



No.Dir(ENF-II)SPPRA/HD-31(N)/2014-15/ 5072
GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

Karachi, dated the 24/11 November, 2014

The Additional Secretary (PM&I),
Health Department,
Government of Sindh,
Karachi.

**Subject: NIT REF NO: INF-KRY NO.2784/14 DATED 04.09.2014
(SUPPLY OF X- RAY FILMS, CHEMICALS, DRUGS,
MEDICINES, AND OTHER ITEMS).**

I am directed to refer to the bid evaluation reports and comparative statements of subject NIT received vide your letter NO. SO(PM&I)2-1/2014-15(Main)/CPC dated 14th November, 2014 and to inform that the same have been hoisted on SPPRA's website without ID. However, it is observed that procuring agency has not furnished following information/ documents:

- i. Documentary evidence for items, where only single bidder has quoted rates or technically qualified for financial opening, in terms of Rule-48 of SPP Rules, 2010 (Amended 2013), which provides that *'even when only one bid is submitted, the bidding process may be considered valid, if the bid was advertised in accordance with rules, and prices are comparable to the prices or rates of the last awarded contract or the market rates.'*
- ii. Minutes of the opening of the tenders (technical & financial) in terms of Rule-41(9) of SPP Rules, 2010 (Amended 2013), which provides that *'the procurement committee shall issue the minutes of the opening of the tenders and shall also mention over writing or cutting, if any.'*

2. In addition to the above, this Authority has found following observations (classified tender-wise as under):

2.1. X-Ray Films/ Chemicals etc:

- i. Procuring agency apprised this Authority vide its letter NO.SO(PM&I)2-1/2014-15(Main)/CPC dated 26.09.2014 that this department (procuring agency) has set certain level of scoring according to which bids will be evaluated, **those who will attain 70% of more points** will be deemed as qualified. In this regard, a separate form having score to each category was also provided to

this Authority as well as to interested bidders. Contrary to that, technical evaluation undertaken by the procurement committee (technical) found inconsistent to the technical evaluation criteria formulated/ issued to bidders, which is non-compliance of Rules-21(A), 42(1), and 46(2)(e) of SPP Rules, 2010 (Amended 2013), reproduced as under:

- ☉ **Rule-21(A):** The procuring agencies shall formulate an appropriate evaluation criterion, listing all the relevant information against which a bid is to be evaluated and criteria of such evaluation shall form an integral part of the bidding documents. The failure to provide a clear and unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.
 - ☉ **Rule-42(1):** All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the bidding documents.
 - ☉ **Rule-46(2)(e):** Procuring agency shall evaluate the technical proposal in a manner prescribed in advance, without reference to the price and reject any proposal which does not conform to the specified requirements.
- ii. ITB 1.15 of bidding documents explicitly illustrate the bidders to submit tender rate inclusive with all federal, provincial and other applicable taxes. Comparative statement of tender 2.1 expresses that *rates offered by M/s Agfa & M/s Fuji Films are without G.S.T.* In this case, if the rate of GST prevails at standard rate of 17%, and difference between bidders (with and without GST) is below 17%, then it may not be necessary that the lowest bid (without GST) will be lowest evaluated bid. For instance, M/s Mediequips has offered rate for item No.1 laser films at Rs. 196 per film and M/s Fuji film has offered rate for the same at Rs. 185 per film (without GST according to comparative statement); in this case, price difference between the bidders is only 5.94%. Procuring agency should adopt a uniform approach towards developing such reports in order to bring transparency and mitigate any type of ambiguity.

2.2. Surgical Sundries/ Disposable Items/ Suture Materials:

- i. Inconsistency between evaluation criteria formulated and appraised [as at para-2.1(i) exhibited at page#1]

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- ii. Technical score is not assigned to bidders at Sr. No. 1 to 42 (except bidder # 2), while the procurement committee has notified these firms as technically qualified.
- iii. Financial proposals of firms/ products (**expressed in Table 1**), marked as dis-qualified on the basis of clinical experience of the consultants of the relevant specialty, have been opened, which is non-compliance of Rules-46(2)(g) & (h) of SPP Rules, 2010 (Amended 2013), reproduced as under:
- **Rule-46(2)(g):** Financial proposals of technically qualified bids shall be opened publicly at a time, date and venue announced and communicated to the bidders in advance.
 - **Rule-46(2)(h):** Financial proposals of of bids found technically non-response shall be returned un-opened to the respective bidders.

Table 1 (Surgical Sundries/ Disposable Items/ Suture Materials etc):

S.NO.	NAME OF QUOTING FIRM	BRAND NAME	CLINICAL ASSESSMENT	Financial Bid Opened (Y/N)
SURGICAL ITEMS				
01.	BSN Medical	Paragon	Rejected	Yes
	Shamim & Co	Transpore	Accepted	No
SURGICAL/ DISPOSABLE ITEMS				
08.	National Agencies	Vacuttee	Accepted	No
13.	Saad Sales	Not given	Not clear	Yes
14.	National Agencies	Ansekk Style-85	Does not highlight participation of bidder in C.A	Yes
	Shamim & Co	Maxitex	-----do-----	Yes
35.	Lab Link	Nepro	-----do-----	Yes
44.	Oriental Sales Corp.	Not given	Not clear	Yes
45.	Saad Sales	Foley's	Not clear	Yes
49.	Saad Sales	Stomach	Not clear	Yes
50.	Saad Sales	Stomach	Not clear	Yes
53.	Saad Sales	Urine Bag	Not clear	Yes
59.	Universal Enterprises	Akacia	Not clear	No
60.	Universal Enterprises	Akacia/Pak Med	Not clear	Yes
61.	Hakimsons	Not given	Not clear	Yes
	Life Care	Morton	Not clear	Yes
76.	Hakimsons	Not given	Does not highlight	Yes

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			participation of bidder in C.A	
77.	Hakimsons	Not given	Does not highlight participation of bidder in C.A	Yes
98.	Oriental Sales Corp.	Not given	Not clear	Yes
99.	Oriental Sales Corp.	Not given	Not clear	Yes
116.	Oriental Sales Corp.	Not given	Not clear	Yes
117.	Oriental Sales Corp.	Not given	Not clear	Yes
118.	Oriental Sales Corp.	Not given	Not clear	Yes
SUTURE MATERIAL				
01.	Shamim & Co.	Black Braided	Not participated	Yes
19.	Sindh Medical Store	Demegut	Not clear	Yes
25.	Sindh Medical Store	Demegut	Accepted	No
27.	Sindh Medical Store	Demesorb	Accepted	No
29.	Sindh Medical Store	Demeget	Not participated	Yes
98.	Popular Inert.	Covidine	Not participated	Yes
99.	Popular Inert.	Gia 100 Relead	Not clear	Yes
DENTAL MATERIAL				
21.	Huda Traders	Not given	Not clear	Yes

2.3. Drugs/ Medicines etc:

- i. Bidders/ firms at Sr. No. 1, 3, 3A, 5, 8, 8B, 12, 16, 15, 15A, 16, 19, 20, 27/ 27 A to C, 30, 47, 48, 55 have attained marks less than required rate, that was 70%, despite that these firms/ bidders have been marked as **"technically qualified"**.
- ii. Obvious overwriting and arithmetic errors (addition) observed in evaluation forms of bidders at Sr. No.1, 2, 3, 3-A, 3-B, 4, 5, 6, 8, 10, 11, 13-A, 13-B, 13-C, 13-E, 20, 22, 24, 26/ 26-A, 27-A, 30, 32, 33/ 33-A, 34/ 34-A, 35, 37/ 37-A, 40/ 40-A & B, 41/ 41-A & B, 42, 45/ 45-A, 46/46-A, 54/54-A, 56/ 56-A, 57/57-A-B-C-D-E-F-G, 58/ 58 A-B-C, 61/61 A to C, 62/ 62 A-F, 63/63 A-H.
- iii. Bidders at Sr. No. 9/ 9A-B, 24, 33/ 33-A, 41/ 41-A, 45/ 45-A, 46/46-A, 54/ 54-A, 56/ 56-A, 61/ 61-A, 62/ 62-A, 63/63-A have been assigned marks exceeding 100% of allocated marks.
- iv. Financial proposals of firms/ products (**expressed in Table 2**), marked as technically dis-qualified on the basis of evaluation criteria or clinical experience of the consultants of the relevant specialty, have been opened, which is again non-compliance of Rules-46(2)(g) & (h) of SPP Rules, 2010 (Amended 2013)

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Table 2 (Drugs/ Medicines etc):

S.NO.	NAME OF QOUTING FIRM	TECHNICAL EVALUATION	CLINICAL ASSESSMENT RESULTS	Financial Bid Opened (Y/N)
DRUG				
01.	Abbas Enterprises	Disqualified	Accepted	Yes
22.	Bosch Pharma	Qualified	Does not highlight participation of bidder in C.A	Yes
23.	United Agencies Karachi	Disqualified	Accepted	Yes
32.	Abbas Enterprises	Disqualified	Accepted	Yes
43.	United Agencies Karachi	Disqualified	Accepted	Yes
73.	United Agencies Karachi	Disqualified	Accepted	Yes
76.	Grace Pharma	Qualified	Rejected	Yes
135.	Vikor Enterprises	Disqualified	Accepted	Yes
136.	Vikor Enterprises	Disqualified	Accepted	Yes
141.	Abbas Enterprises	Disqualified	Accepted	Yes
142.	Abbas Enterprises	Disqualified	Accepted	Yes
158.	Novamed Pharma	Disqualified	Accepted	Yes
184.	Searle	Qualified	Rejected	Yes
193.	Global Pharmaceuticals	Qualified	Accepted	No
194.	Global Pharmaceuticals	Qualified	Not clear	Yes
221.	United Agencies Karachi	Disqualified	Accepted	Yes
242.	United Agencies Karachi	Disqualified	Accepted	Yes
269.	United Agencies Karachi	Disqualified	Accepted	Yes
270.	M/s Novamed Pharma	Disqualified	Accepted	Yes
ANTI CANCER MEDICINES				
09.	Novartis Pharma	Qualified	Accepted	No
24.	AJM Pharma	Qualified	Accepted	No
51.	Sanofi Aventis	Qualified	Does not highlight participation of bidder in C.A	Yes
52.	Sanofi Aventis	Qualified	Does not	Yes

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			highlight participation of bidder in C.A	
53.	Sanofi Aventis	Qualified	Accepted	No
54.	Novartis Pharma	Qualified	Does not highlight participation of bidder in C.A	Yes
TABLET/ CAPSULES				
01.	United Agencies Karachi	Disqualified	Accepted	Yes
10.	Vikor Enterprises	Disqualified	Accepted	Yes
15.	Novamed Pharma	Disqualified	Accepted	Yes
17.	Vikor Enterprises	Disqualified	Accepted	Yes
18.	Vikor Enterprises	Disqualified	Accepted	Yes
21.	Sanofi Aventis	Qualified	Does not highlight participation of bidder in C.A	Yes
46.	Novamed Pharma	Disqualified	Accepted	Yes
47.	Novamed Pharma	Disqualified	Accepted	Yes
43.	Vikor Enterprises	Disqualified	Accepted	Yes
57.	Novamed Pharma	Disqualified	Accepted	Yes
65.	Shamim & Co	Qualified	Rejected	Yes
70.	Vikor Enterprises	Disqualified	Accepted	Yes
71.	Vikor Enterprises	Disqualified	Accepted	Yes
76.	Novamed Pharma	Disqualified	Accepted	Yes
78.	Vikor Enterprises	Disqualified	Accepted	Yes
81.	Vikor Enterprises	Disqualified	Accepted	Yes
82.	Novamed Pharma	Disqualified	Accepted	Yes
83.	Novamed Pharma	Disqualified	Accepted	Yes
86.	Novamed Pharma	Disqualified	Accepted	Yes
87.	Novamed Pharma	Disqualified	Accepted	Yes
101.	Allmed Lab	Qualified	Rejected	Yes
109.	Novamed Pharma	Disqualified	Accepted	Yes
123.	Novamed Pharma	Disqualified	Accepted	Yes
130.	Lavish Enterprises	Qualified	Accepted	No
137.	Novamed Pharma	Disqualified	Accepted	Yes
140.	Novamed Pharma	Disqualified	Accepted	Yes
144.	Novamed Pharma	Disqualified	Accepted	Yes
145.	Novamed Pharma	Disqualified	Accepted	Yes
151.	Novamed Pharma	Disqualified	Accepted	Yes
175.	Sanofi Aventis	Qualified	Does not highlight	Yes

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			participation of bidder in C.A	
176.	Sanofi Aventis	Qualified	Accepted	No
188.	Searle Co Ltd.	Qualified	Accepted	No
196.	Novamed Pharma	Disqualified	Accepted	Yes
197.	Novamed Pharma	Disqualified	Accepted	Yes
202.	Novamed Pharma	Disqualified	Accepted	Yes
241.	Novamed Pharma	Disqualified	Accepted	Yes
242.	Novamed Pharma	Disqualified	Accepted	Yes
251.	Novamed Pharma	Disqualified	Accepted	Yes
254.	Novamed Pharma	Disqualified	Accepted	Yes
255.	Novamed Pharma	Disqualified	Accepted	Yes
259.	United Agencies	Disqualified	Does not highlight participation of bidder in C.A	Yes
265.	Vikor Enterprises	Disqualified	Accepted	Yes
268.	Novamed Pharma	Disqualified	Accepted	Yes
295.	Novamed Pharma	Disqualified	Accepted	Yes
314.	Novamed Pharma	Disqualified	Accepted	Yes
315.	Novamed Pharma	Disqualified	Accepted	Yes
316.	Ferozsons Lab	Qualified	Rejected	Yes
325.	Searle Co Ltd	Qualified	Accepted	No
LIQUID/ SYRUPS				
04.	Vikor Enterprises	Disqualified	Accepted	Yes
16.	Bio Labs Islamabad	Qualified	Not clear	Yes
23.	Vikor Enterprises	Disqualified	Accepted	Yes
24.	Vikor Enterprises	Disqualified	Accepted	Yes
27.	Novamed Pharma	Disqualified	Accepted	Yes
29.	Vikor Enterprises	Disqualified	Accepted	Yes
33.	Novamed Pharma	Disqualified	Accepted	Yes
35.	Novamed Pharma	Disqualified	Accepted	Yes
127.	Faraz Associate	Disqualified	Accepted	Yes
128.	Faraz Associate	Disqualified	Accepted	Yes
OPHTHALMIC (EYE)/ ENT DROPS				
02.	United Agencies	Disqualified	Accepted	Yes
04.	United Agencies	Disqualified	Accepted	Yes
05.	United Agencies	Disqualified	Accepted	Yes
11.	United Agencies	Disqualified	Accepted	Yes
12.	United Agencies	Disqualified	Accepted	Yes
13.	United Agencies	Disqualified	Accepted	Yes
33.	United Agencies	Disqualified	Accepted	Yes
OINTMENT/ CREAMS				

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11.	United Agencies Karachi	Disqualified	Accepted	Yes
40.	Vikor Enterprises	Disqualified	Accepted	Yes

3. In view of the aforementioned position, procuring agency is advised to furnish clarification as well as documents, where required, with regards to the observations exhibited above.

4. Procuring agency is further advised to respond on this Authority's letters of even number dated of even number dated 01.10.2014 and 12.11.2014 (copies enclosed).

5. An early response, in this regard, will be appreciated and non-compliance of SPP Rules, 2010 (Amended 2013) may render the procurement "**mis-procurement**" under relevant provisions of SPP Rules, 2010.


(MUHAMMAD AYUB CHANDIO)
MANAGER (ENFORCEMENT-II)

A copy is forwarded for information to the Secretary to Government of Sindh, Health Department, Karachi.

03. Moreover, procuring agency is informed that if the estimated cost of the item to be procured is equivalent to \$10 million or above, then the procuring agency will require to proceed for procurement through International Competitive Bidding (ICB) under Rule-15(2)(a)(ii) of SPP Rules, 2010 (Amended 2013).

04. An early response, in this regard, will be appreciated and non-compliance of SPP Rules, 2010 (Amended 2013) may render the procurement "mis-procurement" under relevant provisions of SPP Rules, 2010.


(MUSHARRAT AHMED BHATTI)
MANAGER (ENFORCEMENT-II)

A copy is forwarded for information to the Secretary to Government of Sindh, Health Department, Karachi.



No.Dir(ENF-II)SPPRA/HD-31(N)/2014-15/ 4942
GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

Karachi, dated the 12th November, 2014

The Additional Secretary (PM&I),
Health Department,
Government of Sindh,
Karachi.

Subject: NIT REF NO: INF-KRY NO.2784/14 DATED 04.09.2014 (SUPPLY OF X-RAY FILMS, CHEMICALS, DRUGS, MEDICINES, AND OTHER ITEMS).


I am directed to refer to the minutes of the Complaint Redressal Committee meeting held in light of the orders of Honorable High Court of Sindh, Karachi and to observe that:

- i. Complaint Redressal Committee is comprised on even numbers, whereas Rule-31(1) of SPP Rules, 2010 (Amended 2013) stipulates that *'the procuring agency shall constitute a committee for complaint redressal comprising on odd number of persons, with appropriate powers and authorizations, to address the complaints of bidders that may occur during the procuring proceedings.*
- ii. Representation of an independent professional from the relevant field concerning the procurement process in question, to be nominated by the head of procuring agency in terms of Rule-31(2)(b) of SPP Rules, 2010 (Amended 2013) is not clear.
- iii. Rule-27(2)(c) of SPP Rules, 2010 (Amended 2013) is specific to pre-qualification of suppliers and contracts. Albeit, procuring agency may set a benchmark to evaluate financial capability of bidders subject to provision of Rule-44

2. It is further observed that there is a contradiction in content of bidding documents furnished to this Authority and issued to bidders. Procuring agency has mentioned brand names with plenty of items in bidding documents, issued to bidders, and that is violation of Rule-13 of SPP Rules, 2010 (Amended 2013), which stipulates that *specifications shall allow the widest possible competition and shall not favour any single contractor or supplier nor put others at a disadvantage. **Specifications shall be generic and shall not include references to brand names, model numbers, catalogue numbers or similar classifications.** However, if the procuring agency is convinced that the use of a reference to a brand name or a catalogue number is essential to complete an otherwise incomplete specification, such use or reference shall be qualified with the words 'or equivalent'.*

3. In view of the aforementioned position, procuring agency is advised to furnish clarification/ justification regarding observations exhibited above as well as provide a copy of CRC notification at the earliest.

4. Moreover, procuring agency is advised to furnish compliance report on this Authority's letter of even number dated 01.10.2014 (copy enclosed).


(MUHAMMAD AYUB CHANDIO)
MANAGER (ENFORCEMENT-II)

A copy is forwarded for information to the Secretary to Government of Sindh,
Health Department, Karachi.