

**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 MALE LATEX CONDOMS (On CIF Basis) 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 male latex condoms (on CIF basis) 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 bids for procurement of male latex condoms (on CIF basis) , through advertisement in national press on 11.03.2019 & websites of Department, Primary & Secondary Healthcare Department and Punjab Procurement Regularity Authority. The process was initiated for the recommended item required for IRMNCH & Nutrition Program, Punjab. In response there to, 02 bids were received and opened on 29-03-2019.

5. Out of total 02 bids, 01 bid was responsive in full. The finalized technical evaluation report was uploaded on the official websites of the IRMNCH & Nutrition Program Punjab & Primary & Secondary Healthcare Department Punjab on 05-04-2019. Against the Technical Evaluation Report, Grievance was received from aggrieved bidder up to 15-04-2019 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 CONDOMS ON CIF BASIS FOR THE  
FY 2018-19 UNDER IRMNCH AND NUTRITION PROGRAM PUNJAB**

Sr. No	Name & Address of the Firm	Item/Status	Reason of Rejection	Grievance of the Applicant Firm	DECISIONS OF THE GRIEVANCE COMMITTEE
1	M/s <b>EMSONS INTERNATIONAL</b> 9-Ijaz Centre, Main Gulberg, Lahore	<b>Male Latex Condom/ Non Responsive</b>	<ul style="list-style-type: none"> <li>• 2% bid security of estimated cost of the quoted item.</li> <li>• Free Sale Certificate from Country of Manufacturer.</li> <li>• Firm undertakes that currently it is not Blacklisted / Debarred by any procuring agency.</li> <li>• Submission of 05 Packs of sample for evaluation by the committee.</li> <li>• Quoted item does not comply with advertised specifications.</li> <li>• Quoted item is generic and without any brand and technical offer is ambiguous.</li> <li>• Free Sale Certificate is not for the quoted item.</li> <li>• Black Listing undertaking on Rs.100/- Stamp paper not provided.</li> <li>• No Govt. Supply experience in</li> </ul>	<p>Sir, we have participated in the subject competitive bidding. We have quoted Male Latex Condom. We were declared Non-Responsive on the following basis. The remarks and its clarification thereto are given below;</p> <ul style="list-style-type: none"> <li>➤ Copy of original Bid Security is attached with financial and copy with technical is attached at <b>Sr. No. 2.</b></li> <li>• The bid security is issued by Habib Metropolitan Bank, in favor of Project Director, IRMNCH &amp; NP, Punjab amounting 6.0 million on behalf of <b>EMSONS International (HLL Life Care Ltd.)</b></li> <li>• No set format of bid security is given in the bidding document.</li> <li>➤ The free Sale Certificate for Male Latex Condom is attached at <b>Sr. No. 32.</b></li> <li>➤ The undertaking is attached at <b>Sr. No. 06.</b></li> <li>➤ The samples are submitted and the receiving is attached.</li> </ul> <p>Our reply to the remarks raised in the technical evaluation report is as follow;</p> <ul style="list-style-type: none"> <li>• The quoted item 100% compiles with the advertised specification. It is WHO Prequalified product. Detail description is also mentioned in product description attached at <b>Sr. No. 49.</b></li> <li>• The quoted brand is mentioned at numerous places. The complete product brochure is attached mentioning the brand at <b>Sr. No. 44.</b></li> <li>• The free sale certificate is for the quoted item, clearly mentioning item Male Latex Condom at <b>Sr. No. 32.</b></li> <li>• The Affidavit on judicial paper is attached undertaking regarding black listing at <b>Sr. No. 6.</b></li> <li>• This is not required as per bidding document (compulsory parameters and marking criteria).</li> </ul>	<p>Mr. Adeel from <b>M/s EMSONS INTERNATIONAL</b> attended the meeting and presented their grievance to the grievance redressal committee. The committee heard the view point of the representative of the firm which was examined in the light of Technical Evaluation Report. Firm's representative briefed that bid security and requisite documents are attached and provided again except some parameters that were not cleared in bidding documents and requested to review in detail. The committee after due deliberation and discussion, keeping in view the required parameters in detail that provided sample is generic base while sample provided to grievance redressal committee was another brand named "Moods" pack of 12pcs that were not quoted in bid cover sheet of technical bid neither provided along with bid. Firm misrepresented the facts that sample provided with bid is "Moods". Grievance committee check the sample that was of generic sample with stamps of M/s HLL Life care India and M/s Emsons International. Secondly submitted bid security is not issued on behalf of bidder as mentioned in bidding documents. It is not issued on behalf of M/s Emsons International instead it is issued on behalf of M/s ASTRONTECH DISTRIBUTORS in the form of bank Guarantee. Two free sales certificates attached in bid with different names. Technical offer along with letter of intention and bid cover sheet is not from M/s Emsons International (Sole agent of M/s HLL Life</p>

			<p>Pakistan.</p> <ul style="list-style-type: none"> <li>• No establishment License / No DSL.</li> <li>• No Sales Tax Registration Certificate.</li> <li>➤ Integrity Pact Affidavit is not attached.</li> </ul> <ul style="list-style-type: none"> <li>• In fact we are prequalified by Population department of Punjab and Sindh every year from 2015 till to day.</li> <li>• We have local experience more than three years. All the relevant documents are already attached.</li> <li>• We EMSONS International are supplier of <b>IUCD by HLL Life Care Ltd. India to Government of Sindh for Financial Year 2016 to till 2019.</b></li> <li>➤ Establishment License / DSL/ Sales Tax Certificate all are not required as per bidding document.</li> <li>• These are not mentioned in bidding document (compulsory parameters and marking criteria).</li> <li>• This tender is on C &amp; F Basis, where the department opens LC in favor of manufacturer. These documents are neither required nor demanded in the Tender Document.</li> <li>• The Agent is only for the coordination between the department and manufacturer.</li> <li>➤ It was not part of the (Section V – Bid Forms), Contrary it is mentioned in the (Section VI – Draft Standard Contract) which are supposed to be fulfilled after award of the contract.</li> <li>• It is submitted for your kind perusal.</li> </ul> <p>Remarks: We EMSONS International are constantly prequalified by the Population Welfare Department Punjab and Sindh since 2015.</p> <p><b>We EMSONS International is prequalified by the Population Welfare Department Punjab for Financial Year 2018-19 for supply of Male Latex Condoms and CU-T.</b></p> <p>Looking forward for encouraging and positive response.</p>	<p>care) as it was a local tender. Integrity pact affidavit is issued from M&amp; M Pharma instead from bidder.</p> <p>Pack of 144 pcs was provided but in technical specifications pack of 100 or less demanded that does not comply with advertised specifications.</p> <p>The other requisite parameters come under eligibility and basic criteria and are as per applicable laws of the country that may vary from time to time and come under material deviation. In clause 29.3 in bidding documents <i>“Substantially responsive bid is one, which conforms to all the terms and conditions of the bidding documents without material deviations. Deviations from, or objections or reservations to critical provisions, such as those concerning Applicable Laws, Taxes &amp; Duties and internationally recognized best practices shall be deemed to be a material deviation for Technical Proposals.”</i></p> <p>In Bid Form-2 Affidavit, the firm itself undertakes that <i>“The undersigned are solvent and competent to undertake the subject Contract under the Laws of Pakistan.”</i></p> <p>The committee after due deliberation and discussion decided to reject the grievance of the firm and upheld the decision of technical evaluation committee and the status of the firm is still declared as <b>“Non-Responsive”</b>.</p>
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Meeting ended with the vote of thanks by the chair.