

# **DIRECTORATE OF EDUCATION (COLLEGES), SARGODHA DIVISION, SARGODHA**

Phone #: 048-9230515

No. 6039-40

Dated: 22-07-2017

Subject: - BLACKLISTING ORDER OF M/S USMAN & COMPANY CNIC # 35202-1167429-3 SHOP # 2 OPPOSITE MUBARAK STREET FATEHABAD ROAD N BLOCK WAHDAT COLONY LAHORE.

Brief facts giving rise to this blacklisting order are that for the Procurement of 04 Colleges of this Division in the financial year 2015-16. Advertisement was published in two daily newspapers and as well as uploaded on PPRA website for competitive bidding.

In response to that advertisement different firms participated in this bidding process and submitted their bids including M/S Usman & Company Lahore.

The technical as well as financial evaluation was carried out by the evaluation committee as per relevant provision of PPRA Rules along with evaluation criteria as enunciated in bidding documents, as result of evaluation M/S Usman & Company Lahore qualified as a lowest bidder for the category of Plant & Machinery for Govt. Post Graduate College for Women Sargodha. After the evaluation of lowest evaluated bidders the undersigned directed all the lowest bidders including M/S Usman & Company Lahore to submit the Performance Security @ 10 % and 0.25% stamp paper duty of the total value of his supply order Rs. 275090/=, in this regard many letters were also issued vide no. 1501 dated 19-03-2016, 1613 dated 28-03-2016 to M/S Usman & Company Lahore for this purpose. Unfortunately M/S Usman & Company failed to perform the same by not submitting the performance security and stamp paper duty M/S Usman & Company was under a liability to submit the same as per clause No.03,11,H of tender documents signing & stamping by the M/S Usman & Company.

Mean while M/S Usman & Company Lahore filed writ petition No 20087/2016 in the Lahore High Court Lahore which was dismissed by the Honorable Judge Mr. Shams Mahmood Mirza on 23-06-2016 being a infructuous.

After the failure of M/S Usman & Company Lahore to submit the Performance Security and stamp paper duty the office of the undersigned started blacklisting proceedings against the M/S Usman & Company Lahore and two personal Hearing notices No. 1674 dated 04-04-2016, 4552 dated 29-06-2016, 4937 dated 29-07-2016 were issued to M/S Usman & Company Lahore.

Non appearance on the behalf of M/S Usman & Company consequently the black listing order was passed against the M/S Usman & Company vide no.5170-76 dated 10-08-2016

The said blacklisting order was challenged by M/S Usman & Company in writ petition No. 270024 /16 filed in Lahore High Court Lahore. the Honorable judge Lahore High Court Lahore dismissed his writ petition vide its order dated 17-10-2016 writ petition no. 270024/16 set asided the blacklisting order dated 10-08-2016 passed by the office of the undersigned. It is pertinent to mention here that the Honorable judge Lahore High Court Lahore observed **“this order shall however not preclude respondent from proceeding against the petitioner in accordance with law and PPRA Rules 2014,** an intra court appeal No. 1549/16 was also filed by the petitioner in which the order dated 17-10-2016 passed by the honorable judge Lahore High Court Lahore in write petition 27024.16 was challenged but the same was dismissed in limni on 20-02-2017.

After order dated 17-10-2016 the writ petition 270024/16 passed by the honorable judge Lahore High Court Lahore, Procurement Committee decided to start blacklisting proceeding against M/S Usman & Company Lahore strictly accordance with law and PPRA rules 2014. In response of this following personal hearing notice, Showcause notice was issued to M/S Usman & Company Lahore NO. 578 dated 09-02-2017 but non appearance ~~on~~ behalf of M/S Usman & Company Lahore petitioner filed another writ petition no. 9006/2017 in Supreme Court of Pakistan where by the petition challenged the validity of Showcause notice dated 09-02-2017 which was also dismissed in limni.

It is added that the following letters No. 2728, 823, 3964, 578, 1729, 1464, 1538, 1069, 5113, 6163, 1317,3621, 4641, 4701, 1674,167,2003, 1906, 1951,2045,4937,4113, 2004, 2920,8226, 1501 & 1613 were also written to PPRA for seeking guidance on the issue. In response of the above said letters a personal hearing was conveyed by the Director Legal & Monitoring PPRA Lahore on 29-05-2017 at PPRA office 3<sup>rd</sup> floor Alfalah building Lahore.

The final personal hearing notice was issued vide no. 3964 dated 24-06-2017 to M/S Usman & Company Lahore. The personal hearing was conducted on 08-07-2017 at the Office of the Director of Education Colleges Sargodha Division Sargodha. The owners of the firm of M/S Usman & Company personally appeared ~~on~~ behalf of Usman & Company Lahore before concerned authority. The M/S Usman & Company Lahore was once again explained about the allegations that due to non submission of performance guarantee @ 10 % and 0.25 stamp Paper duty. The following damages/losses have been caused to the public interest.

01. Funds has been lapsed Rs. 275090/=
02. Procurement Process was disturbed.
03. Loss of the Education of the student of the concerned college

04. Inconvenience to procuring agency

He was also explained that this conduct of yours is false within rule no. 21 (1) (a) of PPRA rules 2014 and your firm is liable to be blacklisted. The owner of the M/S Usman & Company Lahore Mr. Muhammad Usman Sardar S/O Sardar Ahmad could not satisfied the concerned authorities on the above said allegations. Hence M/S Usman & Company acted in a manner which is discriminated to the public interest due to the above said reason.

Keeping in view the above narrated facts it is crystal clear that despite of repeated requests the M/S Usman & company Lahore did not submit the performance security @ 10 % and 0.25 stamp paper duty. Rather indulge the office of the undersigned under litigations. Therefore I Mr. MUHAMMAD MAHBOOB RANA, Director of Education (Colleges) Sargodha Division Sargodha being empowered under section 17-A of PPRA act 2009 and sub rule 01. of rule no 21 of PPRA rules 2014 debars/blacklist the M/S USMAN & COMPANY CNIC # 35202-1167429-3 SHOP # 2 OPPOSITE MUBARAK STREET FATEHABAD ROAD N BLOCK WAHDAT COLONY LAHORE from participating in any kind of Public procurement process for the period of 03 years.

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DIRECTOR OF EDUCATION (COLLEGES)  
SARGODHA DIVISION SARGODHA

Copy to:-

01. The Managing Director PPRA Lahore with request that the above decision of blacklisting may please be uploaded on the website by the Authority as per sub rule 02 (a) & 10 of rule 21 of PPRA Rules 2014 for the reasons mentioned above of the order for three years.

02. M/S Usman & Company Lahore with information that you may prefer a representation against the above order before the Managing Director of the Authority within 30 days of this order as per clause 09 of schedule appended to PPRA rules 2014

  
DIRECTOR OF EDUCATION (COLLEGES)  
SARGODHA DIVISION SARGODHA

22/7/17