MINUTES OF THE MEETING OF REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY REGARDING NIT REF. NO.INF-KRY NO.2784/14 DATED 04.09.2014 (SUPPLY OF X-RAY FILMS, CHEMICALS, DRUGS, MEDICINES & OTHER ITEMS SPPRA SR# 21302) HELD ON 27.03.2015.

In pursuance of the orders passed by the Honourable High Court of Sindh, Karachi, in a Suit # 2587/2014, second meeting of the Review Committee of SPPRA was held under the chairmanship of Managing Director, SPPRA on 27.03.2015 to review the appeals of the aggrieved bidders. List of participants is enclosed at **(Annexure-I)**.

The meeting started with the recitation of verses from Holy Quran. At the outset of the meeting, the Managing Director, SPPRA welcomed the participants and requested the participants to briefly introduce themselves.

The Managing Director, SPPRA enquired from the Chairman Technical Evaluation Committee (TEC), whether the bids were evaluated by all members of the TEC or otherwise? The chairman TEC apprised that since the items to be procured related to different categories, therefore, each item was evaluated by the expert in that particular field and finally the decision was endorsed by the Procurement Committee. Thereafter the Chairman TEC was requested to apprise the committee regarding the reasons for rejections of bids item wise. The item wise reasons for rejection furnished by the Chairman TEC/ TEC Members are enumerated as under:

S.NO.	REVIEW APPEAL	REASONS FOR REJECTION FURNISHED BY TEC	OBSERVATIONS OF THE REVIEW COMMITTEE
M/S SAAD SALES SERVICES			
	According to the complainant (M/s Saad Sales Services), the procuring committee announced its technical evaluation report on the complainant's items # 91, 95, 98, 146, 147, 174, 230, 231, 237, 263, and 264. However, various complaints were filed by bidders, the procuring agency decided the complaints through Complaint Redressal Committee in terms of Rule-31 of SPP Rules, 2010. The grievances of M/s Saad Sales	**Item No. 91: Dextrose 5% + Sodium Chloride 0.9% 1000 ml (inj)** **Item No. 95: Dextrose Saline ½ strength 500 ml (0.45%) inj.** **item No. 98: Dextrose water 5% 1000 ml (inj)** **Item No.146: Hartmans Solution 500 ml (inj)** **Item No. 147: Hartmans Solution 100ml (inj)** **Item No. 174: Mannitol 20% 500 ml (inj)** **Item No. 230 Ringer's Lactate 1000 ml (inj)** **Item No. 231 Ringer's Lactate 500 ml (inj)**	

Services are that the decision of CRC has materially and adversely affected him on the following grounds:

- P.A decided the matter and issued impugned minutes of CRC without mandatory attendance of Professor of Medicines from Dow University of Health Sciences (member of CRC) as well as an independent professional from relevant field in terms of Rule-31(2)(b) of SPP Rules, 2010 (Amended 2013).
- The Complainant, being successful bidder, was not called by P.A for attending the CRC meeting.
- The CRC has set-aside technical evaluation report. The CRC has done this despite being not competent or authorized and without cogent reasons. The evaluation report has been scrutinized by the eight member committee, having professional competence and relevant experience in relation to life saving drugs/ medicines.
- Though the CRC meeting was held on 02.12.2014 but the minutes were kept concealed up to 24.12.2014. The minutes were published on 30.12.2014, which is clear violation of Rule-31(5) of SPP Rules, 2010.

Therefore, the complainant filed Suit NO:

Item No. 237 Sodium Chloride 0.9 % 1000 ml. (inj)

The TEC apprised that items mentioned above of M/s Zafa Pharmaceutical, A.Z. Pharma Lahore and M/s Gains Enterprises were rejected on the basis of the following grounds:

(i) Bottles were opaque
(ii) In case of Zafa Pharma, Civil Hospital also experienced complication in patients.
(iii) The entry point was not properly made and contents were leaking.
(iv) Bottle material is collapsible.

Item No. 263: Vancomycin 1 Gms (Inj)
Item No. 264: Vancomycin 500 mg (Inj)

The items 263 & 264 of M/s Grace Pharma and Karachi Medical Company were rejected due to the following reasons:

(i) This drug is used in multidrug resistant bacteria.
(ii) It is registered but the members of TEC have no previous experience of using the rejected items.
(iii) Since this is originated from Korea, therefore, no clinical trials are available in Pakistan.
(iv) In our clinical experience, efficacy of chosen / accepted drug is proven as it is life-saving drug; hence no risk can be taken to approve a drug whose efficacy is not known.

	2587/2014 before the Honorable High Court Sindh to decide the matter.		
M/S B BRAUN			
	According to the bidder, the Procurement committee announced its technical evaluation report on the complaint for item # 12, 23, 24, 25, and 26. Samples were also provided by M/s Lab Link Enterprises for these items # 12, 23, 24, 25, and 26; however, item # 26 omitted from the evaluation report. On the complaint filed by M/S Lab Link, the Procuring Agency has decided the complaints through Complaint Redressal Committee in terms of Rule-31 of SPP Rules, 2010 (Amended 2013). The complainant i.e. M/s B. Braun's grievances are that the decision of CRC has materially and adversely affected him on the following grounds: ◣ P.A decided the matter and issued impugned minutes of CRC without mandatory attendance of Professor of Medicines from Dow University of Health Sciences (member of CRC) as well as an independent professional from relevant field in terms of Rule-31(2)(b) of SPP Rules, 2010 (Amended 2013). ◣ The Complainant, being successful bidder, was not called by P.A for attending the CRC meeting. ◣ The CRC has set-aside technical	**Item No.184: Metronidazole 100 ml (Inj)** The items offered by Bosch Pharma, Karachi Medical Company, A. Z. Pharma and Grace Pharma were rejected as they were not of the requisite quality and the TEC members did not have clinical experience of using these items. In our clinical experience, Inj Metronidazole from approved firms are efficacious and meets the need of G.I infection and anaerobic infections.	

	evaluation report. The CRC has done this despite being not competent or authorized and without cogent reasons. The evaluation report has been scrutinized by the eight member committee, having professional competence and relevant experience in relation to life saving drugs/ medicines. ▶ Though the CRC meeting was held on 02.12.2014 but the minutes were kept concealed up to 24.12.2014. The minutes were published on 30.12.2014, which is clear violation of Rule-31(5) of SPP Rules, 2010.		
M/S POPULAR INTERNATIONAL PVT. LTD.			
	According to the complainant, M/s Popular participated in many items of drugs/ medicines including item No.56 and found successful/ approved during technical evaluation and found financially lowest/ successful. The procuring agency also issued notification on 21.11.2014, directing all health institutions in Sindh to carryout procurement process in accordance with the prices/ successful bidders mentioned on SPPRA's website. Subsequently, on the complaint filed by M/S Karachi Medical Company, the procuring agency decided the complaints' (KMC) matter through Complaint Redressal Committee in terms of Rule-31 of	**Item No.56: Blood Sugar Test Individual Strips Pack with Lancet** The item offered by M/s Karachi Medical Company was rejected due to the following reasons: (i) In the tender enquiry the item was required in single strip, but complainant offered the item in bulk packing of 50 strips, which is not according to the tender specification. (ii) Clinical studies indicate that leaving test strip vials uncapped can significantly affect the accuracy of result. (iii) Individually foil-wrapped test strip is helping reduce the risk of test strip cross-	

	SPP Rules, 2010 (Amended 2013). The complainant i.e. M/s Popular International's grievances are that the decision of CRC has materially and adversely affected him on the following grounds: ◣ P.A decided the matter and issued impugned minutes of CRC without mandatory attendance of Professor of Medicines from Dow University of Health Sciences (member of CRC) as well as an independent professional from relevant field in terms of Rule-31(2)(b) of SPP Rules, 2010 (Amended 2013). ◣ The Complainant, being successful bidder, was not called by P.A for attending the CRC meeting. ◣ The CRC has set-aside technical evaluation report. The CRC has done this despite being not competent or authorized and without cogent reasons. The evaluation report has been scrutinized by the eight member committee, having professional competence and relevant experience in relation to life saving drugs/ medicines. ◣ Though the CRC meeting was held on 02.12.2014 but the minutes were kept concealed up to 24.12.2014. The minutes were published on 30.12.2014, which is clear violation of Rule-31(5) of SPP Rules,	contamination of blood and bacteria.	

	2010. Therefore, the complainant filed SUIT No:2605/2014 before the Honorable High Court of Sindh Karachi		
M/S NATIONAL AGENCIES. LTD.			
	Financial bids of M/s National Agencies, technically qualified firm, were opened for item No.12 & 28 and M/s National Agency was found as successful bidder by the department's procurement committee. The procuring agency also issued notification on 21.11.2014, directing all health institutions in Sindh to carryout procurement process in accordance with the prices/ successful bidders mentioned on SPPRA's website. Subsequently, on the complaint filed by M/S Grace Pharmaceuticals, the procuring agency decided the complaints through Complaint Redressal Committee in terms of Rule-31 of SPP Rules, 2010 (Amended 2013). The complainant i.e. M/s National Agencies' grievances are that the decision of CRC has materially and adversely affected him on the following grounds: ◣ P.A decided the matter and issued impugned minutes of CRC without mandatory attendance of Professor of Medicines from Dow University of Health Sciences (member of CRC) as well as an independent professional from relevant	**Item No.12: Surgical Gloves (Sterile) All sizes.** The TEC informed that the items offered by M/s Elate c.c., M/s Muller & Phipps, M/s Grace Pharma, M/s Sindh Medical Store, M/s Lab Link, and M/s Saad Sales were rejected due to the following: (i) quality of material was sub-standard and not up to the mark.. (ii) The items were difficult to put on. (iii) Low texture of glove may cause rupture. (iv) Packing had to be torn rather than peeled. **Item No.28: Butterfly Needle (Assorted Sizes)** The Items offered by M/s Grace Pharma, M/s R.Z. Services and M/s Lab Link were rejected due to the following: (i) quality of needle was not of standard (low quality). (ii) The item selected is the only one recommended by pediatrician for use in children because of ease of insertion and minimal discomfort. (iii) Previous clinical experience does not support procurement of this item from these sources	Mr. Adil Gillani, Member RC enquired from the Chairman TEC/PC whether the condition that in case of same lowest rate the quantity may be distributed equally amongst the lowest bidder was included in the bidding documents or otherwise. The Chairman TEC/ PC apprised that it is a routine practice and part of their SOP. The committee advised the TEC/ PC to include the condition in bidding documents in future.

	field in terms of Rule-31(2)(b) of SPP Rules, 2010 (Amended 2013). ◣ The Complainant, being successful bidder, was not called by P.A for attending the CRC meeting. ◣ The CRC has set-aside technical evaluation report. The CRC has done this despite being not competent or authorized and without cogent reasons. The evaluation report has been scrutinized by the eight member committee, having professional competence and relevant experience in relation to life saving drugs/ medicines. ◣ Though the CRC meeting was held on 02.12.2014 but the minutes were kept concealed up to 24.12.2014. The minutes were published on 30.12.2014, which is clear violation of Rule-31(5) of SPP Rules, 2010.		
M/S HOSPITAL SERVICES & SALES			
	According to M/s Hospital Services & Sales (complainant), the samples of M/s Hospital Services for item # 33, 34, & 35 (surgical sundries – syringes) among other items were found acceptable, qualified, and approved by the technical and financial committee. Upon financial opening of bids, procuring agency directed all health institutions in Sindh to	**Item No.33 - Disposable syringes with needle 2.5 cc./ 3 cc** **Item No.34 - Disposable syringes with needle 5 cc** **Item No.35 - Disposable syringes with needle 10 cc** The TEC rejected the items offered by M/s Muller & Phipps, M/s Abbas Enterprises, M/s Grace	

	carryout procurement process from successful bidders, including. Subsequently, on a complaint filed by M/S Grace Pharmaceuticals, the procuring agency decided the complaints through Complaint Redressal Committee in terms of Rule-31 of SPP Rules, 2010 (Amended 2013). The complainant i.e. M/s Hospital Services & Sales grievances are that the decision of CRC has materially and adversely affected its firm on the following grounds: ◣ P.A decided the matter and issued impugned minutes of CRC without mandatory attendance of Professor of Medicines from Dow University of Health Sciences (member of CRC) as well as an independent professional from relevant field in terms of Rule-31(2)(b) of SPP Rules, 2010 (Amended 2013). ◣ The Complainant, being successful bidder, was not called by P.A for attending the CRC meeting. ◣ The CRC has set-aside technical evaluation report. The CRC has done this despite being not competent or authorized and without cogent reasons. The evaluation report has been scrutinized by the eight member committee, having professional competence and relevant experience in	Pharma M/s Pak Medicines Suppliers, and M/s Batla Impex on the basis of the following grounds: (i) Bevel of the needle was not smooth. (ii) Poor aspiration on suction. (iii) Leakage (back splash) of drugs due to faulty plunger (iv) Faded marking on syringes. (v) Previous experience did not find the quality up to the mark.	

	relation to life saving drugs/ medicines. ▪ Though the CRC meeting was held on 02.12.2014 but the minutes were kept concealed up to 24.12.2014. The minutes were published on 30.12.2014, which is clear violation of Rule-31(5) of SPP Rules, 2010. Therefore, the complainant filed SUIT No: 2617/2014 before the Honorable High Court of Sindh Karachi.		
M/S LAB LINK ENTERPRISES			
	M/s Lab Link Enterprises raised objection for rejection of their bids on clinical grounds without mentioning its reasons. Only one product (intravenous Cannula) was accepted for financial bid opening, wherein Lab Link offered lowest bid as compared to the competitor B-Braun. Despite that, procuring agency did not award the contract. The complainant vide its letter dated 10.03.2015 has lodged a complaint/ appeal to the Review Committee in compliance of orders of Honorable High Court Sindh, wherein it is stated that M/s Lab Link participated in 12 tenders, including surgical gloves, cannula, disposable syringes, and disposable spinal needle. M/s Lab Link has further elaborated the case	**Item No.12: Surgical Gloves (Sterile) All sizes.** The TEC informed that the items offered by M/s Elate c.c., M/s Muller & Phipps, M/s Grace Pharma, M/s Sindh Medical Store, M/s Lab Link, and M/s Saad Sales were rejected due to the following: (i) quality of material was sub-standard and not up to the mark.. (ii) The items were difficult to put on. (iii) Low texture of glove may cause rupture. (iv) Packing had to be torn rather than peeled. The quoted items # **33, 34, 35 & 37** by M/s. Lab link were technically approved by the TEC along-with other approved brand of requisite quality, therefore, the claim of Lab Link is not justified.	

regarding participation and rejection of its tenders as under:

- Surgical sterile gloves (item # 12): M/s Lab Link Enterprises quoted this item with the brand of Nipro Sterile Surgical Gloves. This item was not entertained for financial opening without giving us any reason. The product against this approved are all from the same manufacturing country (Malaysia), all are sterile & latex. Why Lab Link Enterprises was declined?
- Disposable Syringes (item # 33, 34, 35, & 37): M/s Lab Link quoted for these products (disposable syringes) with Nipro Brand. It was surprising that the committee approved other brand 'made in china' as compared to our brand 'Nipro Brand' offered by Lab Link. The brand offered by Lab Link was higher in quality standard as compared to other competitors. Despite that, procurement committee rejected the item during technical evaluation, which shows big favoritism to some other company/ brand.
- Intravenous Cannula (item # 23, 24, 25, & 26): These items were accepted for financial bid opening. Fortunately, brand 'Wing Cath IV Cannula', offered by Lab Link, was the lowest quoted against competitor B-Braun. Still, the bid of

Item No.23: I.V. Canula with Heparin lock of same origin triple faceted needle tip with back cut bevel long indwelling period size 18 G.
Item No.24: I.V. Canula with Heparin lock of same origin triple faceted needle tip with back cut bevel long indwelling period size 20 G.
Item No.25 I.V. Canula with Heparin lock of same origin triple faceted needle tip with back cut bevel long indwelling period size 22 G.
Item No.26 I.V. Canula with Heparin lock of same origin triple faceted needle tip with back cut bevel long indwelling period size 24 G.

The TEC apprised that items of M/s Muller & Phipps, M/s Batla Impex, M/s Usman Co., M/s Silver Surgical, M/s Lab Link were rejected due to the following reasons:

(i) Bevel was not smooth so painful insertion and trauma may be caused by the Cannula needle.
(ii) The larger insertion trauma may cause and lead to more blockage in the cannula due to bleeding.
(iii) Teflon of catheter was stiff/very hard, which may lead to more painful insertion, if more than one pass was made. Also the Catheter tended to kink after the first pass.
(iv) Technical Evaluation Committee at first rejected I.V. Cannula of M/s. Nipro Thailand on quality basis and decided to accept the same subject to providing Nipro Japan origin. Later on M/s. B-Braun challenged the decision of Technical Committee

	Intravenous Cannula is not being awarded due to some unauthentic and unjustified allegations from competitors. ▪ The brand Wing Cath meets 100% tender specification. ▪ B Braun Brand Introcan does not fulfill tender specification. ▪ Technical bid was successfully approved by Technical Committee and Lab Link offered lowest bid. ▪ Prior to financial bid opening, the committee requested M/s Lab Link to supply Safelet Cath made in Japan which was happily agreed by M/s Lab Link for greater well being of patients. ▪ The allegations from B Braun 'change of country of origin' is against violation of SPPRA Rules. ▪ Drug Regulatory Authority of Pakistan has allotted registration of this product to M/s Lab Link due to meeting requisite criteria of standard and quality. ▪ Procuring agency has approved many products without following Rule-48	quoting violation of Rule 31(1) and 46(2) of SPP Rules 2010 (Amended 2013), which states that "No bidder shall be allowed to alter or modify his bid (s) after the expiry of deadline for the receipt of bids". The Central Procurement Committee discussed in detail and upheld the first decision taken by the Technical Evalaution Committee and the I.V. Cannula of M/s. Nipro, Thailand was rejected on quality basis and on clinical grounds.	
M/S GRACE PHARMACEUTICALS			
	M/s Grace Pharma raised objection for rejection of their bids on clinical grounds in the tender of surgical & disposable items and tender for drugs/ medicines for the following items:	**Item No.11: Disposable Surgical rubber Gloves Latex Box of 100s** (i) As per TEC it has not technically disqualified any bidder in technical evaluation. The complainant's allegation	Dr. Rufina Soomro, member Review Committee enquired the Chairman TEC as to why they are not buying from the manufacturers directly.

1. Surgical/ Disposable items: 11, 12, 28, 32, 33, 34, 35, 38, 39, 40, & 56
2. Drugs/ Medicines items: 02, 101, 102, 103, 135, 136, 159, 184, 240, 263, & 264

The complainant vide its letter dated 09.03.2015 has lodged an appeal to the Review Committee in compliance of orders of Honorable High Court Sindh:

- The Grace Pharmaceutical has been declared qualified by evaluation committee as per reports available on SPPRA website.
- Procurement committee while preparing comparative statement ignored lowest bidder either intentionally or lack of understanding, which results in huge loss to public funds.
- In following items, Grace Pharmaceutical technically qualified but excluded from financial evaluation without assigning any reason:

Item No.	Rate Grace (Rs /unit)	Rate offered by successful bidder (Rs/unit)
11.	Grace not qualified	6th lowest
12.	29.70 (not in CS)	48
32.	5.12	8.88
37.	9.13	21.87
38.	15.60	40.00
39.	19.20	85.00

does not sustain, as price quoted by him was on higher side. The price difference between the lowest evaluated bidder and Grace Pharma is as under:

Item No.	Rate offered by Grace Pharma (Rs /unit)	Rate offered by successful bidder (Shamim & Co.) (Rs/unit)
11	8.50	3.15

Item No.12: Surgical Gloves (Sterile) All sizes.
The TEC informed that the items offered by M/s Elate c.c., M/s Muller & Phipps, M/s Grace Pharma, M/s Sindh Medical Store, M/s Lab Link, and M/s Saad Sales were rejected due to the following:

(i) quality of material was sub-standard and not up to the mark..
(ii) The items were difficult to put on.
(iii) Low texture of glove may cause rupture.
(iv) Packing had to be torn rather than peeled.

Item No.28: Butterfly Needle (Assorted Sizes)
The Items offered by M/s Grace Pharma, M/s R.Z. Services and M/s Lab Link were rejected due to the following:

(i) quality of needle was not of standard (low quality).
(ii) The item selected is the only one recommended by pediatrician for use in children because of ease of insertion and

The chairman TEC apprised the member that SPP Rules, do not allow direct contracting in the instant case.

The members of the committee also endorsed the views of the Chairman TEC.

40.	19.20	80.00
101.	71.00	Not quoted in CS
102.	20.00	Not quoted in CS
103.	48	Not quoted in CS
135.	162.15	209
136.	112.50	356.00
159.	117.70	125.00
184.	42.00	60.00
240.	66.67.00	69.70
264.	258.70	400.00

- On the complaint the Procuring Agency decide the complaints through Complaint Redressal Committee as per requirement of Rule-31 of SPP Rules, 2010.

minimal discomfort.

(iii) Previous clinical experience does not support procurement of this item from these sources

Item No.32, 33, 34, 35, 37, 39, & 40:

The TEC rejected the above items offered by M/s Muller & Phipps, M/s Abbas Enterprises, M/s Grace Pharma M/s Pak Medicines Suppliers, and M/s Batla Impex on the basis of the following grounds:

(i) Bevel of the needle was not smooth.
(ii) Poor aspiration on suction.
(iii) Leakage of drugs due to faulty plunger
(iv) Faded marking on syringes.
(v) Not found up-to mark.

Item No.56: Pediatric I.V. Chamber

The above item offered by M/s Grace Pharma & M/s Batla Impex were rejected due to the following:

(i) quality and packing of material was not of required standard
(ii) Member of TEC has no clinical experience of using these items.

The item selected is the only one recommended by pediatrician for use in children because of ease of insertion and minimal discomfort.

Item No.02: Inj Acyclovir

(i) As per TEC it has not technically disqualified any bidder in technical evaluation. The complainant's allegation does not sustain, as price quoted by him was on higher side. The price difference between the lowest evaluated bidder and Grace Pharma is as under:

Item No.	Rate offered by Grace Pharma(Rs /unit)	Rate offered by successful bidder (Shamim & Co.) (Rs/unit)
02	399.00	383.00

101. Cyclosporine 100 mg.
102. Cyclosporin25 mg.
103: Cyclosporin 50 mg.

The TEC apprised that items of M/s Grace Pharma were rejected due to the following reasons:

(i) Efficacy of medicine is not proven.
(ii) TEC has no clinical experience of using these medicines.
(iii) The medicines offered by M/s Novartis & M/s. Allmed Lab were approved, as these are used in SIUT and other specialized institutes, who are the biggest users of these items. Hence, no compromise on quality can be accepted.

Item No.135: Hepatitis B Vaccine (Adult dose)

Item No.136: Hepatitis B Vaccine (Child dose)

(i) The items offered by M/s. Grace Pharma and M/s. Hospital Sales & Services rejected due to Indian Origin, as clinical trial results for the Indian origin were not available in Pakistan.

(ii) Both the approved product (Sanofi and Glaxo SmithKline) have been used extensively in Pakistan.

Item No.159: Isosorbide Dinitrate 10 mg/ 10 ml

(i) The item offered by Grace Pharma manufactured by Myungmoon Korea rejected, as there was no past experience of using the product in teaching hospitals equipped with Cardiac Center in Sindh

(ii) The TEC has no experience about the use of the rejected items in Pakistan.

(iii) It is used to control hypertension crisis, and management of Chest Pain (Angina) so TEC was of the opinion that no compromise on quality of life saving drugs should be made.

Item No.184: Metronidazole 100 ml (Inj)

The items offered by Bosch Pharma, Karachi Medical Company, A. Z. Pharma and Grace Pharma were rejected as they were not of the requisite quality and the TEC members did not

		have clinical experience of using these items. In our clinical experience, Inj Metronidazole from approved firms is efficacious and meets the need of G.I infection and anaerobic infections. **Item No.240: Mycrophenolate Sodium Coated Tablets (500 mg)** (i) The product offered by Grace Pharma (i.e. Myrept 500 mg manufactured by Chong Kun Dang) was rejected, as there was no clinical experience with the product. (ii) This is a drug used following Liver Transplant; hence no risk can be taken. (iii) There is no Clinical experience with Mycrophenolate Sodium of companies other than Novartis and Roche. **Item No. 263: Vancomycin 1 Gms (Inj)** **Item No. 264: Vancomycin 500 mg (Inj)** The items 263 & 264 of M/s Grace Pharma and Karachi Medical Company were rejected due to the following reasons: (i) This drug is used in multidrug resistant bacteria. (ii) It is registered but the members of TEC have no previous experience of using the rejected items. (iii) Since this is originated from Korea, therefore, no clinical trials are available in Pakistan. (iv) In our clinical experience, efficacy of	

		chosen / accepted drug is proven as it is life-saving drug; hence no risk can be taken to approve a drug whose efficacy is not known.	

PROF. JAMAL RAZA
MEMBER TEC/ DIRECTOR
National Institute of Child Health (NICH)

SHAFI M. QURESHI
Member TEC/Additional Director
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PROF. NAHEED SULTAN
Member TEC/ Professor of Surgery
Dow University of Health Sciences

Dr. M. Amin Suleman
Member TEC/ Professor of Anesthesiology
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Dr. Khalida Soomro
Member TEC/ Professor of Cardiology
Civil Hospital Karachi

Dr. Sikandar Rafiq Qureshi
Member TEC/ Asstt. Professor Radiology
Shaheed Mohtarma Benazir Bhutto Medical College Lyari, Karachi

PROF. M. SAEED QURESHY
CHAIRMAN TEC/ Medical Superintendent,
Civil Hospital Karachi

Decision:

The review committee after thorough deliberations on the matter and listening to the reasons of rejections of bids from the TEC concluded as follows:

01. M/s Saad Sales Services participated in the above subject NIT and was declared successful by the Technical Evaluation Committee (TEC) & Central Procurement Committee (CPC) in the items mentioned on page # 01 & 02. The aggrieved bidders M/s Zafa Pharmaceutical, A.Z. Pharma Lahore and M/s Gains Enterprises filed complaints before Complaint Redressal Committee (CRC), which decided the case in their (complainants) favor. M/s Saad Sales then filed suit in the Honorable High Court of Sindh. The Honorable High Court passed an order and referred the matter to Review Committee (RC) of SPPRA. The first RC meeting held on 24.03.2015, wherein the P.A was advised to call all the TEC members on 27.03.2015 at 10.00 A.M to be present before the Review Committee for giving reasons of rejection of the items of the bidders, which were declared successful by CRC. The TEC members appeared before RC and furnished reasons for rejection of the items offered by the complainants on the basis of technical and clinical grounds as mentioned at page-2 & 3.

The experts including Dr. Tasawur Baig of Pharmacy, Dr. Rufina Soomro of Surgery, and Dr. Nadeem Ahmed of Radiology endorsed the justifications for rejection of items offered by the bidders who were declared successful by CRC.

After deliberations and examination of record available in Authority, the RC decided that the complaint filed by M/s Saad against the CRC decision is justified and the decision of CRC is set aside.

02. M/s B Braun Pvt Ltd. participated in the subject NIT wherein it also participated for items mentioned at page # 03 including item # 184. M/s B Braun was declared successful by TEC and CPC. However, aggrieved bidders M/s Karachi Medical Company, M/s A.Z Pharma, and M/s Grace Pharmaceuticals filed complaints against the acceptance of item # 184 of the M/s B Braun. The M/s B Braun was technically qualified by TEC & CPC. The TEC members were called by RC for giving justification of rejection of item # 184 offered by M/s Karachi Medical Company, M/s A.Z Pharma, and M/s Grace Pharmaceuticals, wherein they stated that the rejection of items were made on the grounds mentioned at page # 03. CRC did not decide as the matter was subjudice.

The experts agreed with the justification of rejection stated by the TEC members.

The RC discussed and deliberated on the complaint and perused the available record in Authority and accepted the complaint filed by M/s B Braun.

03. M/s Popular participated in the subject NIT, including item # 56. The TEC and CPC declared M/s Popular as successful bidder. The bidders M/s Karachi Medical Company not satisfied with the findings of TEC & CPC filed complaint before CRC. The CRC furnished its decision to accept the bid offered by M/s Karachi Medical Company; however, M/s Popular challenged the decision of CRC before RC, in pursuance of the orders of Honorable High Court of Sindh.

The RC called the TEC members on 27.03.2015 for knowing reasons of rejection and acceptance of bids. The TEC gave reasons mentioned at page # 04 for rejection of items offered by M/s Karachi Medical Company.

The experts also endorsed the justifications given by the TEC.

The RC after detailed deliberations and examination of relevant record accepted the request M/s Popular Pvt Limited and rejected the decision of CRC.

04. M/s National Agencies participated in the subject NIT and particularly for items # 12 & 28. The TEC and CPC declared it as successful bidder. The aggrieved bidders M/s Elate C.C., M/s Muller & Phipps, M/s Grace Pharma, M/s Sindh Medical Store, M/s Lab Link, and M/s Saad Sales filed complaints before CRC. The CRC in its findings decided to include bids of other bidders like M/s Grace Pharma for better competition; however, it did not finalize it, because the matter was subjudiced before Honorable High Court.

The RC directed the TEC members for appearing before it on 27.03.2015 for giving justification for rejection of the above mentioned item. Reasons and justification for rejection given by TEC are mentioned at page # 6. The experts present in the meeting also seconded the views expressed by the TEC members.

The RC after deliberations admitted the complaint and the decision of CRC was set aside.

05. M/s Hospital Services and Sales participated in the above subject NIT including item # 33, 34, & 35 (surgical sundries – syringes). The TEC & CPC qualified M/s Hospital Services & Sales. The aggrieved bidders M/s Muller & Phips, M/s Abbas Enterprise, M/s Grace Pharmaceutical, M/s Pak Medicines, and M/s Batla Impex filed complaints before CRC against the acceptance of bids of M/s Hospital Services. The CRC decided to include other bids for the sake of competition but could not make final recommendation because the matter was subjudiced before the Honorable High Court. The TEC members

stated reasons and justifications for rejection of items of complainants mentioned at page 7 & 8. The experts agreed with the version of the TEC.

The RC after considering the complaint filed by M/s Hospital Services and accepted the request of the complainant being genuine.

06. M/s Lab Link participated for various items of subject NIT including item # 12 (surgical gloves). The TEC & CPC rejected its bid. The aggrieved bidders M/s Lab Link, M/s Elate C.C., M/s Muller & Phipps, M/s Grace Pharma, and M/s Sindh Medical Store filed complaints before CRC. The CRC in its findings decided to include other bids like M/s Grace Pharma for better competition; however, it did not finalize it as the matter was subjudiced before Honorable High Court.

The TEC gave justification for rejection of the above mentioned item. Reasons and justification for rejection given by TEC are mentioned at page # 9, 10, & 11.

The experts present in the meeting also agreed with the justifications explained by the TEC members.

The RC after deliberations and perusal of record was of the considered view that the complaint filed by M/s Lab Link merits no consideration and rejected.

07. M/s Grace Pharmaceutical participated in the subject NIT for various items in surgical/ disposable items: 11, 12, 28, 32, 33, 34, 35, 38, 39, 40, & 56 and drugs/ medicines items: 02, 101, 102, 103, 135, 136, 159, 184, 240, 263, & 264. The TEC & CPC rejected its items on the basis of clinical assessment and high rates. The aggrieved bidder filed complaints before CRC. The CRC in its findings has stated that decided to include bid of M/s Grace Pharma for better competition; however, it did not finalize it as the matter was subjudice before Honorable High Court.

The TEC members gave justification and stated reasons for rejection of the above mentioned item. The reasons and justification for rejection given by TEC are mentioned at page # 11 to 17.

The experts present in the meeting also agreed with the justifications furnished by the TEC members.

The RC after deliberations rejected the complaint and the decision made by the TEC & CPC was approved.

The meeting ended with a vote of thanks to and from the chair.

SYED ADIL GILANI
Advisor
Transparency International Pakistan,
Member

JIBRAN MALIK
Director
Representative of DG Audit Sindh
Member

Mr. Abdul Jabbar Memon
Member

Dr. Nadeem Ahmed
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Dr. Mirza Tasawer Baig
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Member/ Independent Professional

(SAJID JAMAL ABRO)
Managing Director/
Chairperson Review Committee
Sindh Public Procurement Regulatory Authority,
Government of Sindh

MINUTES OF THE MEETING OF REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY REGARDING NIT REF. NO.INF-KRY NO.2784/14 DATED 04.09.2014 (SUPPLY OF X-RAY FILMS, CHEMICALS, DRUGS, MEDICINES & OTHER ITEMS SPPRA SR# 21302) HELD ON 27.03.2015.

LIST OF PARTICIPANTS

1. Mr. Sajid Jamal Abro, Managing Director, SPPRA	Chairman
2. Syed Adil Gilani Advisor, Transparency International Pakistan	Member
3. Mr. Abdul Jabbar Memon	Member
4. Mr. Jibran Malik, Director & Rep. of DG Audit Sindh, Karachi	Member
5. Mr. M. Sabir Memon Additional Secretary, Health Department, GoS,	Member
6. Dr. Nadeem Ahmed, Agha Khan Hospital,	Expert Radiology/ Member
7. Dr. Rufina Soomro, G. Surgeon, Liaquat National Hospital, Karachi	Expert Surgery/ Member
8. Dr. Mirza Tasawer Baig Pharmacist, Ziauddin Hospital, Karachi	Expert Pharmacy/ Member

MINUTES OF THE MEETING OF REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY REGARDING NIT REF. NO.INF-KRY NO.2784/14 DATED 04.09.2014 (SUPPLY OF X-RAY FILMS, CHEMICALS, DRUGS, MEDICINES & OTHER ITEMS SPPRA SR# 21302)

In pursuance of the decision of the Honourable High Court of Sindh, Karachi, a meeting of the Review Committee of SPPRA was held under the chairmanship of Managing Director, SPPRA on 24.03.2015 to review the appeals of the aggrieved bidders. List of participants is enclosed at **Annexure-I.**

The meeting started with the recitation of verses from Holy Quran.

At the outset of the meeting, the Managing Director, SPPRA welcomed the participants and requested the participants to briefly introduce themselves.

The Director (Enf-I) briefed the committee that on the directions of the Honourable High Court of Sindh, this Authority has received seven Review Appeals from the following complainants/ aggrieved bidders:

(1) M/s Saad Sales Services, Karachi
(2) M/s Hospital Services and Sales, Karachi
(3) M/s National Agencies, Karachi
(4) M/s B. Braun Sales, Karachi
(5) M/s Popular International (Pvt.) Ltd., Karachi.
(6) M/s Grace Pharmaceuticals, Karachi.
(7) M/s Lablink Enterprises, Karachi.

The committee decided to discuss the review appeals one by one and the appeal of M/s Saad Sales Services, Karachi was taken up first.

The Director (Enf-I) briefed the committee that M/s Saad Sales Services, Karachi has not filed the complaint before CRC, but they have reservations on the decision of CRC hence they have filed the Review Complaint in pursuance of decision of the High Court of Sindh.

The committee examined the review appeal and observed that the evaluation report does not mention the specific reasons for rejection of bids. The committee requested the representative of the Health Department to furnish justification/ clarification for rejection of bids. The representative of the Health Department informed that since he was not member of the technical evaluation committee, hence he is unable to provide the clarification/ justification for the same.

The committee observed that in the absence of clear recommendations regarding rejection of bids, the committee was unable to decide the case, therefore, the committee decided to call all the members of the technical committee of Health Department for furnishing clarification regarding rejection of bids supported by documentary evidence.

Decision:

The review committee after thorough deliberations on the matter decided as follows:

(1) the members of the technical evaluation committee shall be called to clarify/ justify the reasons of rejections along with documentary evidence.
(2) The technical evaluation committee shall be advised to bring all the details of rejections of bids along with documentary evidence in support thereof.
(3) The next meeting of the Review Committee shall be held on Friday 27.03.2015 at 10:00 a.m. in the committee room of the SPPRA.
(4) Health Department shall direct all the members of technical evaluation committee to attend the meeting of the Review committee on the above said date, time and venue.

The decision was also intimated to all the bidders present in the meeting.

The meeting ended with a vote of thanks to and from the chair.

SYED ADIL GILANI **Advisor** Transparency International Pakistan, **Member**	**MUHAMMAD YASEEN** **Deputy Director** **Representative of DG Audit Sindh** **Member**
Dr. Mirza Tasawer Baig **Pharmacist** Ziauddin Hospital, Karachi **Member/ Independent Professional**	**Dr. Rufina Soomro** **General Surgeon** Liaquat National Hospital, Karachi **Member/ Independent Professional**

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Managing Director/
Chairman Review Committee
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Govt. of Sindh,
Karachi