

No. SO (PM&I) 2-1/2021-22/CPC(CRC) GOVERNMENT OF SINDH HEALTH DEPARTMENT

(PROCUREMENT MONITORING & INSPECTION) Karachi, Dated, the 18th March 2022

The Managing Director, Sindh Public Procurement Regulatory Authority, Karachi.

NIT REF: NO. 3299/2021 DATED: 24-08-2021 APPROVAL OF PROCUREMENT OF DRUGS / MEDICINES / SURGICAL SUNDRIES, DISPOSABLE ITEMS / SURGICAL SUTURE / DENTAL MATERIAL ITEMS UNDER CENTRALISED Sub: RATE CONTRACT 2021-22.

I am directed to enclose herewith copy of minutes of the meeting of Complaint Redressal Committee (CRC) for Tender No. 01 (Drugs/Medicine), Tender No. 05 (Cotton related Items) & Tender No. 08 (Orthopaedic Implants), held on 01st February 2022 under the Chairmanship of Special Secretary (Dev.) Health Department, Sindh for further necessary action and hoisting on Authority's website, accordingly.

(ZULFIQAR ALÍ DARS) SECTION OFFICER (PM&I)

C.C to:

1) The Chairman & All members of Central Procurement Committee (CPC), Health Department.

along-with a copy of minutes of the meeting of CRC for information. 2) The Complainants (All) M/s.

3) The P.S. to Minister Health Sindh.

4) The P.S to Secretary Health, Govt. of Sindh Karachi.

SECTION OFFICER (PM&I)

Bay Mosting

MINUTES OF THE MEETING OF

COMPLAINT REDRESSAL COMMITTEE (CRC)

FOR TENDER NO. 01 (DRUGS / MEDICINES),

TENDER NO. 05 (COTTON RELATED ITEMS) &

TENDER NO. 08 (ORTHOPAEDIC IMPLANTS)

HELD ON: 01.02.2022

Sidal

Minutes of the meeting of Complaint Redressal Committee (CRC) for Tender No. 01 (Drugs / Medicines), Tender No. 05 (Cotton related Items) Tender No. 08 (Orthopaedic Implants) held on: 01.02.2022

A meeting of Complaint Redressal Committee was held on: 01.02.2022 under the Chairmanship of Special Secretary (Dev.), Health Department, Govt. of Sindh, in view of Complaint received from aggrieved bidders against technical / financial evaluation finalized by the Technical Experts Committee/ Central Procurement Committee (CPC) invited by Health Department under Centralized Rate contract system for the year 2021-22.

Following members of the committee attended the meeting:

1)	Mr. Noor Muhammad Shah Special Secretary (Development) Health Department, Govt. of Sindh, Karachi.	Chairman
2)	Mr. Muhammad Akram, Deputy A.G. Representative of Accountant General Sindh, Karachi	Member
3)	Independent Technical Members: a) Prof. Dr. Tabassum Zehra Saeed, Professor & HoD, Pharmacology Department LNH & MC, Karachi. b) Prof. Dr. Muhammad Yousuf Salat, Professor of Pharmacology (Rtd.). c) Professor Dr. M. Masroor, Professor of Medicine (Rtd.)	Member

Dr. Muhammad Amin Chinoy, Professor of Orthopaedic Surgery, The Indus Hospital Karachi & Professor Dr. M. Shamim, Professor of Surgery (Retired), did not attend the meeting.

Complaint Redressal Committee meeting was called in light of Rule-31 of SPPRA Rules-2010 (Amended 2019) which empowers the committee:

- 31(4). The complaint Redressal committee upon receiving a complaint from an aggrieved bidder may, if satisfied;
 - (a) Prohibit the procurement committee from acting or deciding in a manner, inconsistent with these rules and regulations;
 - (b) Annul in whole or in part, any unauthorized act or decision of the procurement committee; and provided while re-issuing tenders, the procuring agency may change the specifications and other contents of bidding documents, as deemed appropriate.
 - (bb) [recommend to the Head of Department that the case be declared a misprocurement if material violation of Act, Rules, Regulations, Orders, Instructions or any other law relating to public procurement, has been established; and]
 - (c) reverse any decision of the procurement committee or substitute its own decision for such a decision;

Provided that the complaint redressal committee shall not make any decision to award the contract,

Sol



Representatives of the aggrieved firms / bidders attended the meeting and explained their complaints / grievances in details before the committee. The committee examined and discussed the complaint thoroughly and decided as under:

TENDER NO. 01 (DRUGS / MEDICINES)

01. M/S. A TO ZEE INTERNATIONAL MGM0100

M/s. A TO Zee International, submitted their grievance against the item No. MGM0100 Lotion: Betamethasone + Velerate 0.1% 60ml and informed that they didn't find this product in evaluation report and requested to add this product in evaluation report and reevaluate the bid.

NAME OF COMPLAINANT & CIST OF

In the light of above they requested to please rectify this human error to evaluate the Bid of this particular product.

02. M/S. KARACHI MEDICAL COMPANY

MGM0746, MGM0747, MGM0865, MGM0071, MGM0072

M/s. Karachi Medical Company objected that in the Technical & Financial Comparative of the Tender No. 01, they have anomalies in few items as follows:

MGM0746, MGM0747 & MGM0865

Bid for this item has been declared as lowest Evaluated offer but competing company has offered conditional bid i.e. their proposal has linked the purchase with donation that appears to be conditional which may please be ignored on merit.

MGM0071 & MGM0072

They have submitted Pharmaceutical Equivalence but Marks for it were not granted in product section. They have requested to grant Marks for Pharmaceutical Equivalence, and their rates may be opened and lowest, hence evaluation may be carried out again.

CRC PROCEEDINGS/ DECISIONS

CRC heard the complaints submitted by M/s. A to Zee International in details.

The representative of complainants attended the meeting informed that they have quoted item No. MGM0100 Lotion: Betamethasone + Velerate 0.1% 60ml but did not find this product in evaluation report.

Mr. Adnan Rizvi leading member of Technical Experts Committee informed that CRC that the bidder not entered the above products in online submission which is essentially required in NIT. CRC observed that the complainant submitted the bid in hard copy of this product but not provide online submission but they offered in technical proposal.

Decision of CRC:

In view of the above, the CRC unanimously, decided to allow the firm for quoted product refer back the matter to CPC for reevaluation/re-examination of above product in view of the available record and submit report/recommendation, accordingly.

CRC heard the complaints submitted by M/s. Karachi Medical Company in details. The representative of complainants attended the meeting informed that for item No. MGM0746, MGM0747, MGM0865, MGM0071, MGM0072, they were declared successful bidder but they have objected that the competing company has forward conditional bid in respect of linked the purchase with FOC.

For item No. MGM0071 & MGM0072 they have submitted pharmaceutical equivalence but marks were not awarded.

CRC observations:

The leading Technical member of Technical Experts Committee informed that M/s. Roche Pakistan have offered FOC offer which seems conditional price.

While going through the record of CPC in respect of MGM0071 & MGM0072 it is found that Pharmaceutical equivalence report for MGM0072 but the marks was not included due to human error. Furthermore, MGM0071 is out of specification as Inj. Atracurium Besylate 10mg per 3ml was required but the equoted the

2

CRC PROCEEDINGS +O(C) PIOC(D) CIDIC(D)

said molecule 10mg per 2.5ml.

Decision of CRC:

CRC uphold the decision of CPC in item no. MGM0071.

Rest of the items CRC decided to refer back to CPC for further necessary action.

03. M/S. HASSAN DISTRIBUTION

MGM0981, MGM0973

M/s. Hassan Distribution submitted that M/s.Genix Pharma is technically qualified, where following product of M/s.Genix Pharma declared/obtain highest combined evaluated score, in said competition product, but the quoted price is mentioned wrongly due to typographically error:

They are requested to re-check and correct this typographical error as they obtain highest combined evaluated score and reevaluated the report.

04. M/S. HAKIMSONS (IMPEX) LTD.

M/s. Hakimsons (Impex) Pvt. Ltd. has submitted their grievance that their product snake venom antiserum did not receive marks in the tender selection and rate contracting of drugs/medicines, for the year 202L-22, Health Department, Government of Sindh (Tender No.01) on technical evaluation criteria set by the CPC.

They informed that the Technical Evaluation (Availability of quoted drugs since last two years in RRA countries) they have received no marks. In this criteria, they point out that the Snake species found in India, Pakistan, Sri Lanka, Myanmar, Afghanistan, Nepal and Bangladesh are not found in any of the RRA countries, that's why this product is not registered in any of those countries. The product coming to Pakistan is pertinent only to the regional species of snakes, and as such is not available in any of the RRA countries. If the technical evolution marking criteria for manufacturer/importer is the same, i.e 100 Marks they have lost 5 marks, as it is not applicable for this product which is dedicated for regional species only. They requested you to please either consider our total technical evaluation marks out of 95 or award them 05 marks for being supplied to WHIO instead of the RRA country. Further they informed that

The representative of M/s. Hassan Distribution attended that meeting paid attention towards typographical error in the quoted rates of item nos. MGM0981 & MGM0973.

The CRC reviewed the financial bids of complainants and observed that they have quoted Rs. 4,319/- for item no. MGM0981 & Rs. 2,593/- for item No. MGM0973 but the same were mentioned in the comparative statement as Rs. 4 & Rs. 2, respectively, which seems typographically error.

Decision of CRC:

CRC decided that matter may be referred back to CPC for re-calculation as per correct quoted rates in Financial Comparative Statement and submit report/ recommendation, accordingly.

CRC heard the complaints submitted by M/s. Hakimsosn (Impex) Pvt. Ltd. in details. The representative of complainants attended the meeting objected on the technical evaluation criteria i.e. availability of quoted drugs since last two years in RRA countries as the snake species found in India, Pakistan, Sri Lanka, Myanmar, Afghanistan, Nepal and Bangladesh are not found in any of the RRA countries, that's why this product is not registered in any of those countries. Due to this they have not got marks as prescribed in evaluation criteria.

They pointed out that their competitor product/ company fall in manufacturer criteria does not have more than 500 million financial worth but they have been awarded 4 Marks. Even though their lyophilized product can be stored at room temperature and has a four years shelf-life.

CRC observations:

The CRC observed that the objection of complainant in this regard on marking of evaluation criteria for importers, is time barred as they have not submitted any complaint at the time of NIT published at bidding documents uploaded on website. Moreover, for financial worth of M/s. Amson Vaccine, the committee reviewed the available bid record of the said company and found it is more than one (01) billion and the complainant claim incorrect in

AME OF COMPLAINING & COMPLAIN

name is included in the list of WHO Recognized manufacturer's of anti-snake venom (WHO Guidelines Management of snake bites.

Central Drugs Standard Control Organization: Central Drug Laboratory, Kasauli (India) which is a WHO pre-qualified lab gives the Lot release for every lot exported. Based on the lot release from Kasauli the NCL in Islamabad gives a lot release. The currently approved product by the tendering authority does not get its product release from a WHO pre-qualified Laboratory. They also pointed out that as per their knowledge, their competitor product/ company does not have more than 500 million financial worth for which they have been awarded 4 Marks. Even though their lyophilized product can be stored at room temperature and has a four years shelf-life; and above all is quoted at a lower rate, it stands not approved. The product attributes, besides meeting various WHO parameters, are far superior than the competitor product

Based on the said information they would requested to reconsider the decision for their product.

05. M/S. HUZAIFA ENTERPRISES

MBV0011 & MGM0122

M/s. Huzaifa Enterprises has submitted their grievances as under:

Tender No.01 (Drugs/Medicines),

Item MBV0011.

They have submitted all required documents of the manufacturer's / products quoted by them and the product declared responsive as per bid evaluation report but due to unjustified technical scoring this product is not declared successful.

They have requested to re-consider the technical scores of their products.

Item MGM0122.

They stated that the name of manufacturer, brand name and quoted price of above mentioned item has been mistakenly wrong typed.

They have requested to correct and rectify the mistake, accordingly.

DECISIONS

this regard.

Decision of CRC:

CRC uphold the decision of CPC.

The representative of complainants attended the meeting objected that they have submitted all required documents for item Nos. MBV0011 but following marks were not awarded to them:

- Source of Raw Material 05 Marks.
- Availability in RRA countries 05 Marks.

Moreover, they have paid attention towards typographical error in the quoted rates of item no. MGM0122 as they have quoted 14.90 but the same was mistakenly mentioned in financial comparative statement as 11.90.

CRC observations:

The CRC reviewed the bid of complainants and observed that they have provided source of raw material duly approved by US/FDA, hence 05 marks should be awarded to them also add the 05 marks of the availability of quoted drugs in RRA countries.

Moreover, they have quoted Rs. 14.90 for item no. MGM0122 for brand name High-C manufactured by M/s. Werrick Pharma in financial CS, the rates were mentioned as 14.90. The committee checks the technical & financial proposals of the bidder and found correct the bidder claim is justified.

Job Job

sular of

NAMES OF COMPLAINANT & CIST OF CRE PROCEEDINGS/ COMPLAINT! DECISIONS **Decision of CRC:** CRC unanimously decided that the item no. MBV0011 infavour of M/s. Huzaifa Enterprises. For item no. MGM0122 after correction in quoted rates as Rs. 14.90 and also correct brand name and name of manufacturer, accordingly. Hence, CRC decided to refer back to CPC for further necessary action. The representative of complainants attended the M/S. PARRAS ENTERPRISES 06. meeting objected that they have submitted all MBV0028, MGM0574, MBV0027. required documents for item Nos. MBV0027 & MGM0592 M/s. Parras Enterprises has submitted their MBV0028 but following marks were not grievances against the Tender No.01 awarded to them: Source of Raw Material 05 Marks. (Drugs/Medicines) for item MBV0027 & Bidder submit Bio-similar studies 04 Marks. MBV0028. Moreover, they have paid attention towards required They have submitted all typographical error in the quoted rates of item documents of the manufacturer's no. MBV0028, MGM0574 & MGM0592 as their products quoted by them and the product actual quoted rate is Rs. 170, Rs. 7.93 and Rs. declared responsive as per bid evaluation 6.45 instead of 179, 4.79 and 2.85 respectively report but due to unjustified technical and 10 marks of APQR in item no. MGM0592. scoring this product is not declared Furthermore, winning bidder i.e. M/s. Imperial successful. Traders (M/s.Sindh Medical Store) of item no. Moreover, for item No. MBV0028, MBV0027 has refused to supply the said item MGM0574 & MGM0592 declared/obtain having problem like inflation of COVID related highest combined evaluated score and also issues vide their letter dated: 10.02.2022 include 10 marks of APQR, in said competition product, but the quoted price CRC observations: The CRC reviewed the bid of complainants and is mentioned wrongly due to typographical observed that they have provided source of raw error. material duly approved by US/FDA, hence 05 marks of Raw Material and 04 Marks of Bio-They requested to re-check and correct similar studies and 10 marks of APQR in item this typographical error. no. MGM0592 should be awarded to them. Moreover, on reviewing of financial bid, the quoted rate for Item No. MBV0028 is found Rs.170, MGM0574 is found Rs. 7.93 & for item no. MGM0592 is found Rs. 6.45 instead of 4.79 & 2.85, respectively. **Decision of CRC:** CRC unanimously decided the item Nos. MBV0027, MBV0028 in favour of M/s. Parras Enterprises instead of M/s. Hoffman M/s.Hakimsons (Impex) Pvt. Ltd., respectively and correction in price in item nos. MBV0028, MGM0574 & MGM0592 after adding 10 marks of APQR in item no. MGM0592 accordingly.

John John

Freday. She

Hence, CRC decided to refer back to CPC for

further necessary action.

NAME OF COMPLAINANT & GIST OF COMPLAINT

07. M/S. ROCH PAKISTAN

MGM0746,MGM0747, MGM0865

M/s. Roch Pakistan has submitted their observation / grievance against the Tender No.01

Item No. MGM0746

1. They informed that the qualification criteria for importer clause/point number 1 & 2 of bidding documents last 3 years experience of 2 private sector of tertiary care hospital and last 3 years experience of 2 private sector of tertiary care hospital is required having 8 marks each.

They also raise the point that 16 marks are given to 433PHARMEVO Private limited quoted brand RITUXIM 100mg. Whereas they informed that the product has no prior experience in public sectors quoting the product for the first time in tender as they got approval From DRAP 2021.

They are requested to review the registration letter from DRAP and reduce the Given 16 marks to the firm.

- 2. They quote the reference of qualification criteria for importer clause/point 8.
- PICS/US FDA/OTHER SRA countries audits and approval is required.
- 4. They also informed that the available RITUXIM is not approved from the abovementioned authorities, requested for review the above said documents and reduce the given 5 marks to 0.

They referred the qualification criteria for individual product for importers of clause/point.

Annual product quality review of 25 batches.

The Lot size is comparatively huge as compared to number of batches produced, further consumption of Ristova 100mg 2s' is lower worldwide as 100 mg is used for dose management along with 500 mg. They informed that 4 marks are given to Roche for APQR they requested to review committee to look into it and to allot the marks to Roche.

1. In the qualification criteria for individual product clause 4 <u>Bidder submit biosimilar studies</u> for biologics with biotech products

Biosimilarity study is the only parameter to ensure quality, safety and efficacy of product and should be endorse by FDA/EMA and WHO approved authorities. To ensure biosimilarity head to head clinical trial with Reference brand i.e Ristova is required & must be endorsed by WHO / FDA or EMA.

In view of the above the quality standards of the products they requested that the review committee to review the document of Pharmevo Pvt Ltd brand Rituxim on biosimilar studies they stated that as per their knowledge no biosimilar studies is conducted & approved by WHO, EMA, FDA of the said brand.

They requested to review the above said documents and reduce the given 4 marks to 0.

CRC PROCEEDINGS/
DECISIONS

CRC heard the complaints submitted by M/s. Roch Pakistan in details. The representative of complainants attended the meeting informed that the qualification criteria for clause/point number 1 & 2 of bidding documents last 3 years experience of 2 private sector and 2 public sector tertiary care hospitals experience is required having 8 marks each but 16 marks were given to M/s. Pharmevo quoted brand RITUXIM 100mg, whereas they have no prior experience in public sectors as they got approval from DRAP in 2021. They also objected that the available RITUXIM is not approved from the PICS/US FDA/OTHER SRA countries as required in evaluation criteria.

As per technical and financial comparative statement 5 marks were allotted to Pharmevo for more than 5 years importer manufacturer relationship, whereas the said product was registered in 2021 and can't have 5 year of import experience.

As per financial comparative statement marking, Roche Pakistan has offered 2+1 FOC with Ristova 100mg which was not took into evaluation according to which For every 2 Packs of RISTOVA 100mg 1 pack will be given free of cost (FOC).

CRC observations:

The leading Technical member of Technical Experts Committee informed that M/s. Roche Pakistan have offered FOC offer which seems conditional price. While going through the record of CPC it is found that M/s. Pharmevo provided authorization from the principal since 2016 which seem relationship between Importer and Manufacturer is 05 years. As far as other marking, the CRC observed that M/s. Karachi Medical Company has also submitted their grievances on said products which was discussed in complaint at Sr. No. 02 and above hence, both offers should be re-examined according to Rules / norms of bidding documents.

Decision of CRC:

CRC decided to refer back to CPC for further necessary action.

& dob

Suld I

5. In reference to clause 5 for individual product Importer manufacturer relationship import experience is required(import experience)

As per technical and financial comparative statement 5 marks are allotted to Pharmevo for more than 5 years importer manufacturer relationship (import experience) whereas the said product was registered in 2021 and can't have 5 year of import experience.

They requested to review the above said documents and reduce the given 5 marks to 0.

With reference to financial Marking Roche Pakistan has offered 2+1 FOC with Ristova 100mg which was not took into evaluation according to which For every 2 Packs of RISTOVA 100mg 1 pack will be given free of cost (FOC). For Example

14650*2 = 29300, 2930013 = 9766.6

1 Vial net perceived Price for procuring agency including FOC impact = 9766.6 Rs

So 20 marks would be allotted to ROCHE PAKISTAN as it is least quoted price.

Item No. MGM0747

With reference to qualification criteria for importer clause/point number 1 & 2 of bidding documents Last 3 Years experience of 2 public sector of tertiary care hospital and last .3 years experience of 3 private sector of tertiary care hospital is required having 8 marks each.

We would like to raise a point that all 16 marks are given to 433PHARMEVO Pvt Limited quoted brand RITUXIM. Ltd. Whereas the product has no prior experience in public sectors quoting the product for the first time in tender as they got approval From DRAP on October 2420.

We humbly request to review the registration certificate from DRAP and reduce the Given 16 marks to the firm.

In reference to qualification criteria for importer clause/point.

PICS/US FDA/OTHER SRA countries audits and approval is required

They informed that the available RITUXIM is not approved from the above-mentioned authorities and requested to review the above said documents and reduce the given 5 marks - 0.

In reference to qualification criteria for individual product clause 4 Bidder submit biosimilar studies for biological products.

Biosimilarity study is the only parameter to ensure quality, safety and efficacy of product and should be endorse by FDA/EMA and WHO approved authorities. To ensure biosimilarity head to head clinical trial with Reference brand i.e. Ristova is required & must be endorsed by WHO /FDA or EMA.

In view the quality standards of the products they would requested to the review committee to review the document of Pharmevo Pvt. Ltd. brand Rituxim on biosimilar studies as the per their

Solo

Suld of

MANAR OF COMPLAINAINE & CIST OF

CRC PROCEEDINGS/ DECISIONS

knowledge no biosimilar studies is conducted & approved by WHO, EMA, FDA of the said brand. They requested to review the above said documents and reduce the given 4 marks to 0.

In reference to clause 5 for individual product Importer manufacturer relationship import experience is required (Import experience).

As per technical and financial comparative statement 5 marks are

allotted to Pharmevo for more than 5 years importer manufacturer

relationship (import experience) whereas they informed that the said product was registered in 2020 and can't have 5 year of import experience.

They requested to review the above said documents and reduce the given 5 marks to 0.

With reference to financial Marking Roche Pakistan has offered 2+1 FOC with Ristova 500mg which was not took into evaluation according to which For every 2 Packs of RISTOVA 500mg 1 pack will be given free of cost (FOC). For Example

73650*2=145300, 14530013 = 48433.33

1 Vial net perceived price for procuring agency including FOC, impact = 48433.33 Rs

So 20 marks would be allotted to ROCHE PAKISTAN as it is least quoted price.

With reference to qualification criteria for importer clause/point number 1 & 2 of bidding documents last 3 years experience of 2 public sector of tertiary care hospital and last 3 years experience of 2 private sector of tertiary care hospital is required having 8 marks each.

They raise the point that all 16 marks are given to 433PHARMEVO Pyt quoted Brand Traszeptin 440 mg.

Whereas the product has no prior experience in public sectors quoting the product for the first time in tender as they got approval From DRAP in 2024

They requested to review the registration certificate from DRAP and reduce the Given 16 marks to the firm.

In reference to qualification criteria for importer clause/point-8.

PICS/US FDA/OTHER SRA countries audits and approval is required.

As they informed that the Traszeptin 440 mg is not approved from the above-mentioned authorities.

They review the above said documents and reduce the given 5 marks to 0.

In reference to qualification individual product clause criteria for 4 <u>Bidder submit biosimilar</u> studies for biologics and biotech products

Biosimilarity study is the only parameter to ensure quality, safety and efficacy of product and should be endorse by FDA/EMA and WHO approved authorities. To ensure biosimilarity head to head clinical trial with Reference brand i.e Herceptin 440 mg is required & must be endorsed by WHO

Lob

Soular Ale

WE OF COMPLAINANT & CIST OF COMPLAINT /FDA or EMA. In view of the above the quality standards of the products, they requested that the review committee to review the document of Pharmevo Pvt Ltd brand Traszeptin 440mg on biosimilar studies and they stated that no biosimilar studies is conducted & approved by WHO, EMA, FDA of the said brand. They requested to review the above said documents and reduce the given 4 marks to 0. In reference to clause 5 for individual product Importer manufacturer relationship import experience is required (Import experience). They state that as per the technical and financial comparative statement, 5 marks are allotted to Pharmevo for more than 5 years importer manufacturer relationship (import experience) whereas the said product was registered in 2020 and can't have 5 year of import experience. They requested to review the above said documents and reduce the given 5 marks to 0. They informed that the financial Marking M/s. Roche Pakistan has offered 1+1 FOC with Herceptin 440mg which was not took into evaluation according to which For every 1 Packs of Herceptin 440mg 1 pack will be given free. (FOC).For Example 1 10480*1=1 10480, fi048112 = 55240/-1 Vial net perceived Price for procuring agency including FOCimpact = 55240 Rs They requested to award 20 marks to ROCHE PAKISTAN as it is least quoted price. 08 M/S. SAIFROS PHARMACEUTICALS The representative of complainants attended the MGM0638, MGM0907 meeting objected that they have submitted all M/s. Saifros **Pharmaceuticals** required documents for item Nos. MGM0638, has submitted their grievance against the MGM0907 and they have paid attention towards quoted Items No. MGM0638 typographical error in the pack size of quoted MGM0907 and to informed that they won items. the quoted items but the pack sizes in the **Decision of CRC:** online Technical and Financial bid are CRC decided that matter may be referred back to mentioned in the award letter as follows: CPC for re-examination of Items No. MGM0638 & MGM0907 and allowed for correction in pack Item Code MGM0638 size. Generic Name: Paraffin 4.5 Ltrs. Pack. Trade Name: Liquid Parafin 450ml Pack Size: 450ml Item Code MGM0907 Generic Name: White Soft Paraffin (Petroleum Jelly) Trade Name: Petroleum Jelly Pack Size: 1kg The representative of M/s. Sagar Medicos 09 M/S. SAGAR MEDICOS attended the meeting informed that the generic MGM0323, MDP0012, MDP0055, name of item No. MGM0323 is iron polymaltose MGM0622, MGM0835, MGM0005, whereas, the generic of approved bidder is Iron + MGM0070

Saldish

NAVID OF COMPLAINANT & GIST OF COMPLAINT

M/s. Sagar Medicos has submitted their grievance against the quoted Items No. MGM0323 on behalf of Ms. AGP Ltd. Karachi and to informed that the generic name of 1st lowest party is not as per the tender documents. Moreover, the pack size of the 2nd lowest party is also not as per the tender document.

However, the generic name and pack size of M/s. AGP Limited Karachi is exactly as per the tender document as 3rd lowest.

They requested that the said item may be awarded to their company.

For items No. MDP0012, MDP0055, MGM0622, MGM0835, MGM0005, MGM0070

They have submitted reservation on above mentioned item on behalf of M/s. Zafa Pharma as due to unjustified scoring these items have not been declared as approved in their favour.

They have requested to reconsider the same.

10. M/S. SHAMIM & CO. M/s. Getz Pharma Pak. HCV0001, HCV0004, MGM0208, MGM0454, MGM0494,

M/s. Barrett Hodgson Pakistan (Pvt.) Ltd.

MDP0181, MGM0254

M/s. Shamim & Co. informed that they participated in the Tender No.01 (Drugs / Medicines) they are authorized distributor of M/s. Getz Pharma and participated in the following quoted products. They stated that M/s. Getz Pharma having GMP as per recommendation of WHO, having ISO certifications & latest HVAC system and they only prequalified from WHO and PIC's in Pakistan.

M/s. Getz Pharma Pakistan (Pvt.) Ltd (Item No. HCV0001, HCV0004 & MGM0208:

 PIC's & WHO accreditation given-0, but deserve 02 Marks, PIC's & WHO certificates already CRC PROCEEDINGS/ DECISIONS

Multivitamin (Sangobion) which is not as per tender document.

They have also objected for unjustified scoring against item No. MDP0012, MDP0055, MGM0622, MGM0835, MGM0005 & MGM0070 as they have submitted all documents but some marks are missing in BER so they could not become successful bidder in these items.

CRC observations:

The leading Technical member of Technical Experts Committee informed CRC that both generic containing Iron quoted by M/s. AGP (Rubifer) and by M/s. Martin Dow (Sangobion). Moreover, Sangobion is a renowned product in iron deficiency anemia and frequently used. As far as missing marks in items nos. MDP0012, MDP0055, MGM0622, MGM0835, MGM0005 & MGM0070.

Decision of CRC:

CRC uphold the decision of CPC except for items No. MDP0012, two marks of primary standard and four marks of pharmaceutical equivalence should be given, in the same way for item no. MGM0005 seven (07) marks of APQR should be given, Hence, CRC decided to refer back item nos MDP0012, MGM0005 & MGM 0070/to CPC for further necessary action.

CRC heard the complaints submitted by M/s.Shamim & Co. in details.

The representative of complainants attended the meeting informed that they have quoted item No. HCV0001, HCV0004, MGM0208, MGM0454, MGM0494 manufactured by M/s. Getz Pharma having GMP as per recommendation of WHO, ISO certification and latest HVAC system and only pre-qualified from WHO and PIC's in Pakistan but 0 Marks given instead of 02.

They have provided all APQR and Biosimilar studies as per requirement of the bidding documents but prescribed marks were not given to them.

Moreover, they have quoted items No. MDP0181 & MGM0254 manufactured by M/s. Barret Hodgson Pakistan who have financial worth up-to 02 billion but 04 marks were awarded instead of 10. However, despite of provision of APQR of 25 batches they were given 04 marks instead of 10 marks.

July 1

Golden of

NAME OF COMPLAINANT & CIST OF COMPLAINT

attached with Technical Bid.

- *(APQR) CPC Expert mostly items given 0
 Marks and 04 Marks but deserve maximum 10
 Marks, APQR (25 batches) quoted items
 attached with technical bid.
- 6. Four 04 Marks given for Bio-similar studies to other local manufacturer, where as Bio-similar studies are not available with local manufacturers. Please recheck and authenticate the document. Bio-similar studies required only for Biological or Biotech products and common dissolution profile (CDP) for Oral Dosage Form. Getz Pharma submitted (CDP) dor Daclastavir and Sofosbuvir and full (4) Marks should be allocated for same of Getz Pharma.

M/s. Getz Pharma Pakistan (Pvt.) Ltd (Item No. MGM0454):

 PIC's & WHO accreditation given - 0 Marks, but deserve 02 Marks, PIC's & WHO certificates already attached with Technical Bid.

M/s. Getz Pharma Pakistan (Pvt.) Ltd (Item No. MGM0494):

 PIC's & WHO accreditation given - 0 Marks, but deserve 02 Marks, PIC's & WHO certificates already

attached with Technical Bid.

- 6. Four 04 Marks given for Bio-similar studies to other local manufacturer, where as Bio-similar studies are not available with local manufacturers. Please recheck and authenticate the document. Bio-similar studies required only for Biological or Biotech products and common dissolution profile (CDP) for Oral Dosage Form. Getz Pharma submitted (CDP) dor Daclastavir and Sofosbuvir and full (4) Marks should be allocated for the same of Getz Pharma.
- Approved items imported, given local manufacturer marks

M/s. Barrett Hodgson Pakistan (Pvt.) Ltd (MDP0181 & MGM0254):

4. Financial worth 2 billion (FBR) CPC Expert given -04 Marlis, but deserves maximum 10 Marks. FBR tax return / Audited report attached with technical bid. (Total Equity / Liabilities) FY 2017 - 5,931,947,000/-, FY 2019 - 7,445,494,0001 -

F'Y 2019 - 9,952,660,000/-, FY 2020 - 9,075,566,000/-

*(APQR) CPC Expert mostly items given – 04 Marks, but deserve maximum 10 Marks, APQR (25 batches) quoted items attached with technical bid.

CRC PROCEEDINGS/ DECISIONS

CRC observations:

The leading Technical member of Technical Experts Committee informed CRC that the evaluator evaluated the bid of complainant according to documents provided in the bid.

The CRC observed that the complainant manufacturer i.e. M/s. Getz Pharma is PIC's certified for none-sterile product, packaging and quality control testing in Pakistan, hence, two marks of PIC's for non-sterile products HCV0001, HCV0004, MGM0208 & MGM0494 should be given except MGM0454 i.e. Inj. Insulin 70/30 (Sterile product) it is necessary to review the bid record of the complainant. Moreover, the observations of the complainant for M/s. Barret Hodgson is also required to reexamine the bid.

Decision of CRC:

CRC unanimously decided to uphold the decision of CPC in items Nos. HCV0004 & MGM0454.

Except for item nos. HCV0001, MGM0208, MGM494, MDP0181 & MGM0254 the matter may refer back to CPC for further necessary action.

E .

20

Sular of

S.# NAME OF COMPLAINANT & GIST OF COMPLAINT

11. M/S. LAB LINK ENTERPRISES

HCV0001, HCV0004, MGM 0208

M/s. Lab Link Enterprises submitted their grievances for item No. HCV0001, HCV0004 and MGM0208 and informed that they have participated for these items but the marks allocated in comparative statement are not as per their submitted documents. They have submitted details of every product as compare to marks are state below:

Item No. 981 Item Code: HCV0001 Namely Cap; sofosbuvir 400mg

- Last Three years' experience of 2 public sector of tertiary care hospital: They have provided orders copy allocated only 04 marks instead of 08.
- Last Three years' experience of 2 Private sector of tertiary care hospital attached the order copy of last three years as working in private sector from last couple of years.
- Source of active pharmaceutical ingredient (API) with certificate of analysis attached the API Source as all competitor have the same source but only they have allocated 5 Marks.
- APQR for quoted drugs of 25 batches attached the APQR reports of quoted drugs of 25 Batches but allocated 0 Marks.
- Primary reference standards with shelf life use for QC testing attached the import/shipping document and certificate of analysis (COA) but allocated 0 Marks.
- Stability study of quoted drugs according to Zone IVa attached the stability data but they have allocated 0 Marks.

Item No. 982 Item Code: HCV0004 Namely Cap: sofgsbuvir 400 mg & Cao: Dacltasvir 60

- Last Three years' experience of 2 public sector of tertiary care hospital attached the orders copy but allocated only 4 marks instead of 08.
- Last Three years' experience of 2 Private sector
 of tertiary care hospital attached the order copy
 of last three years working in private sector
 form last couple of years.
- Source of active pharmaceutical ingredient (API) with certificate of analysis attached the API Source as all competitor have the same source but only they have allocated 5 Marks.
- APQR for quoted drugs of 25 batches attached the APQR reports of quoted drugs of 25 Batches but allocated 0 Marks.
- Primary reference standards with shelf life use for QC testing attached the import/shipping document and certificate of analysis (COA) but they have allocated 0 Marks.
- Stability study of quoted drugs according to Zone IVa attached the stability data but they have allocated 0 Marks.
- Common dissolution profile (CDP) for oral dosage form have attached the CDP but allocated 0 Marks. However for same product

CROPROCEEDUNGS

CRC heard the complaint submitted by M/s. Lab Link Enterprises in details.

They have quoted Item No. No. HCV0001, HCV0004, MGM0208 and all the related documents required as per evaluation criteria but justified marks were not awarded to them as:

- 1. Last Three years' experience of 2 public sector of tertiary care hospital allocated only 04 marks instead of 08.
- Source of active pharmaceutical ingredient (API) with certificate of analysis attached the API Source as all competitor have the same source but only they have allocated 5 Marks.
- 3. APQR for quoted drugs of 25 batches attached the APQR reports of quoted drugs of 25 Batches but allocated 0 Marks.
- 4. Primary reference standards with shelf life use for QC testing attached the import/shipping document and certificate of analysis (COA) but allocated 0 Marks.
- 5. Stability study of quoted drugs according to Zone IVa attached the stability data but they have allocated 0 Marks.

They have requested to review the record and allocate proper marking to them in above 03 items.

CRC observations:

The leading Technical member of Technical Experts Committee informed CRC that the evaluator evaluated the bid of complainant according to documents provided in the bid.

The CRC observed that the complainant products should be properly reviewed as per the bid record of the complainant.

Decision of CRC:

In view of the above, the grievances of M/s. Lab Link Enterprises found merits no considerations and CRC uphold the decision of CPC.

& S.D

Cald.

NAME OF COMPLAINANT & GIST OF COMPLAINT at item code HCV00L & Item Code MGM 0208 they have allocated 4 in same requirement, Item No. 925 Item Code: MGM 0208 Namely: Cap: DacItasvir 60 mg 1. Last Three year experience of 2 public sector

- Last Three year experience of 2 public sector of tertiary care hospital attached the orders copy but allocated only 4 marks.
- Last Three years' experience of 2 Private sector of tertiary care hospital attached the order copy of last three years as they working in private sector form last couple of years'
- Source of active pharmaceutical ingredient (API) with certificate of analysis attached the API Source as all competitor have the same source but only they have allocated 5 Marks.
- APQR for quoted drugs of 25 batches attached the APQR reports of quoted drugs of 25 Batches but they have allocated 0 Marks.
- Primary reference standards with shelf life use for QC testing attached the import /shipping document and certificate of analysis (COA) but they have allocated 0 Marks.
- Stability study of quoted drugs according to Zone IVa attached the stability data but they have allocated 0 Marks.

12. M/S. PLATINUM CO.

M/s. Platinum submitted their grievances that they have various Drugs of M/s. AGP Limited and having good reputation in the market and working with government institute since 2005 but in Comparative statement they have found that their company become NR due to not full filling 200 Million as they are currently on 182 Million as all are well aware of COVID-19 position of last couple of years due to this overall position of business are down and all importer/ distributor are facing a lot of problems. They have requested to look in this matter on humanitarian ground.

The representative of M/s. Platinum Co. attended the meeting informed the CRC that the quoted products of M/s. AGP Ltd. having good reputation in quality but they were declared non-responsive due to not fulfilling 200 (M) turnover average in last 3 years. They stated that currently they are on 182 (M) and due to COVID-19 situation of last couple of years, the overall position of business was down and all importers / distributor facing a lot of problems.

CRC observations:

The CRC observed that the firm was declared non-responsive as they are not fulfilled the mandatory requirement required in the evaluation criteria of bidding documents regarding average yearly turnover of Rs. 200 (M) in last 3 years.

Decision of CRC:

In view of the above, the grievances of M/s. Platinum Co. found merits no considerations.

CRC heard the complaints submitted by M/s. Novartis Pharma in details. The representative of complainants attended the meeting informed that they instituted legal proceedings against M/s. Himmel Pharma for infringement of Novartis' patent in Pakistan relating to Eltrombopag olamine tablet product. Further details on the patent are as follows:

 M/S. NOVARTIS PHARMA MGM0277, MGM0278, MGM0998

M/s. Novartis Pharma submitted their grievances against Tender No.01 (Drugs / Medicines) as under:

SR. NO.167 & 158 (TABLET Eltrombopae Olamine 25MG & 50Me) GRIEVeNCE AGANIST xlMn et pxlnMe

They stated that Himmel (Private) Ltd. has offered

200

Lorlah

NAME OF COMPLAINANT & CIST OF

its product against Eltrombopag 25mg & 50Mg Tablets under the trade

name "Elbonix"

They informed that they instituted legal proceedings against Himmel Pharma for infringement of Novartis' patent in

Pakistan relating to Eltrombopag olamine tablet product. Further details on the patent are as follows:

o Stay Against Himmel pharma;

The presiding officer passed an ad-interim injunction ("Stay Order") against Himmel on 16 December 2020. This Stay Order restrain Himmel from offering for sale or selling a pharmaceutical product having its active ingredients Eltrombopag Olamine under the brand name of "Elbonix".

Such orders of the Court remain effective and have not at any point been recalled, varied or lifted by the Court.

Keeping in view the above facts, the status of the firm Himmel Pharma for the item No. 167 & 16g Tablet Eltrombopag Olamine 25mg and 50mg may be declared non-responsive.

SR. NO.744 (TABLET Imatinib 100mg)
GRIEVANCE AGAINST FOR NOT
SECURING 100% SCORE

It is stated that Novartis Pharma Pakistan Limited submitted all required documents for tender submission for the year 2021-2022. Below points will enlighten that extra marks given to Merixil, which should be removed.

Last three years experience of 2 public sector of tertiary care hospital.

Last three years experience of 2 private sector of tertiary care hospital.

Merixil Imatinib 100mg has recently launched and does not have three year experience in any of the Public and Private Sector Tertiary Care Hospitals but awarded full marks which should be removed.

PICS/ US FDA / Other SRA Countries Audit and approvals:

Merixil Imatinib 100mg does not have their presence in US FDA and other SRA countries, this also reflects that they have no audits or approval in the mention countries, hence, remove these points for Merixil Pharma.

Financial worth each year average for continuous last three years (Assest and Liabillities in FBR return) a) More than 1 Billion. b) More than 500 million to 1 billion c) More than 300 millionto 500 million: Novartis Pharma Pakistan Ltd. last three years FBR returns are more than 1 Billion, due to that allocate full 10 points against this head

Source of active Pharmaceutical ingredients (API) with certificate of analysis. a) Source license original or accredited by US FDA/WHO/RRA Countries (Firm should provide import document i.e. Air ways bill:

Merixil Imatinib 100mg does not import its

ORC PROCEEDINGS/ DECISIONS

Stay Against Himmel pharma;

The presiding officer passed an ad-interim injunction ("Stay Order") against Himmel on 16 December 2020. This Stay Order restrain Himmel from offering for sale or selling a pharmaceutical product having its active ingredients Eltrombopag Olamine under the brand name of "Elbonix".

Such orders of the Court remain effective and have not at any point been recalled, varied or lifted by the Court.

Keeping in view the above facts, the status of the firm Himmel Pharma for the item No. 167 & 168 Tablet Eltrombopag Olamine 25mg and 50mg may be declared non-responsive.

CRC observations:

The CRC observed that Sindh Govt. not received any such instructions for restraining of M/s. Himmel Pharma products in impugned stay order. However, matter seems sub-judice and required legal advice from Law departments Govt. of Sindh for further proceedings.

Decision of CRC:

The CRC unanimously decided to take legal advice from Law department Govt. of Sindh.

As far as Item No. 744 CRC uphold the decision of CRC.

Salat Sh

Active Pharmaceutical Ingredient from US FDA and other SRA countries directly import this drug and proof of the same is already provided, therefore they requested to consider this and remove these 10 points for Marixil Pharma.

IAME OF COMPLAINANT & GIST OF COMPLAINT

Annual Product Quality Review (APQR): a) APQR for quoted drugs of 25 batches b) APQR for quoted drugs of 15 batches. c) APQR for quoted drugs of 10 batches:

Merixil Imatinib 100mg have recently launched than how they are above to provide Annual Product Quality Review (APQR). They are requested to revisit this and exclude these 10 points against this category.

Available of Quoted Medical device since last two years in RRA countries like USA / Europe /Japan or other RRA countries one mark for each country:

Merixil Imatinib 100mg is not available in any of the RRA countries. They are requested to exclude these points from Merixil Pharma Imatinib 100mg.

In view of the above information they are requested to revisit Imatinib documentation and revise scores.

14. M/S. AL MUSTAFA ENTERPRISES MGM1016

1: Item Code MGM1016, Tab: Calcium Carbonate 1000MG + Alfacalcidol 0.5MCG.

They have quoted the manufacturer, M/s. Arres Pharmaceuticals (Pvt) Ltd, brand Name: Oscal-D, which is a unique formulation amongst all pharmaceutical manufacturers. Health Department Govt: of Sindh Karachi regularly demanded above medicines since last three years.

In the comparative of tender drugs / medicines 2021-22, the committee rewarded the remarks for quoted drug "Dropped, not mentioned in approved formulary". They requested to consider their request and award the same.

M/S.M. Y ENTERPRISES.

MGM0622, MGM0623

15.

M/s. M.Y. Enterprises submitted their grievance against the mentioned below items of Tender No.01 (Drugs / Medicines) for review the maters and considered the points which would be awarded and rectified in the final decision of respective products.

They requested to re-evaluate the same.

The representative of M/s. Al Mustafa Enterprises, informed that they have quoted item code MGM1016 available on bidding documents hoisted on SPPRA website and available online but the item was dropped. They stated that it is a unique molecule and they are supplying the same from last 3 years in Central Rate Contract so the same may kindly be approve and award to them.

Decision of CRC:

In view of the above, the CRC unanimously decided that to allow the molecule accordingly. Hence, CRC decided the matter to CPC for further necessary action.

The representative of complainants attended the meeting objected that they have submitted all required documents for item Nos. MGM0622 & MGM0623 but 10 marks deducted while they have submitted APQR of the product for more than 25 batches.

CRC observations:

The leading Technical member of Technical Experts Committee informed CRC that the evaluator evaluated the bid of complainant

2 de

Salat

1

AME OF COMPLAINANT & GIST OF

CRC PROCEEDINGS/ DECISIONS

according to documents provided in the bid but 10 marks for APQR was missing due to human error as they have provided APQR of 25 batches for MGM0623.

The CRC observed that the bid record of complainant should be reviewed properly.

Decision of CRC:

CRC uphold the decision of CPC in item no. MGM0622.

For the item no. MGM0623 CRC decided to refer back to CPC for re-examination of item and recalculate the marks as per availability of objected documents and submit report/ recommendation, accordingly.

M/S. ALI GOHAR & COMPANY (PVT.) LTD.

MGM0267

17.

M/s. Ali Gohar & Co. (Pvt) Ltd. submitted their grievances for correction in the rate of quoted item CPC Code No. MGM0267 Inj.Trulicity, they have quoted rate Rs. 3,737.50 but in the BER mistakenly quoted Rs. 934.38.

They have requested for correction in quoted rates as per their quoted price.

M/s. Z.I. Enterprises has requested for

correction of item CPC Code MGM0039

mentioned as 29.34 per ml which should

be Rs. 0.489 per ml as they have quoted

They have requested for correction in

quoted rates and requested to read the

M/S.Z. I. ENTERPRISES.

Rs. 48.90/(per 100ml pack).

rates as Rs. 48.90/100ml pack.

MGM0039

The representative of complainants attended the meeting paid attention towards typographical error in the quoted rates of item no. MGM0267 as their actual quoted rate is Rs. 3,737.50 but in financial comparative statement mentioned as Rs. 934.38.

CRC observations:

The CRC on reviewing of financial bid, the quoted rate for Item No. MGM0267 is found Rs. 3,737.50 instead of Rs. 934.38.

Decision of CRC: refer bank to CPL to SCRC decided to re-calculate Item No. MGM0267 after correction in quoted rates and submit report/ recommendation, accordingly.

The representative of complainants attended the meeting paid attention towards typographical error in the quoted rates of item no. MGM0039 as their actual quoted rate is Rs. 48.90 per 100ml pack but in financial comparative statement it was mentioned as Rs. 29.34 as per ml cost which is incorrect. They inform that per ml cost will be Rs. 0.489 (48.90/100 ml)

CRC observations:

The CRC on reviewing of financial bid, found that the quoted rate for Item No. MGM0039 is Rs. 48.90, hence, per ml cost will be Rs. 0.489 per ml.

bank to CPC So Decision of CRC: CRC unanimously decided to re-calculate Item No. MGM0039 after correction in quoted rates and submit report/ recommendation. accordingly.

18. M/S. RTJ ENTERPRISES MGM0792

M/s. RTJ Enterprises has stated that in following item the rates is published in Comparative Statement mistakenly

The representative of M/s. RTJ Enterprises attended the meeting informed the CRC that in the quoted product having typographical error in the quoted rates of item no. MGM0792 as their in actual quoted rate is Rs. 151 but in financial CS

S.# NAME OF COMPLAINANT & GIST OF COMPLAINT

award letter.

correct and needs to be corrected.

They have requested for correction in the above mentioned item and issuance of

CRC PROCEEDINGS/ DECISIONS

it was mentioned as Rs.101.

CRC observations:

The CRC on reviewing of financial bid, found that the quoted rate for Item No. MGM0792 is Rs. 101 instead of Rs. 151

Decision of CRC:

CRC decided to n re-calculate Item No. MGM0792 after correction in quoted rates and submit report/ recommendation, accordingly.

The representative of M/s. Imperial Traders attended the meeting informed the CRC that in the quoted product having typographical error in the quoted rates of item no. MGM0062 as their actual quoted rate is Rs. 93.10 but in financial comparative statement it was mentioned as Rs. 3.94.

CRC observations:

The CRC on reviewing of financial bid, found that the quoted rate for Item No. MGM0062 is Rs. 93.10 instead of Rs. 3.94

Decision of CRC: Which is a constraint of the co

The representative of M/s. Hamza Enterprises attended the meeting informed the CRC that they have mistakenly quoted price of item no. MGM0566 for 5 ampoules packing whereas, packing size is 10ampoule in a box and the trade price of box is Rs. 621.39 so the trade price will be Rs. 62.139. They requested to modify their quoted rates Rs. 62.10 instead of Rs. 104.93.

For item No. MGM0797 they have stated that the name of manufacturer for such item is M/s. Shaigan Pharma but mistakenly mentioned in CS as M/s. Mass Pharma.

CRC observations:

The CRC on reviewing of financial bid, found that the quoted rate for Item No. MGM0566 IS Rs.104.93 while the trade price mentioned in the financial bid is Rs.124.27 but the complainant admitted that they have quoted for 5 ampoule pack so the trade price for 10 ampoule pack will be Rs. 621.39 (62.139 each) while the quoted price is Rs.104.93.in respects of 5 ampoules pack which come to Rs.524.65. Thus, the price for 10 ampoules pack should be quoted at Rs. 524.65/10=52.465. The complainant requested to modify their quoted rates Rs.62.10 each instead of 104.93 each.

For item No. MGM0797 CRC found that the

19. M/S. IMPERIAL TRADERS (INC). MGM0062

M/s. Imperial Traders has stated that in following item the rates is published in Comparative Statement mistakenly in correct and needs to be corrected.

They have requested for correction in the above mentioned item and issuance of award letter.

20. M/S. HAMZA ENTERPRISES MGM0566 & MGM0797

MGM0566:

M/s. Hamza Enterprises has stated that this is a single quoted items and they have mistakenly quoted price as per 5 ampoule packing whereas, it packing size is 10x1 (10 ampoule in a box). Trade price Rs. 621.39 so per ampoules trade price will be 62.139 therefore, they requested to modify their quoted rates Rs. 62.10 instead of 104.93 each.

MGM0797:

M/s. Hamza Enterprises has also stated this is a single quoted items and awarded with manufacturing name M/s. Mass Pharma whereas, they have quoted in technical and financial proposals with manufacturing name M/s. Shaigan Pharma Pvt. Ltd. They requested to change the name of manufacturer as M/s. Shaigan Pharma instead of M/s, Mass Pharma.

Z.J.

Solal S

S.# NAME OF COMPLAINANT & GIST	DECISIONS:
	name of manufacturer quoted by the complainant is M/s. Shaigan Pharma instead of M/s. Mass Pharma, mistakenly mentioned. Decision of CRC: CRC decided to refer back the matter to the CPC to re-calculate Item No. MGM0566 after correction in quoted rates and submit report/recommendation, accordingly. The CRC also decided to modify the name of manufacturer as M/s. Shaigan Pharma instead of M/s. Mass Pharma
21. M/S. MULLER & PHIPPS MGM0466 M/s. Muller & Phipps has stated that It No. MGM0466 awarded to them is Tri Cream but mistakenly mentioned at Se No. MGM0466 against the specification MGM0465. They requested to amend product/It details as under: 1 gm Travocort contains 10mg (1 Isoconazole nitrate and 1mg (0.1 diflucortolone valerate. Manufacturer Bayer Pakistan Products Travocort Cream.	The representative 8f M/s. Muller & Phipps attended the meeting informed the CRC that Item No. MGM0466 awarded to them is Travocort Cream but mistakenly mentioned at Serial No. MGM0466 against the specification of MGM0465. CRC observations: The CRC on reviewing of the BER and bids of complainant observed that they have quoted Travocort cream against CPC code MGM0466 which is having specification of Viginal Cream

TENDER NO. 05 (COTTON RELATED ITEMS)				
1 S.#	NAME OF COMPLAINANT & GIST OF COMPLAINT	CRC PROCEEDINGS/ DECISIONS		
01.	M/S. COTTON CRAFT (PVT.) LTD. SCR0008, SCR0009, SCR0017, SCR0054, SCR0055, SCR0056, SCR0070 M/s.Cotton Craft (Pvt.) Ltd., submitted their grievances that their technical bid was approved against above items. They Informed that in respect of quality the technical points awarded to their items were satisfactory but they fail to understand that the points awarded to the winner are even higher, whereas the quality of the products is inferior. They are requested to review their matter on the basis of quality product.	The representative of M/s. Cotton Craft is not attended the CRC meeting, hence CRC rejected their complaint being not attended.		
02.	M/S. ESSITY PAKISTAN LTD. SCR0043 M/s. Essity Pakistan Ltd. submitted their grievance that they are multinational company, and its globally market	The representative of M/s. Essity Pakistan Ltd. attended the meeting informed the CRC that their market capitalization is 19.82 billion and M/s. Essity Pakistan's turnover become more than I billion PKR on average years of 2019,		

capitalization is 19.82 billion EUR and in reference M/s. Essity Pakistan's turnover become more than I billion PKR on average years of 2019, 2020 and 2021

They also informed that in the comparative statement they got 06 marks in Financial Soundness on the average turnover of FBR's available returns years of 2018, 2019 and 2020 and it was average of 939 million, this is because of sales goes down during lockdowns in Covid.

Meanwhile, they have received their FBR's return year of 2021, which make the average turnover more than 1 billion, they are requested to consider their last three years data for financial soundness, which will allow them to get complete 08 marks in financial soundness and these 02 marks will give positive impact on their above-mentioned product.

They highlight that M/s. Essity manufacturing Fixomull Stretch in Germany on state-of- art facility and claim that not a single product in Pakistan has a feature of four-way stretch ability like Fixomull. Fixomull single application last long / stay on the patient's skin / limb and do not lift in humid climate and hot weather, due to this four-way stretch ability's feature Fixomull will be very cost effective for the hospitals & patients as compared to their competitor's products.

2020 and 2021. They objected that in the comparative statement they got 06 marks for Financial Soundness on the average turnover of FBR's i.e. 939 million, this is because of sales goes down during lockdowns in Covid.

Meanwhile, they have received their FBR's return year of 2021, which make the average turnover more than 1 billion, they are requested to consider their last three years data for financial soundness, which will allow them to get complete 08 marks in financial soundness and these 02 marks will give positive impact on their above-mentioned product.

CRC observations:

The CRC on reviewing of the Tax returns of FBR available in the bid of complainant found that 6 marks were awarded to them for average 939 million turnovers are correct.

The FBR Tax returns 2021-22 was received by them after opening of tender, hence, not considered for awarding marks.

Decision of CRC:

The CRC unanimously decided to uphold the decision of CPC.

03. M/S. HOSPITAL SOLUTIONS

GRIEVANCE AGAINST ITEMS OUOTED BY HAMZA ENTERPRISES IN TENDER NO. 05

M/s. Hospital Solutions submitted their complaint and informed that the amount of Earnest Money of M/s. Hamza Enterprises announced by the CPC in the financial opening of Tender No. 05 is as per calculations the earnest money is less than the actual amount of earnest money as per their quoted bid amount.

They are requested to look into the matter on the ground of merit.

The representative of M/s. Hospital Solutions inform the CRC that the amount of Earnest Money/Bid Security of M/s. Hamza Enterprises announced by the CPC at the time of financial opening of Tender No. 05 is less than the actual amount of earnest money as per their quoted bid. They are requested to look into the matter on the ground of merit.

CRC observations:

The leading Technical member of Technical Experts Committee informed CRC that they have calculated the bid security submitted by the M/s. Hamza Enterprises is according to requirement as it is excessive then the required limit of 2% of total bid amount.

Decision of CRC:

The CRC unanimously decided that the objection complainant merit Consideration.

The representative of M/s. Parras Enterprises attended the meeting informed that for the item No. SCR0007, SCR0009, SCR0017, SCR0054, M/s. Parras Enterprises objected that in the | SCR0055 they have provided all required

M/S. PARRAS ENTERPRISES SCR0007, SCR0009, SCR0017, SCR0054, SCR0055

04.

manufacturer's / products following quoted by their firm have been shown responsive as per bid evaluation report hosted on SPPRA website but due to scoring these technical uniustified products are not declared successful.

Furthermore, they informed that they have submitted all the required documents along with tender documents and also physically verified the original documents and fulfill all technical criteria. But due to unknown reasons and unjustified technical markings their products have not been successful.

Moreover, they are requested to reconsider their technical score of their quoted products.

documents including APQR of surgical bandages quoted at CPC Code: SCR0054, SCR0055 & SCR0056 but 10 marks awarded for APQR of CPC Code: SCR0056 i.e. Surgical Bandages (5cm x 5mtr) whereas, surgical bandages at SCR0054 and SCR0055 same 10 marks for APOR were not awarded which are unjustified. After reviewed the record it was found that the 10 marks was not added in the Item No.

CRC observations:

SCR0054 as human error.

The CRC observed that 10 marks were awarded for APQR for one size in Surgical Bandages SCR0054 while the same were not awarded for other two sizes, which require re-examination.

Decision of CRC:

CRC uphold the decision of CPC except for item no. SCR0054.

Hence, CRC decided to refer back the said item to CPC for further necessary action.

TENDER NO. 08 (ORTHOPAEDIC IMPLANTS)

NAME OF COMPLAINANT & GIST OF COMPLAINT

M/S. A TO ZEE INTERNATIONAL SMD1338

M/s. A to Zee International - Hyderabad, submitted their grievances for the tender # 08 Orthopedic implants, and quoted Cellular Matrix@ MFG by Regen Lab Switzerland against item code SMD1338.

They informed that the item code # SMD 1338 which is awarded to M/s. Rech international by Brand Name Hyalur@ MFG by Arthrex Germany. The awarded product is a prefilled syringe and does not fulfill the tender's technical specifications and the requirement to perform procedure. Awarding the said product to M/s. Rech is violence and clear negligence of Rule-13 of SPP 2010. M/s. A to Zee stated that the Hyalur@ quoted by M/S. Rech International is mistakenly entertained or may be this is due to typo error. They requested as per mentioned below table to evaluate the both products based on the tender specification published by the competent authority.

As per mention specification in the tender item code # SMD 1338 actually for the preparation of HA and A-pRp as one step close system and quoted item Cellular Matrix@ is a patented medical device and item code by M/s. Rech International have different specification, indication and cannot perform procedure as per tender requirement. In the light of above information M/s. A to Zee

international are confident to award tender item

CRC PROCEEDINGS/ DECISIONS

The representative of M/s. A to Zee International - Hyderabad attended the meeting informed that item No. SMD1338 awarded to M/s. Rech International is a prefilled syringe and does not meeting/fulfill the tenders specification and requirements to perform the procedures. They have provided comparision between their quoted product and approved product quoted by M/s.Rech International according to tender specification / requirements.

CRC observations:

The CRC examined the comparision and complaint thoroughly and observed that the approved products is not as per tender specification / requirements, which should be reexamine properly.

Decision of CRC:

In view of the above, the CRC decided that the said bidder may consider as responsive bidder. The matter refer back to CPC for further necessary action.

S# NAME OF COMPLAINANT & GIST OF COMPLAINT

02.

CRC PROCEEDINGS/ DECISIONS

M/S. PARRAS ENTERPRISES					
SMD0003,		SMD0010,			
SMD0012,SM	MD0020,	SMD0021,			
SMD0026,	SMD0077,	SMD0078,			
SMD0165,	SMD00235,	SMD0261,			
SMD0264,	SMD0265,	SMD0267,			
SMD0360,	SMD0361,	SMD0362,			
SMD0363,	SMD0450,	SMD0513,			
SMD0538,	SMD0553,	SMD0556,			
SMD0580,	SMD0640,	SMD0651,			
SMD0671,	SMD0719,	SMD0888,			
SMD0966 S					

M/s. Parras Enterprises submitted their grievance and to state that in the bid evaluation report of tender of Tender No 08 Orthopedic Implants, mentioned that their firm is been disqualified due to below mentioned reasons:

- No lab test / analysis report from any competent lab report.
- 2. Annual Product Quality Review (APQR) of quoted products of 25 batches not provided.
- 3. Physical examinations of the quoted items by CPC are not accepted.

They informed that they submitted their reply point to point as follows:

1. They have already submitted the copy of lab test / analysis report from competent lab and Procedure of DRAP Registration is under process, they submitted DRAP Establishment license / DRAP Registration documents.

 Annual Product Quality Review (APQR) of quoted products of 25 batches is also provided.

3. Quoted items are already supplied in various Govt. & Private institutions after qualifying tenders from both Govt. & private sector and these quoted items are also exported. They have also qualified in Health Department (PM&I Cell) Central Rate Contract Tender in previous years. They also informed that in support that they are providing documentary evidence which proves that their quoted items are accepted on the basis of quality and prices.

Note: The numbering criteria will never give the chance to the local firms providing quality and low prices items. Because losing of numbers which are not on local manufacturers.

They requested to Check their file / Checklist and consider the order of disqualification be rectified.

The representative of M/s. Parras Enterprises attended the meeting informed that they have quoted Orthopaedic Implants and submitted all required documents including Lab Test Report, DRAP Registration and APQR. They stated that their quoted products were already supplies in various Govt. & Private institutions and approved in previous years in Central Rate Contract Tender but not accepted in this year.

CRC observations:

The leading Technical member of Technical Experts Committee informed CRC that they were disqualified on knockout criteria in respect of physical inspection of samples by technical experts / end users.

The CRC observed that there is no legal validity of rejection / acceptance of samples by a single end users as there will be chance of difference of opinion, hence, for physical verification of samples a committee should be form comprising multiple end users to decide the fate of item.

Decision of CRC:

The CRC unanimously decided that the bid of complainant should be re-examined / re-evaluate according to prescribed criteria and if they fulfill the criteria, second opinion for sample verification should be taken from another expert / end user, and submit report/ recommendation, accordingly.

Sul Jule

salat &

S# NAME OF COMPLAINANT & GIST OF COMPLAINT

M/S. RECH INTERNATIONAL SMD0149, SMD0538, SMD1341,

03.

M/s. Rech International objected that in Tender No. 08 Orthopaedic Implants the Procurement Committee rejected their items i.e. S.No. 37 [Inter lock nail (Femur & Tibia with locking screws)], Sr. No. 51 (Recon Nail for Femur with screw [(Titanium) (CE)] and Sr. No. 59 (Uncemented THR) on the basis of alternate offer and they participated in these items in the Tender as Importer and completed all the documentary requirement as Importer not as a Distributor.

They informed that in the bidding document, Clause No. 11 of technical criteria for Distributor / Authorized Agent mentioned that if the Distributor quote the alternate offer of same generic, the distributor shall be disqualified but there is no such clause is mentioned for Importer in technical criteria of Importer.

M/s. Rech International is requested to accept one of their quoted item which is more competitive technically as well as financially according to the requirement.

CRC PROCEEDINGS/ DECISIONS

The representative of M/s. Rech International attended the meeting informed that their quoted items at S.No. 37 [Inter lock nail (Femur & Tibia with locking screws)], Sr. No. 51 (Recon Nail for Femur with screw [(Titanium) (CE)] and Sr. No. 59 (Uncemented THR) were rejected by committee on the basis of alternate offer. They stated that they have participated in these items in the Tender as Importer and completed all the documentary requirement as Importer not as a Distributor.

CRC observations:

The leading Technical member of Technical Experts Committee informed CRC that there for pointed items was rejected due to submission of alternate offer which are not allowed in terms & condition of bid documents.

The CRC observed that the complainant's objection that the rejection of alternate offer is only for distributor not mention in Importer Evaluation Criteria.

Decision of CRC:

The CRC unanimously decided that the matter may be referred to CPC for review and proper examination as per evaluation criteria.

Prof. Dr. Tabassum Zehra Saeed

Professor & HoD,
Pharmacology Department,
LNH & MC, Karachi.

(Independent Technical Members)

Professor Dr. M. Masroor Professor of Medicine (Retired) (Independent Technical Members)

Professor Dr. Muhammad Yousuf Salat

Professor of Pharmacology (Retired) (Independent Technical Members)

Noor Muhammad Shah

Special Secretary (Development)
Health Department, Govt. of Sindh,
Karachi/

Chairman

Muhammad Akram /12

Representative of Accountant General

Sindh, Karachi/

Member