



**No. PPRA/AP-01/2026**  
Government of Pakistan  
**Public Procurement Regulatory Authority**  
**(Appeal & Review Petition Secretariat)**  
1<sup>st</sup> Floor, FBC Building, G-5/2, Islamabad  
<><><>

**ORDER**

M/s Zarif Khan Hussainzai & Brother

**...the "Appellant"**

Vs.

Ministry of Federal Education and Professional Training & Others

**...the "Respondent(s)"**

<b>Date of Hearing</b>	Mr. Zarif Khan, Mr. Wahid Iqbal, Engr. Hassan  <i>(On behalf of Appellant)</i>
<b>29.01.2026</b>	
<b>20.01.2026</b>	Dr. Aaron Das (Project Director), Mr. Saeed Raza (Advocate)  <i>(On behalf of Respondent i.e., Ministry of FE&amp;PT)</i>
	Mr. M. Jawwad Khan Lodhi, Mr. M. Ahmed Khan Niazi, Mian Usama Naeem  <i>(On behalf of Respondent No.3 i.e., M/s LM &amp; Sons)</i>

**APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004**  
**AGAINST THE ORDER DATED 04-12-2025** [Name of Work: Establishment of Daanish School at Balochistan (Musa Khel)].

The abovementioned learned counsel(s) and representatives of the 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 is carrying on business as a Sole Proprietor, registered with FBR under NTN No. 1697191-4 and Pakistan Engineering Council under category C-A with registration No. 575. The Respondent No. 01 invited tender through National Newspaper for the establishment of Danish School at Balochistan (Musa Khel) and the Appellant participated in the bidding process by submitting all the required documents according to the evaluation and required criteria.

3. The representative of the Appellant further submitted that on 31-10-2025, bid opening process was carried out and two companies including the Appellant participated in the bid opening process. Further added that on 14-11-2025, Technical Evaluation of the participated companies was carried out and the Appellant and Respondent No. 03 were declared pre-qualified, but the Appellant was awarded less numbers than the Respondent No. 03. Further highlighted that the Appellant is working in the field of construction in the Country since long, and the Appellant is aware of the experience and capabilities of its competitors, therefore, the Appellant was surprised to know through technical evaluation report that the Appellant has been awarded 88 marks and the Respondent No. 03 was awarded 98.5 marks out of 100.

4. The representative of the Appellant further submitted that as per knowledge and information of the Appellant, the

Respondent No. 03 is less experienced and less capable than the Appellant and the Appellant is surprised to know that the Respondent No. 03 has been awarded 98.5 marks out of 100, which is almost impossible for any company to obtain such a high mark. Further submitted that being aggrieved of the Technical Evaluation Report dated 14-11-2025, the Appellant as provided under the law, challenged the technical evaluation report before the Grievance Redressal Committee through complaint dated 18-11-2025.

5. Further submitted that it was prayed before the Grievance Committee by the Appellant that the technical evaluation report of the Appellant bid and that of the competing bidder may kindly be re-evaluated, in the presence of the Appellants authorized representative, especially considering that the competing bidder has less relevant experience compared to Appellant's firm. Further added that on 25-11-2025, a meeting of Appellant was held with the members of the Grievance Redressal Committee and the Appellant placed his case before the members of the Grievance Redressal Committee. That in the meeting on 25-11-2025, the documents submitted by the Appellant against which less numbers were awarded to the Appellant, were checked and compared with the documents of competing company and no defect / deficiency was found in the documentation so submitted by the Appellant and Appellant is surprised that in the decision dated 04-12-2025, only two marks of the Appellant has been revised. That



*Am Jha*

*[Handwritten signature]*

*[Handwritten signature]*

the decision dated 04-12-2025 was uploaded on 10-12-2025, and on the same day that is 10-12-2025, a notice was issued by the Respondent No. 02 for opening of the financial bid for the project.

6. The representative of the Appellant further submitted that the Appellant raised objections over the notice dated 10-12-2025, and conveyed the same to the Respondent No. 02 through a letter dated 10-12-2025, requesting the Respondent No. 02 to suspend the opening of the financial bid till the decision of the Appellate Authority over the decision of the GRC dated 04-12-2025, but this request of the Appellant was not acceded to by the Respondent No. 02 and the process of opening of financial bid was completed on 12-12-2025.

7. The representative of the Appellant further averred that the order dated 04-12-2025 is illegal and unwarranted in the eyes of law. That the whole process of bidding carried out by the Respondent No. 01, from the start till the end is non-transparent, and it was carried out just to oblige its favourite firm. Further added that the Appellant was awarded less marks despite full compliance with codal formalities and documents submitted by the Appellant were checked and compared with the documents of the Respondent No. 03 by the Grievance Redressal Committee and no defect / deficiency was found in the documentation, but still the Appellant was deprived of the marks. Further submitted that during the comparison and

checking of the documents for the category "Site Organization", which carries four marks, it was pointed out by the Appellant that the documents submitted by the Respondent No. 03 seemed to be borrowed from some other firm or company as on the opening page it was clearly mentioned that the documentation was prepared for the project of Dera Bugti (Baiker) but this aspect was ignored by the GRC.

8. Further added that during the comparison and checking of documents for the category "Method Statement", which carries four marks, it was pointed out by the Appellant that the documents submitted by the Respondent No. 03 seemed to be borrowed from some other company or firm as on the opening page it was clearly mentioned that the documentation was prepared for the project of Dera Bugti (Baiker) but again this aspect was not considered by the GRC. That when the comparison and checking of documents for the category "Mobilization Schedule", which also carries four marks, it was pointed out by the Appellant that the documents submitted by the Respondent No. 03 seemed to be borrowed from some other company or firm as on the opening page it was clearly mentioned that the documentation was prepared for the project of Dera Bugti (Baiker) but these submissions of the Appellant were turned down by the GRC. That the Respondent No. 03 has prequalified the bidding process through submitting fake and bogus documents, therefore, this sole ground is



sufficient for cancellation of pre-qualification of the Respondent No. 03.

9. The representative of the Respondent (Ministry of Federal Education and Professional Training) submitted that the Project Management Unit (PMU) functions under the Ministry of Federal Education and Professional Training, Government of Pakistan. It is mandated to serve as the implementing and procuring agency for development initiatives of the Ministry. The PMU, under the leadership of the Project Director, is presently engaged in the Establishment of Daanish School, Balochistan (Musa Khel) as one of its Flagship Projects. Further added that in line with the Public Procurement Regulatory Authority (PPRA) Rules, 2004, the Procuring Agency initiated the process through public advertisements. The notice was duly published in national newspaper as well as on the PPRA web portal to ensure transparency and wide competition. Following the publication, interested firms submitted their documents within the stipulated timeframe, which were subsequently received, recorded, and processed in accordance with the prescribed procedure.

10. The representative of the Respondent further submitted that in response, a total of two firms submitted their applications. After detail scrutiny and evaluation against the advertised criteria, two firms were found to be responsive and were accordingly declared as pre-qualified for further

participation in the procurement process. Further submitted that the procurement process was carried forward under the Single Stage Two Envelope procedure, in strict conformity with the PPRA Rules, 2004. The Request for proposal (RFP) document was meticulously prepared in line with the approved standards and duly uploaded on the electronic procurement and Disposal System (EPADS) portal. In accordance with the prescribed legal and procedural requirements, the RFP was published on to ensure transparency and equal opportunity for all bidders. Further submitted that the proposals submitted by the participating firms were duly opened and evaluated strictly in accordance with the criteria set forth in the RFP and PPRA Rules, 2004. The evaluation was carried out in a transparent by the designated committee, and the results were subsequently uploaded on the EPADS portal for information of all stakeholders, thereby, ensuring openness and compliance with statutory requirements.



*Handwritten signature*  
*Handwritten initials*

11. The representative of the Respondent further contended that in accordance with the provisions of the PPRA Rules, 2004, the evaluation results remained published for the mandatory grievance and redressal period, thereby allowing all participants, the opportunity to raise objections or concerns. Upon completion of the prescribed period, the work was formally awarded to the successful bidder. Subsequently, the contract agreement was executed and signed between the

*Handwritten signature*

procuring agency and the selected contractor, where after the implementation phase of the project was commenced.

12. Further added that the Appeal has been filed by an unauthorized person, as no Board Resolution or authorization letter has been submitted along with the Appeal. The Appeal is liable to be rejected. Further added that the procurement process has reached the stage of a "Past and closed transaction" and the interference at this stage belated stage would violate the principle of Locus Poenitentiae. Further averred that the Appellant fully participated in the bidding process. The procurement was conducted transparently in accordance with Rule 35 of the Public Procurement Rules, 2004 and the evaluation committee followed the notified criteria. After due process, the lowest evaluated responsive bidder M/s Unit Enterprises / Respondent No. 03 was declared as successful bidder and a Letter of Award was issued under Rule 38.

13. The representative of the Respondent further submitted that the bidding process was initiated on 30-09-2025, the tender was published on 01-10-2025 via official channels, including newspapers and the E-PADS portal and technical evaluation report uploaded on E-PADS on 14-11-2025, the grievance report regarding the evaluation and procurement process was submitted on 04-12-2025, and was reviewed promptly as part of Grievance Redressal Committee

in accordance with PPRA Rules. Further added that the entire procurement process was conducted in full compliance with the PPRA Rules, 2004 in letter and spirit. All bidders were granted an equal opportunity to address their grievances. The procurement committee thoroughly evaluated all the documentation submitted by the Appellant and the grace marks were given despite the fact that, according to the established evaluation criteria, the Appellant was not entitled to receive such marks.

14. The representative of the Respondent further submitted that the decision dated 04-12-2025 is given according to law on merits. Further added that the grievance filed by the Appellant lacks any legal grounds. The Appellant has failed to present any substantial evidence or valid legal basis to support the claims made in their grievances. Further submitted that the Appellant failed to qualify for the award, it was due to the failure to meet the prescribed criteria, which is a standard procedure in the procurement process.

15. The representative of the Respondent No. 3 (M/s Unit Enterprises) submitted that the procurement process has reached a stage of a "past and closed transaction". Interference at this belated stage would violate the principles of Locus Poenitentiae. Further submitted that the Appeal has been filed by an unauthorized person, as no Board Resolution or authorization letter has been submitted along with the appeal.

The Appellant fully participated in the bidding process. The procurement process was conducted by the Respondents in a transparent manner and strictly in accordance with law. Further added that upon completion of the due process, the answering respondent no. 3, M/s Unit Enterprises, was declared the successful bidder and a Letter of Award is issued, the procurement process attains finality.

16. The representative of the Respondent further averred that the bidding process was initiated on 30-09-2025. The tender was publicly advertised on 01-10-2025 through official channels, and the technical evaluation report was uploaded on E-PADA on 14-11-2025. The answering respondent duly satisfied all prescribed eligibility criteria and was awarded the work strictly on merit and in accordance with law. Further added that the present appeal is predicated upon frivolous averments and materially deficient pleadings. In lieu of placing cogent and documentary evidence on record, the Appellant has merely resorted to unsubstantiated accusations, conjectures, assumptions, and presumptions, which collectively amount to a gross abuse of the process of law. It is trite law that an Appeal must be founded upon verifiable and substantiated facts, a requirement conspicuously absent in the instant case.

17. The representative of the Respondent further submitted that the entire process was completed on merit according to law. The Appellant failed to qualify for the award,

it was due to the failure to meet the prescribed criteria, which is a standard procedure in the procurement process. The answering Respondent No. 3 was rightly awarded 98.5 marks as it fulfilled the required criteria. All documents submitted by the Appellant and other bidders were thoroughly checked and evaluated by the Procurement Committee to ensure compliance with the established criteria.

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

19. 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."

20. 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.

21. The Appellate Committee has carefully heard the parties at length and perused the available record, written arguments. The grievance of the Appellant primarily revolves around the technical evaluation process, alleging that the Appellant was awarded lesser marks as compared to Respondent No. 3, M/s Unit Enterprises, despite allegedly having more experience and capability. The Appellant has further alleged non-transparency, favoritism, and submission of borrowed or bogus documents by the successful bidder. It has also been contended that the decision of the Grievance Redressal Committee dated 04.12.2025 is illegal and unwarranted.



*[Handwritten signature]*

22. On the other hand, the Respondents have categorically submitted that the entire procurement process was conducted strictly in accordance with the Public Procurement Rules, 2004. It has been asserted that the tender was duly advertised, evaluation criteria were clearly defined in the bidding documents, and the evaluation was carried out strictly in line with Rules 29 and 30 of the Public Procurement

*[Handwritten signature]*

*[Handwritten signature]*

Rules, 2004. It has also been contended that the procurement process has attained finality, the Letter of Award has been issued, the contract executed, and the transaction has become past and closed, rendering interference at this belated stage impermissible.

23. The Appellate Committee observes that Rules 29 and 30 of the Public Procurement Rules, 2004 mandate that bids shall be evaluated strictly in accordance with the criteria specified in the bidding documents, and no deviation therefrom is permissible. All bidders are bound by the terms and conditions of the tender documents and cannot seek evaluation beyond the prescribed criteria mentioned in the bidding document.

24. In the present case, the Appellant has failed to point out any specific violation of the notified evaluation criteria or demonstrate that any criterion, not disclosed in the bidding documents, was applied during evaluation. The record further reflects that the Appellant availed the statutory remedy before the Grievance Redressal Committee, which examined the Appellant's objections and passed a reasoned decision on 04.12.2025.

25. Furthermore, the procurement process has reached its logical conclusion with issuance of the Letter of Award and execution of the contract. Interference at this stage would



*[Handwritten signature]*

*[Handwritten signature]*

amount to disturbing a past and closed transaction, which is impermissible under settled principles of procurement law.

26. In view of the foregoing, the Appellate Committee is of the considered opinion that the Appellant has failed to establish any violation of the Public Procurement Rules, 2004, or any departure from the prescribed evaluation criteria. The Appellant has also failed to demonstrate fulfillment of the requisite criteria so as to warrant interference by this Authority.

27. Accordingly, the Appeal is found to be devoid of merit and is hereby **dismissed** and the decision of the Grievance Redressal Committee dated 04.12.2025, and the procurement process undertaken by the Procuring Agency, are upheld.



04/02/26

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

  
(Sheikh Azaal 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 fourteen (14) pages.*

O/c Through  
14/02/26  
  
4-2-2026