



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-21/19-20/ 647

10/5 December 2019

The Proprietor
Peljor Lhendup Construction Pvt. Ltd.
Nganglam, Pemagatshel

Subject: Decision of Independent Review Body

Sir,

The Independent Review Body had received your Application for review regarding *Construction of (G+3) family quarters at Potonla, Nganglam* on 26 November 2019.

The Independent Review Body met on 3rd December, 2019 to review the application that had been lodged against Royal Bhutan Police.

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 Application for Review by Bidder and responses from Royal Bhutan Police.

Yours Sincerely,

(Phub Rinzin)
Chairperson
Independent Review Body

Copy to:

Dy. Chief Executive Engineer, Royal Bhutan Police, HQ, Thimphu



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ROYAL GOVERNMENT OF BHUTAN
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Form 6- Decision of Independent Review body

Case name: *Construction of (G+3) family quarters at Potonla, Nganglam*

Case Reference Number: *MoF/DNP/GPPMD/IRB-21/2019-20/ 07*

This Independent Review Body consists of:

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| Mr. Phub Rinzin, Director, CDB | Chairperson |
| Mr. Tshering Dorji, Director, DPA, MOF | Member |
| Mr. Chandra B. Chhetri, Dy. SG, BCCI | Member |

The parties and procurement under dispute are:

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| Applicant | Peljor Lhendup Construction Pvt. Ltd. |
| Respondent | Royal Bhutan Police, HQ, Thimphu |
| Brief Description of Procurement | Construction of (G+3) family quarters at Potonla, Nganglam |

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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རྒྱལ་ཡོངས་གཞུང་ཆས་ལས་ཁུངས་། དངུལ་རྩིས་ལྷན་ཁག།

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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. The Complainant had written "ALL" under the Contractors Bid for addendum. Accordingly the Respondent has treated the bid as non-responsive and clarified stating that the bidder should have used "NONE", "NIL" & "-" as no addendum was issued by the Respondents. IRB observes that though the bid was treated non-responsive for writing "ALL" there is no specific mention in the bidding documents that the words "NONE", "NIL" & "-" had to be used if no addendum was issued.
2. Instructions to Bidders (ITB) Clause 26.1 clearly states that "*Prior to the detailed evaluation of Bids, the Employer shall determine whether each Bid (a) meets the eligibility criteria defined in ITB Clause 3; (b) has been properly signed; (c) is accompanied by the Bid Security; and (d) is substantially responsive to the requirements of the Bidding Documents*". As such IRB observes that except for the above grounds, writing "ALL" would not amount to non-responsiveness as there was no mention of such a condition in the bidding documents.
3. Furthermore, as per ITB 26.2, IRB finds no material deviation or reservation having implications because of writing "ALL". If at all the bidder had failed to fill up the complete form, then this would have been a different issue and would have led to non-responsiveness.
4. In line with the above and taking into account the findings of the IRB, the IRB decides to nullify the award of contract in the present case and directs the Respondent for re-evaluation.






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5. As per Clause 61 of the Rules of Procedures of the Independent Review Body, 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: 5 December 2019

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