

File No- BMSIC/40025/93-2022/4483

Date: 28/09/2022

Order

M/s Navkar Lifesciences, situated at SCO-907, IIInd Floor, NAC, Manimajra, Chandigarh-160101 was declared as L1 bidder for the below mentioned drug vide tender reference no.- BMSIC/DRUGS/21-12:-

1. Permethrin Cream 5% w/w 60gm Tube (with unit price of Rs. 9.99/-)

Accordingly, the firm M/s Navkar Lifesciences was issued a Letter of Intent (LoI) vide letter no.- BMSIC/40025/93-2022/748, dated 29-04-2022 for submitting the requisite documents, security deposit and to execute the Rate-Contract for the said drug within 15 days from the date of receipt of LoI, i.e by 13-05-2022.

As per Clause 21. 1 of the Tender Document, ***“The supplier shall submit agreement, the hardcopies of the documents submitted and other documents specified, copy of LOI duly signed and sealed on all pages in token of acceptance and the required Security Deposit within 15 days.”***

BMSICL vide letter no- 2756 dated 21-07-2022, issued first showcause notice to M/s. Navkar Lifesciences in view of the non-compliance of above provision mentioned in Tender document against which the reply was not been received.

The firm M/s. Navkar Lifesciences was again issued a 2nd showcause notice vide mail dated 08-09-2022, directing to comply the Tender Clause 21. 1 and submit its reply within 72 hrs, failing which BMSICL will be compelled to proceed further in accordance with the relevant provisions of the Tender document.

The firm vide mail dated 14-09-2022 replied that, “we would like to confirm you that have quoted **Permethrin Cream 5%** with very high competitive rate in the month of January, 2022 and was sure and happy that we will supply the goods when we get as L1, but unfortunately and surprisingly theraw material prices had changed drastically of Permethrin, which was never seen before, and it was very difficult to supply goods in currant raw material rate of Permethrin.” This shows that the firm does not abide by the terms and conditions of the tender documents and its amounts to violation of provisions contained in Clause 21.1

Clause 27 A of the Tender Document is relevant for such cases which reads as: ***“If the Tenderer fails to execute the agreement / to deposit performance security / to perform the obligations under the tender conditions / commits default in the performance of the contract/agreement, such Tenderers will be blacklisted for a period of 2 years by BMSICL from the date of intimation besides forfeiture of EMD/Performance Guarantee. The Tenderers who have withdrawn after participating in the tender either fully or partially, the entire firm/company will be blacklisted for a period of 2 years from the date of intimation by BMSICL apart from forfeiture of the Security Deposit/EMD.”***

Hence in view of the violation of provisions contained in Clause 21.1 of the Tender document and on account of failure to enter into agreement after issuance of Letter of Intent (LoI) and fail to perform the obligations contained in Clause 27 A vide Tender reference no- BMSIC/DRUGS/21-12, M/s. Navkar Lifesciences situated at SCO-907, IIInd Floor, NAC, Manimajra, Chandigarh-160101 is hereby blacklisted for its quoted product Permethrin Cream 5% w/w 60gm Tube for a period of two (02) years from the date of issue of this order. The performance Security/Bank Guarantee submitted by the firm for the said item shall also stand forfeited in accordance with the terms and conditions of the contract.


(Managing Director)

