



**No. PPRA/AP-02/2026**  
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**

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. Aaroon 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 (Zhob)].**

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 (Zhob) 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 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



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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 letter 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 favorite 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 the Appellant is aware of the experience and capabilities of the Respondent No. 03, therefore, the documents so submitted by the Respondent No.



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03 may kindly be checked in the presence of the Appellant, but the GRC refused to check the documentation of the Respondent No. 03, and the Appellant was deprived of his right to raise objection over the documentation of the Respondent No. 03.

8. Further added that the Appellant is aware of the experience and capabilities of the Respondent No. 03, and the Appellant was in doubt that the Respondent is not capable of obtaining / achieving 99 marks out of 100 marks, and it can be possible only submitting fake / forged documents and this doubt of the Appellant became reality, when a representative of one J-7 emporium (Private Limited), approached the Appellant and informed the Appellant that the Respondent No. 03 has submitted work order and completion certificates purported itself to be a Contractor for J-7 Emporium, Multi Garden, B-17, Islamabad, and the said company has informed the Project Director, Project Management Unit (PMU) vide letter dated 22-12-2025, that no construction has ever been awarded to the Respondent No. 03, nor has any completion certificate ever been issued to it by J-7 Emporium (Private) Limited.

9. Further added 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.

10. 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 (Zhob) 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.



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11. The representative of the Respondent further submitted that in response, a total of five 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

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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.



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

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13. 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 LM & Sons / Respondent No. 03 was declared as successful bidder and a Letter of Award was issued under Rule.

14. 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 ensuring transparency, fairness, and openness. All bidders were granted



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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. The decision to award grace marks does not alter the overall transparency or fairness of the evaluation process.

15. 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. The process was carried out strictly as per the Public Procurement rules, 2004, and the decision was made transparently. The Grievance Redressal Committee (GRC) reviewed the Appellant's concerns regarding the marks and criteria used in the evaluation.



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16. The representative of the Respondent further submitted that the verification process was carried out, and a copy of J7 Emporium confirming the legitimacy of the documents. This verification further supports the validity of the

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process and shows no evidence of fraudulent activities. The documents submitted were thoroughly checked by the Procurement Committee and the Grievance Committee, and there was no indication of any fake documentation.

17. The representative of the Respondent No. 3 submitted that the answering Respondent was declared Technically Responsive and Qualified. The Appellant had a remedy to challenge this within seven days under Rule 48(3) of the Public Procurement Rules, 2004. Having failed to do so, they are now estopped by law from reopening the Technical Evaluation after the Final Evaluation Report has been issued. Further added that upon the issuance and acceptance of the Letter of Acceptance (LOA), a binding Contract was formed. Rights have been vested in the answering Respondent. The procurement process has reached the stage a past and closed transaction. Interference at this belated stage would violate the principle of Locus Poenitentiae.

18. The representative of the Respondent further submitted that the project was earlier advertised on 25-07-2025. The Appellant participated in that bidding process, and their bid was subjected to detailed scrutiny by the Procurement Committee. As per minutes of the meeting dated 25-09-2025, the Appellant was explicitly disqualified due to less work experience. The Appellant secured a failing technical score of only 51.10%, against the passing requirement of 75%.

19. The representative of the Respondent contended that the current tender was advertised on 01-10-2025, merely five days after the previous Evaluation Report formally declared Appellant incompetent due to a lack of work experience. Experience implies completed projects over a span of years. It is factually impossible for the Appellant to have executed and completed the requisite magnitude of construction projects in the intervening 5 days to now meet the criteria they failed in September.

20. The representative of the Respondent further submitted that the original Technical Bid submitted by the answering Respondent specifically included the Formal Construction Agreement and the official completion certificate for the J-7 emporium project. The Technical Score of 99.00 marks was awarded only after the PMU completed this due diligence. J-7 Emporium through the Chairman of J-7 Group, has issued a fresh letter dated 16-01-2025 confirming the successful construction and completion of the project by answering Respondent. This provides conclusive proof against the Appellant's baseless claims.

21. The representative of the Respondent further submitted that clause 26 of the BDS, the bidding document explicitly adopted the Quality and Cost Based Selection (QCBS) method, with a weightage of 70% Technical and 30% Financial. Rule 2(h) of the Public Procurement Rules, 2004 defines Most



Advantageous Bid as the one that ranks highest on the basis of combined evaluation, not necessarily the lowest price. The answering Respondent is the Most Advantageous Bidder by a significant margin of 5.9 points. Further highlighted that the Marks are assigned based on tangible evidence (completion certificates, bank statements, PEC Registration). The GRC correctly upheld the evaluation because the Appellant failed to meet the objective thresholds for higher marks.

22. At the conclusion of the proceedings, the Appellate Committee directed the authorized representative of the Respondent, Federal Government Employees Housing Authority (FGEHA), to submit a report concerning the site verification and confirmation of the works executed by M/s LM & Sons. In compliance with the said direction, the Respondent informed the Committee that, based upon physical site inspection and detailed scrutiny of the relevant record, the construction project had been duly awarded to and successfully executed by M/s LM & Sons. It was further stated that the project stands completed strictly in accordance with the contractual scope of work, and that a valid completion certificate has been issued by the competent authority.

23. The Respondent further stated that the site location and project particulars fully correspond with the details reflected in the agreement and the completion certificate. Additionally, it was clarified that J7 Emporium (Pvt.) Ltd. has



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confirmed that the earlier letter issued by its Chief Executive Officer dated 22.12.2025 was the result of a record-related confusion and has since been formally declared null and void by the said company. Furthermore, the inspection team of the Respondent department has verified and confirmed that the building exists in the manner and form described in the documents submitted by M/s LM & Sons. J7 Emporium (Pvt.) Ltd. has also officially validated that the contractor duly completed the awarded works and has formally withdrawn all prior allegations.

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

25. 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."



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26. 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.

27. The Appellate Committee has carefully heard the parties and examined the pleadings and available record. The Appellant's grievance is essentially directed against the technical evaluation, alleging that despite alleged compliance with all codal formalities, the Appellant was awarded fewer marks than Respondent No. 3. The Appellant has questioned the high technical score awarded to Respondent No. 3, alleged favouritism, non-transparency, and submission of fake or forged documents, particularly relating to experience certificates. The Appellant has further challenged the decision of the Grievance Redressal Committee dated 04.12.2025.

28. Per contra, the Respondents have asserted that the procurement process was conducted strictly in accordance with the Public Procurement Rules, 2004. It has been submitted that the tender was duly advertised, evaluation criteria were clearly defined in the bidding documents, and evaluation was conducted by a duly constituted committee



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strictly in accordance with the prescribed criteria. The Respondents have further contended that the Appellant failed to meet the objective thresholds required for higher technical scores. Preliminary objections regarding maintainability, lack of proper authorization, and the procurement having attained finality as a past and closed transaction have also been raised.

29. 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 evaluation 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 on subjective perceptions or comparative assumptions.

30. In the present case, the Appellant has not been able to identify any specific deviation from the notified evaluation criteria nor demonstrate that any criterion outside the bidding documents was applied. The Appellant's objections are primarily founded on personal belief, assumptions, and comparative assertions regarding experience, rather than on demonstrable violations of the bidding documents and the Public Procurement Rules, 2004.

31. As regards the allegations of fake or forged documents attributed to Respondent No. 3, the Appellate Committee notes that the same were examined by the Procurement Committee



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as well as the Grievance Redressal Committee. The Respondents have placed on record verification and confirmation from the concerned entity, including documentary evidence, which substantiates the genuineness of the experience documents relied upon during evaluation. The Appellant has failed to produce any conclusive or independent evidence to rebut such verification.

32. Pursuant to the directions of the Appellate Committee, a Compliance Report has been submitted confirming that a site visit and record verification exercise were conducted to ascertain the authenticity of the experience claimed by the Respondent i.e., M/s LM & Sons. The Committee noted that, in light of the findings contained in the report submitted by the Procuring Agency (Respondent), the construction project (J7 Emporium) was successfully executed by M/s LM & Sons. A valid completion certificate was issued, and the experience claimed by the Respondent was duly established and supported by documentary evidence. The Appellant failed to substantiate its allegation that the experience claimed by the Respondent, M/s LM & Sons, with regard to J7 Emporium was false or fabricated.

33. It is also noted that the Appellant availed the statutory remedy before the Grievance Redressal Committee, which passed a reasoned decision dated 04.12.2025. Dissatisfaction with the outcome of the grievance proceedings

or with the quantum of marks awarded does not, by itself, establish illegality or arbitrariness warranting interference by this Authority.

34. Furthermore, the procurement process has proceeded to the stage of issuance of Letter of Award and execution of the contract. Rights have accrued in favour of the successful bidder, and the transaction has attained finality. Interference at this belated stage would disturb a past and closed transaction and offend the settled principle of locus poenitentiae.

35. The Appellate Committee also finds merit in the Respondents' objection that the Appellant has failed to establish fulfillment of the requisite criteria for higher technical scoring. Evaluation under the Quality and Cost Based Selection (QCBS) method is premised on objective evidence, and higher marks are awarded strictly against demonstrated credentials. The Appellant has not shown entitlement to marks beyond those already awarded in accordance with the prescribed criteria.

36. 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, any departure from the prescribed evaluation criteria. The Appeal is based on conjectures and unsubstantiated

allegations and does not disclose any legal infirmity warranting interference.

37. 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.

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

  
(Sheikh Muzam 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 eighteen (18) pages.

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