

IN THE PUBLIC CONTRACTS REVIEW BOARD

6th May 2024



Re: Objection 445 CT2323/2023- Tender for the Supply of Sterile Disposable Urinometer with Urine Collection Bag

Reply of the **Central Procurement and Supplies Unit (CPSU)** on behalf of the Department of Health to the reasoned application lodged by OK Medical Limited (the objector).

On the 26th October 2023 a call for tenders for the supply of Sterile Disposable Urinometer with urine collection bag was issued.

14 bids were submitted and a recommendation was made in favour of the offer made by Drugsales Ltd (Recommended bidder) with tender identification number 202945 being the cheapest priced offer satisfying the administrative and technical criteria;

The offers submitted by the Objector were rejected. The offer bearing Tender Identification number 203026 was rejected due to the selection of a cheaper compliant offer whilst the offer bearing tender identification number 203025 was rejected on the basis of technical compliance, with the reason given being the below:

Not accepted. Samples when tested by speciality nurses was found that they have a flow problem from the connecting tube to the measuring chamber. Urine does not flow freely but has to be milked out especially with oliguric patients. Since samples falls under note 3, they are not rectifiable. Based on this non-compliance with the specified criteria, we cannot recommend the samples for further evaluation, and they do not meet the standards necessary for our procurement needs.

The objector felt aggrieved with the decision of the evaluation committee in relation to TID 203025 and filed its objection based on 1 grievance, whereby the objector is arguing that it's product is technically compliant.

CPSU humbly disagrees with the grievances raised and is hereby replying in the same order of the grievances raised.

Submissions

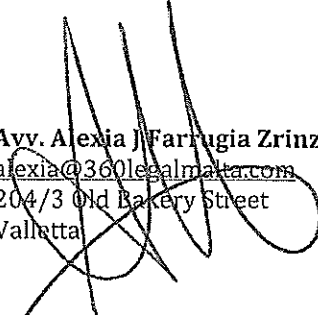
1. Preliminary CPSU submits with reference to paragraph 9 of the rejection letter that the reasons for rejection is not that the device offered by the objector has to be tilted to be drained;
2. CPSU rebuts to the claims in paragraphs 10 et seq of the objection letter and reiterates its position that the product offered by the Objector is not fit for its intended purpose and is unsafe for the patient as the urine does not flow freely from the connecting tube to the measuring chamber;
3. The fact that the urine does not freely from the tube to the measuring chamber is a clear indication that the device does not meet the minimum requirements of its

intended and is not safe for the patients as will be explained during an eventual hearing;

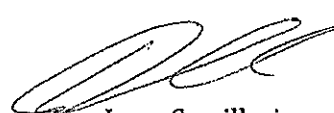
4. This is clearly demonstrated from the photo (attached as Dok CPSU1) and the video (attached as CPSU 2) being presented with this letter of reply.
5. Moreover CPSU submits that product's instructions for use have been followed;

CPSU hereby reserves its right to present further evidence and submissions both written and orally to further substantiate their reply in relation to the said application throughout the hearings.

In view of the above, the objection ought to be rejected in full, whilst the decision of the Evaluation Committee confirmed, and the relevant deposit forfeited.



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