



Decision of the Independent Review Body (IRB)

Description of Procurement: Construction of Thimphu Primary Road (Road Stretch from Babesa Living Sculpture to the CSI Junction)-Package I

Case reference number: IRB (2026-27)-01

IRB Members Present in the first meeting on 24 August 2026:

1	Ms. Rinzin Lhamo, Director, DPP	Chairperson
2	Ms. Dago Zangmo, Director, BCTA	Member
3	Mr. Sonam Penjor, Director, DoMCIIP, MoICE	Member
4	Mr. Sonam Wangchuk, ED, CAB	Member
5	Mr. Chandra Chhetri, SG, BCCI	Member

IRB Members Present in the Second meeting on 26 August 2026:

1	Ms. Rinzin Lhamo, Director, DPP	Chairperson
2	Ms. Dago Zangmo, Director, BCTA	Member
3	Mr. Sonam Wangchuk, ED, CAB	Member

The parties and the Procurement under dispute are:

Applicant	Mr. Thinlay Gyamtsho Chief Executive Officer T&K Construction Pvt. Ltd Phuentsholing, Chukha
Respondent	Project Management Office Department of Human Settlement, Ministry of Infrastructure and Transport



Background & discussion in brief:

The IRB Secretariat has received the Application for review on 17 August 2026 alleging the tender decision dated 7 August 2026 (Letter of intent) for “Construction of Thimphu Primary Road (Road Stretch from Babesa Living Sculpture to the CSI Junction)-Package I” published through the e-GP system was unjust and not satisfied with the response provided by the Respondent. The application was received through the e-GP and the processes for grievance till payment of grievance fee was facilitated through the system.

The application was verified by the Secretariat and found in compliance with IRB Rules 2025. Thus the grievance was processed and submitted for proceedings. The IRB met on 24 August 2026 and 26 August 2026 to review the grievance that has been lodged against DHS in presence of the required quorum.

Claims as claimed by T&K Construction Pvt. Ltd:

Some contractors bidding outside the government procurement are not updating the work awarded on CiNet on time thereby getting the undue advantage. Many works awarded by DHI, SOEs, GMC are not updated and hence do not reflect actual bid capacity to be assessed. It is the responsibility of both the procuring agency and the concerned contractor to update the work award status immediately after the award of work.

The recently awarded works by the same department (DHS) are due to not updated works in hand and Bid Capacity in the e-tool system - for instance Chang Lam road works. Hence the contractor's bid capacity (winning bidder) remains unchanged. It is the responsibility of the evaluation team to assess and carry out due diligence on the works in hand and Bid Capacity and not simply cite, “ The Department does not manually input, alter, or determine the bid capacity of individual bidders during the evaluation process”.

The Department has an obligation after inviting offers to cross check and verify the offers received (Bid submitted by bidders) during the evaluation through e-tool and verification based on the current existing works prior to awarding the new work. This actually determines the real time bid capacity of a contractor.

Furthermore, when the works are not uploaded in the eTool/CiNET, engaged human resources and machineries also remain free and are still able to score points in evaluation.

Many works being awarded outside government procurement are not updating the work awarded on CiNet on time thereby getting the undue advantage as their actual bid capacity is not reflected in the system by giving an unfair advantage to those contractors when assessing bid capacity.



The Department has an obligation to verify and cross check the works in hand and the actual bid capacity of a contractor while evaluating a bid prior to awarding a bid. The Department in this instance simply said that they do not input or alter or determine a bid capacity. This has resulted in an unfair advantage to us and other bidders.

Response as responded by DHS:

This is with reference to the application for review submitted by M/s. T&K Construction Pvt. Ltd. concerning the procurement of "Construction of Thimphu Primary Road (Road Stretch from Babesa Living Sculpture to the CSI Junction) – Package 1", the Department of Human Settlement hereby provides the following clarification in response to the allegation under Sl. No. 4(i) – The Basis of the Application:

1. Responsibility for updating work information in CiNet/e-tool:*The timely updating of work awards in the CiNet/e-tool system is a shared responsibility. In accordance with the applicable Standard Bidding Documents, the bidder/contractor is required to ensure that the information submitted and maintained in the e-tool/CiNet system, particularly information relating to its ongoing and awarded works, is current and accurate. The procuring agency also has a responsibility to exercise due diligence during bid evaluation and to verify relevant information where necessary.*

2. Basis adopted by the Department during evaluation:*The matter relating to works awarded by DHI, SOEs, GMC and other entities was specifically deliberated by the Ministry Level Tender Committee (MLTC) in its meeting held on 30/07/2026. Upon deliberation, the Committee decided to rely on the information available through the CiNet/e-tool system for the assessment of work-in-hand and bid capacity, as the applicable procurement provisions and Standard Bidding Documents did not provide a separate mechanism requiring the procuring agency to independently track and incorporate every work awarded offline by other entities into the system. Accordingly, the Department followed the information available through the officially prescribed system while carrying out the bid evaluation, in accordance with the decision of the MLTC and the applicable procurement procedures.*

3. Relevant work awards and their effect on the evaluation:*The work "Implementation of Changlam Public Transport Key Corridor" was awarded to M/s Penjor Construction Pvt. Ltd., and the award has subsequently been updated in the e-tool system. In the case of "Construction of Thimphu Primary Road – Babesa Expressway," the successful bidder was M/s Rigzar Construction Pvt. Ltd. However, M/s Rigzar Construction Pvt. Ltd. did not participate in the bidding process for the Changlam Road Development Work. Therefore, work-in-hand or bid-capacity assessment arising from the Babesa Expressway procurement had no bearing on the evaluation of M/s Rigzar Construction Pvt. Ltd. in relation to the Changlam Road Development Work.*



4. Due diligence in bid capacity assessment: *The Department, through the prescribed evaluation process, assessed the available information in the CiNet/e-tool system for determining the bidders' work-in-hand and bid capacity. The evaluation was undertaken based on the information available through the officially prescribed system and in accordance with the applicable procurement procedures. At the same time, the Department acknowledges that evaluation committees are required to exercise due diligence in assessing the accuracy and completeness of information relevant to bid capacity. The Ministry of Finance has also introduced strengthened provisions relating to work-in-hand limits and more dynamic assessment mechanisms, including rolling assessments, to ensure that contractors' capacity is assessed on the basis of a more current representation of their ongoing workload and resources.*

In view of the above, the allegation that the Department deliberately failed to update or account for works awarded by other entities, thereby providing an unfair advantage to a particular bidder, is not substantiated. The evaluation was conducted based on the information available through the prescribed CiNet/e-tool system, as deliberated and decided by the MLTC, and in accordance with the applicable procurement procedures.

Nevertheless, the Department acknowledges the importance of continuous verification and due diligence in bid capacity assessment and remains committed to ensuring strict compliance with the applicable PRR and SBD provisions, including timely updating and verification of work-in-hand information, to strengthen transparency, fairness and consistency in future procurement processes.



Decision:

Having duly conducted the review of documents and evidences submitted by both the parties in an equal and fair manner having concluded the proceedings and complied with the provisions of the IRB Rules 2025, the Independent Review Body hereby delivers the following decisions:

1. The Applicant's alleged that the works awarded by SOEs, DHI companies, GMC and other entities may not be updated in CiNET/eTOOL within the prescribed timeframe, thereby potentially resulting in a contractor's actual works-in-hand, human resources, equipment and bid capacity not being fully reflected at the time of bid evaluation.

The IRB here notes that the existing framework already establishes a specific mechanism and timeframe for the registration and updating of works. The Ministry of Finance Notification dated 18 September 2025 requires Procuring Agencies using eTOOL to update details of awarded works within 14 days from the date of signing of the contract, and further provides that where the Procuring Agency fails to update the information within the prescribed period, the Contractor is responsible for ensuring that the update is completed within the subsequent prescribed period. In respect of works undertaken through Corporate Agencies using CiNET, the Monitoring Guidelines 2020 issued by BCTA, with corresponding responsibilities upon the relevant entities and contractors for ensuring that works are properly registered and updated.

The IRB therefore observes that where a contractor or relevant agency fails to register or update a newly awarded work within the prescribed timeframe, the resulting omission is primarily a failure to comply with the existing registration and updating mechanism. While such non-updating may, for a period, result in the contractor's current works-in-hand and associated human resources and equipment not being reflected in the system, the consequences of such omission are not confined to bid capacity. At a later stage, failure to have the work properly recorded may also prevent the contractor from obtaining the corresponding benefit of the work for purposes such as similar work experience, Average Performance Score (APS) and bid capacity based on past works executed.

2. The IRB has also reviewed whether such an omission places an independent obligation upon the Evaluation Committee to identify and incorporate every work undertaken by a bidder but not reflected in eTOOL/CiNET. In this regard, the IRB notes that the Notification dated 18 September 2025 by the Ministry of Finance expressly provides that evaluation shall primarily be based on the information available in eTOOL and CiNET. This establishes eTOOL/CiNET as the common and objective basis for the assessment of works-in-hand and bid capacity. The same Notification further provides that, where a



Procuring Agency considers information relating to corporate or private works necessary for a particular procurement, the Agency may require bidders, through the bidding documents, to submit a declaration of ongoing works, in which case such information may be considered as part of the evaluation.

The IRB has examined the bidding documents applicable to the present procurement and notes that the Respondent did not require bidders to submit a declaration of all ongoing works as an evaluation requirement. The IRB recognizes that Evaluation Committees have a responsibility to exercise due diligence in evaluating bids and verifying information relevant to the evaluation. However, such due diligence must be exercised within the evaluation criteria and requirements established in the bidding documents. It cannot extend to introducing a new or unstated evaluation requirement after bids have been submitted.

Accordingly, the IRB finds that the Respondent was entitled to rely on the information available in eTOOL/CiNET for the assessment of works-in-hand and bid capacity. The Respondent was not required, in the circumstances of this procurement, to independently reconstruct the complete portfolio of works of each bidder by identifying works not recorded in the prescribed system and then incorporate such information into the evaluation since such a requirement was not set.

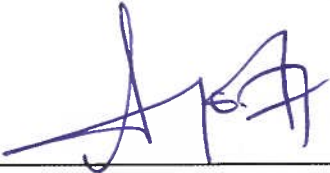
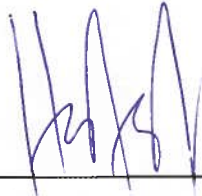
3. On the specific works referred to by the Applicant, the IRB Secretariat cross-checked the information available in eTOOL and notes that the work "Implementation of Changlam Public Transport Key Corridor" was awarded to M/s. Penjor Construction Pvt. Ltd. and has subsequently been updated in the eTOOL system. The Applicant has also referred to the "Construction of Thimphu Primary Road – Babesa Expressway," which was awarded to M/s. Rigsar Construction Pvt. Ltd. However, M/s. Rigsar Construction Pvt. Ltd. has not participated in the bidding process for the Changlam Road Development Work. Accordingly, the alleged work-in-hand or bid-capacity implications arising from the Babesa Expressway procurement had no bearing on the evaluation of M/s. Rigsar Construction Pvt. Ltd. in relation to the Changlam Road Development Work.
4. **The IRB therefore finds no sufficient basis to conclude that the Respondent's evaluation was conducted in a manner that was unfair, discriminatory or contrary to the applicable procurement requirements. The Respondent's reliance on the information available through the prescribed eTOOL/CiNET system was consistent with the Notification dated 18 September 2025 of the Ministry of Finance and the bidding documents. Accordingly, the IRB upholds the decision of the Respondent and does not interfere with the evaluation or award made under the procurement.**



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Department of Procurement and Properties
Ministry of Finance
Royal Government of Bhutan

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5. Pursuant to Clause 56 of the IRB Rules 2025, the decision of the IRB shall be final and binding and, if the decision is not accepted, an appeal may be made to the Court only on a question of law. In such a case, any concession granted by the IRB shall stand withdrawn.

<u>Ms. Dago Zangmo, Member</u> 	<u>Mr. Sonam Wangchuk, Member</u> 
<u>Mrs. Rinzin Lhamo, Chairperson</u> 	

Dated: 27 August 2026

