

MINUTES OF THE MEETING OF THE GRIEVANCE REDRESSAL COMMITTEE HELD ON 31.12.2018 AT 1200hrs TO REDRESS THE GRIEVANCES OF THE BIDDERS, AS PER RULE 67 OF PUNJAB PROCUREMENT RULES, 2014 (AMENDED), FOR PREQUALIFICATION OF CONTRACEPTIVE FIRMS (NATIONAL/INTERNATIONAL MANUFACTURERS & THEIR SOLE AGENTS) FOR FY 2018-19.

A meeting of the Grievance Redressal Committee was held on 31.12.2018 at 1200hrs 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 prequalification of Contraceptive Firms 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 Director HQs, O/o the Director General Health Services, Government of the Punjab, Primary & Secondary Healthcare Department	Member

3. Following members of the prequalification committee presented the cases on behalf of the Prequalification Committee:

1	The Additional Director, IRMNCH & Nutrition Program, Government of the Punjab, Primary & Secondary Healthcare Department
2	The Prequalification Specialist-I, Primary & Secondary Healthcare Department
3	The Representative of DGHS, O/o the DGHS Punjab

4. Background of the case is that IRMNCH & Nutrition Program, Punjab invited applications for prequalification of Contraceptive Firms (National/International Manufacturers & Their Sole Agents) through advertisement in national press on 03-11-2018 & websites of Department, Primary & Secondary Healthcare Department and Punjab Procurement Regularity Authority. The process was initiated for the recommended list of Contraceptives required for IRMNCH & Nutrition Program, Punjab. In response thereto, 09 applications were received and opened on 20.11.2018.

5. The meeting of the prequalification committee was held on 12.12.2018 under the chairmanship of The Additional Director (Trainings), IRMNCH & Nutrition Program to examine the evaluation reports. The committee submitted its report regarding evaluation of the applications for prequalification of the applicant firms on 13-12-2018. The committee after detailed scrutiny/examination of the reports, discussion and due deliberation decided the status of the prequalification of Contraceptive firms.

6. Out of total 06 applicant firms, 04 firms were prequalified in full, 01 firm was prequalified in partial & 01 firm was not prequalified. The finalized prequalification evaluation reports were uploaded on the official websites of the IRMNCH & Nutrition Program Punjab, Primary & Secondary Healthcare Department Punjab and Procurement Regulatory Authority on 13.12.2018. Against the Prequalification Reports, Grievances were received from aggrieved applicants up to 22.12.2018 which were placed before the Grievance Redressal Committee for decision.

7. The case wise proceedings of the meeting are as follows:

Sr. No.	Name and Address of the Firm	Status	Reason of Rejection	Grievance of the Applicant Firm	Decision of the Committee
1	M/s M&M Pharma 1 st Floor, Javed Plaza, Opp Gate # 2, Pepsi Factory, Gurumangat Road, Gulberg II, Lahore	Not Prequalified	The firm has not provided the valid GMP certificate for IUCD.	<p>M/s M&M Pharma (Sole Agent of M/s HLL Life Care Limited)</p> <p>The said firm submitted a request stated that HLL Life Care Limited is one of the largest WHO Prequalified manufacturer of IUCDs. Further, the firm submitted a valid GMP certificate issued by Government of Kerala, Drugs Control Department valid up to 04-12-2019.</p>	<p>No representative from M/s M&M Pharma attended the meeting. Grievance application of the firm was examined in the light of prequalification evaluation report. The committee after due deliberation and discussion, keeping in view the required parameters in detail and found that it is a request rather than grievance where GMP certificate issued by Govt. of Kerala, India was expired on 25-04-2018 (attached in prequalification application). Further, the firm has provided the fresh GMP certificate (attached with grievance application) having validity till the date of 04-12-2019. So, the grievance of the firm regarding GMP Certificate is hereby accepted and the status of the firm is declared as “Prequalified”.</p>

2	<p>M/s MH Pharma 6-Church Road, 2nd Floor, Old Anarkali, Lahore</p>	Prequalified	<p>The firm submitted a grievance against M/s DKT which is prequalified for IUCD.</p>	<p>The firm stated with reference to prequalification of Contraceptives 2018-19 by the IRMNCH & Nutrition Program of P&SHD, Government of the Punjab. According to the Evaluation report made public by the department that “DKT” was the pre-qualified for the item IUCD. In the light of this pre-qualification decision Following are the facts worth mentioning.</p> <p>i) M/s DKT Pakistan Limited (Sole agent of M/s Pregna International Limited) is a Non-profit organization. As per section 42 of the companies ordinance 1984, “a Non profitable/charitable association can only be formed for promoting commerce, art /science/ religion/sports/social services/ charity or any other useful object”. Such organization submit their income tax returns as non-profit organization. Hence such organization can indulge only in promotional/charitable activities and not in commercial activity or competitive bidding.</p> <p>ii) The copy of M/s DKT Pakistan’s Advertisement (invitation for Bids) in Daily News Paper “Nawa-i-Waqt” Lahore dated 01/12/2018 which is in clearly mentioned that DKT Pakistan has received financing from KfW Development Bank. Therefore, DKT Pakistan can’t participate in any competitive bidding & can only donate the commodities.</p>	<p>Mr. Munir Iqbal from M/s MH Pharma attended the meeting and presented their grievance against M/s DKT Pakistan Limited which is prequalified for IUCD to the grievance redressal committee and also pointed out that M/s DKT did not execute the contract for supply of Male Latex Condoms to IRMNCH & Nutrition Program during FY 2017-18. The representative of M/s DKT Pakistan Limited replied the objections raised by M/s MH Pharma that are stated as:</p> <ol style="list-style-type: none"> 1. DKT Pakistan is Private Limited Company-registered with SECP as per section 32 of the Companies Ordinance, 1984 and that the company is limited by share; holding the identification number: 0080655. DKT submits applicable taxes accordingly. 2. DKT Pakistan is procuring the commodities for the KfW separately from the pre-qualified vendors internationally identified by KfW, the same will be sold in the market with defined geographical areas. 3. M/s DKT Pakistan Private Limited is sole agent of M/s Pregna International India for the tender products and evidence can be verified from the following representative through e-mail:
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8. Meeting ended with the vote of thanks by the chair.