

MD PPRA

Dairy No:	2983
Dated	12-08-20
Dir. (L&M)	
DD (AST)	
A.O	
P.S	



Directorate of Planning & Evaluation

Livestock & Dairy Development Department, Punjab

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Pl. Examine & Put up

For the n/a-pl

pls. do the needful.

12/09/18 w-D/DA

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ORDER

The Director Planning and Evaluation, L&DD Department Punjab, floated a tender for procurement of hosting, system maintenance, data base management, handling, trouble shooting, for its ICT based system titled "Strengthening of Performance Management System (SPMS) 9211" for the year 2018-2019 in accordance with the Punjab Public Procurement Rules 2014. M/S Awami System Technologies (AST) (Pvt.) Ltd. Office at 1st floor, MB City Mall Plaza 1-8 Markaz. Islamabad (Hereinafter called the Company) participated in the said tender along with other bidder. M/S AST (Awami System Technologies (Pvt.) Ltd.) was awarded contract being the sole qualifier firm and the contract was signed on 11-8-2018 as per PPRA Rules.

2. **Whereas**, brevity of the case is that the contract was expired on 30-6-2019 and the company has to hand over all the receivables of SPMS 9211 including all the relevant data, source code, data base architecture design, UAN Code 08000-9211, short Code *9211#, software of SPMS 9211 etc to the L&DD Department under **clause 4.3** of the contract agreement signed on 11-08-2018. Despite repeated requests and assurance of the department regarding the pending payments for the months of May (partially) & June, 2019 as per contract agreement, on completion of handing over of all the receivables, the company did not hand over the receivables.

The clause 4.3 of the contract agreement, between L & DD Department & M/S AST, is illustrated below:

"On the termination of contract, the contractor shall hand over complete log/information/data base, software to the purchaser along with source code and technical documents."

3. **Whereas**, Director P&E has issued a show cause notice for black listing the firm/company (M/S AST) after accorded approval from the Secretary, Government of Punjab,

L&DD Department vide No. 425 dated 01-7-2020 under section 21 of PPRA act 2014. It was desired through above referred show cause notice that M/S AST should handover all receivables to L&DD Department as per contract agreement within 07 days, otherwise the said firm/company be black listed and PPRA will be requested to debar the firm/company to participate in any public organization for a period of 03 years. It was further given assurance/guarantee to said firm that all pending bills as per contract agreement will be cleared soon after handing over all receivables to L&DD Department. Instead of positive gesture, the response of the said firm/company was same.

4. **Whereas**, the firm/ company, M/S AST, could not satisfy the undersigned through its above mentioned reply against show cause notice and keeping in view the basic principle of justice that, "No one should be condemned un heard "and as per schedule appended to clause-21 (6) of PPRA Act 2014, it was decided to offer a personal hearing to the firm/company M/S AST. Mr. Imtiaz Ahmed Khan, CEO of said firm/company attended the personal hearing on 27-07-2020. During personal hearing, he could not present any valid argument/document in his defense and requested to give one more chance to provide written proof/evidence regarding 15% extension orders to the current contractual period within 24 hours, which was accepted. On next day dated 28-6-2020, CEO Mr. Imtiaz requested again to give him one more day to prove his stance which was again accepted. On 29-07-2020 he appeared before the undersigned and could not produce any evidence and proof in favour of his stance. It is pertinent to mention here that Mr. Imtiaz during personnel hearing dated 27-07-2020 has promised that if he failed to produce any written evidence/proof by tomorrow then his firm/company M/S AST will not only hand over all receivables to L&DD Department but also not launch/claim any demand after contact period for which he betrayed on 29-07-2020.

5. **And therefore**, I, Dr. Muhammad Ashraf, Director Planning & Evaluation L&DD Department, Punjab being the Competent Authority in this case under Section 17A of PPRA Act.2009 read with Rule 21 of PPRA Act 2014 after gone through the history of instant case, demand of M/S AST and personnel hearing, has come to the conclusion that the said firm/company is willfully and with malafide intention is reluctant to handover all receivables since 30-06-2019 to L&DD Department due to which the trained human resource has become redundant but also performance management of the department is compromised. Furthermore the firm/company failed to prove that they have provided services to the Department beyond

the contractual period. On the basis of above narrated sufficient grounds, M/S Awami System Technologies (Private) Limited ,Office No.3, 1st Floor, MB City Mall Plaza,I-8 Markaz, Islamabad has acted in a manner detrimental to the public interest or good practices and consistently failed to perform his obligation under the contract. It is therefore decided that the above said firm/company is hereby blacklisted for a period of three (03) years with effect from FY 2020-21 to 2022-23 and debarred to participate in any Public Procurement process.

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**DIRECTOR
PLANNING & EVALUATION**

No: 526-31

Date: 11-08-2020

A copy for information and necessary actions:

- ✓ 1. The Managing Director, Public Procurement Regulatory Authority, 3rd Floor, Alfalah building, the Mall Lahore; with the request to upload the order on its website and to debar/blacklist the M/S Awami System Technologies (AST) for procurement of all public procuring agencies w.e.f 2020-21 to 2022-23
2. The Director General Public Relation Punjab, Lahore; with request to publish the blacklisting of the said company in daily newspapers.
3. PSO to the Secretary, Government of the Punjab, L&DD Department, Lahore.
4. Additional Secretary (Planning), L&DD Department, Lahore.
5. M/S Awami System Technologies (Private) Limited ,Office No.3, 1st Floor, MB City Mall Plaza,I-8 Markaz, Islamabad
6. Office Record


**DIRECTOR
PLANNING & EVALUATION**