

File No- BMSIC/40030/191-2024/12801

Date:- 27/03/2025

Order

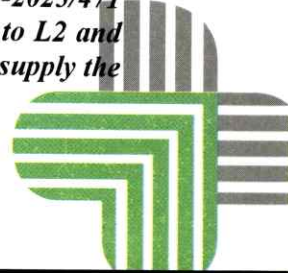
M/s Advy Chemical Pvt. Ltd. having its Head Office at 17th Floor, Hoechst House, Nariman Point, Mumbai-400021, India has participated in Tender No- BMSIC/MEDICAL DEVICES /CONSUMABLES /22-03 and was awarded the rate contract for the quoted item i.e., **Malaria Antigen Testing Kit (S0375)**.

Subsequently, the firm M/s Advy Chemical Pvt. Ltd. was issued Purchase Order vide Order No. 10282402825 & 21.10.2024 for 140148 Pieces & 240000 Pieces vide order no. 10282500007 dated 20.01.2025 of Malaria Antigen Testing Kit. Till today the firm has not supplied the ordered quantity.

In view of the above, BMSICL issued show cause notice to the firm vide mail dated 31.12.2024 and second show cause notice vide mail dated 20.01.2025 against the issued Purchase Order vide order No. 10282402825 & 21.10.2024. In context of show cause notice you have replied that *"We are facing challenges with the availability of raw material supplies and its stability required for the Malaria Pv/Pf Rapid Test. We are continuously working to fix this issue. However, we see that there is a delay in complying with the timely supply of your valuable purchase order. We would not like to give a product which shall face Not of standard quality as we are known for quality driven products globally. However, we would also like to highlight that we have fulfilled and supplied the tender quantity of more than 3 lakh tests as per the quantities specified in the two previously submitted Purchase Orders. We also wish to inform you that the Purchase Order was not initially received via email, and we only became aware of its issuance through the system on 21-10-24. Unfortunately, this led to it being missed during our planning and process execution"*. Till today the firm has not supplied the said Purchase Order and the reply by the firm was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document.

At last, final Show cause issued to the firm vide letter no. 0768 dated 11.02.2025. The firm has replied that *"We are continuously working to fix this issue. We would like to apprise you that still the product is not achieving the desired results, due to critical raw material components which is not meeting the Product specification. Hence, we are facing a challenge of supplying you high quality and result oriented product which are well known globally. However, we see that there is a delay in complying with the timely supply of your valuable purchase order. We would not want to supply products which would give invalid / misleading results and hence we are utmost care to supply best quality products as we are known for quality driven products globally. However, we would also like to highlight that we have fulfilled and supplied the tender quantity of more than 3 lakh tests as per the quantities specified in the two previously submitted Purchase Orders was not initially received via email, and we only became aware of its issuance through the system on 21-10-24. Unfortunately, this led to it being missed during our planning and process execution"*. As the L2 bidder & L3 bidder supplied the same item within stipulated time and the reply by the firm was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document.

In consonance of non supply the purchase order issued in the month of Jan 2025 vide order no. 10282500007 dated 20.01.2025 for the supply of 240000 Pieces of Malaria Antigen Testing Kit comes under the purview of non supply. The firm replied in its mail dated 12.03.2025 that *"We would like to apprise you that still the product is not achieving the desired results, due to critical raw material component which is not meeting the Product specification. Hence, we are facing a challenge of supplying you high quality and result oriented product which we are well known globally. We would not want to supply product which would give invalid / misleading results. Despite several attempts, we are restricting our supplies looking at the results and the quality output received. We pled that the purchase orders (BMSICL/SURGICAL/2024-2025/471 dated 21-10-2024 & BMSICL/SURGICAL/2024-2025 dated 20-01-2025) be cancelled and given to L2 and L3 bidders. We also plead not to blacklist the product and the company looking at our concern to supply the*



C No. : U85100BR2010SGC015886

best quality product, giving best accuracy results. We sincerely apologize for the convenience caused. We sincerely appreciate your patience and understanding".

As the said purchase order was issued on 21.10.2024 and 20.01.2025 and non supply of this essential item adversely affecting the objectives of BMSICL i.e. Free product supply to every patients at all Government Health Facilities in the State of Bihar and reply of this show cause was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document. Clause 27(C) of the Standard Bidding Document States that, "**BLACKLISTING FOR NON-SUPPLY/ PART SUPPLY/DELAYED SUPPLY/NON-FULFILLMENT OF CONTRACT OBLIGATION: -**

Notwithstanding various actions and penalties for non-supply and/or delayed supply of the drugs and medicines as stipulated in the terms and conditions of the tender, the BMSICL, shall take action against the supplier as follows:

(i) In case, the supplier is found to be habitual defaulter of delayed supply or not supplying the full quantity in time, the balance amount of performance security of such company shall be forfeited. No further supply order shall be given to them and company shall be barred from participating in any tender floated by BMSICL, further other punitive action such as blacklisting of the firm for a minimum period of 2 years from the date of intimation for blacklisting/debarring.

(ii) Purchase orders, if any, already issued before taking any blacklisting action or orders given in past will not be affected in view of action taken as per above guidelines but all strict quality checks shall be observed for each supply of products.

The blacklisting of particular product or company/firm will be done without prejudice to other penalties which may be imposed as per the conditions of Tender documents and also to other actions which may be initiated under Drugs and Cosmetics Act, 1940 or any other law of Land. BMSICL will display names of such blacklisted product(S) and company/firm on its website for general notice."

Hence, in view of the provisions in Standard Bidding Document, the non executed Purchase order No. 10282402825 dated 21.10.2024 and order no. 10282500007 dated 20.01.2025 issued to the firm M/s Advy Chemical Pvt. Ltd. is hereby stand cancelled with immediate effect apart from forfeiture of security deposit submitted for the item namely **Malaria Antigen Testing Kit (S0375)**.

Memo No. 12801

(Managing Director)

Date:-

27/03/2025

Copy to: The Managing Director, M/s Advy Chemical Pvt. Ltd. For information and needful action.

Memo No. 12801

(Managing Director)

Date:-

27/03/2025

Copy to:

1. The Additional Chief secretary, Department of Health, Govt. of Bihar for kind Information please.
2. Executive Director, State Health Society, Bihar for kind Information please.
3. The CGM (Supply Chain), General Manager (Logistics), General Manager (Finance), BMSICL for information and necessary action. GM (Logistics) is requested to ensure publication of this order on the official website of BMSICL and Notice Board as well.
4. MD, All Medical Corporations and Procurement Agencies all over India for Information and necessary action please.
5. CEO, Government e-Marketplace for information and necessary action please.
6. All Civil Surgeons, Bihar and Superintendents of all Govt. medical colleges and hospitals of Bihar for information and necessary action.

(Managing Director)

