

INDEPENDENT REVIEW PANEL

In the matter of:

Seperation Scientific Mru Ltd

(Applicant)

v/s

Ministry of Health & Quality of Life

(Respondent)

(Cause No. 18/11/IRP)

Decision

A. Background

Bids were invited through restricted bidding for the supply, installation and commissioning of the following equipment as per specifications in the bidding document.

Item No.	Description of Supplies	Estimated Cost (Rs)	Quantity	Unit of Measure
1	Ultra High Performance Liquid Chromatograph (Pharmaceutical)	9,000,000.00	4	unit

Bids were restricted to contractors having the capacity to undertake such works.

The closing date for the submission of bids was 19 January 2011 at the Ministry of Health and Quality of Life at 13.30 hrs and the Public Opening being on the same day at 13.35 hrs. No addendum was issued for this project.

Seven bids were received by the closing date; all of which were found to be compliant. The seven bids were technically evaluated and only two were found to be technically responsive namely Azur Medical Limited Offer A and Robert Le Maire Limited.

An application for Review was submitted by Separation Scientific Mru Ltd on 15 August 2011.

B. Grounds for Review

The Grounds for Review are as follows:

- “1. *Lowest quoted price at the opening of bids.*
2. *Meet all specifications.*
3. *Meet all Technical and Production capability.”*

C. The Evaluation Process

A four member Bid Evaluation Committee was set up by the Ministry of Health and Quality of Life to evaluate the seven bids received by the closing date of 19 January 2011. The seven bids included that of:

- (i) Separation Scientific Mru Ltd
- (ii) Azur Medical Limited
- (iii) Robert Le Maire Limited.

Prior to undertaking an in-depth analysis, the Bid Evaluation Committee checked whether the bids met the mandatory requirements as per Quotations Procedures (Part 1) and Conditions of Contract (Part 3).

Based on this analysis, all bidders were found to be compliant.

The Bid Evaluation Committee then proceeded with the Technical Evaluation. It was pointed out in the Evaluation Report that there were two specific items where the aggrieved bidder did not satisfy the requirements. These are:

- (i) *Column over offered has 1.0°C precision instead of 0.1°C minimum precision*
- (ii) *Carry over less than 0.01% instead of less than 0.005%.*

The bid of Separation Scientific Mru Ltd was found not to meet specifications on items no. (i) and (ii) and was not retained for the Financial Evaluation.

D. Submissions and Findings

The two points on which the submission rests are:

- (i) Column oven with temperature control which has to be with a 0.1 %C minimum precision instead of 1.0 % C as provided by Separation Scientific Mru Ltd;
- (ii) The carry over was less than 0.01% instead of what was required, which was less than 0.005% and the bidder conceded that it did not comply on this point.

As regards (i) Mr A. Woo, representing the aggrieved party stressed on the fact that the requirement of having 0.1 degree Celcius minimum of precision was unclear as he was not sure what was meant by “precision”. He pointed out that he did not have the word precision in his specification and understood precision to be “Accuracy”.

According to the Government Analysts of the Ministry of Health & Quality of Life, Mr. P. Babeea and Miss D. Harnarun, *“the requirement of 0.1 degree precision is very important. The Aggrieved party was offering 1.0 precision which is ten times the value of precision as required by the tender document (ITB)”*. The Government analysts stated that a 1.0 degree precision instead of 0.1 degree precision would definitely make a difference in their analysis, especially if they are doing pharmaceutical analysis, where high precision and accuracy are needed.

The Panel has heard both parties and it is clear that the aggrieved bidder does not comply with the technical requirement (i) of the Bid document, namely *“to have 0.1% precision”*. Having reached that finding on item (i), there is no need for the Panel to consider item (ii). The Panel concurs with the Bid Evaluation Committee that the bid of the aggrieved bidder was not responsive.

For this reason, the Panel finds that there is no merit in this application, which is accordingly dismissed.

(Dr. M. Allybokus)
Chairperson

(H. D. Vellien)
Member

(Mrs. E. Hanoomanjee)
Member

Dated 12 October 2012