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29th January 2024

ORDER OF THE GRIEVANCE REDRESSAL COMMITTEE

Through this Order, the Grievance Redressal Committee ("GRC") constituted by the Pakistan Cricket Board (PCB) will dispose of the grievance raised by the consortium of Tower Sports (Pvt.) Limited and Sunset + Vine with respect to the evaluation of its technical proposal in the tender process conducted by the PCB for production services for the Pakistan Super League (PSL) tournaments scheduled in 2024 and 2025.

Prior to setting out the findings of the GRC, the relevant facts necessary for the disposal of the case are summarized below.

Factual Background

1. The PCB floated an Invitation to Tender dated 17th December 2023 (the "ITT") inviting bids from production companies for the production of matches in the PSL tournaments scheduled for 2024 and 2025.
2. The procurement modality used in the tender was single stage two envelope procedure with bidders being required to submit separate technical and financial proposals. The financial proposals were to be submitted electronically in a password protected file at the same time as the technical proposals.
3. The technical proposals would be considered first and those bidders who were technically qualified by the Bid Committee constituted by PCB for this tender would be communicated the date and time for opening of the financial proposals, at which time the technically qualified bidders would provide the passwords for their financial proposals. The financial proposals of bidders who were not technically qualified would not be opened or considered.
4. The technical evaluation criteria were set forth in the ITT and the technical proposal of each bidder was to be marked on the basis of a points scheme. Those bidders who obtained a minimum 126 marks out of a maximum total of 180 marks would be declared technically qualified

and would be eligible to proceed to the next stage of opening of financial proposals and evaluation thereof.

5. The ITT was amended three times by the Bid Committee i.e. on 11th January 2024, 16th January 2024 (pursuant to certain queries raised by bidders) and 19th January 2024 and the amendments were duly communicated to all entities that had acquired the ITT.

6. The final version of the ITT stipulated that the bid submission deadline was 2:30 pm on 19th January 2024 and that technical proposals would be opened at 3:00 pm.

7. A total of three bids (consisting of separate technical proposal and separate password protected financial proposal) were received by the PCB. The names of the bidders are listed below:

- (i) Consortium of Trans Group FZE, NEP Singapore Pte Ltd., and Trans Production and Technologies LLP;
- (ii) Consortium of Tower Sports (Pvt.) Limited and Sunset + Vine;
- (iii) Consortium of ARY Communications Limited and Innovative Production Group FZE.

Bid Evaluation

8. The technical proposals of the three bidders mentioned above were evaluated by the Bid Committee constituted by the PCB by awarding marks to each bidder against each evaluation criteria mentioned in the ITT. Pursuant to this exercise, the final result of technical evaluation was as follows:

- (i) Consortium of Trans Group FZE, NEP Singapore Pte Ltd., and Trans Production and Technologies LLP – Total marks: 171 – technically qualified;
- (ii) Consortium of Tower Sports (Pvt.) Limited and Sunset + Vine - Total marks: 145 – technically qualified; and
- (iii) Consortium of ARY Communications Limited and Innovative Production Group FZE – Total marks: 112 – technically disqualified.

9. The above results were uploaded on to the PCB website on in the form of a Bid Evaluation Report on 22nd January 2024.

10. Subsequently, the consortium of Tower Sports and Sunset + Vine (the “Tower/Sunset Consortium”) requested for a breakdown of marks of each bidder against each evaluation criteria. This was provided by the Bid Committee through email dated 24th January 2024.

Grievance of Tower/Sunset Consortium

11. Through an email dated 25th January 2024, the “Tower/Sunset Consortium” lodged its grievance against its technical evaluation by the Bid Committee. The email (written by Mr. Aly Rana – Chief Operating Officer of Tower Sports) stated as follows:

“We believe marking of the technical evaluation is one that needs to be reevaluated and thus would like to this to be taken to the grievance committee Our partner sunset + vine is the leading cricket production company in the world who has successfully executed 3 PSLs and has been the production partner for the ICC for all major events since 2016. Further, Tower Sports has its own experience of producing PSL and has also produced bilateral cricket for the PCB.

It is difficult to understand the manner in which the grading has been done for the technical evaluation, and how the worlds leading cricket production company received 26 fewer points on a technical evaluation. We would require clarity in regards to how the points have been allocated as we feel there is a clear bias towards one party.”

12. It may be noted that even though the Tower/Sunset Consortium stood technically qualified, its essential grievance was that it had not received sufficient marks in the technical evaluation which would place it at a disadvantage during the final evaluation of bids as the criteria for declaring eventual successful bidder was based on a combination of technical and financial marks as set forth in the ITT.

13. Following receipt of the email, the competent authority constituted the following GRC to hear and consider the complaint of the Tower/Sunset Consortium:

- (i) Mr. Shah Khawar, Election Commissioner/Chairman PCB (Chairman);
- (ii) Mr. Usman Waheed, Director Marketing (Member);
- (iii) Mr. Bilal Raza, Director Legal/Litigation (Member).

In addition, Mr. Zaki Rahman, Partner in FGE Ebrahim Hosain (external legal counsel of PCB) was co-opted as an observer.

Proceedings of GRC

14. The proceedings of the GRC were held at the office of the Chairman PCB at 4:30 pm on 26th January 2024. The representatives of the Tower/Sunset Consortium joined through video conference including Mr. Aly Rana of Tower Sports and Mr. Huw Bevan of Sunset + Vine.

15. The representatives of the Tower/Sunset Consortium expressed their reservations regarding the marks awarded to them against various evaluation criteria in terms of the requirements of the ITT. After hearing the submissions of the representatives and after careful perusal of the record, the GRC has reached the conclusions set forth below.

Findings of the GRC


16. In the “Technology” portion of the evaluation criteria, there is a twenty mark component relating to evaluation of technical partner/equipment provider. The Bid Committee had awarded five marks (good) to the Tower/Sunset Consortium’s proposed technical partner/equipment provider. Deduction of marks appeared to be on the basis that the proposed equipment provider did not have sufficient experience of producing leading cricket and sporting events or of multiple kits production; however, upon review of the list of such events provided by the Tower/Sunset

Consortium, the GRC is of the view that fifteen marks (very good) were merited. As for lack of evidence of multi kits production experience, it may be noted that the specific evaluation criteria did not require that such experience was necessary. Accordingly, the GRC grants an additional ten marks to the Tower/Sunset Consortium to take the total marks to fifteen for the said component.

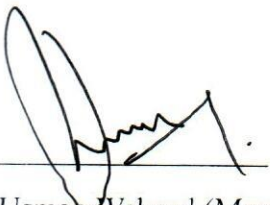
17. Other than the evaluation component discussed above, the GRC is of the view that the marking of the technical proposal by the Bid Committee is justified and in accordance with the terms of the ITT.

Conclusion

18. In light of the discussion and revision of marks set out above, the total marks awarded to the Tower/Sunset Consortium are hereby revised and increased to 155 and the grievance petition of the Tower/Sunset Consortium is disposed of accordingly.



Shah Khawar (Chairman)



Usman Waheed (Member)



Bilal Raza (Member)

29-01-2024