



**The Children's Hospital,
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No. P.C./

761

/CH&UCHS

Dated 05-01-, 2023

To

Mr. Abdul Wahab
I/C Programmer (I.T.)
Health Department, Civil Secretariat,
Lahore.

Subject: -

**REQUEST FOR UPLOADING THE MINUTES OF GRIEVANCE COMMITTEE MEETING
REGARDING THE PURCHASE OF FRAMEWORK CONTRACT OF MEDICAL GASES AND
DENTAL EQUIPMENT UNDER ADP SCHEME UPGRADATION OF PEADIATRIC ENT &
UROLOGY DEPARTMENT ON HEALTH DEPARTMENT WEBSITE FOR THE YEAR 2022-2023**

Please find enclosed herewith Minutes of the **Grievance Committee Meeting** Regarding The **Purchase of Framework Contract of Medical Gases and Dental Equipment Under ADP Scheme Upgradation of Peadiatric ENT & Urology** at The Children's Hospital, University of Child Health Sciences, Lahore for the year 2022-2023, need to be upload in the Health Department website.

Your positive response will be highly appreciated.

Medical Director
The Children's Hospital, University of
Child Health Sciences, Lahore

MINUTES OF GRIEVANCE COMMITTEE MEETING HELD ON 29-12-2022 AT 11:00 A.M. REGARDING THE GRIEVANCE OF THE FIRMS AGAINST THE TECHNICAL ADVISORY COMMITTEE DECISION FOR THE PROCUREMENT OF DENTAL EQUIPMENT AND FRAMEWORK CONTRACT OF MEDICAL GASES FOR THE YEAR 2022-2023

With reference to letter No. P.C./72207-11/CH&UCHS dated 27-12-2022, a Grievance Redressal Committee meeting was held on 29-12-2022 at 11:00 A.M. in the Conference Room of the Admin Block, The Children's Hospital, Lahore regarding redressal of the grievance of the firms under Bid Reference No. 50468/CH&UCHS for the **Procurement of Dental Equipment** and bid reference No. 44535-36/CH&UCHS dated 15-08-2022 for Framework Contract of Medical Gases for the year 2022-2023.

The meeting started in the name of Allah, the most beneficent the most merciful.

The Committee was briefed about the tender process and the technical evaluation of bids and representation from different firms regarding the non-responsive status in Technical Advisory Committee Report which was uploaded / publically announced on websites of "SHC&MED and Children Hospital ,Lahore.

Detail of firm's grievances / TAC status of reason of rejections of firms and decision of Committee are as under.

Sr. No.	Name of the Equipment	Aggrieved Firm	Grievance raised by the firm	Discussion/Justification against Grievance
01	Framework Contract of Medical Gases	M/s Pakistan Oxygen	<p>1. According to invitation to bid (attached with this application) published in daily Express, Jang, Dawn, and Nation. The invitation to bid was only for manufacturer of medical gases. It originally reads as "iv- Only from manufacturers of medical gases for the Framework Contract for supply of medical gases (Sr. No. 9)". Hence non-manufacturers of all medical gases required in tender are not eligible as tender required to be quoted in a package only. In this context both M/s Ghani Chemical Limited and M/s Multan Chemical Industries Limited are not manufacturer of following medical gases.</p> <p>a. Nitrous Oxide Gas b. Carbon Di-oxide c. Medical Air d. Hence the M/s Ghani Chemical Industries Limited is not eligible to bid, is not invited to bid. e. It is therefore prayed to reconsider qualification of M/s Ghani Medical Limited.</p>	<p>1. As per Clause 6. (ii) Page no 4 of the Bidding Document it is mentioned that In case of discrepancies between the invitation of bid and the bidding document. The said Bidding Document shall take precedence. Hence in this case the Bidding Document shall prevail. Therefore; the said grievance of M/s Pakistan Oxygen is rejected.</p>

Sr. No.	Name of the Equipment	Aggrieved Firm	Grievance raised by the firm	Discussion/Justification against Grievance
			<p>2. Further it is also worth mentioning that M/s Ghani Chemical Industries Limited is not authorized agent/sole distributor of any reputable firm for "Medical Air" one of the major requirements of tender as per Terms of Reference 1. Medical Gases and 2. Product Specification. The referred medical gas is required at Sr. 5 OF Annex-A of the bidding documents.</p> <p>a. According to eligible bidders "A bidder can for complete package only, hence non-eligible bidder for one medical gas will not be eligible for eligible to bid complete package as tender required to be quoted in a package only and hence M/s Ghani Chemical Limited remain non-eligible bidder.</p> <p>b. it is therefore prayed to reconsider the responsiveness of M/s Ghani Chemical Limited.</p> <p>3. M/s Ghani Chemical Industries Limited and M/s Multan Chemical Industries Limited both have quoted Nitrous Oxide from same manufacturer M/s Medigas (Pvt.) Ltd. which according to set practice disqualifies both firms.</p> <p>4. According to Sr. No. 10 "Experience of Providing Services of Similar Nature", a firm needs to have 5 years' experience of providing services of similar nature, size and complexity; whereas it is evident that M/s Ghani Chemical Industries Limited is non-compliant to this clause.</p> <p>a. M/s Ghani Chemical Industries procured the industrial gases business in 2019, this is evident from decision of grievance committee meeting of Children's Hospital, University of Child Health Sciences for financial year 2019-2020, and from the scheme of merger and restructure.</p> <p>b. Since 2019 till year 2022-2023 tender, the company does not complete 5 years' experience of providing services of similar nature, size and complexity.</p>	<p>2 M/s Ghani Chemical Industries submitted Authorization Certificate, & is found in their bid. Therefore; said grievance of the firm is rejected by the committee.</p> <p>3- M/s Ghani Industries has also attached the sole distribution certificate of M/s Medigas in bid. Therefore; said grievance of the firm is rejected by the committee.</p> <p>4-M/s Ghani Chemical Industries are associated with the business history for more than 5 years and the evidence is attached in their bid which shows that Ghani group is involve in this business since 2009. Therefore; said grievance of the firm is rejected by the committee.</p>

Sr. No.	Name of the Equipment	Aggrieved Firm	Grievance raised by the firm	Discussion/Justification against Grievance
			<p>5. That VIE to be installed at hospital should be sized according following clauses in bidding documents.</p> <p>a). Terms of reference (TORs) sub clause a. "Hardware to install"</p> <p>b). Bid evaluation criteria sub clause 17-2a "Correctly sized VIE as per HTM".</p> <p>c). In contrast, GCIL size their VIE so that it could be deployed at half the necessary size.</p> <p>d). GCIL sizes its VIE to be installed at hospitals for 3 days of storage, but the cited clauses require that the VIE be at least that size with a thumb rule to take supply on the third day, and the supply is made in storage if it has 50% liquid medical oxygen in it.</p> <p>e). Therefore, the M/s GCIL is not in compliance to mandatory requirement and therefore shall be disqualified.</p> <p>f). It is prayed to re-consider the qualification of M/s Ghani Chemical Limited.</p> <p>6. That firm must have system for fully digital / computerized system, according to following clauses in bidding documents.</p> <p>a). Terms of reference (TORs) sub clause "e" of "Hardware to install", "Hardware to install", sub clause. "e" the qualifying firm needs to be equipped with fully digital / computerized system for monitoring of the liquid oxygen contents in the tanks with data transmission capability to the firms computerized data base surveillance system for scheduling purposes and arranging emergency supplies in case of emergency.</p> <p>b). Whereas M/s GCIL does not fully automatic scheduling, process and they rely on manual input.</p> <p>c). This is non-compliance to mandatory requirement and hence required disqualification of the non-compliant firm.</p>	<p>5-Installation is as per required size and specification compliance has already been given by M/s GCIL to install the VIE as per requirement. The firm further attached Affidavit in this regard & found in its bid which complies the Evaluation Criteria of the Bidding Documents. Therefore; said grievance of the firm is rejected by the committee.</p> <p>6-Firm has a computerized/digital system for monitoring of liquid oxygen, which was confirmed by an Inspection Team of the hospital who visited the premises of M/s GCIL at their Lahore plant. The Inspection Committee submitted its Report and found that the digital / computerized system is installed and is as per requirement mentioned in Bidding Documents. Therefore; said grievance of the firm is rejected by the committee.</p>

Sr. No.	Name of the Equipment	Aggrieved Firm	Grievance raised by the firm	Discussion/Justification against Grievance
			<p>7. That firm must have central contact center to cater emergency helpline, according to following clauses in bidding documents.</p> <p>a). Terms of reference (TORs) sub clause "Emergency Response Mechanism".</p> <p>b). It is market knowledge that GCIL does not have any central contact center. They do not have any U AN number, hey rely on mobile phone numbers allocated to individuals, which is not reliable source in conditions of Pakistan, as it can be switched off, network can be jammed, etc therefore in principal universal access numbers are allocated for emergency central contact center.</p> <p>c). Its is mandatory clause and very crucial for life saving gases, non-compliance to this clause please be considered.</p> <p>d). It is prayed to re-consider the qualification of the firm M/s Ghani Chemical Limited based on non-compliance to this requirement.</p> <p>8. According to bid evaluation criteria, clause-c, "Plant / production facility evaluation, it is mandatory to have pharma-co vigilance for liquid medical oxygen.</p> <p>a). It is obvious knowledge in the industry that referred firm does not have any system to batch monitor, contain information and practice re-call, they neither report and have capability to report hazardous event or recall its batch due to hazardous event.</p> <p>b). Referred firm rely on analyzers placed in where due to continuous manufacturing / cryogenic process batch cannot be created in the plant. Whereas they do not any in place, batching system for individual supplies and hence recall or monitoring is not possible.</p> <p>c). It is therefore prayed due to non-compliance to such mandatory clause qualification of the firm must be re-considered.</p>	<p>7-Firm has a Central Contact Center and a dedicated team has deployed to address the emergency calls. The firm informed that they have provided the personal number of their team members to address the complaint promptly and elaborated their emergency response mechanism in their bid. Therefore; said grievance of the firm is rejected by the committee.</p> <p>8-The representative of M/s GCIL informed that they have the Pharma-Co Vigilance facility as well. Details are submitted with the bid. Therefore; said grievance of the firm is rejected by the committee.</p>

Sr. No.	Name of the Equipment	Aggrieved Firm	Grievance raised by the firm	Discussion/Justification against Grievance
			<p>9. According to the Bid Evacuation Criteria, clause 16-ii, "Logistics / distribution of product evaluation", it is mandatory to have pre/post filled quality checking facility and issuance of COC for liquid Medical Oxygen.</p> <p>a). The Certificate of conformity is required to be issued according to pharmacopeia standards which requires compliance of following items:</p> <p>i. Oxygen Purity ii. Carbon Monoxide iii. Carbon Dioxide iv. Moisture</p> <p>b). It is common knowledge that referred firm does not have a system to monitor three out of four required items for issuing COC. This non-compliance is major deviation of quality regulatory system for life for life saving medical gases.</p> <p>c). They do not have Carbon Monoxide monitoring in complete product supply chain cycle as continuous process.</p> <p>d). This major deviation requires to re-consider the qualification of the firm.</p> <p>10. The firm M/s Ghani Chemical Industries Limited has history concealment of material fact/ misrepresentation of material facts, based on this very institute has disqualified the referred firm, it is mandatory to state that Children's Hospital is not only institution with such result but other also have made similar decision. The referred firm has tendency of such act to win tenders where they do not qualify rather.</p> <p>a). We suspect similar behavior in this current tender and may present such facts during the meeting.</p> <p>b). We pray in this situation the firm at this shall only be disqualified but also de-barred for future participations.</p>	<p>9-M/s GCIL maintains their required standard and regular monitoring of gases. The documents for pre/post filling & third party report is the part of their bid. Therefore; said grievance of the firm is rejected by the committee.</p> <p>10. The representative of the firm M/s GCIL informed that they are expanding their capacity. At present they have four units of production. One of the four plants intended for sale out and addition of one of the largest plant of 275 TPD is being installed at Hatter. They have not concealed any fact, it is the business strategy of the firm as what to retain and what to expand. Therefore; said grievance of the firm is rejected by the committee.</p> <p>Foregoing in view the grievance of the firm M/s Pakistan Oxygen is rejected and the decision of the TAC is upheld.</p>


Sr. No.	Name of the Equipment	Aggrieved Firm	Grievance raised by the firm	Discussion/Justification against Grievance
02	Dental Equipment	M/s Total Technologies (Pvt.) Ltd.	<p>Item No. 01 3D Digital Dental Panoramic and Cephalometric X-Ray Unit (CBCT)</p> <p>M/s Combined Engineers: Their quoted model: Hyperion X5 has amorphous silicon (Csl) Flat Panel detector which they are using for 3D / Panoramic examinations (2D as well) while CMOS (Csl) detector for 2D Ceph exams only whereas in tender specifications it is clearly mentioned that 2D sensor should be CCD/DC/CMOS which is a major deviation.</p> <p>Item No. 03 (Digital Imaging System (Intra Oral Sensor) M/s Forcare: Brochure of quoted Model: I-View Gold do not confirm the feature measured resolution as it only confirms. Theoretical resolution as 27 lp/mm which is a major deviation. M/s Glow Pak International: Brochure of quoted Model: Sopix2 confirms the measure resolution as 18 lp / mm whereas in tender specifications the measured resolution is required as 22 lp / mm which is a major deviation.</p> <p>Item No. 04 (Digital Imaging System (Photostimulable Phosphor) M/s Glow Pak International: Brochure of quoted model: PSPIX2 do not confirm the feature measure resolution as it only confirms resolution as 20 lp / mm whereas in tender specifications measured resolution required as 14-22 lp / mm which need to be re-checked.</p>	<p>The representative of the M/s Combined Engineers was heard in the defense of grievance submitted by M/s Total Technologies who failed to satisfied the committee as quoted model has amorphous silicon (Csl) Flat Panel detector which they are using for 3D / Panoramic examinations (2D as well) while CMOS (Csl) detector for 2D Ceph exams only whereas in tender specifications it is clearly mentioned that 2D sensor should be CCD/DC/CMOS instead of flat panel detector. Therefore; said grievance of the firm is accepted by the committee.</p> <p>Said point raised by M/s Total Technologies is accepted by the committee.</p> <p>Said point raised by M/s Total Technologies is accepted by the committee.</p> <p>Foregoing in view the grievance of the firm M/s Total Technologies is accepted.</p>

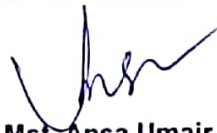
Sr. No.	Name of the Equipment	Aggrieved Firm	Grievance raised by the firm	Discussion/Justification against Grievance
		M/s Forcare	<p>Item No. 02 Dental X-Ray Machine (Mobile) The radiation equipment shall comply with minimum two standards FDA 510k, MDD or MHLW, as per PPRA bidding documents rule technical evaluation criteria sub clause 12, in case of high-tech (Rs. 10 million or above) equipment, any two certificate are mandatory from FDA510k, MDD or MHLW. But here you are required two standards certificate for just radiation equipment and dental X-Ray Machine (Mobile) is not high tech equipment.</p> <p>Item No. 03 Digital Imaging System (Intra Oral) The quoted model (I-View Gold, Trident-Italy) which have no USB module for confirmation of sensor status which is better than from module sensor. It is directly connected to the PC and there is confirmation sensor status on PC.</p>	<p>The grievance of the firm was examined and representative of the firm was heard. The committee examined the reasons of rejection and subsequent reply submitted by the firm It was conveyed to representative of the firm that this particular point may be addressed at the time of development of specification or in pre bid meeting not at this final stage. Therefore; said grievance of the firm is rejected by the committee.</p> <p>USB module is the actual requirement mentioned as the PVMS and advertised specifications whereas quoted model do not comply with PVMS specifications. Therefore; said grievance of the firm is rejected by the committee. Foregoing in view the grievance of the firm M/s Forcare is rejected and the decision of the TAC is upheld.</p>
		M/s Combined Engineers	<p>Item No. 1 3D Digital Dental Panoramic and Cephalometric X-Ray Unit (CBCT). There are following objections: 1. Automatic patient positioning by Occlusal bite block. 2. Image of individual quadrants. 3. Image of upper or lower jaw. 4. Artifact reduced image. 5. Thick layer images of anterior teeth, both jaws. 6. Exposure controller with LED display to show selected exposure parameters. The wording of these features exactly matches the brochure of CBCT (Dentsply Sirona Orthophos S 3D Ceph) giving the impression that they have been directly taken from this brochure. These feature are mentioned with different wording in our brochure.</p>	<p>The grievance of the firm was examined and representative of the firm was heard. The committee examined the reasons of rejections and subsequent reply submitted by the firm as follow</p> <p>1- Stable positioning, made easier by the use of 3 laser guides (Focus Free PAN) mentioned on page no 23 of the brochure whereas automatic patient positioning by occlusal bite block is required which is totally different feature as compare to the laser guide which is not mentioned on the brochure of the quoted model. Therefore; said</p>

				<p>grievance of the firm is rejected by the committee.</p> <p>2- Users can select the area of diagnostic interest for complete or partial analysis is mentioned on page no 21 of the brochure whereas machine should have ability to take the image of individual quadrant which is actual requirement to avoid unnecessary radiations to the patient. Therefore; said grievance of the firm is rejected by the committee.</p> <p>3- Users can select the area of diagnostic interest for complete or partial analysis is mentioned on page no 21 of the brochure whereas machine should have the ability to take the Image of upper or lower jaw which is not explained in the brochure of the quoted model and firm representative failed to prove the stance. Therefore; said grievance of the firm is rejected by the committee.</p> <p>4- Artifact-reduced image is the actual requirement of the advertised specifications which is not available in the brochure of the quoted model. Therefore; said grievance of the firm is rejected by the committee.</p> <p>5- Thick-layer image of anterior teeth, both jaws is the actual requirement of the advertised specifications which is not available in the brochure of the quoted model. Therefore; said</p>
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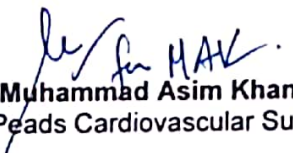
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				<p>grievance of the firm is rejected by the committee.</p> <p>6- Exposure controller with LCD display to show selected exposure parameter is mentioned in the advertised specifications whereas their exposure controller is without LCD which is against the PVMS. Therefore; said grievance of the firm is rejected by the committee.</p> <p>Observations of the TAC found correct. Foregoing in view the grievance of the firm M/s Combined Engineers is rejected and the decision of the TAC is upheld.</p>
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It is submitted for information & approval please


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