



དཔལ་ལྷན་འབྲུག་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-21/2019-20/ 321

23 September 2019

The Proprietor
Family Restaurant
Gelephu

Subject: Decision of Independent Review Body

Sir,

The Independent Review Body had received your Application for review on *Canteen & Catering Services 2019-2020* on 29 August 2019.

The Independent Review Body met on 18 September 2019 to review the application you had lodged against Central Regional Referral Hospital, Gelephu.

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 Family Restaurant and responses from CRRH, Gelephu.

Yours Sincerely,

(Tshering Dorji)

Chairperson

Independent Review Body

Copy to:

✓ The Medical Superintendent, CRRH, Gelephu



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Form 6- Decision of Independent Review body

Case name: *Canteen & Catering Services 2019-2020*

Case Reference Number: *MoF/DNP/GPPMD/IRB-21/2019-20/ 02*

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	Family Restaurant, Gelephu
Respondent	CRRH, Gelephu
Brief Description of Procurement	Canteen & Catering Services 2019-2020

Having duly conducted the review after reviewing the submissions and 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:



དབལ་ལྷན་འགྲུབ་གཞུང་།
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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:



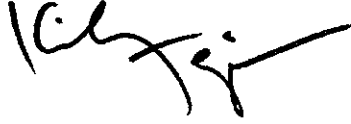
1. IRB finds that the letter of intent was issued to Giseel based on the lowest evaluated bid and not lowest price. Though Clause 2 (c) (i) of Instruction of quotation states that the contract award shall be based on the Grand total not item wise, Clause 2 (c) (ii) further states that the award will be made to the bidder who is offering the lowest evaluated and acceptable price that meets the specification all the requirement of the purchase. Therefore, these clauses must not be read in isolation.
2. Furthermore, as per Clause 4 of the Instruction of quotation, it states that the purchaser is not bound to accept the lowest bid and reserved the right to accept or reject any or all bids without assigning any reason whatsoever.
3. Having compared the rates quoted, IRB finds that the rates quoted by Family Restaurant were irrational.
4. IRB also observed that there is certain vagueness in the bidding documents. IRB advises that the Respondents need to clearly define the terms and conditions, specifications and if required carry out proper market survey for any future tenders.
5. In line with the above justifications, 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.
6. 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.



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ROYAL GOVERNMENT OF BHUTAN
DEPARTMENT OF NATIONAL PROPERTIES, MINISTRY OF FINANCE

Date: 23 September 2019

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