



No. PPRA/AP-27/2025
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 Maqbool Associates (Pvt.) Ltd. (JV) Amanat Hussain & Co. (Pvt.) Ltd.

...the “Appellant”

Vs.

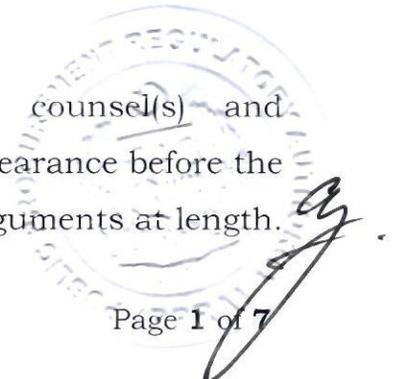
Federal Government Employees Housing Authority (FGEHA), *through its Director General, etc.*

...the “Respondent(s)”

<u>Dates of Hearing</u>	Mr. Naeem Mahmood Aslam (Advocate), Mr. Faisal Mehmood (CEO), Major (R) M. Farooq <p style="text-align: right;">(On behalf of Appellant)</p>
08.08.2025	
05.08.2025	
28.07.2025	Mr. Faiz Umer Sial (Director Administration), Syed M. Hassan (Director Technical), Azmatullah Aftab (PD / Chairman Evaluation Committee), Mr. Muhammad Hamza (AD Technical) <p style="text-align: right;">(On behalf of Respondent)</p>

APPEAL AGAINST THE GRIEVANCE REDRESSAL COMMITTEE UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004, IN THE MATTER OF TECHNICAL EVALUATION AND DISQUALIFICATION OF THE APPELLANT IN THE PREQUALIFICATION PROCESS [PROJECT: CONSTRUCTION OF KASHMIR AVENUE APARTMENTS (PHASE-I, TOWER-A)]

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



2. At the outset, learned counsel of the appellant i.e., M/s Maqbool Associates (Pvt.) Ltd. (JV) Amanat Hussain & Co. (Pvt.) Ltd. submitted that the tenders for the project in question were invited by the FGEHA (the respondent) through EPADS via Single Stage Two Envelope Procedure, the bids were required to be submitted on 26.02.2025. Moreover, the technical bids were evaluated and the Appellant was declared 'disqualified' in the Technical Evaluation Report. An unsigned evaluation report was also uploaded on EPADS, which creates serious doubts on fairness and transparency of the evaluation process.

3. The counsel of the appellant also submitted that according to the Technical Evaluation Report uploaded by FGEHA / the respondent on EPADS, out of four bidders, only one bidder has been declared technically qualified. It is pertinent to note that this qualified bidder's contract for the same project had previously been terminated by the Employer due to non-performance and then amicable settlement was done. The disqualification of the remaining three bidders, including the Appellants JV, effectively renders the process to a single-bid tender, which raises serious procurement transparency concerns.

4. The counsel of the appellant further submitted that, as per the Technical Evaluation Report, the JV/Appellant was disqualified due to "bidder lacks the requisite experience capabilities." That conclusion is against the rule of substantial compliance as the Lead Partner of the JV independently fulfilled the technical qualification criteria, securing 72 marks out of 100. Whereas, the bidder who has secured 70.1 is declared qualified. Moreover, in such circumstances, disqualifying the JV based on the plea that Second Partner could not fulfill experience criteria is illegal particularly when the Second Partner scored 56 marks overall, which is much above the minimum threshold. Further, the appellant /JV is



also technically qualified in pursuance of qualification criteria para B(f)(4) which describes that the joint venture must collectively satisfy the technical qualification criteria.

5. The counsel of the appellant further added that, the said conclusion is also contrary to the prequalification criteria, which explicitly exempt the Second Partner from the mandatory requirement of experience in constructing G+9 story buildings, as clarified in Para A(ii) of the criteria provided in the bidding documents. Furthermore, in the column titled "Technical Marks", the report simply states "Disqualified", without disclosing the actual marks obtained by the JV. This vague and non-transparent marking deviates from standard practice and violates Rule 4 (Principles of Procurement) and Rule 29 (Evaluation Criteria) of the Public Procurement Rules, 2004 ("PP Rules") which require fair, transparent, and criteria-based evaluation.

6. The counsel of the appellant further argued and submitted that, being aggrieved, the Appellant submitted a complaint under Rule 48(3) of the PP Rules on 29.05.2025, challenging the technical disqualification of their JV and requesting re-evaluation by an independent forum. The Appellant also requested suspension of the procurement process under Rule 48(4). Thereafter, the first meeting of GRC was held on 05.06.2025, chaired by the Director (Technical), FGEHA, who floated the tender and was also supervising the bidding process. The Appellant objected to the composition of the GRC, citing conflict of interest, lack of neutrality, and violation of natural justice, as the evaluators were sitting in judgment of their own decisions. Reference was made to PPRA notification dated 23.12.2009 and IHC judgment in W.P. No. 4650/2016 requiring an independent GRC. The meeting was postponed to consider the Appellant's objections on composition of GRC.

7. The counsel of the appellant also submitted that the next meeting was held on 13.06.2025 under the same committee members. During the proceedings, the GRC member informed that the Lead Partner scored 72 marks, while the Second Partner scored 56 marks overall. However, the Second Partner was deemed not qualified in the "Experience" category, having been awarded only 1.5 marks against an alleged requirement of 10 marks. This conclusion was based on an erroneous interpretation of the qualification clause, which states that the "second partner shall meet not less than 25% of all qualifying criteria." The Appellant requested to conduct 3rd GRC meeting to present their point of view in detail. However, neither their point of view was heard in detail due to time constraint nor opportunity of next meeting was provided.

8. The counsel of the appellant further submitted that the GRC refused to share the duly signed written evaluation report demanded through various letters, and the GRC did not respond to the objections on impartiality, curtailed the Appellant's arguments. Further, an undated "Speaking Order" was uploaded on 14.06.2025, dismissing the grievance and upholding the disqualification of the Appellant, hence file the instant appeal.

9. On the other hand, the learned representatives of Respondents appeared before the Appellate Committee and submitted their written reply and rendered their arguments on the last date of hearing, i.e., 08.08.2025. In their written submissions, the Tender Opening & Evaluation Committee through its Chairman i.e., Respondent No.3, did not specifically deny the grounds raised by the appellant in the instant appeal. Furthermore, the representative of Respondent No.3 informed the Appellate Committee that the Tender Evaluation Committee had expressed disagreement with the technical evaluation report and, consequently, refrained from signing it.

A circular official stamp of the Appellate Committee is visible on the left side of the page. It contains the text 'APPPELLATE COMMITTEE' around the perimeter and 'PPRA' in the center. Overlaid on the stamp is a handwritten signature in blue ink.A handwritten signature in blue ink is located at the bottom center of the page, below the text of paragraph 9.

10. The representative of Respondent No. 3 further stated that a consultant, namely M/s Designmen, had been engaged for the subject project. However, they did not concur with the consultant's report / recommendations and had communicated their reservations thereon to the Director (Technical). Despite this, and without due consideration of their objections, the technical evaluation report was uploaded on EPAD, in clear violation of the terms and conditions of the bidding documents and contrary to the spirit of the Public Procurement Rules, 2004.

11. The representative of Respondent No. 1, i.e., the Director (Administration), appeared on behalf of the Director General, FGEHA, also stated before the Appellate Committee that no formal approval had been sought for uploading and publishing the technical evaluation report. It was further submitted that the Director (Technical), on his own initiative, had uploaded the said report on EPAD.

12. After perusal of all relevant record and arguments made by both the parties, the Appellate Committee observed that, in their reply and arguments, the Respondent No. 3 do not specifically rebut the material grounds raised by the Appellant, thereby leaving such grounds substantially uncontroverted. Moreover, as per the spirit of the PP Rules, the respondent No.3 i.e., (Tender Opening & Evaluation Committee) was bound to carry out the technical evaluation of the participating bidders, however, contrary to this, the said evaluation report was prepared on the recommendations of the Consultant. The respondent No.3 was disagreed with Consultant's report. Subsequently, without taking approval of the respondent No.3, an unsigned technical evaluation report was uploaded by the Director (Technical) on EPADS. This fact materially undermines the integrity of the evaluation process.

13. The Committee also observed that, it is admitted by Respondent No. 1's representative that no formal approval was obtained before uploading the technical evaluation report on EPADS, and that the Director (Technical) unilaterally took this action. Such conduct undermines the transparency obligations as required under the PP Rules, 2004. Furthermore, the grievance proceedings were chaired by the Director (Technical), who had also floated the tender and supervised the bidding process, thereby sitting in judgment over his own actions. This composition contravenes the principles of impartiality and independence mandated under PPRA Notification dated 23.12.2009 and the judgment of the Islamabad High Court in W.P. No. 4650/2016.

14. The Committee expresses grave concern over the repeated annulment of the procurement process called in question, which has not only undermined the confidence of the bidders but has also resulted in significant price escalation, caused substantial financial burden on the public exchequer and compromised the transparency of the entire procurement process as well. Therefore, the procuring agency is directed to finalize the instant procurement process strictly in line with the PP Rules, 2004 to ensure transparency, fairness and value for money.

15. In light of the above, technical evaluation report lacks approval, procedural irregularities, and the unauthorized publication, therefore, the technical evaluation report dated 27.05.2025 is hereby set-aside being contrary to the spirit of the PP Rules, 2004 and the respondent no. 3 is directed to evaluate the bidders within 07 days from issuance of this order and uploading the technical evaluation report as per Rule 35 of the PP Rules, 2004. Furthermore, the evaluation process must strictly adhere to the principles of fairness, transparency, and objective, criteria-based evaluation as mandated under Rule 4 and Rule 30 of the PP Rules, 2004.

16. In view of the above, the instant appeal is hereby **allowed** and disposed of accordingly as per above mentioned directions.



(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 seven (07) pages.

