



དཔལ་ལྷན་འགྲུག་གཞུང་།
རྒྱལ་ཡོངས་གཞུང་ཆས་ལས་ཁུངས་། དངུལ་རྩིས་ལྷན་ཁག།
ROYAL GOVERNMENT OF BHUTAN
DEPARTMENT OF NATIONAL PROPERTIES, MINISTRY OF FINANCE

MoF/DNP/GPPMD-21/19-20/322

23 September 2019

Chief Executive Officer
Ugen Trading House
Babesa, Thimphu

Subject: Decision of Independent Review Body

Sir,

The Independent Review Body had received your Application for review *Supply, Installation, Testing and Commissioning of CCTV camera at 40 Bedded Dewathang Hospital* on 29 August 2019.

The Independent Review Body met on 18 September 2019 to review the application you had lodged against Department of Medical Supply and Health Infrastructure.

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 Ugen Trading House and responses from Department of Medical Supply and Health Infrastructure.

Yours Sincerely,

(Tshering Dorji)
Chairperson
Independent Review Body

Copy to:

✓ Director General, DMSHI, MoH



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Form 6- Decision of Independent Review body

Case name: *Supply, Installation, Testing and Commissioning of CCTV camera at 40 Bedded Dewathang Hospital*

Case Reference Number: *MoF/DNP/GPPMD/IRB-21/2019-20/ 01*

This Independent Review Body consists of:

Mr. Tshering Dorji, Director, DPA	Chairperson
Mr. Kinley T. Wangchuk, Director General, DIP, MoEA	Member
Mr. Kinley Tenzin, Chief Attorney, OAG	Member
Mr. Wangdi Gyeltshen, Secretary General, CAB	Member

The parties and procurement under dispute are:

Applicant	Ugen Trading House, Thimphu
Respondent	Department of Medical Supply and Health Infrastructure.
Brief Description of Procurement	Supply, Installation, Testing and Commissioning of CCTV camera at 40 Bedded Dewathang Hospital

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

1. All the bidders were made to submit work experience and manpower required while submitting their bids. Moreover, the responsive bids who had qualified for this bid also have participated in earlier tenders. Before financial, these responsive firms had to qualify at least scoring 40 out of 60 in the technical aspect. Therefore, the evaluation Committee was convinced and the need for separate site visit was not seen to be required.
2. With regard to the award been made purely on the basis of price, IRB observed that the award was made not just based on the price; the respondents have clearly set out evaluation criteria whereby both technical (60 %) and financial (40 %) aspects were taken into consideration. The evaluation was also carried out as per the pre-set evaluation criteria. Those firms whose bids did not qualify in the technical aspect were treated non-responsive and not considered further for financial evaluation.
3. With regard to the clarification regarding the Demo and on how the evaluation will be done, firstly the evaluation was done as per the pre-set criteria which were always part of the bidding documents. Further as per the Standard Bidding Documents, the Bid Data Sheet ITB Clause 8.2 clearly stated that bidders were allowed to post clarification till May 23, 2019 4:30 PM. From the time of bid opening to the time of contract award, if any bidder wishes to contract the purchaser on any matter related to the bidding process, it should do so in writing, but this should not influence the purchaser in the examination, evaluation, comparison and post qualification of bid or contract award decisions which may result in rejection of the bid.
4. In line with the above justifications, Respondents have not violated procurement norms




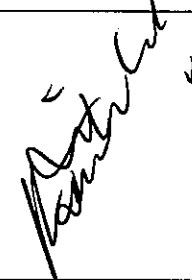

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that would warrant nullification of the award of contract. Therefore, the IRB decides that the decision of Respondent stands valid.

5. The 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.

Date: 23 September 2019

<u>Chairperson</u> 	<u>Member</u> 
<u>Member</u> 	<u>Member</u> 