MINUTES OF MEETING GRIEVANCE REDRESSAL COMMITTEE (CRC) FOR THE REDRESSAL OF GRIEVANCES OF APPLICANTS AGAINST THE TENDER FOR HEALTH INSURANCE SERVICES TENDER NOTICE REF NO. DUHS/W&S-NIT/129 DATED 09 SEPTEMBER 2023 NIT # DUHS/P&D/2023/11541

A meeting of the Complaint Redressal Committee (CRC) was held under the chairmanship of Prof. M. Saeed Quraishy, Vice Chancellor, Dow University of Health Sciences (DUHS), Karachi on 16th November 2023 at 11:00 a.m. at VC Board room, 4" Floor. Administrative Block Dow Medical College Campus of DUHS for Hiring of Health Insurance Services for DUHS. Tender Notice Ref No. DUHS/W&S-NIT/129 dated 09 September 2023 NIT # DUHS/P&D/2023/11541

2. As per Rule 31 of SPPRA 2010 (Amended up to date), the Complaint Redressal Committee formally examined the grievance/complaint of the bidder, M.s/ The United Insurance Company of Pakistan Ltd hereinafter referred to as "UIC."vide its letter dated 07th Nov 23 which was received on 10th Nov 2023 attached at (Annexure- A).

3. The Committee composition is under:

I.	Professor M. Saeed Quraishy Vice Chancellor, Dow University of Health Sciences, Karachi.	Chairman
II.	Engr. Yasir Raza Shaikh Director Works & Services/Planning & Development Jinnah Sindh Medical University, Khi (Independent Professional)	Member
III.	Mr. Usman Khalid Account Officer Accountant General Sindh (Representative of AG Sindh)	Member

Director Planning & Development DUHS and Representatives from UIC also attended the said meeting. (A copy of the attendance sheet is attached)

4. The meeting started with a recitation from the Holy QURAN. The chair welcomed the participants and then commenced the proceedings.

5. The Chairman briefed the participants of the Committee about the agenda of the meeting while Mr. Pir Muzaffar Ali Shah, Director Planning & Development was also called upon to respond to procedural & technical queries.

6. The Director Planning & Development apprised the participants that all relevant procedures including the advertisement, and opening of technical & financial bids have been executed in total compliance with SPPRA Rules. The Notice of Inviting Tender(NIT) was hoisted to the DUHS and SPPRA websites and published in 03 widely circulated leading dailies of English, Urdu, and Sindhi languages viz. Daily Dawn, Daily Jang, and Daily Jeejal on 11th September 2023. The Technical Bids were opened on 02 October 2023 whereas Financial Bids were opened on 30th October 2023.

Engr. Yasir Raza Shaikh
Director
Planning & Development
Jinnah Sindh Medical Univer...

USMAN KHALID
Account Officer
O/o the Accountant General Sindh
Karachi

7. The evaluation of eligibility and technical evaluation criteria was done by the procurement committee based on the documents submitted by the bidders. The Technical Evaluation Report was communicated to all three bidders vide email on 24th October 2023, as per the Technical Evaluation Report, only 02 firms out of 03 were declared Technically Responsive according to their submitted profiles. The total overall points awarded to M/s The United Insurance Company of Pakistan Ltd of Pakistan was 88.75 & M/s Adamjee Insurance Company Ltd was 89.93 in the technical evaluation criteria.

8. Foregoing in view, Dow University of Health Sciencesreceived the grievances from the applicant M/s The United Insurance Company of Pakistan Ltd against the Bid Evaluation Report of the subject tender. The grievances of the applicant are attached at **Annex-A.**

In accordance with Rule 31(3) Sindh Public Procurement Rules 2010 (amended up to date). Grievance Committee after examination of grievances, scrutiny of record, hearing the representative of the aggrieved applicant/firm, due deliberation and discussion, decided upon the grievances of the bidder. The detail of the grievances, deliberations & decisions of the Grievance Redressal Committee is given below.

Complaint Sr. No1

Deliberation & Decision of the Grievance Redressal Committee

The chairman CRC informed that the technical evaluation criteria of the bidding document were based on the QCBS method. To strengthen his version, the chairman CRC also referred to the recent notification of amendments of Sindh Public Procurement Rules, 2010 dated 11th Aug 2021

Further, The appellant contended that clause 6 of the evaluation criteria of the tender was discriminatory and favoring a particular company which violated Rule 44. The committee observed that the appellant's contention was based on his assumption and understanding. There was no condition in the evaluation criteria that could be called discriminatory nor there was any biased condition towards any particular company or service provider.

Furthermore, the CRC clarified that the evaluation criteria were prepared as per SPPRA rules and it was clear and unambiguous, but the appellant challenged it as he could not compete. The procuring agency apprehended that the complainant tried to delay the tendering process, and it was also contended that the objections raised by the complainant had no relevance.

Complaint Sr. No2

Deliberation & Decision of the Grievance Redressal Committee

The CRC replied to the allegations that as per the bidding document, the technical evaluation criteria were based on the QCBS method. It was also informed that there is no violation of Rules, 46, & 46(2), and bids were evaluated in accordance with evaluation criteria on the QCBS method and other terms and conditions set forth in the bidding documents, and announcement of evaluation reports was made in form of a report giving reasons for acceptance or rejection of bids, the report was uploaded on SPPRA and DUHS websites according to the Rule 45 of SPPRA Rules, 2010 (Amended upto date).

Engr. Yasir Raza Shaikh
Director
Planning & Development
Jinnah Sindh Medical University

USMAN KHALID
Account Officer
O/o the Accountant General Sindh
Karachi

It is worth mentioning here that the Technical Report mentioning the technical score was shared with the successful bidder and accordingly they were invited for financial bids opening.

Furthermore, the complainer is demanding to award the contract on the lowest bid basis. However, the contract was awarded as per the criteria mentioned in the bidding document in which the least-cost method is not applicable.

CRC also observed that the appellant was aware of the selection criteria of the contract, which was to be applied for selection, but after the issuance of the BER, he filed a CRC complaint. Such filing of the complaint was tantamount to obstructing the normal working of the procuring agency

Complaint Sr. No 3
Deliberation & Decision of the Grievance Redressal Committee

The Bid Evaluation Report was posted on the authority & DUHS website on 04th November 2023 as per Rule 45 (Announcement of Evaluation Reports). Furthermore, intimation to all bidders was sent vide email on 10th Nov 2023. (email attached at Annexure- B). And the award of the contract is not done yet so there is nothing contradictory to Rule 45.

Complaint Sr. No 4
Deliberation & Decision of the Grievance Redressal Committee

CRC briefed the forum that DUHS invited bids from all insurance companies and there is no restriction for any insurance company. Further, the procuring agency didn't mention nor require the 20 billion portfolios as of Dec 2022 a must for the qualification. Besides that, there are other different sub-parameters like between 15 to 20 Billion portfolios and below 15 Billion portfolios in which the appellant's company also secured marks. That criteria were included to judge the financial performance and stability of the bidders

Further, the CRC briefed that the difference in overall marks is only 1.18 between the two bidders i.e. (technical + financial score)

CRC also observed that in the tenders invited by the PA three bidders participated out of which two bidders including the complainant qualified on technical grounds hence it is out of question that the criteria prepared by the PA is discriminatory. The CRC also contended that the portfolio of health insurance companies is the basic criterion for ascertaining the financial soundness of the company.

Engr. Yasir Raza Shaikh
Director
Planning & Development
Jinnah Sindh Medical University

USMAN KHALID
Account Officer
O/o the Accountant General Sindh
Karachi

CONCLUSION / DECISION

1. The CRC examined all the points of the letter from M.s/ The United Insurance Company of Pakistan Ltd the technical findings and evaluation of bids and concluded that the Procurement mechanism as prescribed by the SPPRA Rules has been obeyed accordingly the evaluations have been done without any bias or subjectivity and it's based on Merit.

2. The Complaint Redressal Committee unanimously decides that there is not any apparent violation of Rule(s) as alleged by the Complainant. Hence, the Complaint Redressal Committee unanimously decided to reject the Complaint of Aggrieved Bidder and upheld the decision of the Procurement Committee. Further, the Procuring Agency shall continue the subject tender process as per guidelines provided in SPPRA Rules 31(5), (6) & (7)

COMPLAINT REDRESSAL COMMITTEE (CRC)

18/11/2023

Engr. Yasir Raza Shaikh
Member CRC
Director (W&S)/(P&D)
Jinnah Sindh Medical University, Khi
(Independent Professional)

Engr. Yasir Raza Shaikh
Director
Water & Development
Jinnah Sindh Medical University

Mr. Usman Khalid
Member CRC
Account Officer Accountant General Sindh
(Representative of AG Sindh)

USMAN KHALID
Account Officer
Accountant General Sindh

18/XI/2023

PROFESSOR M. SAEED QURAISHY
Chairman CRC
Vice Chancellor,
Dow University of Health Sciences, Karachi.

DOW UNIVERSITY OF HEALTH SCIENCES, KARACHI

ATTENDANCE SHEET

RECORD OF MEETING OF COMPLAINT REDRESSAL COMMITTEE (CRC)

DATE 16-NOV-2023 AT 11:00 A.M

HEALTH INSURANCE SERVICES

(REF NO: DUHS/W&S-NIT/129) NIT No: DUHS/P&D/2023/11541

S. NO	NAME OF MEMBERS	DESIGNATION	SIGNATURE
1	Prof. Muhammad Saeed Quraishy (Chairman)	VICE CHANCELLOR Dow University of Health Sciences	
2	Mr. Pir Muzaffar Ali Shah	Director Planning & Development, Dow University of Health Sciences	
3	Mr. Yasir Raza Shaikh	Director Works & Services /Director Planning & Development, Jinnah Sindh Medical University	16/11/2023
4	Mr. Usman Khalid	Account Officer, Representative of AG Sindh	16/11/23
5	Mr. Qamar Iqbal Khan	Assistant General Manager Health Takaful Operation United Insurance Company.	16/11/23.
6			

The UNITED INSURANCE Company of Pakistan Limited
A Members Company of United International Group
TAMEEM Window Takaful Operations

Date: 07-November-2023

Chairman
Complaint Redressal Committee,
DOW University of Health Sciences,
Bab-e-Urdu Road,
Karachi.

Subject: Complaint under Rule 31(3) of Sindh Public Procurement Rules 2010 (Amended 2019) Agency

Respected Sir,

This refers to the Tender Notice Ref No. DUHS/W&S-NIT/129 dated 09 September 2023 flashed in the daily Newspapers thereby inviting bids for provision of Health Services to the employees of your University.

Pursuance to the Tender notice referred above, the United Insurance Company of Pakistan Limited hereinafter referred to as **"UICL"** had submitted its bid and participated in the Technical Bid of the Tender where it stood successful and qualified for Financial Bidding of the Tendering process. However, at the conclusion of the Financial Bid, it stood as the lowest bidder but contrary to that UICL was not declared successful in the financial bid for securing second highest marks i.e. 88.75 in the bid whereas M/s Adamjee Insurance which was not the lowest one was declared to be successful for only having the strength of 20 Billion portfolios which strength is mechanically being used as a tool to discard all other competing companies in the bidding process not for this year but said formula has also been applied in the previous bidding process and on the dint of same drive, other competing companies were also discarded from the competition.

Being aggrieved and dis-satisfied from the out come of the financial bidding of the tendering process of your university, the UICL hereby lodge its complaint against the selection procedure adopted at your end on the facts and grounds following as under:

01. That it is *prime facie* undisputed fact that through above noted tendering process, Dow University was required to avail services of Health Facilities which by means of Sindh Public Procurement Rules 2010 (amended 2019) Agency hereinafter referred to as **"Rules 2010"** (amended 2019) Agency are nowhere substantiated to be Consultancy Services since the *modus operandi* duly adopted in the selection process of successful bidder was of the nature of Consultancy Services which was just derived to provide an easy and uncompetitive platform to the one and the only company to secure the award of

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contract being well conversant **with Rule 44 of the Rules 2010 (amended 2019) Agency** which ostensibly transpires that **no procuring agency shall introduce any condition which discriminates among bidders.** The Rule further reads that **in ascertaining the discriminatory nature of any condition reference shall be made to the ordinary practices of that trade** and it stands to be the ordinary practices of all the Health Insurance Companies that they provide these sorts of services beyond expectation at the strength of reasonable portfolios but as such the tender is to be awarded to already selected one therefore, a deliberate and discriminate mechanism is derived to select the already selected company which act is patently illegal, arbitrary, unwarranted and liable to be cancelled.

02. That by adopting the above referred willful procedure of selection, violation of Rule-46 has also been committed at your end. Rule 46 transpires and envisages the procedure which is designed for conducting Open Competitive Bidding and Sub-Rule (j) of Rule 46(2) clearly states that bid found to be the lowest evaluated or best evaluated bid **shall be** accepted. But to the utter disregard of this rule, the lowest bidder has been disqualified and the highest bidder with an excess bid amount Rs. 83.7 Million has been qualified which all together is an omission and violation of the set rules and in the face of that violation, decision of the committee is devoid of merits and justification and is liable to be cancelled with exemplary cost.

03. That Rule 45 **(Announcement of Evaluation Reports)** says that the Bid Evaluation Report shall be hoisted on website and to be intimated to all the bidders at least three (3) working days prior to the award of contract but contrary to that the undersigned company has neither been intimated nor informed about the result of the bid evaluation report which prime facie is an act of transgression of law thereby liable for cancellation.

04. That Rule 36 **(Reservation and preference)** reads that Procuring Agency shall allow interested bidders to participate in procuring procedure but herein the instant case, only selected company has been extended patronage to compete and through its previous drive the procuring agency has already demonstrated its intention and decision of selecting a company having portfolios of 20 Billion which tantamount to an act of visible discrimination and pre-rigging process therefore, being an established commission of mis-procurement, it is liable for cancellation.

07/11/2023

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Email : central@uicwindowtakaful.com
Cert. No. 13652-Q15-001
ISO 9001:2015

PRAYER

It is respectfully submitted that in view of the fore going facts and circumstances, the act of awarding the Health Contract to M/s Adamjee may kindly be declared as mis-procurement and orders may kindly be passed for initiating fresh tendering process thereby allowing all the interested parties to participate in the bidding process in order to make the process viable, just, and transparent.

Yours Faithfully,

07/11/2023

Omer ul Islam
Executive Director
The United Insurance Company of Pakistan
Omerulislam@uicwindowtakaful.com / omerulislam@hotmail.com
Contact No: 0333-2354450

Copy To: (1) Managing Director, SPPRA, Barrack 8 Secretariat 4A, Court Road, Karachi
(2) Mr. Santosh Kumar, Member CRC, Member CRC, Representative AG Sindh, Dow University of Health Sciences.
(3) Mr. Arif Aziz, Member CRC, (Independent Professional) SP Security, Special Branch, Karachi

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Cert. No. 13652-Q15-001
ISO 9001:2015

Annexure- "B"

Mustafa Ali <mustafa.ali@duhs.edu.pk>

BID EVALUATION REPORT (BER) OF HEALTH INSURANCE SERVICES TENDER.

2 messages

Mustafa Ali <mustafa.ali@duhs.edu.pk> Fri, Nov 10, 2023 at 3:08 PM
Cc: Pir Muzaffar Ali Shah <muzaffar.alishah@duhs.edu.pk>
Bcc: ataur.rehman@adamjeeinsurance.com, omerulislam@uicwindowtakaful.com, omerulislam@hotmail.com, corporate.health.kz@statelife.com.pk

Dear All Bidders

Please find the attached BER (Bid Evaluation Report) of
"HEALTH INSURANCE SERVICES"
NIT # DUHS/P&D/2023/11541 (REF NO: DUHS/W&S-NIT/129)

The above tender's BER has been uploaded on SPPRA & DUHS (duhs.edu.pk) websites.

BER of Health Insurance Services.pdf
137.59K

HEALTH INSURANCE SERVICES
(REF NO: DUHS/W&S-NIT/129) NIT No: DUHS/P&D/2023/11541
TECHNICAL EVALUATION REPORT

S#	Evaluation Parameters/Sub-parameters	Maximum Points	M/s. The United Insurance Company of Pakistan Ltd	M/s. Adamjee Insurance Company Ltd
1	**Number of Years in the Business of providing Health Insurance Services. (Credible documentary evidence must be provided)**	15		
1.1	20 years or above	15	15	15
1.2	15 to 20 years	10		
1.3	Less than 15 years	5		
2	**Paid up Capital**	10		
2.1	PKR 2000 Million and above	10	10	10
2.2	PKR 1000 Million and above	5		
2.3	Less than PKR 1000 Million	3		
3	**Total Number of Panel Hospitals under credit facility in Pakistan.**	15		
3.1	200 and above	15	15	15
3.2	100 and above	10		
3.3	Less than 100	5		
4	**Number of Full-Time Doctors for Case Management in Medical & Claims Department (Provide details duly signed by authorized person)**	20		
4.1	20 or above	20	20	20
4.2	15 or above	10		
4.3	Less than 15	6		
5	**PACRA/JCR-VIS Rating – MANDATORY REQUIREMENT**	15		
5.1	AAA or above Rating	15		
5.2	AA+ Rating	10	10	10
5.3	AA Rating	5		
6	**Annual Gross Premium (as at 31st Dec, 2022)**	15		
6.1	More than 20 billion	15		15
6.2	15– 20 billion	10		
6.3	Below 15 billion	5	5	
7	**Existing Health Insurance Portfolio of Insurance Company**	10		
7.1	More than 2.5 billion	10	10	10
7.2	2.25B – 2.5B	5		
7.3	Below 2.25 billion	3		
	Total Points	100	85	95
	Remarks		**Technically Qualified**	**Technically Qualified**

PROF. DR. NAZLI HOSSAIN
PRO-VICE CHANCELLOR
Meritorious Professor of Obstetrics & Gynecology
Dow University of Health Sciences
Karachi

SYED SHERAZ HUSSAIN
Senior Manager Finance
Institute of Business Administration
Karachi

Dr. Muzaffar Ali Shah
Director
Planning & Development
Dow University of Health Sciences

Muhammad Hanif
Additional Director Finance
Dow University of Health Sciences
Karachi

Annexure-3

DOW UNIVERSITY OF HEALTH SCIENCES, KARACHI
HEALTH INSURANCE SERVICES
(REF NO: DUHS/W&S-NIT/129) NIT No: DUHS/P&D/2023/11541
SUMMARY OF TECHNICAL AND FINANCIAL EVALUATION

After combined the Technical and Financial evaluation of proposals. The results are as under:

S.No	Description	Technical Marks	Technical Points	Total Bid Amount Including All Taxes	Financial Marks Lowest Price / Quoted Price x 25	Total Marks (Best Evaluated)	Bid Security 2%	Name of Bank, Pay order # & Date	Grading	Remarks
1	2	3	4(TM x 0.75)	5	6	7 (4+6)	9	10	11	12
1	M/s. Adamjee Insurance Company Ltd	95	71.25	331,286,164	18.68	89.93	8,000,000	Meezan Bank P.O # 05202471 Date 28-09-23	1st	Accepted being most advantageous bid & Recommended for Award of Contract.
2	M/s. The United Insurance Company of Pakistan Ltd	85	63.75	247,519,715	25.00	88.75	5,026,715	Mirco Finance Apna Bank P.O # 00218152 Dated 30-09-23	2nd	Not recommended & Bid Amount is below 20% from the Estimated Cost.

RECOMMENDATION / REMARKS

In the light of the entire evaluation results (Technical & Financial) the M/s.Adamjee Insurance Company Ltd has obtained the highest marks and the most advantageous bid. Therefore it is recommended that a contract may be awarded to Adamjee Insurance Company Ltd for Health Insurance Services at Dow University of Health Sciences.

Mr. Khalil Ur Rehman (Member)
General Manager Finance,
Dow University of Health Sciences

Mr.Muhammad Hanif (Member)
Additional Director Finance,
Dow University of Health Sciences

Pir Muzaffar Ali Shah
Director
Planning & Development
Dow University of Health Sciences

Mr. Pir Muzaffar Ali Shah
(Secretary / Member)
Director Planning & Development,
Dow University of Health Sciences

PROF. DR. NAZLI HOSSAIN
PRO-VICE CHANCELLOR
Meritorious Professor of Obstetrics

Prof. Nazli Hossain (Chairperson)
Pro-Vice Chancellor,
Dow University of Health Sciences

SYED SHERAZ HUS
Senior Manager Finar
Institute of Business Admir

Mr. Syed Sheraz Hussain
(External Member)
Senior Manager Finance, Institute of Bu
Administration (IBA) Karachi

Prof. Muhammad Saeed Quraishy
VICE CHANCELLOR
Dow University of Health Sciences