

**MINUTES OF THE MEETING OF THE GRIEVANCE REDRESSAL COMMITTEE HELD ON 16-04-2019.AT 1530hrs TO REDRESS THE GRIEVANCES OF THE BIDDERS, AS PER RULE 67 OF PUNJAB PROCUREMENT RULES, 2014 (AMENDED), FOR PROCUREMENT OF NUTRITIONAL COMMODITIES FOR IRMNCH & NP FOR FY 2018-19.**

A meeting of the Grievance Redressal Committee was held on 16-04-2019 at 1530hrs in committee room of Director General Health Service Punjab, 24-Cooper Road, Lahore to redress the grievances of the bidders, as per Rule 67 of Punjab Procurement Rules, 2014, for procurement of nutritional commodities for IRMNCH & NP for Financial Year 2018-19. The Director General Health Services, Punjab chaired the meeting.

2. Following members of Grievance Redressal Committee attended the meeting:

1	The Director General Health Services, Government of the Punjab, Primary & Secondary Healthcare Department	In-Chair
2	The Program Director, IRMNCH & Nutrition Program, Government of the Punjab, Primary & Secondary Healthcare Department	Member
3	The Co-opted Member O/o the Director General Health Services, Government of the Punjab, Primary & Secondary Healthcare Department	Member

3. Following members of the Bid/Technical Evaluation Committee presented the case to the grievance redressal committee:

1	The Additional Director (Procurement), IRMNCH & Nutrition Program, Government of the Punjab, Primary & Secondary Healthcare Department
2	The Prequalification Specialist-I, Primary & Secondary Healthcare Department
3	Logistics Officer IRMNCH & Nutrition Program, Primary & Secondary Healthcare Department

4. Background of the case is that IRMNCH & Nutrition Program, Punjab invited request for Proposal (RFP) from prequalified firms for procurement of Nutritional Commodities on 08-02-2019 at websites of Department, Primary & Secondary Healthcare Department. The process was initiated for the recommended item required for IRMNCH & Nutrition Program, Punjab. In response there to, 05 bids were received and opened on 18-02-2019.

5. Out of total 05 bids, 04 bid was responsive conditionally subject to approval from DRAP. The finalized technical evaluation report was uploaded on the official websites of the IRMNCH & Nutrition Program Punjab & Primary & Secondary Healthcare Department Punjab on 01-04-2019. Against the Technical Evaluation Report, Grievances were received from aggrieved bidders up to 10-04-2019 which were placed before the Grievance Redressal Committee for decision.

6. The case wise proceedings of the meeting are as follows.

**MINUTES OF MEETING OF GRIEVANCE REDRESSAL MEETING AGAINST PROCUREMENT OF NUTRITIONAL COMMODITIES FOR  
THE FY 2018-19 UNDER IRMNCH AND NUTRITION PROGRAM PUNJAB**

Sr. No	Name & Address of the Firm	Item	Reason of Rejection	Grievance of the Applicant Firm	DECISIONS OF THE GRIEVANCE COMMITTEE
1	M/s Ismail Industries Limited 17 Bangalore Town, Main Shahrah-e-Faisal, Karachi	RUTF/Non Responsive	<ul style="list-style-type: none"> <li>• Valid GMP certificate is not attached.</li> <li>• Provisional Enlistment certificate as manufacturer/importer on form 6 as per DRAP Enlistment Rules 2014 not attached.</li> <li>• Provisional Product enlistment certificate on Form-7 as per DRAP Enlistment Rules 2014 not attached.</li> </ul>	<p>Being aggrieved by the said decision, we hereby challenge the same, <i>inter alia</i>, on the following grounds;</p> <ul style="list-style-type: none"> <li>• Ms. Ismail Industries Limited participated in the Bid for procurement of Nutritional Supplements (2018-19) RUTF and successfully declared as prequalified.</li> <li>• That the subject item i.e. RUTF is a food item and does not necessarily required GMP certificate. However, we are an ISO certified company and the copy of ISO certificate was annexed with the BID Documents.</li> <li>• We would like to draw your kind attention to the relevant provision of SRO 412(I)/2014, Section 9 whereof clearly stipulates about the GMP certificate.</li> </ul> <p><b>Quote:</b> 9. "Certificate of free sale and compliance to FMP (1) Application for award of free sale and Good Manufacturing Practices compliance certificate shall be submitted to the Division of Health and OTC Products of the Authority on Form 9 as prescribed in Schedule A accompanied by prescribed fee for therapeutic goods. <b>(2) The certificate for compliance to Good Manufacturing Practices to the manufacturer of alternative medicine and health products shall be issued to enlistment holder on Form 10 as prescribed in scheduled A for compliance to the requirements of Good Manufacturing Practice and conformance to international standard for manufacturing till the time of licensing.</b></p> <p><b>Unquote:</b></p> <ul style="list-style-type: none"> <li>• It is very much clear from the contents of the above provision of law that once the</li> </ul>	<p>Grievance from M/s Ismail Industries Limited received and submitted to grievance redressal committee. However, no representative from the firm attended the meeting. The committee examined the grievance application in the light of Technical Evaluation Report. The committee after due deliberation and discussion, keeping in view the required parameters in detail and decided that as per DRAP GMP is issued after manufacturing license, so for other items of nutritional commodities the firms are conditionally responsive subject to provision of NOC from DRAP about form 6 &amp; 7, so when initial criteria is conditional then may not opt for further criteria and it is also a food supplement. The committee after due deliberation decided the grievance submitted by the firm is hereby accepted subject to provision of NOC from DRAP and the status of the firm is declared as "Responsive" subject to provision of NOC from DRAP.</p>

				<p>manufacturer is enlisted with DRAP only then GMP can be issued. Since the other two participants are not local manufacturers so they many have produced the GMP or equivalent certificates as issued by the respective regulatory authority in the country of origin but here we are the only manufacturer and have to get it from DRAP which IRMNCH has already condoned subject to NOC from DRAP.</p> <ul style="list-style-type: none"> <li>• The competent authority in Pakistan to issue GMP Certificate is DRAP that too after the enlistment of company and product i.e. Form 6 and Form 7. It is interesting to note that IRMNCH declared the other two bidders as responsive despite of non-availability of From 6 &amp; 7 but declared Ismail Industries as non-responsive due to non-availability of GMP Certificate. If the basic enlistment is condoned for other two parties how can IRMNCH discriminate Ismail Industries for a document which is issued subsequent to enlistment.</li> <li>• That we are supplying RUTF to UNICEF and they never require any GMP for the said product.</li> <li>• In view of the above facts and circumstances, we request you to recall the decision to declaring Ismail Industries as non-response due to non-production of GMP certificate and revise the decision as our case with DRAP is at final stages and only delayed due to the suspension of powers of Directors which will be over soon.</li> </ul>	
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Meeting ended with the vote of thanks by the chair.