



TRANSPARENCY INTERNATIONAL-PAKISTAN

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14th May, 2019

TL19/1405/5A

Managing Director,
Sindh Public Procurement Regulatory Authority,
Karachi.

Sub: Violation of Sindh Public Procurement Rules 2010, Complaint against Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo Regarding Mis-Procurement and Irregularities Committed by the Public Servants of Irrigation Department in the Tendering Process Vide NIT No. TC/G -55(b)/ 501 Dated 29/04/2019 (NIT ID # To1417-18-0001) Posted at Website- PPMS On Dated 02-04-2018.

Dear Sir,

Transparency International Pakistan has received two complaints against Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo Regarding Mis-Procurement and Irregularities Committed by the Public Servants of Irrigation Department in the Tendering Process Vide NIT No. TC/G -55(b)/ 501 Dated 29/04/2019 (NIT ID # To1417-18-0001) Posted at Website- PPMS On Dated 02-04-2018 from M/s Iftikhar Enterprises and M/s Khokhar Brothers Construction (Copy Enclosed).

MD, SPPRA is requested to kindly examine the complaint and take necessary action to resolve complainant's issues.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,

Justice Zia Perwez
Former Judge of Supreme Court of Pakistan and High Court of Sindh
Trustee- TI-Pakistan

Copies forwarded for the information with request to take action under their mandate to:

1. Chief Minister, Government of Sindh, Karachi.
2. Chief Justice, Sindh High Court, Karachi
3. Director General, NAB, Karachi.
4. Chief Secretary, Government of Sindh, Karachi.
5. Managing Director, SPPRA, Karachi.



IFTIKHAR ENTERPRISES

Government Contractor

Address: B-79, Gulshan-e-Hadeed, Phase-I

Bin Qasim, Karachi-75010

Cell: + 92-300-2721151 + 92-333-7007020

Email: iftidero@msn.com

Ref: IE/057/2019

Date: 12/05/2019

“ SAY NO TO CORRUPTION ”

To,

The General Manager (Operation),
Sindh Irrigation & Drainage Authority (SIDA),
& Chairman (CRC),
Hyderabad

SUBJECT: COMPLAINT AGAINST EXECUTIVE ENGINEER, MIRPUR DIVISION (IRRIGATION) @ MIRPUR MATHELO REGARDING MIS-PROCUREMENT & IRREGULARITIES COMMITTED BY THE PUBLIC SERVANTS OF IRRIGATION DEPARTMENT IN THE TENDERING PROCESS VIDE NIT NO.TC/G-55(b)/501 DATED 29/04/2019 (NIT ID # T01417-18-0001) POSTED AT WEBSITE-PPMS ON DATED 02.04.2018-REQUEST FOR REDRESSAL OF GRIEVANCES & SETTLEMENT OF DISPUTES UNDER RULE-31 OF SPP RULES, 2010

Reference: Complaint Redressal Committee (CRC) constituted by the Managing Director Sindh Irrigation & Drainage Authority (SIDA) Hyderabad vide Notification No.MD/SIDA/DB-CR-Committee/GFC/3627 dated 13.07.2018

R/Sir,

The aggrieved bidder respectfully submits as under :-

1. That Sir, the Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo invited the tenders vide NIT **No.TC/G-55(b)/501** dated **29/04/2019** posted at the website of SPPRA on **02.04.2019** appeared in the daily English Newspaper “**DAWN Karachi**” Single work having total estimated cost of **Rs.474.786 Million** (Photo copy of NIT is attached).
2. That Sir, we applied to be participated in the said NIT for the following work through application vide **Ref: No.IE/052/2019** dated **06.05.2019** along with bid security at 5% of the total cost and Pay Order of **Rs.5,000/-** on account of cost of tender fee in terms of Rule-20(2) of Sindh Public Procurement Rules, 2010 together with all required documents as per NIT (Photo copy of application, CDR, Pay Order, PEC, NTN, SRB etc are attached).

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IFTIKHAR ENTERPRISES

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Ref: IE/057/2019

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S.No.	Name of works	Estimated Cost
1/1	Providing Stone Apron from Mile 0/5 to 1/2+200 and Dumping of Stone Boulders to Eroded portions from Mile 1/2+200 to 1/3+285 along Qadirpur Shank Band (Non-ADP Work / Emergent work)	Rs.474.786 Million

3. That Sir, the date of issue, receipt & opening of bids fixed on dated 08.05.2019 at 1.00 PM & 02.00 PM as per schedule of NIT, we approached in the office of Procuring Agency /XEN Mirpur Division (Irrigation) @ Mirpur Mathelo on the same day at 11.00 AM, there was no any Tender Box available in the room of XEN, we and others contractors protested and demanded to bring the tender box which was brought and kept on the table of XEN without seal, we requested the Chairman & Members of the Procurement Committee to seal the lock of Tender Box to enable us to drop our bids into the Tender Box, but the XEN refused to do so and emphasized upon us to sign the blank bid documents as per illegal direction by the (Engr.Yasin Qureshi) Director Ghotki Feeder Canal Area Water Board, Ghotki, in of presence of all bidders, the Director given threat to us for dire consequences in case of no response, which is not only against existing rules, regulations and policy of the government but also clear violation of Sindh Public Procurement Rules, 2010 (Amended 2019), the contractors protested against the illegal action and policy of the Director, later on (Engr.Agha Faiz) XEN Daharki Division (Irrigation) @ Mirpur Mathelo & Member of Procurement Committee (PC) was announced that the

Contd:-03

(HYD OFFICE) B-27 / 1ST FLOOR AL-RAHIM CORTAGES BY PASS QASIMABAD HYDERABAD



IFTIKHAR ENTERPRISES

Government Contractor

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NIT is cancelled and next date will be announced subsequently, but after passing of three days no any cancellation order issued, for which the CRC may kindly take its strict notice and proceeded against the irresponsible persons in accordance with the rules.

4. That Sir, the Procuring Agency / Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo wants to award this work to his favourite and specific person nominated by the (Engr. Yasin Qureshi) Director Ghotki Feeder Canal Area Water Board, Ghotki on the basis of partnership with the contractor in the darkness of night and on the basis of huge bribe, he do not wants to make open competition in terms of Rule-15(1) of Sindh Public Procurement Rules, 2010 (Amended 2019), because the said Director specially attended the XEN office to make and mature the tenders in favour of the managed method person through illegal way, it has been learnt that the contractor to whom the contract of aforementioned work to be awarded has started the work at site as per verbal orders of the XEN concerned without any work order, for which the CRC may kindly take its notice and proceeded against the responsible persons in accordance with the rules.
5. That Sir, the policy of the present (Engr. Bahar Ali Jumani) XEN Mirpur Division (Irrigation) @ Mirpur Mathelo is not fair with the bidders and based on mal-administration and malpractice, which is against the principles of procurements while procuring goods, works or services, the procurements do not conduct in a fair and transparent manner in terms of Rule-4 of Sindh Public Procurement Rules, 2010, for which the CRC may kindly take its notice and issue directions for making the procurement proceedings in transparent manner.

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IFTIKHAR ENTERPRISES

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Ref: IE/057/2019

Date: 12/05/2019

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6. That Sir, the composition of Complaint Redressal Committee (CRC) constituted by the Managing Director SIDA Hyderabad under Notification No. cited above has not been made in accordance with the requirement of **Sindh Public Procurement Rules, 2010**, wherein the Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo has been taken as Member of (CRC) instead of an independent from the relevant field concerning the procurement process in question, to be nominated by the head of procuring agency, when the same XEN is already nominated as Chairman of Procurement Committee (PC) in Mirpur Division (Irrigation) @ Mirpur Mathelo constituted by the Managing Director (SIDA) Hyderabad through Notification **No.MD/SIDA/DB-P-Committee/GFC/3359** dated **26.06.2018** (Photo copy is attached) for kind perusal.
7. That Sir, there was no any need to invite the tenders on emergent basis by the Procuring Agency / XEN Mirpur Division (Irrigation) @ Mirpur Mathelo within shortest response time of six (6) days, as No any bid documents accepted nor opened in presence of bidders on scheduled venue, date, and time by the Procuring Agency, thus there is material violation of act, orders, instructions, rules, regulations established in the procurement process, as such the procurement of work, did not conduct in a fair and transparent manner in accordance with the **Sindh Public Procurement Rules, 2010 (Amended 2019)**, hence the Procuring Agency did not comply the orders, instructions of the Authority in terms of **Sindh Public Procurement Rules, 2010 (Amended 2019)** earlier notified vide **No.DIR/A&F)/SPPRA/LETTERS/2018-19/2277** dated **19th February, 2019** (Photo copy of letter is attached) for ready reference.

Contd:-05

(HYD OFFICE) B-27 / 1ST FLOOR AL-RAHIM CORTAGES BY PASS QASIMABAD HYDERABAD



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The following officials are responsible for the mis-procurement and irregularities committed by them in the tendering process.

1. **Engr. Bahar Ali Jumani Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo & Chairman Procurement Committee (PC)**
2. **Executive Engineer, Daharki Division (Irrigation), @ Mirpur Mathelo & Member of Procurement Committee (PC).**
3. **Assistant Engineer, Education Works Sub-Division @ Mirpur Mathelo & Member of Procurement Committee (PC).**
4. **Tender Clerk (Concerned).**

In view of the above, it is requested to kindly take legal action against the Procuring Agency / XEN Mirpur Division (Irrigation) @ Mirpur Mathelo for the violations of Authority's Rules in the tendering process, So please issue necessary directions for cancelation of the NIT/bidding process in terms of **Rule-25 or declare Mis-procurement in terms of Rule-32A. of Sindh Public Procurement Rules, 2010 (Amended 2019)**, in light of the facts, explained above, So please redress the grievances and settle the disputes as per provision of **Rule-31 of SPP Rules, 2010** within the stipulated time specified in the relevant rule.

All relevant documents
in Nos. Are attached.

Yours sincerely,

(M/S. IFTEKHAR ENTERPRISES)
AGGRIEVED BIDDER



IFTIKHAR ENTERPRISES

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Ref: IE/057/2019

Date: 12/05/2019

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Copy submitted for information and necessary action to :-

1. *The Chief Secretary to Government of Sindh, Karachi.*
2. *The Principal Secretary to Chief Minister Sindh, Karachi.*
3. *The Principal Secretary to Governor Sindh, Karachi.*
4. *The Chairman, Enquiries & Anti-Corruption Establishment Karachi.*
5. *The Managing Director, (SIDA) Left Bank Barrage Colony Hyderabad.*
6. *The Executive Director, Transparency International Pakistan, Karachi.*
7. *The Director Ghotki Feeder Canal Area Water Board, Ghotki.*
8. *The Commissioner, Sukkur Division Sukkur.*
9. *The Deputy Commissioner, Ghotki @ Mirpur Mathelo.*
10. *The Deputy Director, Anti-Corruption Establishment Sukkur.*
11. *The Circle Officer, Anti-Corruption Establishment Ghotki @ Mirpur Mathelo.*
12. *The Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo.*
13. *The Executive Engineer, Daharki Division (Irrigation), @ Mirpur Mathelo & Member of Procurement Committee (PC).*
14. *The District Accounts Officer Ghotki @ Mirpur Mathelo & Member of (CRC).*
15. *The Assistant Engineer, Education Works Sub-Division @ Mirpur Mathelo & Member of Procurement Committee (PC).*



M/S Khokhar Brothers Construction

GOVERNMENT CONTRACTOR

Cell : 0333-7345133

Ph : 022-2650269

Email: khokharbrotherconstruction@gmail.com

M/S Khokhar Brothers Construction

Ref: No. 227/2019

Date: 09.05.2019

“ SAY NO TO CORRUPTION ”

To,

The Chief Secretary,
Government of Sindh,
1st. Floor New Sindh Secretariat Building,
Karachi (Tel: # 021-99222949,50)

The Managing Director,
Sindh Public Procurement Regulatory Authority,
Barrack No.8, Sindh Secretariat Block-4 A, Court Road,
Karachi (Tel: # 021-99244112-7)

The Secretary,
Irrigation Department,
Government of Sindh,
Karachi (Tel: # 021-99211445,451)

SUBJECT: COMPLAINT AGAINST EXECUTIVE ENGINEER, MIRPUR DIVISION (IRRIGATION) @ MIRPUR MATHELO REGARDING MIS-PROCUREMENT & IRREGULARITIES COMMITTED BY THE PUBLIC SERVANTS OF IRRIGATION DEPARTMENT IN THE TENDERING PROCESS VIDE NIT NO.TC/G-55(b)/501 DATED 29/04/2019 (NIT ID # T01417-18-0001) POSTED AT WEBSITE-PPMS ON DATED 02.04.2018

R/Sir,

The applicant / bidder respectfully submits as under:-

1. That Sir, the Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo invited the tenders vide NIT No.TC/G-55(b)/501 dated 29/04/2019 posted at the website of SPPRA on 02.04.2019 appeared in the daily English Newspaper “DAWN Karachi” Single work having total estimated cost of **Rs.474.786 Million** (Photo copy of NIT is attached)

Contd: 02



M/S Khokhar Brothers Construction

GOVERNMENT CONTRACTOR

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M/S Khokhar Brothers Construction

Ref: No. 227/2019

Date: 09.05.2019

Page:-02

2. That Sir, we applied to be participated in the above NIT for the following Single work through application vide **Ref: No.223/2019** dated **06.05.2019** along with Bid documents duly completed in all respect / quoted our rate / premium at 53.37% Above on the Composite Schedule of Rate (CSR), the cost of which comes out to be Rs.52,02,54,476/- in support of Security bid at 5% of the Tender / Estimated Cost for Rs.2,60,15,000/- & Pay Order for Rs.5,000/- on account of Cost of Tender Fee in terms of **Rule-20(2) of Sindh Public Procurement Rules, 2010**, submitted to the XEN concerned with all supported documents etc duly Sealed Envelope by TCS vide **Receipt No. 2065821618** dated **06.05.2019** which was received by the office of Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo on dated **08.05.2019** and a separate set of bid documents duly filled in has been submitted to M.D (SPPRA) by TCS vide **Receipt No.2065821644** dated **07.05.2019** we approached in the office on the date of opening as per schedule of NIT, the sealed envelope opened by the concerned XEN in our presence and handed over to us without dropping into Tender Box under the illegal direction by (**Engr.Yasin Qureshi**) **Director Ghotki Feeder Canal Area Water Board, Ghotki**, which is clear violation of **Sindh Public Procurement Rules, 2010 (Amended 2019)**, for which the Authorities concerned may kindly take its strict notice and proceeded against the irresponsible persons in accordance with the rules (Photo copies of bid documents with supported documents etc are attached) for kind perusal.

S.No.	Name of works	Estimated Cost
1/1	Providing Stone Apron from Mile 0/5 to 1/2+200 and Dumping of Stone Boulders to Eroded portions from Mile 1/2+200 to 1/3+285 along Qadirpur Shank Band (Non-ADP Work / Emergent work)	Rs.474.786 Million

Contd: 03



M/S Khokhar Brothers Construction

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M/S Khokhar Brothers Construction

Ref: No. 227/2019

Date: 09.05.2019

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3. That Sir, the Procuring Agency / Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo wants to award this work to his favourite and specific person nominated by the (Engr. Yasin Qureshi) Director Ghotki Feeder Canal Area Water Board, Ghotki on the basis of partnership in the darkness of night and on the basis of huge bribe and do not wants to make open competition in terms of Rule-15(1) of Sindh Public Procurement Rules, 2010 (Amended 2019), because the said Director specially attended the XEN office to make and mature the tenders in favour of the managed method persons through illegal way, it has been learnt that this work with huge cost to be awarded to the contractor / firm who is already involved in the Mega Money Laundering Case, according to sources entire amount of the said work worth Rs.474.786 Million will be transferred to Be-Nami Accounts through Money Laundering, and whole amount of the work will be paid to the managed method contractor without any work done at site, for which the Authorities may kindly take its notice and proceeded against the responsible persons in accordance with the rules.
4. That Sir, the policy of the present (Engr. Bahar Ali Jumani) XEN Mirpur Division (Irrigation) @ Mirpur Mathelo is not fair with the bidders and based on mal-administration and malpractice, which is against the principles of procurements while procuring goods, works or services, the procurements do not conduct in a fair and transparent manner in terms of Rule-4 of Sindh Public Procurement Rules, 2010, for which the Authorities concerned may kindly take its notice and proceeded against the corrupt persons as per law and to save the Department / Country from further losses.
5. That Sir, prior to drop of tenders into the Tender Box on the date of opening of tenders viz: 08.05.2019 (Engr. Yasin Qureshi) Director Ghotki Feeder Canal Area Water Board, Ghotki was emphasized upon me to sign the fresh blank tender forms already prepared / ready with them of the said work in place of duly bid documents already submitted by us through mail / TCS and threatened us for dire consequences in presence of the all the bidders in case of non-response, such attitude of the Director is quite illegal and against the existing rules, regulations of the Government, for which Authorities concerned may kindly take its notice and initiate disciplinary action against the irresponsible persons as per law.

Contd: 04



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Date: 09.05.2019

Page:-04

6. That Sir, there is no any role of the Director Ghotki Feeder Canal Area Water Board, Ghotki and his interference in the procurement proceedings can not be denied, which clearly shows his negligence in performing of Government duties through wrong way, there was no any need to invite the tenders on emergent basis by the Procuring Agency / XEN Mirpur Division (Irrigation) @ Mirpur Mathelo, as such the procurement of works, is not conducted in a fair and transparent manner in terms of SPP Rules, 2010 (Amended 2019), which is also against Sindh Public Procurement Rules, 2010 (Amended 2019) earlier notified by the Authority vide No.DIR/A&F)/SPPRA/LETTERS/2018-19/2277 dated 19th February, 2019 (Photo copy of letter is attached) for ready reference.

The following officials are responsible for the mis-procurement and irregularities committed by them in the tendering process.

1. **Engr. Bahar Ali Jumani Executive Engineer, Mirpur Division (Irrigation) @ Mirpur Mathelo & Chairman Procurement Committee (PC)**
2. **Executive Engineer, Daharki Division (Irrigation), @ Mirpur Mathelo & Member of Procurement Committee (PC).**
3. **Assistant Engineer, Education Works Sub-Division @ Mirpur Mathelo & Member of Procurement Committee (PC).**
4. **Tender Clerk (Concerned).**

In view of the above, it is requested to kindly take legal action against the Procuring Agency / XEN Mirpur Division (Irrigation) @ Mirpur Mathelo and Director Ghotki Feeder Canal Area Water Board, Ghotki for the violations of Authority's Rules in the tendering process, So please issue necessary directions for cancelation of the NIT/bidding process in terms of **Rule-25** or declare **Mis-procurement in terms of Rule-32A. of Sindh Public Procurement Rules, 2010**

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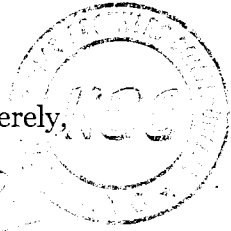
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(Amended 2019), in light of the facts, explained above, otherwise matter will be brought to the kind notice of the Honorable Chief Justice Supreme Court of Pakistan, NAB, E&ACE, Anti-Corruption Court and other institutions against such injustice.

An early action is requested.

All relevant documents
as above are attached.

Yours sincerely,



(M/S. KHOKHAR BROTHERS CONSTRUCTION)

Contd: 06



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Ref: No. 227/2019

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Page:-06

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5. The General Manager (Operation), SIDA Hyderabad & Chairman (CRC).
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14. The District Accounts Officer Ghotki @ Mirpur Mathelo & Member of (CRC).
15. The Assistant Engineer, Education Works Sub-Division @ Mirpur Mathelo & Member of Procurement Committee (PC).

RESTRICTED