

No. 44293 /LGH
To

dated Lahore the 20-6 2017

The Secretary,
Health Department,
Govt. of the Punjab, Lahore

Attention: Mr. Abdul Wahab
(Focal Person) PPRA Website,
Health Department,
Govt. of the Punjab, Lahore.

Subject:

MINUTES OF GRIEVANCE COMMITTEE MEETING.

Dated 06-06-17

With reference to the subject cited above.

It is therefore kindly requested to issue instruction to the focal person of PPRA Website to upload the minutes of Grievance Committee at official PPRA Website for the Medical equipments and others items through ADP schemes for this hospital (Minutes attached).

[Signature]
Medical Superintendent
Lahore General Hospital
Lahore

No. _____ /LGH

dated Lahore the _____ 2017

A copy is forwarded for information to the:-

1. Principal, PGMI/ LGH, Lahore.
2. AMS (Equip), LGH, Lahore.

[Signature]
Medical Superintendent
Lahore General Hospital
Lahore

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Minutes of Grievance Committee

1. Grievance committee meeting was held on 29-06-2017, under the chairmanship of Prof. Dr. Muhammad Moyni, Prof. of Ophthalmology to resolve the grievances of Neuro Navigation system, for the purchase through ADP Scheme PINS Phase-III.

2. Following committee members attended the meeting:

- Prof. Dr. Farah Shafi, Prof. of Medicine
- Prof. Dr. Muhammad Anwar Chaudry, Prof. of Neurosurgery
- Prof. Dr. Farhat Naz, Prof. of Gynaec & Obs.
- Dr. Shabir Hayat Gondal, Prof. of Surgery
- Dr. Yawar Sajjad, Assistant Prof. Plastic Surgery

3. The following items were discussed:

Sr #	Name of Equipment	Name of Firm/ Make & Model	Remarks of the Grievance Committee	Decision of Committee
1	Neuro Navigation System	M/S Oriental Sales Corporation Scopus Neuronavigation system, Scopus GmbH, Germany	<p>In this regard, the committee was constituted and meetings were held on 21-04-2017 and 25-04-2017 and resolution of the offer in the presence of the participating firms i.e. M/S Oriental Sales Corporation, M/S Medi Urge and Ontech Corporation. After detailed discussion and going through the offers, the committee found that M/S Oriental Sales and M/S Medi Urge did not fulfill the requirement of bidding documents, hence were declared Non Responsive. Whereas, M/S Ontech Corporation fulfilled the requirement of bidding documents, hence were declared Responsive.</p> <p>Now the structure had received letter vide dnoy No. 14329 dated 04-05-2017, which stated that Lahore High Court has issued stay order against the procurement of Neuro-navigation, therefore procurement process must be suspended until the matter is resolved and now the High Court suspended the stay order and issued direction to Principal to constitute committee consisting of odd members to re-evaluate the offers in the presence of the participating firms and the committee will submit its detailed report to the grievance committee. In this regard the Principal consulted the committee as follows:</p> <p>Dr. Majnun ul Husein, Prof. of ENT Chairman Prof. Dr. Shahzad Shams, Prof. of Neurosurgery Member Dr. Rakhshanda Ambreen, AMS (Equipment) Member</p> <p>The committee re-evaluated the offers in the presence of the participated firms i.e. M/S Oriental Sales Corporation, M/S Medi Urge and Ontech Corporation. After detailed discussion and going through the offers, the committee found that M/S Oriental Sales and M/S Medi Urge not fulfill the requirement of bidding documents, hence are declared Non Responsive. Whereas, M/S Ontech Corporation fulfills the requirement of bidding documents, hence are declared Responsive.</p> <p>After detailed discussion and going through the case, the Grievance Committee decided that M/S Ontech Corporation is Responsive and both M/S Oriental Sales Corporation and M/S Medi Urge are Non Responsive.</p>	<p>M/S Ontech Corporation is Responsive and both M/S Oriental Sales Corporation and M/S Medi Urge are Non Responsive.</p>

The committee forwarded the case to purchase committee for further process.

Prof. Dr. Muhammad Moyni, Prof. of Ophthalmology

Prof. Dr. Farah Shafi, Prof. of Medicine

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 Farah Shafi
 Muhammad Moyni
 [Initials]

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 [Initials]

Sr #	Name of Equipment	Name of Firm / Make & Model	Remarks of the Grievance Committee	Decision of Committee
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Prof. Dr. Muhammad Anwar Chaudry, Prof. of Neurosurgery

Prof. Dr. Farhat Naz, Prof. of Gynae & Obs.

Dr. Sikandar Hayat Gordan, Prof. of Surgery

Dr. Yasser Sajjad, Assistant Prof. Plastic Surgery

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MINUTES OF MEETING

With reference to High Court order of 24-05-2017 W.P.No.8648/2017, the committee meeting was held on 06-06-2017 under the chairmanship of Prof. Dr. Najam ul Hussain Prof. of ENT Department, PGMI/Lahore General Hospital, Lahore for the purchase of Neuro Navigation System through ADP scheme PINS Phase III

Following members attended the meeting:

- Prof. Dr. Shahzad Shams, Prof. of Neurosurgery Member
- Dr. Rukshanda Ambreen, AMS (Equipment) Member

1. Incharge Purchase Cell informed the committee that the Government of the Punjab Health Department has been allocated funds amounting to Rs. 640.00 M for the purchase of medical equipments and other items including Neuro Navigation System through ADP Scheme PINS Phase-III.
2. Tender was Advertisement in press and also uploaded on the PPRA website.
3. Tender was opened on 21-12-2016
4. Following firms participated in the tender:
 - M/S Oriental Sales Corporation
 - M/S Medi Urge
 - M/S Ontech Corporation
5. Technical Advisory Committee meeting was held under the Chairmanship of Prof. Dr. Agha Shabbir, Prof. of Paeds on 10-02-2017. Technical Advisory Committee approved the offers of M/S Medi Urge and M/S Ontech Corporation, whereas, the offer of M/S Oriental Sales Corporation was declared non responsive on the following grounds (Minutes of meeting attached):
6. Technical deviation:
 - No backup support/ Technical support 24/7 hours.
 - Window based system instead of Bug Free Operating system.
 - Brochure/ Catalogue does not support the specifications and does not given detail of each product and no catalogue provided with numbers.

7. Knockout Clauses:

- Certificate from the manufacturer that the after sales services / backup services shall be provided jointly with the local sole agent and in case of change of local agent, they will provide the after sales services themselves or through newly appointed agent for the period mentioned from the date of commissioning (Not attached).
- Satisfactory Past performance (No installation in Pakistan in this region).
- Sufficient technical and engineering capabilities of the firm not attached.
- Warranty 04 years instead of 05 years.
- The medical equipment offered from foreign countries of USA, Europe and Japan shall be eligible to participate and must bear FDA510k, CE(MDD) or MHLW (Ministry of Health, Labor and Welfare) standard, respectively and those products should be marketed world widely; in case the origin is not mentioned in the specifications."

8. M/S Oriental Sales Corporation submitted grievance on 02-03-2017 and grievance committee meeting was held on 09-03-2017. The grievance committee remarked that "the Principal, AMC/ PGMI/ Lahore General Hospital, Lahore is requested to constitute a committee consisting of odd members to re evaluate the offers in the presence of the participating firms in said tender and the committee will submit its detailed report to the grievance committee." (Minutes of meeting are attached).

9. In this regard committee was constituted by the Principal, PGMI/ LGH to re evaluate the offers of all firms.

10. The committee meeting was held 21-04-2017 under the chairmanship of Prof. Dr. Najam ul Hussnain, Prof. of ENT Department, PGMI/ Lahore General Hospital, Lahore. The committee called the representatives of the firms and informed that as per instruction of grievance committee, it is going to re evaluate the technical offers in the presence of the participating bidders with special attention to the case under grievance committee.

11. The committee called the representative of M/S Oriental Sales Corporation (the case under grievance committee) and informed that facts and findings have been noted by the committee. These points were presented verbally as well as given in written form (Minutes of meeting attached).



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12. The representative of the firm requested the committee to provide reservations for detailed reply. The committee handed over reservations to the representative of the firm and asked to submit their reply up to 24-04-2017 till 2.30 pm.
13. The committee called representative of M/S Medi Urge and informed them that committee has re evaluated their bid, and found it met tender specifications and was technically approved, but that they had attached only one CE certificate with their bid. The representative of the firm confirmed that they had only one quality assurance certificate and other certifications are under process. Thus the committee declared the offer of M/S Medi Urge Non-Responsive.
14. The committee called the representative of M/S Ontech Corporation and informed them that committee has re evaluated their bid, and found it met tender specifications. Thus the committee declared the offer of M/S Ontech Corporation Responsive.
15. The committee decided that the next meeting will be held on 25-04-2017.
16. The committee meeting was held on 25-04-2017 under the chairmanship of Prof. Dr. Najam Ul Hussnain, Prof. of ENT, PGMI/ Lahore General Hospital, Lahore regarding the purchase of Neuro-navigation System through ADP scheme PINS Phase-III. In the light of the facts and figures, the committee recommended M/S Ontech Corporation for further process, whereas the offer of M/S Medi Urge and M/S Oriental Sales Corporation declared as Non-Responsive (Minutes of meeting attached).
17. Upon receipt of letter from Health Department on 04-05-17 we were informed of stay order issued by High Court and procurement process was stopped.
18. Vide court order of 24-05-16 High Court advised formation of new committee which is to give recommendation about this case to grievance committee.
19. Representatives of M/S Oriental Sales Corporation, M/S Medi Urge and M/S Ontech Corporation were called for meeting.

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20. The committee called and informed M/S Ontech that their bid had been reevaluated and found to fulfill all specifications, and had been declared Responsive.
21. The committee called and informed M/S Medi Urge that their bid had been reevaluated and found to fulfill all technical specifications, but they had only attached one Quality certificate, and as the requirement was for two Quality certificates which had not been met, the firm had been declared as Non-Responsive.
22. The committee called and informed M/S Oriental Sales Corporation that their bid had been reevaluated.
- They could not satisfy tender requirements as they had not attached technical brochure with the bid and had instead attached sales brochure. Furthermore no catalog was attached with bid. The committee found that the said firm's submitted technical bid along with attached brochures did not verify the technical specifications of the product. According to Bidding documents clause No. 24.1 (v):

The Procuring Agency shall evaluate the technical proposal, without reference to the price and reject any proposal which do not conform to the specified requirements;

And clause No. 29.2 - 1

The bids conforming to the specifications and pre-requisite conditions indicated in specifications and evaluation criteria will be considered for further technical evaluation.

- The firm had violated PPRA clause 38 (2) and Bidding document clause 24 by quoting 2% bid security without defacing it, which indicated total amount in financial bid, and also quoted prices of few items in technical bid. The participating firm cannot quote the rate of the unit or any accessories on their technical bid. In this circumstance the typo error is not acceptable. According to the tender notice uploaded on PPRA website and published in daily newspaper that 2% bid security must be attached with financial bid and **defaced** copy must be attached with technical bid. *As per PPRA clause 38 (2) (a): Single stage two envelopes bidding procedure shall be used for procurement of such goods where the bids are to be evaluated on technical and financial grounds and the procedure for single stage two envelopes shall be:*
 - (i) *the bid shall be a single package consisting of two separate envelopes, containing separately the financial and the technical proposals;*
 - (ii) *the envelopes shall be marked as "Financial Proposal" and "Technical Proposal";*



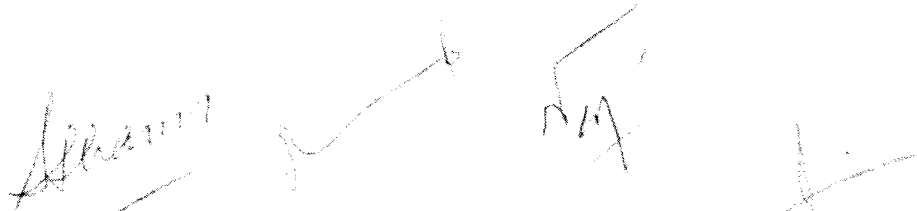
(iii) in the first instance, the "Technical Proposal" shall be opened and the envelope marked as "Financial Proposal" shall be retained unopened in the custody of the procuring agency;

(iv) the procuring agency shall evaluate the technical proposal in the manner prescribed in advance, without reference to the price and shall reject any proposal which does not conform to the specified requirements.

(same as in Bidding documents clause 2.1)

- The committee informed the representative of the firm that vendor's could not satisfy the "Satisfactory Past performance of the bidder for quoted product" as the firm has not sold any unit of the quoted product, and installation in the countries other than Pakistan was not included in the criteria. The firm's past experience is with a different manufacturer and not this product. As per Bidding documents clause No. 29.2 – 8: **Satisfactory Past performance of the bidder for *quoted product***. M/S Oriental Sales had previously been selling the product of Medtronic. Now a new product unknown in market has been offered by M/S Oriental Sales Corporation which has no install base/sale in Pakistan therefore it did not satisfy this part of bidding document. Furthermore the bidding documents were circulated by the Health Department, Govt of the Punjab dated 29-10-2013 and the firm did not submit any presentation against the said bidding documents and bidding documents issued by Lahore General Hospital, Lahore, whereas the said firm reserves the right to submit the presentation according to clause No. 6.1 of bidding documents for clarification in the bidding documents and specifications within the stipulated period. The firm has accepted and submitted with technical bid with stamp and sign. Therefore the firm is bound to fulfill all terms & conditions mentioned in the bidding documents.
- No list of workshop tools, analysis/testing equipment, and spare parts/inventory was provided as per bidding documents. Attested copies of degrees and certificates of training courses in maintenance of quoted product are missing and have not been attached. Because heavy cost is involved in the project and there should be trained engineers from the manufacturer of the quoted product and the bidders must attach documentary proof with the technical bid as it is a requirement of the bidding documents, which was missing.

These are required as per Bidding documents clause 29.2 – 9, 10, 15



9. *Sufficient Technical and Engineering capabilities of the firm; where after sales services are necessary (attach a list of technical and engineering staff, special testing equipment/calibration/ repair tools for equipment).*

10. *The firm must have all kind of testing and calibration equipment which is required to maintain the products which they are dealing. The list of all required testing equipment will be provided along with the bid including its model number and serial numbers. The available testing equipment must be calibrated. The offers without non-availability of required testing equipment will be straightaway rejected.*

15. *Infrastructure for execution of after sales services mentioned by the bidder shall be evaluated for its suitability as per provisions given in specifications and other requirements detailed in the technical specifications of the bidding documents.*

As per Bidding documents clause 29.2 - 9

Sufficient Technical and Engineering capabilities of the firm; where after sales services are necessary (attach a list of technical and engineering staff, special testing equipment/calibration/ repair tools for equipment).

- The committee found that when the tender was opened the bidder had only attached one quality assurance certificate, whereas for this tender two documents were required. Attaching a new certificate after bid submission would be a major change in substance of bid.

As per Bidding documents clause 29.2 - 12

The medical equipment offered from foreign countries of USA, Europe and Japan shall be eligible to participate and must bear FDA510k, CE(MDD) or MHLW (Ministry of Health, Labor and Welfare) standard, respectively and those products should be marketed world widely; in case the origin is not mentioned in the specifications. (The product manufactured and marketed for certain region shall be knocked down). In case of high-tech equipment, any of the above mentioned two certificates are mandatory. The country of manufacturer other than USA, Europe and Japan will be acceptable only if it is specifically mentioned in the advertised tender/Specifications.

Notes: As per PPRA Clause 3.5. Clarification of bids: - (1) No bidder shall be allowed to alter or

modify his bid after the closing time for the submission of the bids.

(2) The procuring agency may, if necessary after the opening of the bids, seek and accept such clarifications of the bid as do not change the substance of the bid.



(3) Any request for clarification in the bid, made by the procuring agency and its response, shall invariably be in writing.

- The committee found that according to the bidding documents, the bidder is bound to declare the make, model, country of origin of all accessories to be provided with the equipment at the time of submission of technical bid. The said bidder did not clarify each item's make, model, country of origin due to lack of information in attached documents.

As per Bidding documents clause 29.2 - 10

The firms shall also declare the make, model, country of origin of all accessories to be provided with the equipment.

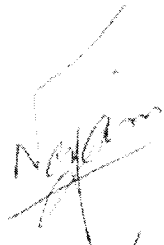
- The committee found that heavy cost is involved and according to the bidding documents clause no. 29.2 - 11, the bidders should have exclusive authorization from manufacturer clearly mentioning assurance of full guarantee and warranty obligations. Whereas, the said firm has attached authorization certificate from Scopis, Germany only and the Scopis has not mentioned in any certificate about assurance of full guarantee and warranty obligations of the 3rd party manufactured items/ software.

As per Bidding documents clause 29.2 - 11

Submission of valid legally enforceable exclusive authorization letter of manufacturer assuring full guarantee and warranty obligations as per enclosed manufacturer authorized form with the bid document.

23. Thus the committee declared the offer of M/S Oriental Sales Corporation Non-Responsive.

Prof. Dr. Najam ul Hussnain Prof. of ENT Department



Prof. Dr. Shahzad Shams, Prof. of Neurosurgery



Dr. Rukhshanda Ambreen, AMS (Equipment)

