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MINUTES OF MEETING OF THE GRIEVANCE REDRESSAL COMMITTEE HELD ON JAN 11, 2019 AT 2.00 P.M TO REDRESS THE GRIEVANCES OF THE FIRMS AGAINST SUPPLEMENTARY PREQUALIFICATION EVALUATION REPORT OF PHARMACEUTICAL MANUFACTURERS & SOLE AGENTS OF FOREIGN PRINCIPLES FOR PURCHASE OF TOP-UP DRUGS/MEDICINES & MEDICAL DEVICES FOR FY 2018-2019, FOR DIRECTORATE GENERAL HEALTH SERVICES, PUNJAB

A meeting of the Grievance Redressal Committee was held on 11-01-2019 at 2.00 P.M in committee room of Directorate General Health Services, Punjab, to address the grievances of the applicants, as per Rule 67 of Punjab Procurement Rules, 2014 (Amended), for prequalification of pharmaceutical manufacturers & sole agents of foreign principles for purchase of top-up drugs/medicines & medical devices for FY 2018-2019.

Following members of Grievance Redressal Committee attended the meeting:

Sr. No.	Participants	
1.	Dr. Shahnaz Naeem, Director Health Services (CDC), DGHS	Chairman/Convener
2.	Dr. Abdul Jabbar, Senior Medical Officer (EPI), DGHS	Member
3.	Senior Law Officer (Litigation Cell), DGHS	Member

Following member(s) of the prequalification committee presented the cases on behalf of the Prequalification Committee:

Sr. No.	Member(s)
1.	Pharmacist, Purchase Cell, DGHS

The Chair welcomed all the participants and briefed about agenda of meeting i.e. Grievance Redressal of firms against supplementary prequalification evaluation report of pharmaceutical manufacturers & sole agents of foreign principles for purchase of top-up medicines/medical devices for Fiscal Year 2018-2019 by DGHS.

The Chair instructed the representatives of aggrieved firms to come one by one serial wise based on receipt of grievance so that proper hearing/ redressal of grievance may be ensured. The grievances of firms and decisions of grievance redressal committee are as follow:

Sr. No.	Name of the Firm	Status as per Supplementary Prequalification Evaluation Report	Reason of Rejection	Grievance of the Applicant Firm	DECISIONS OF THE GRIEVANCE COMMITTEE
1.	M/s Global Pharmaceuticals (Pvt.) Ltd.	Not Prequalified	Firm does not comply with knock down Clause 5.	The firm has submitted a grievance for redressal against the supplementary prequalification evaluation report, stating that it has attached valid GMP Certificate issued by DRAP with their grievance application.	Mr. Kashif Rafiq, representative of M/s Global Pharmaceuticals (Pvt.) Ltd. appeared before the grievance redressal committee and briefed about the grievance. The firm submitted the valid GMP Certificate as required under knockdown clause 5. So, its grievance is accepted and hence status of the firm, M/s Global Pharmaceuticals (Pvt.) Ltd., is declared as "Prequalified" .
2.	M/s Getz Pharma (Pvt.) Ltd.	Not Prequalified	Firm does not comply with Advertised Specifications.	The firm has submitted its grievance application for its quoted item Inj. Insuget 70/30 and requested to revisit the decision based on following facts: i) Advertised specifications are unlawful as it discriminates among the bidders. ii) Hon'ble High court of Sindh in its judgment has discouraged such unwarranted discriminatory conditions in tenders attached as Annex-1 iii) Rule 10(1) of the PPR-2014 mandates that procuring agency shall determine specifications in manner to allow the widest	Mr. Tanveer Ahmed, representative of M/s Getz Pharma (Pvt.) Ltd., appeared before the grievance redressal committee and briefed about the grievance. The firm failed to reproduce any evidence in support of required advertised specifications given as below: i) No data of Bio-availability/Bio-similarity Studies ii) No Evidence of EMA/CE/US-FDA/WHO approval certification of quoted item. iii) End-user unsatisfactory reports from different Govt.

				<p>possible competition, which shall not favor any single contractor nor put others at a disadvantage. Furthermore, as per Rule 2(i), the competitive bidding is a procedure leading to the award of a contract whereby all the interested persons, firms, companies may bid for the contract.</p> <p>iv) Rule 34 of PPR-2014 restricts the procuring agency from importing any condition which is difficult to meet and discriminates between the bidders.</p> <p>v) As per IMS Mat 03/2018, the product under consideration have secured major market share. (Annex-3)</p> <p>vi) Firm claimed that it is importing exclusive technology and API from world's renowned manufacturer, Biocon, having FDA approval. (Annex-4)</p> <p>vii) Firm is the only local manufacturer of biotech products which is approved by WHO and PIC/s. (Annex-5)</p> <p>viii) Firm is exporting to various countries and attached its export registration certificate as Annex-6.</p> <p>The firm has supplied the same product during FY 2016-17. Other provinces/departments are also procuring this product without any complaint.</p>	<p>Teaching Hospitals.</p> <p>iv) M/s Getz Pharma pointed out that FDA Approval of Inj. Mixtard 30 of pork origin manufactured by M/s Novo Nordisk has been discontinued. The committee decided to look into the matter at the level of technical evaluation of the product.</p> <p>Therefore, its grievance is rejected and hence status of the firm, M/s Getz Pharma (Pvt.) Ltd., is declared as "Not-Prequalified" with respect to item # 27 only.</p>
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3.	M/s ASTO Life Sciences Ltd.	Not Prequalified	Firm does not comply with knock down as pre bid para 8 MOM.	The firm has submitted a grievance for redressal against the supplementary prequalification evaluation report and stated that it has turnover of more than PKR 600 Million for the period of July 2016 to June 2017 and has attached relevant document in support of its statement.	Mr. Khawaja Asim, representative of M/s ASTO Life Sciences Ltd., appeared before the grievance redressal committee and briefed about the grievance. The firm was asked to represent any proof for financial capacity of 600 million as per requirement of pre bid para 8 MOM. The firm briefed the house that direct customer sales transaction operating through LC i.e. 506 Million was not included in FBR Document which is showing Annual sales turnover of 341 Million. On these grounds the total sales turnover of firm becomes above 800 Million. On the basis of these grounds its grievance is accepted and hence status of the firm, M/s ASTO Life Sciences Ltd., is declared as "Prequalified" .
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