F. No. PPRA/AP-31/2026
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad
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ORDER

M/s Brand Edge (Pvt.) Ltd.

...the "Appellant"

Vs.

Pakistan State Oil Company Limited (PSO) & Another

...the "Respondents

Date of Hearing	Barrister M. Zeeshan Naeem, Mr. Ahmed Arif
29.07.2026	***(On behalf of Appellant)***
	Mr. Waleed Ahmed (Legal Advisor)
	(On behalf of Respondent i.e., PSO)
	Mr. Iftikhar Hussain (Advocate)
	(On behalf of Respondent No. 3 i.e., M/s ReconnectFirst)

APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004 – TENDER NO. PQ-A4833-NZ (PREQUALIFIACTION OF BTL AGENCIES, PAKISTAN STATE OIL COMPANY LIMITED)

The Authority received the titled Appeal on 25.05.2026, filed under Rule 48(7) of the Public Procurement Rules, 2004. The Authority on receipt of the Appeal issued notices to the parties wherein it was directed to appear in person or through their nominated representatives or Counsel before the Authority on 29.07.2026 before the Appellate Committee in the Committee Room of this Authority.

2. On the said date of hearing (29.07.2026), 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 learned counsel for the Appellant submitted that M/s Brand Edge (Private) Limited (hereinafter The Appellant) is a company duty incorporated under the Companies Act 2017, registered with the Securities and Exchange Commission of Pakistan since 2015 with a period of seven years of continuous operations. The Appellant maintains principal offices and warehouses in Karachi, Lahore, and Islamabad with operational reach across all major cities of Pakistan and shared arrangements in remote areas. The Appellant has been an approved and active vendor of Pakistan State Oil Company Limited (PSO) for the past three years, with a substantial and documented record of BTL project delivery for PSO evidenced by purchase orders and audited financial statements on record.

4. The counsel for the Appellant further submitted that the Appeal is filed before the Public Procurement Regulatory Authority (PPRA") under the Public Procurement Rules 2004. The Appellant challenges (i) the wrongful qualification of RECONNECTFIRST (PRIVATE) LIMITED in Tender No PQ-A4833-NZ (Prequalification of BTL Agencies) on the basis of a verified government record and PSO's own published evaluation criteria; and (ii) the defective rejection by the Grievance Redressal Committee of PSO, which dismissed the Appellant's factual and legal grievance without a reasoned decision.

5. Further submitted that all internal remedies available to the Appellant have been exhausted. This Appeal is accordingly filed properly before the Authority. Further submitted that the Authority is seized of the jurisdiction to hear and determine

this Appeal and to grant the reliefs prayed for in Section 7 hereof.

6. The counsel for the appellant submitted that:

- On 15 Feb, 2026, PSO advertised Tender No PQ-A4833-NZ on its official website and on the PPRA website, confirming PSO's compliance with PPRA Rules 2004 and establishing PPRA's jurisdiction over this procurement

- During 16 Feb - 03 March 2026 the Bid submission period open through SAP Ariba Portal. The Appellant submitted its prequalification bid within the prescribed timeline including all mandatory documents and evaluation criteria evidence

- On 03 March 2026, Phase 1 Technical Evaluation conducted. Seven of eleven bidders declared qualified-including both the Appellant and RECONNECTFIRST (PRIVATE) LIMITED. Criterion 37.2.3 (Years of BTL Experience) was evaluated at this phase. The procedural failure forming the primary ground of this Appeal occurred at this stage.

- On 22 Apr, 2026 Phase 2 Agency Pitch conducted at PSO House, Karachi. The Appellant pitched in the 12:45- 1:15 PM slot. M/s RECONNECTFIRST pitched in the 02:30-3:00 PM slot. Following evaluation only three agencies were selected. Spot On Activation, active Media and RECONNECTFIRST (PRIVATE) LIMITED. The Appellant was disqualified-no criterion was cited and no score was communicated.

- On 26 Apr, 2026, the Official result notification received by the Appellant via SAP Ariba. This is the formal notification date from which the PP Rule 48(1) grievance period runs.

- On 28 Apr, 2026, the Appellant filed formal grievance under PP Rule 48(1) with PSO'S GRC. Nine supporting exhibits were attached - FBR Online verification confirming the incorporation date of RECONNECTFIRST (PRIVATE) LIMITED as 12 MAY-2023.

- On 12 May, 2026, PSO's GRC issued its rejection. Each of the Appellant's three grievance points was dismissed in a single sentence with no factual basis and without any reference to the government-issued FBR document submitted.

- On 13 May, 2026 the Appellant replied to the GRC requesting a reasoned decision and a complete score breakdown for Phase 1 and Phase 2. No response has been received to date.

- On 14 May, 2026, the Appellant filed a formal complaint with PPRA by email and courier. Physical copies delivered to PPRA Islamabad and PSO Karachi.

- On 21 May, 2026, PSO's Asst. Product Brand Manager - PCMO issued an official written instruction to the Appellant to transfer PSO Lubricant collaterals to Reconnect First, described as "one of the agencies on the new PSO BTL Agency Panel" - confirming PSO is implementing the disputed panel while this Appeal is pending. Thereafter, the Appellant filed this Appeal before this Authority.

7. The counsel for the Appellant further submitted that RECONNECTFIRST (PRIVATE) LIMITED (hereinafter the disqualified bidder, was incorporated on 12 MAY-2023 as confirmed by the Federal Board of Revenue Online verification System – an official government record independently verifiable at any time. Its sales Tax registration became operative on 24-AUG-2023 only, signifying the absence of any taxable revenue prior to that date.

8. Further submitted that as of the bid submission deadline of 03-MAR-2026 - being the date on which all credentials and eligibility are assessed and locked under universally accepted procurement principles-RECONNECTFIRST (PRIVATE) LIMITED had been legally in existence for a period of 2 years 9 months and 19 days. This is the date that governs eligibility. Any subsequent passage of time is legally irrelevant.

9. Further submitted that the Phase 2 Agency Pitch was conducted on 22 April 2026 at PSO House Karachi. The evaluation panel included representatives of PSO's Procurement & Services Department and Brand Marketing function. The Appellant pitched in the 12:45-1:15 PM slot. RECONNECTFIRST pitched in the 2:30-3:00 PM slot (Pitch Schedule-SAP Ariba notification April 2026).

10. Further submitted that on 26 April 2026, the Appellant received the official result notification via SAP Ariba: the Appellant was disqualified; RECONNECTFIRST (PRIVATE) LIMITED was qualified in third position. No specific disqualification criterion was communicated to the Appellant. No score breakdown has been provided to the Appellant to date, despite being formally requested in every submission since 27 April 2026.

11. Further submitted that on 21 May 2026, PSOs Asst. Product Brand Manager – PCMO, Brand Marketing Lubricants sent an official communication to the Appellant instructing it to transfer all PSO Lubricant collaterals to Reconnect First, expressly described as "one of the agencies on the new PSO BTL Agency Panel". PSO is thereby actively implementing the disputed panel whilst this Appeal is pending before the Authority.

GROUNDS OF APPEAL

GROUND 1-PRIMARY AND DECISIVE GROUND

WRONGFUL QUALIFICATION ON CRITERION 3.7.2.3-RECONNECTFIRST (PRIVATE) LIMITED DID NOT MEET THE MANDATORY SCORING THRESHOLD

12. Further submitted that this ground rests entirely on two documents: (i) an official government record (FBR Online

Verification) and (ii) PSO's own published RFP. It is irrefutable and requires no discretion to determine.

Criterion 3.7.2.3 of the RFP scores bidders on the number of years the firm has been working on BTL activities. The criterion is reproduced verbatim below:

RFP Criterion 3.7.2.3-Verbatim	Score	Application to RECONNECTFIRST (PRIVATE) LIMITED
More than 5 years	100%	Not applicable-company is under 3 years old
3 to 5 years	70%	COMPANY CANNOT CLAIM THIS BAND. RECONNECTFIRST was incorporated on 12-MAY-2023. As of the bid submission date (03-MAR-2026) it had not yet attained 3 years of existence. It therefore fails below the lower boundary of this band.
NO BAND DEFINED IN RFP for companies. aged between 2 and 3 years	UNDEFINEDGAP	RECONNECTFIRST (PRIVATE) LIMITED FALLS IN THIS GAP. The RFP does not define a scoring band for companies aged between 2 and 3 years. Under no legitimate application of the published bans can RECONNECTFIRST reach 70% on this criterion.
1 to 2 years	30%	Nearest defined band - still below the mandatory 70% qualifying threshold
Less than 1 year	0%	Not applicable

13. Further submitted that RFP Section 3.7-Important Notes states, verbatim: "Bidder(s) securing less than 70% marks in any individual requirement (within B) and/or less than 70% overall aggregate score shall not qualify". Criterion 3.7.2.3 falls within Section B. The mandatory disqualification of RECONNECTFIRST (PRIVATE) LIMITED at Phase 1 was therefore not a matter of discretion- it was an obligation imposed by PSO's own published evaluation rules.

14. Further submitted that the eligibility date for this criterion is the bid submission deadline of 03-MAR-2026-not the date of

evaluation, not the date of the result announcement, and not any subsequent date. Under universally accepted procurement principles and PPRA Rules 2004, a bidder's eligibility is assessed and locked as of the date of bid submission. On 03-MAR-2026, RECONNECTFIRST (PRIVATE) LIMITED had been legally in existence for 2 years, 9 months, and 19 days - strictly below the 3-year lower boundary of the 70% scoring band.

15. Further submitted that the evaluation panel of Respondent No. 1 awarded RECONNECTFIRST (PRIVATE) LIMITED a passing score on Criterion 3.7.2.3 in Phase 1 without verifying its FBR incorporation date against the published scoring bands. This constitutes a failure of due diligence in the conduct of the evaluation. A score produced by the failure to verify a basic, publicly accessible government record cannot be accorded the status of a valid and final determination under PPRA Rules 2004.

16. Further submitted that the consequence is unambiguous: RECONNECTFIRST (PRIVATE) LIMITED was not eligible to proceed to Phase 2. Its participation in the Agency Pitch on 22 April 2026 and its subsequent placement on the PSO BTL Agencies Panel were procedurally irregular from the point at which Phase 1 evaluation was concluded. The Impugned evaluation outcome is accordingly void and contrary to law.

Critical Legal Point-Eligibility Date	
Bid Submission Deadline	03-MAR-2026 at 10:15 AM-confirmed by PSO Pre-Qualification Notice
Age of RECONNECTFIRST on Eligibility Date	2 years, 9 months, and 19 days-the only date that governs eligibility
Legal Consequence	Any argument that RECONNECTFIRST was approaching 3 years at the time of evaluation or result announcement is without legal foundation. The eligibility clock was fixed on 03-MAR-2026

GROUNDS 2 AND 3-SUBMITTED IN FURTHER SUPPORT

REQUEST FOR VERIFICATION OF QUALIFYING CRITERIA THROUGH APPROPRIATE GOVERNMENT AUTHORITIES AND INDEPENDENT SOURCES AS CONTEMPLATED BY THE RFP

17. GROUND 2- Criterion 3.7.2.6 of the RFP expressly requires that turnover claims be supported by "financial statements or income tax return". Further submitted that whichever of these was submitted by the bidder should be verified for its authenticity through the issuing government authority-being either SECP in the case of audited financial statements, or the Federal Board of Revenue in the case of income tax returns. This is not a standard beyond the RFP- it is the standard the RFP itself contemplates.

18. GROUND 3- The reference letters required under Criterion 3.7.3.7 are issued by the same clients whose purchase orders were submitted as evidence of business turnover under Criteria 3.7.1.13 and 3.7.3.3.

19. Further submitted that independent verification with those clients should encompass both: (i) the authenticity of the reference letters; and (ii) confirmation that the purchase orders cited in the bid were genuinely issued to the bidder by those same clients thereby verifying client relationships and financial credentials simultaneously through the same authoritative source.

20. Further submitted that on 12 May 2026, Respondent No. 2 issued its rejection of the Appellant's grievance. The response purported to address each of the three grievance points raised by the Appellant. The response of Respondent No. 2 is defective in law for the following reasons:

Grievance Point	GRC Response (Verbatim)	Deficiency in Law
Point Criterion 3.7.2.3	"M/s. Reconnect First has qualified in the overall Firm Status Section scoring minimum 70% threshold".	The GRC states a conclusion without any reasoning. The FBR government document confirming incorporation on 12-MAY-2023 was not referenced, acknowledged, or addressed. No explanation was provided of how a company below 3 years of age was awarded 70% under the published RFP bands.
Point 2 Turnover & POS	"Annual average turnover falls within an acceptable scoring bracket and POs were issued in their name.	The GRC does not identify the documentary basis on which it accepted the turnover claim. No reference to independently verified financial statements. Acceptance of self-submitted documentation without scrutiny.
Point 3 Reference Letters	"Recommendation letters were issued by respective organizations in name of Reconnect First"	The GRC does not state that independent verification with issuing clients was conducted. No confirmation that pre-incorporation letters were excluded. Accepted at face value.

21. Further submitted that PPRA Rule 48 requires a grievance committee to provide reasoned findings. A bare conclusion unaccompanied by reasoning, unresponsive to the factual evidence placed before it, and silent on the government-issued document at the heart of the grievance does not satisfy the obligation imposed by Rule 48 of the Public Procurement Rules, 2004. The response of Respondent No. 2 constitutes a defective discharge of its statutory obligations and cannot be treated as a valid final determination of the Appellant's grievance.

22. Further submitted that the Appellant has further been denied a score breakdown for its own evaluation across Phase 1 and Phase 2, despite requesting this in every submission since 27 April 2026. The failure to provide this information constitutes

a violation of PPRA Rule 33, which requires procuring agencies to announce evaluation results with reasons.

23. Further submitted that following of the Public Procurement Rules, 2004 have been violated:

Rule	Violation
(a) PPRA Rule 22 (Evaluation Criteria)	Procuring agencies must evaluate bids strictly on the basis of submitted evidence and published criteria; Awarding a passing score on Criterion 3.7.2.3 to a bidder incorporated in May 2023 without verifying its incorporation date against the published scoring bands is a direct violation of this rule.
(b) PPRA Rule 32 (Rejection of Bids)	Bids must be rejected where the bidder does not meet the stated evaluation criteria RECONNECTFIRST (PRIVATE) LIMITED cannot reach the 70% threshold on Criterion 3.7.2.3 under any published band its bid should have been rejected at Phase 1
(c) PPRA Rule 33 (Announcement of Results)	Evaluation results must be announced with reasons. No score breakdown has been provided to the Appellant despite requests in every submission since 27 April 2026.
(d) PPRA Rule 48 (Grievance Committee)	Grievance committees must provide reasoned findings. The GRC issued one-sentence dismissals with no factual basis and no engagement with the government-issued FBR document submitted.

24. The representative of the Respondent (Pakistan State Oil) submitted that the procuring agency, Pakistan State Oil Company Limited ("Respondent"), advertised the two-phase pre-qualification process for BTL Agency through PQ-A4833-NZ on 15 February. 2026. The pre-qualification publication was valid from 16 February, 2026 to 3rd March, 2026 and pre-qualification bids for Phase I were opened on 3rd March, 2026 wherein eleven bids were received and the Appellant was one of the seven bidders who qualified to proceed to the Agency Pitch phase i.e. Phase II. All bidders were informed of the Phase

I results vide evaluation report communicated on 9th April, 2026 ("1st Evaluation Report").

25. Further submitted that the pitch guidelines for Phase II were communicated to successful participants of Phase I on 13th April, 2026 along with the Respondent's request for submission of agency pitches by 12 pm on 20th April, 2026. The Appellant participated in pitch presentation to PSO on 22nd April, 2026 along with other bidders that had qualified in Phase I. On 27th April, 2027 4:59 PM the Phase II evaluation report ("2nd Evaluation Report) was shared communicating the final pre-qualification status and conclusion of the pre-qualification process. The final three pre-qualified bidders as evaluated by the Respondent's Evaluation Committee were Reconnect First, Spot on Activation and Active Media and all others including the Appellant were eliminated from Phase II as they failed to achieve a competitive score.

26. Further submitted that the Appellant lacks any substantial grounds of grievance as the pre-qualification procurement process was meritoriously carried out in accordance with the Public Procurement Rules 2004 ("PPR 2004"). The Appellant's agency pitch was duly assessed along with other successful bidders in Phase II but the Appellant was unable to secure a competitive score resulting from exclusion from the list of the three highest-ranked firms that were determined to be the final pre-qualified bidders. The Appellant having failed to independently achieve a competitive score has sought to challenge a previously concluded stage of pre-qualification and baselessly asserts that Reconnect First should not have proceeded to Phase II.

27. Further submitted that the Appellant cannot be permitted to approbate and reprobate in such manner when no objection was raised by the Appellant at the time of receipt of 1st

Evaluation Report. It is a well settled principle of law that a party cannot participate in proceedings or hold its peace while awaiting a potential favourable outcome and then upon an adverse ruling opportunistically challenge the process. The Appellant having accepted the benefit of qualification in Phase I and participated in the subsequent Phase II stage without objection, cannot seek to invalidate the earlier evaluation due to an undesired result in Phase II. It is the Respondent's contention that to permit such challenges would undermine certainty and finality in public procurement and permit every unsuccessful bidder to reopen completed stages after the conclusion of the procurement process.

28. Further submitted that without prejudice to the foregoing, and assuming without admitting that the evaluation of Reconnect First required reconsideration, the Appellant would not acquire any vested or automatic right to be inducted in the BTL Agencies Panel. The Appellant failed to secure a competitive score in Phase II and qualify as one of the three highest-ranked bidders. Accordingly, the Appellant has failed to establish any causal nexus between its allegations against Reconnect First, the Respondent and its own unsuccessful outcome in the procurement process. Mere participation in a competitive procurement process does not create any enforceable right to pre-qualification or appointment, and the Respondent was not required to ensure the success of the Appellant but only to conduct the procurement in accordance with PPR 2004 and published Evaluation Criteria that, as demonstrated in this response, has been duly complied with by the Respondent.

INCORRECT INTERPRATION OF EVALUATION CRITERIA

29. The Respondent in accordance with Rule 22 of PPR 2004 duly set the Evaluation Criteria and prescribed a two-phase pre-qualification mechanism comprising of Phase I (Mandatory

Requirements and Category Based Requirements) and Phase II (Agency Pitch). The Evaluation Criteria expressly provided as follows:

Phase I

A) Mandatory Requirements

Compliance with mandatory requirements is essential for further consideration

B) Category Based Requirements

Assessment under this section shall be carried out across the following categories:

1. *Firm Status*
2. *Clientele and Relevant Experience*
3. *Firm Resources and Availability of Services*
4. *HSE Policy.*

Phase II

C) Agency Pitch

Evaluation of the agency's strategic thinking, creativity and proposed approach.

The Evaluation Criteria further verbatim provided as follows:

- *Bidder(s) failing to meet any mandatory requirement shall be disqualified;*
- *Bidder(s) securing less than 70% marks in any individual requirement (within B) and/or less than 70% overall aggregate score shall not qualify; and*
- *Following Agency Pitch, only the top three (03) highest-scoring firms, as per the marketing panel's scoring, shall be pre-qualified and considered eligible for inclusion in PSO's BTL Agencies Panel.*

The Appellant has repeatedly and incorrectly asserted that the sub-criteria 3.7.2.3 under the Firm Status section constituted a stand-alone mandatory eligibility requirement, failure of which necessarily required automatic disqualification of Reconnect First.

This interpretation is contrary to the plain wording, structure and evaluation methodology set out in the Evaluation Criteria which clearly distinguished between: i) Mandatory Requirements (Section A), non-compliance with which results in automatic disqualification; and (ii) Category Based Requirements (section B), under which bidders were comparatively evaluated through a scoring mechanism across four broad evaluation categories.

30. Further submitted that the phrase "individual requirement (within B)" when read in the context of the Evaluation Criteria as a whole, refers to each category-based requirement under Section B. Each category carried an overall allocated score and consisted of multiple sub-components used for scoring purposes. For instance, Firm Status carried an overall allocated score and contained several scoring parameters, one of which was criterion 3.7.2.3 (number of years since the firm is working on BTL activities).

These sub-components were not independent eligibility requirements or stand-alone disqualifying conditions. Instead, they formed part of the broader scoring framework used to assess a bidder's performance within the relevant category. Accordingly, reduced or zero scoring in an isolated sub-component under Section B did not automatically result in disqualification, unless the bidder failed to meet the applicable qualifying threshold prescribed under the Evaluation Criteria.

31. Further submitted that the Appellant has failed to appreciate the mechanism of the Evaluation Criteria and despite the clear language has self-interpreted that a bidder not scoring in a given sub-component is to be disqualified. Further submitted

that the Appellant only seeks to improve its commercial standing by retrospectively challenging the evaluation of another bidder after conclusion of the procurement process. As the central premise of the present Appeal is for the Appellant to self-determine the Evaluation Criteria and reopen a concluded legal process, the Appeal is unsustainable and should be dismissed in limine.

32. Further submitted that the Appeal is meritless, in bad faith and legally untenable for the foregoing reasons and does not warrant a ground-wise response. However, for the sake of brevity and in the interest of transparency, the following ground-wise response is provided without prejudice to the Respondent's above contentions.

GROUND WISE RESPONSE (PSO)

GROUND 1:

33. The Appellant places considerable reliance upon the certificate of incorporation and FBR verification reflecting the incorporation date of ReconnectFirst. The incorporation date of ReconnectFirst is a matter of record and not a disputed fact but the Appellant incorrectly assumes that the incorporation date determines eligibility under the Evaluation Criteria. It was not a mandatory pre-condition of eligibility that a bidder company should have been incorporated before a set deadline. The Evaluation Criteria merely allocated comparative scores depending upon the firm's years of experience working on BTL activities. Consequently, the incorporation date in itself does not establish any violation of Evaluation Criteria by PSO and the Appellant's argument of violation of Evaluation Criteria is untenable.

34. Furthermore, without prejudice to the Respondent's foregoing submissions, even if the Appellant's proposed interpretation

were to be accepted for argument's sake, ReconnectFirst would nevertheless achieve the qualifying score required under the overall "Firm Status" section of the category-based requirements. ReconnectFirst's qualification in Phase I of pre-qualification was based on achieving a qualifying score in each category-based requirement given within part B of the Evaluation Criteria and was unaffected by an outcome in one particular sub-component of Firm Status category; hence, the Appellant's contention is without factual basis.

35. The Appellant has failed to establish that ReconnectFirst failed to meet the applicable qualifying thresholds or that the Respondent violated the Evaluation Criteria in evaluating ReconnectFirst. Accordingly, Ground 1 is vehemently denied for lack of merit.

GROUND 2 AND 3:

36. The Appellant has alleged in ground 2 and 3 that the Grievance Redressal Committee ("GRC") failed to conduct a proper inquiry which allegation is vehemently denied for being without merit. Despite the fact that Phase I of the pre-qualification process had concluded and the Appellant raised a grievance regarding Phase 1 after conclusion of the Phase II process and publication of the 2nd Evaluation Report, the GRC entertained the Appellant's grievance in the interest of transparency.

37. After considering the facts and evidences, the GRC gave a reasoned decision on each ground and while being satisfied with the scoring (Ground 1) and annual turnover requirement (Ground 2), the GRC noted discrepancies and anomalies with respect to reference letters (Ground 3) and directed verification/investigation in the terms contained in the GRC minutes of meeting. The various observations of the GRC were duly investigated by PSO and the findings confirming the

authenticity of the documents were submitted. After being satisfied with the verified letters submitted to the GRC, the GRC in its decision concluded that all matters were settled and the grievance of the Appellant against ReconnectFirst was without merit.

38. Conclusively, it is submitted that the procurement process was duly conducted in accordance with PPR 2004 and the allegations that the Respondent has violated Rule 22, 32, 33 and 48 of PPR 2004 are vehemently denied for being wholly misconceived and founded upon erroneous interpretations as already addressed in the Respondent's above submissions.

39. The learned counsel for the Respondent No. 3 (M/s Reconnect First Pvt Limited) submitted that the Appellant has deliberately attempted to convert a commercial disappointment into a legal grievance by questioning the eligibility of another bidder after itself having voluntarily participated in the entire procurement process without objection. Even the appellant accepted qualifying of respondent No.3 in Phase I until the appellant was disqualified from Phase II, hence, at this stage appellant cannot take inconsistent positions i.e. "blowing hot and cold". The appellant attempted to manipulate the law for personal convenience.

40. Further submitted that the allegations against Respondent No. 3 are entirely based upon assumptions, self-created interpretations of the Evaluation Criteria and selective reading of documents without any legal or factual foundation. The present Appeal is misconceived, speculative and liable to be dismissed as the Appellant has failed to establish any violation of the Public Procurement Rules, 2004, the published Evaluation Criteria or any statutory provision by the Respondents.

Ground No. 1 Clause 3.7.2.3

41. Further submitted that as regards appellant's contention that Respondent No. 3 ought to have been disqualified because its incorporation date is 12.05.2023 i.e. less than 3 years. The contention is denied. The incorporation date does not determine eligibility under the Evaluation Criteria. Further it was not a mandatory pre-condition of eligibility that a bidder company should have been incorporated before a set deadline. The Evaluation criteria merely allocated comparative scores depending upon the firm's years of experiences working on BTL activities. Consequently, the incorporation date is itself does not establish any violation of Evaluation Criteria of PSO. The respondent No. 3 achieved the qualifying score required under the overall Firm Status section of the category-based requirements.

Ground No.2 - Turnover

42. Further submitted that the Appellant requests verification of the turnover. In this regard, it is submitted that in interest of transparency, the GRC directed verification of the documents. PSO verified the documents, reported the verification to the GRC, and the GRC accepted the authenticity of the documents and rejected the Appellant's grievance. Further submitted that normally the criteria set by PSO does not necessarily require verification of each and every documents. Same treatment was also given by PSO to every bidder including the appellant. Even the PSO did not adversely consider the appellant when it did not file any FBR record of its declared turnover for FY 2020 to 2024. Despite this fact, the appellant in order to settle its score is hell bent upon to give tough time to not only PSO but also to respondent No. 3. Furthermore, the appellant has failed to produce any cogent evidence before this august forum for disqualification of respondent No. 3.

Ground No. 3 Purchase Orders and Reference Letters

43. Further submitted that likewise, the allegation regarding purchase orders and reference letters is entirely speculative. No client has denied issuing any purchase order. No organization has alleged fabrication. No complaint has been lodged before any competent authority. No legal proceedings exist. The Appellant merely seeks a fishing inquiry in the hope that some discrepancy might subsequently be discovered. Such an approach finds no support under the Public Procurement Rules, 2004.

Burden of Proof

44. Further submitted that the Appellant carries the burden of proving that:

- Respondent No. 3 submitted any false document;
- any mandatory requirement was violated;
- PSO illegally awarded marks; and
- such alleged violation materially prejudiced the Appellant.

No such evidence has been produced. Mere conjectures, assumptions and self-serving interpretations cannot invalidate an entire procurement process. The Appellant seeks drastic relief of declaring Respondent No. 3's qualification void, yet has failed to produce any legally admissible evidence establishing fraud, concealment, forgery or misrepresentation.

45. Further submitted that under Articles 117 and 118 of the Qanun-e-Shahadat Order, 1984, the burden of proving every allegation rests upon the party asserting it. Mere suspicion, conjecture and assumptions do not discharge that burden.

Procurement Cannot Be Set Aside on Speculation

46. Further submitted that the Public Procurement Rules, 2004 require transparency, fairness and equal treatment of bidders.

However, neither the PPRA Ordinance nor the Rules contemplate setting aside an evaluation merely because an unsuccessful bidder seeks a roving inquiry into the documents of a successful bidder.

No Cause of Action:

47. Further submitted that no independent cause of action has been disclosed against Respondent No. 3.

No Automatic Right:

48. Further submitted that even if the Appellant's allegations are assumed (without admitting), the Appellant would not automatically become entitled to inclusion in the BTL Agencies Panel, as it independently failed to secure a competitive score in Phase-II.

Wrong Interpretation of Criterion 3.7.2.3:

49. Further submitted that the Appellant incorrectly treats Clause 3.7.2.3 as a mandatory disqualification criterion. The Evaluation Criteria clearly distinguish between Mandatory Requirements and Category-Based Scoring. Clause 3.7.2.3 is only a scoring parameter under "Firm Status."

Tender Conditions Cannot Be Rewritten:

50. Further submitted that the Authority cannot import or create disqualification conditions that do not exist in the published Evaluation Criteria after completion of the procurement process.

Documents Already Verified:

51. Further submitted that in the interest of transparency, the GRC directed verification of the documents. PSO verified the documents, reported the verification to the GRC, and the GRC accepted the authenticity of the documents and rejected the Appellant's grievance.

No Fresh Inquiry Warranted:

52. Further submitted that the Appellant now seeks a second inquiry into matters that have already been verified by the Procuring Agency and considered by the GRC. Such a fishing and roving inquiry is unwarranted.

Commercial Confidentiality:

53. Further submitted that any request for wholesale production of Respondent No. 3's proprietary commercial documents should be declined unless the Authority records specific reasons for requiring particular documents.

54. Further submitted that no violation of Rules 22, 32, 33 or 48 of the PPRA Rules has been established against Respondent No. 3 and Respondent No.3 participated in the procurement process strictly in accordance with PPR 2004 and submitted its bid through the prescribed electronic procurement system, uploaded all mandatory documents, furnished every declaration required under the RFP and complied with the procurement conditions applicable to every bidder alike.

55. Further submitted that the present appeal is founded on assumptions and an incorrect interpretation of the Evaluation Criteria. Respondent No. 3 lawfully participated in the procurement process, submitted the documents required by the RFP, and was declared qualified by the competent Evaluation Committee. The Appellant's allegations have already been examined through the GRC process, the documents were verified, and the grievance was rejected. The appeal and all consequential applications against Respondent No. 3 deserve dismissal with costs. The Appeal proceeds upon assumptions rather than evidence. No declaration can be granted merely because another bidder requests verification, investigation & reconsideration. A bidder cannot be deprived of

rights acquired through a completed procurement process unless there exists clear, cogent and convincing evidence of fraud, misrepresentation or violation of a mandatory statutory provision. No such evidence has been produced.

56. The Appellate Committee has heard the learned representatives of the Appellant, Respondent No.1 (Pakistan State Oil Company Limited), Respondent No.2 (Grievance Redressal Committee), and Respondent No.3 (Reconnect First (Private) Limited), and has carefully examined the pleadings, written submissions, documentary evidence placed on record, the Request for Proposal (RFP), the Technical Evaluation Reports, the proceedings of the Grievance Redressal Committee (GRC), the Instructions to Bidders (ITB), the Bid Data Sheet (BDS), and the relevant provisions of the Public Procurement Rules, 2004.

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

29. Evaluation criteria: -

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

30. Evaluation of bids. –

(1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding documents. Save as provided for in sub-clause (iv) of clause (c) of rule 36 no evaluation criteria

shall be used for evaluation of bids that had not been specified in the bidding documents.

58. 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.

59. In accordance with Rule 48 (3) of the Public Procurement Rules, 2004, which states:

    Any bidder feeling aggrieved by any act of the procuring agency after the submission of his bid may lodge a written complaint concerning his grievances within seven days of announcement of the technical evaluation report and five days after issuance of final evaluation report.

60. Pursuant to Clause 3.7 (Prequalification Criteria), bidders shall be evaluated based on the following criteria:

Phase I

A) Mandatory Requirements

Compliance with mandatory requirements is essential for further consideration

B) Category Based Requirements

Assessment under this section shall be carried out across the following categories:

1. Firm Status
2. Clientele and Relevant Experience
3. Firm Resources and Availability of Services
4. HSE Policy.

Phase II

C) Agency Pitch

Evaluation of the agency's strategic thinking, creativity, and proposed approach.

RFP Clause 3.7 - Important Notes States:

- *Bidder(s) failing to meet any mandatory requirement shall be disqualified;*
- *Bidder(s) securing less than 70% marks in any individual requirement (within B) and/or less than 70% overall aggregate score shall not qualify.*

61. In accordance with clause 3.7.2.3 of Phase 1, which states:

Number of years since the firm is working on BTL activities: Marks (05)

More than 5 years (100%)
3 to 5 years (70%)
1 to 2 years (30%)
Less than 1 year (0%)

62. The principal controversy before this Appellate Committee pertains to the legality of the evaluation process undertaken by the Procuring Agency in respect of Tender No. PQ-A4833-NZ, particularly the qualification of Respondent No. 3, the interpretation of Clause 3.7 and Clause 3.7.2.3 of the RFP, the findings recorded by the Grievance Redressal Committee, and the maintainability of the present Appeal in light of Rule 48 of the Public Procurement Rules, 2004. With regard to the interpretation of Clause 3.7.2.3 of the Bidding Document, which is reproduced as under:

Clause 3.7.2.3 of the RFP, which states:

Number of years since the firm is working on BTL activities: Marks (05)

More than 5 years (100%)
3 to 5 years (70%)
1 to 2 years (30%)
Less than 1 year (0%)

RFP Clause 3.7 - Important Notes States:

- *Bidder(s) failing to meet any mandatory requirement shall be disqualified;*
- *Bidder(s) securing less than 70% marks in any individual requirement (within B) and/or less than 70% overall aggregate score shall not qualify.*

63. The Appellant contended that according to the said clause, every bidder has to score 70% in all individual requirements, whereas, Respondents claim is that overall aggregate of 70% score shall be required to qualify.

64. The Appellant contended that Respondent No. 3 did not satisfy the requirements of Clause 3.7.2.3 of the RFP relating to the number of years of experience in BTL activities and, therefore, ought to have been declared ineligible during Phase-I of the evaluation process. It was further argued that the Procuring Agency failed to verify the incorporation date of Respondent No. 3 against the prescribed scoring bands, resulting in an erroneous qualification. The Appellant further alleged violations of Rules 22, 32, 33 and 48 of the Public Procurement Rules, 2004, and prayed for re-evaluation of the bids, disqualification of Respondent No. 3, disclosure of score sheets and consequential reliefs.

65. Conversely, the learned counsel of Respondent No. 1 and Respondent No. 3 submitted that the procurement process was conducted strictly in accordance with the Public Procurement Rules, 2004 and the published Evaluation Criteria. It was argued that Clause 3.7.2.3 constituted only one of the scoring parameters within the broader "Firm Status" category and was not an independent mandatory eligibility condition attracting automatic disqualification. It was further contended that Respondent No. 3 secured the minimum qualifying score required under the overall "Firm Status" category and the aggregate evaluation prescribed under Clause 3.7 of the RFP,

thereby lawfully qualifying for Phase-II. The Respondents also submitted that the Appellant, having participated in Phase-II without raising any objection to the Phase-I Technical Evaluation Report, could not subsequently challenge the earlier evaluation after being unsuccessful in the Agency Pitch.

66. The Appellate Committee has considered the submissions in the light of the applicable provisions of the Public Procurement Rules, 2004.

67. Rules 29 and 30 of the Public Procurement Rules, 2004 unequivocally require that procuring agencies formulate clear evaluation criteria and evaluate bids strictly in accordance with the criteria incorporated in the bidding documents. It is a settled principle of public procurement that neither the procuring agency nor the participating bidders can travel beyond the evaluation methodology expressly prescribed in the bidding documents. Once the evaluation criteria have been notified, the procurement process must be undertaken strictly in accordance therewith.

68. The record reflects that Clause 3.7 of the RFP envisaged a two-stage evaluation process comprising Phase-I, consisting of Mandatory Requirements and Category-Based Requirements, followed by Phase-II comprising the Agency Pitch. The RFP further stipulated that bidders failing to satisfy any mandatory requirement would stand disqualified, whereas bidders securing less than 70% marks in any individual requirement within Part-B and/or less than 70% overall aggregate score would not qualify for further evaluation. The phrase "and/or" makes each threshold an independent ground for failing to qualify, while also covering the situation where both thresholds are not met. The Appellate Committee notes that the use of the expression "and/or" signifies that the failure to satisfy either of

the prescribed conditions is, by itself, sufficient to render a bidder ineligible for further evaluation.

69. Upon careful examination of the Evaluation Reports and the material placed on record, the Appellate Committee finds that Reconnect First (Private) Limited (Respondent No.3) secured an overall aggregate score of 70% under the overall Firm Status section of the category-based requirements, thereby satisfying the evaluation criteria stipulated under Clause 3.7 of the Request for Proposal (RFP). The material available before the Appellate Committee does not establish that Respondent No. 3 failed to achieve the qualifying threshold prescribed under the overall category-based evaluation framework. The Appellant's interpretation that Clause 3.7.2.3 constituted an independent mandatory disqualification criterion is not borne out from the plain language, structure and scheme of the Evaluation Criteria. Clause 3.7.2.3 forms part of the scoring matrix within the "Firm Status" category and cannot be construed in isolation so as to rewrite the evaluation methodology adopted by the Procuring Agency.

70. The Appellate Committee further observes that the incorporation date of Respondent No. 3 is not in dispute. However, the mere fact of incorporation on a particular date does not, by itself, establish any violation of the published Evaluation Criteria unless it is demonstrated that the Procuring Agency departed from the prescribed evaluation methodology or awarded marks contrary to the criteria contained in the RFP. No material has been produced before this Committee establishing that the Procuring Agency evaluated Respondent No. 3 on the basis of criteria align to the RFP or that the overall qualifying score awarded to Respondent No. 3 was inconsistent with Clause 3.7 of the RFP.

71. The Appellate Committee has duly considered the preliminary objections raised by the Respondents with respect to the maintainability of the present proceedings. In this regard, Rule 48(3) of the Public Procurement Rules, 2004 stipulates that any bidder aggrieved by any act or omission of the procuring agency after the submission of its bid shall submit a written complaint within seven (07) days of the announcement of the Technical Evaluation Report, or within five (05) days of the issuance of the Final Evaluation Report, as the case may be.

72. The record reveals that the Technical Bid Evaluation Report relating to Phase-I was communicated to all participating bidders, including the Appellant. Notwithstanding its alleged grievances relating to the Phase-I evaluation and the qualification of Respondent No. 3, the Appellant neither challenged the Technical Evaluation Report within the statutory period prescribed under Rule 48(3) nor invoked the grievance redressal mechanism immediately upon announcement of the Technical Evaluation Report. Instead, the Appellant accepted its qualification for Phase-II, participated in the Agency Pitch without protest, and only questioned the Phase-I evaluation after having failed to secure selection in the final panel.

73. Accordingly, in terms of Rule 48(3) of the Public Procurement Rules, 2004, the Appellant, M/s Brand Edge (Private) Limited, was under a statutory obligation to lodge a written complaint concerning any grievance arising out of the bid evaluation process within seven (07) days of the announcement of the Technical Bid Evaluation Report (Pitch-I). The Appellant, however, failed to avail the statutory remedy within the prescribed period and did not file any written complaint within the limitation provided under the said Rule. Consequently, the Appellant is estopped from assailing the Technical Bid Evaluation Report (Phase-I) at this belated stage, having failed

to invoke the statutory grievance redressal mechanism within the time mandated by PPRA Legal Framework. law.

74. The Appellate Committee is also mindful of the settled principle that a bidder who knowingly participates in a procurement process without objection cannot ordinarily be permitted to challenge an earlier stage of the process only after suffering an unfavourable outcome. Such an approach would undermine certainty, transparency and finality in public procurement and would permit unsuccessful bidders to reopen completed stages of evaluation after conclusion of the procurement proceedings. The challenge to the Technical/Bid Evaluation Report (Phase-I) is held to be barred by the provisions of Rule 48(3) of the Public Procurement Rules, 2004, the Appellant having failed to lodge its grievance within the statutory period prescribed therein.

75. With regard to the allegations concerning turnover, purchase orders, reference letters and verification of documents, the record indicates that these matters were placed before the Grievance Redressal Committee, which examined the grievance and called for verification of the relevant documents before rendering its decision. No cogent evidence has been produced before the Appellate Committee demonstrating that Respondent No. 3 furnished forged or fabricated documents or that the Procuring Agency acted in violation of any mandatory provision of the Public Procurement Rules, 2004. Mere suspicion, conjecture or speculative assertions cannot constitute sufficient legal basis for setting aside a completed procurement process conducted in accordance with the published Evaluation Criteria.

76. Similarly, the Appellant has failed to establish any violation of Rules 29, 30, 32, 33 or 48 of the Public Procurement Rules, 2004 warranting interference by this Appellate Committee. The

burden to prove illegality, arbitrariness, mala fides or material procedural irregularity rests upon the Appellant, which burden has not been discharged through reliable and convincing evidence.

77. For the foregoing reasons, the Appellate Committee is of the considered opinion that the procurement process undertaken by Respondent No. 1 was conducted substantially in accordance with the Public Procurement Rules, 2004 and the Evaluation Criteria incorporated in the RFP. No illegality, material irregularity, procedural impropriety or violation of the Public Procurement Rules, 2004 has been established so as to warrant interference with the evaluation process or the qualification of Respondent No. 3.

78. Therefore, the Appeal filed by M/s Brand Edge (Private) Limited is hereby ***dismissed***. The qualification of Respondent No. 3, Reconnect First (Private) Limited, is upheld as being in accordance with the Evaluation Criteria contained in Clause 3.7 of the Request for Proposal (RFP), Respondent No. 3 having secured an overall aggregate score of 70%, thereby satisfying the prescribed qualifying threshold.

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

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

(Hasnat Ahmed Qureshi)
Managing Director (PPRA)
(Chairman of the Committee)

Dated: 5th August, 2026

Each page of the order has been signed by all members of the Committee. The order comprises thirty (30) pages.