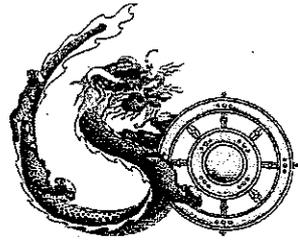


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ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF FINANCE
TASHICHHO DZONG



Form 6- Decision of Independent Review body

Case name: *Construction of Green House (integrated solution for controlled environment horticulture) for National Sub-base centre at Trashiyangtse.*

Case Reference Number: *MoF/DNP/GPPMD/IRB-21/2018-19/ 01*

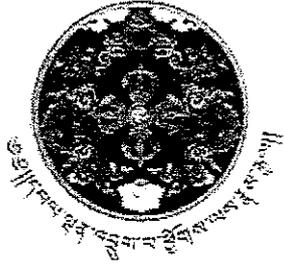
This Independent Review Body consists of:

| | |
|------------------------------------|--------------------|
| Tenzin, Director, DoR, MoWHS | Chairperson |
| Phub Rinzin, Director, CDB | Deputy Chairperson |
| Kinley Tenzin, Chief Attorney, OAG | Member |

The parties and procurement under dispute are:

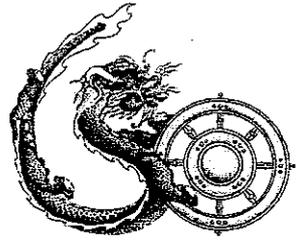
| | |
|---|--|
| Applicant | Mr. Rinchen Chopel on behalf of Peljor Lhendup Construction (P) Ltd. |
| Respondent | Department of Agriculture, Ministry of Agriculture and Forest |
| Brief Description of Procurement | Construction of Green House (integrated solution for controlled environment horticulture) for National Sub-base centre at Trashiyangtse. |

Having duly conducted the review after hearing the evidences of all parties in an equal and fair manner and having concluded the proceedings and complied with the provisions of the Rules and Procedures of Independent Review Body, the independent Review Body hereby delivers the following decision:



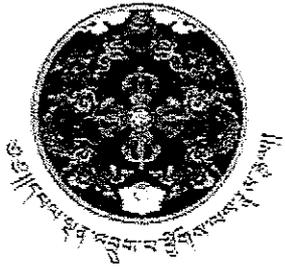
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ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF FINANCE
TASHICHO DZONG



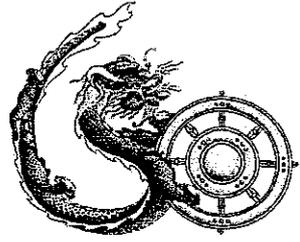
In accordance with Clause 58 of the Rules of Procedures of the Independent Review Body of 2015, the IRB decides that:

1. There is no intentional inconsistency in the evaluation process; the evaluation committee referred to the documentary evidences submitted by the bidders and used the existing e-tool evaluation guideline.
2. There is ambiguity in the procedure for present system for price preference parameter since it doesn't clearly indicate whether commitment of VTI graduates and VTI internships it to be put in numbers or in percentage.
3. Furthermore, there was a mismatch on part of the potential winning bidders while submitting workforce declared and evidential supporting documents submitted.
4. It is also noted that the potential winning bidders have qualified in the technical scoring; hence considering the requirement of VTI graduates and interns as equal, price preference parameter has no impact on the present evaluation process.
5. In line with the above justifications, Independent Review Body decides not to take into consideration the six (6) points scoring for commitment of VTI graduates and VTI internships under the price preference parameter.
6. **Therefore, the Independent Review Body decides to annul the earlier decision of the Tender Committee and directs the Department of Agriculture to issue the intention of award to Peljor Lhendup Construction (P) Ltd.**
7. We recommend that Ministry of Finance must revisit the present price preference parameter and ensure that the ambiguities are resolved.



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8. While Department of Agriculture must ensure that Peljor Lhendup Construction (P) Ltd deploys VTI graduates and internships as committed during contract implementation.
9. The decision of Independent Review Body shall be final and binding. If the decision of the Independent Review Body is not acceptable then an appeal may be made to the Court only on a question of law. In such a case, any concession granted by the Review Body shall stand withdrawn.

Date: 31 August 2018

| <u>Deputy Chairperson</u> | <u>Chairperson</u> | <u>Member</u> |
|---------------------------|--------------------|---------------|
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