



No. PPRA/AP-22/2026
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)

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ORDER

M/s PEAS Consulting (Pvt.) Ltd. & Consortium

...the “Appellant”

Vs.

National Highway Authority, etc.

...the “Respondents”

<u>Date of Hearing</u> 16.07.2026	Ch. M. Atif (Advocate), Mr. Faisal Rashid, Mr. Atta Ullah Khan (Manager), Mr. Fahid Riaz (Manager HR) <i>(On behalf of Appellant)</i> Mr. Taimoor Aslam Khan (ASC), Mr. Tariq Riaz (Dir. NHA) <i>(On behalf of Respondent)</i>
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APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004 AGAINST THE DECISION OF GRIEVANCE REDRESSAL COMMITTEE (GRC) DATED 23-04-2026

[IN THE MATTER: CONSULTANCY SERVICES FOR DESIGN REVIEW & CONSTRUCTION SUPERVISION FOR RECONSTRUCTION OF NATIONAL HIGHWAY N-5 UNDER PAKISTAN'S RESILIENT RECOVERY, REHABILITATION AND RECONSTRUCTION FRAMEWORK PROJECT – PHASE 1A]

The Authority received an Appeal filed by M/s PEAS Consulting (Pvt.) Ltd. & Consortium, through its authorized representative Mr. Faisal Rashid Warraich on 27.04.2026, under Rule 48(7) of the Public Procurement Rules, 2004. The Authority on receipt of the Appeal issued notices to M/s PEAS Consulting (Pvt.) Ltd. & Consortium, through its authorized representative

Mr. Faisal Rashid Warraich, National Highway Authority (NHA), through its Chairman, NHA through its General Manager (P&CA), NHA through its Convener GRC / General Manager (Planning), (the Respondents), wherein it was directed to appear in person or through their nominated representatives or Counsel before the Authority on 16.07.2026 before the Appellate Committee in the Committee Room of this Authority.

2. On the said date of hearing (16.07.2026), the above-mentioned learned counsels and representatives of the parties appeared before the Committee and presented their arguments at length. The Respondents provided written arguments to the Committee.
3. The counsel for the appellant submitted that the subject matter of this Appeal falls within the jurisdiction of the Public Procurement Regulatory Authority (PPRA) under Rule 48(7) of the Public Procurement Rules, 2004. The Grievance Redressal Committee (GRC) of the Procuring Agency, i.e., National Highway Authority (NHA), by its order dated 23-04-2026 dismissed the Appellant's GRC Petition and upheld the actions of the Respondent. The Appellant, being aggrieved, prefers this Appeal.
4. The counsel for the appellant further submitted that this Appeal is filed within the limitation period as prescribed under Rule 48(7) of the Public Procurement Rules, 2004. The impugned GRC order is dated 23-04-2026 and this Appeal is being filed within the prescribed time. The Appellant is a consortium of highly reputed engineering and consultancy firms, with PEAS Consulting (Pvt) Ltd. (formerly Pakistan Engineering Associates Limited PEAL, established 1954, upgraded 2007) as Lead Partner, with extensive experience in infrastructure development

projects in Pakistan. The Consortium also includes: Umer Munshi Associates (UMA) (Pakistan, est. 1965), DONGSUNG Engineering (Korea, est. 1991), SAJDI (Jordan, est. 1974), and STEPS (Specialized in Environment & Social Safeguards, inc. 2023)

5. Further submitted that the Respondent, National Highway Authority (NHA), issued a Request for Expression of Interest (REOI) for "Design Review & Construction Supervision for Rehabilitation and Reconstruction of N-5 Phase-1A (Three Sections)" (hereinafter the "Project"), financed by the Asian Infrastructure Investment Bank (AIIB). The Appellant duly submitted a comprehensive EOI document in strict compliance with the REOI/pre-qualification requirements, demonstrating extensive relevant experience, technical expertise, and organizational capability. Further submitted that responding our Inquiry, by letter dated 23-02-2026, the Respondent communicated that the Appellant's consortium had not been pre-qualified shortlisted, without providing any evaluation scores, marking details, reasons for non-selection, comparative scores, or the names of pre-qualified/shortlisted firms.

6. The counsel for the appellant contended that the Appellant filed a detailed Petition under Rule 48 of the PPRA Rules, 2004 before the GRC of NHA on 25-02-2026, raising multiple grievances regarding the unlawful and discriminatory evaluation process. The GRC proceeded with single hearing after almost 40 days' time period. Despite repeated requests by the Appellant and directions of the GRC itself, the Respondent (NHA) persistently refused to share the evaluation report, even individual scores of the Appellant's consortiums, methodology

adopted, names of pre-qualified shortlisted firms, and overall ranking, thus depriving the Appellant of any meaningful opportunity to challenge the evaluation. Further added that during the course of GRC proceedings, the Appellant learnt for the first time that the evaluation had been conducted on a Comparative/Relative marking basis (Le scoring of one firm relative to another). This methodology was never disclosed in the REOI documents and rather contradicts the absolute marking criteria mentioned in REOI document issued, constituting a fundamental illegality in the evaluation process.

7. The counsel for the appellant further submitted that the GRC, by its order dated 20-04-2026, dismissed the Appellant's petition and upheld the actions of the Respondent. The Appellant is aggrieved by the said order and prefers this Appeal on the grounds set out below:-

a. That the decisions of GRC/respondent no. 3 as well as GM (P&CA)/respondent no. 2 are illegal, arbitrary and passed in contrary to the admitted facts, wherein gross injustice has been caused to the petitioner. The Petitioner is seriously aggrieved by the unjust actions of the respondents and further if the arbitrary evaluation/pre-qualification is allowed to continue as it is, will likely to cause significance loss to Government Exchequer as well.

b. The REOI documents issued by the Respondent no. 2 contain no provision, criteria, or methodology stipulating that the evaluation of firms shall be conducted on a comparative or relative basis (Le marking one applicant against others). The REOI documents, on their plain reading, indicate that the

evaluation shall be conducted against the requirements of the subject/instant Project itself- that is, the relevance and adequacy of an applicant's experience vis-à-vis the specific nature, scope, geographical location, and character of this particular Project. The benchmark for scoring was the Project itself, not the competing applicants. The Respondent, by conducting comparative marking (ranking firms inter se), introduced a methodology that was never disclosed to the applicants, in clear violation of Rule 29 of the PPRA Rules, 2004, which requires that evaluation criteria be objective, quantifiable, and disclosed in the tender documents.

- i. Rule 30 of the PPRA Rules, 2004, which mandates that all bids shall be evaluated strictly in accordance with the evaluation criteria and other terms set forth in the tender documents. Only those criteria mentioned in the documents can be applied.
- ii. Section 2.18.2 of the AIIB Procurement Instructions for Recipients (PIR), which requires the pre-qualification/ shortlist to comprise firms that "have expressed interest and have the relevant experience, managerial and organizational capabilities for the assignment" indicating an absolute assessment against project requirements, not a comparative ranking.
- iii. Annex V Section 2.2 of the AIIB Procurement Instructions for Recipients (PIR), is unequivocal on the criteria stating "the tender documents include the complete evaluation criteria and the specific manner in which they are to be applied... All the criteria indicated in the tender document are

applied; and only these criteria are applied” - the EOI documents issued by

- iv. NHA indicating an absolute assessment against project requirements, not a comparative ranking.
- c. Comparative/relative marking is fundamentally flawed at the EOI/pre-qualification stage because it does not measure a firm's capability against the project requirements, it measures one firm's capability against its rival competitors. This means that even a highly capable and experienced consortium may be excluded simply because other applicants happened to claim comparatively higher (and potentially unverifiable) credentials, without any objective threshold being applied.

Furthermore, comparative marking introduces an inherent irrationality when assessing international versus domestic experience work performed by a company in a foreign country, even if of larger scope and higher financial value, may not be comparably relevant to a similar project executed within Pakistan or any country's road infrastructure has unique characteristics of geography, traffic conditions, loading patterns, climate changes, regulatory framework, local capacity, and institutional environment. This GT Road N-5 has peculiar characteristic's even amongst the other local highways due to its extreme traffic and loading conditions, most vulnerable climatic change environment amongst the world and geographically crossing and connecting / most densely populated 03 provinces and urban areas of Pakistan. A firm that has successfully supervised construction of a 6-lane expressway in South

Korea/Turkey or even in south Asia cannot be deemed inherently more qualified for Design review & supervision of a National Highway rehabilitation N-5 project in Khyber Pakhtunkhwa / Punjab / Sindh provinces of Pakistan merely because of higher cost or wider scope/duration. Conversely a local firm having extensive experience and expertise in Maintenance & Rehabilitation works of National Highways in Pakistan specifically N-5, well acquainted with the local conditions and requirements, obviously more relevant and qualified for the instant project. Likewise, a firm claiming 1000 key staff cannot obtain 5 times extra marks against a firm showing 200 key staff as per requirement for the instant project in the TOR, i.e., 200 Key staffs. The REOI documents themselves required relevance to the project type, scale - not maximum scale - and any comparative marking, that fails to weight domestic relevance appropriately is arbitrary and irrational.

- d. The Respondent has relied heavily on AIIB's Procurement Instructions for Recipients (PIR) to justify various aspects of its pre-qualification. However, Section 2.18.2 of the AIIB PIR clearly states that the pre-qualification/ shortlist "comprises firms that have expressed interest and have the relevant experience, managerial and organizational capabilities for the assignment." This is an absolute assessment - does the firm have the required experience and capability? not a comparative exercise of ranking firms against each other. Annex V Section 2.2 of the AIIB Procurement Instructions for Recipients (PIR), is unequivocal on

the criteria stating the tender documents include the complete evaluation criteria and the specific manner in which they are to be applied. All the criteria indicated in the tender document are applied; and only these criteria are applied". The AIIB PIR does not authorize or require comparative marking; it merely sets a numerical ceiling and floor for the resulting prequalification / shortlist. The Respondent has conflated the pre-qualification/ shortlist size provision with a 19th evaluation methodology, which is an error of law.

e. Further submitted that the GRC order dated 23-04-2026, by which the Appellant's petition was dismissed, is legally unsustainable for the following reasons:

1. The order fails to address the specific and critical ground that comparative/relative marking was not disclosed in the REOI, which is a question of law going to the root of the evaluation process.
2. The order fails to address the conflict of interest of the GRC Convener who is also the Chairman of Consultancy Evaluation committee (main signatory of the consultant's evaluation), which vitiates the entire GRC proceeding.
3. The order fails to address the Respondent's refusal to share the evaluation report and scores, even appellant's own score, and the consequent denial of the Appellant's right to an adequate hearing.
4. The order fails to meaningfully respond/ engage with the total

exclusion of all locally-led consortia (against the spirit of AIIB approved NHA'S MOM dated: 19th Sep, 2025, Response to bidders Queries, i.e., part of REOI), which raises serious questions of discrimination.

5. The order appears to have been prepared essentially in affirmation of the Respondent's own position, without independent analysis, consistent with the bias inherent in the GRC Convener's conflict of interest.
6. GRC has relied on the email of AIIB, despite the fact that AIIB is not a regulatory body and GRC is not bound by AIIB. The PPRA Rules, 2004 constitute a statutory framework for procurement grievance redressal in Pakistan. AIIB's administrative review or concurrence with NHA's process carries no adjudicatory weight under Pakistani law. The GRC is a creature of the PPRA Rules, not of AIIB. Its mandate is to apply the PPRA Rules and relevant law, not to concede the financier's satisfaction. FCC supreme court decision was also presented to the GRC in hearing for substantiation.
7. The consequence is that the GRC was not hearing a dispute between two parties on equal footing. It was hearing a dispute in which one party's every submission was pre-endorsed by the body whose guidelines the GRC was applying. The GRC's ultimate conclusion that the process was compliant with AIIB guidelines was therefore preordained by the very architecture of the proceedings. This structural imbalance constitutes a

denial of fair hearing and equal treatment before the GRC.

8. That no question or answer session was ever done in presence of appellant.
 9. The decision consists almost entirely of a recitation of the Respondent's responses, followed by a one-line conclusion.
 10. All the grounds taken by the Appellant were neither discussed nor answered satisfactorily by the GRC.
- f. Further submitted that the Respondent presented its comparative evaluation methodology and scoring to the GRC in a session on April 15, 2026, from which the Appellant was entirely excluded. The Appellant was never shown this presentation, never given an opportunity to comment on it, cross-examine it, or respond to it in any manner. Yet the GRC based its decision, solely on the briefing of respondents. This constitutes a fundamental and incurable violation of the principle of audi alteram partem (hear the other side), which is a cardinal rule of natural justice and a foundational requirement of any fair adjudicatory process. The GRC received and acted upon material evidence, the comparative evaluation presentation, that was never disclosed to the Appellant. The appellant must have been given the opportunity to rebut the same.
- g. Further submitted that the GRC decision attempts to address the Appellant's demand for a formal debriefing by stating that during hearing debriefing was conducted. The Appellant categorically denies the conduct of any debriefing at all. The GRC

hearing was not a debriefing; it was a dispute adjudication session converting it into a debriefing by conduct is a legal fiction designed to paper over the Respondent's failure to comply with its obligations under the AIIB PIR and PPRA Rules.

- h. Further submitted that the REOI documents issued by NHA for this Project do not contain any clear and specific statement that the pre-qualification/ shortlist shall be restricted to exactly six (6) firms. The only reference to the AIIB PIR in the REOI pertains to conflict-of-interest provisions. There is no explicit mention in the REOI that the number of firms to be pre-qualified/ shortlisted is limited to three, four, five, or six or even more.

As per Rule 29 of the PPRA Rules, 2004, all evaluation criteria and maternal conditions must be clearly and objectively stated in the tender/REOI documents, post-facto application of any criteria, condition, or cap not disclosed in the REOI is impermissible. The Respondent cannot rely on an external document (AIIB PIR) to impose a restrictive criterion (top six cap) which was not reproduced or incorporated by reference in the REOI in clear terms.

- i. Further submitted that, even the AIIB PIR itself does not make the six-firm limit a rigid requirement. Section 2.18.3 expressly uses the word "normally"- "A pre-qualification/ shortlist of consultants normally includes no less than three (3) and no more than six (6) qualified consultants." The word 'normally' introduces an element of discretion and qualification it is not an absolute

mandate. Where exceptional circumstances exist, where more than six firms are well-qualified, or were restricting to six would exclude competent applicants without justification, the procurement framework allows for flexibility.

- j. Further submitted that the REOI's silence on the number of firms to be pre-qualified/ shortlisted meant that applicants were reasonably entitled to understand that all firms meeting the qualification criteria would be pre-qualified / shortlisted, subject only to a minimum/maximum framework as applicable. By arbitrarily capping the pre-qualification / shortlist at exactly six, without prior disclosure, the Respondent violated the principle of transparent and fair procurement.
- k. Further submitted that during the GRC proceedings, the Appellant became aware of a grave conflict of interest: the officer who served as Convener of the Grievance Redressal Committee (GRC) is the same officer who also served as Chairman of the Consultancy Procurement / Evaluation Committee that conducted the original EOI evaluation. This is a fundamental violation of the principles of natural justice, as an adjudicator cannot sit in judgment over their own prior decisions or actions. The GRC, under Rule 48 of the PPRA Rules, 2004, is meant to be an independent, impartial forum to redress grievances against the actions of the procuring agency. If the person chairing the GRC is the same person who presided over the original procurement decision being challenged, any semblance of independence and impartiality is destroyed at the outset.

1. This conflict of interest is also directly contrary to Section 2.3.5 of the AIIB Procurement Instructions for Recipients (PIR), which addresses conflicts of interest in the procurement process, and to Rule 4 of the PPRA Rules, 2004, which mandates that procurement be conducted in a fair and transparent manner. An officer cannot be expected to objectively assess his own decisions. The GRC proceedings were accordingly vitiated by this inherent bias, and any order passed by such a GRC must be treated as void ab initio.

- m. Rule 48 of the PPRA Rules, 2004 provides for the constitution and functioning of the GRC and contemplates the suspension of the procurement process pending resolution of grievances. Despite repeated written and oral requests by the Appellant during GRC hearings, the GRC failed to issue any order suspending the procurement process, allowing NHA to proceed with the procurement unhindered while the grievance was ostensibly under adjudication. Over and above the GRC ironically directed the respondents in their decision to proceed with the procurement process which they never stopped/suspended.

This failure had two prejudicial consequences: first, it allowed NHA to potentially advance the procurement process to a stage where reversal becomes difficult, thereby rendering the GRC proceedings infructuous before they even concluded, and second, it demonstrated the non-serious approach of the GRC toward the Appellant's legitimate grievances.

n. Furthermore, the GRC demonstrably failed to pass the final order within the ten (10) day period mandated by Rule 48(4) of the PPRA Rules, 2004. The Appellant submits that this delay was calculated to allow the procurement process to advance, thereby prejudicing the Appellant's position before a final adjudication could be rendered.

o. Throughout the GRC proceedings, the Appellant repeatedly requested the following information from the Respondent, both independently and through formal directions of the GRC:

- The combined EOI evaluation report, including the scoring methodology and detailed results;
- The individual scores/marks awarded to the Appellant's consortium at the EOI evaluation stage;
- The reasons for non-prequalification/ non-shortlisting / of the Appellant, with explanation of each evaluation point;
- The list of all firms that submitted EOIs, along with their respective scores;
- The names of the pre-qualified / shortlisted firms and their scores

The Respondent persistently refused to share any of this information, despite the fact that:

- Rule 14.4 of the PP Rules, 2004 requires that all documents and reports pertaining to the procurement process be accessible and that evaluation reports be made available to concerned parties upon request.

- Section 2.2.2(b) of the AIIB PIR emphasizes the Core Procurement Principles of transparency and fairness as foundational requirements for all AIIB-financed procurement.
- Section 2.3.9 of the AIIB PIR (De-briefing by Recipient) expressly provides: "The Recipient debriefs each unsuccessful tenderer or consultant who furnishes a written request for debriefing to the Recipient during the standstill period, regarding the basis for its selection decision." NHA was obligated to provide a debriefing and communicate the basis of the Appellant's non-selection.
- The principles of natural justice (audi alteram partem) require that a party adversely affected by a decision be given adequate reasons and information to enable it to challenge that decision meaningfully. Without access to the evaluation report and scores, the Appellant was effectively deprived of any genuine opportunity to challenge the evaluation.

Even before the GRC, despite directions of the Committee, NHA remained non-cooperative, failing to produce any meaningful evaluation documentation. The GRC's failure to enforce production of these documents further demonstrates its compromised impartiality, particularly in light of the conflict of interest identified in grounds above.

- p. Further submitted that transparency is a core principle of procurement under both PPRA Rules

and AIIB PIR. The Respondent's conduct opacity, refusal to disclose scores, and denial of debriefing is fundamentally inconsistent with a lawful procurement process and raises legitimate concerns about the integrity of the evaluation exercise.

q. Further submitted that the Respondent during GRC proceedings, never denied our claim that no consortium led by a local (Pakistani) firm has been pre-qualified/shortlisted. So, our apprehension and objection that discrimination against Local led firms against the spirit of REOI documents was proved because all six pre-qualified/ shortlisted consortiums are led by international firms. This is despite the categorical requirement in REOI documents and assurance given by the Respondent at the pre-bid meeting & MOM issued that there was no mandatory requirement for the lead firm to be an international company. The complete exclusion of all locally-led consortia even containing multiple international Firms in consortiums while simultaneously claiming that the lead firm's nationality was irrelevant creates a compelling and reasonable inference that the evaluation was conducted in a manner that favored internationally-led consortia, either explicitly or implicitly, through a scoring methodology devised later against given in REOI documents, that was biased toward foreign led JVs over qualified comparable domestic led JVs even having multiple international firms in JV.

r. Under AIIB PIR Section 2.4.1 (Open Participation), all firms regardless of nationality are to be treated

equally. Section 2.4.4 prohibits discriminatory conditions. The effective exclusion of all locally-led consortia, without explanation, is prima facie discriminatory and contrary to the open participation principle.

- s. This inference is further strengthened by the Respondent's refusal to share the evaluation scores. If the evaluation was truly neutral and merit-based, there would be no reason to withhold the evaluation sheet and scores. The economic consequences are also significant: if the Project is awarded to a foreign-led consortium, the potential increase in cost would be at least PKR 500 million to 1 billion. This is contrary to Rule 4 of the PPRA Rules, 2004 (value for money and economy), and contrary to the AIIB PIR's requirements of economy and efficiency.
- t. Rule 4 of the PPRA Rules, 2004 mandates that procurement be conducted in a fair, transparent, and competitive manner ensuring value for money. The Respondent's conduct, introducing undisclosed evaluation methodology, refusing to share information, conducting evaluation with potential bias, and allowing the GRC to be presided over by an interested party, violates every pillar of this provision.
- u. Rule 33(1) of the PPRA Rules, 2004 obliges the procuring agency, upon request, to communicate the grounds for rejection to any bidder. Despite requests, no grounds accompanied by scores or objective criteria were ever communicated. The Respondent's notification merely stated that the

Appellant was not among the top six, without any reasons.

v. Rule 16(4) of the PPRA Rules, 2004 obligates a procuring agency to communicate to those not pre-qualified the reasons for non-qualification. This obligation remains unfulfilled.

w. The jurisprudence of Pakistan's superior courts is consistent wherein it is held that collective capabilities of consortium members must be holistically evaluated.

8. The counsel for the Respondents (NHA) submitted that the Appeal is misconceived, devoid of merit and liable to be dismissed for the reasons stated in the detailed reply filed by the Respondents. Further submitted that participation in the procurement process and the credentials or experience claimed by the Appellant do not, in themselves, create any entitlement or vested right to be shortlisted. The Expressions of Interest submitted by all participating consultants were considered and evaluated in accordance with the applicable procurement framework and the prescribed evaluation criteria. The Appellant was informed, through letter dated 23.02.2026, that it had not been included among the shortlisted consultants. The procurement process was undertaken in accordance with the applicable procurement framework, and the outcome was communicated in the manner prescribed thereunder.

9. The counsel for the Respondents (NHA) further submitted that the National Highway Authority issued the Request for Expression of Interest (REOI) for the subject assignment under financing of the Asian Infrastructure

Investment Bank (AIIB). The procurement process is governed by the applicable AIIB Procurement Instructions for Recipients (PIR) and the provisions incorporated therein. Further submitted that the Appellant submitted an EOI. It is denied that mere submission of an EOI or self-serving assertions regarding experience, expertise or capability entitle the Appellant to shortlisting. The Appellant's submission was duly evaluated alongside all other EOIs received, and the consultants demonstrating the highest degree of relevance, capacity and suitability for the assignment were shortlisted. The Appellant was informed through letter dated 23.02.2026 that it had not secured a position among the shortlisted consultants. It is denied that the Respondents were under any obligation at the EOI shortlisting stage to provide the detailed comparative evaluation report, scores of other consultants, rankings or other confidential evaluation material. The procurement process was conducted in accordance with the applicable procurement framework and the Appellant was informed of the outcome in the manner prescribed thereunder. The Appellant filed a petition before the Grievance Redressal Committee. However, the allegations regarding unlawfulness, discrimination, lack of transparency or procedural impropriety are specifically denied. The grievances raised by the Appellant were duly considered by the competent forum and were found to be without merit.

10. The counsel for the Respondents (NHA) submitted that the proceedings before the GRC were conducted in accordance with the applicable legal framework. The Respondents duly explained the evaluation process and basis of shortlisting before the GRC. The Appellant's demand for disclosure of comparative evaluation details,

scores of competing consultants and confidential evaluation records is unsupported by the governing procurement framework.

11. The counsel for the Respondents (NHA) submitted that shortlisting, by its very nature, requires comparative assessment of participating consultants in order to identify the most suitable firms for issuance of the Request for Proposals. The evaluation was conducted on the basis of the disclosed criteria and in accordance with the applicable AIIB Procurement Instructions for Recipients. The GRC decision was lawful, reasoned, and based upon the applicable procurement framework and the material placed before the Committee.

12. The counsel for the Respondent (NHA) while arguing grounds of the instant Appeal submitted that the decisions of the Evaluation Committee, General Manager (P&CA), and the Grievance Redressal Committee were lawful, transparent, reasoned and in complete conformity with the applicable procurement framework governing the subject procurement. The Appellant has failed to identify any violation of the REOL, AIIB Procurement Instructions for Recipients (PIR), or any mandatory provision of law. Mere dissatisfaction with the outcome of a competitive shortlisting exercise cannot render the process arbitrary or illegal. Further submitted that the allegation regarding potential loss to the Government exchequer is wholly speculative, unsupported by any evidence and irrelevant at the Expression of Interest (EOI) stage where neither technical proposals nor financial proposals have yet been invited, evaluated or accepted.

13. The counsel for the Respondents (NHA) further contended that the REOI clearly disclosed the evaluation criteria

relating to relevant experience, organizational capability, managerial capacity and suitability for the assignment. The Evaluation Committee strictly applied those disclosed criteria to all participating consultants uniformly and without discrimination. The Appellant incorrectly assumes that a shortlisting exercise can only involve an absolute assessment against project requirements. Such interpretation defeats the very concept of shortlisting. Where the number of interested consultants exceeds the permissible shortlist size, the procuring agency is necessarily required to assess competing submissions and identify those consultants whose qualifications, experience and organizational capabilities are most suitable for the assignment. Such comparative assessment does not constitute a new evaluation criterion; rather, it is the natural and unavoidable application of the disclosed criteria for purposes of preparing a shortlist. The reliance placed by the Appellant on Rules 29 and 30 of the PPRA Rules, 2004 is misplaced. The subject procurement was at the EOI/shortlisting stage and no bids, proposals or financial offers had been solicited or evaluated. The cited provisions pertain to bid evaluation and award processes and are therefore inapplicable to the present controversy.

14. The counsel for the Respondents (NHA) further submitted that the Appellant's interpretation of Sections 2.18.2 and 2.18.3 of the AIIB PIR is erroneous. Section 2.18.2 prescribes the attributes that consultants must possess for consideration, whereas Section 2.18.3 expressly contemplates preparation of a shortlist comprising a limited number of qualified consultants. The preparation of such shortlist necessarily requires comparison of competing EOIs in order to identify the most suitable

consultants from a larger pool of applicants. The methodology adopted by the Respondents was therefore fully consistent with both the REOI and the AIIB procurement framework. The allegation that an undisclosed evaluation methodology was introduced is specifically denied. No criterion outside the REOI was applied. The disclosed criteria were applied uniformly to all applicants and thereafter used for preparation of the shortlist in accordance with the applicable procurement regime.

15. The counsel for the Respondents (NHA) submitted that the Appellant's criticism of comparative assessment is contrary to established international procurement practice and is based upon subjective disagreement with the outcome of the evaluation process. Further submitted that shortlisting by its very nature is a competitive exercise intended to identify the most suitable consultants from among multiple qualified applicants. The fact that a consultant possesses relevant experience does not create an entitlement to be shortlisted where other consultants demonstrate greater relevance, capacity, experience or suitability for the assignment. The purpose of shortlisting is precisely to distinguish between competing qualifications and identify the strongest candidates for the next stage of procurement.

16. The allegation that comparative evaluation results in irrational outcomes is wholly unfounded. The Evaluation Committee assessed the relevance, quality, complexity, scale and suitability of experience in relation to the requirements of the subject assignment. No consultant was awarded preference on the basis of nationality, and no distinction was drawn between domestic and international firms except to the extent that their

demonstrated experience and credentials related to the project requirements.

17. The Appellant's assertion that domestic experience should automatically outweigh international experience is contrary to the principles of fair competition, open participation and equal treatment embodied in the AIIB procurement framework. The applicable procurement documents did not provide any preferential treatment for local firms, nor did they prescribe any additional weightage based upon nationality or geographic origin.

18. Similarly, the Appellant's hypothetical examples regarding staffing strength, project location, road conditions and comparative project characteristics are speculative and do not establish any defect in the evaluation methodology actually applied. The Evaluation Committee assessed all submissions strictly in accordance with the disclosed criteria and exercised its professional judgment in determining relative suitability for the assignment. Such technical evaluation falls within the domain of the expert committee and cannot be displaced merely because the Appellant disagrees with the result.

19. Further submitted that the Appellant seeks to read Section 2.18.2 of the AIIB Procurement Instructions for Recipients (PIR) in isolation while ignoring the overall structure and purpose of the shortlisting process contemplated under the AIIB procurement regime. Section 2.18.2 merely identifies the characteristics and qualifications which interested consultants must possess in order to be considered for shortlisting. It does not prohibit comparative assessment, nor does it prescribe

that every consultant meeting the minimum requirements must automatically be shortlisted.

20. The Appellant further ignores Section 2.18.3 of the AIIB PIR, which expressly provides for preparation of a shortlist comprising a limited number of qualified consultants. Where the number of consultants satisfying the eligibility and qualification requirements exceeds the prescribed shortlist range, the procuring agency is necessarily required to undertake a comparative assessment to identify the consultants most suitable for the assignment. Such comparative assessment is not a separate or undisclosed evaluation criterion but merely the practical application of the disclosed criteria for purposes of preparing the shortlist.

21. The reliance placed upon Annex V Section 2.2 of the AIIB PIR is equally misplaced. The Respondents applied only those evaluation criteria which were expressly disclosed in the REOI. No additional criterion, sub-criterion or undisclosed factor was introduced during evaluation. The Appellant has failed to identify any specific criterion allegedly applied by the Evaluation Committee that did not form part of the REOI.

22. Further submitted that the shortlisting methodology and outcome were reviewed by the AIIB procurement specialists in accordance with the applicable financing arrangements and AIIB issued its No Objection to the shortlisting evaluation. The allegations of legal infirmity are therefore denied.

23. The counsel for the Respondents (NHA) submitted that at the outset, the allegations pertain primarily to the proceedings, deliberations and decision of the Grievance

Redressal Committee, which is a separately constituted forum under the applicable legal framework. Nevertheless, the Respondents deny that the impugned decision suffers from any illegality, bias, procedural impropriety or violation of law.

- a) It is denied that the issue of comparative assessment remained unaddressed. The grievance raised by the Appellant regarding shortlisting methodology was considered by the competent forum and rejected after examination of the applicable procurement framework, including the AIIB PIR governing the procurement.
- b) The allegation regarding conflict of interest is denied. The Appellant has neither established actual bias nor demonstrated any prejudice caused to it. Mere participation of an officer in different stages of the procurement process does not by itself establish legal bias, mala fides or conflict of interest. The allegation is speculative, unsupported by evidence and liable to be rejected.
- c) It is denied that the Appellant was denied an adequate opportunity of hearing. The Appellant was afforded an opportunity to present its grievances before the competent forum. The demand for disclosure of detailed comparative evaluation records, scores of competing consultants and confidential evaluation documents is not supported by the applicable procurement framework governing EOI shortlisting.
- d) The allegation regarding exclusion of locally-led consortia is denied. The evaluation criteria did not provide preference either in favour of or against any

consultant on the basis of nationality. Consultants were assessed on merit, relevance, capacity and suitability for the assignment. Mere dissatisfaction with the outcome cannot constitute proof of discrimination.

- e) It is denied that the GRC merely endorsed the Respondents' position or acted with bias. The Appellant has failed to produce any evidence demonstrating that the decision was predetermined or that the Committee acted otherwise than in accordance with its mandate.
- f) The allegation regarding reliance on AIIB communications is misconceived. The subject procurement is financed by AIIB and is governed by the AIIB Procurement Instructions for Recipients. The views of the financing institution regarding compliance with its own procurement framework were therefore relevant and material considerations. Reliance upon such information does not amount to abdication of jurisdiction or surrender of independent judgment.
- g) The allegation of structural imbalance, denial of fair hearing or unequal treatment is denied. The Appellant has not identified any procedural right denied to it under the applicable procurement framework. The proceedings were conducted in accordance with the governing rules and applicable procedures.
- h) It is denied that no hearing opportunity was afforded to the Appellant. The record of the

proceedings speaks for itself and the allegation is contrary to the facts.

- i) It is denied that the impugned decision consists merely of a reproduction of the Respondents' submissions. The decision reflects consideration of the issues raised and records the conclusions reached by the competent forum.
- j) It is further denied that the Appellant's grounds remained unanswered. The fact that the Appellant disagrees with the conclusions reached by the GRC does not render the decision invalid, arbitrary or unlawful.

24. The counsel for the Respondents further submitted that the allegations pertain primarily to the conduct and proceedings of the Grievance Redressal Committee and are therefore matters within the domain of the said forum. Without prejudice thereto, it is denied that the Appellant was denied any legally protected right of hearing or that the proceedings suffered from any violation of the principles of natural justice. The Appellant was afforded an opportunity to raise its grievances before the competent forum and its submissions were duly considered. The allegation that the decision was based solely upon the Respondents' submissions is specifically denied. The Appellant has failed to identify any provision of the applicable procurement framework requiring disclosure of detailed comparative evaluation material, internal assessment records, or confidential evaluation information relating to competing consultants at the EOI shortlisting stage.

25. Further submitted that presentation of the evaluation methodology and outcome before the GRC was undertaken only to assist the Committee in understanding the evaluation process and to satisfy itself regarding compliance with the applicable procurement framework. No prejudice whatsoever has been demonstrated by the Appellant. The allegations of violation of audi alteram partem are therefore misconceived and denied.

26. Further submitted that the Appellant's interpretation of the debriefing requirement is erroneous. The Appellant's reservations, objections and concerns regarding the shortlisting process were considered and responded to through written correspondence as well as during proceedings before the competent forum. The Appellant was made aware of the reasons underlying the outcome of the shortlisting exercise and was afforded adequate opportunity to present its position. The mere fact that the Appellant is dissatisfied with the extent of information disclosed does not establish any breach of the applicable procurement framework. The allegations regarding so-called "legal fiction" and non-compliance are therefore denied.

27. Further contended that the procurement advertisement and REOI expressly provided that the procurement would be conducted under the Quality and Cost Based Selection (QCBS) method in accordance with the Asian Infrastructure Investment Bank Procurement Instructions for Recipients (PIR). Consequently, all interested consultants participated in the process with full notice that the applicable AIIB procurement framework would govern the shortlisting process. The allegation that the shortlist size constituted an

undisclosed condition is therefore incorrect. The applicable procurement regime expressly contemplates preparation of a shortlist of qualified consultants and the Respondents acted strictly in accordance with the governing framework.

The reliance placed by the Appellant upon Rule 29 of the PPRA Rules, 2004 is misplaced for the reasons already stated, namely that the present matter concerns EOI shortlisting and not bid evaluation.

28. Further submitted that Section 2.18.3 of the AIIB PIR provides that a shortlist shall normally comprise no fewer than three and no more than six qualified consultants. The use of the word "normally" does not support the Appellant's proposition that every consultant meeting minimum requirements must automatically be shortlisted or that the procuring agency is under an obligation to expand the shortlist beyond six consultants. The Appellant has neither pleaded nor established any exceptional circumstance requiring departure from the normal shortlist range contemplated by the AIIB PIR. The Respondents acted consistently with the applicable procurement framework and there is no illegality in preparing a shortlist comprising six consultants.

29. Further submitted that the Appellant's assumption that all consultants satisfying qualification requirements were entitled to be shortlisted is legally and factually incorrect. Such interpretation effectively eliminates the distinction between qualification and shortlisting and renders Section 2.18.3 of the AIIB PIR redundant. Shortlisting is inherently a selective process intended to identify the most suitable consultants from a larger pool of qualified applicants. The Appellant was not disqualified from the

procurement process; rather, it did not secure a position amongst the shortlisted consultants after comparative assessment in accordance with the applicable procurement framework. Accordingly, no arbitrary cap or undisclosed restriction was imposed.

30. Further submitted that the allegations of conflict of interest, bias and lack of independence are speculative, unsupported by evidence and based entirely upon assumptions of the Appellant. The Appellant has failed to establish any actual bias, mala fide, personal interest or prejudice affecting the decision-making process. Mere participation of an officer in different stages of an institutional procurement process does not automatically establish legal bias or invalidate subsequent proceedings. Furthermore, the Appellant has not demonstrated how any alleged conflict resulted in prejudice to its rights or altered the outcome of the proceedings. The allegations are therefore denied.

31. Further submitted that it is specifically denied that the proceedings were vitiated by any conflict of interest or that the impugned decision is void ab initio. The Appellant's reliance upon Rule 4 of the PPRA Rules and Section 2.3.5 of the AIIB PIR is misconceived and unsupported by facts. The procurement process was conducted in a fair, transparent and competitive manner in accordance with the applicable procurement framework. The Appellant has produced no material whatsoever demonstrating that any participant received preferential treatment or that any decision was influenced by personal interest, bias or extraneous considerations.

32. Further averred that Rule 48 of the PPRA Rules does not create an automatic suspension of procurement

proceedings merely upon filing of a grievance or complaint. The grant or refusal of any interim relief falls within the discretion of the competent forum after considering the facts and circumstances of each case. The Appellant had no vested right to suspension of the procurement process. The fact that the procurement process continued in accordance with the applicable framework does not establish illegality, arbitrariness or procedural impropriety. The allegation that the GRC acted improperly by allowing the procurement process to proceed is therefore denied.

33. Further submitted that continuation of the procurement process was consistent with the public interest and the requirements of timely implementation of a nationally important project financed through international funding arrangements.

34. Further submitted that the allegations regarding the timing of the GRC decision are speculative, baseless and unsupported by any evidence whatsoever. The Appellant's assertion that any delay was "calculated" to advance the procurement process is a serious allegation made without particulars, supporting material or proof of mala fides. Such allegations are liable to be disregarded.

35. Further submitted that the Appellant has failed to demonstrate any actual prejudice resulting from the alleged delay. In any event, the validity of the procurement process, evaluation methodology and shortlisting outcome cannot be impugned merely on the basis of an alleged procedural irregularity not attributable to the Respondents and which has caused no prejudice to the Appellant's substantive rights.

36. Further submitted that the Appellant's repeated demand for disclosure of the detailed EOI evaluation report, comparative scoring sheets, individual scores of competing consultants, rankings, and other confidential evaluation material is not supported by the applicable procurement framework governing the present procurement. At the EOI shortlisting stage, the procuring agency is required to identify the most suitable consultants for inclusion in the shortlist. Neither the AIIB Procurement Instructions for Recipients (PIR) nor the applicable provisions of the PPRA Rules mandate disclosure of detailed comparative evaluation records, scores of competing consultants, internal deliberations of the Evaluation Committee or confidential information relating to third parties.

The Appellant was duly informed through official correspondence that it had not secured a position among the shortlisted consultants. Furthermore, the reservations raised by the Appellant were responded to through written communications and were also explained before the competent forum during the grievance proceedings.

37. Further submitted that the reliance placed upon Rule 14.4 of the PPRA Rules is misconceived and inapplicable in the manner suggested by the Appellant. Likewise, Section 2.3.9 of the AIIB PIR does not create an obligation to disclose confidential evaluation reports, comparative scoring sheets or information relating to other participating consultants. It is specifically denied that the Appellant was deprived of any meaningful opportunity to challenge the process. The Appellant in fact exercised its right to challenge the shortlisting outcome before the GRC and subsequently before this Honourable Authority,

demonstrating that adequate remedies and opportunities were available and were in fact utilized.

38. Further submitted that the Respondents fully acknowledge that transparency is a fundamental principle of public procurement. However, transparency does not require unrestricted disclosure of confidential evaluation records, comparative scoring details, internal assessments or information pertaining to competing consultants. The procurement process was conducted in accordance with the applicable AIIB Procurement Instructions for Recipients and the relevant legal framework. The Appellant has failed to identify any specific provision requiring disclosure of the information demanded by it. Accordingly, the allegations of opacity, lack of transparency and procedural impropriety are denied.

39. Further submitted that it is denied that the evaluation process discriminated against locally-led consortiums or favoured internationally-led consortiums. The evaluation criteria contained no preference whatsoever based on nationality, place of incorporation or status of the lead partner. All consultants were evaluated strictly on the basis of the disclosed criteria relating to experience, capacity, capability and suitability for the assignment.

The Appellant's contention is based solely upon assumptions drawn from the shortlisting outcome rather than any actual evidence of discriminatory treatment. The mere fact that a particular consultant or consortium was not shortlisted does not establish bias, discrimination or unequal treatment.

40. Further submitted that several consortiums involving international consultants, whether as lead partners or

joint venture members, were likewise not shortlisted. Conversely, reputable Pakistani consulting firms possessing substantial experience and capability form part of the shortlisted entities either independently or through joint ventures. This fact alone demolishes the Appellant's allegation that the process was designed to exclude local participation.

41. Further submitted that the Respondents fully subscribe to the principles of open participation, fair competition and equal treatment embodied in the AIIB procurement framework. The Appellant has failed to identify any discriminatory condition contained in the REOI or any provision of the evaluation criteria that treated local and international consultants differently. In the absence of any discriminatory criterion, policy or practice, the allegation of discrimination is entirely conjectural. The outcome of a competitive evaluation cannot, by itself, constitute evidence of discrimination. Consultants were assessed on merit and relevance to the assignment, and the resulting shortlist reflects the comparative strengths of the participating consultants in relation to the project requirements.

42. Further submitted that the allegation that non-disclosure of comparative evaluation material somehow proves bias or irregularity is illogical and unsupported by law. Confidentiality of evaluation records and information relating to competing consultants cannot be equated with absence of transparency or proof of discrimination. The Appellant's assertions regarding an alleged increase in project cost ranging from PKR 500 million to 1 billion are wholly speculative, unsupported by any evidence and irrelevant at the EOI shortlisting stage. No financial proposals had been invited, submitted or evaluated at the

time of shortlisting. Consequently, any claim regarding future project costs is entirely hypothetical and cannot form the basis of any legal challenge.

43. Further submitted that the procurement process was conducted in a fair, transparent and competitive manner in accordance with the AIIB Procurement Instructions for Recipients and the applicable legal framework. The Appellant has failed to establish any undisclosed evaluation criterion, procedural impropriety, discriminatory treatment or legal infirmity in the evaluation process. The allegations relating to bias, conflict of interest, refusal of information and unlawful evaluation methodology are specifically denied and have already been addressed in the preceding replies. Accordingly, no violation of Rule 4 of the PPRA Rules has occurred.

44. Further submitted that the Appellant was not rejected or disqualified from the procurement process. Rather, it did not secure a place amongst the shortlisted consultants after evaluation of all participating firms. The distinction between rejection, disqualification and non-shortlisting is material and has been consistently ignored by the Appellant. Rule 33 of the PPRA Rules, 2004 pertains to rejection of bids or proposals and has no application to the EOI shortlisting process under consideration. The said provision has therefore been incorrectly invoked. Without prejudice to the foregoing, the Appellant was formally informed through communication dated 23.02.2026 regarding the outcome of the shortlisting exercise and the fact that it had not secured a position among the shortlisted consultants.

45. Further submitted that the procurement in question was conducted under the AIIB Procurement Instructions for

Recipients as disclosed in the procurement documents. The Appellant was not declared non-qualified; rather, it was not included in the shortlist following comparative assessment of all participating consultants. Accordingly, the reliance upon Rule 16(4) of the PPRA Rules is misplaced and inapplicable to the facts of the present case. No violation thereof has occurred.

46. Further submitted that the collective capabilities, experience and qualifications of consortium members were duly considered by the Evaluation Committee in accordance with the disclosed criteria and the applicable procurement framework. However, the fact that consortium members are collectively evaluated does not automatically entitle a consortium to shortlisting. All participating consultants and consortiums were comparatively assessed and those demonstrating the highest degree of relevance, capacity and suitability for the assignment were shortlisted. The Appellant has failed to demonstrate that the Evaluation Committee ignored or excluded any consortium member's credentials from consideration.

47. The Appellate Committee has afforded due consideration to the submissions advanced by the learned counsels and representatives of the Appellant and the Respondent, and has heard them at considerable length. The Committee has also carefully examined the pleadings submitted by the parties, the Request for Expression of Interest (REOI), the proceedings and recommendations of the Grievance Redressal Committee (GRC), the procurement record, the relevant provisions of the Public Procurement Rules, 2004, the Procurement of Consultancy Services Regulations, 2010, the Asian Infrastructure Investment Bank (AIIB) Procurement Instructions for Recipients

(PIR), as well as the entire material available on the record.

48. 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: -

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.

49. 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 shall 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.

50. In terms of clause 2.2 of PIR, which states:

All contracts for Goods, Works, Non-consulting Services and Consulting Services procured by Public Entities and

financed in whole or in part by the Bank are governed by the Procurement Policy.

51. In terms of clause 2.3.3(a) of PIR, which states:

The Bank carries out prior reviews of procurement decisions for contracts that are considered by the Bank to be high value and/or high risk in order to determine whether the procurement process and decisions comply with the requirements of the Legal Agreements. The Bank determines whether a procurement decision is subject to bank prior or post review (2.3.4 of PIR).

52. In terms of clause 2.13.3 of PIR, which states:

After the opening of tenders and until the publication of contract award, or notification of intention to award when a standstill period applies, the Recipient treats information relating to the examination, clarification and evaluation of tenders in such a manner as to avoid disclosure of their contents to any other participant in the procurement process or any other party not authorized to have access to this type of information. The Recipient may not disclose information provided by tenderers that has been submitted on a confidential basis.

53. In terms of clause 2.16.2 of PIR, which states:

IOCS requires mandatory international advertisement of requests for expressions of interest (REoI) and is used when the participation of foreign firms is most likely to best meet FfP (Fit for Purpose) and VfM (Value for Money) considerations.

IOCS method is the Bank's preferred method for selection of consulting firms.

The block contains a handwritten signature in blue ink, which appears to be 'Amir Khan', written over a circular official stamp. The stamp is from the Public Procurement Regulatory Authority (PPRA) of Pakistan, with the text 'PUBLIC PROCUREMENT REGULATORY AUTHORITY' and 'PAKISTAN' visible around the perimeter. There is also a large 'X' mark drawn in blue ink over the bottom left of the stamp.

54. In terms of clause 2.17.1 of PIR, which states:

QCBS involves a competitive process among short-listed firms that takes into account the quality of the proposal and the cost of the services in the selection of the successful firm. The relative weight to be given to the quality and cost is determined for each assignment and depends on the nature of the assignment.

55. In terms of clause 2.18.3 of PIR, which states:

A Shortlist of Consultants Normally Includes No less than three (03) and no more than six (06) Qualified and experienced consultants”.

EVALUATION CRITERIA

EOI Template — 100 marks

Sr# No.	Description	Marks
1.	Company Profile / Firm's Profile	15
2.	Technical Competence	50
3.	Geographical Experience (South Asia)	20
4.	Management Competence	15
	Total	100

Highest total score receives Rank 1.

56. In terms of Rule 41 of the Public Procurement Rules, 2004, which states:

The procuring agency shall keep all information regarding the technical or final evaluation confidential, as the case may be, until the time of the announcement of the respective evaluation reports in accordance with the requirements of rule 35.

57. In terms of Regulation 6 of the Procurement of Consultancy Services Regulations, 2010, which states:

(2) The procuring agency while engaged in short-listing of consultants will take into consideration the following factors, namely: —

- i. qualification;*
- ii. experience; and*
- iii. any other factor that a procuring agency may deem relevant, not inconsistent with these regulations or Public Procurement Rules, 2004.*

(3) All applicants shall be informed whether or not they have been shortlisted.

58. In terms of Rule 48 (2) of the Public Procurement Rules, 2004, which states:

Any party may file its written complaint against the eligibility parameters, evaluation criteria or any other terms and conditions prescribed in the bidding documents if found contrary to the provisions of the procurement regulatory framework, and the same shall be addressed by the grievance redressal committee (GRC) well before the proposal submission deadline.

59. The Appellate Committee noted that on 25 February 2026, PEAS submitted its first petition before the Grievance Redress Committee (GRC), challenging the procurement process. Following receipt of concurrence from the Asian Infrastructure Investment Bank (AIIB), the Procurement & Contract Administration (P&CA) submitted a comprehensive response to both the GRC and the petitioner on 19 March 2026, addressing the issues raised in the petition. Subsequently, on 26 March 2026, PEAS independently lodged a separate petition directly with the Bank. In response, on 2 April 2026, the

Bank issued its formal determination, informing the petitioner that the procurement process was governed by the AIIB Procurement Instructions for Recipients (PIR) as the project was financed by the AIIB and, consequently, the AIIB's complaints redress mechanism was the applicable forum for the grievance. The Bank further concluded, inter alia, that the shortlisting process undertaken by the National Highway Authority (NHA) had been conducted in accordance with the applicable AIIB Procurement Policy and the relevant procurement guidelines.

60. Thereafter, on 6 April 2026, PEAS submitted a second representation to the GRC, wherein it, inter alia, sought detailed disclosure of the evaluation results. In response, P&CA submitted its detailed comments to the GRC on 14 April 2026. On 15 April 2026, P&CA, in the presence of the GRC, conducted a formal debriefing session with PEAS during which each of the petitioner's allegations and contentions was addressed comprehensively and in detail. Upon consideration of the submissions of the parties and the material placed on record, the GRC rendered its final decision on the complaint on 23 April 2026, thereby concluding the grievance redress proceedings.

61. The Appellate Committee further observes that M/s PEAS Consulting, through its letter bearing Ref. No. PEAS/AIIB-NHA/BD-2/3039 dated 6 April 2026, sought disclosure of: (i) the combined prequalification evaluation report, including the scoring methodology and results; (ii) the reasons for its non-shortlisting, together with an explanation of each evaluation point; (iii) the marks awarded to it at the EOI evaluation stage; (iv) the list of all participating firms along with their respective scores;

and (v) the list of shortlisted firms together with their scores.

62. The Appellate Committee is of the considered view that, save for the Appellant's own evaluation, the aforesaid requests are not supported by the applicable AIIB Procurement Instructions for Recipients (PIR), the Procurement of Consultancy Services Regulations, 2010, or the Public Procurement Rules, 2004, as they seek disclosure of confidential evaluation information relating to other participants. It is further noted that a briefing on the evaluation process and its outcome was duly furnished by the Procuring Agency and presented before the Grievance Redressal Committee for its consideration.

63. The principal grievance of the Appellant is that its consortium was not shortlisted despite possessing the requisite qualifications and experience; that the Procuring Agency allegedly adopted an undisclosed comparative evaluation methodology; that evaluation reports, scores and rankings were not disclosed; that the GRC proceedings suffered from procedural irregularities and conflict of interest; and that the process was discriminatory against locally-led consortiums.

64. The Respondents, on the other hand, have maintained that the procurement was conducted strictly in accordance with the REOI, the applicable AIIB Procurement Instructions for Recipients (PIR), and the Public Procurement Rules, 2004; that comparative assessment is an inherent component of any shortlisting exercise; that no undisclosed criterion was introduced; and that neither the applicable procurement framework nor the PPRA Rules required disclosure of confidential



comparative evaluation records at the EOI shortlisting stage.

65. The controversy primarily revolves around the legality of the shortlisting methodology adopted by the Procuring Agency. In this regard, Rules 29 and 30 of the Public Procurement Rules, 2004 require that evaluation be undertaken strictly in accordance with the criteria disclosed in the procurement documents. The Appellate Committee has carefully examined the REOI and finds no material on record demonstrating that the Procuring Agency applied any evaluation criterion outside the disclosed parameters relating to relevant experience, organizational capability, managerial capacity and suitability for the assignment. The Appellant has challenged the comparative nature of the assessment itself rather than identifying any undisclosed criterion actually applied during evaluation.

66. The procurement in question was financed by the Asian Infrastructure Investment Bank (AIIB). Clause 2.2 of the AIIB Procurement Instructions for Recipients provides that procurements financed by the Bank shall be governed by the Bank's Procurement Policy. The REOI itself expressly stipulated that the procurement would be conducted under the AIIB Procurement Instructions for Recipients through the Quality and Cost Based Selection (QCBS) method. Accordingly, all participating consultants entered the procurement process with full notice of the applicable procurement framework.

67. The Appellate Committee further notes that Clause 2.18.3 of the AIIB PIR expressly provides that a shortlist of consultants shall normally comprise not less than three (3) and not more than six (6) qualified consultants. By its

very nature, shortlisting is a competitive exercise requiring comparative assessment amongst all eligible applicants to identify those consultants considered most suitable for invitation to the Request for Proposals stage. Comparative assessment, therefore, is not an independent evaluation criterion but a necessary consequence of applying the disclosed evaluation criteria where the number of qualified applicants exceeds the permissible shortlist. The contention that every consultant satisfying the minimum eligibility requirements must necessarily be shortlisted is inconsistent with the concept and purpose of shortlisting contemplated under the AIIB Procurement Framework.

68. The Appellate Committee further finds that the Appellant's contention that the Procuring Agency unlawfully restricted the shortlist to six firms is devoid of merit. The applicable AIIB Procurement Instructions expressly provide that a shortlist shall normally comprise three to six consultants. The Appellant has failed to establish the existence of any exceptional circumstances warranting a departure from the standard prescribed under Clause 2.18.3 of the PIR. Accordingly, the Procuring Agency's preparation of a shortlist comprising six consultants cannot be held to be arbitrary, unlawful, or inconsistent with the applicable procurement framework.

69. The Appellate Committee observes that Clause 2.13.3 of the Asian Infrastructure Investment Bank (AIIB) Procurement Instructions for Recipients (PIR) expressly mandates the confidentiality of all information relating to the examination, clarification, and evaluation of Expressions of Interest (EOIs) throughout the procurement process and prohibits the disclosure of

confidential information concerning other participants. Likewise, Rule 41 of the Public Procurement Rules, 2004 requires that information relating to the technical evaluation process remain confidential until the publication of the prescribed evaluation reports. Accordingly, the Procuring Agency's refusal to disclose the requested information during the procurement process was consistent with the applicable legal and regulatory framework.

70. The Appellate Committee is, therefore, of the considered view that neither the AIIB Procurement Instructions for Recipients (PIR) nor the Procurement of Consultancy Services Regulations, 2010 cast any obligation upon the Procuring Agency to disclose the comparative evaluation sheets, internal deliberations, rankings, or the individual scores assigned to competing consultants at the EOI shortlisting stage. Such information constitutes confidential evaluation material and is protected from disclosure.

71. The Appellate Committee observes that the record contains no cogent material establishing any discriminatory treatment against locally led consortiums. The mere fact that internationally led consortiums secured higher comparative rankings does not, in itself, constitute evidence of discrimination. The evaluation criteria were applied uniformly and did not prescribe any preference on the basis of nationality. Furthermore, no material has been produced to demonstrate that locally led consortiums were assessed on standards different from those applied to foreign consortiums. Accordingly, no violation of the principles of equality, fairness, or transparency is made out.

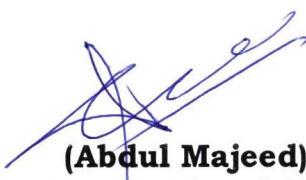
72. The Appellate Committee also notes that the AIIB, being the financing institution responsible for oversight of procurements financed under its Procurement Instructions, independently examined the Appellant's complaint and concluded that the shortlisting process had been conducted in accordance with the applicable AIIB Procurement Policy. While such determination is not conclusive upon this Authority, it constitutes a relevant consideration supporting the conclusion that the procurement was undertaken consistently with the governing procurement framework.

73. However, the Appellate Committee is of the view that the foregoing confidentiality obligations do not extend to the Appellant's own evaluation. In the interest of transparency, fairness, and to enable the Appellant to meaningfully understand the basis of its non-shortlisting, the Procuring Agency shall furnish to the Appellant the detailed break-up of the marks awarded to it under each evaluation criterion, together with the relevant evaluation sheet or score sheet pertaining exclusively to the Appellant. Such disclosure shall be confined to the Appellant's own evaluation and shall not include, directly or indirectly, any comparative assessment, rankings, scores, or other confidential evaluation information relating to any competing bidders. The requirement under Regulation 6(3) of the Procurement of Consultancy Services Regulations, 2010, that applicants be informed whether or not they have been shortlisted, does not preclude the disclosure of an applicant's own evaluation where such disclosure can be made without compromising the confidentiality of the evaluation process or the proprietary interests of other participants.

74. Accordingly, the Appeal is hereby *partly allowed* to the extent that the Procuring Agency shall furnish to the Appellant the detailed break-up of the marks awarded under each evaluation criterion, together with the relevant evaluation sheet and/or scoring methodology pertaining to the Appellant. Such disclosure shall be strictly confined to the Appellant's own evaluation and shall not include any comparative assessment, rankings, scores, or other confidential evaluation information relating to any other participating bidder.

75. The Appeal stands *disposed of* in the above terms.


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


(Abdul Majeed)
Sr. M&E Specialist
(Member)


(Hasnat Ahmad Qureshi)
Managing Director (PPRA)
(Head of the Committee)

Dated: 4th August, 2026

Each page of the order has been signed by all members of the Committee. The order comprises forty-seven (47) pages.

