

MINUTES OF GRIEVANCES MEETING

MAYO HOSPITAL LAHORE



Participants:

- | | |
|---|----------|
| 1. Prof. Dr. Nasir Chaudhary | Chairman |
| Head of Ophthalmology Department Unit-II Mayo Hospital Lahore | |
| 2. Dr. Umar Nazir | Member |
| Assistant Professor of Plastic Surgery Mayo Hospital Lahore | |
| 3. Dr. Sana Farooq | Member |
| Senior Registrar Neurology Department Mayo Hospital Lahore | |
| 4. Mr. Azeem Butt | Member |
| Deputy Drugs Controller Mayo Hospital Lahore | |
| 5. Mr. Muhammad Jawad Bhatti | Member |
| Deputy Drugs Controller Mayo Hospital Lahore | |

Proceedings:

Meeting started with the recitation from the Holy Quran. The Chairman, Grievances Committee Mayo Hospital Lahore welcomed all the participants.

ITEM NO. 01: GRIEVANCE SUBMITTED BY M/S HOORA PHARMA PVT. LTD (TENDER: M03)

GRIEVANCE DETAIL: The firm submitted the grievance on rejection of technical bid for surgical disposables items for the fiscal year 2024-25, The firm stated that it carefully reviewed the objections and d like to provide the necessary documentation for reconsideration:

Sr.	Objections	Firm's Remarks
1	Authority letter for participated in tender at Mayo Cancer Care Hospital, Manawan Lahore. Not attached	We, M/s Hooraa Pharma (Pvt) Ltd., being the sole distributor of Ethicon Inc. (Johnson & Johnson), USA., Authority letter enclosed with this letter.
2	Valid Drug sales license & Valid Establishment registration certificate not attached	Valid drug sale license and Renewal of Establishment registration certificate enclosed with this letter
3	Valid drug registration in the name of bidder not attached	M/s Hooraa Pharma Pvt is an authorized Distributor of M/S Johnson & Johnson (Ethicon Endo-Surgery)in Pakistan. We are the sole importers of Ethicon endo surgery in Pakistan. No Other firm has the right to import these products into Pakistan. We Request you to please consider us in this tender for the health competition.

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4	Valid ISO 13485 not attached	Valid ISO 13485 of quoted products is enclosed with this letter
5	Experience of quoted products at least three years not attached	We have attached the quoted product market experience with our bid. We will provide it again.
6	Part (B). Non-Recommended for Part B due to SNP	Unfortunately, we were not provided samples for evaluation. We request please provide another chance for sample evaluation. For the sake of healthy competition please consider our request.

Moreover, the firm claimed that it is the sole authorized distributor of Ethicon Inc.'s (Johnson & Johnson) Endo-Mech products and have quoted on endo goods in response to your tender. M&P was authorized distribution of suture, Meshes, Bio surgery products and quoted suture items in tender. The firm alleged that the rejection of the technical bid was based on technicalities rather than the quality and reliability of its medical devices. The firm then requested to reconsider decision and evaluate its technical bid in light of the documentation provided.

Grievance against M/S Popular International

The firm stated that it has reservations regarding the technical bids of below mentioned firms which is given as:

Tender Item No.	Advertised Specifications	Grievance/Reservation
Grievance Against M/s Popular International Pvt Ltd		
1,2,3,4 5,25,26 27	Disposable Surgical Port 5/6/10/11/15 mm & Circular Stapler 29,31,33 mm.	M/S Popular International (Pvt) Ltd is Declared Non responsive as per the uploaded technical evaluation report. M/S Popular International (Pvt) Ltd Quoted Kangdi Item and shows it is a Medtronic product. And mentioned the country of manufacture (Medtronic, Covidien USA). The quoted product is not a covidien manufacturing product. It is a Chinese substandard item. Although they have Covidien products and are still marketed in private hospitals but they are not quoted in this tender. As per official Medtronic, Kangdi is not a part of the Medtronic/Covidien brand. And ISO & CE Certificates clearly mention Chinese Products.

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Tender Item No.	Advertised Specifications	Grievance/Reservation
37,40,41,42,43,	Harmonic Focus 9&17cm, Ultrasonic Lap shear 36&23	M/S Popular International (Pvt) Ltd quoted the product as not complying with the required specifications.

The firm added that the documentation provided by M/S Popular International (Pvt) Ltd in the tender, especially the Bid security should be verified again. The firm then requested to review the technical bid of the aforementioned firm.

Decision:

Mr. Behzadullah Zafar, Regional Sales Manager of M/S Hooraa Pharma pleaded the case before the grievances committee. The committee observed that the Technical Evaluation Committee has disqualified the bid due to failure in clause (d), (f), (g), (n), (k) & (t). The firm's representative showed an appointment confirmation letter that has been established on 10 January 2024 and also provided another letter mentioning name of Mayo Cancer Care Hospital. The committee accepted the confirmation letter in light of decision of PPRA S&GAD Lahore through Letter No. L&M(PPRA)596/2024/com dated 18th November 2024. The firm's representative further showed an Enlistment Certificate that was not issued in the name of bidder as required under clause (f) of compulsory parameters, rather it has been issued in the name of M/S Johnson & Johnson Pakistan. The firm later disclosed that it is the distributor and is not a sole agent of principal. The committee then observed that the bidder does not have sufficient product experience in its name as required under clause (n) of compulsory parameters. The committee further observed that the firm also did not provide any samples for evaluation to TEC and the grievance committee. **The committee decided to uphold the decision of Technical Evaluation Committee except clause (d) and the firm remained non-responsive.**

Grievance against M/S Popular International

The committee observed that M/S Popular International is already disqualified in the said tender.

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ITEM NO. 02:

GRIEVANCE DETAIL:

GRIEVANCE SUBMITTED BY M/S MEDTEX SOLUTIONS (TENDER: M03)

The firm submitted the grievance with reference to technical evaluation report regarding purchase of Bedding Clothing Linen Items against Tender # M-03. The firm stated that it submitted a covering letter stating the validity of 180 days, as required in the Tender SBD, along with stamped and signed tender documents with technical bid. We believe this may have been overlooked, so it is requested to recheck technical bid and consider it responsive in TE Part-A. Regarding T.E. 1, 3, 6, and 21, the firm claimed that it submitted best quality samples as per specification; however, the department rejected its samples. The firm claimed that its samples meet the tender specifications; and like to demonstrate the quality of its fabric in terms of color, GSM, thickness and washes.

Decision:

Mr. Shakeel, Sales Executive of M/S Medtex Solutions pleaded the case before the grievances committee. The committee observed that the Technical Evaluation Committee has disqualified the bid as Bid Validity Certificate was not attached, complete bidding document was also not attached and T.E. 1, 3, 6 & 21 samples were not recommended. The committee observed that the firm has enclosed signed bid validity in its Technical Proposal at page no. 7 of bid, but has not signed and attached complete bidding document in the bid. The firm stated that it has not signed those pages that it considered not relevant to his submission. However, the form also provided signed copies of missing bidding documents. The committee further observed that the samples of said firm have also not approved by the Technical Evaluation Committee. The firm admitted that the sample of T.E.1 OT Towel Hole 40 X 60 did not contain hole and was regretted. He further argued that his T.E. 6 & 21 are as per advertised specifications. Mr. Zafar Store Kepper Linen Store also examined the samples of T.E. 6 & 21 provided to grievance committee that were found as per specs **The committee decided to declare firm responsive in Part-A Compulsory Parameters and also recommended T.E. 6 & 21.**

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ITEM NO. 03:

GRIEVANCE SUBMITTED BY M/S EASTERN MEDICAL CARE (TENDER: M03)

GRIEVANCE DETAIL:

The firm submitted the grievance with reference to the tender of Surgical items and submitted following reservations / clarification regarding the quoted items;

Regarding Compulsory Parameter: **d) Authority Letter for Mayo Hospital:** The firm claimed that the authorization letter issued by principal (ASAP International SDN, BHD Malaysia) and (FORA Switzerland) was already attached with the bid and the copies of the same are again enclosed for the reference and approval. **N) Experience of the Item # 17 (Sugar Strips)** the firm claimed that 03 Years Experience of Fora is already attached with the bid and copies are enclosed for approval. Regarding T.E. 70, 123 & 126 which have been rejected as the size is not appropriate. The firm claimed that its quoted brand is world leading brand; registered from DRAP under registration no. & MDIE - 000252 & MDIR-0004917. The firm further stated that the both items are already approved in Mayo Hospital from last 2-3 years and also being in used in other teaching hospitals including PKLI, LGH, Children Hospital, Shahdra Hospital, DG Khan , Nishtar Hospital SZH RY Khan ... etc. Moreover, the firm claimed that all samples / sizes are according to international standards for which the Copies of COAs are enclosed for reference. The firm requested to re-evaluate the samples for the healthy and fair competition.

Decision:

Mr. Kamran, Managing Director of M/S Eastern Medical Care pleaded the case before the grievances committee. The committee observed that the Technical Evaluation Committee has disqualified the bid due to failure in clause (d) for all quoted items and (n) for T.E. 17 and samples of T.E. 70, 123, 124, 125 & 126 rejected due to poor quality and inappropriate size. The firm's representative stated that the firm has attached an authority letter in the bid and also showed the same before the grievance committee. **The committee decided to declare firm responsive in clause (d) of compulsory parameters.**

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The firm then claimed that it has sufficient experience of T.E. 17 required under clause (n) of compulsory parameters. The firm showed PO No.5317-19/MS dated 05.12.2020 to supply 5000 Fora BSR strips to THQ Hospital Chunian, PO No. 13922/DHQ/NNS dated 01.06.2018 to supply 600 packs of Fora BSR Strips to DHQ Hospital Nankana Sahib **The committee decided to declare T.E. 17 responsive in clause (n) of compulsory parameters.** The firm then claimed that its quoted samples are of good quality and have previously been approved by the Technical Evaluation Committees of Mayo Hospital Lahore and the sizes are as per International Standards. **The committee decided to re-evaluate samples of T.E 70, 123, 124, 125 & 126 quoted by the firm.**

ITEM NO. 04:

GRIEVANCE DETAIL:

GRIEVANCE SUBMITTED BY M/S THE PEARLS (TENDER: M03)

The firm submitted the grievance with reference to tender for General Store Items (for Mayo Cancer Care Hospital, Manawa, Lahore) which is as under;

Part = B Technical Evaluation Parameters: Serial # 3, Certificate of satisfactory past performance for more than 4 years. (Marks given Zero) the firm claimed that it attached Certificates of Satisfactory past performance for three hospitals i.e. District Headquarter Hospital, Sheikhpura for the year 2019-20, Lady Aitcheson Hospital, Lahore for the year 2017-18 and 2022-23 and Mayo Hospital, Lahore for the year 2013-14 and 2014-15 (Ref. page 23 to 27). The firm claimed that in the Technical Evaluation these certificates may be overlooked for past performance. The firm requested to re-evaluate this point and give due marks.

Part = B Technical Evaluation Parameters: Serial # 4, Financial Status (10 Million or above) (Marks given Zero). The firm claimed that it has attached Bank Statement by The Bank of Punjab, Samanabad Branch, Lahore with the balance of Rs. 27.38 Millions.(Ref. page 73). The firm alleged that in the Technical Evaluation, Bank Statement was overlooked due to which marks were not given for Financial Status.

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Decision:

Mr. Abid Nazir, owner of M/S The Pearls pleaded the case before the grievances committee. The committee observed that the Technical Evaluation Committee has disqualified the bid due to less marks in Part-B and T.E. 159 & 238 due to poor quality. The firm's representative stated that he has filed tax returns for last three years and showed tax returns for the year 2021-22, 2022-23 & 2023-24. **The committee decided awarded 5 more marks in 4 (ii) of part-B making 10 marks in this subsection.** The firm then claimed marks in section 3 of part-B but failed to show consecutive performance certificates for more than 4 years. The firm attached Performance certificate for the year 2014-15 issued by Mayo Hospital Lahore on 07.08.2015, Performance certificate issued by Lady Aitchison Hospital for the year 2017-18 issued on 17.08.2019, Performance certificate for the year 2022-23 issued by Lady Aitchison Hospital on 26.04.2024, Performance certificate for the year 2019-20 issued by DHQ Hospital Sheikhpura on 03.10.2020. The committee observed that the firm failed to show Performance Certificates for consecutive more than 4 years i.e. 2023-24, 2021-22, 2020-21. The firm claimed to have sufficient experience at Mayo Hospital Lahore but failed to present performance certificate from Mayo Hospital Lahore. **The firm remained non-responsive by achieving less marks i.e. 50 marks in part-B.**

ITEM NO. 05:

GRIEVANCE SUBMITTED BY M/S MEDINOSTIC HEALTHCARE (TENDER: M03)

GRIEVANCE DETAIL:

The firm submitted the grievance with reference to Technical Evaluation Report Surgical Disposable/General Store Items FY. 2024-25. The firm stated that it has been declared Non Responsive against T/E. #. 63-Hand Sanitizer, T/E. #. 151-Chlorine Tablets due to reason that in Compulsory Parameters e.g. J, L, and M were not fulfilled. The firm stated following points in its defence:

The firm claimed that its quoted brands T/E. #. 63-HiClean Alcohol Gel Sanitizer and T/E. #. 151-HiClean Disinfectant Tabs are produced/repacked locally therefore Compulsory Parameters clause (J) Sole Agency Agreement is not applicable as PPRA rules. However, Letter of Authorizations are attached with its Technical BID. The firm then stated that its quoted brands "HiClean

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Alcohol Gel Sanitizer, HiClean Disinfectant Tabs. are produced/repacked locally at DRAP/PSQCA Approved Manufacturing Facilities due to which Compulsory Parameter clause (L) CE/UNFPA/JpMHLW/US FDA Certificates/WHO prequalification is not applicable as per PPRA rules here also. The firm further submitted that the Compulsory Parameter Clause (M) is not applicable on locally produced/repacked products eg. Free Sale Certificate as per PPRA rules in your kind consideration.

The firm claimed that it is a leading company combating against infections and ensuring patient safety for producing, importing and marketing quality products and standing at front foot with healthcare community. Its brands gained healthcare community's trust nationwide in Govt. Semi Govt. Public Private sector leading institutes i.e. The Agha Khan University Hospital, Mayo Hospital, PIC Lahore, PKLI Hospital/Research Centre and PINS Lahore.

Decision:

Mr. Sohail Yaqoob, Product Specialist of M/S Medinostic Healthcare pleaded the case before the grievances committee. The committee observed that the Technical Evaluation Committee has disqualified the bid due to failure in clause (j), (l) & (m). The firm's representative claimed that its quoted products are repacked locally and Sole Agency Agreement required under clause (j) shall be exempted. The committee observed that the Enlistment Certificate for T.E. 151 has been issued in the name of M/S Atco Laboratories Limited Karachi. In the instant case the bidder is the distributor and does not qualify the requirements of clause (g) of Compulsory Parameters as the registration/ Enlistment certificate is required in the name of the bidder. The committee also observed that the firm failed to provide Drug Registration/ Enlistment Certificate for T.E. 63 HiClean Alcohol Gel. It is added that the clauses (j), (l) & (m) of compulsory parameters are exempted for locally manufactured products. **The committee decided to keep firm non-responsive due to failure in clause (g) of Compulsory parameters.**

ITEM NO. 06:

GRIEVANCE SUBMITTED BY M/S FLOWTRONIX SYSTEMS (TENDER: M03)

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GRIEVANCE DETAIL:

The firm submitted the grievance with reference to non-responsive status based on few documents. Regarding D-Authority Letter, the firm stated that it is the sole distributor/importer of the M/s Guangdong Baihe Medical China for the Quoted items. Hence no separate Authority letter is required as the sole distribution letter is attached in the bid that is issued by the Manufacturer. The firm added that in order to fulfill the requirement of the bidding documents, it requested the manufacturer to issue a separate authority letter for the participation in the above subject tender, that has been attached and be accepted as a part of the bid. Regarding L-CE certificate: that was expired. The firm claimed that CE certificates are not currently been renewed by the European Union as all the devices are going into MDR. An extension letter is issued by the authorities which has been attached with the bid. The firm requested to accept the extension as a valid document. Regarding M-Free Sales certificate that was not attested by Pakistan embassy. The firm stated that according to ministry of foreign affairs of China there is no requirement from Nov 7, 2023 onward for the local embassy attestation. Only have to apply for an additional certificate (Apostille). This is as per the declaration of Hauge convention (copy of notification attached). Pakistan is one of the signing members of this convention. The firm claimed to attach an Apostille copy of the free sales certificate (find a copy with this as well) which should be considered as the valid document. Regarding N-Experience of Quoted item# 21, 41,141 not attached, the firm claimed that the copies of POs were attached with the bid and attaching again POs and award letters for the said items. The firm requested to accept as samples have recommended by the end user. Regarding Undertakings (P, Q, R, S): Not Attached, the firm claimed that all these undertakings are attached with the bid at Page#170 onwards. The firm once again requested that samples of all the quoted items are recommended by the end user, explanations on these documents be accepted and grade the company as responsive so that it may be able to participate in the financial bid opening meeting.

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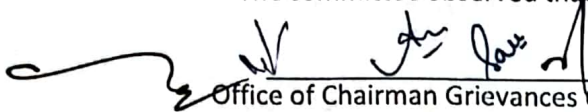
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Decision:

Mr. Zarar Butt, Regional Sales Manager of M/S Flowtronix Systems pleaded the case before the grievances committee. The committee observed that the Technical Evaluation Committee has disqualified the bid due to failure in clause (d), (l), (m), (p), (q), (r) & (s) for all quoted items and (n) for T.E. 21, 41 & 141. The committee observed that the firm has enclosed a distribution agreement declaring M/S Flowtronix Systems as Sole Agent/ Exclusive Distributor issued by M/S Guangdong Baihe Medical Technology Co., Ltd China. **The committee accepted the confirmation letter in light of decision of PPRA S&GAD Lahore through Letter No. L&M(PPRA)596/2024/com dated 18th November 2024 and declared firm responsive in clause (d) of compulsory parameters.** The committee observed that the TEC has also disqualified the firm due to expired CE certificate under clause (l). The firm stated that the renewal of CE certificate has been halted as The CE certification system has transitioned to comply with the European Union's Medical Device Regulation (MDR) 2017/745. The firm stated that it has applied under Medical Device Regulation (MDR) 2017/745 through BSI Group Netherlands and showed a Notified Body Confirmation Letter issued by BSI Group the Netherlands in favor of Guangdong Baihe Medical Technology Co. Ltd. China for CE Certificate No. 9729-2017-CE-RGC-NA-PS that was previously issued by DNV Product Assurance AS. The committee observed that Specialized Healthcare and Medical Education Department has accepted the extension/ confirmation letter by the notified body in its pre-bid meeting regarding framework contract for the procurement of Cardiac Disposable/ Consumable items for FY 2024-24 dated 31 May 2024 **The committee decided to declare firm responsive in clause (l) of compulsory parameters.** The firm then stated that the practice of Notarization by Embassy of Pakistan has been discontinued and Apostille is issued on the foreign documents. He further provided a document titled "The convention abolition of the requirements for authentication of foreign public documents" that stated that official documents sent by China need to apply for additional Apostille Certificate. The committee observed that Apostille is a specific certificate that verifies the


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document and is valid for all member countries of convention including Pakistan. The same was accessed through <https://mofa.gov.pk/pakistans-accession-to-apostille-convention> that clearly mentioned that Government of Pakistan has acceded to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Apostille Convention) of 1961. The convention shortens the public document authentication process to a single formality i.e. issuance of an authentication certificate called as 'Apostille' by the designated authority of the country where the document was issued. Thus, Foreign public documents authenticated by Apostille can be directly presented to the concerned authorities without any other attestation requirement. In line with the obligations as contracting state of the Convention, concerned authorities of Pakistan will now accept the Foreign Apostille Certificates issued by the members/contracting States of the convention from the date of entry into force i.e. 9th March 2023, without any requirement of attestation from Ministry of Foreign Affairs or Pakistan Missions abroad. **The committee decided to accept the grievance and declared firm responsive in clause (m) of compulsory parameters.** The firm also claimed that it has sufficient experience required under clause (n) of compulsory parameters but failed to demonstrate this experience in the name of bidder for T.E. 21, 41 & 141. The firm showed PO No. 16168 dated 07.06.2017 in favor of T.E. 141 issued by Wazirabad Institute of Cardiology Wazirabad but failed to demonstrate three years experience since July 2018 as provided under clause (n) of compulsory parameters. **The committee decided to uphold the decision of TEC for T.E. 141 as well, in clause (n) of Compulsory Parameters.** The committee also observed that the firm has clubbed undertakings on same stamp papers that were required individually on separate stamp papers. The firm provide separate undertakings required under clauses (p), (q), (r) & (s). **The firm stands responsive for T.E. 144 only.**

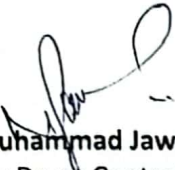
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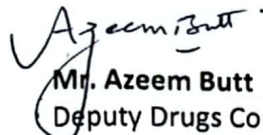
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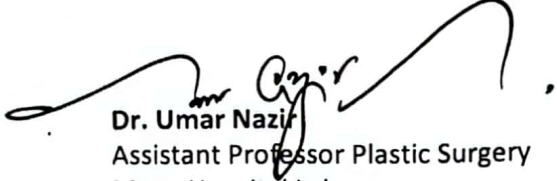



The meeting ended with vote of thanks to and by the Chair.


Mr. Muhammad Jawad Bhatti
Deputy Drugs Controller
Mayo Hospital Lahore


Mr. Azeem Butt
Deputy Drugs Controller
Mayo Hospital Lahore


Dr. Sana Farooq
Senior Registrar Neurology Dept.
Mayo Hospital Lahore


Dr. Umar Nazir
Assistant Professor Plastic Surgery
Mayo Hospital Lahore


Dr. Nasir Chaudhary
HoD Ophthalmology Department
Mayo Hospital Lahore

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Johar
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