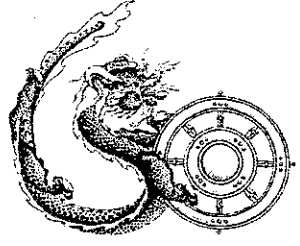


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ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF FINANCE
TASHICHO DZONG



MoF/DNP/GPPMD-21/18-19/ 675

28 November 2018

Chief Executive Officer
M/s Ugen Trading House
Babesa, Thimphu

Subject: Decision of Independent Review Body

Sir,

The Independent Review Body had received your Application for review *Supply and Installation of CCTV in Wangduephodrang Thromde* on 2nd November 2018 vide letter no. UTH/ADM/2018-525.

The Independent Review Body met on 23rd November 2018 to review the application you had lodged against Dzongkhag Administration, Wangduephodrang.

Despite having informed both parties well in advance about the hearing date, the Respondents failed to attend the hearing. Therefore, in exercise of Clause 53 of the IRB Rules of Procedure, IRB having satisfied that notice was served and the party was absent without good cause, proceeded with the proceedings and the hearing was deemed to have been conducted in the presence of all parties.

The IRB after considering the facts and evidences submitted by the parties, hereby issues the decision enclosed herewith. The decision of the IRB is confined to the issues raised in Application for Review by M/s Ugen Trading House and responses from Dzongkhag Administration, Wangduephodrang.

Yours sincerely,

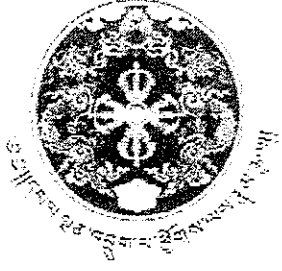
(Tenzin)

Chairperson

Independent Review Body

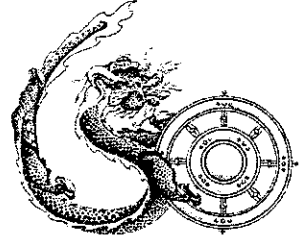
Copy to:

✓ Dasho Dzongdag, Dzongkhag Administration, Wangduephodrang, for necessary action



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ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF FINANCE
TASHICHO DZONG



Form 6- Decision of Independent Review body

Case name: *Supply and Installation of CCTV in Wangduephodrang Thromde*

Case Reference Number: *MoF/DNP/GPPMD/IRB-21/2018-19/ 02*

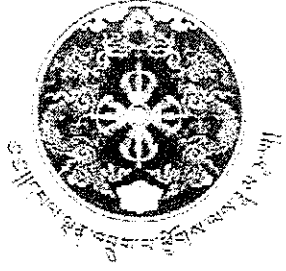
This Independent Review Body consists of:

Tenzin, Director, DoR, MoWHS	Chairperson
Phub Rinzin, Director, CDB	Dy. Chairperson
Tshering Dorji, Director, DPA	Member
Kinley Tenzin, Chief Attorney, OAG	Member
Ugyen Penjor, Sr. Planning, CAB	Member

The parties and procurement under dispute are:

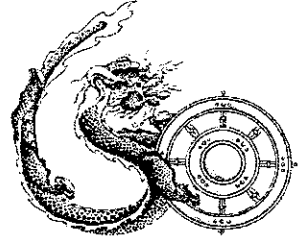
Applicant	Ugen Norbu Jamyang, M/s Ugen Trading House, Thimphu
Respondent	Dzongkhag Administration, Wangduephodrang
Brief Description of Procurement	<i>Supply and Installation of CCTV in Wangduephodrang Thromde</i>

Having duly conducted the review after the submissions made and 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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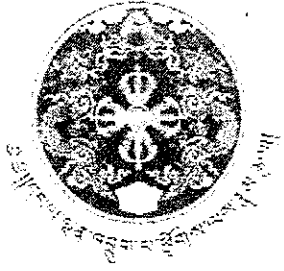
**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF FINANCE
TASHICHO DZONG**



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

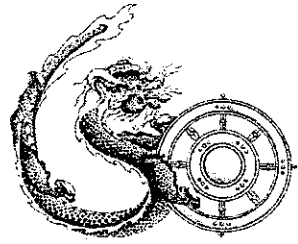
1. The Bid Opening Committee Chairman read out the lump-sum price offered and not breakdown of item wise since it was package invitation. It was not required as per the precondition set in.
2. Equal opportunities were given to all the three bidders and from the record of the Dzongkhag they were satisfied with the live demo of all three responsive bidders.
3. Complainant should have raised, noted and submitted written complaint during bid opening/demonstration stage of tendering process; which was not done as reported by the complainant themselves. As per the instruction to bidders they must submit in written for any compliant. Witnessing the live demo of each bidder's in presence of all responsive bidders was not specifically mentioned in the ITB so it was not necessary for other bidder's presence.
4. All the firms had submitted as per the specifications and the evaluation was carried out based on the specification provided.
5. As per the PRR procuring agencies are not permitted to mention any brand as such to give equal opportunities of similar product. However, a precise detail specification must be given or if not equivalent to. Since all bidders have fulfilled all requirement as per tender document award is not based on the brand.
6. Based on the above reasoning it is evident that the Respondents have not violated procurement norms that would warrant nullification of the award of contract. Therefore, the IRB decides that the decision of Respondent stands valid.
7. Decision of Independent Review Body shall be final and binding. If the decision of the Independent Review Body is not acceptable, 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.

2



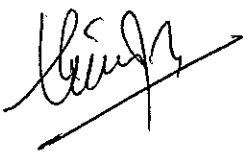



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ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF FINANCE
TASHICHO DZONG



Date: 28 November 2018

<u>Chairperson</u> 	<u>Dy. Chairperson</u> 	<u>Member</u> 
<u>Member</u> 	<u>Member</u> 