



**NATIONAL INDEPENDENT REVIEW PANEL (NIRP)  
PUBLIC PROCUREMENT**

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**DECISION N° 068/2013/NIRP ON THE TENDER N° MPD/DA/AOIO/220/2012 FOR  
SUPPLY AND DELIVERY OF DRUGS, MEDICAL CONSUMABLE AND LABORATORY  
REAGENT FOR CHUK.**

**COMPLAINANT : ROYAL GROUP  
AGAINST : MPDD/RBC  
COMPLAINT : APPEAL AGAINST THE DECISION ON THE TENDER AWARD**

### 1. INTRODUCTION

Pursuant to the article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, on 19/09/2013 members of the National Independent Review Panel (NIRP) analysed the appeal introduced by ROYAL GROUP against the decision on the award of the above mentioned tender.

### 2. SUMMARY OF THE COMPLAINT

ROYAL GROUP is contesting the MPDD/RBC decision. It is claiming that: "Abacus Parental Drugs Limited, Uganda was and is duly authorized to produce and export drugs by National Drug Authority Uganda, and as per GMP guidelines, Uganda is also part of East African Community Nations and both APDL and Royal Group are major investor in the region to promote business and trade within Africa".

### 3. SUMMARY OF FACTS

- On 10/12/2012, MPDD/RBC advertised the tender;
- On 06/02/2013, bids were opened;
- On 18/06/2013, MPDD/RBC issued a provisional notification to ROYAL GROUP;
- On 20/06/2013, ROYAL GROUP lodged the initial appeal before MPDD/RBC;
- On 20/08/2013, MPDD/RBC responded to ROYAL GROUP's initial appeal;
- On 27/08/2013, ROYAL GROUP introduced the appeal to NIRP;
- On 28/08/2013, NIRP requested MPDD/RBC to suspend the tender process and submit the documents;
- On 04/09/2013, MPDD/RBC sent a correspondence to NIRP.



#### 4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- In the provisional notification letter of MPDD/RBC it is indicated that: ".....MPDD intends to award to you the contract for supply and delivery..."; That letter continues to specify that some items were not awarded to ROYAL GROUP for the following reasons:
  - "For items line n° 246, 255, 256 for (lot1) you provided neither the GMP<sup>i</sup> for Abacus Parental Drugs Ltd nor CoPP;
  - "For other items not awarded, your offer was not the lowest evaluated,
- The MPDD/RBC assessment of the ROYAL GROUP claim confirmed the initial decision;
- Among the administrative requirements, the ITB 34 requests a GMP or ISO Certificate as per ITB 17.1 (a);
- The bid of ROYAL GROUP did not provide GMP or ISO Certificate for Abacus Parental Drugs Ltd nor ISO Certificate as per ITB 34;
- During the appeal, ROYAL GROUP letter states: "Moreover, we have just received the renewed GMP certificate from NDA Uganda, and we are attaching the same for your kind consideration".


#### 5. COMMENT BY THE PANEL MEMBERS


As the bid of ROYAL GROUP did not present GMP or ISO Certificate as per ITB 17.1 (a) for Abacus Parental Drugs Ltd nor ISO Certificate, NIRP members do agree with the decision taken by MPDD/RBC.

#### 6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comment;

Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members decide to dismiss the appeal introduced by ROYAL GROUP because it is baseless.

  
**NSENGIYUMVA Silas**  
Vice Chairman of NIRP

  
**KAZIMA Godfrey**  
Member



  
**BATETA Jane**  
Member

  
**BUGINGO Emma Marie**  
Member

<sup>i</sup> Good Manufacturing Practice