



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-21/2020-21/ 151

6 October 2020

The General Manager
Bhutan Traders
Thimphu

Subject: Decision of Independent Review Body (IRB)

Sir,

The Independent Review Body had received your Application for review for "*Procurement of Endoscopy Equipment and Accessories*" on 7th August 2020.

The Independent Review Body (IRB) met on 11th September 2020 and 5th October, 2020 to review the application that had been lodged against the Directorate of Service, Ministry of Health.

The IRB after considering the facts and evidence submitted by the parties and having asked for additional information, hereby issues the decision enclosed herewith. The decision of the IRB is confined to the issues raised in the Application for Review by Bidders and responses from the Ministry of Health.

Yours Sincerely,

(Phub Rinzin)
Chairperson
Independent Review Body

Copy to:

1. The Director, Directorate of Services, Ministry of Health



དཔལ་ལྷན་འབྲུག་གཞུང་།
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Form 6- Decision of Independent Review body

Case name: *“Procurement of Endoscopy Equipment and Accessories”*

Case Reference Number: *MoF/DNP/GPPMD/IRB-21/2020-21/ 01*

This Independent Review Body consists of:

Mr. Phub Rinzin, Director, CDB	Chairperson
Mr. Karma Dupchuk, Director, DES, MOWHS	Member
Mr. Tshering Yonten, General Secretary, CAB	Member
Mr. Chandra B. Chhetri, Dy. SG, BCCI	Member

The parties and procurement under dispute are:

Applicant / Representatives during hearing	Bhutan Traders, Thimphu	Mr. Damchu Gyeltshen Mr. Sagar Sharma
Respondent / Representatives during hearing	Directorate of Services, Ministry of Health	Mr. Tandin Dorji Mr. Pempa Mr. Ngawang Dorji
Brief Description of Procurement	Procurement of Endoscopy Equipment and Accessories	

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:



དཔལ་ལྷན་འབྲུག་གཞུང་།

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


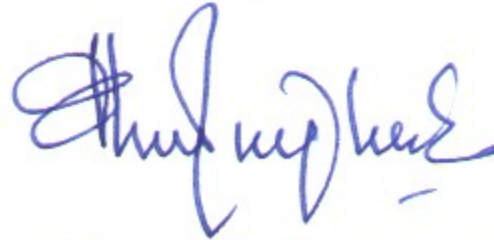


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In accordance with Clause 58 of the Rules of Procedures of the Independent Review Body of 2015, the IRB observes and decides that:

1. IRB finds that apart from the footnote in the brochure, there is no substantial information to prove that BLI and LCI features were available with EG600WR V2 and EC600WL V2. Further, Fujifilm Video Colonoscope Model EC-600WL v2 FDA Approval k160196 and 600 Series Endoscope EG-600WR v2 FDA approval K180341 submitted by Bhutan Traders does not indicate anywhere that BLI and LCI features are available. Bhutan Traders should have furnished additional evidence at the time of bid submission.
2. Though Bhutan Traders has quoted for Fujifilm Duodenoscope Model ED-530XT which was FDA approved, the requirement set by MoH was for top end system or processor, bidders here were expected to quote for top end products. With the latest model Duodenoscope in place, the bidder has quoted for the Model ED-530XT.
3. MoH has not violated procurement norms that would warrant nullification of award of contract.
4. 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: 6 October 2020

<p style="text-align: center;"><u>Chairperson</u></p> 	<p style="text-align: center;"><u>Member</u></p> 
<p style="text-align: center;"><u>Member</u></p> 	<p style="text-align: center;"><u>Member</u></p>  <p style="text-align: center;">Dy. Secretary General Bhutan Chamber of Commerce & Industry Thimphu : Bhutan</p>