



**No. PPRA/AP-25/2025**  
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**

M/s Swallow International

*...the "Appellant"*

Vs.

Ministry of Inter-Provincial Coordination (IPC), *including* Pakistan Sports Board, etc.

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

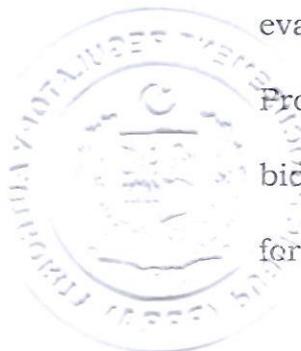
<b>Dates of Hearing(s)</b> <b>14.10.2025</b> <b>11.09.2025</b>	Mr. Muhammad Usman Afridi, Chairman, M/s Swallow International <p style="text-align: right;"><i>(On behalf of Appellant)</i></p> Mr. Sharifullah, CF&AO Mr. Muhammad Umar, R.O. <p style="text-align: right;"><i>(On behalf of Respondent No.1 i.e., M/o IPC)</i></p> Mr. Saif ur Rehman Rao, Legal Advisor, Mr. Musa Haseeb, Assistant Director <p style="text-align: right;"><i>(On behalf of Respondent No.2&amp;3 i.e., PSB)</i></p>
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**APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004 [CHALLENGING THE DECISION OF THE GRIEVANCE REDRESSAL COMMITTEE (GRC) IN THE PROCUREMENT PROCESS OF THE PROJECT TITLED "PURCHASE OF SPORTS EQUIPMENT AT PAKISTAN SPORTS COMPLEX, ISLAMABAD**

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 representative of the appellant i.e., M/s Swallow International submitted that the Appellant is a duly registered firm engaged in the construction business and had participated in the tender process initiated by the Respondent i.e., Pakistan Sports Board (PSB), under Tender Inquiry No. PID(I)5916(24) for the "Purchase of Sports Equipment at Pakistan Sports Complex, Islamabad." The technical bids were opened on 20.03.2025, pursuant to the tender notice published on 28.02.2025 through national newspapers as well as on the PPRA and PSB websites. A total of eight (08) firms, including the Appellant, submitted their bids through EPADS. Upon technical evaluation, four (04) bidders were declared qualified, including the Appellant, and subsequently, the financial proposals were opened on 22.04.2025.

3. The representative of the appellant also added that they submitted a complete, responsive, and compliant bid strictly in accordance with the terms and conditions of the bidding documents and within the prescribed time. Initially, the Appellant was duly prequalified and declared technically qualified. However, its disqualification at a later stage was arbitrary, unlawful, and devoid of justification. Such post-evaluation reversal of status violates Rule 31 of the Public Procurement Rules, 2004 (PP Rules), which requires that all bids be evaluated strictly in accordance with the criteria set forth in the bidding documents. The Appellant further



contends that the Assistant Director (Proc-I) of PSB manipulated the evaluation report to favour a particular bidder, M/s Bolan Sports, thereby excluding prequalified competitors in violation of Rule 50 of the PP Rules, 2004. The said officer deliberately misrepresented a clerical error in the technical evaluation marking sheet, ignored the awarded marks of 80 (which met the qualification threshold), and relied solely on a mistaken notation of "disqualified" instead of "qualified." Notably, the note sheets and letters wherein the Appellant was shown as technically qualified were duly signed by all members of the Procurement Review Committee (PRC).

4. The representative of the appellant also submitted that M/s Bolan Sports, the lowest evaluated bidder, materially altered the original Bill of Quantities (BoQ) and technical specifications in its financial bid. Under ITB Clauses 14.1, 28.3, 29.2, and 30.3, any modification or deviation in the BoQ or specifications constitutes material non-responsiveness and necessitates rejection of such a bid. The acceptance of this materially altered bid not only contravenes the bidding documents but also undermines fair competition and technical integrity. The Appellant, despite successfully completing over 132 national projects, was disqualified without any cogent reason, whereas a non-compliant bidder was unlawfully favoured. This conduct violates Rule 4 of the PP Rules, 2004, which ensures equitable and transparent treatment of all bidders, and Rule 47 of the same rules, which mandates that

reasons for rejection be properly communicated to affected bidders. No such justification was ever provided to the Appellant.

5. The representative of the appellant further submitted that, they places reliance on the dissenting note recorded by Mr. Ijaz Akbar, the then Assistant Director (Proc-I) PSB and member of the PRC, whose observations were grounded in a sound interpretation of the bidding documents and relevant PP Rules. Mr. Akbar cited ITB Clauses 14.1, 28.3, 29.1, 29.2, 30.3, and 33.1, along with BDS 23.1, all of which collectively prohibit material deviations and alternative bids. His detailed examination revealed that BoQ Item No. 01 was altered from "World Athletics Certified" to "Made in China," and BoQ Item No. 22 was reduced to "Flat Bench (Made in China)" both representing fundamental deviations from mandatory specifications. These were not clerical mistakes but substantive non-conformities that rendered the bid of M/s Bolan Sports non-responsive. The subsequent work order and contract issued to M/s Bolan Sports even reflected altered specifications compared to those submitted on EPADS, indicating deliberate manipulation to favour a particular bidder.

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6. The representative of the appellant further argued and submitted that the justification advanced by the Executive Engineer (XEN) that a "statement on stamp paper can be

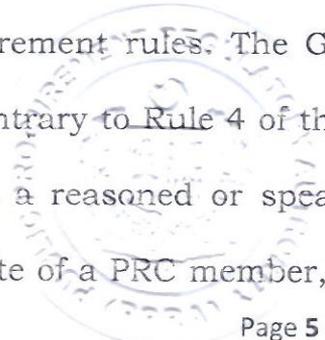
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obtained to restore original specifications” and that “price difference is too large to ignore” is legally untenable. Post-bid clarifications or corrections of material deviations are expressly prohibited under ITB 29.2 and Rule 30 of the PP Rules, 2004, as they compromise the sanctity of competitive bidding and amount to post-bid negotiations. Awarding a contract solely on the basis of lowest cost disregards the principle that the *most advantageous bid* must be both technically responsive and financially competitive. Moreover, Mr. Akbar’s reasoning correctly exposed the inconsistency that if cost alone were the determinant, even technically disqualified bids could be accepted an outcome clearly impermissible under the law. His recommendation to seek clarification from PPRA before proceeding, rather than endorsing a potentially void procurement, demonstrates prudence, transparency, and fidelity to regulatory compliance.

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Amir Khan

7. The representative of the appellant also submitted that, in light of the said irregularities, the Appellant lodged a formal complaint before the Grievance Redressal Committee (GRC) on 30.04.2025 to prevent mis-procurement. However, the GRC, through its decision dated 20.05.2025, summarily dismissed the complaint without proper examination of the facts, evidence, or applicable procurement rules. The GRC’s decision is biased, arbitrary, and contrary to Rule 4 of the PP Rules, 2004, as it failed to provide a reasoned or speaking order, disregarded the dissenting note of a PRC member, and



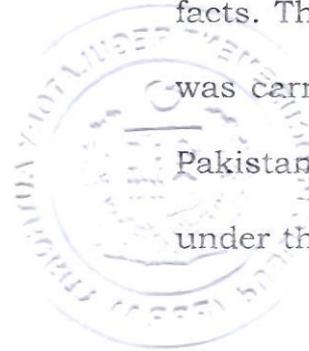
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overlooked clear procedural lapses and violations of mandatory clauses in the bidding process.

8. At the last, the representative of the appellant further added and prayed that the impugned decision of the GRC dated 20.05.2025 be set aside and the contract awarded to M/s Bolan Sports be suspended as the same constitutes misprocurement. The Appellant further prayed that the contract be awarded to M/s Swallow International, being the rightful and responsive bidder, and that a fresh, independent inquiry be ordered by neutral experts from outside the PSB and MoIPC to examine the manipulation of evaluation records and post-bid irregularities. The Appellant also sought disciplinary and legal action under Rules 50 and 51 of the PP Rules, 2004, against all officials involved, and requested that appropriate corrective and procedural safeguards be directed for all future GRCs to ensure transparency, record-keeping, and compliance with procurement laws, hence this appeal.

9. On the other side, learned representative of the respondent no. 01 i.e., the *Ministry of Inter-Provincial Coordination (IPC)*, submitted that the appeal filed by M/s Swallow International, Peshawar, is misconceived in law and facts. The Ministry clarifies that the procurement in question was carried out entirely by the respondents no 02 & 03 i.e., Pakistan Sports Board (PSB), an autonomous body functioning under the administrative control of the Ministry. The Ministry

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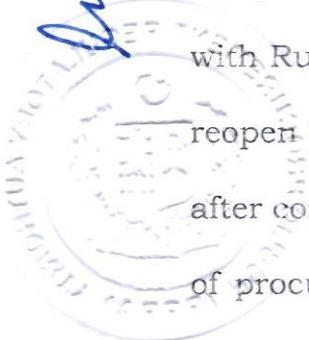
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had no direct role in the initiation, evaluation, or award of the tender under Tender Inquiry No. PID(I)5916(24) for "Purchase of Sports Equipment at Pakistan Sports Complex, Islamabad." The bidding process was conducted through EPADS, and PSB undertook both the technical and financial evaluations as per the Public Procurement Rules, 2004 and the approved bidding documents. Eight firms participated, including the Appellant, and the process was transparent and competitive. The Appellant, M/s Swallow International, was initially shown technically qualified in the Technical Evaluation Report (TER) and the first version of the Final Evaluation Report (FER), but in the revised FER uploaded on EPADS, it was disqualified for failing to attach the requisite work experience as prescribed under the qualification criteria.

10. The representative of the respondent no. 01 also submitted that the Appellant was indeed included in the financial bid opening, where M/s Bolan Sports, Quetta, emerged as the first lowest evaluated bidder with a quoted price of Rs. 82,834,200, whereas M/s Swallow International was the second lowest with Rs. 126,175,520, creating a difference of **Rs. 43,341,320**. Although, it is correct that M/s Bolan Sports' BoQ contained certain variations in item descriptions, these were reviewed by the Procurement Review Committee (PRC) and deemed acceptable under the evaluation criteria. The Grievance Redressal Committee (GRC) was subsequently seized of the Appellant's complaint dated 30.04.2025, which

was forwarded by the Secretary, Ministry of IPC, on 02.05.2025 to the Director General (PSB) and CF&AO for joint examination. The GRC held detailed proceedings on 14.05.2025, after public holidays and the Appellant's unavailability in Pakistan. Both the complainant and PSB were given ample opportunity to present documents, explanations, and clarifications. The GRC also summoned Mr. Ijaz Akbar, the then Assistant Director (Procurement-I), PSB, who had earlier been repatriated to the Ministry due to alleged irregularities, to appear with the complete record. The GRC examined all relevant material, cross-questioned both parties, and considered the complaint in the light of Rules 48(3), 48(4), and 48(5) of the PP Rules before issuing its report on 20.05.2025 within ten working days, fully complying with Rule 48(6).

11. The representative of the respondent no. 01 further submitted that the GRC's decision was fair, lawful, and reasoned. It found no evidence of coercion, conflict of interest, or mala fide on the part of PSB or its officials. The GRC observed that the complaint became infructuous because the work order had already been issued on 05.05.2025 and the contract executed on 08.05.2025 prior to receipt of the complaint by the Committee on 09.05.2025. In accordance with Rule 48(5) of the PP Rules, GRC had no legal authority to reopen the evaluation process or entertain a complaint lodged after contract execution in a *single-stage, two-envelope* method of procurement. Nevertheless, the GRC examined the record



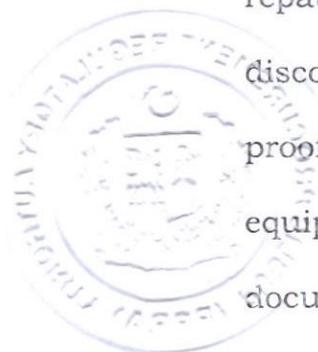
and pointed out any procedural deviations in its report. The GRC correctly concluded that M/s Bolan Sports, being the lowest and most responsive bidder, was awarded the contract in line with procurement law, and any subsequent objection regarding technical evaluation could not be entertained post-contract award. The Appellant's reliance on the dissenting note of Mr. Ijaz Akbar was also misplaced, as the same officer himself prepared both versions of the FER and recommended award to M/s Bolan Sports as the most responsive bidder.

12. The representative of the respondent no. 01 further added that the findings and conclusion of the GRC are just, reasoned, and fully supported by record. The Appellant's allegations of bias, manipulation, or procedural impropriety are without substance and contrary to the factual matrix. The Ministry emphasized that the GRC's proceedings were transparent, evidence-based, and conducted strictly within the legal framework of the PP Rules, 2004. Therefore, respondent no. 01 respectfully prayed that the instant appeal be dismissed as devoid of merit, and the decision of the GRC dated 20.05.2025 along with the award of contract to M/s Bolan Sports, Quetta be upheld as lawful, transparent, and in consonance with procurement regulations.

13. On the other hand, learned counsel of the respondent no. 02 & 03 i.e., Pakistan Sports Board (PSB) submitted that the instant appeal filed by M/s Swallow International,

*Peshawar* under Rule 48(7) of the Public Procurement Rules, 2004 is misconceived, factually incorrect, and devoid of any legal substance. The entire procurement process titled "*Purchase of Sports Equipment at Pakistan Sports Complex, Islamabad*" was conducted by Respondents No. 02 & 03 in strict adherence to the PP Rules, 2004 and the prescribed Standard Bidding Documents, ensuring transparency, fairness, and competitive equality among all participating bidders. The appellant's assertions are based on an erroneous understanding of facts and a misapplication of procurement laws.

14. The learned representative of the respondent (PSB) also submitted that the said tender was duly published on 28.02.2025 in national newspapers and uploaded on both PPRA and PSB websites. Technical bids were opened on 20.03.2025 in the presence of all eight participating bidders, including the appellant. Subsequently, technical evaluation data was uploaded on 16.04.2025 through the EPADS portal, wherein M/s Swallow International was inadvertently reflected as technically qualified due to a clerical error by the then Assistant Director (Procurement-I), who has since been repatriated to the parent Ministry. Upon review, it was discovered that the appellant had failed to provide mandatory proof of five years relevant experience in the field of sports equipment, as required by the bidding documents. The documents submitted by the appellant reflected experience



limited to athletics track works and not to the supply of sports equipment items such as javelins, hockey poles, and football mats.

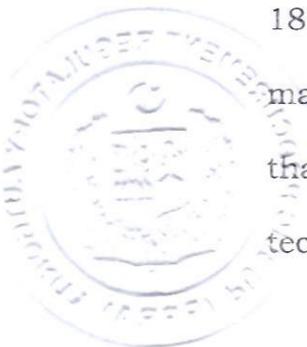
15. The representative of the respondent further submitted that, upon detection of the anomaly, the Procurement Review Committee (PRC) examined the record and rectified the error by declaring M/s Swallow International technically disqualified for not meeting the threshold of 80 marks. Consequently, the financial bids were opened on 22.04.2025, revealing that M/s Bolan Sports, Quetta was the lowest evaluated responsive bidder at Rs. 82,834,200/-, while the appellant's bid stood significantly higher at Rs. 126,175,520/-. The Final Evaluation Report was uploaded on 29.04.2025 in compliance with Rule 48(3) of the PP Rules, 2004, clearly reflecting the correction and maintaining full transparency in the process. The work order was thereafter issued to M/s Bolan Sports on 05.05.2025 and the contract executed on 08.05.2025.

16. The representative of the respondent (PSB) further added and submitted that, after knowing the fact of the clerical lapse, PSB management promptly repatriated the responsible officer to the Ministry of IPC for appropriate disciplinary action. Furthermore, the Grievance Redressal Committee (GRC), chaired by the Ministry's CF&AO, thoroughly reviewed the procurement record and concluded that the process was

conducted in accordance with the PP Rules without any element of favouritism or procedural deviation. The GRC also noted that the complaint from M/s Swallow International was received on 09.05.2025 after the work order had already been issued on 05.05.2025 and the contract executed on 08.05.2025, thereby rendering the grievance infructuous under Rule 48(3)(4)(5) of the PP Rules, 2004.

17. The counsel of the respondent (PSB) also submitted that the rectification of the clerical mistake prior to the award of the contract was entirely permissible under Rule 29 and Rule 38 of the PP Rules, 2004, which allow correction of errors and evaluation based on responsiveness and compliance with mandatory requirements. The procurement process strictly complied with the statutory framework governing public procurements, including the mandatory publication of the evaluation report for public viewing, thus upholding the principles of transparency, competition, and non-discrimination. The appellant, not being technically qualified and not being the lowest evaluated bidder, had no vested or enforceable right to the award of contract, hence request for dismissal of the instant appeal.

18. After perusal of all relevant record and arguments made by both the parties, the Appellate Committee observed that M/s Swallow International was initially reflected as technically qualified in the preliminary evaluation uploaded on



EPADS, however, the revised evaluation indicated failure to meet the mandatory experience requirement prescribed in the bidding documents. As per the stance of the respondent (PSB) it was a clerical and bona fide mistake which was rectified later on. The correction of this clerical mistake prior to award of contract does not constitute a violation of the PP Rules, provided it was done transparently and fairly and also before financial evaluation was finalized.

19. The Committee also observed that the appellant's allegation regarding M/s Bolan Sports materially altered BoQ items was examined. After perusal, the Committee found no documentary evidence on record that proving these changes, which resultantly affected the essential performance or quality specifications or amounted to post-bid modifications prohibited under ITB Clauses 29 and 30. Moreover, the dissenting note of Mr. Ijaz Akbar raised genuine procedural concerns but did not establish mala fide or collusion.

20. The Committee further observed that as per the documents submitted by the representative of the Respondent, the Pakistan Sports Board (PSB) had specified the procurement of particular sports equipment items, including javelins, hockey poles, and football mats, in accordance with international standards, irrespective of their country of manufacture. However, the record reflects that the Appellant's prior experience pertained solely to athletics track works and

did not encompass the supply of such sports equipment. Therefore, the Respondent's decision to declare the Appellant's bid as non-responsive stands duly justified.

21. The Committee further observed that the appellant had submitted a formal complaint dated 30.04.2025 to the Chairman, Grievance Redressal Committee (GRC), Ministry of Inter-Provincial Coordination (IPC) i.e., Respondent No. 01, with a copy endorsed to the Director General, Pakistan Sports Board (PSB). Respondent No. 02 received the said complaint through the office of the Secretary, Ministry of IPC, on 02.05.2025, accompanied by directions to the Chief Finance and Accounts Officer (CF&AO) and the DG PSB to jointly examine the matter. In compliance, the DG PSB furnished his reply on 06.05.2025, while the CF&AO, Ministry of IPC, prepared a brief report on 07.05.2025 and submitted the same to the Secretary, Ministry of IPC, who subsequently referred the complaint to the GRC of Respondent No. 02 on 09.05.2025 for redressal.

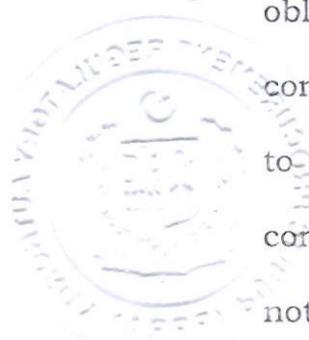
22. In view of the foregoing sequence of events, it is evident that the appellant's grievance dated 30.04.2025 was circulated across multiple forums. It is pertinent to note that the Technical Evaluation Report was uploaded on the EPAD portal by the respondent, i.e., Pakistan Sports Board (PSB), on 16.04.2025, wherein four bidders, including the appellant, were declared technically qualified. Subsequently, the Final

Evaluation Report was also uploaded on EPAD by the respondent on 29.04.2025, wherein, quite surprisingly, as per serial number 9 of the said report, only three bidders were shown as technically qualified, and the appellant's name was omitted from the list of technically qualified bidders. Upon discovering this omission, the appellant lodged a formal grievance/complaint dated 30.04.2025 addressed to the Chairman, GRC (Ministry of IPC), with a copy endorsed to the Director General, PSB and the same was also uploaded on the EPAD portal on the same date. Furthermore, during the course of the hearing, the representative of respondent No. 01 admitted that they were failed to view or log into the said complaint on the EPAD portal. It is also an admitted position that by 02.05.2025, respondent No. 01 and 02 were fully cognizant of the said grievance filed by the appellant.

23. The Committee further observed that upon issuance of the Final Evaluation Report dated 29.04.2025, the appellant became aware for the first time of its disqualification on technical grounds. Consequently, the appellant's grievance pertaining to its disqualification was to be construed as a complaint against the Technical Evaluation Report, thereby attracting the application of Rule 48(4) of the Public Procurement Rules, 2004, which mandates that if a complaint is filed against a technical evaluation report, the Grievance Redressal Committee (GRC) shall suspend the procurement proceedings. However, in the present case, respondent no. 01

(GRC) did not issue any order for suspension of the procurement process, as a result of which respondent no. 02 (Pakistan Sports Board) proceeded further to issue the work order dated 05.05.2025 and subsequently awarded the contract dated 08.08.2025 to M/s Bolan Sports. In these circumstances, the error committed by the then Assistant Director of the procuring agency who had initially declared the appellant technically qualified cannot justly be imputed to the appellant. Hence, the appellant's grievance was deemed to have been filed within the prescribed time and in accordance with the true spirit of Rule 48(3) of the Public Procurement Rules, 2004.

24. In view of the foregoing, the Committee is of the considered opinion that mere procedural irregularities or administrative lapses cannot lawfully deprive the appellant of its legitimate right to redressal. The Committee further observed that the grievance filed by the appellant was within the prescribed time limit under Rule 48(3) of the Public Procurement Rules, 2004. Furthermore, in accordance with Rule 48(4) of the said Rules, upon submission of the grievance complaint, the respondent (GRC) was under a mandatory obligation to suspend the procurement proceedings. However, contrary to the said provision, the procuring agency proceeded to open the financial bids and subsequently awarded the contract, thereby acting in violation of Rule 48(4). It is further noted that any such unauthorized deviation from or breach of



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the Public Procurement Rules, 2004 constitutes *mis-procurement* within the meaning of Rule 50 thereof.

25. However, the Committee further observed that, for instance, if the appellant had been declared technically qualified, at the financial evaluation stage the bid amount quoted by M/s Swallow International stood at Rs. 126,175,520, reflecting a difference of Rs. 43,341,320 as compared to the bid submitted by the successful bidder, M/s Bolan Sports. In such circumstances, the appellant could not have been considered the most advantageous bidder in any case.

26. In view of foregoing, the appeal in hand is hereby disposed of in light of the abovementioned observations.

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

  
(Sheikh Ansaal 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 seventeen (17) pages.*

