



No. PPRA/AP-47/2025
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 I.A. Engineering & Services (Pvt.) Ltd.

...the "Appellant"

Vs.

Sui Northern Gas Pipelines Limited (SNGPL), etc.

...the "Respondent(s)"

Date of Hearing 26.01.2026	Mr. Muhammad Usman (Chief Executive Officer), Mr. Tasawar Khan (Director Commercial) <i>(On behalf of Appellant)</i> Mr. Zaheer Iqbal Naru (Deputy Chief Engineer), Mr. Nabeel Ishtiaq (DCO (PT)) <i>(On behalf of Respondent i.e., SNGPL)</i>
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APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004

The above mentioned representatives of parties tendered appearance before the Appellate Committee on the day of hearing fixed.

2. At the very outset, the representative of the Appellant submitted that the Appellant on 21-08-2025, participated in the plug valves tender enquiry (Ref. SN-4720/25), on behalf of

M/s ARFLUS.A. SPAIN vide authority letter / attorney of ARFLU dated 21-08-2025. The total value of the tender was fixed by the SNGPL as Rs. 271,843,390/- and bid bond value was fixed as 2% as per SOR, i.e., Rs. 5,436,867.80/-. Further added that the tender was based on Item Wise Evaluation. The Technical Evaluation Report was uploaded on PPRA Website on 20-01-2025, wherein, Appellant's offer was declared "non-responsive" for item no. 5 by SNGPL (Respondent No. 2) vide letter Ref: PUR-43(SN-4720/25) dated 17-17-10-2025; non-responsive for item no. 5 due to non-meeting post qualification clause 3.2(b).

3. The representative of the Appellant further submitted that the Appellant had already submitted Letter of Exemption from clause 3.2 (b) in accordance with Addendum to Clause 3.2, which is reproduced as under:

Addendum to Clause 3.2 (b) & (c) of Appendix A of the tender:

"However, bidders quoting an item or material of a manufacturer, which has already been successfully supplied during last 5 years to SNGPL w.r.t. brand / model / make / country of origin / manufacturing against any of previous purchase order, or has been declared technically responsive after meeting post qualification terms against any of the SNGPL tender enquiry during the last 5 years of the tender enquiry date, are exempt from clause 3.2 (b) and (c)".

Further added that this exemption clause was based on the fact that the Appellant was declared technically responsive

against tender SN-4607/24 (opened on 23-04-2024), which was same brand, model, country of origin, manufacturing after meeting post qualification terms.

4. The representative of the Appellant further contended that without taking into consideration the addendum to clause 3.2 (b), item no. 5 was declared non-compliant as per the evaluation report hoisted on PPRA website on 20-10-2025. Therefore, the Appellant filed grievance petition before the Grievance Redressal Committee of SNGPL (Respondent No. 4) vide letter Ref: IAE-559 dated 25-10-2025 by invoking Rule 48 (3) within the limitation period. Further added that on 30-10-2025, the Appellant presented grievance in person before the SNGPL Grievance Redressal Committee. On 11-11-2025, the Appellant was intimated by Respondent No. 3 that the Grievance Redressal Committee is of the considered view that the grievance filed by you does not stand merit.

5. The representative of the Appellant further submitted that this decision was based on highly unjustified and ambiguous reason which has no logical, technical and historic explanation saying that in previous tender (SN-4607/24), based on which exemption was claimed, the maximum size required by SNGPL was 16", although the references provided and the performance reports received by SNGPL covered 24"; which is under review. Further averred that the SNGPL ignored addendum to clause 3.2 (b), in accordance to which the

Appellant had exempted as per the outlined parameters of exemption as below:

Exemption Qualification Parameter	Tender SN-4607/24 (based on which exemption was claimed)	SN-4720/25 (tender under review)
Brand	ARFLU	ARFLU
Model	LL – Metal Seat (Inverted pressure balance lubricated plug valve)	LL – Metal Seat (Inverted pressure balance lubricated plug valve)
Make	ARFLU S.A.	ARFLU S.A.
Country of Origin	Spain	Spain
Manufacturing	RFLU, S.A., Pol. Ind. Telleriondo C/ Olabide, 13 48600 SOPELANA (BIZKAIA) – SPAIN	RFLU, S.A., Pol. Ind. Telleriondo C/ Olabide, 13 48600 SOPELANA (BIZKAIA) – SPAIN

Further added that all parameters based on which supplier is exempted (as per addendum to clause 3.2 (b) are 100% same). Introducing any new parameters to disqualify is clear violation of PPRA Rule 29.

6. The representative of the Appellant further submitted that the Appellant provided Sale References in tender SN-4607/24 which included 24" size class-600 in accordance with Clause 3.2 (b), hence, claimed exemption in this tender was 100% in line with tender terms and conditions. Further submitted that the performance report received by SNGPL from two end users clearly mentioned good performance of 24" size, then why performance report for same 24" size from the same person is needed again.

7. The representative of the Appellant further highlighted that the historic practice of SNGPL itself with

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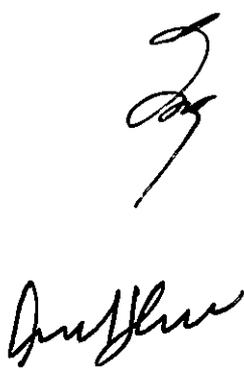
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respect to clause 3.2 (b) is different. The Appellant further give an example, which is 100 % compliant in this case as:

"HIT valve S.P.A., Italy was technically qualified in tender SNT-2021/20 (opened on 04-02-2021), which covered maximum size 16" Ball Valves. However, they had given reference of 24" size. Same is the case in this tender. In future, it was never requested to give reference of 24" size in any tender because SNGPL has already received performance report. Resultantly, their valve of 24" size are always declared compliant in all subsequent tenders although when they were qualified for the first time after meeting clause 3.2 (b) that tender covered on 16".

8. The representative of the Respondent submitted that the tender Enquiry No.SN-4607/24 was floated for Plug Valves having size maximum up to 16" dia, hence, the bidder is not qualified for exemption against item No.5 (24-inch dia) Plug Valve as per clause No.6 of the SOR (Addendum to clause 3.2(b) & c of Appendix "A". Further submitted that the technical evaluation has been carried out strictly as per tender's terms and conditions. Further submitted that during the item-wise evaluation process, due importance was given to the diameter of the item along with other essential parameters such as previously procured material details, including brand, country of origin, model, and make. The evaluation was carried out strictly in accordance with the tender terms and conditions. Clause-6 further elaborated by clause-12 reproduced as:-
"Customer list as required else-where in this tender document shall include exactly same type of "PLUG VALVES" regarding



size, design and material of construction as offered in bid proposal".

9. The representative of the Respondent further contended that the bidder has referred to Sale References previously submitted against Tender Enquiry Nos. SN-4204/21 and SN-4607/24 in their technical bid, and requested exemption from Clause 3.2(b) and (c) as per Note 6 of the SOR (Addendum to Clause 3.2(b) & (c) of Appendix 'A'). It may be noted that Tender Enquiry No. SN-4607/24 covered Plug Valves up to 16" diameter, ANSI Class 600, for which Purchase Order No. NT-2458/24 was awarded to the bidder based on satisfactory Performance Reports from the claimed end users. However, for 24" diameter, ANSI Class 600 Plug Valves, which were not evaluated under Tender Enquiry No. SN-4607/24, Performance Reports were requested vide email dated 02.10.2025 from the end users re-affirmed by the bidder in their letter Ref: IAE-550 dated 30.09.2025. Despite lapse of considerable time, no response was received. Accordingly, the bidder's technical offer for Item Sr. No. 05 of the SOR (i.e., 24" dia, ANSI Class 600 Plug Valves) was evaluated non-responsive due to non-compliance with the post qualification requirements stipulated under Clause 3.2 of the subject Tender Enquiry. It is worth mentioning here that the bidder has neither supplied 24" dia, ANSI Class 600 Plug Valves nor it has been declared technically responsive for the said item. Previous tender enquiry No. SN-4607/24 was floated for plug

valves having size maximum up to 16", hence; the bidder is not qualified for exemption against item-5 as per clause No.6 of the SOR (Addendum to Clause 3.2(b) & (c) of Appendix-A). Performance Reports were sought vide email dated 02.10.2025 from the end users referenced by the bidder in their letter Ref: IAE550 dated 30.09.2025. Despite lapse of considerable time, no response was received till finalization of technical evaluation. The evaluation has been made in accordance with terms & conditions of the tender enquiry and PPRA Rules. As per PPRA Rules, GRC being an independent forum for redressal of grievances has thoroughly examined the case and conveyed their decision.

10. The Appellate Committee heard arguments of the Parties at length and perused all available record furnished by the Parties to the subject Appeal.

11. In terms of Rules 29 & 30 of the Public Procurement Rules, 2004, which is reproduced as under:

29. Evaluation criteria. -

"Procuring agencies shall formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated. Such evaluation criteria shall form an integral part of the bidding documents. Failure to provide for an unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement."

30. Evaluation of bids.-

"(1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set

forth in the prescribed bidding documents. Save as provided for in sub-clause (iv) of clause (c) of rule 36 no evaluation criteria shall be used for evaluation of bids that had not been specified in the bidding documents.”

12. It is pertinent to mention that no deviation from the specifications, terms and conditions specified in the bidding documents & evaluation criteria is permissible. The procuring agency may proceed strictly in accordance with terms and conditions set forth in the bidding documents. All participants in the bidding process are bound by the terms and conditions of tender documents and cannot go beyond the purview and ambit of the tender documents.

13. Clause-12 of the tender documents explicitly requires that customer list as required elsewhere in this tender document shall include exactly the same type of plug valves regarding size, design, and material of construction as offered in bid proposal. Therefore, size is an inherent and expressly stated evaluation parameter and cannot be construed as a new or extraneous criterion. The evaluation has been conducted strictly in accordance with the terms and conditions prescribed in the bidding documents; no violation of PPRA Rule 29 or Rule 30 is established.

14. The Appellate Committee observed that size and class are fundamental technical parameters of plug valves. Clause-12 of the tender explicitly requires:

“Exactly same type of plug valves regarding size, design and material.”

15. The Committee further observed that the Addendum to Clause 3.2(b) provides exemption only where the same item/material has already been successfully supplied or declared technically responsive in any SNGPL tender during the last five years. The record shows that Tender Enquiry No. SN-4607/24, relied upon by the Appellant, covered Plug Valves up to 16" diameter only. Item No. 05 of the present tender pertains to 24" dia Plug Valves, which were neither evaluated nor declared technically responsive under SN-4607/24. Accordingly, the Appellant does not qualify for exemption for Item No. 05 under the said Addendum. The word "item" cannot be interpreted independently of the size, similarity, and scope of the tender.

16. The record confirms that SNGPL sought Performance Reports for 24" dia Plug Valves from the end users, which were reaffirmed by the Appellant. Despite lapse of sufficient time, the required Performance Reports were not provided prior to finalization of technical evaluation. The procuring agency cannot be faulted for proceeding with evaluation in the absence of mandatory documentation.

17. In view of the foregoing, the Appellate Committee holds that the technical evaluation has been made in accordance with the evaluation criteria and other terms and conditions mentioned in the prescribed Bidding Document, which is in accordance with Rule 30 of the Public Procurement

Rules, 2004; no deviation from the evaluation criteria or violation of Rules 4, 29 or 30 has been established.

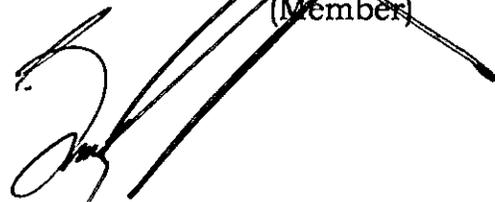
18. Therefore, the Appeal filed by M/s I.A. Engineering & Services (Private) Limited does not merit acceptance and is hereby **dismissed** being devoid of merit. The decision of SNGPL declaring the Appellant's offer for Item No. 05 (24" dia, ANSI Class 600 Plug Valves) as non-responsive is upheld.



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



(Sheikh Afzal 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 ten (10) pages.