



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/ 678

11 February 2021

The Chief Executive Officer
New Device Technology
Thimphu

Subject: Decision of Independent Review Body (IRB)


Sir,

The Independent Review Body had received your Application for review for *“Supply, Installation, Testing and Commissioning of CCTV Camera at Bumthang Domestic Airport”* on 8 December 2020.

The Independent Review Body (IRB) virtually met on 7th January 2021 and 9th February 2021 to review the application that had been lodged against the Department of Air Transport.

The IRB after considering the facts and evidence submitted by the parties, having asked for additional information and having duly conducted the virtual hearing 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 DoAT.

Yours Sincerely,


(Phub Rinzin)
Chairperson
Independent Review Body

Copy to:

1. The Director General, DoAT, Paro.



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Form 6- Decision of Independent Review body

Case name: *“Supply, Installation, Testing and Commissioning of CCTV Camera at Bumthang Domestic Airport”*

Case Reference Number: *MoF/DNP/GPPMD/IRB-21/2020-21/ 03*

This Independent Review Body consists of:

Mr. Phub Rinzin, Director, CDB	Chairperson
Ms. Kesang Deki, Director General, DNP	Member
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	New Device Technology, Thimphu
Respondent	Department of Air Transport, MoIC Paro
Brief Description of Procurement	Supply, Installation, Testing and Commissioning of CCTV Camera at Bumthang Domestic Airport



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Having duly conducted the review of documents and evidences submitted by both the 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:

In accordance with Clause 58 of the Rules of Procedures of the Independent Review Body of 2015, the IRB issues the following decision:

1. With regard to the allegation on why debriefing and grievances were not carried out online through the e-GP system, the Department of Air Transport (DoAT) responded saying they have not been trained to manage and provide debriefing and grievances through the online system. However, IRB is of the view that DoAT should have come forward and sought help from e-GP office if required. Further, IRB strongly recommends DoAT to train your concerned officials to get well versed with the e-GP system in order to avoid such lapses in future.
2. The Minutes of the Meeting from the MLTC also mentioned that the Evaluation Committee should have negotiated on the technical requirement of the monitor. IRB is of the view that no negotiation on technical specification should be allowed. However, in the present case the variation would not tantamount to negotiation because there is no variation on the actual specification or the price.
3. IRB while reviewing the documents submitted and Bill of Quantities (BOQ) finds that:
 - a) DoAT has failed to quantify the total quantity required for installation of CCTV cameras.
 - b) The present procurement would not qualify under the 'Framework Contracting' method of procurement. Framework contracting may be used for supply of designated supplies at different intervals depending on the need of agency over a given period of time which shall not exceed one year.
 - c) The bidders were asked to quote for single items only. Making bidders quote only for one item would also mislead bidders and also more likely to quote higher for single items.

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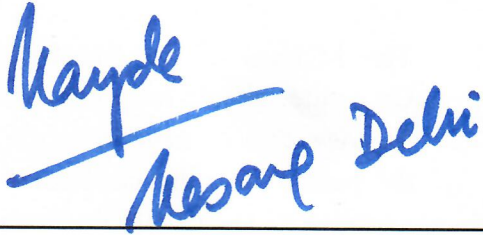


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4. Therefore, IRB decides that DoAT can go ahead with your decision which resulted upon intervention from Ministerial Level Tender Committee (MLTC) if the required item is ONE item each as stated in the Bill of Quantities (BOQ). In case the required quantity is more than what is specified in the BOQ, DoAT will accordingly have to take decision on how to go about.
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: 11 February 2021

<u>Chairperson</u> 	<u>Member</u>  Kasari Delhi
<u>Member</u> 