GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.:LC/SPPRA/CMS-3165/23-24/ 001

Karachi, dated the 05 July, 2023

The Section Officer,
PM&I Cell,
Health Department, Government of Sindh
KARACHI.

SUBJECT: DECESION OF THE REVIEW COMMITTEE OF SPPRA AGAINST THE REVIEW APPEAL SUBMITTED BY M/S HAKIMSONS (IMPEX) PVT. LTD.

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the decision of meeting of the Review Committee held on 11.04.2023 against Review Appeal submitted by **M/s Hakimsons (Impex) Pvt. Ltd** on NIT No. T00911-22-001.

(ABDUL JABBAR SHAIKH)
LEGAL COORDIANTOR

A copy is forwarded for information and necessary action:

1. The Chairperson / Members of the Review Committee (All).
2. The Secretary to Government of Sindh, Health Department ***(with a request to take necessary action as per Rule-32(A)(2) of the SPP Rules, 2010 under intimation to this Authority).***
3. Assistant Director (I.T), SPPRA ***(with an advice to post the decision on the Authority's website in terms of Rule-32(11) of the SPP Rules, 2010).***
4. M/s Hakimsons (Impex) Pvt. Ltd, Hakimsons Building, 19 West WHARF Road P.O. Box No. 5580, Karachi **(the Appellant).**
5. Office File.

GOVERNMENT OF SINDH
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DECISION OF REVIEW COMMITTEE OF SPPRA UNDER RULE-32 OF THE SPP RULES 2010 HELD ON 11.04.2023

M/s Hakimsons (Impex) Pvt. Ltd…….. The Appellant

V/s

PM&I Cell Health Department ……. The Procuring Agency

1. Introduction:

1.1. Health Department, GoS invited tender for procurement of medicine, surgical, equipment and others necessary items through an NIT published in various newspapers vide KRY.NO.3745/22 dated 30-09-2022 and uploaded on SPPRA Website vide NIT No. T00911-22-0001. The bidding procedure was Single Stage – Two Envelope as per the SPP Rules, 2010 on Quality & Cost Based Selection Method under Most Advantageous Bid.

1.2. Procurement Committee (PC) opened technical bids on 15.11.2022 and financial bids on 28.12.2022 and issued / hoisted Bid Evaluation Report (BER) on SPPRA Website and recommended M/s Huzaifa Enterprsies for award of contract being the most advantageous bidder in combined score of technical and financial evaluation for procurement of "Anti Rabies Vaccine".

1.3. After hosting of BER on SPPRA website M/s Hakimsons (Impex) Pvt Ltd. submitted complaint to the Complaint Redressal Committee (CRC) for redressal of grievances against the decision of Procurement Committee for not recommending their product for award of contract of item "Anti Rabies Vaccine". The complainant in its complaint submitted that the product "Abhayrab" quoted by M/s Huzaifa Enterprises was recommended for award on the same grounds which were found irregular / false by SPPRA in tender for FY 2021-22 and declared as Mis-Procurement by the Review Committee. Further, they have complained that Procuring Agency asked for ISO-17025 certificate in qualification criteria for Manufacturer. In compliance they have submitted a letter issued by our principal company which fulfills the requirements of

ISO-17025. Further, the complainant submitted that M/s Huzaifa Enterprises (Pvt) Ltd. was awarded 20 marks being the lowest bidder, but there were two presentation 0.5ml and 1ml and accordingly their product has been lowest bid. Besides, their product is a WHO pre-qualified vaccine and is far superior to "Abhayrab" both on technical and financial merit.

1.4. Accordingly, a meeting of the CRC was held on 16.01.2023 wherein it was decided to refer the matter to the Health Procurement Committee for re-evaluation.

1.5. In compliance to the decision of CRC the Health Procurement Committee referred the case to the Technical Expert Committee (Pharma) for re-evaluating the bid of the complainant for item No. T5-V-004. The Committee during re-evaluation found that requisite ISO 17025 certificate was not attached by the complainant with his bid. The committee also found that the complainant (M/s Hakimsons (Impex) Pvt Ltd.) also did not fulfill the requirement as enshrined in clause-18 of mandatory criteria of importer i.e. all powdered inject-able should be accompanied with solvent for injection / water for Injection (WFI) within the DRAP registered package of the same manufacturer. Hence, the complaint was rejected and the appellant was disqualified. Accordingly, the decision was announced on 30.01.2023.

1.6. As the CRC failed to decide the complaint within 7 days, the appellant approached the Review Committee under Rule 31(5) of the SPP Rules, 2010 vide application dated 18.01.2023.

2. Appellant's and Procuring Agency's Versions:

The Chair welcomed the participants and invited the representatives of the appellant (M/s Hakimsons (Impex) Private Limited and the Procuring Agency to explain their version.

Appellant's Version:

2.1. Appellant explained that his firm has participated in the Tender invited by Health Department for the CFY 2022-23. After announcement of Bid Evaluation Report (BER) they have submitted complaint vide letter dated 2nd January, 2023 against the decision of Health Procurement Committee for the following products / items to the Complaint Redressal Committee;

i. Tender No. 01-B Serial No. 3, Item Code T1-B-001 (Albumin, Hunan 20% / 100 ml) and

ii. Tender No. 05 Sr. No. 12, Item Code T5-V-004 (Inj. Anti-Rabies Vaccine Inactivated Rabies Virus / Vaccine 2.5 i.u. with solvent 1ml / 0.5 ml.)

2.2. He added that CRC failed to decide the matter within stipulated time therefore; as per Rule-31(5) of the SPP Rules, 2010 Review Appeal has been submitted before the RC.

2.3. He also stated that his firm do not want to proceeded against the item Albumin, hence have requested RC to hear the grievance against "Anti-Rabies Vaccine" only.

2.4. The appellant submitted that the procuring agency had not awarded the contract to them in tender of financial year 2021-22 and manipulated the same in the favor of another bidder namely M/s Huzaifa Enterprises. Accordingly an appeal was submitted to the Review Committee and the Review Committee vide order NO.AD(LII)/SPPRA/CMS-3165/2021-22/1084 dated 20th April 2022 had declared the case as one of the mis-procurement as the procuring agency was not able to prove that the marks awarded to M/s Huzaifa Enterprises were reasonable.

2.5. The appellant further submitted that M/s Huzaifa Enterprises had filed a C.P. NO CP-D 2998 before the Honorable High Court of Sindh @ Karachi against the declaration of mis-procurement. However decision of the Honorable Court is still awaited.

2.6. The appellant also submitted that the procuring agency had not initiated any action against the persons involved in the mis-procurement of last year.

2.7. The appellant further submitted that in the evaluation of Tender No. 5, M/s Huzaifa Enterprises had been awarded marks on the same grounds, as was the case in the Tender for the FY 2021- 2022 i.e. availability of quoted product in RRA countries (5 Marks) and API from USFDA source (10 Marks).The appellant submitted that M/s Huzaifa Enterprises had been awarded 5 marks whereas it did not have availability of quoted product in RRA countries and did not possess API from USFDA source but had been awarded 10 marks. Such score had been deliberately given to knock out the product of the appellant.

2.8. The appellant claimed that his product is more economical as compared to "Abhayrab". He also informed that their product is WHO prequalified product and is approved for Intradermal administration in which 1ml vial caters 5 patients. He claimed that the criteria for current year is not justifiable as 1ml brands will never be a lowest bidder even it is more economical as compared to 0.5 ml brands. He explained that rate of their quoted product at 0.1 ml is Rs.134.5 whereas rate of the product awarded by the procuring agency is Rs. 182 at 0.1 ml. He further claimed that PA required product with same manufacturer of Powdered injectable and solvent which is difficult and discriminatory condition.

Procuring Agency's Version:

2.9. The representative of the PA explained that as per the SPP Rules 2010 it is the responsibility of the PA to prepare evaluation criteria, terms & conditions and specifications of the products / items to be procured. He also stated that bidding documents containing evaluation criteria and other terms and conditions have been prepared and approved by the Procurement Committee,

Expert Committee and Technical Committee before initiating tender process. He explained that the Committee comprises very senior professors from their respective fields and is Chaired by VC, JSMU and Members are VCs of LUMHS, Jamshoro, PUMHS, Nawabshah, SMBBMU Larkana, Professor of Pharmacology, Dow Dental College, Karachi, Additional Secretary (GA), SGA&CD, GoS and Additional Secretary (PM&I), Health Department, GoS. He also stated that besides PC, various technical committees have also been notified comprising technical experts from relevant fields for the assistance of PC in technical evaluation.

2.10. The representative of the PA explained that the condition of powdered injectable and water for injection within DRAP registered packing for the same manufacturer was added with the mutual consensus of experts and end users for ensuring the quality of drug and enhance patient safety. He stated that when powder diluted with water is applied on patient and in case any adverse reaction happens, both manufacturer (drug & solvent) will take benefit of doubt by blaming each other resultantly the case becomes difficult to investigate or to fix the responsibility.

2.11. He further informed that the appellant had participated in the bidding process by submitting his bid with relevant documents as mentioned in the Bidding Documents and quoted product with different manufacturer of Powdered injectable and water for solvent which was against the mandatory condition of the bidding documents. This conditions was neither difficult nor discriminatory as per the SPP Rules, 2010. He also stated that the appellant had also submitted a certificate duly signed and stamped that he has read, understood and agreed with terms & condition and other requirements mentioned in the bidding documents, hence any objection on terms & conditions after submission of bid is out of question and may not be considered.

2.12. He added that, as per the SPP Rules, 2010 a bidder may seek clarification on bidding documents from the PA if deemed necessary, in writing. But neither the appellant sought any clarification, nor put any objection on evaluation criteria and other terms & conditions of the bidding documents before submission of bids. However, after issuance of BER, when the appellant found that he has not been recommended for award had submitted complaint to the CRC who after re-evaluation has rejected the complaint on the grounds that he has not fulfilled mandatory condition of the product and has also not furnished ISO 17025 certificate. After re-evaluation when the appellant was disqualified due to non fulfillment of mandatory condition No. 18 of the Bidding Documents, then the appellant started contending that the condition No. 18 was discriminatory and difficult. He requested that the appeal of the appellant may be rejected.

2.13. Representative of PA explained that both Vaccines are in activated Rabies Virus having potency 2.5 i.u. with solvent / diluent 1ml / 0.5ml. Both vaccines are administered by both route i.e. Intramuscular &. Intradermal. When vaccines are given Intramuscular, both have single dose

1ml or 0.5ml as both have same potency. But when given intradermal the dose is 0.1ml at 2 sites usually the left and right arms are selected. It is essential administration of vaccines by intradermal route be carried out only by medical trained staff in order to ensure that vaccine is delivered intradermally not subcutaneously. If the dose of vaccine is inadvertently given subcutaneously a new dose should be administered intradermally. Correct intradermal injection should result in a raised papule with an "orange peel" appearance. More important is that the vaccine may be used up to 6 hours after reconstitution provided to maintain at 2-8 degree Centigrade. He further informed that "Abhayrab" has been procured by Health Department from last three years through open competitive bidding process and no complaint has been received regarding any reaction of the vaccine.

2.14. He explained that the Anti Rabies Vaccines are supplied throughout Sindh from teaching / tertiary care hospitals to DHO level as well as Rural Health Centre (RHC) covering more than 120 health facilities where patients turnover is low and the staff lacks expertise in administering Intradermal injection, where intradermal dose administration is very difficult resulting in chances of error and missed dose. Therefore, in villages, vaccinators use intramuscular route rather intradermal while giving antirabies vaccine. He also explained that vaccine storage after reconstitution at 2 to 8 degree for 6 hours is also important otherwise vaccine lost efficacy. If in 6 hours, five cases / patients don't come then vaccine dose will be useless and waste resulting loss to the exchequer. He stated that the product "Abhayrab vaccine" recommended by Health Procurement Committee for procurement is more economic, effective and safe. He also explained that it is not mentioned in tender that price will be calculated on 0.1 ml dose basis as claimed by the appellant.

2.15. Representative of PA also explained that marks were awarded to the bidders on the basis of documents submitted by them. He, however, stated that if marks awarded to the successful bidder (M/s Huzaifa Enterprises) for USFDA and RRA Countries are deducted, even then M/s Huzaifa Enterprises will remain highest ranked bidder. He also explained that these documents are not mandatory requirements but marks were awarded on the basis of these documents.

3. Proceedings of the Committee:

3.1. The Committee asked from the representative of Procuring Agency regarding late holding of the meeting of CRC and issuance of its decision after stipulated time as mentioned in the Rule. The representative of the PA replied that 23 complaints from various bidders were received to the CRC on this NIT and it could not be humanly possible to convene the meetings, prepare working papers, re-evaluate the documents / specifications etc and announce its decision within seven days as all items needed thorough re-evaluation on technical basis for which sufficient time was

required. However, he stated that meetings were convened and decisions had been announced, though little late, which may be considered.

3.2. The Committee asked from the appellant that he had submitted Review Appeal for two items but had withdrawn from one item which is not appropriate. Once appeal has been submitted and placed before the Committee, withdrawal could not be allowed. However, a penalty shall be imposed on withdrawal of the appeal as deemed appropriate by the Review Committee.

3.3. The Committee also discussed and informed to the appellant that as per Rule-32(A)(2) of the SPP Rules, 2010, the matter shall be referred to the competent authority for taking necessary action. Rule-32(A)(2) is stipulates as "*On declaration of mis-procurement; the Review Committee shall refer the case to the Competent Authority for initiation of disciplinary proceedings against the officials of the procuring agency responsible for mis-procurement and may also refer the case to the Sindh Enquiries and Anti Corruption Establishment for initiating action against such officials*". Further, the Committee was of the view that since the decision of the Review Appeal of last year procurement is sub-judice in the Court of Law therefore, discussion of its merit or demerit is not appropriate in this forum.

3.4. The Committee also was of the view that the role of RC is intended to prevent the violation of any provision of the Act, Rule, Regulation, Order or Instruction made there under. Further, RC is responsible to ensure that procurements are conducted in fair and transparent manner. Besides, it is not the responsibility of the RC to check technicalities of the items and intervene in the technical evaluation of product conducted by the experts of the procuring agency. However, RC has invited an independent professional from the relevant field for technical assistance, if required.

3.5. In the instant case the RC observed that the appellant has failed to fulfill the mandatory condition No. 18 of the Bidding Documents and offered product with powdered injectable and solvent / water for injectable registered within the DRAP registered packing but of the different manufacturers. The condition No. 18 of the bidding documents is reproduced as under:

> *All powdered injectable should be accompanied with solvent for injection / water for injection (WFI) within the DRAP registered packing of the same manufacturer.*

3.6. RC discussed that it is the responsibility of the PA to formulate a clear and unambiguos evaluation criteria as per Rule-21(A) of the SPP Rules, 2010. It was also discussed that the criteria formulated by the PA seems clear and unambiguos. However, for any clarification / confusion

R Arif

bidder could seek clarifications under Rule-21(A) of the SPP Rules, 2010 which is reproduced as below;

> *"The Procuring Agencies shall formulate an appropriate evaluation criteria listing all the relevant information against which a bid is to be evaluated and criteria if such evaluation shall form an integral part of the bidding documents. The failure to provide a clear and unambiguos evaluation criteria in the bidding documents shall amount to mis-procurement"*

3.7. Rule-23(1) of the SPP Rules, 2010 is also reproduced below;

> *An interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding documents in writing, and PA shall respond to such queries in writing within three calendar days, provided they are received at least five days prior to opening of bid.*

3.8. Moreover, Rule 42(1) of the SPP Rules, 2010 is as under;

> "*All bids shall be evaluated in accordance with the evaluation criteria and other terms & conditions set forth in bidding documents".*

3.9. Further, the RC observed that the appellant had not raised any objection on the mandatory condition No. 18 of the Bidding Documents for importers before submission of bid and even submitted bid with certificate that he has read, understood and agreed with the bidding documents. Hence, at this stage, complaint on evaluation criteria has no weight. The appellant had also failed to sought clarification under Rule-23(1) of the SPP Rules, 2010 which stipulates that "*an interested bidder, who has obtained bidding documents, may request for clarification of contents of the bidding documents in writing, and procuring agency shall respond to such queries in writing within three calendar days, provided they are received at least five calendar days prior to the date of opening of bid*". RC observed that the appellant has not obtained any clarification from the PA under the above referred Rule.

3.10. Mr. Abdul Qadeer, independent professional from relevant field explained to the Committee that both the products are DRAP registered and are used country wide. However, he opined that it is more appropriate to use Powdered for injectable and water / solvent for injectable from same manufacturer on the plea that in case of reaction of injection, where the powdered injectable and solvent of injection are from different manufacturer responsibility may not be fixed on one product / supplier as both may claim the reaction could be due to water / solvent for injectable and vice versa. He also informed that it is internationally best acceptable practice to use solvent for injection / water for injection (WFI) and powdered injectable manufactured by same manufacturer.

A Qadeer R Asif

Observations of the RC:

1. CRC failed to decide the matter within stipulated time and awarded the contract which is in violation of Rule-31(7) of the SPP Rules, 2010.
2. Appellant had not complied with the mandatory requirement of the bidding documents for the quoted product *All powdered injectable should be accompanied with solvent for injection / water for injection (WFI) within the DRAP registered packing of the same manufacturer.*
3. Appellant had not sought clarification from PA on conditions of the bidding documents as per Rule-23(1) of the SPP Rules, 2010.
4. Appellant failed to submit complaint to the CRC before submission of bids on evaluation criteria and submitted the bid along with certificate that he had read understood and agreed on terms & conditions of Bidding Documents which shows that appellant had no objection on conditions of the bidding documents.
5. Appellant had withdrawn appeal on one item (Albumin) after placing it before the RC.

Decision of the Review Committee:

Review Committee on the basis of facts, discussions and relevant SPP Rules, 2010 has decided as under;

1. **Reject the appeal** of the appellant as he failed to fulfill the mandatory requirement of the bidding documents and quoted the product against the mandatory conditions of the bidding documents i.e. *All powdered injectable should be accompanied with solvent for injection / water for injection (WFI) within the DRAP registered packing of the same manufacturer.*
2. **Declare the procurement of instant product (Abhayrab) as mis-procurement** in terms of Rule-32 (7)(g) on violation of Rule-31(7) of the SPP Rules, 2010 as the PA had failed to decide the Complaint within stipulated time and awarded the contract without final adjudication by the Review Committee and decide to refer the matter to the head of department of the procuring agency i.e Secretary Health Department GoS for initiation of disciplinary action against the officers / officials of the procuring agency responsible for Mis-Procurement.

R Asif

3. Imposed a fine equivalent to five times of the Review Appeal fee on the appellant with directions to submit the penalty through PO / Demand Draft in favour of SPPRA within 15 days of issuance of this decision as he has withdrawn his appeal on one product (Albumin) during the Review Committee proceedings.

The decision narrated above is neither as per discussion and decision of RC. My decision note is attached in allochal

The decision is against SPPRA Rules, and my note of dissent

7/6.

(Manzoor Ahmed Memon)
Member SPPRA Board
(Member)

(Syed Adill Gilani)
Member SPPRA Board
(Member)

(Abdul Qadeer) Khan
Independent Professional
(Member)

(Khair Muhammad Kalwar)
Special Secretary
Planning & Development Department
(Member)

R Asif

(Rubina Asif)
Managing Director, SPPRA
(Chairperson)

Observations / dissent note of Mr. Manzoor A. Memon

1. The procuring agency failed to complete the procurement process in a transparent manner and requirements of natural justice and did not follow the rules and also decided against the law.

2. The Identical matter had already been decided by the Review Committee vide decision NO.AD(L-II)/SPPRA/CMS-3165/2021-22/1084 whereby procurement made by the Procuring Agency was declared as Mis-Procurement. The Procuring Agency repeated the same violations of rules in instant case again.

3. 10 marks were awarded to M/S Huzaifa but they did not possess any experience with RRA countries nor was M/S Huzaifa prequalified. Nevertheless, the procuring agency by utter violation of rules, transparency and efficiency awarded 10 additional marks to M/S Huzaifa in addition to 5 marks for the availability of quoted product in RRA countries on the same basis it earlier was declared mis-procurement by SPPRA. This helped M/S Huzaifa not only to get qualified but get recommended for the award of contract.

4. The Complaint Redressal Committee was required to decide the complaint within seven days. After seven days, CRC complained had been transferred to the Review Committee. The Authority of the CRC had been lapsed on 8.1.2023 .However, CRC announced its decision on 27.1.2023 after 27 days. Such decision was illegal, uncalled for and beyond the Authority. Further,

5. The Composition of CRC was not as per Rule 31(2)(b).The Rule 31(2)(b) requires that one of the members of CRC shall be an independent professional from the relevant field concerning the procurement process in question, to be nominated by the head of procuring agency. However, in the instant matter all the members of CRC belonged to Health Department.Reevaluation of bids on the basis of CRC was out of the question,as the decision was illgal and void ab initio due to time bar imposed by Rule.31 (5).

6. The procuring agency inserted condition No 18 which was difficult, discriminatory and favoring to selected contractors. **The Rule 44 of the SPP Rules is reproduced as under:**

Rule-44: Discriminatory and Difficult Conditions – *Save as otherwise provided, no procuring agency shall introduce any condition which discriminates among bidders. In ascertaining the discriminatory nature of any condition reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.*

7. The Rule-44 of the SPP Rules, 2010 prevents the procuring agency from inserting any condition that may discriminate among the bidders. In case of differences, the matter shall be ascertained by ordinary practice of that trade. In the instance matter, the PA mandatory asked that Injectible powder and Water for injection shall be of the same manufacturer. Such condition was Arbitrary. Ordinarily, water for injection powder can be used from different manufacturers as the same has been approved by DRAP **and has been prequalified by WHO**. Hence, condition 18 was against the Rule 44 of the SPP Rules **and disqualification on the basis of difficult and discriminatory condition, after the illegal decision of CRC, was uncalled for and unjustified.**

8. In terms of proviso of Rules 31 (7**) that in case of failure of the Complaint Redressal Committee to decide the complaint; the procuring agency shall not award the contract, until the expiry of appeal period or the final adjudication by the Review Committee. Contrary to Rule 31(7)**, the Procuring Agency illegally awarded the contract to M/S Huzaifa when the appeal of the appellant was pending before the Review Committee of SPPRA.

9. **In terms of Rule 32(11) the decision of Review Committee was final and binding upon the Procuring Agency**. However, the Procuring Agency did not comply with the decision and directions of the Review Committee issued vide decision NO.AD(L-II)/SPPRA/CMS-3165/2021-22/1084.No action was taken against the officials responsible for Mis-procurement .Neither any action was initiated against any of the officials/officers responsible for that Mis-Procurement nor any other part of the decision was complied with.

For the reasons recorded above,

1. The decision of CRC was illegal, unjustified, uncalled for and beyond its powers.
2. The Re-evaluation of bids on the directions of late and illegal CRC decision was against the Rules and Law.
3. The Instant Procurement of Rabies vaccine (Code No.T5-V-0004 work No5-) of the tender is declared as Mis-Procurement.
4. The matter once again is referred to Secretary Health Department for initiation of disciplinary action against the officers and officials responsible for the Mis-procurement.
5. The matter shall also be referred to the Sindh Enquiries and Anti-Corruption Establishment for thorough and detailed enquiry and for taking action against the officials/Officers of the procuring agency.
6. The Loss shall be recovered amounting to 10 times of loss incurred.

Member
(Manzoor Ahmed Memon)

Note of decent of Member RC Syed Adil Gilani;

The decision of three members of RC o reject the appeal is is against the SPPRA Rules.

In the RC Meeting during complaint against MoH by M/s Hakimsons , following specific questions were asked from the PA, complainant, and the Technical Member of the RC

1. Whether Vaxirab N 1ml vial quoted to MoH Sindh is approved by DRAP.?
2. Whether Vaxirab N 1ml vial is approved by WHO?
3. Are the potencies of Vaxirab N 1ml vial and Abhayrab 0.5ml vial are same or different?
4. Whether Vaxirab N 1ml vial is being used in the different hospitals of Pakistan ,as well as in government hospital in Sindh viz JPMC, Sindh Govt Lyari General Hospital, Dow University of Health Sciences for whom this medicine is being procured?
5. Whether PA followed SPPRA Rule 44, not to include Discriminatory Conditions in this Tender ?
6. Was the Condition number 18 included in the Tender of MoH in the year 2021-22 or not.
7. The Contract was awarded to M/s Huzaifa enterprises for supply of Abhayrab at assuming that it was an FDA approved product and was present in RRA/SRA or stringently regulated countries. PA could not prove these claims of M/s Huzaifa enterprises are correct.
8. The CRC decision on compliant was not issued within 7 days i.e. by 9.1.2023, and appeal by the complainant for RC was filed on 18.1.2023. According to Rule 31 (7) the PA shall not have awarded the contract till the expiry of the appeal period or the final adjudication by the Review Committee. But the contract was awarded on 9.2.2023?
9. The complainant proved by submitting verifiable documentation. On basis of these documents and on the same grounds, procurement of Abhayrab from M/s Huzaifa enterprises was declared a mis- procurement by the SPPRA board vide order No. AD (L-II)/SPPRA/CMS-3165/2021-22/1084 dated 20th April 2022, in the 2021-2022 financial year tender. Surprisingly the CRC, once again awarded the rate contract to M/s Huzaifa enterprises in the FY 22-2023 for product Abhayrab; on the same exact grounds on which it was declared a mis-procurement in 2021-2022 and decided to refer the matter to the competent authority, i.e. Secretary Health Department to take disciplinary action against the official(s) of then procuring agency responsible for Mis-Procurement and to recover the loss.

Findings:

Question 1 & 2. All agreed that DRAP and WHO has approved the Vaxirab N 1ml, with solvent manufactured by other company.

Question 3. PA, complainant, and the Technical Member of the RC confirmed that the potencies of Vaxirab N 1ml vial and Abhayrab 0.5ml vial are same when given Intradermal. Additional clarification by Complainant. There are two presentations of ARV available globally, 1ml and 0.5ml. Both presentation has same potency of 2.5 IU per vial. Entire vial will be administered if given Intramuscularly but when administered Intradermal 0.1ml x 2 site will be given as mentioned in WHO document. Annex-B. This is also noted that if Vaxirab N was not fulfilling this mandatory condition No. 18, it should have been disqualified by the HPC, and later on in expired CRC, this issue was taken up .

Complainant clarified that Abhayrab 0.5ml vial quoted rates were Rs. 910/- . when administered Intradermal only 2 patients will be catered that is Rs. 455/- per patient. But in case of Vaxirab N 1ml vial, they have quoted rates of Rs. 1345/-, and when given Id it caters 5 patients, i.e., Rs. 269/- per patient. ID is intradermal dose and IM is intramuscular dose. Vaxirab contain 5 intradermal doses (5

7/16

× (0.1 + 0.1)ml. Compared to this Abhayrab contain only 2 intradermal doses. The choice of administration, as approved by WHO is intradermal. And that this particular issue was also established last year procurement, in the order of SPPRA dated April 2022.

Question 4 . PA, complainant, and the Technical Member of the RC confirmed that Vaxirab N 1ml vial quoted by the complainant is approved by duly by DRAP and also is approved by WHO vide Notification SPR 1096(I)/2020 dated 21.10.2020. Technical Member of the RC wanted to give his personal views that in his opinion Vaxirab N 1ml, with solvent manufactured by same company is better, on which I remined him that member of RC personal opinion shall be backed up with SPPRA Act, Rules, Regulations, and DRAP disapproval on Vaxirab N 1ml, with solvent manufactured by other company, with documentary evidence, and shall not be on any person's wish.
Annex-A.

PA, Complainant, and the Technical Member of the RC confirmed that Vaxirab N 1ml vial is being used in the different hospitals of Pakistan and as well as in Sindh. The complainant furnished 6 purchase orders of 2022 and 2023 from JPMC, Sindh Govt Lyari General Hospital, DHA Hospital Upper Dir, Dist. Health Authority Gujrat, Dow University of Health Sciences and CEO DHA Mandi Bahuuddin. **Annex-C**.

Question 5. PA violated SPPRA Rule 44, which states not to include Discriminatory Conditions in the Tender, by including Condition No 18, which is of discriminatory nature and against the ordinary practices of that trade, as DRAP has approved Vaxirab N 1ml vial, which has been eliminated by PA in this Tender, which is an illegal act.

Question 6 . PA did not follow SPPRA Rule 44, Discriminatory Conditions in this Tender, and violated the SPPRA Rule 44 which states that no procuring agency shall introduce any condition which discriminates among bidders. <u>In ascertaining the discriminatory nature of any condition reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related</u>.
Another act of favoritism of PA is that the Condition number 18 was not included in the Tender of MoH in the year 2021-22, and it appears that inclusion of this special condition in 2022/23 Tender, is apparently to exclude Vaxirab N 1ml vial from the competition. On this act of PA, SPPRA Rule 2, (q) Corrupt and Fraudulent Practices, (ii) Collusive Practice, is applicable.

Question 7 Complaint was that the product Abhayrab was awarded the rate contract on the basis that it was an FDA approved product, and was present in RRA/SRA or stringently regulated countries. None of these claims are true, which has been proven on basis of Web verifiable documentation provided by Hakimsons. On basis of these documents and on the same grounds, Abhayrab was declared a mis- procurement by the SPPRA board vide order No. AD (L-II)/SPPRA/CMS-3165/2021-22/1084 dated 20th April 2022.

Question 8. As the CRC decision on compliant was not issued within 7 days, i.e. by 9.1.2023, and contract was awarded on 8.2.2013, knowing that the appeal is pending with RC of PPRA since 18.1.2023, according to Rule 31 (7) the PA shall not have award the contract till the expiry of the appeal period or the final adjudication by the Review Committee. PA therefore violated SPPRA Rule 31 (7), by awarding the Contract prior to RC decision. This is violation of SPPRA Rule No. 31. Delay in RC decision is allowed under SPPRA Rule No. 32 (10)

Failure of the PA to finalize and announce its CRC decision within seven days and intimate the same to the appellant and the Authority with in three working days this procurement is thus to be declared as Mis-Procurement in the light of SPP Rule-32(7)(g).

Question 9. It is observed MOH representative Mr. Syed Adnan Rizvi, Director Drug Testing Authority Karachi was nominated by MOH in the Technical Committee for Pharma, who was one of those officers of MoH against whom RC in 2022 in its decision had recommended that Secretary Health to take disciplinary action, However, it appears that Secretary Health did not take any action on SPPRA RC decision of 2022, which resulted in encouraging PA to continue violations of SPPRA Rules in 2022/2023 Tender, and added Conditions number 18 in tender documents which is meant are meant to favour particular bidder, and in violation of Rule No 44. PA did not follow SPPRA Rule 44, Discriminatory Conditions in this Tender, and violated the rule 44 which states that no procuring agency shall introduce any condition which discriminates among bidders. In ascertaining the discriminatory nature of any condition reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.

This act of PA according to SPPRA Rule No (44) is a material deviation, hence the award of contract to M/s Huzaifa Enterprises is declared as Mis-Procurement.

Another case of violation SPPRA Rule 31 (7) by the same PA, MoH, , is the Delay in CRC decision, on an appeal by M/s Al-Hamd Enterprises Versus Health Department, Government of Sindh, (NIT ID # T00911·17-0001dated 06.07.2018, the SPPRA RC made following decision.

" The procurement is Mis-Procurement in the light of SPP Rule-32(7)(g) and decides to refer the matter to the Competent Authority for proceeding further under Rule-32(A)(2) of SPP Rules, 2010 (Amended Up to date) read in conjunction with Section-2(i) of SPP Act, 2009 (Amended 2017).**Annex-D**

Decision

According to above irregularities, and documentary evidences, and violation of SPPRA Rule 30(1) Disqualification of Suppliers, Contractors and Consultants, SPPRA Rule 33 (7) (g) and Rule No 44 , the Vaxirab N 1ml vial quoted to MoH Sindh which is approved by DRAP & WHO , and is currently being supplied and used in various hospitals in Pakistan as well as in government hospital in Sindh (who are the users of this product), the Complaint is accepted, and this Procurement is Mis-Procurement in the light of SPP Rule-32(7)(g) and the matter shall be referred to the Competent Authority for proceeding further under Rule-32(A)(2) of SPP Rules, 2010 read in conjunction with Section-2 (i) of SPP Act, 2009 and SPPRA Rule No. 2 (q)(ii).

Syed Adil Gilani
Member SPPRA Board and RC

Annex-A

To be published in the extra ordinary Gazette of Pakistan, Part-II

Government of Pakistan
Ministry of National Health Services, Regulations and Coordination
(Drug Regulatory Authority of Pakistan)
****

Islamabad, the 21st October, 2020

NOTIFICATION

S.R.O. 1096 (I)/2020. In exercise of the powers conferred by clause (a) of section 7 of the Drug Regulatory Authority of Pakistan Act, 2012 (XXI of 2012) read with sub-section (1) of section 12 of the Drugs Act, 1976 (XXXI of 1976), the Drug Regulatory Authority of Pakistan, with the approval of the Federal Government, is pleased to fix maximum retail prices specified in column (4) of the Table below on which the drugs specified in column (2) thereof, having packing sizes specified in column (3) of that Table, shall be sold, subject to the conditions specified in paragraph 2 of this Notification, namely:-

TABLE

S. No.	Brand Name, Composition and Company	Pack Size	Approved Maximum Retail Price
(1)	(2)	(3)	(4)
1.	**Ferti M Injectable** Each vial contains: Menotrophin (HMG).....75IU (RG Pharmaceutical) Imported from: Livzon (Group) Pharmaceutical, China	1's	Rs.721
2.	**Amodiaquane Susp 20ml** Each 5ml contains:- Amodiaquane Base.....150mg	20ml	Rs.28
3.	**Norifam Injection 1ml** Each ml contains:- Norethisterone Enanthate.....50mg Estradiol valerate..... 5mg Zafa Pharma	1ml	Rs.109
4.	**Doxycline Capsule** Each capsule contains:- Doxycycline HCL.....100mg Zafa Pharma	100's	Rs.400
5.	**Hydralazine Tablet 25mg** Each tablet contains:- Hydralazine HCL.....25mg	20's	Rs.69
6.	**Cephgen-I Injection 1gm** Each vial contains:- Cephradine.....1gm Zafa Pharma	1's	Rs.115

S. No.	Brand Name, Composition and Company	Pack Size	Approved Maximum Retail Price
(1)	(2)	(3)	(4)
93.	**Rabies Vaccine** **Verorab** Powder and solvent for suspension for injection in prefilled syringe After reconstitution, 1 dose(0.5ml) Contains:- Rabies virus* , Wister Rabies PM/W138 1503-3M strain (inactivated).....≥2.5IU** *Produced in VERO cells ** quantity measured according to NIH test to the international standard. (Source: France) (Sanofi Aventis) WHO Prequalified vaccine **Rabies vaccines Inactivated-** (Freez-Dried) 1 dose (Injectable, Powder for Injection) Each dose of 1ml contains: Purified Rabies Antigen (Rabies virus Pitman-Moore Strain 3218-VERO adapted and grown on Vero cells, inactivated by Using β-propiolactone) Not less than 2.5IU **Sterile Water For Injection** Each ampoule contains: Sterile water for injection.....1ml • Imported by M/s Sind Medical Stores, Karachi. • Name of Manufacturer: M/s Serum Institute of India Pvt. Ltd 212/2 Hadapsar, Pune-411028, Maharashtra State, India. WHO Prequalified vaccine **VaxiRab-N** Rabies vaccines BP (Purified Chick culture rabies vaccine) Each vial of lyophilized powder contains: Inactivated rabies virus (Pitman Moore strain Potency≥2.5IU • Imported by: M/s Hakimsons Pvt Ltd Karachi. • Imported from M/s Cadila HealthCare limited sarkhej Bavla H.H.No.8-A Moraiya, Tal Sanand Ahmedabad 382210, India. Sterile Water For Injection fro VaxiRab-N (purified Chick Embryo Cell Culture Rabies Vaccine Each 1ml Vial water for Injection Diluent shelf Life 05 year • Imported from M/s Sovereign Pharma Pvt Limited, Survey no.46/1-4, kadaiya Village nanai Daman-396210 India. WHO Prequalified vaccine	1 vial powder + 1 PFS of dileunt (0.4% NaCL) 1's Vial (1ml) 1's Ampoule/ Free of Cost 1's	Rs.1641

S. No.	Brand Name, Composition and Company	Pack Size	Approved Maximum Retail Price
(1)	(2)	(3)	(4)
94.	One Alpha Drops Each ml contains:- Alfacalcidol.....0.2mcg	20ml	Rs.1938

2. The maximum retail price (MRP) shall be subject to the following conditions namely:-

(a) the MRP shall be printed on the label in the manner prescribed by the Drugs (Labelling and Packing) Rules, 1986; and

(b) MRPs of these drugs shall be frozen till the 30th June, 2021 and sub-paragraph (2) of paragraph 7 of the Drug Pricing Policy, 2018 shall not apply to till that period.

[No.F.11-3/2020-DD (P)]

(Amanullah)
Director Costing & Pricing

The Manager,
Printing Corporation of Pakistan Press,
Islamabad

Rabies vaccines and immunoglobulins: WHO position April 2018

The April 2018 position paper replaces the 2010 WHO position on rabies vaccines. It presents new evidence in the field of rabies and the use of rabies vaccines, focussing on programmatic feasibility, simplification of vaccination schedules and improved cost-effectiveness.

The recommendations concern the two main immunization strategies, namely vaccination for post-exposure prophylaxis (PEP) and vaccination for pre-exposure prophylaxis (PrEP). The following sections summarize the main points of the updated WHO position as endorsed by the Strategic Advisory Group of Experts on immunization (SAGE) at its meeting in October 2017. [1]

Background

Rabies is a viral zoonotic disease responsible for an estimated 59 000 human deaths and over 3.7 million disability-adjusted life years (DALYs) lost every year.[2] Rabies is almost invariably fatal once clinical signs occur, as a result of acute progressive encephalitis. Rabies occurs mainly in underserved populations, both rural and urban.[3] Most cases occur in Africa and Asia, with approximately 40% of cases in children aged <15 years. Mass vaccination campaigns targeting dogs is the principal strategy for rabies control by interrupting rabies virus (RABV) transmission between dogs and reducing transmission to humans and other mammals. Human-to-human transmission of rabies has never been confirmed, except extremely rarely as a result of infected tissue and organ transplantation.[4,5] The primary diagnosis of rabies relies on clinical presentation and history of exposure to a suspect rabid animal or RABV.

Rabies vaccines can be administered by two different routes, intradermal (ID) or intramuscular (IM), and according to different schedules.

WHO Position

Administration of rabies vaccines:

For both PEP and PrEP, vaccines can be administered by either the ID or IM route. For all age groups ID injection sites are the deltoid region and either the anterolateral thigh or suprascapular regions. The recommended site for IM administration is the deltoid area of the arm for adults and children aged ≥2 years, and the anterolateral area of the thigh for children aged <2 years. Rabies vaccine should not be administered IM in the gluteal area. One ID dose is 0.1 mL of vaccine and one IM dose is an entire vial of vaccine, irrespective of the vial size.

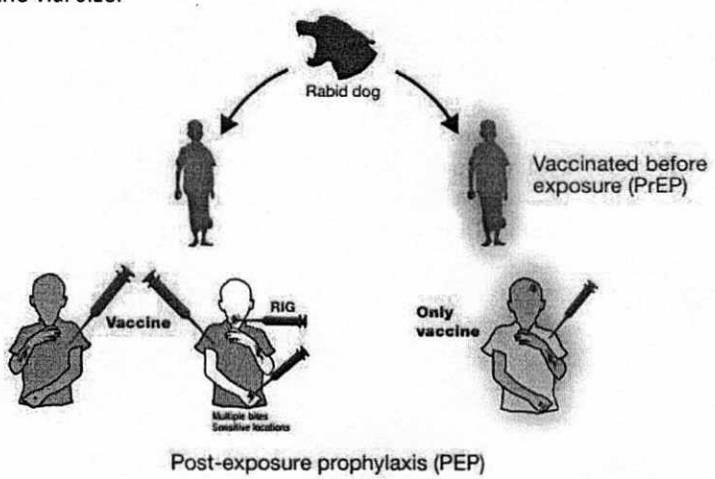

Figure 1: WHO recommends 2 main immunization strategies for the prevention of human rabies: Post-exposure prophylaxis (PEP) and Pre-exposure prophylaxis (PrEP)

Post-exposure prophylaxis (PEP)

PEP consists of the following steps:

1. All bite wounds, scratches and RABV-exposure sites should be attended to as soon as possible after the exposure; thorough washing and flushing of the wound for approximately 15 minutes, with soap or detergent and copious

[1] http://apps.who.int/iris/bitstream/10665/259533/1/WER9248.pdf?ua=1

[2] Hampson K. et al. Estimating the Global Burden of Endemic Canine Rabies. Trop Dis. 2015; 9 (5):e0003786.

[3] Tarantola A. Four Thousand Years of Concepts Relating to Rabies in Animals and Humans, Its Prevention and Its Cure. Trop Med Infect Dis. 2017; 2, 5.

[4] Rupprecht CE et al. Current Status and Development of Vaccines and Other Biologics for Human Rabies Prevention. Expert Rev Vaccines. 2016 Jun;15(6):731-49.

[5] WHO Expert Consultation on Rabies, third report: WHO Technical Series Report, Geneva 2018 (in press) ISBN 978-92-4-121021-8

amounts of water, is required. Where available, an iodine-containing, or similarly viricidal, topical preparation should be applied to the wound.

2. A series of rabies vaccine injections should be administered promptly after an exposure.
3. RIG should be administered for severe category III exposures. Wounds that require suturing should be sutured loosely and only after RIG infiltration into the wound.

WHO recommends PEP for category II and III exposures (see Table 1).

The WHO rabies exposure categories are:

Category I touching or feeding animals, animal licks on intact skin (no exposure);

Category II nibbling of uncovered skin, minor scratches or abrasions without bleeding (exposure);

Category III single or multiple transdermal bites or scratches, contamination of mucous membrane or broken skin with saliva from animal licks, exposures due to direct contact with bats (severe exposure).

ID PEP schedules are cost- and dose-sparing and cost-effectiveness increases with numbers of patients seen in clinics.

If a repeat exposure occurs within 3 months of completion of PEP, only wound treatment is required, neither vaccine nor RIG are needed.

Table 1: PEP recommendations by category of exposure

	Category I exposure	Category II exposure	Category III exposure
Immunologically naive individuals of all age groups	Wash exposed skin surfaces. No PEP required.	Wound washing and immediate vaccination: - 2-sites ID on days 0, 3 and 7[6] OR - 1-site IM on days 0, 3, 7 and between day 14-28[7] OR - 2-sites IM on days 0 and 1-site IM on days 7, 21[8] RIG is not indicated.	Wound washing and immediate vaccination - 2-sites ID on days 0, 3 and 7[6] OR - 1-site IM on days 0, 3, 7 and between day 14-28[7] OR - 2-sites IM on days 0 and 1-site IM on days 7, 21[8] RIG administration is recommended.
Previously immunized individuals of all age groups	Wash exposed skin surfaces No PEP required.	Wound washing and immediate vaccination*: - 1-site ID on days 0 and 3; OR - at 4-sites ID on day 0; OR - at 1-site IM on days 0 and 3); RIG is not indicated.	Wound washing and immediate vaccination*: - 1-site ID on days 0 and 3; OR - at 4-sites ID on day 0; OR - at 1-site IM on days 0 and 3; RIG is not indicated.

* *except if complete PEP already received within <3 months previously*

Changes in rabies vaccine product and/or the route of administration during the same PEP course are acceptable, if unavoidable, to ensure PEP course completion. Should a vaccine dose be delayed for any reason, the PEP schedule should be resumed (not restarted). Individuals with documented immunodeficiency should be evaluated on a case-by-case basis and receive a complete course of ID or IM PEP, including RIG.

Rabies immunoglobulin administration

RIG provides passive immunization and is administered only once, as soon as possible after the initiation of PEP and not beyond day 7 after the first dose of vaccine. Correctly administered, RIG neutralizes the virus at the wound site within a few hours. eRIG is less costly than hRIG, both have shown similar clinical outcomes in preventing rabies. As eRIG products are now highly purified, skin testing before administration is unnecessary and should be abandoned.

To confer the maximum public health benefit, WHO recommends the following:

- The maximum dose is 20 IU (hRIG) and 40 IU (eRIG) per kg body weight. There is no minimum dose.
- Infiltrate as much as possible into the wound; the remainder of the calculated dose of RIG does not need to be injected IM at a distance from the wound but can be fractionated in smaller, individual syringes to be used for other patients, aseptic retention given.

If RIG is not available, thorough, prompt wound washing, together with immediate administration of the first vaccine dose, followed by a complete course of rabies vaccine, is highly effective in preventing rabies. Vaccines should never be withheld, regardless of the availability of RIG.

---

[6] one-week, 2-site ID regimen / Institut Pasteur du Cambodge (IPC) regimen/2-2-2-0-0; Duration of entire PEP course: 7 days.

[7] two week IM PEP regimen/4-dose Essen regimen/1-1-1-1-0; Duration of entire PEP course: between 14 to 28 days.

[8] three week IM PEP regimen/Zagreb regimen/2-0-1-0-1; Duration of entire PEP course: 21 days.

If a limited amount of RIG is available, RIG allocation should be prioritized for exposed patients based on the following criteria: Multiple bites, deep wounds, bites to highly innervated parts of the body (such as head, neck and hands), severe immunodeficiency, the biting animal is a confirmed or probable rabies case, and bites, scratches or exposures of mucous membranes caused by a bat.

Pre-exposure prophylaxis (PrEP)

Pre-exposure prophylaxis (PrEP) is the administration of several doses of rabies vaccine before exposure to RABV. PrEP is recommended for individuals at higher risk due to occupation. PrEP should be considered in sub-populations living in remote, rabies endemic areas, where access to PEP is difficult, the dog bite incidence is >5% per year or vampire bat rabies is known to be present.

The immune response to subsequent rabies vaccine boosters such as PEP when exposed, can be recalled very effectively even decades after PrEP.

For immunologically naive individuals of all age groups WHO recommends the following PrEP schedules: a 2 sites ID or a 1-site IM vaccine administration on days 0 and 7.

A routine PrEP booster or serology for neutralizing antibody titres is recommended only if a continued, high risk of rabies exposure remains.

Individuals with documented immunodeficiency should be evaluated on a case-by-case basis and best receive an ID or IM PrEP schedule as above, plus a third vaccine administration between days 21 to 28. Additionally, in the event of an exposure, a complete PEP course, including RIG, is recommended.

DOW UNIVERSITY OF HEALTH SCIENCES KARACHI

PROCUREMENT DIRECTORATE

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SERVICE CONTRACT / PURCHASE ORDER

HAKIMSONS IMPEX (PVT) LTD.
HAKIMSONS BUILDIN G 19 WEST WHARF ROAD, KHI, PAK

Reference your Quotation for the supply of required item(s) (MEDICINE) which may please be delivered on priority at the required destination stated below

Order No.	**PO-000044635**
Vendor No.	V-000227
Creation Date	26-Dec-2022
Delivery Date	15 DAYS OR EARLIER
PO Status	Open order
NTN	
STN	
Currency	PKR

Sr. #	Item Code	Description	UOM	Qty	Rate	GST	Disc	Amount
1	ITM-007750	VAXIRAB N INJ 0.5ML (ANTI RABIES VACCINE)	VIAL	68.00	1,450.00	0.00	0.00	98,600.00
		MR #: PR #: PR-000028323 PR Qty: 68	LOCATION - 101212 - DOW UNIVERSITY HOSPITAL PROGRAM - 00000 - NONE BUSINESSUNIT - 201 - DOW UNIVERSITY HOSPITAL DEPARTMENT - 3207 - PHARMACY EMPLOYEE - 006973 - Zulquernain Yaseen PROJECT - 032054 - PHARMACY					
		TOTALS :		68.00		0.00	0.00	98,600.00

Amount in words: PKR* Ninety Eight Thousand Six Hundred and 00/100**

TERMS & CONDITIONS:

1. Date of Delivery: Contract should be supplied as early as possible.
2. Place of Delivery: Main Pharmacy, 2nd Floor, OICD, Dow University of Health Sciences (Ojha Campus)
3. Delivery Time: From 9:00am to 3:30pm
4. Dispatch Instruction: Free Delivery to the Consignee i.e. DUHS
5. Name and Address of the Consignee: Dow University of Health Sciences, (OJHA Campus)
6. PACKING & MARKING: You are required to supply the medicines with printing _Dow University of Health Sciences _on Each Bottle Carton, Packing, Blister, Strip, Vial, Ampoule must have laser printing / permanent ink, outside and inside of packing.
7. SHELF LIFE: No supply will be accepted having expiry date less than 80% of shelf life for the National manufacturer and 70% for imported items (wherever applicable)
8. PARTICULAR GOVERNING SUPPLY: As per policy according to DRAP
9. INSPECTION AUTHORITY: As nominated by the Directorate of Procurement
10. PAYMENT: Through Finance Department, Dow University of Health Sciences on production of the Delivery Challan, Inspection Note and Invoice
11. If it is found that the contracted prices of any item are more than the Government fixed price the difference will be recovered from you.
12. Vender will be responsible for replacement of damaged and expired goods with fresh stock
13. Sub-Standard stores if supplied will not be returned and you will be required to supply the stores of the contracted specification and of standard quality in addition to the same without any additional expenses on the DUHS

DOW UNIVERSITY OF HEALTH SCIENCES KARACHI

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Finance

Store

Office Copy

SERVICE CONTRACT / PURCHASE ORDER

HAKIMSONS IMPEX (PVT) LTD.
HAKIMSONS BUILDIN G 19 WEST WHARF ROAD, KHI, PAK

Reference your Quotation for the supply of required Item(s) (MEDICINE) which may please be delivered on priority at the required destination stated below

Order No.	**PO-000045870**
Vendor No.	V-000227
Creation Date	18-Jan-2023
Delivery Date	15 DAYS OR EARLIER
PO Status	Open order
NTN	
STN	
Currency	PKR

Sr.#	Item Code	Description	UOM	Qty	Rate	GST	Disc	Amount
1	ITM-007750	VAXIRAB N INJ 0.5/1ML (ANTI RABIES VACCINE)	VIAL	100.00	1,450.00	0.00	0.00	145,000.00
		MR #: PR #: PR-000029009 PR Qty: 100	LOCATION - 101212 - DOW UNIVERSITY HOSPITAL PROGRAM - 00000 - NONE BUSINESSUNIT - 201 - DOW UNIVERSITY HOSPITAL DEPARTMENT - 3207 - PHARMACY EMPLOYEE - 006973 - Zulquernain Yaseen PROJECT - 032054 - PHARMACY					
			TOTALS :	100.00		0.00	0.00	145,000.00

Amount in words: PKR* One Hundred Forty Five Thousand and 00/100**

TERMS & CONDITIONS:

1. Date of Delivery: Contract should be supplied as early as possible.
2. Place of Delivery: Main Pharmacy, 2nd Floor, OICD, Dow University of Health Sciences (Ojha Campus)
3. Delivery Time: From 9:00am to 3:30pm
4. Dispatch Instruction: Free Delivery to the Consignee i.e. DUHS
5. Name and Address of the Consignee: Dow University of Health Sciences, (OJHA Campus)
6. PACKING & MARKING: You are required to supply the medicines with printing _Dow University of Health Sciences _on Each Bottle Carton, Packing, Blister, Strip, Vial, Ampoule must have laser printing / permanent ink, outside and inside of packing.
7. SHELF LIFE: No supply will be accepted having expiry date less than 80% of shelf life for the National manufacturer and 70% for imported items (wherever applicable)
8. PARTICULAR GOVERNING SUPPLY: As per policy according to DRAP
9. INSPECTION AUTHORITY: As nominated by the Directorate of Procurement
10. PAYMENT: Through Finance Department, Dow University of Health Sciences on production of the Delivery Challan, Inspection Note and Invoice will make 100% payment from the consignee during the current year
11. If it is found that the contracted prices of any item are more than the Government fixed price the difference will be recovered from you.
12. Vender will be responsible for replacement of damaged and expired goods with fresh stock
13. Sub-Standard stores if supplied will not be returned and you will be required to supply the stores of the contracted specification and of standard quality in addition to the same without any additional expenses on the DUHS.

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SERVICE CONTRACT / PURCHASE ORDER

HAKIMSONS IMPEX (PVT) LTD.
HAKIMSONS BUILDIN G 19 WEST WHARF ROAD, KHI, PAK

Reference your Quotation for the supply of required item(s) (MEDICINE) which may please be delivered on priority at the required destination stated below

Order No.	PO-000048479
Vendor No.	V-000227
Creation Date	27-Feb-2023
Delivery Date	15 DAYS OR EARLIER
PO Status	Open order
NTN	
STN	
Currency	PKR

Sr. #	Item Code	Description	UOM	Qty	Rate	GST	Disc	Amount
1	ITM-007750	VAXIRAB N INJ 1ML (ANTI RABIES VACCINE)	VIAL	100.00	1,450.00	0.00	0.00	145,000.00
		MR #: PR #: PR-000031031 PR Qty: 100	LOCATION - 101212 - DOW UNIVERSITY HOSPITAL BUSINESSUNIT - 201 - DOW UNIVERSITY HOSPITAL PROGRAM - 20501 - PHARMACY DEPARTMENT - 3207 - PHARMACY PROJECT - 032054 - PHARMACY EMPLOYEE - 008754 - Edward					
		TOTALS :		100.00		0.00	0.00	145,000.00

Amount in words: PKR* One Hundred Forty Five Thousand and 00/100**

TERMS & CONDITIONS:

1. Date of Delivery: Contract should be supplied as early as possible.
2. Place of Delivery: Main Pharmacy, 2nd Floor, OICD, Dow University of Health Sciences (Ojha Campus)
3. Delivery Time: From 9:00am to 3:30pm
4. Dispatch Instruction: Free Delivery to the Consignee i.e. DUHS
5. Name and Address of the Consignee: Dow University of Health Sciences, (OJHA Campus)
6. PACKING & MARKING: You are required to supply the medicines with printing _Dow University of Health Sciences _on Each Bottle Carton, Packing, Blister, Strip, Vial, Ampoule must have laser printing / permanent ink, outside and inside of packing.
7. SHELF LIFE: No supply will be accepted having expiry date less than 80% of shelf life for the National manufacturer and 70% for imported items (wherever applicable)
8. PARTICULAR GOVERNING SUPPLY: As per policy according to DRAP
9. INSPECTION AUTHORITY: As nominated by the Directorate of Procurement
10. PAYMENT: Through Finance Department, Dow University of Health Sciences on production of the Delivery Challan, Inspection Note and Invoice will make 100% payment from the consignee during the current year
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PROCUREMENT DIRECTORATE

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SERVICE CONTRACT / PURCHASE ORDER

HAKIMSONS IMPEX (PVT) LTD.
HAKIMSONS BUILDIN G 19 WEST WHARF ROAD, KHI, PAK

Reference your Quotation for the supply of required item(s) (MEDICINE) which may please be delivered on priority at the required destination stated below

Order No. PO-000047376

Vendor No.	V-000227
Creation Date	11-Feb-2023
Delivery Date	15 DAYS OR EARLIER
PO Status	Open order
NTN	
STN	
Currency	PKR

Sr. #	Item Code	Description	UOM	Qty	Rate	GST	Disc	Amount
1	ITM-007750	VAXIRAB N INJ 1ML (ANTI RABIES VACCINE)	VIAL	100.00	1,450.00	0.00	0.00	145,000.00
		MR #: PR #: PR-000030149 PR Qty: 100	LOCATION - 101212 - DOW UNIVERSITY HOSPITAL BUSINESSUNIT - 201 - DOW UNIVERSITY HOSPITAL PROGRAM - 20501 - PHARMACY DEPARTMENT - 3207 - PHARMACY PROJECT - 032054 - PHARMACY EMPLOYEE - 008754 - Edward					
			TOTALS :	100.00		0.00	0.00	145,000.00

Amount in words: PKR*** One Hundred Forty Five Thousand and 00/100

TERMS & CONDITIONS:

1. Date of Delivery: Contract should be supplied as early as possible.
2. Place of Delivery: Main Pharmacy, 2nd Floor, OICD, Dow University of Health Sciences (Ojha Campus)
3. Delivery Time: From 9:00am to 3:30pm
4. Dispatch Instruction: Free Delivery to the Consignee i.e. DUHS
5. Name and Address of the Consignee: Dow University of Health Sciences, (OJHA Campus)
6. PACKING & MARKING: You are required to supply the medicines with printing _Dow University of Health Sciences _on Each Bottle Carton, Packing, Blister, Strip, Vial, Ampoule must have laser printing / permanent ink, outside and inside of packing.
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Annex-C

QUOTATION BASIS 2022-23

GOVERNMENT OF SINDH
JINNAH POSTGRADUATE MEDICAL CENTRE
KARACHI-75510

PURCHASE ORDER NO.AD(M)/9-1075/M/22-23 DATED :- 13/7/22

M/s. Hakimsons (Impex)

Karachi

SUBJECT :- SUPPLY OF STORE OF J.P.M.C., KARACHI

Dear Sir,

You are requested to supply following items to this Centre, as per terms and condition of back page:-

S.NO	HLNO	NAME OF ITEMS	A/C UNIT	RATE	QTY REQ	AMOUNT
1.		Inj. Vaxirab N 1ml Anti Rabies Vaccine (Healthcare India)	P/Vial	Rs.1299/=	230 Vials	Rs.298,770/=

Rupees Two hundred ninety eight thousand seven hundred seventy only.

(DR. KAUSER ABBAS SALDERA)
FOR EXECUTIVE DIRECTOR.

Copy to :-

1. The Incharge, Central Pharmacy, JPMC, Karachi.
2. The Incharge, Injection Section, JPMC, Karachi.

QUOTATION BASIS 2022-23

GOVERNMENT OF SINDH
JINNAH POSTGRADUATE MEDICAL CENTRE
KARACHI-75510

PURCHASE ORDER NO.AD(M)/9-1076/M/22-23 DATED :- 14/7/22

M/s. Hakimsons (Impex)

Karachi

SUBJECT :- SUPPLY OF STORE OF J.P.M.C., KARACHI

Dear Sir,

You are requested to supply following items to this Centre, as per terms and condition of back page:-

S.NO.	HLNO	NAME OF ITEMS	A/C UNIT	RATE	QTY REQ	AMOUNT
1.		Inj. Vaxirab N 1ml Anti Rabies Vaccine	P/Vial	Rs.1299/=	230 Vials	Rs.298,770/=
		(Healthcare India)				

Rupees Two hundred ninety eight thousand seven hundred seventy only.

Saldera

(DR. KAUSER ABBAS SALDERA)
FOR EXECUTIVE DIRECTOR.

Copy to :-

1. The Incharge, Central Pharmacy, JPMC, Karachi.
2. The Incharge, Injection Section, JPMC, Karachi.

OFFICE OF THE MEDICALSUPERINTENDENT
DHQ HOSPITAL UPPER DIR
Ph:No, 0944-881012 & 881455 Fax-0944-881012
E-mail: Address: msdhqupperdir @yahoo.com

NO 1090-92 / Dated: 28 /02/2023

),

MS Hakismsons Impex,
Karachi.

ıbject: **Supply order Medicines/Other Items.**

emo:-

As per the selection of end-users and on approval of the pharmacy & therapeutic mmittee, you are hereby directed to supply the following Medicines/other Items for use in the HQ Hospital Upper Dir, according to agreement with Govt: Health Deptt: MCC KP Peshawar approved rates for the year 2022-2023 under letter No: 1838/MCC/KP, dated: 19-08-2022.

ıte: All the codel formalities/agreement and other rules regulations must be observed ictly.Shorts expiry/transportation charges, unstamped items, late supply and broken container ll be responsibility of the concerned firms/suppliers.

ICCF.No	Generic Name of Items	Trade Name	Qty:	Rate:	Amounts:
)1	Inj Purified chick embryo Cell Rabies Vaccines (PCECV)	Vaxirab-N	1000	1400	1400000
			Total Rs;		=1,400,000/-

Medical Superintendent
DHQ Hospital Upper Dir

py to the:
MCC Incharge Health Directorate Peshawar.
Concerned Storekeeper for strict compliance.

ıspital Pharmacist
Q Hospital Upper Dir

Medical Superintendent
DHQ Hospital Upper Dir

M/s. Hakimsons (impex) (Private) Ltd,
Hakimsons Building, 19 West Wharf Road, Karachi.
Ph: (92-21)32314765-66, 32316861, 32315171.

SUBJECT: REQUEST FOR SUPPLY OF DRUG / MEDICINE / SURGICAL SUNDRIES ITEMS ETC. AT SINDH GOVT.LYARI GENERAL HSOPITAL, KARACHI.

Reference to your Quotation No. NIL dated NIL the market rates quoted by you for the supply of following items have been approved & accepted by Authorized Officer of this Hospital on emergency basis, you are therefore requested to please arrange to supply the same immediately of the receipt of this order to meet the emergency requirement at Sindh Govt. Lyari General Hospital, Karachi and send your bill in triplicate to this office for arranging the payment. A warranty certificate is also to be produced alongwith delivery Challan.

S.No	Name of Item	Quantity Required	Approved Rates	Total Amount
01	Vaxirab N (Anti Rabies Vaccine)	230 Vial.	Rs. 1300.00/- Each Pack Size # 1ml	299,000
			Total Amount Rs.	**299,000/-**

Amount in words: Rupees Two Lac, Ninety Nine Thousand Only.

NOTE:- The quality / quantity shall be excellent and according to the specification.

MEDICAL SUPERINTENDENT
SINDH GOVT. LYARI GEN, HOSPITAL
KARACHI

Primary & Secondary Healthcare Department

Office of the
CHIEF EXECUTIVE OFFICER
DISTRICT HEALTH AUTHORITY GUJRAT
(Ph.: 053-9260105 & Fax: 053-9260118)
Email: edohgujrat@yahoo.com

PURCHASE ORDER

1.	Purchase Order No.	4103 /DHA
2.	Date:	10/04/2023
3.	Contractor Name & Address	M/S Hakim Sons Impex Pvt Ltd. Hakimsons building 19, WRST WHARF Road Karachi.
4.	Particulars of Items / Stores	As per detail given below & approved specification mentioned in Notification of Award/Advance Acceptance of Tender (AAT), issued by Chief Executive Officer, District Health Authority, Gujrat vide No.02/DHA, dated: 02-01-2023

Sr#	Name of Item with Specification	Quantity								Approved Rate	Total Amount (Rs.)
		CEO Office	THQ Hospital Kharian	THQ Hospital Sarai Alamgir	THQ Level Hospital Kunjah	THQ Level Hospital Lalamusa	THQ Level Hospital Dinga	Trauma Center Lalamusa	Total		
1.	Anti-Rabies Vaccine Purified Chick Embryo Cell Culture Rapies Vaccine Vial + diluent 1ml **(Vaxi Rab-N)**	1300	700	300	560	300	400	300	3860	Rs 1447.00/each	Rs 5,585,420/-

INSTRUCTIONS:-

SCHEDULE OF REQUIREMENT:

Sixty (60) days as delivery period + fifteen (15) days as Grace Period from the date of issuance of Purchase Order or earlier extension in Delivery with penalty @0.067% per day after 60 (Sixty) days (as delivery period) shall be decided by the procuring agency on the formal request of supplier as specified in clause 20 of General Conditions of the Contract.

PLACE OF DELIVERY:-

Main Store of District Health Authority, Gujrat located at Government Maternity Hospital, Fawara Chowk, Gujrat.

NAME & ADDRESS OF CONSIGNEE:-

Chief Executive Officer, District Health Authority, Gujrat.

DISPATCH INSTRUCTIONS:

The store should be delivered to the consignee free of all charges in safe and sound condition.

INSPECTION AUTHORITY:-

The Inspection Committee notified by District Health Authority, Gujrat.

Place of Inspection: Consignee's end

CONDITIONS OF PURCHASE ORDER:-

i. The Contractor shall supply the item(s) as per framework contract signed between the Chief Executive Officer, District Health Authority, Gujrat and contractor for Financial Year 2022-23 & approved specifications mentioned in Notification of

CHIEF EXECUTIVE OFFICER DHA GUJRAT

Award / Advance Acceptance of Tender (AAT) dated 02-01-2023 issued by the undersigned.

ii. Labeling & Packing: The contractor shall supply the item(s) as per Drugs (Labeling and Packing) Rules 1986, framed under the Drugs Act, 1976, and Special Conditions of Contract.

iii. **SHELF LIFE:-**

a. The shelf life must be up to 85% for locally manufactured drugs and 75% for the imported drugs.
b. The lower limit of the shelf life must be up to 80% and 70% with imposition of 1% penalty charges of actual shortfall in shelf life below prescribed limit for locally manufactured and imported medicines/surgical disposable items / medical devices respectively.
c. In case of vaccines & other biotechnical products, the stores with the shelf life up to 70% will be accepted without penalty charges and up to 60% with imposition of 1% penalty charges of actual shortfall in shelf life below prescribed limit.

iv. **TESTING / VERIFICATION PROCEDURES:**

a. The firm will provide the Batch release certificate, certificate of analysis & Laboratory test reports of each batch of the product on its delivery which will be sent to the concerned testing laboratory along with collected sample for testing.
b. After delivery of drugs and medicines/surgical disposable items / medical devices etc at the procuring agency's premises / consignee's end, the procuring agency through notified drugs inspector shall send the samples from all batches of the supplied store to the concerned Drugs Testing Laboratory, Punjab, for testing/analysis as per drugs act 1976/DRAP Act 2012 / Medical Devices Rules 2017 and rules framed thereunder. The inspection committee constituted by the Procuring Agency shall inspect each batch of supplied store as per contract and purchase order. The cost of the lab tests shall be borne by the supplier which may be deducted from its final bill or deposited in the Government treasury.
c. In case of Adverse / failure report (as per official / approved specification from DRAP) of any batch, the supplier / contractor will be intimated and they will be bound to re-supply the entire fresh stock of that batch free of cost within the reasonable time period to be intimated by Procuring Agency but not later than 21 days (three weeks) from the date of intimation, which will be subject to completion of all testing and verification formalities. At the parallel, the case will also be forwarded to the legal forum for legal action as per Drug Act 1976/DRAP Act 2021 and disposal of failed stocks. The inspection committee will carry out detailed physical examination of stocks and can reject, even if it is declared of standard quality by DTL, if found not according to the approved specification (sample) and other technical specifications like packing, labeling, printing and quantity etc. Moreover, the supplier will also be responsible to replace the unconsumed expired stores without any further charges.

v. **PAYMENT:-**

a. 100% payment to the supplier will be made by the undersigned:
   i. Against satisfactory performance and upon submission of required documents (standard quality test / analysis report from testing laboratory and satisfactory inspection report from Inspection committee) and in accordance with the procedure mentioned in Punjab Procurement Rules-2014 and bidding documents.

CHIEF EXECUTIVE OFFICER DHA GUJRAT

ii. On production of Inspection Certificate and receipt certificate from consignee, after recovery of Government due (if any) including professional tax and testing laboratory testing charges.

iii. In accordance with Punjab Procurement Rules, 2014 the procuring agency shall make lawful payment to the contractor / supplier within 15 (fifteen) days after fulfillment of all legal and codal formalities.

b. Part supply is allowed but part payment is not allowed. The payment will only be made after the receipt of complete supply within due time.

vi. **SPECIAL INSTRUCTIONS:-**

a. The contractor should as per terms of the contract submit his bill / invoice as per prescribed procedure of the government. In case of any deviation from the above-prescribed procedure the payment officer will not be responsible for any delay so caused.

b. The contractor is required to issue "Acknowledgment" immediately on receipt of cheque form the payment officer. In case, he fails to acknowledge the receipt of cheque within 7 days, his subsequent payment will be held in obeyance.

vii. Supply of Drugs/Medicines/Surgical Disposable Items / Medical Devices will be governed by Drug Act 1976/DRAP Act / Medical Devices Rules 2017 and rules framed thereunder. Supplier / Contractor will also furnish warranty certificate at the time of delivery, that the firm will replace un-consumed store if not consumed within shelf life without any further charges.

viii. **IMPORTANT NOTE**: All other terms & conditions of the framework contract, concluded by the District Health Authority, Gujrat during financial year 2022-23 and also included in bidding documents (RFP), shall be the part of this purchase order.

CHIEF EXECUTIVE OFFICER
DISTRICT HEALTH AUTHORITY
GUJRAT

CC:

1. The Secretary, Government of the Punjab, P&SHC Department Lahore.
2. The Director General Health Services, Punjab, Lahore.
3. The Director Health Services, Gujrat, Division Gujrat.
4. The Deputy Commissioner / Administrator DHA Gujrat.
5. The District Accounts Officer, Gujrat.
6. The District Health Officer (HR&MIS, MS, PS), DHA Gujrat.
7. The Deputy Director (B&A), DHA Gujrat.
8. The Store Officer / Store Keeper, Medicine, DHA Gujrat.
9. The Accountant of this office.
10. Concerned Firm, for execution of the purchase order.

OFFICE OF THE
CHIEF EXECUTIVE OFFICER
(DHA) MANDI BAHAUDDIN

No. Med-2022-23(Phase-II)/ 3910 /CEO (DHA) Dated 21-03-2023

To

Hakimsons (Impex) (Private) Ltd, Hakimsons Buliding, 19 west Wharf Road, PO Box # 5580, Karachi.

Subject: - **AWARD LETTER/ ADVANCE ACCEPTANCE OF TENDER (AAT) FOR THE PURCHASE OF DRUGS/MEDICIENS, SURGICAL DRESSING AND MEDICAL DEVICES FOR HEALTH INSTITUTIONS DISTRICT MANDI BAHAUDDIN FOR THE YEAR 2022-23 (PHASE-II).**

Reference to your tender submitted to District Health Authority, Mandi Bahauddin, regarding purchase of Drugs/Medicines, Surgical Dressing and Medical Devices for the year 2022-23 (Phase-II).

Offered rates by your firm, approved on the recommendation of District Purchase Committee, (DHA), Mandi Bahauddin as following:-

Sr. #	T.E No	PQ No.	Name of Item with specification.	Approved rate per unit	Quantity	Total Cost	Stamp duty @ 0.25% of total value.
1.	5	32	**VaxiRab-N-Injection** Ant-Rabies Vaccine (Brain tissue Origin/Cell Culture Origin) Injection 0.5 ml/1ml prefilled syringe / vial (vial with solvent), pack of 50 or less, packed in carton with leaflet. WHO Prequalified/ Approved. (The firm will produce batch wise cold chain data from the source of origin & thermo-log data from factory to warehouse). DRN: 106824	1476	4,000	5904000	14760
Total						**5904000**	**14760**

The following are terms and conditions of the purchases:-

1. The supplier will sign the contract on the stamp paper @ 0.25 paisa per 100 rupees against the cost of the contract.
2. The Supplier, within 02 days of signing of this contract, shall provide to the Purchaser a Performance Guarantee/Security in the form of Bank Draft/Bank Guarantee/Call Deposit Receipt (CDR) equivalent to 2% of the total contract amount having validity of one year from its date of issuance from any scheduled bank of the prescribed format and in prescribed manner. This Performance Guarantee/Security in the form of Bank Draft/Bank Guarantee/Call Deposit Receipt (CDR) shall be released to the Supplier upon successful completion of the Contract. Failure to submit a Performance Guarantee/Security shall result into cancellation of the contract, forfeiting of CDR already submitted in the form of Bid Security & Blacklisting of the firm.
3. The stocks will be delivered to the Main Medicines Store CEO (DHA)/DHQ Hospital/THQ Hospitals (as per supply order quantity), free of all charges in safe and sound condition.
4. The offer will remain valid upto 30th June 2023 from the date of issuance of purchase letter.
5. The delivery period (45 days and 15 days grace period, total 60 days) has also been mentioned in supply order and after completion of due delivery period specified against each installment penalty @ 2% per month (0.067 per day) shall be imposed. Part supply as per given delivery schedule and part payment is allowed as per contract/purchase order,

the payment will only be made after the receipt of 2nd shipment/consignment as per schedule mentioned in schedule of requirement in bidding documents.

6. The shelf life without penalty must be upto 85% for the locally manufactured drugs and 75% for the imported drugs. The lower limit of the shelf life must be up to 80% and 70% with imposition of 1% penalty charges of actual shortfall in shelf life below prescribed limit for locally manufactured and imported medicines respectively. In case of vaccines & other biotechnological products, the stock with shelf life upto 70% will be accepted without penalty charges and upto 60% with imposition of 1% penalty charges of actual shortfall in shelf life below prescribed limit.
7. If the successful bidder fails to supply the goods as per orders within stipulated items/as per terms and condition of the contract or they try to withdraw / amend / revise their offer within the validity period, the offer shall stand cancelled, the earnest money / call deposit / security deposit will be forfeited and the relevant goods will be purchased at the risks and cost of bidder.
8. The District Health Authority, Mandi Bahauddin reserves rights to claim compensation for the losses caused by a delay in the delivery of stocks.
9. The District Health Authority, Mandi Bahauddin reserves the right to increase or decrease quantity of any item.
10. The above mentioned items must be supplied as per specifications mention in the bidding documents/samples approved.
11. The labeling and packing must be as per requirement of DRAP Act 2012/Drugs Act 1976 / Rules framed there under / labeling and Packaging Rules 1986 and according to the conditions of registration of Drugs/ Non-Drugs / Medicines / Medical Devices.
12. The suppliers are required to furnished warranty certificate with regards to the potency and stability (including coloration of medicines) of Drugs/Non-Drugs/Medicines/Medical Devices for human consumption etc. in accordance with the DRAP Act 2012 / Drugs Act 1976 / Rules framed there under.
13. Locally manufactured & imported Drugs / Non-Drugs / Medicines / Medical Devices will be supplied strictly in accordance with the color and packing prescribed by the Government of Punjab (Green Color) and following words should be printed /stamped on each pack / bottle etc. in bold red color with indelible ink.

    "PUNJAB GOVERNMENT PROPERTY"
    "NOT FOR SALE"
14. The medicines / items of approved specifications shall be supplied. The inspection committee will carry out detailed physical examination /inspection of stock and can reject stock if found not according to the approved.
15. The Payment will only be made after clearance from Drug Testing Laboratory by the CEO (DHA), Mandi Bahauddin as well as satisfactory report from physical inspection committee of stores, the firm will be responsible for replacement of the equal quantity within (21 days) three weeks. The shelf life of replaced stock must not be less than 75% in case of imported items, 85% in case of local items and 70% in case of Biological products. According to the DRAP Act 2012 / Drugs Acts 1976 / Rules framed there under and the sub-standard stock will be forfeited and case will be registered.
16. If the suppliers are not in accordance with the approved specification / quantity, the inspection committee may impose penalty from 2% to 10% of the total amount or may rejects the supplies. The supplier shall be bound to replace the supplied drugs without any additional cost.

CHIEF EXECUTIVE OFFICER
(DHA) MANDI BAHAUDDIN

No. & Date even.

Copy forwarded to:-

1. The Secretary, Government of the Punjab, Primary & Secondary Healthcare Department, Lahore.
2. The Director General Health Services, Punjab, Lahore.

3. The Director Pharmacy, O/o DGHS Punjab, Lahore.
4. The Deputy Commissioner / Administrator, DHA, Mandi Bahauddin.
5. The District Accounts Officer, Mandi Bahauddin.
6. The District Health Officer (Medical Services) DHA, Mandi Bahauddin
7. The Deputy Director (B&A) DHA, Mandi Bahauddin.

For information and necessary action.

Acceptance

I hereby accepted the above Rate Award on behalf of my firm Abbot Laboratories, Pakistan Ltd. OPP. Radio Pakistan Transmission Centre, Haiderabad Road Lahdi Karachi 75120. with the tender above mentioned condition.

Signature of representative of firm _____

Full Name _____
C.N.IC No. _____
Cell No. _____

Annex-D

GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD(L-II)/SPPRA/R.C-AL.HAMD/2018-19 Karachi, dated the April, 2019

BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY UNDER RULE-32 OF SPP RULES 2010.

(Appeal)

M/s Al-Hamd Enterprises

Versus

Health Department, Government of Sindh

(NIT ID # T00911-17-0001 dated 06.07.2018)

Facts and background

M/s Al-Hamd Enterprises, Karachi (hereinafter referred to as the appellant) vide letter dated 25.01.2019 lodged an appeal to the Review Committee of Sindh Public Procurement Regulatory Authority (hereinafter referred to as the Authority) against the decision of the Complaints Redressal Committee (CRC) of Health Department (hereinafter referred to as the procuring agency) in terms of Rule-32(1) of SPP Rules, 2010 (Amended Up to date) whereby the CRC upheld the decision of the procuring agency's Central Procurement Committee (CPC) made in favor of products quoted by the appellant.

2. On receipt of the above appeal, the Authority vide its letter dated 14.02.2019 advised the procuring agency to confirm that the appellant has not withdrawn its bid security as required under Rule-32(1) of SPP Rules, 2010 (Amended Up to date). The procuring agency did not furnish any response/ confirmation regarding the appellant's bid security status; however, the appellant vide its letter dated 18.02.2019 confirmed the Authority that their bid security was still available with the procuring agency in shape of pay order No.19619311 dated 20.07.2018 amounting to PKR 2,600,000.00 issued by the Habib Bank, Block-I, Gulistan-e-Jouhar, Karachi.

3. Subsequently, the Authority vide letters dated 08.03.2019 issued notices to the concerned parties for appearing before the Review Committee on 13.03.2019 at 12.00 p.m. Mr. Waheed Ahmed, Additional Secretary, Health Department (representative of the procuring agency) and Mr. Imran Khan, Proprietorship Member (representative of the appellant) appeared before the Review Committee.

Review Committee Proceedings

4. Chairperson of the Review Committee welcomed all the participants of the meeting and then introduced the members of the Review Committee. After that, the chair asked the appellant to present his case/ version before the committee.

5. Mr. Imran Khan (representative of the appellant) while arguing his appeal apprised the Committee that they had raised their similar grievances before the procuring agency's CRC after

announcement of technical evaluation report/ results but the same were not satisfactorily redressed. Resultantly, they lodged an appeal in this Authority and their product-wise summary is as under:

- **Item # 28 & 29 – Surgical Tape 1" & 2":** They quoted Surgical Tape with brand name 'Advantive' with valid Free Sales Certificate (FSC) in country of origin, which was a compulsory requirement as per terms and conditions of bid documents. Their competitor i.e. M/s Meher Enterprises quoted these items with 'Wellmed' brand, which is an OEM brand and their competitor used the same brand with all the quoted items – under the instant procurement case – whether items were being imported from China or Malaysia etc. They requested the procuring agency to clarify/ verify the FSC certificate submitted by M/s Meher Enterprises and to ensure the brand is registered in China but the procuring agency did not respond to it positively. Mr. Imran further highlighted that they quoted the prices of these item against 5-Yards instead of the procuring agency's requirement of 10-yards as surgical tape prices were based on yards; if bid prices were re-calculated on aggregate basis – multiplied with unit cost – then their bid was the lowest as compared to their competitor but the procuring agency declared them as 'non-responsive' on basis of item quoted against 5-yards despite mentioning the word 'or equivalent' with the item in bid documents.

  - The chair enquired from the appellant whether they were importing these items from China. In response, the appellant stated that they were importing the items from China and these were registered in China, for which they had also submitted copy of FSC with quoted brand along with bid documents to the procuring agency.

  - The chair reproduced the observations and decision of the procuring agency's CRC which stipulates that *"M/s Al-Hamd quoted prices of 5-yards against required 10-yards as per specification of tender. The record of CPC provides that they were declared non-responsive due to non-compliance of tender specification. Moreover, M/s Meher Enterprises quoted this item as per required specification and secured highest rank in marking who secured 68 marks. Hence, no justification was found in the grievance of Al-Hamd. CRC upheld the decision of CPC."*

  - The committee pointed out the appellant that it was explicitly mentioned in the bid documents to quote the items against the required specification of 10-yards but they quoted against 5-yards; that was the reason for the procuring agency's CPC to declare them as 'non-response'. Lodging a complaint on such reasonable grounds seemed worthless/ un-challengeable. In response, the appellant agreed that they quoted items against 5-yards but their complaint was lodged on the grounds that tape prices could be calculated on yard basis as its use was made in fractions rather than as a whole and payment was also made by the procuring agency by using unit cost – per yard basis.

  - The appellant further highlighted that M/s Meher Enterprises – who won the contract – did not have sufficient stock of these items with similar specification; therefore M/s Meher was asking for supplies of the items from them, which could be verified from whatsapp conversation/ audio call that M/s Meher made to them last day. The committee enquired from the appellant how they could prove that

M/s Meher Enterprises was asking for supplies of the items solely for the use or supply to the procuring agency; it was possible that M/s Meher might have asked the appellant for sourcing and supplies of items for a purpose other than the instant case.

- The committee clarified the appellant that word 'equivalent' with yards means quoting the same item in another measurement unit like: meters; feet etc. with equivalent size or value but it does not mean quoting item below the required unit value or size like 5-yards. The appellant should have quoted bid as per specification of bid documents rather than deviating from its primary requirement. The chair pointed out that there was a difference between lowest evaluated and lowest submitted price as defined under Rule-2(1)(v) & (w) of SPP Rules, 2010 (Amended Up to date).

    - *Lowest Evaluated Bid means a bid most closely conforming to evaluation criteria and other conditions specified in the bidding document, having lowest evaluated cost; **Lowest Submitted Bid** means the lowest price quoted in a bid, which is otherwise not substantially responsive;*

- The representative of appellant accepted that the committee's above clarification was suffice to declare their bid as 'non-responsive' and requested the committee to check and verify how their competitor M/s Meher Enterprises was qualified during the technical evaluation process in the absence of FSC of quoted brand. In turn, the chair asked the representative of the procuring agency to clarify the position but the representative of the procuring agency could not showcase the procurement record during the meeting by stating that complete procurement record was available in Dow University Ojha Campus and they needed additional time period to produce the record before the Committee. The appellant highlighted that they submitted their query various times to procuring agency but could not get reply.

    - Mr. Saad Rashid (member of the Committee) asked the representative of procuring agency to clarify the reasons for such delay in response to the appellant's repetitive queries. The chair also pointed out that the Authority in its meeting letter clearly communicated the procuring agency to bring the procurement record; how can the committee review and decide the matter in the absence of relevant procurement record.

- **Item # 138 28 & 139 – Foleys Catheter 2 Way Silicon Coated:** They quoted Foleys Catheter with brand name "Silky Gold" with valid Free Sales Certificate (FSC) in country of origin, which was a compulsory requirement as per terms and conditions of bid documents. The appellant showcased copy of FSC – wherein brand name was also mentioned – to the committee and requested that the FSC submitted by their competitor i.e. M/s Meher Enterprises should be checked and also verified whether it was attested by Pakistan embassy or not. The appellant raised concerns as to how it was possible that their competitor quoted "Wellmed" brand registered with different manufacturers in one country.

- Mr. Saad Rashid highlighted that the issue of similar nature – FSC submitted by M/s Meher Enterprises – existed under that scenario, which was agreed upon by the appellant. The chair highlighted that the appellant's bid security might be forfeited in case of his appeal being frivolous as per Rule-32(7) of SPP Rules, 2010 (Amended Up to date); in turn the appellant responded that they knew the repercussions of any mis-statements, if any, made by them and further stated that how one brand could be registered with two manufacturers in one country – Surgical Tape and Foleys Catheter produced by different manufacturers in one country but quoted by their competitor with one brand name looked like impossible.

- Dr. Saadat Ahmed Memon (member of Review Committee) asked the procuring agency about the reasons for dis-qualification of the appellant under these products or bid. In turn, the procuring agency replied that the appellant technically qualified but their bid stood as 2nd lowest, hence, they were not awarded.

- **Item # 215 & 216 – Surgical Gloves Sterile All Sizes:** They quoted Surgical Gloves with the brand name 'Surgitex' but the CPC of the procuring agency did not award marks as per criteria and documents submitted with their bid.

  - The appellant further stated that the procuring agency didn't award them marks under following criteria despite submission of required documents with the bid. They approached the procuring agency's CRC, which awarded them 08 out of 18 marks; however, documents for remaining 10 marks were attached with the bid.

    - ISO 14001 Certificate (Page # 164 of bid documents) 02 marks;
    - ISO 9001 Certificate (Page # 165) 03 marks;
    - Valid Manufacturing Unit (Pages # 168-171) Accreditation with WHO/ UNFPA 05 marks;

6. On the request of the procuring agency to provide them opportunity for additional time period to bring and showcase relevant procurement record before the Committee, *it was unanimously decided to discuss and decide the instant matter in next Review Committee meeting to be scheduled on 21.03.2019.*

7. Pursuant to the Committee's above decision, the Authority vide letters dated 18.03.2019 issued notices to the concerned parties for appearing before the Review Committee on 21.03.2019 at 11.00 a.m. Mr. Waheed Ahmed, Additional Secretary, Health Department (representative of the procuring agency) and Mr. Sameed, Proprietorship Member (representative of the appellant) appeared before the Review Committee.

8. The representative of the appellant – who did not attend the last meeting – was fully aware of the previous proceedings. Subsequently, the chair asked the representative of the appellant to brief over their concerns where they were not awarded marks despite having requisite documents with the bid.

- **Item # 215 & 216 – Surgical Gloves Sterile All Sizes:** The representative of the appellant highlighted that they were not awarded marks under following areas:

- **ISO 14001 Certificate:** Upon examination of bid documents, it was found that the certificate was available in bid documents as submitted by the appellant to the procuring agency; therefore, the committee unanimously decided to add 02 marks in their technical scoring.

- **ISO 9001 Certificate:** Upon examination of bid documents, it was found that the appellant submitted the certificate with bid documents but it was in Chinese language.

    - The chair asked the appellant why not they submitted the certificate having translated in English language that was a requirement/ condition of bid document. The chair further highlighted that when no one could read and understood the certificate's content then how they could be assigned marks against those documents. In turn, the appellant highlighted that they had missed to bring the copy of translated certificate, upon which the committee responded that the same would not be accepted at this stage.

- **Valid manufacturing Unit Accreditation with WHO/ UNFPA:** Upon examination of bid documents, it was found that the appellant submitted the certificate issued by World Health Organization.

    - The representative of the procuring agency informed that the certificate, submitted by the appellant with bid documents was valid for only male condoms rather than surgical gloves sterile. Dr. Saadat also endorsed that the certificate was valid for a specific product – male condoms. The representative of the appellant highlighted that the certificate was not required for a particular product as per conditions of bid documents. Both the products gloves and condoms were manufactured by the same manufacturer.

- Mr. Saad Rashid asked the appellant whether they were disqualified under these items. In response, the appellant stated that they were technically qualified but they were awarded less marks by the CPC. Again, the committee asked whether it could have impact to their end results or opportunity for winning if additional marks were allocated. In turn, the appellant responded that the procuring agency used combined weightage method under the instant procurement and additional score under technical evaluation might have increased their chances for winning.

    - The committee observed/ highlighted that the combined weightage was used under Quality and Cost Based Selection Method (QCBS), which can only be used for selection of consultants as per Rule-72(3) of SPP Rules, 2010 (Amended Up to date).

    - The chair elaborated that the Authority had urged in the past to opt for another method for procurement of drugs and medicines – as quality cannot be compromised while procuring such goods – but it was not allowed under the SPP Rules to use QCBS method for procurement of goods;

- Mr. Ali Imam Qadri, Procurement Specialist SPPRA, informed that the Authority had communicated its observations against the NIT through SPPRA's PPMS website on 10.07.2018 wherein the procuring agency was also advised to ensure acceptance of bids that are found as to be the lowest evaluated bid. In response, the procuring agency furnished its clarification vide letter dated 28.11.2018 as under:

  > *"The drugs are not ordinary commodities and should therefore be treated as such. Thus evaluation criteria has been followed by the Central Procurement Committee (constituted by the Learned Water Commission) in accordance with the SPPRA Rules and the directions of Water Commission and set standards of W.H.O. which provide "products should be complied with efficacy, safety and quality, as often the case, the determining factor for awarding a tender is price. Quality must be more important consideration due to the fact that sub-standard products give rise to health hazards as well as financial losses to the procurement agency. While product of assured quality may be price higher, they will be cheaper in long run" (http://www.wpro.who.int/essential_medicines/en/), as accordance of above set criteria, the CPC considered high ranked products as best evaluated lowest bid."*

- Mr. Qadri further highlighted that the usage of combined weightage method under QCBS was solely allowed for consulting services; and its use by the procuring agency under the procurement of goods was not allowed under SPP Rules. He further informed procurement of drugs & medicines under QCBS method are allowed in KPP Rules and Federal PP Rules but not in SPP Rules. Mr. Qadri - while clarifying query raised by Mr. Saad Rashid – stated that the Authority had conveyed its observations to the procuring agency in a timely manner so that rectification could be made. Moreover, the procuring agency had floated another tender for procurement of drugs/ medicines on similar lines, on which the Authority had reiterated similar nature of observations to the procuring agency through PPMS website.

  - The chair observed that the procuring agency had awarded contracts and released payments; whereas, the very foundation of procurement process was beyond the SPP Rules. Procuring agencies under Sindh Government are required to follow SPP Rules rather than KPPRA or PPRA etc.

  - The representative of procuring agency stated that CPC – constituted by the Water Commission – had designed and implemented this whole tender;

  - The chair asked the representative of procuring agency whether the Water Commission had ordered the CPC to follow KPPRA Rules. In turn, he stated that committee had itself decided to follow combined weightage method;

  - The chair highlighted that the combined weightage method cannot be used for procurement of goods; therefore, deciding upon award of correct marks to the appellant would be against the SPP rules.