purchase / Procurement Committee under the Chairmanship of Director General, PSB was held on 23.01.2025 to discuss the “Technical Evaluation Report”, prepared by the Consultant M/s Quality Medical Services, Rawalpindi of the project. As per technical evaluation of the Consultant, out of four participating bidders, two firms (i.e. M/s Sachal Traders, Islamabad & M/s Unique Builders, Islamabad) have been found technically qualified, whereas, remaining two firms (including the Appellant i.e. M/s M. Siddique Ch. & Co. Lahore & M/s Kumrat Construction (Pvt) Ltd.) did not fulfill the required criterion and hence failed to qualify technically.

3. Through the instant Appeal, at the outset, learned representative of the appellant i.e., M/s Muhammad Siddique Ch. & Co. submitted that the Procurement Committee of the respondent endorsed that the bidder including the Appellant failed to meet the required specifications and did not offer a one-stop solution from a single manufacturer, as required by the client. However, the Appellant argued that this stance is incorrect.

4. The representative of the appellant also submitted that the specifications were given in the BQ and the Appellant was required to abide by these specifications. Further, the evaluation criteria laid down the requirement for Technical Qualification on the basis of the following;

- a. General Experience
- b. Personal Capabilities
- c. Financial Soundness
- d. References

5. The representative of the appellant further submitted that, on the basis of said specifications, the Appellant clearly qualify for the next stage. However, none of these were applied in their evaluation. Further, the grounds for the Appellant's disqualification were noticed in the Financial Bid for stage two of the bidding process, these cannot be applied on the technical evaluation. Moreover, the eligibility and evaluation criteria was not adhered to as per clause IB.3 and IB.26 of the bidding documents. The evaluation was not done as per the given format and standard.

6. The representative of the appellant further added that, the consultant in the procurement process called in question, ignored their submissions, fallaciously concealed the facts and maliciously presented the report before the Procurement Committee. The Procurement Committee also did not adhere to the process and procedure of the PP Rules, 2004 and criteria as mentioned in the bidding documents. The

essential requirement for the eligibility of the bidders were missing of another bidder, instead of disqualifying that bidder, the missing documents were requested and accepted after the opening of bid.

7. The representative of the appellant also submitted that they approached to the GRC which made recommendations in their favor. However, the Procurement Committee ignored the recommendations of the GRC, hence filed this appeal.

8. On the other side learned representative of the respondent i.e., Pakistan Sports Board (PSB) submitted that the instant appeal is misconceived and devoid of merit. The bid submitted by the Appellant was disqualified at the Technical Evaluation stage due to substantial non-compliance with the technical specifications prescribed in the tender's Bill of Quantities (BOQ), and for not meeting the stated preference for a one-stop solution from a single manufacturer. The evaluation process was conducted strictly in accordance with the Public Procurement Rules, 2004 and all relevant procedural and legal requirements were fulfilled in letter and spirit.

9. The representative of the respondent also submitted that the Appellant's bid failed to comply with key technical requirements as set out in the BOQ. A detailed technical

evaluation revealed that the equipment offered comprised items from multiple manufacturers, namely:

- a. Motion Capture System - Qualisys (Sweden)
- b. Force Plates-AMTI and Bertec (USA)
- c. EMG System - Delsys (USA)

The said multi-vendor configuration did not fulfil the stipulated and preferred requirement of equipment from a single manufacturer as outlined in the tender documents. This requirement was further reiterated in the Procurement Committee's recommendations, which emphasized that a one-stop solution from a single manufacturer was essential for compatibility and optimal lab integration.

10. The representative of the respondent further submitted that the Motion Capture System and EMG offered by the Appellant lacked compliance with essential BOQ specifications including (but not limited to):

- a. Absence of flash lights infrared 850 nm with 50 μ sec velocity
- b. Missing threshold control (256 levels)
- c. Lack of custom control interface and communication status indicators
- d. No on-board memory or solid-state buffer system in EMG

Despite issuance of clarification letters dated 14.01.2025, the response from the Appellant dated 16.01.2025 introduced a different model (Arqus A9) not included in their original bid, which was the clear violation of Rule 31(1) of PP Rules, 2004

which prohibits alteration or substitution of bid contents after opening.

11. The representative of the respondent further added that the eligibility and technical evaluation criteria were strictly followed as per Annex-IV of the bidding documents. All bidders, including the Appellant, were assessed based on the following:-

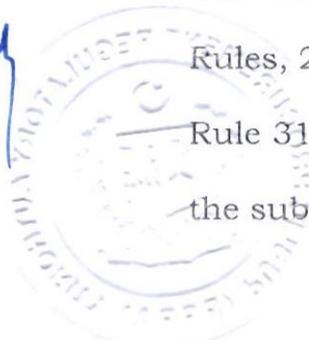
- a. General Experience
- b. Personnel Capabilities
- c. Financial Soundness
- d. Relevant References

The Appellant's proposal was duly evaluated and rejected based on documented technical non-compliance. The record reflects a transparent and merit-based evaluation.

12. The representative of the respondent also submitted that the allegation regarding alleged bias or malice in Consultant's Evaluation is completely baseless. The evaluation report was prepared after detailed scrutiny by qualified technical experts and endorsed by the Procurement Committee. The process was objective, impartial, and consistent for all bidders. Moreover, the entire procurement was conducted in compliance with the Public Procurement Rules, 2004. All clarifications were sought in accordance with Rule 31(1) of PP Rules without allowing any bidder to change the substance of their bid.

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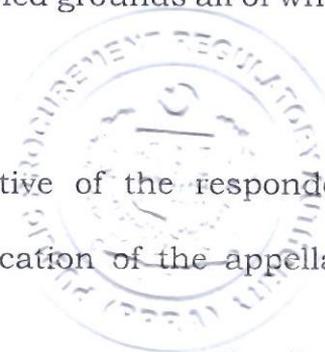


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13. The representative of the respondent further argued and submitted that Clarifications were sought from all four bidders, not selectively. The requirement of missing documents did not alter the substance of any bid. The Appellant's bid, however, failed on core technical grounds, not merely on missing documents, and hence could not be qualified. Furthermore, the Procurement Committee performed its responsibilities with full diligence, in accordance with the law and established procurement procedures. Each decision was recorded and justified in the evaluation report.

14. The representative of the respondent also submitted that the GRC of the respondent department recommended that the Appellant submitted an affidavit affirming compliance with specifications and a one-stop solution. The affidavit submitted reiterated claims already contradicted by the original bid contents. As per Rule 31(1) of the PP Rules, 2004, no change or substitution in bid content is allowed after bid opening. Therefore, the affidavit could not be considered as curing the earlier non-compliance. Moreover, the Procurement Committee, while complying with the GRC recommendation, evaluated the affidavit, reviewed the bid, and then rejected the Appellant's offer with clear, well-reasoned grounds all of which were duly communicated.

15. At the last, the representative of the respondent further submitted that the disqualification of the appellant

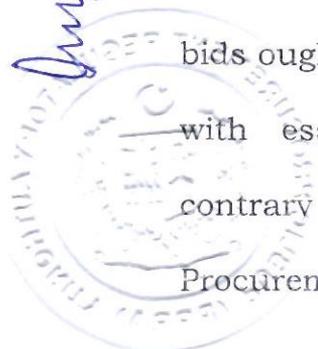


(M/s M. Siddique Ch. & Co.) was lawful, justified, and based on the following substantiated grounds:

1. Non-compliance with BOQ technical specifications;
2. Multi-vendor proposal against one-stop single manufacturer preference;
3. Post-bid modification attempt in violation of Rule 31 of the PP Rules, 2004;
4. Failure to meet critical features required for biomechanical lab operations.

Furthermore, the procurement process strictly adhered to the PP Rules, 2004 and ensured transparency and fairness at every stage, hence request for dismissal of the instant appeal.

16. After perusal of all relevant record and arguments made by both the parties, the Appellate Committee observed that, the bidding documents Clauses IB.3 and IB.26 expressly set out the evaluation criteria i.e., general experience, personnel capabilities, financial soundness, and references. However, certain bidders, despite having omitted essential documents in their bids in the first stage of evaluation, were allowed / permitted to furnish such documents subsequent to the opening of bids. In terms of the bidding documents, such bids ought to have been rejected outright for non-compliance with essential requirements. However, the respondent, contrary to the mandatory provisions of the Public Procurement Rules, 2004 and in violation of the principles of



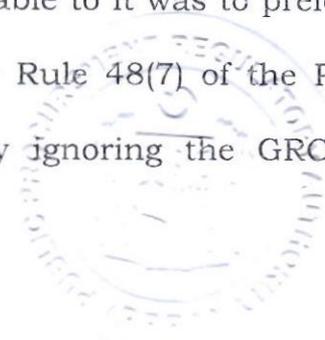
fairness and equal treatment, extended accommodation to those bidders and proceeded further with the procurement process.

17. The Committee also observed that the Grievance Redressal Committee (GRC), in its meeting held on 17.02.2025, recommended that M/s M. Siddique Ch. & Co. Lahore (the Appellant) be required to submit an "Affidavit" on stamp paper to the Director General, PSB / Chairman Purchase Committee, on or before 26.02.2025, affirming that the firm would supply equipment against each item of the BOQ of the RFP documents in conformity with the specifications of the Procuring Agency / PSB, through a one-stop solution for a complete Bio-Mechanical Lab, preferably from a single manufacturer. However, the Procurement Committee of the Respondent, without any lawful authority, disregarded and overruled the GRC's recommendations by relying upon Rule 31(1) of the Public Procurement Rules, 2004, contending that no alteration or modification of bid contents is permissible after bid opening. Moreover, the Committee noted that, if the Respondent (Procuring Agency) was aggrieved / dissatisfied by the said recommendations of the GRC, the proper legal course available to it was to prefer an appeal before the Authority under Rule 48(7) of the PP Rules, 2004, rather than unilaterally ignoring the GRC's findings.

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18. The Committee also observed that, in terms of Rule 12 of the Public Procurement Rules, 2004, all procurements exceeding the threshold of PKR 3 million are mandatorily required to be advertised both on the Authority's official website and in widely circulated print media / newspapers. However, in the present case, the Respondent, i.e., Pakistan Sports Board (PSB), published the tender advertisement and subsequent corrigendum only on its own website, but failed to publish the same on the Authority's website / EPADS, which is in clear contravention of the aforesaid rule.

19. Conversely, the Committee observed that, with respect to the bid submitted by the Appellant, certain essential documents being mandatory requirements of the first stage of evaluation were not furnished / submitted at the time of bid submission. Furthermore, under the bidding documents (Volume II, BOQ), a fundamental requirement of the Procuring Agency was that the equipment to be procured must be integrated, synchronized, and offered as a "one-stop solution" for a complete Biomechanics Lab, preferably from a single manufacturer. However, in the instant case, the Appellant failed to meet and to fulfil the aforesaid mandatory requirements of the bidding documents, hence, the Respondent was legally justified in declaring the Appellant's bid as non-responsive.

20. In light of the foregoing observations, the respondent (PSB) is advised to proceed in accordance with law and to

conduct all future procurements with due diligence as per the criteria laid down in the bidding documents in its true letter and spirit in order to exercise its fiduciary responsibilities as well.

21. For what the reasons and observations mentioned above, the Appeal in hand lacks merit hence, hereby **dismissed** and 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 eleven (11) pages.

