Decision of the Independent Review Body (IRB)

Description of Procurement: Clock Tower Square Re- development

Case reference number: IRB (2026-27)-02

IRB Members Present in the meeting:

1	Ms. Karma Yedon, Offtg. Director, DPP	Chairperson
2	Mr. Sonam Penjor, Director, DoMCIIP, MoICE	Member
3	Mr. Sonam Wangchuk, ED, CAB	Member

The parties and the Procurement under dispute are:

Applicant	Mr. Jigme Tenzin Chief Executive Officer Shambala Infra Pvt. Ltd Thimphu
Respondent	Thimphu Thromde Thimphu

Background & discussion in brief:

The IRB Secretariat has received the Application for review on 5 October 2026 alleging the tender decision dated 1 October 2026 (Letter of intent) for "**Clock Tower Square Re-development**" published through the e-GP system was unjust and not satisfied with the response provided by the Respondent. The application was received through the e-GP and the processes for grievance till payment of grievance fee was facilitated through the system.

The application was verified by the Secretariat and found in compliance with IRB Rules 2025. Thus the grievance was processed and submitted for proceedings. The IRB met on 27 October 2026 to review the grievance that has been lodged against Thimphu Thromde in presence of the required quorum.

Claims as claimed by Shambala Infra Pvt. Ltd:

We, Shambhala Infra Pvt. Ltd. respectfully submit this request for review of the evaluation of Tender ID 26605. We earlier sought clarification from the Evaluation Committee vide letter no. SIPL/ADM/2026/364 dated 01/10/2026, which responded through letter No. TT/ID/Evaluation/2026-2027/110 dated 02/10/2026. Having carefully considered that response, we remain of the view that our bid was not evaluated correctly in the two respects set out below, and we therefore request the IRB's kind review. 1. Prequalification Stage: Deduction of 10 Points for Additional Human Resource Phuntsho on the 1.1 At the prequalification stage, the Evaluation Committee did not consider Mr. Deki (CID No. 11501002504), proposed as additional human resource, and deducted 10 points ground that he is engaged in the ongoing project "Construction of Extended Kaja Throm." 1.2 We respectfully submit that Mr. Deki Phuntsho is a regular employee of Shambhala Infra Pvt. Ltd. In support of this, his Provident Fund (PF) and Tax Deducted at Source (TDS) certificates were submitted with our bid. 1.3 The Department of Procurement and Properties, in its clarification issued vide letter No. MoF/DPP-PMDD-09/2025-26/244 dated 14 October 2025, states that "As an Engineer for the Contractor, The Engineer can handle two project sites provided he/she works for the same particular firm." Since Mr. Deki Phuntsho is employed by our firm and his current engagement is on our own project, his assignment to this tender is permissible under that clarification. 1.4 We therefore request that full marks be awarded for this position. We further note that this deduction could have resulted in the disqualification of our firm at the pre-qualification stage had our score fallen below the minimum threshold of 80 points in order to qualify for the final evaluation stage

Technical Evaluation: Human Resource Score for the Proposed Project Manager The Evaluation Committee did not award full marks for the proposed Project Manager, Mr. Chador Wangdi, citing "insufficient and inconsistent documentary evidence." We respectfully submit that the documents furnished were complete, consistent with his Curriculum Vitae, and sufficient to establish his eligibility from the following reasons. (a) Consistency of the experience letter with the CV 2.1 Mr. Chador Wangdi's immediately preceding assignment was the Gyenyen Neykhang project under GMC, where he served for 16 months. Since this period alone would not demonstrate the required five (5) years of experience for the Project Manager position, we submitted the experience letter issued by the management of the Royal Academy Construction Project, HMS, vide Letter No. TRACP/PD (GEN)-01/2025/108 dated 6 January 2025. The letter records his previous employment and confirms his ten (10) years of experience in the construction sector, thereby demonstrating compliance with the required experience. 2.2 The Royal Academy Construction Project, Pangbisa, Paro, and the Gyenyen Neykhang project, GMC, fall under the same agency, His Majesty's Secretariat. Accordingly, the experience letter was issued by the same agency and is consistent with the employment history stated in Mr.

Chador Wangdi's CV. This is also consistent with the relevant notification, which provides that documents from the most recent past employer may be accepted where recently recruited key personnel are unable to provide payroll or health contribution records from their current employer. The use of the term "may be accepted" does not necessarily prescribe or make any specific document mandatory; rather, it provides an alternative form of supporting evidence for verification of the personnel's employment and experience, provided that the information is consistent with the CV. 2.3 Upon being relieved from the Gyenyen Neykhang project, Mr. Chador Wangdi joined Shambhala Infra Pvt. Ltd. on 1 September 2026, as evidenced by the appointment order vide Letter No. SIPL/ADM/2026/328 dated 28 August 2026, issued on the company's official letterhead with its seal and authorised signature. We respectfully submit that this appointment order is an official document and ought to have been given due consideration

b) Verbal confirmation obtained by the Evaluation Committee 2.4 On 21 September 2026, the Evaluation Committee contacted Mr. Chador Wangdi by telephone to verify his current employer and place of work. He confirmed that he had joined Shambhala Infra Pvt. Ltd. on 1 September 2026 and was presently engaged in the Construction of Extended Kaja Throm project in Thimphu. This confirmation is consistent with and further supports the appointment order submitted with our bid. the It is pertinent to note that the Committee did not seek any further clarification or supporting documents regarding Mr. Chador Wangdi's most recent past employer. The verification was limited to his current employer, date of joining, and place of work. (c) Reference provided in the CV 2.5 The CV format prescribed in the Tender Documents includes a reference column, in which we provide the contact details of the reference person for the Gyenyen Neykhang project. The purpose of this reference is to facilitate verification of the information provided in the CV. If the Evaluation Committee considered that any supporting documents relating to the candidate's previous employment were missing or required further verification, the Committee could have sought clarification or confirmation from the reference person identified in the CV. However, no such clarification was sought, and the Committee's verification was limited to confirming the candidate's current employer, date of joining, and place of work. (d) Verification through CiNet 2.6 Mr. Chador Wangdi's current engagement can also be verified through the CiNet system. We understand that such a check would show no current engagement with any other agency, which further confirms that he is employed solely by Shambhala Infra Pvt. Ltd. In light of the above, we respectfully submit that the clarification provided by the Evaluation Committee does not adequately address the grounds raised. We affirm that all documents submitted in respect of Mr. Chador Wangdi are genuine, and that together they established that he is a regular employee of our firm since 1 September 2026 and is currently engaged on the Construction of Extended Kaja Throm project in Thimphu. Therefore, we request the Independent Review Body to: (i) Review the deduction of 10 points at the prequalification stage in respect of Mr. Deki Phuntsho. (ii) Review the Human Resource score for the proposed Project Manager, Mr. Chador Wangdi. We remain available to furnish any further

documents or clarification the IRB may require, and we thank you for your kind consideration.

Response as responded by Thimphu Thromde

During the pre-qualified evaluation stage, Mr. Deki Phuntsho (CID No: 11501002504), who was committed as an additional Human Resource, could not be considered as he was already engaged in another work, namely (Construction of Extended Kaja Throm", under same firm. As per the evaluation guideline, although an engineer may handle two project sites under the same firm, the personnel proposed under this criterion shall be in addition to the minimum key personnel required under the Standard Bidding Documents. Further, the requirement for the additional Human Resource under the pre-qualification criteria is specified with or without prior experience. Accordingly, this requirement was clarified during the pre-bid meeting, wherein it was stated that the proposed additional key personnel and equipment shall not be engaged in or committed to other ongoing works and shall be fully available specifically for this particular project. Kindly refer to Query No. 2- Availability of Key Personnel and Equipment in the minutes of the pre-bid meeting.

The Evaluation would like to further clarify that the scores awarded during the pre-qualification stage were not carried forward for the evaluation in the e-TOOL. The pre-qualification stage was only a qualification stage, wherein bidders were required to obtain a minimum score of 80 out of 100 to qualify for the subsequent technical evaluation through e-too.

(a) Consistency of the experience letter with the CV

2.1 The qualification and experience requirement for the Project Manager, as specified in the Tender Document is a general graduate with greater than or equal to 5 years of experience to obtain the full 40 points under the evaluation criteria. We acknowledge and respect that the proposed Project Manager has 21 years' experience, as indicated in the Curriculum Vitea (CV) submitted with the bid. This experience exceeds the minimum requirement specified in the Tender Document, and the same is well noted. Therefore, the experience of the proposed Project Manager was not the issue in the evaluation.

2.2 Mr. Chador Wangdi, the proposed Project Manager, joined the firm with effect from 1st September 2026, while the tender was submitted on 10th September 2026. Given the short period between his joining date and the tender submission date, we understand that the firm could not submit the supporting documents such as copies of Provident Fund Account Documents, payroll records, or copies of the, monthly remittance schedules for Health Contribution and Tax Deducted at Source to establish that the proposed Project Manager was a regular employee of the firm. Further, if Mr. Chador Wangdi was engaged on a contractual basis, the firm did not submit a copy of the contractual engagement.

As per the DPP's clarification on the procurement of works, vide No. MoF/DPP-PMDD-09/2025-24/44 dated 14th October 2025, it is stated that: For procurement of

Works, in the event that a key personnel/KR Staff has been recently recruited on regular/contract basis and is therefore unable to provide Health Contribution or payroll recorded from the current employer, documents from the most recent past employer may be accepted which shall align with the CV. However, where the key personnel has no prior employment experience, submission of such documents shall not be required.

As per Mr. Chador Wangdi's submitted CV, his most recent past employer was DNCP. HMS, GMC, where he works as a Project Manager for the "Construction of Gyenyen Neykhang, Phulahari, GMC" from 01/02/2025 to 01/05/2026. Therefore, in accordance with the above DPP clarification, the supporting employment documents from the most recent past employer should have been from DNCP, HMS, GMC instead of TRAACP, HMS, Pangbsa, Paro. Although both entities fall under the same agency, the project name, location and period of engagement of the proposed Project Manager are different. Therefore, the evaluation team could not accept the submitted document from RAACP, HMS, Pangbisa, Paro as the supporting document from his most recent past employer, as required under DPP clarification.

2.3 It is further noted that Mr. Chador Wangdi left DNCP, HMS,GMC ON 04/05/2026, and joined M/s Shambhala Infra Private limited on 1st September, 2026 and the tender was submitted on 10th September 2026. Accordingly, there was a period of more than four months between his departure from most recent past employer and the tender submission date. The evaluation team is therefore of the view that there was sufficient time for the firm to obtain and submit an appropriate relieving letter or other supporting employment from DNCP, HMS, GMC, if the firm intended to establish his employment status and substantiate his engagement with the form.

(b) Verbal confirmation obtained by the Evaluation Committee

On 21 September 2026, the Evaluation Committee contacted Mr. Chador Wangdi by telephone to verify his current employer and place of work. He confirmed that he had joined M/d Shambhala Infra pvt. Ltd. With effect from 1st September 2026 and was presently engaged in the Construction of Extended Kaja Throm Project in Thimphu.

However, the verbal confirmation alone could not establish, for evaluation purposes, that Mr. Chador Wangdi was formally employed by M/s Shambhala Infra Pvt. Ltd as of the tender submission date. The evaluation committee also had concerns regarding whether he had been formally relieved from his previous employment with DNCP, HMS, GMC or otherwise completed the necessary formalities associated with his previous employment. Since the requirement documentary evidence to substantiate his current employment was not submitted, the committee considered that seeking further clarification or additional supporting documents at the evaluation stage could constitute a material deviation from the requirements of the tender. Accordingly, no further clarification or supporting documents were sought, and the matter was considered based on the documents submitted with the bid.

(c) The Evaluation Committee acknowledges that a reference person and contact details were provided in the CV for the Gyenyen Neykhang project. However, providing a reference does not

dispense with the bidder's requirement to submit the requirement documentary evidence. The reference is intended to facilitate verification of information provided in the CV and cannot be treated as a substitute for mandatory supporting documents required to establish the candidates' employment and experience. Verbal confirmation from a reference person cannot, by itself, substantiate documentary requirements such as employment records, payroll records by itself, substantiate documentary requirements such as employment records, payroll records, Provident Fund records, tax or other statutory contribution records, where required under the evaluation guidelines.

The Committee is required to assess the bid based on the documentary evidence submitted by the bidder, and verbal confirmation from a third party cannot be accepted as a replacement for missing mandatory documents. Considering the substantial value of the tender, the evaluation must be conducted fairly, transparently, consistently, and on an equal basis for all bidders, so that bidders who have fully complied with the prescribed requirement are not disadvantaged.

(d) The Committee did not consider the CiNet/e-tool record as sufficient evidence to establish Mr. Chador Dorji's employment with Shambhala Infra Pvt. Ltd. The Human resources check on the e-TOOL system showed that "This Human Resource is not a Govt/Corporate employee: This Human Resource is not engaged in any work project" that fact that Mr. Chador Wangdi is not shown as engaged with any other agency only established that he is not recorded as engaged elsewhere: is odes not, by itself, establish that he is employed by Shambhala Infra Pvt. Ltd. Therefore, this system record cannot be treated as independent documentary evidence establishing an employer-employee relationship between Mr. Chador Wangdi and Shambhala Infra Pvt. Ltd.

All the necessary clarification has been provided above. We hereby state that the evaluation was carried out strictly in accordance with the prequalification criteria prescribed by Thimphu Thromde, the minutes of the pre-bid meeting, evaluation guidelines, and the clarification on evaluation process for procurement of works issued by the Department of Public Procurement (DPP), Ministry of Finance (MoF).

Decision:

Having duly conducted the review of documents and evidences submitted by both the parties in an equal and fair manner having concluded the proceedings and complied with the provisions of the IRB Rules 2025, the Independent Review Body hereby delivers the following decisions:

1. The IRB notes that the assessment concerning Mr. Deki Phuntsho formed part of the pre-qualification process and was not a criterion carrying scores under the subsequent evaluation stage. While an engineer may ordinarily be engaged at two project sites under the same firm, the circumstances of this procurement were different, as the pre-bid

meeting had specifically clarified the requirement for the additional personnel to be available on a full-time basis and not committed to ongoing works.

2. However, the IRB further observes that the issue did not affect the Applicant's qualification outcome. Regardless of whether the disputed score was awarded, the Applicant would still have met the pre-qualification requirements. Further, the pre-qualification assessment carried no scoring implications at the subsequent evaluation stage. Accordingly, the disputed assessment did not affect the Applicant's final evaluation outcome and should be considered in that context.

3. For the Project Manager, the IRB notes that the prescribed evaluation criterion requires the submission of signed CVs of technical manpower using the standard format in Annexure 1, along with academic transcripts, and provides that the years of experience shall be determined based on the past experience specified in the CV. In this regard, the IRB observes that, irrespective of whether the recent experience of the proposed personnel was declared, the experience stated in the CV was sufficient to meet the experience requirement prescribed by the Procuring Agency. Therefore, the assessment of the personnel's years of experience should be distinguished from the separate requirement to establish the relevant employment particulars through supporting documents.

4. The IRB further notes that the prescribed requirements require the contractor to submit, for regular key personnel, copies of Provident Fund Account documents, payroll records, or monthly remittance schedules of Health Contribution. Where the monthly gross income of the personnel is Nu. 25,000 or more, the relevant Tax Deducted at Source documents are also required. The applicable provision further states that, where key personnel have been recently recruited and are therefore unable to provide Health Contribution or payroll records from their current employer, documents from their most recent past employer may be accepted, provided that the documents align with the CV. Where the personnel have no prior employment experience, such documents are not required.

   The IRB notes the Applicant's submission that the relevant notification permits documents from the most recent past employer to be accepted where recently recruited key personnel are unable to provide payroll or Health Contribution records from their current employer. However, the IRB finds that the term "documents" in this provision must be read in the context of the specific requirement it addresses. It refers to supporting employment records, such as payroll records, Health Contribution records and, where applicable, Tax Deducted at Source (TDS) documents, rather than an experience certificate alone. The provision allows the Procuring Agency to accept the relevant records from the most recent past employer, subject to consistency with the CV; it does

not dispense with the requirement to establish the proposed personnel's employment status through the prescribed supporting documents. In this case, the document submitted by the Applicant related to an earlier project and employer, rather than the most recent past employer identified in the CV. Accordingly, the IRB finds that the submitted experience certificate does not, by itself, satisfy the documentary requirement contemplated under the notification.

The IRB interprets the phrase "may be accepted" as granting the Procuring Agency discretion to determine whether documents from a previous employer are acceptable in the circumstances specified. It does not give the bidder discretion to decide whether to submit the required supporting documents. The bidder remains responsible for furnishing the prescribed documents or establishing that an applicable exception applies. In the present case, the Applicant failed to furnish the required supporting documents to establish the relevant employment particulars of the proposed personnel. Accordingly, while the stated experience may satisfy the experience threshold, the separate documentary requirement remains unfulfilled and must be assessed in accordance with the bidding requirements.

5. The IRB notes the Applicant's submission that the Evaluation Committee's telephone confirmation of the proposed Project Manager's current employer, date of joining and place of work was consistent with the appointment order submitted with the bid. The IRB also notes the Procuring Agency's explanation that the verification was undertaken to confirm the information provided and that verbal confirmation alone could not establish compliance with the prescribed documentary requirements. The IRB finds that verbal confirmation may serve the purpose of verifying or validating information already submitted; however, it cannot substitute for mandatory supporting documents required under the bidding documents and applicable guidelines. Further, seeking clarification must not provide a bidder with an opportunity to submit missing mandatory documents or otherwise improve its bid after submission where doing so would constitute a material deviation. In the present case, the absence of the prescribed supporting employment records could not be remedied solely through verbal confirmation or by seeking additional documents at the evaluation stage. Accordingly, the Evaluation Committee's decision to assess the bid based on the documents submitted, without treating verbal confirmation as a substitute for the prescribed evidence, was justified.

6. Having examined the application for review, the response submitted by the Procuring Agency, and the relevant findings, the IRB hereby decides that the application for review be dismissed, and the decision of the Procuring Agency is upheld. The IRB finds that the disputed pre-qualification assessment concerning Mr. Deki Phuntsho did not affect the

Applicant's qualification outcome or the subsequent evaluation results. However, the Applicant's failure to furnish the prescribed supporting documents for the proposed key personnel remains a matter of non-compliance with the applicable bidding requirements. Accordingly, the Procuring Agency's decision is upheld, and the procurement shall proceed in accordance with the applicable procurement rules and procedures.

7. Pursuant to Clause 56 of the IRB Rules 2025, the decision of the IRB shall be final and binding and, if the decision is not accepted, an appeal may be made to the Court only on a question of law. In such a case, any concession granted by the IRB shall stand withdrawn.

Mr. Sonam Penjor, Member	Mr. Sonam Wangchuk, Member
Mrs. Karma Yedon, Chairperson	

Dated: 28 October 2026