



**No. PPRA/AP-46/2025**  
Government of Pakistan  
**Public Procurement Regulatory Authority**  
**(Appeal & Review Petition Secretariat)**  
1<sup>st</sup> Floor, FBC Building, G-5/2, Islamabad  
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**ORDER**

Bacha Wali Government Contractor & General Order Supplier

**...the "Appellant"**

Vs.

Federal Directorate of Education & another

**...the "Respondent"**

<b>Dates of Hearings</b>  <b>01.01.2026</b> <b>19.12.2025</b>	<i>Mr. Jameel Hussain Qureshi (ASC)</i>  <b>(On behalf of Appellant)</b>  <i>Mr. Javed Iqbal Mirza (Director Admn), Mr. Ghulam Hussain (AD Admn), S.M. Rehan (DD Legal), Dr. Fiaz Nadeem, Mr. Mohsin Gulzar</i>  <b>(On behalf of Respondent)</b>
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**APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004**

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., Bacha Wali Government Contractor & General Order Supplier submitted that the present Appeal is preferred under Rule 48(7) of the Public Procurement Rules, 2004, being aggrieved and dissatisfied with the impugned order/letter No. F.1-

127/2025 (Science Labs) FDE dated 25.11.2025, uploaded on EPADs, passed by Respondent No. 2, the Grievance Redressal Committee (GRC), along with the Technical Evaluation Report annexed thereto. The impugned order failed to adjudicate the grievances raised in a lawful and reasoned manner and instead upheld a technical evaluation process that was illegal, non-transparent, discriminatory, and in violation of the Public Procurement Rules, 2004.

3. The counsel of the appellant also submitted that the Respondent No. 1, Federal Directorate of Education (FDE), acting as procuring agency, issued an Invitation for e-Bids (IFB) on 31.08.2023 for renovation of laboratories and provision of laboratory equipment in educational institutions of FDE, Islamabad, relating to Science Laboratories, under the single stage two-envelope procedure. Bids were received on EPADs on 28.10.2025 at 2:00 pm and technical bids were opened on the same date at 2:30 pm, carrying a weightage of 70%. The Appellant duly submitted its bid and, upon technical evaluation published on 13.11.2025, secured 46.2 marks, whereupon only three firms, including the Appellant, were shortlisted.

4. The counsel of the appellant further submitted that being aggrieved by the arbitrary and unjustified award of marks, the Appellant filed a grievance dated 18.11.2025 under Rule 48(3) of the PP Rules, 2004 before Respondent No.

2/GRC, contending that despite fully meeting and exceeding the published evaluation criteria particularly in respect of extensive and directly relevant science laboratory renovation experience and strong financial capacity, it was awarded unexpectedly low marks. The counsel of the Appellant further objected that competing firms were awarded higher marks despite lacking mandatory relevant laboratory experience. The Appellant specifically sought disclosure of the detailed breakup of marks awarded to it and the evaluation rationale and marks calculation of competing bidders, especially with respect to the mandatory criterion of relevant laboratory experience.

5. The counsel of the appellant also submitted that during the GRC hearing held on 24.11.2025, it transpired from the detailed breakup of marks that the Appellant had been awarded zero (0) marks for Mobilization Schedule (5 marks) and Construction Schedule (5 marks) on the ground that no information or documents were submitted. However, upon clarification by the Appellant, it was established that the requisite information and documents relating to both schedules had in fact been duly submitted as part of the bid. Despite this clear factual position, neither the GRC nor the procuring agency provided any lawful or satisfactory explanation for the denial of marks. Moreover, while the GRC noted that M/s Prest One possessed only hospital laboratory experience and recommended deduction of three marks due to lack of relevant science laboratory experience, it failed to

address the identical deficiency of M/s ANQ Associates, whose experience pertained to computer laboratories, notwithstanding the mandatory requirement of experience in Physics, Chemistry, and Biology laboratories. The impugned order is conspicuously silent on this material illegality.

6. The counsel of the appellant further added and submitted that the refusal by the GRC and the procuring agency to provide the relevant evaluation record, despite a specific request, reflects lack of transparency, favouritism, and violation of the governing procurement regime. The impugned order dated 25.11.2025 is a non-speaking and unreasoned order, as it fails to address the Appellant's specific grievances, including unlawful denial of marks for duly submitted schedules and the illegal award of marks to M/s ANQ Associates for experience it does not possess. The order is therefore patently illegal, ex-facie unlawful, based on misreading and non-reading of facts and law, and passed in violation of the Public Procurement Rules, 2004. Consequently, the impugned order is liable to be set aside in the interest of justice and fair competition.

7. The counsel of the appellant also submitted that the impugned order dated 25.11.2025 passed by Respondent No. 2 (GRC) is patently illegal, non-speaking, and suffers from grave jurisdictional and legal infirmities. The GRC failed to give due consideration to the factual matrix and the legal issues

specifically raised by the appellant and did not apply its prudent and judicious mind while deciding the grievance. The impugned order does not engage with the submissions, documents, or evidence placed on record by the appellant, thereby violating the mandatory duty cast upon the GRC under Rule 48 of the Public Procurement Rules, 2004 to adjudicate procurement-related grievances in accordance with law and principles of natural justice. The order is hasty, unreasoned, and devoid of cogent justification, rendering it unsustainable in the eyes of law and liable to be set aside.

8. The counsel of the appellant also added and submitted that the GRC acted arbitrarily and mala fide in upholding the Technical Evaluation Report insofar as it relates to the award of marks for mobilization schedule and construction schedule. The appellant had duly submitted documented information relating to the mobilization schedule and construction schedule as part of its bidding documents, a fact acknowledged by the respondents. Despite this, not even a single mark was awarded to the appellant in this regard, without any plausible reason or justification. During the proceedings, the GRC itself agreed that the appellant deserved at least some marks for mobilization schedule; however, in a complete volte-face, the impugned order records a contradictory observation that the attached documents lacked a clear mobilization and construction schedule. Even assuming, without admitting, that any deficiency existed, the

GRC was legally bound to compare the appellant's documents with those of other responsive bidders and to provide the appellant access to the relevant record, which it failed to do. The award of the lowest marks among responsive bidders, without comparative analysis or disclosure of record, is thus arbitrary, discriminatory, and tainted with mala fide.

9. The counsel of the appellant also added that the evaluation process was further vitiated by manifest favouritism and violation of the PPRA Rules, 2004, particularly in awarding marks for relevant experience. Respondent No. 1 awarded marks to M/s ANQ Associates for "relevant experience" despite the admitted fact that the said bidder lacked any relevant experience in establishing Schools, Colleges, or Universities with Science Laboratories, specifically Physics, Chemistry, and Biology Labs. This action is in clear violation of the PPRA Rules, 2004 and the settled principles of transparency, fairness, and merit governing public procurements. Furthermore, the appellant was deliberately awarded the lowest technical marks in order to favour a blue-eyed bidder of Respondent No. 1. If any clarification was required regarding the appellant's bid, Respondent No. 1 was under a statutory obligation to seek clarification under Rule 31 of the PP Rules, 2004, which it failed to do, thereby rendering the entire technical evaluation process illegal and discriminatory.

10. The counsel of the appellant also submitted that the appellant's bid was the most responsive, compliant, and

financially feasible, and best served the interest of the public exchequer, which is the paramount consideration in public procurement. The very essence of the PPRA Ordinance and the Rules framed thereunder is to ensure economy, efficiency, transparency, and value for money in public procurements. Despite the appellant's bid being the most beneficial and in the best interest of the public at large, the appellant was unjustly awarded the lowest technical marks, amounting to mis-procurement as recognized by the superior courts. The impugned order fails to meet the mandatory requirements of a reasoned decision under Section 24-A of the General Clauses Act, 1897, and is thus violative of due process and the appellant's fundamental right to fair treatment, hence filed the this appeal.

11. On the other side learned representative of the respondent i.e., Federal Directorate of Education submitted that the Grievance Redressal Committee (GRC) thoroughly examined the bid submissions, including the organization chart, detailed method statements, mobilization timelines, construction schedules, Gantt charts, construction maps, and housing facilities provided by M/s Prest One and M/s ANQ. In contrast, M/s Bacha Wali submitted only a descriptive brief, lacking any substantial, concrete, technical, or time-bound evidence in a structured format. The comparative deficiency in M/s Bacha Wali's submission was significant and, therefore, the technical evaluation scores awarded by the Technical

Evaluation Committee (TEC) were fully justified and upheld by the GRC in accordance with law.

12. The representative of the respondent also submitted that, during the GRC proceedings, M/s Bacha Wali requested that "minimum marks, or at least one or two, may be awarded for attempting the requisite portion." The Committee carefully considered this request but found it unconvincing, as the appellant's submission did not meet the prescribed evaluation criteria in any substantive manner. Consequently, the evaluation awarded by the Technical Evaluation Committee remained unchanged.

13. The representative of the respondent further submitted that with regard to relevant technical experience, M/s Bacha Wali was awarded full marks (15/15) by the Technical Evaluation Committee, whereas M/s ANQ received 3/15 in the same category. The GRC carefully examined the grievance regarding M/s Prest One's submission and identified a minor discrepancy. In response, 3 marks were deducted from M/s Prest One's technical score in respect of projects related to hospital laboratories, thereby adjusting their score from 12 to 9. This correction reflects the Committee's commitment to fairness and transparency.

14. The representative of the respondent also submitted that the Technical Evaluation Committee evaluated each proposal strictly in accordance with the criteria outlined in the

bidding documents and the Public Procurement Rules, 2004. While the appellant was awarded full marks for relevant laboratory experience, marks were appropriately deducted under general experience because the cited projects in their submission were incomplete, contrary to the evaluation requirements. Moreover, the appellant's methodology and mobilization plan lacked essential details, such as clear timelines, Gantt charts, and structured sequencing of activities, which are necessary for effective progress tracking. In comparison, other bidders submitted comprehensive methodologies with detailed timelines, mobilization plans, and Gantt charts, justifying the higher scores awarded to them.

15. The representative of the respondent further added and submitted that the GRC's decision was made in strict compliance with Rule 48(6) of the Public Procurement Rules, 2004, which mandates that the Committee investigate and decide upon grievances within ten days of receipt. The Committee's review was thorough, factually accurate, and legally sound. The appellant's claim of discrepancy or unfair evaluation is therefore without merit and factually incorrect. The technical evaluation, including adjustments made to M/s Prest One's score, reflects a fair, transparent, and legally compliant process.

16. At the last, the representative of the respondent also submitted that, in light of the foregoing, the Technical

Evaluation Committee and the GRC acted lawfully, objectively, and in strict accordance with the evaluation criteria and applicable PPRA provisions. All submissions were evaluated on their technical merit, and the grievance of M/s Bacha Wali was duly considered and addressed. Accordingly, the appellant's assertions lack any factual or legal basis and are liable to be dismissed.

17. After perusal of all relevant record and arguments made by all the parties, the Appellate Committee noted that the core issue before the Appellate Committee is whether the Grievance Redressal Committee (GRC), in its impugned order dated 25.11.2025, acted lawfully, transparently, and in accordance with the Public Procurement Rules, 2004, while evaluating the technical bids for renovation and equipping of science laboratories under the IFB dated 31.08.2023, and whether the appellant, M/s Bacha Wali Government Contractor & General Order Supplier, was unjustly denied marks for Mobilization and Construction Schedule despite allegedly submitting the required documentation, and whether the technical evaluation process violated the principles of fairness, transparency, and merit.

18. The appellate committee observed that the appellant participated in the procurement process and was evaluated under the single stage two-envelope procedure, wherein technical bids carried a 70% weightage. The appellant secured

46.2 marks and was among the three shortlisted bidders. The appellant filed a grievance dated 18.11.2025 under Rule 48(3) of the PP Rules, 2004, claiming unlawful denial of marks for Mobilization Schedule and Construction Schedule, despite submitting relevant documents, and alleging that competing bidders were awarded marks in violation of the mandatory criteria for relevant laboratory experience.

19. The appellate committee further emphasized that public procurement under the PP Rules is governed by principles of transparency, merit, and fairness. Evaluations must be evidence-based and justified. While the appellant claims denial of marks for mobilization and construction schedules, the Committee finds that such marks are dependent on clear, structured, and time-bound submissions. The comparative review demonstrates that the appellant's submission, although containing some information, lacked sufficient clarity and specificity relative to other bidders.

20. The Appellate Committee also observed that the Grievance Redressal Committee (GRC) partially acknowledged certain deficiencies in the submissions and adjusted the scores of competing bidders, which *prima facie* indicates that the evaluation process was neither arbitrary nor discriminatory. However, the counsel for the Appellant raised an objection regarding the marks awarded to M/s ANQ for relevant technical experience, contending that M/s ANQ did not possess

the requisite experience in the renovation of laboratories and the provision of laboratory equipment in educational institutions specifically relating to Science Laboratories. Upon being called upon, the representative of the Respondent failed to provide justification or evidence substantiating the claimed relevant science laboratory experience of M/s ANQ before the Committee.

21. The Committee further observed that, in terms of Rule 30(1) of the Public Procurement Rules, 2004, all bids are required to be evaluated strictly in accordance with the evaluation criteria and other terms and conditions specified in the prescribed bidding documents. In the instant case, it appears that the Respondent awarded three (03) marks to M/s ANQ for relevant experience without any supporting documentary proof submitted with the bid. This conduct constitutes a clear violation of the provisions of the Public Procurement Rules, 2004.

22. In view of the foregoing, the Committee recommends that the Respondent undertake a thorough verification of all relevant experience certificates submitted by M/s ANQ, as well as by all participating bidders. Accordingly, the Respondent is directed to authenticate the experience certificates through documentary evidence, including physical inspection and verification of the projects claimed in the bid. If the relevant experience of any bidder, including M/s ANQ, fail to be verified,

no marks shall be awarded to such bidder in respect of relevant experience.

23. In light of said observations and directions mentioned at para 22, the appeal in hand in hereby ***disposed of***.

  
**(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 thirteen (13) pages.*



