



དཔལ་ལྷན་འགྲུལ་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/ 464 ,

28 October 2019

The Proprietor(s)
M/s Saram Construction
Bumthang

Subject: Decision of Independent Review Body

Sir,

The Independent Review Body had received your Application for review for the *Construction of 6 unit Class Room at Chumey Central School* on 7th October, 2019.

The Independent Review Body met on 17 October 2019 to review the application you had lodged against Dzongkhag Administration, Bumthang.

The IRB after considering the facts and evidence submitted by the parties, hereby issues the decision enclosed herewith. The decision of the IRB is confined to the issues raised in the Application for Review by M/s Saram Construction and responses from Dzongkhag Administration, Bumthang.

Yours Sincerely,

(Phub Rinzin)
Chairperson
Independent Review Body

Copy to:

- ✓ 1. Dasho Dzongdag, Dzongkhag Administration, Bumthang.



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Form 6- Decision of Independent Review body

Case name: *Construction of 6 unit Class Room at Chumey Central School*

Case Reference Number: *MoF/DNP/GPPMD/IRB-21/2019-20/ 05*

This Independent Review Body consists of:

Mr. Phub Rinzin, Director, CDB	Chairperson
Mr. Tshering Dorji, Director, DPA, MOF	Member
Mr. Wangdi Gyeltshen, General Secretary, CAB	Member
Mr. Chandra B. Chhetri, Dy. Secretary-General, BCCI	Member

The parties and procurement under dispute are:

Applicant	M/s Saram Construction
Respondent	Dzongkhag Administration, Bumthang
Brief Description of Procurement	Construction of 6 unit Class Room at Chumey Central School


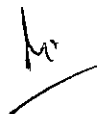

Having duly conducted the review after hearing the evidence of all parties in an equal and fair manner and having concluded the proceedings and complied with the provisions of the Rules and Procedures of Independent Review Body, the independent Review Body hereby delivers the following decision:



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

1. With regard to M/s Saram Construction bids being disqualified for technical evaluation and treating the bid as non-responsive for mapping the wrong documents, IRB observes that for the construction of Tekarshong Farm Road, the same bidder M/s Saram Construction had wrongly mapped the documents. However, the evaluation committee has considered the wrong mapping and awarded the work to him. Therefore, IRB finds that the Respondents have failed to maintain consistency in the evaluation process.
2. On the contrary to the above, over the telephonic communication with the Procurement Officer during the IRB meeting held on 17th October, 2019, IRB was informed that for the Construction of Farm Road Tekarshong Farm Road, despite the documents being mapped wrongly, it was considered for evaluation since all required documents were uploaded. However for this present work it was treated as non-responsive because of non submission of Trade License, Tax Clearance and CDB certificate. IRB here would like to point out that as per the Procurement Rules and Regulations documents such as Trade License, Tax Clearance and CDB certificate are considered as historical documents and if missing, can be asked at the time of evaluation, therefore non submission of these documents would not amount to non-responsiveness.
3. With regard to the Respondents interpretation of financial threshold of 15 million, as per existing Notification issued by Construction Development Board (CDB) vide letter no. CDB/3/2019-20/95 dated 6th August, 2019 a Medium Class Contractor can take up a total number of 4 (four) works, each work not exceeding threshold value of 15 million.



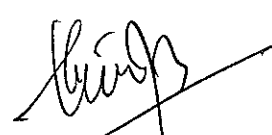


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4. Pertaining to the issue on how the evaluation of bids were done, whether or not chronologically as per the tender ID, the IRB observed that the evaluation was carried out by different evaluation committee. As such, the evaluation time would depend on the complexity and nature of the project. However, for further compliance in order to avoid complications, the Respondents should ensure that the methodology is clearly defined where tenders are floated at the same time.
5. M/s Saram Construction is also reminded to be mindful and ensure that documents are mapped correctly.
6. In line with the above justification IRB decides that Dzongkhag Administration Bumthang should hereby treat the bid submitted by M/s Saram Construction as responsive and take further course of action accordingly.
7. 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: 28 October 2019

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