

File No.:- BMSIC/40030/34-2023/

Date: - / /2023

Order

M/s Om Surgical Industries, situated at 7.7 KM Stone, V & PO, Titoli, Jhind Road, Rohtak-124001, Haryana has participated tender reference no.- BMSIC/MEDICAL DEVICE/CONSUMABLES/21-12 and was issued a Letter of Intent (LoI) vide letter no.- BMSIC/40030/104-2022/3981 dated 10-09-2022 for submitting the requisite documents, security deposit and to execute the Rate-Contract within 10 days from the date of receipt of LoI, i.e by 19-10-2022, for the below mentioned products:-

- (i) Cap @ 0.66/-.
- (ii) Cotton Absorbent Cotton Wool IP 500gm Net @ 98.74/-.

Subsequently, the firm, M/s Om Surgical Industries, was issued Purchase Orders for above said surgical items vide letter no. 6404 dated 08-11-2022.

The following batches of Cotton Absorbent Cotton Wool IP 500gm Net supplied to Patna, Purnia and Muzaffarpur warehouses of BMSICL against the above mentioned purchase order, has been declared as 'Not of Standard Quality' as per BMSICL empanelled Quality Testing Laboratories test report.

| S.No | Name of the item | Batch No |
|------|---------------------------------|--------------------|
| 1. | | 1911 |
| 2. | | 1910 |
| 3. | | 1901~D201220221623 |
| 4. | | 1904 |
| 5. | | 1903 |
| 6. | | 1899~D201220221044 |
| 7. | | 1913 |
| 8. | | 1912 |
| 9. | | 1904~D281220221453 |
| 10. | | 1903~D281220221453 |
| 11. | | 1902~D281220221453 |
| 12. | | 1901~D201220221044 |
| 13. | Absorbent Cotton Wool IP 500 gm | 1914 |
| 14. | | 1906 |
| 15. | | 1900~D201220221044 |
| 16. | | 1902~D201220221623 |
| 17. | | 1916 |
| 18. | | 1902 |
| 19. | | 1899 |
| 20. | | 1905 |
| 21. | | 1909 |
| 22. | | 1907 |
| 23. | | 1900 |
| 24. | | 1901 |
| 25. | | 1908 |

BMSICL vide Letter No- 8624 dated 03-02-2023 and 9063 dated 17-02-2023 issued showcause notices against which the reply was received and found to be unsatisfactory.

Clause 24 e of the Tender Document is relevant for such cases which reads as: ***"The MEDICAL DEVICES/CONSUMABLE shall be of standard quality throughout the shelf life period of the item. Samples can be drawn for quality testing periodically throughout the shelf life period. If the sample is declared to be "NOT OF STANDARD QUALITY" or spurious or adulterated or misbranded, such batch / batches will be deemed to be rejected goods and action will be taken as per tender clause."***



Clause 24 f of the Tender Document is relevant for such cases which reads as: ***"If the product/sample fails in quality test, every failed batch shall be taken back by the supplier at their own cost and BMSICL shall not be responsible for any damage during this period"***.

Clause 24 g of the Tender Document is relevant for such cases which reads as: ***"If a sample is found as not of standard quality by the Tender Inviting Authority, the distribution of NSQ batch will be frozen. The bidder will be liable for appropriate action as per the tender conditions and also for other legal actions under the Drugs & Cosmetics Act & Rules. The Tender Inviting Authority, at his discretion may terminate the Contract and in case of such termination, the supplier shall be liable for all losses sustained by the Tender Inviting Authority, which may be recovered from the Security Deposit made by the Supplier and / or any other money due or becoming due to him. In the event of such amounts being insufficient, the balance may be recovered from the Supplier as per the provisions of Law."***

Clause 27 B (1) of the Tender Document is relevant for such cases which reads as: ***"Each and every batch of MEDICAL DEVICES/CONSUMABLE supplied by the supplier shall be subjected to quality test by the Empanelled laboratories as per the procedure adopted by BMSICL."***

Clause 27 B (3) of the Tender Document is relevant for such cases which reads as: ***"If 3 batches of a particular item supplied by the supplier is reported to be failing in ASSAY content (above 50% but below prescribed limit) and /or other parameters, then the particular item of the firm shall be blacklisted for minimum of two years besides forfeiture of Security Deposit of that particular product(s)."***

Clause 27 C of the Tender Document is relevant for such cases which reads as: ***"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."***

Thus in light of the provisions contained in the tender document, the firm, **M/s Om Surgical Industries**, situated at 7.7 KM Stone, V & PO, Titoli, Jhind Road, Rohtak-124001, Haryana is hereby blacklisted for its quoted product **Absorbent Cotton Wool IP 500 gm** for a period of two (02) years from the date of issue of this order apart from forfeiture of security deposit of that particular product. The unexecuted Purchase Orders issued earlier shall also stand cancelled.

Sd/-
(Managing Director)
Date- / /2023

Memo No. - BMSIC/40030/34-2023/

Copy to: The Managing Director, **Om Surgical Industries**, for information and action.

Sd/-
(Managing Director)
Date-21/03/2023

Memo No.- BMSIC/40030/34-2023/0100

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), BMSIC 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.

Sd/-
(Managing Director)

