

PUNJAB INSTITUTE OF MENTAL
HEALTH, LAHORE.

Diary No. 4438

Dated 22/2/24

To,

Executive Director,
Punjab Institute of Mental Health,
Lahore.

Subject: REPORT OF GRIEVANCE REDRESSAL COMMITTEE AGAINST THE
BIDDING DOCUMENTS / TOR PRESCRIBED FOR THE TENDER OF
JANITORIAL SERVICES FOR THE YEAR 2024-25.

Respected Madam,

Kindly refer to the subject cited above.

It is submitted that the grievances of M/S Assad Bashir (SMC-PVT) Ltd against the bidding documents were scrutinized by the Grievance Redressal Committee in compliance of the order of Honorable Judge Mr. Anwar Hussain of Lahore High Court Lahore vide writ petition 46348/2024 dated 26-07-2024 received in this office vide diary No. 3918 dated 31-07-2024 for the tender of outsourcing of Janitorial services F.Y. 2024-25.

The details are attached for your information and necessary action please.



DR. ISHRAT ABBASS, PMO/AMS
(Chairperson Grievance Committee)
Punjab Institute of Mental
Health, Lahore.

CC: -

1. P.A to E.D, PIMH Lahore.
2. The Assistant Registrar (Writ-I) for Additional Registrar (Judicial), Lahore High Court, Lahore. (Writ petition No. 46348/2024).
3. M/S Assad Bashir (SMC-PVT.) Ltd., 82-C, Phase - II, Government Employees Cooperative Housing Society, Lahore.

Seen
Fawaz
28/08/24

MINUTES OF GRIEVANCE COMMITTEE
GRIEVANCE AGAINST BIDDING DOCUMENTS / TOR PRESCRIBED FOR THE TENDER OF
JANITORIAL SERVICES FOR THE YEAR 2024-25

MEETING HELD ON 19-08-2024

A meeting of Grievance Committee was held on **19-08-2024** at **10:00 A.M** in the conference room of this institute vide letter No. 19298/PIMH dated 07-08-2024 regarding Redressal of Grievance against the bidding document / TOR prescribed for the tender of janitorial services for the year 2024-25 in compliance of the order of Honorable Lahore High Court, Lahore under the Chairpersonship of Dr. Ishrat Abbass, PMO/AMS PIMH, Lahore. The following members participated in the meeting: -

- | | | |
|----|-------------------------------|--------|
| 1. | Dr. Adnan Yousaf, APMO | Member |
| 2. | Dr. Adeel Ayub, In-Charge MSU | Member |

The following Company attended the meeting: -

1. **M/S Assad Bashir (SMC-PVT.) Ltd.**, 82-C, Phase - II, Government Employees Cooperative Housing Society, Lahore.

The Proceedings started and the the bidding document were discussed in detail.

A. GRIEVANCES SUBMITTED BY M/S ASSAD BASHIR (SMC-PVT.) LTD:

M/S Assad Bashir (SMC-Pvt.) Ltd., submitted following grievance against the bidding document / tor prescribed for the tender of outsourcing of Janitorial Services for the year 2024-25 stating that: -

- i. "It is submitted that your renowned Institute has invited tender for provision of Janitorial Services for the year 2024-25 and tender Notice / Bidding Documents has been uploaded at the website of PPRA on 08.07.2024.
- ii. That our company Assad Bashir (SMC-Pvt) Ltd is also interested to obtain bidding documents in order to participate in the tender being one of the reputed companies having vast experience in the field of janitorial services and has sound financial position.
- iii. That the Janitorial Services through tender are being awarded by Punjab Institute of Mental Health, Lahore so many years and in this respect certain TOR/Bidding Documents / qualification have been issued by the Administration of PIMH which have been followed during the process of publication and for inviting bids.
- iv. That the last year PIMH Administration has amended the present TOR/Bidding Documents and substituted the two-year experience of register firms / companies with three years and the experience has been made conditional with the strength of 50 janitorial workers for one project and for every previous project of janitors 10 marks have been proposed with the malafide intention to oblige some blue-eyed bidders. As a result, only four firms/companies were participated in Janitorial tender and two firms could not qualify due to the aforesaid conditions which is discouraging the healthy competition.
- v. That our company is running business for provision of Janitorial Services and it has already completed various projects for provision of janitorial Services with the complete satisfaction of the Procuring Agencies. The company has already undertaken projects in Govt. M Nawaz Sharif Teaching Hospital Yakki Gate, Lahore, Unique International Educational Services Pvt Ltd and Govt Mozang Teaching Hospital, Lahore and has either completed or still performing Janitorial Services referred supra.
- vi. That the Punjab Regulatory Authority Act 2009 was promulgated in 2009 in order to serve the purpose as enunciated in the enactment, PPRA rules 2009 and 2014 were framed with the object and purpose to ensure fair competition and arrangement of participation of more and more bidders to compete for the tenders. The participation of more bidders, of course, leads to the betterment and provision of qualitative services. The fair competition and avoidance of technical knockout basic purpose as envisaged in Rule 4 of PPRA i.e., procurement being value for money to the procuring agency and the procurement become efficient and



economical. The format of Standard Bidding Documents and TOR were introduced under PPRA Rules and it was expected that every procuring agency will observe those standard Bidding Documents and TOR and wherever minor departures of these standard Bidding Documents and TOR was allowed, the same was expected not to violate the spirit and object of the PPRA Act 2009 and 2014.

- vii. That the PPRA Rules 2014 and their standard Bidding Document and TOR introduced qualification of experience of one year for eligibility to participate widest possible competition, wherein the present case Your Honor issued Bidding Documents / TOR is in violation of PPRA Rules has substituted the one-year experience of register firms / companies with three years' experience. The knockdown criteria have disregarded the bidding documents and has further negated the object of fair competition and the participation of mor bidders in the process.
- viii. That previously bidding documents experience in the field of provision of janitorial Services was not made conditional with the strength / number of janitorial workers for the company, however, in the present bidding documents and TOR the experience has been made conditional with the strength of 50 workers for one project and for every previous project of janitors 10 marks have been proposed and 30 marks would be awarded to the company which has undertaken three such project. The condition of having 3 projects of 50 janitors each and allocation of 30 marks in lieu thereof is against the sprit in term of rule 34 and rules 10 (1) of PPRA 2014 and it will act against the object of the PPRA rules and its formulated standard Bidding Documents, It is also against the spirit of fair and widest competition and participating of more companies/firms in the bidding process and such condition would create a monopoly of few company/firms and there will be hardly a high participation for new competitor. Both the condition of bidding documents /TOR is even otherwise harsh illogical and against the Standard Bidding Documents as required by PPRA rules 2014 Keeping in view of above submission it is therefore, requested that the ouster clauses mentioned in knockdown criteria for three-year experience with minimum deployment of 50 or more janitors may very kindly be substituted with two to three years' experience with demand of minimum deployment of 20 or more janitors. In this regard, Primary & Secondary Healthcare Department Punjab, Fatima Jinnah Medical University, Lahore and Fatima Jinnah Institute of Dental Health Sciences Lahore have already revised their bidding documents in the public interest, fair and healthy competition which is available on PPRA Website.

DECISION OF GRIEVANCE COMMITTEE:

The grievance redressal committee has checked the bidding documents in detail of tender for outsourcing of janitorial services for the F.Y. 2024-25. Following are the observations and decisions of Grievance Committee: -

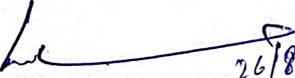
- i. Tender for outsourcing of janitorial services for the year 2024-25 was advertised dated 08-07-2024 as per the guidelines issued by the Specialized Healthcare & Medical Education Department to prepare bidding document for the outsourcing of Janitorial Services in the light of standard bidding documents.
- ii. Grievance petition of M/S Assad Bashir (SMC-Pvt.) ltd dated 11-07-2024 received in this office vide diary No. 3653 dated 15-07-2024.
- iii. On the direction of Honorable Judge Mr. Anwar Hussain of Lahore High Court, Lahore vide writ petition No. 46348/2024 dated 26-07-2024 a speaking order was issued vide letter No. 18848-49 dated 31-07-2024 and a meeting of the grievance redressal meeting was scheduled on dated 03-08-2024 with the direction to M/S Assad Bashir (SMC-Pvt.) to attend the meeting on the scheduled date time and venue. The meeting was not finalized due to non-availability of representative of M/S Assad Bashir (SMC-Pvt.). Taking a Lenient view, the grievance redressal meeting was again scheduled on dated 06-08-2024 vide this office letter No. 19116-17 dated 03-08-2024, but once again the meeting was not finalized because the representative of M/S Assad Bashir (SMC-Pvt.) came but refused to attend the meeting with the verbal comments that he has no time to attend GRC meeting and has to go to some other place "Data Sab" to attend an important meeting and left the premises. Once again

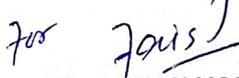
70-1
MTC
SD

taking a lenient view, the grievance redressal committee unanimously decided to give another change to M/S Assad Bashir (SMC-Pvt.) to present itself before the committee to attend the meeting on dated 07-08-2024 at 10:00 AM vide this office letter No. 19292/PIMH dated 06-08-2024. The request letter No. 002/GRC-M/PIMH/2024 dated 07-08-2024 received from M/S Assad Bashir (SMC-Pvt.) vide WhatsApp message requesting the GRC to scheduled meeting after 15-08-2024. Once again, the grievance redressal committee accepted the request submitted by M/S Assad Bashir (SMC-PVT) Ltd., to schedule the grievance redressal meeting after 15-08-2024. The GRC also directed M/S Assad Bashir Malik (SMC-PVT) Ltd., to attend GRC meeting on dated 19-08-2024 (Monday) at 10:00 AM. The GRC also decided that in case M/S Assad Bashir (SMC-PVT) Ltd., fails to present itself before the grievance redressal committee, an Ex-Party decision will be made and it will be considered that the company has no document / proof to defend its grievance.

- iv. The representative of the company Mr. Zulfiqar Awan presented himself before the committee on dated 19-08-2024 at 10:00 AM. He was provided an opportunity to present his grievance at length before the GRC. Mr. Zulfiqar Awan reiterated his stance which was already submitted in his written grievance.
- v. The committee went to the standard bidding document of PPRA and the guidelines issued by the Specialized Health Care & Medical Education Department and compared the same with the bidding document of Punjab institute of mental health, Lahore.
- vi. The guidelines from the Specialized Health Care & Medical Education Department also requires the relevant experience of Three years which is the same as in the bidding documents of Punjab institute of mental health Lahore. The standard bidding document of PPRA stipulates that the experience required will be determined by the procuring agency, in this case that being Punjab institute of mental health Lahore.
- vii. The second contention made was the requirement of having three projects of 50 janitors each in the marking criteria, having 10 marks each. M/S Assad Bashir (SMC-Pvt) Ltd contended that the minimum deployment of 20 or more should be the criteria as it is the same in Primary & Secondary Healthcare Department Punjab. It is pertinent to mention here that the said procurement requires the services of total Human Resource of 134 Persons, the marking criteria is designed to give marks for having comparable experience with the said requirements. The standard bidding document of PPRA stipulates that the experience required will be determined by the procuring agency, in this case that being Punjab institute of mental health Lahore.
- viii. At this point, the representative of M/s Assad Bashir (SMC-Pvt) Ltd. presented another grievance petition in written form vide Ref: # 004/GRC-M/PIMH/2024 dated 19.08.2024 to the Grievance Redressal Committee. Mr. Zulfiqar Awan contested that Income Tax proposed at 4% in Financial Bid Form 8.7.3 of bidding documents. Whereas Janitorial Services has fall in the category outside the 4%. There is no ambiguity that the income tax applies to 9% in case of Private Limited Companies and 11% of other cases as clearly mentioned in explanation of the section 153(1)(b)(ii) of the Income Tax Ordinance 2001.
- ix. The tax % in the financial bid form is just a proposed amount depicting the format of the financial bid form which is to be filled in by the respective bidder and it has been clearly mentioned in the bidding document that all applicable Government Taxes will be applicable. Furthermore, the rate of tax will be different on the minimum wage rates (4%), the supplies (5.5%) and management chargers (9% / 11%) under section 163 of ITO of 2001.

The Grievance Redressal Committee unanimously decided that the contentions raised by M/s Assad Bashir (SMC-Pvt.) Ltd. in its grievance petitions baseless and the bidding document is in accordance with all PPRA Rules 2014 amended. The grievances submitted by M/s Assad Bashir (SMC-Pvt.) Ltd. is rejected.


26/8/24
DR. ADEEL AYUB
SMO / In-Charge MSU
PIMH, Lahore. (Member)


26/8/24
DR. ADNAN YOUSAF
APMO / In charge Laundry
PIMH, Lahore. (Member)


26/8/24
DR. ISHRAT ABBASS
PMO / AMS PIMH, Lahore.
(Chairperson of Grievance Committee)