Patron: Prime Minister of Pakistan

PCB®

Pakistan Cricket Board
GADDAFI STADIUM LAHORE
UAN: 111 22 77 77
Tel: (92-42) 3571 7231-4
Fax: (92-42) 3571 1860
Website: www.pcb.com.pk

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 Trans Group FZE, NEP Singapore Pte Ltd., and Trans Production and Technologies LLP ("Trans Group/NEP Consortium") with respect to its technical evaluation 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.

Grievance of Trans Group/NEP Consortium

10. Through an email dated 27th January 2024, the Trans Group/NEP Consortium lodged its grievance against its technical disqualification by the Bid Committee. The email (written by Mr. Abdul Rahman – GM Finance of Trans Sports Group) stated, *inter alia*, that "we feel that our technical proposal was of the highest standard that did not leave any room for any mark deduction".

11. It may be noted that even though the Trans Group/NEP Consortium stood technically qualified with the highest points, its essential grievance was that it had not received sufficient marks in the technical evaluation which may have an eventual impact as the final evaluation would be based on a combination of technical and financial marks as set forth in the ITT.

12. The Trans Group/NEP Consortium also requested for a breakdown of marks of each bidder against each evaluation criteria. This was provided through email dated 28th January 2024.

13. Following receipt of the email, the competent authority constituted the following GRC to hear and consider the complaint of the Trans Group/NEP 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 1:30 pm on 29th January 2024. Mr. Moeed Javed and Mr. Rao Usman Hashim attended the proceedings in person on behalf of the Trans Group/NEP Consortium. Other representatives joined through video conference including Mr. Simon Wheeler, Mr. Alvin Naicker, Mr. Michael O'Dwyer, Mr. Sidharth and Mr. Alex Joseph.

15. The representatives of the Trans Group/NEP Consortium expressed their reservations regarding the marks deducted against various evaluation criteria. 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. There is a portion of the evaluation criteria in the ITT titled "Editorial". One of the components of this relates to in-match specials:

> "Examples of in-match specials that run on digital portals and, if relevant, on the live feed (maximum 5 points)
>
> *i) Excellent – 5 points*
> *ii) Very good – 3 points*
> *iii) Good – 1 point*
> *iv) Poor – 0 points*"

The Bid Committee had awarded three marks to the Trans Group/NEP Consortium. The GRC considered the examples of in-match specials provided in the technical proposal, having reviewed

the same for all contenders as well. In terms of quantity of examples and the quality of aesthetics etc. Trans Group/NEP Consortium submission was deemed superior to all others and the GRC is of the view that the same merits five points as per the criteria set instead of three currently assigned.

17. The component of ideation and creativity under the head of "Editorial" portion of evaluation criteria is reproduced below:

"Ideation, and creativity proposed (maximum 10 points)

i) Excellent – 10 points
ii) Very good – 7 points
iii) Good – 5 points
iv) iv) Poor – 0 points

In terms of original ideas regarding aspects of viewer experience and original enhancements thereof, the Trans Group/NEP Consortium presented more original and fan experience enhancing ideas and the score is therefore increased to ten points instead of the seven previously assigned.

18. Within the head of "Graphics", there is a component of on-air design graphics as follows:

"2.At least three different designs of on-air graphics
Excellent (5 points), Very good (3 points), Good (1 point), Poor (0 points)"

Based on both the quantity and quality of creative designs shared, the Trans Group/NEP Consortium was adjudged at the level of five points based on evidence contained in the detailed presentation and documents submitted. Accordingly, the GRC awards five points to the Trans Group/NEP Consortium in respect of this component instead of the three previously assigned.

19. Other than the evaluation components 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

20. In light of the discussion and revision of marks set out above, the total marks awarded to the Trans Group/NEP Consortium are hereby revised and increased to 178 and the grievance petition of Trans Group/NEP Consortium is disposed of accordingly.

Shah Khawar (Chairman)

Usman Waheed (Member)

29-01-2024

Bilal Raza (Member)