MINUTES OF THE MEETING OF THE GRIEVANCE REDRESSAL COMMITTEE HELD ON 15-05-2019 AT 1400 HOURS TO REDRESS THE GRIEVANCES OF THE BIDDERS, AS PER RULE 67 OF PUNJAB PROCUREMENT RULES, 2014 (AMENDED), FOR PROCUREMENT OF LABORATORY DIAGNOSTIC KITS FOR THE FY 2018-19 UNDER IRMNCH AND NUTRITION PROGRAM PUNJAB.

A meeting of the Grievance Redressal Committee was held on 15-05-2019 at 1400 hours 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 Laboratory Diagnostic Kits 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 Laboratory Diagnostic Kits through advertisement in national press on 18.03.2019 & websites of Program, Primary & Secondary Healthcare Department and Punjab Procurement Regularity Authority on 20-03-2019. The process was initiated for the recommended list of essential items required for IRMNCH & Nutrition Program, Punjab. In response there to 12 bids were received and opened on 04-04-2019.

5. Out of total 07 bids were 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 19-04-2019.Against the Technical Evaluation Report, Grievances were received from aggrieved bidders up to 29-04-2019 which were placed before the Grievance Redressal Committee for decision.

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

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. A.S. Enterprises** 3 Mozang Road, Lahore	**Hemoglobin Strips / Responsive**	• The firm submitted a grievance against the other evaluated firm i.e. **M/s Three Star**.	Reference to your Technical Evaluation report of diagnostic kits, we are surprised to know that Hemoglobin Meter & Strips quoted by Three Star are responsive. It is to inform you that the said strips don't fulfill the compulsory parameters on following grounds. 1) Hemoglobin Strips brand Ecotest quoted by M.S Three Star doesn't comply with product specification because Brand Ecotest is manufactured by Assure Tech (Hangzhou) Co. Ltd., China but country of manufacturer must be USA, Europe, Japan as per specification. 2) We came to know that brand Fastep is the only brand which is mentioned for Hemoglobin Meter & Strips on website of Assure Labs Inc (sister concerning company of Assure Tech Co. Ltd., China). Proof is attached. 3) We believe that Hemoglobin Meter & Strips brand Ecotest are not CE Certified. We request you to verify the CE Certificate of M/S Three Star for Hemoglobin Meter keeping in view of transparency in procurement process. Now a days CE certificate are verifiable on the website of issuing Authority. 4) For your reference Assure Tech (Hangzhou) Co. Ltd., China has three brands i.e. EcoTest, Fastep & Biocare. Brand EcoTest Hemoglobin Meter is 100% Chinese origin & manufacturing product which is nothing to do with Assure Labs Inc (Sister concerning Company). 5) Further Assure Labs Inc is not mentioned on the product also. 6) On the other hand Polymed Therapeutics Inc which is mentioned on the Box of Hemoglobin Meter of brand EcoTests basically a manufacturer of Active	Mr. Bassam from **M/s. A.S. Enterprises** attended the meeting and presented their grievance against the qualification of M/s Three Star as it is responsive in technical evaluation report. Mr. Ali Zaffar from **M/s Three Star** attended the meeting. The committee heard the view point of the representatives of the both firms which was examined in the light of Technical Evaluation Report. Mr. Bassam briefed that Brand Ecotest is manufactured by Assure Tech (Hangzhou) Co. Ltd., China but country of manufacturer must be USA, Europe, Japan as per specification. He further pointed out that brand Fastep is the only brand which is mentioned for Hemoglobin Meter & Strips on website of Assure Labs Inc USA and is not CE Certified & Assure Labs Inc is not mentioned on the product also and Polymed Therapeutics Inc which is mentioned on the Box of Hemoglobin Meter of brand EcoTest is basically a manufacturer of Active Pharmaceutical Ingredients & Chemicals. Mr. Ali Zaffar from M/s Three Star told the committee that Assure Lab and Assure Tech are sister concern companies. The committee after due deliberation and discussion, keeping in view the required parameters in detail decided to verify CE Certificate and grievance of the M/s A.S Enterprises is accepted against the qualification of M/s Three star because no comments/description about the Assure Tech China (sister concern firm) is found on the website of

				Pharmaceutical Ingredients & Chemicals. Proof is attached. 7) Failure to comply with any compulsory parameter will result in disqualification of bidder. In the light of above we therefore requested kindly verify the CE Certificate & analyze the other documents also for the transparency of the procurement process. Take necessary action against the supplier if any document found Forged/Edited or not attached in the bid.	Assure Lab USA & Vice Versa. M/s Assure Tech China did not comply with advertised specifications as country of Manufacturer USA/EU/Japan. EcoTest brand is not present on website of Assure lab USA but only Fastep brand is available. Assure Lab USA has marketing rights outside USA and North America but Polymed therapeutics USA (as mentioned on sample) has marketing rights of Assure Lab products inside USA. So the committee after due deliberation and discussion decided that grievance submitted by the firm M/s A.S Enterprises against M/s Three Star is hereby accepted and the status of the firm M/s Three Star Diagnostics is changed from Responsive to **"Non-Responsive".**

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2	**M/s. A.S. Enterprises** 3 Mozang Road, Lahore	**Hepatitis – B & C Kits**	The firm submitted a grievance against the other evaluated firm i.e. **M/s Moon Enterprises**.	Reference to your Technical Evaluation report of diagnostic kits, we are surprised to know that Hepatitis B & C kits quoted by M/s Moon Enterprises are responsive. It is to inform you that the said kits don't fulfill the compulsory parameters on following grounds. 1) Hepatitis B Kit brand ImuMed are not US FDA or WHO Prequalified/approved or JpMHLW approved/certified or Medical Device License of Health Canada or TGA Full Quality Assurance Certificate (Australia) or EC Full Quality Assurance Certificate. (MDD). 2) We are sure that CE Certificate of Hepatitis B Kits will be edited / fake / forged in case if they have attached in technical bid. We have attached the original certificate for reference of Valued Department to further analyze. 3) Hepatitis C Kits brand ImuMed is not US FDA or WHO Prequalified / approved of JpMHLW approved / certified or Medical Device License of Health Canada or TGA full Quality Assurance Certificate (Australia) or EC Full Quality Assurance Certificate (MDD). 4) Brand ImuMed is OEM brand of Zhejiang Orient Gene Biotech Co. CE or other certificates doesn't apply on OEM brands. Imumed brand is not mentioned on Certificates also. Healgen & Orient Gene are their registered brands. 5) Brand ImuMed is not registered in USA & not even in China. Department may ask for required documents in this regard. 6) Zhejiang Orient Gene Biotech Co., Ltd. Is Chinese Manufacturer and this Chinese company has acquired 100% Share of Healgen Scientific LLC USA & the sole owner	Mr. Bassam from **M/s. A.S. Enterprises** attended the meeting and presented their grievance against the qualification of M/s Moon Enterprises as it is responsive in technical evaluation report. Mr.Zaheer Babar from **M/s Moon Enterprises** attended the meeting. The committee heard the view point of the representatives of the both firms which was examined in the light of Technical Evaluation Report. Mr. Bassam briefed that Hepatitis B Kit brand ImuMed is not EC Full Quality Assurance Certificate. (MDD) and requested to verify. Healgen Scientific LLC USA is acquired/owned by Zhejiang Orient Gene Biotech Co., Ltd. China but country of manufacturer must be USA, Europe, Japan as per specifications. He further pointed out that Zhejiang Orient Gene Biotech Co., Ltd. has acquired 100% Share of Healgen Scientific LLC USA as present on Healgen Scientific LLC web site and Moon Enterprises did not have one-year experience of Hepatitis B Kits (whole blood) sample and requested to verify. Mr. Zaheer Babar from M/s Moon Enterprises presented the original documents to the committee where collaboration of both firms is done. The committee after due deliberation and discussion, keeping in view the required parameters in detail decided to verify CE Certificate and grievance of the M/s A.S Enterprises is accepted against the qualification of M/s Moon Enterprises because on web site of M/s Healgen Scientific LLC it is found that Zhejiang Orient Gene Biotech Co.,

				of Healgen Scientific LLC. This information is mentioned on their website also. It violates the compulsory parameter. Proof attached. 7) Moon Enterprises don't have one-year experience of Hepatitis B Kits with whole blood sample. Because they are providing Hepatitis B Kits with Serum / Plasma sample on regular basis. In the light of above we therefore requested to verify the documents of Moon Enterprises in the best interest of Valued Department. Competent authorities have to black list Moon Enterprises if documents found edited/fake/forged documents / Certificates.	Ltd. recently acquired 100% interest and is the sole owner of Healgen Scientific which did not comply with advertised specifications as country of Manufacturer USA/EU/Japan. So the committee after due deliberation and discussion decided that grievance submitted by the firm M/s A.S Enterprises against M/s Moon Enterprises is hereby accepted and the status of the firm M/s Moon Enterprises is changed from Responsive to **"Non-Responsive".**

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3	**M/s. A.S. Enterprises** 3 Mozang Road, Lahore	**Hepatitis – B Non Responsive**	• Quoted Product Availability is not attached. • Product does not comply with advertised specifications.	Reference to your Technical Evaluation report of diagnostic kits, it is unfortunate to know that Hepatitis B Kits brand SD Bioline quoted by us are non-responsive. It is to inform you Hepatitis B Kits brand SD Bioline is WHO Prequalified product and we have attached the purchase orders as reference for product availability. We may provide further documents as proof of product availability in grievance meeting. Further to inform you that our product doesn't required Buffer Solution which facilitate the End-user as compared to other brands. It required only whole blood sample and doesn't compromise the quality. So it is therefore requested kindly accept our technical bid for financial bid opening in the best interest of Valued Department.	Mr. Bassam from **M/s. A.S. Enterprises** attended the meeting and presented their grievance to the grievance redressal committee. It is request rather than grievance. The committee heard the view point of the representative of the firm which was examined in the light of Technical Evaluation Report. He briefed that our product doesn't require Buffer Solution which facilitate the End-user. The committee after due deliberation and discussion, keeping in view the required parameters in detail decided that request of the firm is rejected because quoted brand does not comply with advertised specifications as pipette is required and is without buffer (as per literature of the product) to perform the test that may not be possible in the field. Attached purchase orders were not of the quoted brand/period. So request submitted by the firm is hereby rejected and upheld the decision of technical evaluation committee and the status of the firm is still declared as **"Non-Responsive".**

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4	**M&P (Muller & Phipps Pakistan Pvt., Ltd** 10-KM Multan Road, Lahore**.**	**Blood Glucose Test Strips**	• Quoted product has less than one year availability. • Audit balance sheet not attached.	Reference to your Tender Supply of investigation of Bids (IFBs) for procurement of Medical Devices IPL No. 2447 under the control of IRMNCH & Nutrition Program during FY (2018-2019) for the procurement of Blood Glucose Test Strips. As per your observation that, M&P considered as Non Responsive duet to the non-submission of the below said documents. 1) The performance of the quoted model in local environment. More than one year private/Institution sales experience. 2) Audit Balance Sheet for the last Year 2018. We are submitting here the above said documents as mentioned in Technical Evaluation report for the procurement of Blood Glucose Test Strips FY 2018-19.	No representative from **M/s M&P Muller & Phipps Pakistan Pvt., Ltd** attended the meeting and did not defend the observations in technical evaluation report. The committee after due deliberation and discussion, keeping in view the required parameters in detail decided that it was a request rather than grievance and request of the firm is rejected because no one attended the meeting on behalf of M/s Muller & Phipps Pakistan Pvt., Ltd. So request submitted by the firm is hereby rejected and upheld the decision of technical evaluation committee and the status of the firm is still declared as **"Non-Responsive".**

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5	**M/s Roche Pakistan Limited** 37-C, Block P.E.C.H.S. Karachi.	**Blood Glucose Test Strips/ Non Responsive**	• Audit balance sheet of 2017-18 not attached.	The firm stated that: **1) <u>Grievance against disqualification of our Technical Bid – Financial Status of the firm.</u>** a. This is to apprise you that the financial year of Roche Pakistan Limited is the same as the calendar year i.e. twelve months period from January to December. Also for tax purposes we follow special tax year as allowed under section 74(2) of the Income Tax Ordinance, 2001. For your ready reference, please find enclosed herewith as **Annexure A** the approval letter from the Commissioner of Income Tax Companies Zone-IV, Karachi dated December 12, 1997 allowing M/s Roche Pakistan Limited to adopt calendar year as tax year. b. In addition, we have provided the Audit Balance Sheet for the last 2 years i.e. Financial Year 2016 (i.e. January, 2016 to December, 2016) & Financial Year 2017 (i.e. January 2017 to December 2017). The Audited Financial Statements for the year ended December 31, 2018 were under preparation at the time when we submitted documents with tender and the same have been authorized by the Board of Director on April 05, 2019 and will further be approved by Annual General Meeting to be held today i.e. April 29, 2019 (copies of Balance Sheet, Profit and loss Statement and Auditor's Report is now attached as **Annexure B** for your easy references. c. We have enclosed the above mentioned documents and hereby requested you to please reconsider our Audited Financial Report against the parameter of	Mr. Muzammil from **M/s Roche Pakistan Limited** 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. He briefed that the financial year of Roche Pakistan Limited is the same as the calendar year i.e. twelve months period from January to December and follow special tax year as allowed under section 74(2) of the Income Tax Ordinance, 2001.He presented approval letter from the Commissioner of Income Tax Companies Zone-IV, Karachi dated December 12, 1997 allowing M/s Roche Pakistan Limited to adopt calendar year as tax year. He requested we have provided the Audit Balance Sheet for the last 2 years i.e. Financial Year 2016 (i.e. January, 2016 to December, 2016) & Financial Year 2017 (i.e. January 2017 to December 2017 in the bid. However Balance Sheet, Profit and loss Statement and Auditor's Report after approval from Board & AGM. So the committee after due deliberation and discussion decided that grievance submitted by the firm is hereby accepted and the status of the firm is declared as "**Responsive".**

6	**M/s Roche Pakistan Limited** 37-C, Block P.E.C.H.S. Karachi.	**Blood Glucose Test Strips**	The firm submitted a grievance against the other evaluated firm i.e. **M/s Popular International.**	Financial Status of the firm and may kindly be re-evaluate accordingly. **2) <u>Grievance against Qualification of other firm</u>** a. As per our information the country of manufacturer of the qualified bidder is not as per required specification. We request you to kindly verify their claim for the country of manufacturer being USA, Europe or Japan from the original import & shipping documents and documents confirming country where goods are manufactured. b. As per the leaflet insert of the qualified product, the company (copy of leaflet attached) has narrated limitations of their offered product. Few of them are as under; i) If you are very ill, do not run the glucose test with the ON Call Extra Blood Glucose Monitoring System. ii) Not for neonatal testing iii) Not recommended for persons undergoing Oxygen therapy. c. Keeping in view the above, we submit that; The quoted product does not seem to qualify the requirement for the country of manufacturer as required in the advertised specification. The use of the product is limited in certain conditions which are most like to be frequently faced in any healthcare facility. **<u>3) We therefore requested you to kindly:</u>** a. Re-evaluate our technical bid while considering the attached audited balance sheets of 2018. b. The bid of the qualifying company may kindly be re-evaluated on the basis of above said limitations of its use.	Mr. Muzammil from **M/s Roche Pakistan Limited** presented their grievance against the qualification of **M/s Popular International** as it is responsive in technical evaluation report. Mr.Asif Zaidi from **M/s Popular International** attended the meeting. Mr. Muzammil requested to verify country of manufacture and country of origin as per advertised specifications. He further pointed out that in leaflet of ON Call Extra Blood Glucose Monitoring brand has some limitations of their offered product that are not for neonatal testing and not recommended for persons undergoing Oxygen therapy. He requested that use of the product is limited in certain conditions which are most like to be frequently faced in any healthcare facility and re-evaluate on the basis of above said limitations of its use. Mr. Asif Zaidi from M/s Popular International itself admitted that in our products 's leaflet it is mentioned that not for neonatal testing and not recommended for persons undergoing Oxygen therapy. The committee after due deliberation and discussion, keeping in view the required parameters in detail decided that country of origin and manufacturer is as per advertised specifications. So, the committee after due deliberation and discussion decided that grievance submitted by the firm M/s Roche Pakistan Limited against M/s Popular International is hereby rejected and upheld the decision of technical evaluation committee and the status of the firm M/s Popular International is still declared as "**Responsive".**

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7	**M/s ZEDCO** 14-A, Faiz Road, Old Muslim Town, Lahore	**Hepatitis B Kits/ Non Responsive**	The firm submitted a grievance against the other evaluated firm i.e. **M/s Moon Enterprises.** **<u>Objection Points</u>** **1. Product Specification** Product must be comply with at least one of the quality criteria's, US FDA or WHO prequalified / approved or JpMHLW approved / certified or Medical Device License of Health Canada or TGA Full Quality Assurance Certificate (Australia) or EC Full quality Assurance Certificate (MDD). **2. Product Specification** Country of Manufacturer: USA, Europe, Japan. **3. Whole Blood** ImuMed HBsAG is not recommended for finger prick test. **4. Result Interpretation** It will give false result after 20 minutes.	The firm stated that: M/s Moon Enterprises does not have CE Certificate with full quality Assurance. Which is not fulfilling the specifications criteria and should be knock out as per bidding documents. In Technical Evaluation Report is clearly mentioned that the Imu Med HBV Rapid Test is ***<u>manufactured by: Zhejiang Orient Gene Biotech Co Ltd. China</u>*****.** Technical Committee itself declared that the Imu Med HBV is manufactured by China. However country of manufacturer is meaning in import terms that where is product originate or produce. As per IMuMed kit insert it is not recommended for finger prick whole blood test with this test you need **syringe** for **vienpunctutre** & **EDTA Tube.** It will increase your cost. As per your need ease of result regarding time but ImMed HBsAG give false result after 20 minutes. This is submitted for your information and necessary action.	Mr. Imran Usmani from **M/s ZEDCO** attended the meeting and presented their grievance against the qualification of M/s Moon Enterprises as it is responsive in technical evaluation report. Mr.Zaheer Babar from **M/s Moon Enterprises** attended the meeting. The committee heard the view point of the representatives of the both firms which was examined in the light of Technical Evaluation Report. All the observations have already been addressed in Grievance submitted by M/s A.S Enterprises against the qualification of M/s Moon Enterprises. So the committee after due deliberation and discussion decided that grievance submitted by the firm M/s Zedco against M/s Moon Enterprises is hereby accepted and the status of the firm M/s Moon Enterprises is changed from Responsive to **"Non-Responsive".**

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8	**M/s ZEDCO** 14-A, Faiz Road, Old Muslim Town, Lahore	**Hepatitis B Kits/ Non Responsive**	Product does not comply with advertised specifications. This is with reference to subject tender; we are hereby please to submit our clarification on technical evaluation report against the Non-responsive for Hepatitis B of our bid. Alere HBsAg Test without Buffer and quoted item is strip instead of Device	The firm stated that: 1. We M/s Zedco attached the technical compliance sheet/Checklist in our technical bid with **Annexure B**. this is clearly endorsed that we provide the HBsAg Test along with Chase Buffer/Reagent to Mr. Adeel Gillani (copy attached). 2. Refer to the kit insert of Alere Determine HBsAg it is clearly mentioned that this product is in vitro Medical Device. (Copy attached). **3. For Reference:** On same specifications our quoted item already used in DG Health Punjab, Primary & Secondary Healthcare Department (Hepatitis Control Program) and Punjab AIDS Control Program. So you are requested to be please considering this matter in the light of above clarification and consider our bid as responsive.	Mr. Imran Usmani from **M/s ZEDCO** attended the meeting and presented their grievance. The committee heard the view point of the representative of the firm which was examined in the light of Technical Evaluation Report. He itself admitted that he cannot submit buffer sample along with bid and provided to procurement cell of IRMNCH after the due date of opening of bid. It is a request rather than grievance and requested to re-evaluate the bid. The committee after due deliberation and discussion decided that request of the firm is rejected because quoted brand does not comply with advertised specifications as pipette is required for blood sampling (as per literature of the product) to perform the test that may not be possible in the field and submitted sample along with bid was without buffer that cannot be changed/replaced after the closing date and time of the bid. So, request submitted by the firm is hereby rejected and upheld the decision of technical evaluation committee and the status of the firm is still declared as **"Non-Responsive".**

Meeting ended with the vote of thanks by the chair.