



F. No. PPRA/AP-50/2026
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad
<><><>

ORDER

M/s Naqeebz Consulting (Private) Limited

...the “Appellant”

Vs.

Trade Development Authority of Pakistan (TDAP), etc.

...the “Respondent(s)”

Date of Hearing	Mr. Muhamad Hanzala (Advocate)
24.09.2026	(On behalf of Appellant) Mr. Ghulam Mustafa Shakir (On behalf of Respondent i.e., TDAP)

APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004

The above mentioned learned counsel and representative of the parties tendered appearance before the Appellate Committee (“the Committee”) and furnished their arguments at length.

2. At the very outset, learned counsel of the Appellant i.e., M/s Naqeebz Consulting (Private) Limited submitted that the instant Appeal has been preferred on 27.07.2026 under Rule 48(7) read with Rule 48(6) of the Public Procurement Rules, 2004 (“the Rules”) and Regulation 3 of the Redressal of Grievances Regulations, 2021 (“the Regulations, 2021”). Further submitted that Rule 48(6) and (7) provide independent grounds of appeal, including failure of the Grievance Redressal Committee (“GRC”) to decide a complaint within the prescribed period. The Appellant’s complaint dated 08.07.2026 was neither investigated nor decided by Respondent No.4 within ten

days, which expired on 18.07.2026; hence, the Appellant invoked the jurisdiction of the Appellate Committee within the thirty (30) days period prescribed under Regulation 3, i.e. by 17.08.2026, and contended that any subsequent purported GRC decision after expiry of the statutory period and filing of the Appeal would be without lawful jurisdiction.

3. The counsel of the Appellant also submitted that, the Appellant is a private limited company incorporated on 01.01.2018 under the Companies Act, 2017 (SECP CUIN 0114651), engaged in event management, integrated strategy and execution, having its office at Office No.256, 2nd Floor, Luxus Mall, Gulberg Greens, Islamabad, with 21 full-time employees. It has undertaken, inter alia, the DFDI Forum 2025 attended by 700–800 delegates from more than 45 countries, the Regional Transport Ministers Conference 2025 at Jinnah Convention Centre, and the INSPIRE Semiconductor Project Launch and PM Apna Ghar Housing Scheme Launch at the Prime Minister's House. Respondent No.1 is the procuring agency, Respondent No.2 heads the evaluation committee, Respondent No.3 conducted the prequalification process, and Respondent No.4 is the GRC.

4. The counsel of the Appellant further submitted that the Respondent No.1 invited proposals for "Pre-Qualification of Firms for Event Management" under Rules 15 and 16 vide Reference No.1(1)/TENDER/TDAP/ISD/2024 for a three-year open framework arrangement for trade promotion events. Clause 9(a) provided for selection of not more than six highest-scoring firms, comprising 100 technical marks with 60 as the minimum passing score. Criterion 1.3 (Experience of the firm) carried 15 marks, with brackets of 15 marks for 10 years or above, 12 for at least 7 years, 10 for at least 5 years and 7 for at least 3 years; Criterion 2 (Date of Inception) carried 10 marks, with 10 marks for more than 10 years, 8 for 5–8 years,

5 for 3–5 years and 3 for less than 3 years. Criterion 4 (Interview and Presentation) carried 10 marks but contained no scoring brackets, sub-parameters or disclosed assessment basis.

5. The counsel of the Appellant also submitted that their proposal through E-PADS on 10.06.2026. Following Respondent No.3's clarification request dated 15.06.2026 concerning, inter alia, Islamabad office, staff and events, the Appellant submitted its clarification on 16.06.2026 before 3:00 PM through E-PADS and email, duly acknowledged as "Received with thanks", reiterating its incorporation on 01.01.2018 and eight years' event-management experience. On 18.06.2026, a five-minute Zoom interview/presentation was conducted, during which the Appellant's CEO presented the DFDI Forum 2025, RTMC 2025 and the two Prime Minister's House launches. The panel remarked that the presentation was detailed and left almost no questions; the Appellant also answered the question concerning its in-house production facility and production crew, and no deficiency was identified.

6. The counsel of the Appellant also submitted that the Technical Evaluation Sheet was internally signed on 29.06.2026 and 30.06.2026 and published on E-PADS under "PA Published Documents" on 07.07.2026 at 12:54 PM. The Appellant was awarded 85/100 marks, whereas the ten firms obtained 98, 95, 94, 93, 93, 93, 92, 85, 71 and 42 marks respectively, with the sixth qualifying firm obtaining 93 marks. The Appellant received 10 marks under Criterion 1.3, 8 under Criterion 2 and 2 under Criterion 4. It accordingly lodged its complaint under Rule 48 on 08.07.2026, requesting referral to the GRC and the recorded justification and individual evaluators' score sheets for Criterion 4. The complaint was filed within seven days of announcement as required by Rule

48(3), but the GRC neither convened a hearing nor investigated or decided the complaint before expiry of the ten-day period on 18.07.2026.

7. The counsel of the Appellant further added that the award of 10 marks under Criterion 1.3 was contrary to the record and Rule 30(1), as its incorporation date of 01.01.2018 established more than eight years' experience, placing it within the "at least 07 years" bracket carrying 12 marks. It therefore sought correction of its score from 10 to 12 marks. It further contended that Criterion 1.3 stated "Experience of the firm" without geographical limitation and could not subsequently be restricted to Islamabad / Rawalpindi experience through clarification. According to the Appellant, such post-submission alteration would offend Rules 29, 30 and 31, particularly as clarification could not introduce a new or narrower evaluation yardstick.

8. The counsel of the Appellant also submitted that, with regard to Criterion 4, the Appellant argued that the criterion carried ten marks but disclosed no scoring brackets, sub-criteria or assessment methodology. It received only 2/10 marks, whereas six other firms received 7-8 marks, despite its detailed presentation and the panel's recorded remark that it had left almost no questions. No deficiency was identified and no reasons were recorded for the two marks awarded. The Appellant therefore contended that the assessment was arbitrary and discriminatory and contrary to Rules 4, 16(1), 29, 30 and 35. It further submitted that the Technical Evaluation Sheet contained only bare figures and that its request dated 08.07.2026 for recorded justification and individual score sheets remained unanswered.

9. The counsel of the Appellant also submitted that the Criteria 1.3 and 2 both measured the age of the firm and consequently resulted in double penalization of the same

attribute. It contended that, being eight years and five months old at the relevant time, it fell outside the “5 to 8 years” bracket under Criterion 2, while impugned technical evaluation sheet provided no bracket between eight and ten years. Relying upon the principles of *contra proferentem* and Article 25 of the Constitution, the Appellant submitted that any ambiguity or omission in the evaluation criteria drafted by the procuring agency could not be construed against the bidder. It further contended that the absence of scoring brackets and an assessment basis under Criterion 4 constituted an ambiguous evaluation criterion amounting to mis-procurement under Rule 29 read with Rule 50; nevertheless, the Appellant sought correction of its own evaluation rather than annulment of the entire procurement.

10. The counsel of the Appellant also submitted that the failure of the GRC to investigate and decide its complaint within ten days violated Rule 48(6) and deprived it of its statutory remedy. It further contended that correction of Criterion 1.3 would raise its score from 85 to 87, while awarding Criterion 4 marks at parity with comparable firms would raise it to 93, equal to the sixth qualifying firm; thus, the disputed marks were decisive to its prequalification. Further submitted that, since its complaint dated 08.07.2026 challenged the Technical Evaluation Report, the procurement proceedings stood suspended by operation of Rule 48(4), and any subsequent RFP/RFQ, framework contract or work order would be without lawful authority.

11. The counsel of the Appellant further argued that Rule 16(4) required Respondent No.1 to communicate reasons for its non-prequalification, whereas it received only a comparative sheet of bare scores and no reasons. Relying upon Rule 15(1), it contended that prequalification was required to be based solely upon the ability to perform the

work satisfactorily and referred to its DFDI Forum, RTMC, Prime Minister's House engagements, 21-member Islamabad-based team and in-house production facility. The Appellant accordingly maintained that its exclusion on the basis of two marks awarded during a five-minute presentation without a disclosed yardstick was inconsistent with Rules 15 and 16 and the value-for-money requirement under Rule 4.

12. The counsel of the Appellant also submitted and requested for production of complete record under Rules 46 and 47 relating to Criterion 4, including recordings of the 18.06.2026 Zoom interviews/presentations of all ten participating firms, participation and waiting-room logs, individual evaluators' score sheets, working papers and evaluation committee minutes. It submitted that the recordings and associated material formed part of the procurement record required to be maintained under Rule 46 and constituted the best evidence regarding the disputed scoring. Failure to produce the record, or assertion that it was not maintained, was stated to warrant an adverse inference against the Respondents.

13. At the last, the counsel of the Appellant further submitted that the impugned evaluation violated Articles 4, 18 and 25 of the Constitution and the settled principles of legality, fairness, legitimate expectation, recording of reasons and *audi alteram partem*, as the Respondents allegedly departed from the disclosed criteria, awarded marks without a disclosed yardstick, double-penalized the same attribute, failed to communicate reasons and failed to decide the statutory grievance. Further added that, as public functionaries, the Respondents were required to act fairly, reasonably, transparently and on the basis of the material available on record.

14. On the other side, learned representative of the Respondent i.e., Trade Development Authority of Pakistan (TDAP) submitted that the allegations and grounds raised in the Appeal are denied to the extent inconsistent with the procurement record. It was submitted that the procurement was conducted by TDAP in accordance with the tender/pre-qualification documents, approved evaluation criteria and applicable public procurement framework, and that the technical evaluation was undertaken by the duly constituted Evaluation Committee against the same criteria for all participating firms, with equal opportunity to submit documents and provide clarifications.

15. The representative of the Respondent (TDAP) also submitted that the Appellant's challenge primarily concerns evaluation of its technical proposal, which was based on the documentary evidence and information originally submitted through e-PADS. In the Appellant's experience profile, the foremost project listed pertained to August 2019; accordingly, experience marks were assessed on the documentary record available at the time of evaluation. The firm's incorporation/inception date was correctly recorded from its SECP registration, while relevant experience was assessed from the supporting assignments submitted with the technical proposal.

16. The representative of the Respondent further submitted that TDAP sought, through a common communication addressed to all participating firms, clarification regarding experience in organizing events in Islamabad and Rawalpindi. This was necessitated by TDAP Islamabad's regular requirement to arrange high-profile official events on extremely short notice, often within one or two days, requiring verification of local operational capability, including inventory, logistics, manpower and immediate

resource mobilization. The overall experience of firms, including assignments throughout Pakistan and internationally, was duly evaluated under the approved criteria. The Islamabad/Rawalpindi clarification was only to ascertain local execution capability and did not constitute a new or subsequently introduced evaluation criterion.

17. The representative of the Respondent also submitted that only 10 marks were allocated for interview, while the substantial portion of the technical score comprised documentary evaluation of experience, technical capability, organizational capacity, previous assignments and other prescribed criteria. The interviews enabled firms to explain/clarify their submitted documents, verify previous experience where necessary and assess their capability to undertake high-profile assignments. All firms were given equal opportunity, and the Evaluation Committee had examined their documentary submissions before seeking necessary clarifications during interviews.

18. The representative of the Respondent also added that interview marks were awarded on a comparative basis having regard to demonstrated experience in high-profile government assignments, including events involving the President of Pakistan, the Prime Minister, Prime Minister's Office, Federal Ministries, international conferences, diplomatic events and other major national assignments. The interviews also facilitated assessment of firms seeking induction on the TDAP panel which had not previously worked with the Authority. The marks were accordingly awarded fairly and objectively; moreover, as the interview constituted only 10% of the technical evaluation, it could not independently materially alter the overall ranking.

19. The representative of the Respondent further submitted that the Appellant failed to invoke the prescribed

grievance redressal mechanism. The GRC, including its members' names, contact details and official email addresses, had been notified and made available on e-PADS. Sufficient time was available after publication of the technical evaluation results, and the pre-qualification validity was also extended, enabling participating firms to seek clarification or file grievances through the prescribed forum. However, the Appellant neither sought clarification nor filed a grievance through e-PADS, nor addressed any representation to the GRC through the prescribed procedure; instead, it sent an email to an unauthorized person not directly associated with the GRC.

20. At the last, the representative of the Respondent also submitted that, notwithstanding the said procedural deficiency, the matter was placed before the GRC in the interest of transparency and fairness. The GRC observed that the Appellant had not formally approached it through the notified mechanism and, therefore, no statutory obligation arose upon it to issue a decision within the prescribed timeframe. The GRC nevertheless observed that had the Appellant approached it through the prescribed procedure, the matter would have been duly examined and an appropriate response issued in accordance with the applicable rules, hence request for dismissal of the instant appeal.

21. The Appellate Committee heard the learned counsel and representatives of the parties and examined the Appeal, written replies, Final Evaluation Report, relevant bidding / pre-qualification documents, correspondence and applicable provisions of the Public Procurement Rules, 2004. As per the spirit of Rules 29 and 30 of the PP Rules, 2004, bids must be evaluated strictly against the clear and unambiguous criteria disclosed in the bidding documents, and no undisclosed criterion or condition may subsequently be applied.

22. At the first, the Appellate Committee ("the Committee") observed that the technical evaluation was published on E-PADS on 07.07.2026, and the Appellant submitted its grievance on 08.07.2026. Although the Respondents objected that the grievance was not initially submitted directly to the GRC through the prescribed channel, they acknowledged that it was subsequently placed before and considered by the GRC. Keeping in view the object of Rule 48 to provide effective and expeditious grievance redressal, the Appellant cannot be non-suited on the basis of procedural routing where the grievance was received by the procuring agency, placed before the GRC and its substance was identifiable. Therefore, the said objection taken by the Respondent is not tenable.

23. The Committee also observed that, under Criterion 1.3, the disclosed scoring was: 10 years or above 15 marks; at least 07 years 12 marks; at least 05 years 10 marks; and at least 03 years 07 marks. It is also an admitted fact that the Appellant's (M/s Naqeebz Consulting (Private) Limited) incorporation date is 01.01.2018, and it relied upon its clarification dated 16.06.2026. The Respondents have not demonstrated a clear contemporaneous basis for awarding the Appellant 10 instead of 12 marks, if the criterion was applied to the age / experience of the firm. Further, the disclosed criterion was "Experience of the firm" and contained no express geographical restriction. The clarification process could not lawfully introduce a post-submission restriction. Thus, "experience of the firm in Islamabad / Rawalpindi" cannot be read into "experience of the firm" unless disclosed to all bidders. The score under Criterion 1.3 shall accordingly be reconsidered by the competent Evaluation Committee strictly on the disclosed criterion and admissible documentary record.

24. The Committee further observed that, with regard to Criterion 4, although interviews / presentations may form part of technical evaluation where disclosed, the award of marks must be objectively scrutable and based on a uniform methodology. The record does not disclose individual evaluators' score sheets, contemporaneous reasons for awarding 2/10 marks to the Appellant, or a sufficiently clear methodology for determining the marks. In view of Rule 35, the basis of disputed marks must be demonstrable from the contemporaneous record. The award under Criterion 4, therefore, requires fresh and transparent evaluation and shall not be substituted by the Appellate Committee's own assessment.

25. The Committee also observed that, with regard to Criterion 2, the disclosed scoring brackets appear to contain a gap between 5-8 years and more than 10 years. As the Appellant claims that its age at the relevant date exceeded eight but was less than ten years, its score requires reconsideration strictly according to the wording and brackets of the approved evaluation document, without introducing any undisclosed criterion or interpretation.

26. The Appellate Committee is not a substitute Evaluation Committee for making fresh subjective assessments; however, where evaluation is not traceable to disclosed criteria or lacks an objective basis, the appropriate remedy is lawful re-evaluation. Accordingly, the Appellant's scores under Criteria 1.3, 2 and 4 require reconsideration, and the impugned scoring shall not be determined merely by mathematical adjustment of the existing score.

27. In view of above, the instant Appeal is accordingly accepted to the extent that the Technical Evaluation Sheet dated 29.06.2026, published / announced on E-PADS on 07.07.2026, is hereby set aside insofar as it concerns the

Appellant's scores under Criteria 1.3, 2 and 4. The Respondent Evaluation Committee shall undertake fresh re-evaluation strictly in accordance with the disclosed evaluation criteria, scoring parameters, Appellant's admissible record and applicable Rules, without introducing any undisclosed criterion, geographical restriction, sub-criterion or consideration.

28. The re-evaluation shall be without prejudice to the rights of other bidders. The evaluation of all bidders including the Appellant shall be carried out objectively on the basis of admissible record and strictly in accordance with the qualification criteria. Upon completion, the Respondents shall prepare and communicate/publish a fresh Technical Evaluation Sheet for all relevant bidders in accordance with the procurement documents and Rules.

29. For what the reasons and observations mentioned above, the appeal in hand is hereby **allowed**.


(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: 28th September, 2026

Each page of the order has been signed by all members of the Committee. The order comprises twelve (12) pages.