

MINUTES OF FINANCIAL EVALUATION COMMITTEE MEETING FOR TENDER
BMSIC/REAGENT/19-01 (RE-TENDER FOR RATE CONTRACT & SUPPLY OF CLINICAL
BIOCHEMISTRY REAGENT (IN VITRO DIAGNOSTICS MEDICAL DEVICES) FOR SEMI AUTO
BIOCHEMISTRY ANALYZERS AND FULLY AUTO BIOCHEMISTRY ANALYZERS INSTALLED
THROUGH BMSICL AT DIFFERENT HEALTHCARE FACILITIES OF STATE OF BIHAR FOR
THE YEAR 2019-2024).

Date: 21st June 2019

Venue: BMSICL Conference Hall.

The Financial Evaluation Committee meeting for evaluation of financial bids of Tender No. BMSIC/REAGENT/19-01 was held on 21st June 2019 under the Chairmanship of Managing Director, BMSICL. The other committee members present in the meeting were:

1. Dr. R D Ranjan, Director in Chief, Health Dept., GoB.
2. Sh. Khalid Arshad, AO, State Health Society.
3. Sh. Rajani Kant, CGM (Supply Chain), BMSICL.
4. Dr. Ramji Prasad, Principal PMCH, Patna.
5. Sh. Sheo Nandan Prasad, Assistant Internal Financial Advisor (IFA) of Health Dept., GoB (For IFA).
6. Sh. Sunil Kumar Singh, GM (Procurement), BMSICL.

2. **The Details of the invited tender are as follows:**

1. Tender Reference No. BMSIC/ REAGENT/19-01
2. Tender Floated date- 08/01/2019
3. Last date of submission of Online bids-12/03/2019
4. Tender Opening date- 14/03/2019

3. Tender has been floated for 41 Clinical Biochemistry Reagents. It was found in the online opening that total 4 (Four) following bidders had participated in the tender:

1. Abbott Healthcare Pvt. Ltd.
2. Koproan Laboratories Limited
3. LabX
4. POCT Services

4. It was unanimously decided in Tender Opening meeting dated 14.03.2019 to proceed further for Preliminary Technical Evaluation of all the four bids for 41 Clinical Biochemistry Reagents by the teams of Drug Inspectors deputed at BMSICL.

5. The Preliminary Technical Evaluation of the bids of the above-mentioned bidding firms was done by the team of Drug Inspectors deputed at BMSICL. Evaluation sheets were published on the website of BMSICL and claims/objections were invited vide notice no.350 dated 26.04.2019.

6. During evaluation as well as within the stipulated time period as mentioned in the above notice i.e. by 03-05-2019, following claims/objections/clarifications were received from the following bidders and objector/claimant: -

Sl. No.	Name of the Bidder/ Claimant	Date of receipt of the claims/objection /clarification	Total no. of pages provided by the Bidder/ Claimant
1.	Pristine Medicals	20/03/2019	2(Two) Pages



2.	Atul Kumar Singh	25/03/2019	1
3.	Atul Kumar Singh	20/04/2019	7(Seven) Pages
4.	Lab X	01/05/2019	02(Two) Pages
5.	Kopran Laboratories	01/05/2019	03(Three) Pages
6.	Sidharth Goel	01/05/2019	1(One) Page
7.	Lab X	03/05/2019	02(Two) Pages
8.	Abbott Healthcare Private Limited	03/05/2019	237(Two hundred thirty-seven) Pages
9.	POCT Services	03/05/2019	104 (One hundred four) Pages
10.	Transasia Bio-Medicals Limited	03/05/2019	02(Two) Pages

The firm Kopran Laboratories Limited & M/s Abbott Healthcare Private Limited have submitted some requisite documents (consisting 162 pages & 7 pages respectively) against various claims/ objections asked during this meeting.

7. After comparison of the claims/ objections/ clarifications received from the bidders and objector/ claimant as mentioned above, the **bidder wise technical evaluation findings against the remarks raised in accordance with the bid clauses by the Preliminary Technical Evaluation Team during the Preliminary Technical Evaluation were recorded in Table 1 and Objector/ Claimant wise Claims/ Objections disposal status were recorded in Table 2 by the TEC in its meeting dated 14.05.19.**

Table 1

S.N.	Name of the Bidder	Remarks of the Preliminary Evaluators in Brief	Clarification by the bidder against the remarks by the Preliminary Evaluators	Remarks of the TEC
1	M/s POCT Services Pvt. Ltd.	<p>Clause 3(f) & 5(a) Issue & validity date not mentioned in the Import license.</p> <p>For NIT SI no.35 (Creatinin Kinase) CPK valid license is not submitted.</p>	<p>Import license submitted. License no. IMP/IVD/2019/000027 valid from- 21/01/2019 to 20/01/2024 License no. - IMP/IVD/2019/000036 valid from 08/02/2019 to - 07/02/2024 & license no. - IMP/IVD/2019/000038 valid from 08/02/2019 to 07/02/2024</p> <p>Regarding import license for NIT SI No.- 35, bidder clarified that said parameters is derived through the same kit as required for the parameters quoted in NIT SI No.- 37.</p>	Qualified
		<p>Clause 2(b) CE/USFDA for NIT Sr.</p>	CE/USFDA for NIT SI. No. - 27,33,35, & 36 Submitted.	Qualified



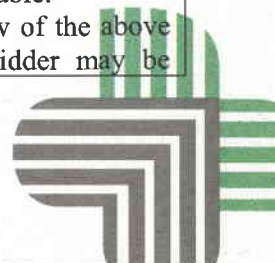
		No.-27,33,35 & 36 Not Submitted.		
		<p>Clause 3(g)</p> <p>(I) Import license of NIT Sr. No. 35 has not submitted.</p> <p>(II) Purchase Bill (Import Bill) of NIT Sr.No. - 1,6,7,8,12, 14,16, 17,18, 20,21, 22,23 24,26,31,32 & 34 to 41 Not submitted.</p> <p>(III) Sale Bill of NIT Sr. No.- 1,6,7,8,10,12,14,15,16,17,18,19,20,21,22, 26,29,31,32 & 35 to 41 Not Submitted.</p>	<p>(I) Regarding import license for NIT SI No.- 35, bidder clarified that said parameters is derived through the same kit as required for the parameters quoted in NIT SI No.- 37 (page no.- 6)</p> <p>(II) Purchase (Import) bill submitted.</p> <p>(III) Sale bill submitted.</p>	Qualified
		<p>Clause 3(h)</p> <p>(I) Executed Supply order have no amount details.</p> <p>(II) Purchase order/ request of state govt. submitted of amount more than Rs. ten (10) cores.</p>	Bidder provided nine (09) Nos. purchase order copies those issued by BMSICL Patna in the name of M/s POCT services, Lucknow having worth of Rs (INR) 15,95,22,885.30 and also provided a compile sheet representing order details of worth more than Ten Crores.	Qualified
		<p>Clause 3(n)</p> <p>Approved lab report for NIT Sr. no- 35 & 41 not submitted.</p>	Regarding approved lab report for NIT SI No.- 35 & 41, bidder clarified that said parameters are covered respectively with the same kit required for product mentioned in NIT SI No.- 37 & 5.	Qualified
2.	M/s Koproan Laboratories Limited	<p>Clause 3(f) & 5(a)</p> <p>(I) Approval of quoted products of NIT S.No 34 & 41 not mentioned in submitted import licenses of M/s Koproan Laboratories Limited.</p> <p>(II) Biogenesis Healthcare Pvt. Ltd. is a channel Partner of M/s Koproan Laboratories Ltd. Since 2017 as declared by M/s Biogenesis Healthcare Pvt. Ltd & M/s Koproan Laboratories Ltd.</p> <p>(III) Import license of the products of NIT S. No. 1, 12 & 38 is in the favour of</p>	<p>(I) SI No. 34 - Lipase We have submitted the valid import license and form-10 No. IL/NCD-000916, dt. 21.12.2017, SI No. 48, Generic Name LD.</p> <p>(II) SI. No. 41- AMYLASE PANCREATIC We have submitted the valid import license and form-10 No. IL/NCD-000214, dt. 03.10.2016, SI. No. 114, Generic Name AMY.</p> <p>(III) Vide affidavit the bidder has declared that they are in a process for new import license i.e. in form 10/MD 15 for the said three parameters (NIT SI. No. 1, 12 & 38).</p>	<p>The TEC has observed that:</p> <p>(I) The bidder Possesses valid import license for 38 Biochemistry reagents out of a total 41 Biochemistry reagents. The import license for NIT SI no. 1, 12 & 38 has not been submitted.</p> <p>II) The bidder has applied before the competent authority for obtaining import license for the remaining three Biochemistry reagents on 25/10/2018 i.e., before the invitation of</p>



	<p>M/s Biogenesis Healthcare Pvt. Ltd. which is a channel partner of M/s Kopran Laboratories Ltd.</p>	<p>(IV) The bidder has applied to the concerned licensing authority on 25/10/2018 (before the tender date).</p> <p>(V) The bidder has also declared that they will submit the license for the above said 3 parameters within 45 days from the date of 14/05/2019, before the award of contract, If they are becoming L1.</p>	<p>01.</p> <p>III) The present tender is a retender for supply of Biochemistry reagents with services which are essential for maintaining necessary diagnostic services for all the Govt. health facilities in the State of Bihar.</p> <p>IV) The bidder has submitted declaration through an affidavit that they will abide by all the terms and condition i.e., they will comply and provide the complete operational support and services as outline in the tender document.</p>
	<p>Clause 2(b) (I) Only declaration of conformity of European CE for Medicon Hellas, S.A. submitted.</p> <p>(II) Document not submitted that confirm that the product mentioned in NIT S.No. 41 is approved by European CE/USFDA.</p>	<p>Documents for approval of products by European CE of M/s Sekisui Medical Co. Ltd submitted.</p>	
	<p>Clause 3(g) (I) Approval of quoted products of NIT S.No. 34 & 41 not mentioned in submitted import licenses.</p> <p>(II) Purchase orders submitted for the amount of around Rs. 16.0 cr for last 3 years.</p> <p>(III) Supply order of consumable/reagents of approx. Rs 52,75,576 is submitted</p> <p>(IV) All quoted products not accompanied by their invoices, statement and import licenses showing that the quoted product are being imported and sold in India by the bidder (Importer) firm minimum for last three years.</p> <p>(V) Import license no. IL/NCD- 00613, DATE OF ISSUE-26-07-17 is in favour of M/s Biogenesis Healthcare Pvt. Ltd. whose manufacturer is M/s</p>	<p>(I) Sl No. 34 - Lipase We have submitted the valid import license and form-10 No. IL/NCD-000916, dt. 21.12.2017, Sl No. 48, Generic Name LD.</p> <p>(II) Sl. No. 41- AMYLASE PANCREATIC We have submitted the valid import license and form-10 No. IL/NCD-000214, dt. 03.10.2016, Sl. No. 114, Generic Name AMY.</p> <p>(III) Invoices of quoted products submitted.</p>	<p>In view of the above facts the bidder may be qualified with the condition that the bidder shall produce the required import license within a period of 45 days from today i.e., 14th May 2019, failing which the bidder will be disqualified as per his declaration vide affidavit no. 607 dated 14.05.19.</p> <p>The Award of contract will be issued only after the submission of valid import license for the remaining 3 Biochemistry reagents (NIT Sl no. 1, 12 & 38) as per his declaration in the affidavit if the said bidder is declared L1 after opening of the financial bids.</p> <p>The firm is fulfilling all other requisite parameters laid down in this Standard Bid Document.</p>



		<p>Medicon Hellas.</p> <p>(VI) Import license no. IL/NCD-000214, DATE OF ISSUE- 30-09-16 is in favour of M/s Kopran Laboratories Ltd. whose manufacturer is M/s Dirui Industries Co. Ltd.</p> <p>(VII) Import license no. IL/NCD-000916, DATE OF ISSUE- 21-12-17 is in the favour of M/s Kopran Laboratories Ltd. whose manufacturer is M/s Sekisui Medical Co. Ltd.</p>		
		<p>Clause 3(h) (I) Copy/copies of executed supply order/orders for Biochemistry reagents not submitted. (II) Only purchase order submitted.</p>	Copies of invoices submitted.	
		<p>Clause 3(j) (I) QMS certificate of ONLY DIRUI Industrial Co. Ltd, submitted. (II) QMS certificate of M/s Sekisui Medical Co. Ltd. And M/s Medicon Hellas S.A. not submitted.</p>	<p>(I) QMS of M/s DIRUI Industries Co. Ltd submitted (II) QMS of M/s Sekisui Medical Co Ltd. submitted</p>	
		<p>Clause 3(n) Approved analysis report of all quoted products not submitted.</p>	Approved analysis report of quoted products submitted.	
3.	M/s Abbott Healthcare Pvt. Ltd	<p>Clause 3(e) (I) Board Resolution not submitted. (II) Attorney provider signature and Designation Not Mentioned.</p>	<p>(I) Due to ongoing audit process of the last financial year we are seeking an extension of time for submission of the required document or the same may be submitted by us at the time as acceptance of award of tender, if we are selected as L-1 In the financial bid. (II) Due to ongoing audit process and unavailability of Board members at present, we are unable to submit the Board Resolution, hence undertake to provide the same within 30 days from the date of this undertaking or before</p>	<p>The TEC has observed that:</p> <p>The bidder has agreed with the remarks of the preliminary evaluators as mentioned in the corresponding column 3 of this table and the bidder has submitted an undertaking on 14.05.19 which is outlined in the corresponding column 4 (II) of this table.</p> <p>In view of the above facts the bidder may be</p>



		<p>the award of contract, subject to our evaluation as L1 bidder in the process, whichever is earlier In the event of failure to submit the aforementioned Board resolution, I/We hereby unconditionally agree to be liable for rejection and cancellation of our bid/contract by the BMSICL Authorities.</p>	<p>qualified with the condition that the bidder shall produce the related board resolution and power of attorney along with the signature and designation of the power of attorney provider within 45 days from the date of this undertaking i.e., 14.05.19 or before the award of contract (if they are becoming L1) whichever is earlier.</p> <p>In case, failure to submit the same within the stipulated time period the firm may be rejected from further tender process.</p> <p>However, a legal opinion to this effect is to be taken before taking a final decision in this regard.</p>
	<p>Clause 2(b) European- CE/ USFDA Certification for Biochemistry reagents not submitted.</p>	<p>(I) Submitted in annexure II of clarification except NIT SI no.37. (II) Regarding European- CE/ USFDA Certification for NIT SI No.- 37, said parameters is derived through the same kit as required for the parameters quoted in NIT SI No.- 35.</p>	<p>Qualified</p>
	<p>Clause 3(g) Invoices, Statement not Submitted and the bidder (Importer) firm not complies the condition for being imported and sold for minimum last three years.</p>	<p>(I) Due to ongoing audit process of the last financial year we are seeking an extension of time for submission of the required document or the same may be submitted by us at the time as acceptance of award of tender, if we are selected as L-1 In the financial bid. (II) With reference to the requirements under the clause 3(h) of the bid document for furnishing supply orders copy received in the last 3 years of worth Rs. 10 Crores or more from any State Government/Central Government / Any Central or State government PSU, either directly or through Authorized dealer/ distributors of</p>	<p>Qualified</p>



		the bidder. I/We hereby confirm and verify that the order copies submitted by us in the tender other than ours are of our Authorized Dealers/ Distributors, enclosed herewith is the summarized details of the orders along with the party name for your kind perusal.	
	<p>Clause 3(h) (I) Less Than 10Cr i.e. Submitted for Rs 3,47,51,263.00(Supply order) {Three crores forty-seven lakh fifty-one thousand and two hundred sixty-three only.</p> <p>(II) Submitted supply order under: 1. M/S Mex India-Rs 2487872 /- 2. M/S Abbott health care-Rs 16242682 /- 3. M/S Tasacharya Enterprises -- Rs 61173617 /- 4. M/S Heidelco Medicare Pvt Ltd Rs 21279975 /- Note-Authorization as Dealer For M/S Mex and M/S Heidelco Medicare Pvt Ltd not established in submitted supply order.</p>	<p>(I) The copy of executed supply order for Biochemistry reagent worth minimum Rs 10 crores are attached as annexure-II, submitted.</p> <p>(II) With reference to the requirements under the clause 3(h) of the bid document for furnishing supply orders copy received in the last 3 years of worth Rs. 10 Crores or more from any State Government/Central Government / Any Central or State government PSU, either directly or through Authorized dealer/ distributors of the bidder. I/We hereby confirm and verify that the order copies submitted by us in the tender other than ours are of our Authorized Dealers/ Distributors, enclosed herewith is the summarized details of the orders along with the party name for your kind perusal.</p>	Qualified
	<p>Clause 3(j) QMSC (Quality management system certificate) & COPP Certificate of the manufacturing unit issued by concerned Licensing Authority not submitted.</p>	we quoted the bid in the capacity of importer there by the said clause is not applicable on the bidder and the declaration on the letter head stating the non-applicability of specific document as per clause 10 (c) has been furnished by the bidder as annexure IV	Qualified
	<p>Clause 3(n) Products approved Lab report for NIT S.no 37 not submitted. Clinical chemistry, Immunoassay traceability, Uncertainty of measurement in annexure V for quoted product except NIT S.no 37 submitted</p>	Regarding Lab report for NIT SI No.- 35, said parameters is derived through the same kit as required for the parameters quoted in NIT SI No.- 37.	Qualified



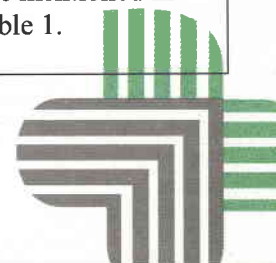
4.	M/s LabX	<u>Clause 3(d)</u> The details of Bidder Name, Address, Telephone Number, Fax. Number, e-mail address of the bidder and of the Managing Director / Partners / Proprietor not submitted in Annexure-V.	In this regard we would like to make a deeply humble request to grant us some more time to respond to the query and provide you with the requested documents as due to some circumstances beyond our control, we will be unable to provide the documents and explanations to you.	The bidder failed to submit the name, address, telephone number, fax. number, e-mail address of the bidder and of the Managing Director / Partners / Proprietor in Annexure-V within the stipulated time. Hence Disqualified.
		<u>Clause 3(f) & 5(a)</u> Manufacturing License/ Import License Not submitted only IEC code submitted	In this regard we would like to make a deeply humble request to grant us some more time to respond to the query and provide you with the requested documents as due to some circumstances beyond our control, we will be unable to provide the documents and explanations to you.	The bidder failed to submit the Manufacturing License/ Import License. Hence Disqualified.
		<u>Clause 2(b)</u> CE certificate of NIT Sl. No. 1, 2, 22, 29 & 41 not submitted.	In this regard we would like to make a deeply humble request to grant us some more time to respond to the query and provide you with the requested documents as due to some circumstances beyond our control, we will be unable to provide the documents and explanations to you.	The bidder failed to submit the CE certificate of NIT Sl. No. 1, 2, 22, 29 & 41. Hence Disqualified.
		<u>Clause 3(g)</u> The bidder (importer) firm has not submitted valid import License. All Quoted products are not accompanied by their invoices, statement and import License showing that the quoted products are being imported and sold in India by the bidder (Importer) firm minimum for last three years.	In this regard we would like to make a deeply humble request to grant us some more time to respond to the query and provide you with the requested documents as due to some circumstances beyond our control, we will be unable to provide the documents and explanations to you.	The bidder failed to submit the valid import License. All Quoted products are not accompanied by their invoices, statement and import License showing that the quoted products are being imported and sold in India by the bidder (Importer) firm minimum for last three years. Hence Disqualified.
		<u>Clause 3(h)</u> The bidder has not produced copy/copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) crores rupees, either directly or through its authorized dealers only, on a cumulative basis during the last three years from the Central Government/ any	Instrument cost: - 61673821/- Reagents: - 1743569/- In this regard we would like to make a deeply humble request to grant us some more time to respond to the query and provide you with the requested documents as due to some circumstances beyond our control, we will be unable to provide the documents and explanations to you.	The bidder failed to submit the copy/copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) crores rupees, either directly or through its authorized dealers only, on a cumulative basis during the last three years from the Central Government/ any



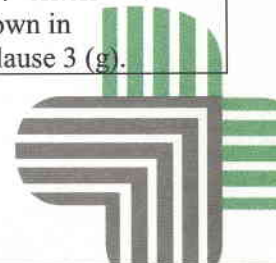
	state government/ Any Central Government or State Government PSU.		government/ Any Central Government or State Government PSU. Hence Disqualified.
	Clause 3(j) QMSC (Quality management system certificate) & COPP Certificate of the manufacturing unit issued by concerned Licensing Authority not submitted.	In this regard we would like to make a deeply humble request to grant us some more time to respond to the query and provide you with the requested documents as due to some circumstances beyond our control, we will be unable to provide the documents and explanations to you.	The bidder failed to submit the QMSC (Quality management system certificate) & COPP Certificate of the manufacturing unit issued by concerned Licensing Authority. Hence Disqualified.

Table 2

S. N.	Name of the Claimant/ Objector	Date and time of receipt of Claim/ Objection	Details of the Claim/ Objection	Supporting documents if any by the claimant	Disposal of the Claim/ Objection
1.	Atul Kumar Singh (Received vide mail from the mail ID: atulkumarsinghpn09@gmail.com)	11.05.19 at 20:18 PM	<p>Regarding Abbott Healthcare Pvt. Ltd.</p> <p>1. Are they supply the OPEN system reagents for Semi Auto Analyzer and 3rd party make Automated Analyzer.</p> <p>2. Please take a written confirmation from their Asia Pacific office in Singapore.</p> <p>3. As they are the importer, they should submit at least 5-6 order copies from different Govt. institutions in last 3 years for the listed tendered items, with contact mail id, name and phone number for your verification by person or through mail from the respective institution with instrument details (Fully Auto/Semi Auto, Brand, Model etc..). Moreover, you can understand the actual fact, "Whether the distributor of said company has really supplied the tendered items of their quoted product in Govt. Institutions OR not?"</p> <p>4. If the said company supplying for the OPEN system biochemistry reagents for Semi Auto and Fully Auto Analyser, why this company has submitted the order copies for other products</p>	Supporting documents not submitted	<p>1) The claimant has neither provided any supporting document for the raised queries about the bidder nor appeared in the said meeting to justify his claims/ objections.</p> <p>The bidder has submitted the valid import license for all floated Biochemistry reagents & Copies of supply orders of Biochemistry reagents worth of Rs 10 Crores.</p> <p>The detailed clause wise technical evaluation status/ findings along with the remarks of the TEC are mentioned in table 1.</p>



		<p>i.e. (Immuno assay parameters) order copies which is not in your <u>tendered list and Biochemistry Parameters, as per your tender clause 3G. Please also refer “Annexure VI” S.N.7 in your Tender documents.</u></p> <p>5. On the basis of verbal assurance about supply of “Auto Analyser/ Semi Auto Analyser” for every Health Centre/ Hospitals, Authority can’t do technically a decision for future strategy</p>	<p>Hence the raised Claim/ Objection is not tenable and disposed.</p>
		<p><u>Regarding Kopran Laboratories Ltd.:</u></p> <p>1. M/s Kopran does not have 3 parameters “Form 10” license. Please also verify / authenticate their order copies, as <u>the said company has submitted others parameters order copies which is also not in your tendered list as per clause 3G. The said company has submitted the order copy of consumables. Please also refer “Annexure VI” S.N.7 in your Tender documents.</u></p> <p>2. This company has submitted a collaboration certificates, please verify the collaboration certificates.</p>	<p>The detailed clause wise technical evaluation status/ findings along with the remarks of the TEC are mentioned in table 1.</p> <p>Hence the raised Claim/ Objection is not tenable and disposed.</p>
		<p><u>Regarding Lab x</u></p> <p>1.This company does not have the “FORM-10” for more-than 10 parameters.</p> <p>2. Please also verify/authenticate all the submitted order copies.</p> <p>3.. We, all can easily understand that this company has submitted as “DUMMY BID” to complete the quorum.</p>	<p>The detailed clause wise technical evaluation status/ findings along with the remarks of the TEC are mentioned in table 1.</p> <p>Hence the raised Claim/ Objection is not tenable and disposed.</p>
		<p><u>Regarding POCT Services:</u></p> <p>1. Several times we have noticed that this company does not have “<u>LAST 3 YEARS</u>” valid import License. <u>There is a missing of continuity in Last 3 years, as per your NIT Clause 3 G.</u></p> <p>2. In you tender we have noticed same</p>	<p>The bidder has submitted the valid import license for all floated Biochemistry reagents & fulfills the criteria as laid down in Clause 3 (g).</p>



			<p>repeated show again about the documents of the said company and few documents are from POCT services PVT Ltd. Please verify carefully.</p> <p><u>OTHER POINT-</u></p> <p>I have given my views about the proceedings and moreover as per your ANNEXURE –VI Point number 16 “All the certificates/documents as required to comply with the Medical Device rules 2017 for supply of invitro diagnostics devices should be provided. As per Clause 3 (P) - “No company has submitted valid “import license /” Form -10”. As per Medical Device Rules every company must have valid import license – Form “MD-14” for importing the Biochemistry reagents. As this tender for 2019-2024 and every bidder must submit the “MD-14” as a importer. – Please refer your tender clause no. 3q. In this regard you can ask your technical team for check in web site.</p> <p>Recently, I have noticed in one tender (AIIMS, Delhi, Tender Documents No. NB-29 / M&E / AIIMS / 2018-19 Dated 25.02.2019, that M/s Abbott Healthcare Pvt. Ltd has authorized M/s POCT Services Ltd to quote their biochemistry reagents.</p> <p><u>Here, both the company has participated against your above mentioned tender as a competitor. It is a clear evidence that both the organization are doing malpractice and making you fool all the time. Please find enclosed the documents as an evidentiary proof and you can enquire the same from AIIMS, Delhi, about the reliability of the documents. Hope, this time you will take a strong action against both the organization for this malpractice.</u></p>		<p>Hence the raised Claim/ Objection is not tenable and disposed.</p> <p>The Technical Evaluation has been completed by considering all the clauses as laid down in the SBD. No supporting document provided. Hence the raised Claim/ Objection is not tenable and disposed.</p>
2.	M/s Pristine Medicals	25-03-19 (hard copy submitted)	<p><u>Regarding Abbott Healthcare Pvt. Ltd.</u></p> <p>1. We have seen this company has participated in your last tender also but unable to provide you the order copies in</p>	Not submitted.	The claimant has neither provided any supporting document for the raised queries about the bidder.



			<p>their name and they have participated again for the above-mentioned tender with the scope of your corrigendum- III, which you have done for particular this company, its open now.</p> <p>We have following queries: -</p> <p>a) Have you noticed carefully M/s ABBOTT HEALTHCARE PVT. Ltd has submitted the distributor/ Dealer's order copies with maximum of immunoassay product, not the product for which you have tendered.</p> <p>b) Can you confirm from Abbott whether they are in position to supply the OPEN system reagents (as per Essential Technical Terms & Conditions in your tender) for other manufactured Semi Auto Analyser and Automated Chemistry analyser- if " Yes" Are they in a position to submit 5 recent order copies form 5 different Govt. Institute with the Biochemistry Analyser details with the contact person's name, Contact details with mail id., where they are supplying the tendered reagents for Semi Auto Analyser & Automated Chemistry analyser in last 3 years.</p> <p>c) Please verify all the documents including order copies.</p> <p>Regarding Lab x No valid import license for quoted products. Moreover, 4 Parameters doesn't have the CE/US FDA Certificate. Please verify all the document with order copies (!!).</p> <p>Regarding Kopran Laboratories Ltd.: No "Form-10" for 3 parameters. Please verify all the order copies.</p>	<p>Pristine Medicals submitted a letter wherein it is mentioned that, "we do not have any complaints for the finalization of the tender".</p>	<p>appeal in the said meeting to justify (making)</p> <p>The bidder has submitted the valid import license for all floated Biochemistry reagents & Copies of supply orders of Biochemistry reagents worth of Rs 10 Crores.</p> <p>The detailed clause wise technical evaluation status/ findings along with the remarks of the TEC are mentioned in table 1.</p> <p>Hence the raised Claim/ Objection is not tenable and disposed.</p> <p>The detailed clause wise technical evaluation status/ findings along with the remarks of the TEC are mentioned in table 1.</p> <p>Hence the raised Claim/ Objection is not tenable and disposed.</p> <p>The detailed clause wise technical evaluation status/ findings along with the remarks of the TEC are mentioned in table 1.</p> <p>Hence the raised Claim/ Objection is</p>
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			<p>Regarding POCT Services As per your Annexure-VI, point no. 7 “import license showing that the quoted product are being imported and sold in India for last three years”- POCT services does not have valid import licenses for all the product are being imported and sold in India for last three years – This is the reason, for which you had hold their payment in the recent past.</p> <p>Sir, the reagent tender is floating for last one year and we all understand about your “Corrigendum III “Where you have changed the tailor made “Technical specification” for convenience for one particular company to comply the set and designed to suit and favored.</p> <p>We would like to request you to please allow a fair competition and benefits for common people and smooth functioning of analyser purchased by BMSICL for all remote health center by investing multi millions of rupees which will go in vein due to such favorable approach.</p> <p>We still have faith on you to look after the unbiased tendering procedure and take decision accordingly.</p>		<p>The bidder has submitted the valid import license for all floated Biochemistry reagents & fulfills the criteria as laid down in Clause 3 (g).</p> <p>Hence the raised Claim/ Objection is not tenable and disposed.</p>
3.	Sidharth goel through sidharth.goel321@gmail.com	01.05.2019 at 09:59 AM	<p>Kopran Laboratories Ltd. has again participated in the bidding process. In their earlier participation (Tender No.: BMSIC/REAGENT/18-02), Kopran Laboratories wasn’t in possession of valid import licenses for 3 parameters namely acid phosphatase, cholinesterase and ferritin and didn’t qualify for further evaluation. However, it has come to our notice that this time around they have participated in the bidding process by furnishing the import licenses of their sister concern companies which has been considered by BMSICL authorities for further evaluation.</p> <p>This is in complete contradiction to the guidelines and conditions of the tender document where it has been specifically mentioned that the eligibility document furnished by the bidder for participation should belong to the bidding firm only.</p>	<p>Supporting documents not submitted</p>	<p>The detailed clause wise technical evaluation status/ findings along with the remarks of the TEC are mentioned in table 1.</p> <p>Hence the raised Claim/ Objection is not tenable and disposed.</p>



			<p>So, the documents of a sister concern company should not be considered for bid evaluation, hence, the bid from such a company which is producing the documents of their sister concern companies should be considered as non-responsive.</p> <p>So, considering bids of such bidders for further evaluation is a complete breach to the tender guidelines and objectionable. Thus, it is requested to disqualify Kopran Laboratories Pvt. Ltd. for not meeting the eligibility criteria and should not be considered for further evaluation. Such an unwarranted relaxation in the bidding terms provided to the bidder should be severely discouraged and appropriate actions must be taken to disqualify Kopran Laboratories Pvt. Ltd.</p>	
4.	Labx through info@labx.in	30.04.2019 at 14:27 PM	<p>It has been observed that Kopran Laboratories Ltd., being one of the bidders in the process wasn't in the possession of valid import licenses and that they participated in the bidding by submission of the import licenses of their subsidiary/group/sister concern companies. In contrariety to the minimum eligibility criteria laid down in the clause 3 of the tender document, the import licenses furnished by Kopran have been considered by the corporation for further evaluation.</p> <p>We'd like to apprise you that the conditions laid down in the clause 3 specifically mentions to produce the eligibility document pertaining to the bidder firm only, whereas, a sister concern or a group company having a separate legal entity cannot be considered for evaluation of the bid. In such a case, the bidder company would be acting as a third party agent which is absolutely prohibited as per the essential terms & conditions for supply of reagents given in the bid document and hence, liable to be rejected on the aforementioned grounds.</p> <p>Apart from the above, clause 5- "General Conditions" of the bid document also clearly states that only the direct importers or the manufacturers are eligible to participate in the tender whereas the distributors/agents/loan licenses/contract manufacturers are not</p>	<p>Supporting documents not submitted</p> <p>The detailed clause wise technical evaluation status/findings along with the remarks of the TEC are mentioned in table 1.</p> <p>Hence, the raised Claim/ Objection is not tenable and disposed.</p>



			<p>eligible to participate in the tender. Therefore, in context of our aforesaid facts and submission, we'd request your good self to consider our objection and disqualify Kopran Laboratories Pvt. Ltd. for not meeting the preliminary eligibility criteria and hence, from further evaluation.</p>		
5.	Transasia Biomedicals Ltd	03-05-19 Hard copy submitted	<p>We are the manufacture of Bio-Chemistry reagents, Automated and Semi Automated Clinical Chemistry Analyser for more- than 40 Years. We have also supplied and installed good number of semi Auto analyser in your different health center/ Institute. We never came through this type of biased technical specification and terms & Conditions. In your pre bid meeting we have raised our point's number of times and requested for general specification, so that the importer as well as the Indian manufacturer can also participate against this tender. But you are only interested in one or two companies and accordingly you have changed the specification, terms and conditions, which is not only violation of tender NIT Rules, it's a breach of ethics.</p> <p>We came to know that the Technical Evaluation has been done and approved by you for the above mentioned tender. But as per medical device rules, no company has submitted the valid import license (MD-14).</p> <p>Now only because of your biased reason the health department under scrutiny and patients are suffering but you are interested in only those two companies and you want to handover the whole health system (particularly the diagnosis part) to one particular company out of these two participants.</p>	Supporting documents not submitted	<p>The Technical evaluation status of all the participating bidders are mentioned in table-1.</p> <p>Hence, the raised Claim/ Objection is not tenable hence disposed.</p>

8. The TEC in its last meeting dated 14.05.19 decided to meet again for final decision after **the receipt of the legal opinions**. Accordingly, the legal opinion has been sought for both the firms i.e., M/s Kopran Laboratories Limited & M/s Abbott Healthcare Pvt. Ltd. The bidder wise crux of the legal opinion is as follows:

- a) M/s Kopran Laboratories Limited: "It is well settled that the cutoff date to judge the eligibility of a bidder is the date of submission of the bid document. The bidder claims that it had applied before the competent authority for obtaining the import license for remaining three Biochemistry reagents on 25.10.2018, though before the issuance of NIT, but admittedly the firm did not possess valid import license for the said three items on the date of submission of the bid. Even if the firm is granted import



license subsequently, that will not cure the deficiency, it had at the time of submission of the bid. Accordingly, it would not be legally prudent to accept the tender conditionally in anticipation of grant of import license for remaining three items”.

- b) M/s Abbott Healthcare Pvt. Ltd.: “It is well settled that the cutoff date to judge the eligibility of a bidder is the date of submission of the bid document. Accordingly, no legal impediment in the decision of the Technical Evaluation Committee in declaring Abbott Health Care as technically qualified subject to the condition that it should produce the Board Resolution along with the Power of Attorney within the aforesaid stipulated period of 45 days, failing which the firm may be rejected from further tender process.

9. The Minutes of the TEC meeting dated 14.05.19 was uploaded on the web portal of BMSICL. The claim or objection that has been raised in the name of M/s Transasia Biomedicals Ltd. and its disposal was laid down at page no. 15 and 16 of the minutes of the TEC meeting. Regarding the involvement of M/s Transasia Biomedicals Ltd. as mentioned in the said minutes a letter has been received from the said firm on dated 27.05.19, representing the following points: -

“(i) We assured you that we have not issued any kind of Letter to BMSICL in recent past. Any Letter issued by Tansasia, used to have our Original Letter Head (white Letter Head with Blue Logo) & Original Signature.

(ii) Fake Letter received by you on our scanned letter Head is not an Original Letter Head (Scan Copy with black & white Logo) & the signature done by the name is not our employee. We do not have any employee of such name at our Kolkata, Patna or any office across India. Also, the signature is scanned one on the letter received by you.

(iii) The content of this fake letter is in regard to complain against the Reagent Tender for Semi Auto & Fully Auto Analyzer of BMSICL. We would like to inform you that we had attended the pre bid meeting against this Regent tender at your office. We had raised clarification against certain clauses for amendment for which we had asked by BMSICL to submit the letter through mail. We had submitted the same through mail. We did not participate against this tender as no changes has been done on your amended Tender. When we did not participate against this Tender, then why we will send such type of letter after four months of the tender due date.

(iv) Further we would like to inform you that Tansasia is the NO. 1 Company in India in IVD Industry. We are associated with all State Govt. & Central Govt. for past 40 Years across the Country. We have a very good track record & having excellent relations with all our Customers. Being a Professional Company, we cannot even think to write such type of letter to a Government & Prestigious Organization like BMSICL with whom we are associated since 2014 & kept our commitment till date.

(v) It clearly shows that some other company has used our scanned Letter Head & issued this letter to create a bad image of Tansasia in front of BMSICL so that they can free to do all mischiefs & financial frauds when the biggest IVD company of India is out of the contention.”

10. M/s Abbott Healthcare Pvt. Ltd., has submitted the following documents through its mail (from mail Id: tarun.tripathi@abbott.com) dated 19.06.19:

- i) Certified true copy of the Resolution passed by the Board of Directors at its Meeting held on February 28, 2018.
- ii) Authorization to sign on behalf of the company.
- iii) Power of Attorney.



11. After consideration of all the above facts, the bidder wise technical evaluation status were as follows:

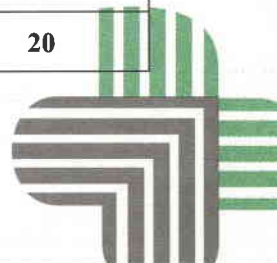
Sl No.	Name of the Bidder	Technical Evaluation status
1	Abbott Healthcare Pvt. Ltd.	Technically Qualified with the condition that the bidder shall produce original documents (Hard Copy) related to board resolution and power of attorney along with the signature and designation of the power of attorney provider within 45 days from the date of their submitted undertaking i.e., 14.05.19 or before the award of contract (if they are becoming L1) whichever is earlier. In case, failure to submit the same within the stipulated time period the firm may be rejected from further tender process.
2	Kopran Laboratories Limited	Technically Disqualified
3	LabX	Technically Disqualified
4	POCT Services	Technically Qualified

12. The TEC in its last meeting dated 19.06.19 unanimously decided to recommend for opening of the financial bids of both bidding firms i.e., M/s Abbott Healthcare Pvt. Ltd. & M/s POCT Services Pvt. Ltd.

13. Accordingly, in today's meeting financial bids of both the firms were opened online on E-Proc.

14. After opening of the financial bids (downloaded copies annexed as Annexure D) the rates quoted by both the bidders are as follows: -

S. N	Name of the Clinical Biochemistry Reagents	BASIC PRICE/ml (Inclusive of all charges and duties except GST)		L1 Declared Price
		Abbott Healthcare Pvt. Ltd.	POCT Services	
1	Acid Phosphatase	35	27.37	27.37
2	Alanine Aminotransferase (ALT)/SGPT	32.34	20	20
3	Albumin	11.37	13	11.37
4	Alkaline Phosphate	32	23	23
5	Amylase	98	52	52
6	Apolipo A1	55	53	53
7	Apolipo B	65	53	53
8	ASO Quantitative	105	108.36	105
9	Asparate Aminotransferase (SGOT)	36	20.18	20.18
10	Total Calcium	12	13.75	12
11	Total Cholesterol	33.3	20	20



12	Cholinesterase	58	24.36	
13	Creatinine	28	15.75	15.75
14	CRP Quantitative	105	109	105
15	Direct Bilirubin	34	20	20
16	D-HDL Cholesterol	138	94.5	94.5
17	D-LDL Cholesterol	205	150	150
18	Gamma Glutamyltransferase	13.36	15.25	13.36
19	Glucose (minimum 400 ml)	25.55	14	14
20	HBA1C	347	200	200
21	Iron (Fe)	18	19.88	18
22	Total Iron Binding Capacity (TIBC)	18.98	21.3	18.98
23	Lactate Dehydrogenase (LDH)	21	23.38	21
24	Magnesium	21	10	10
25	Phosphorus	20	10	10
26	RF Quantitative	105	112	105
27	Total Bilirubin	34	21	21
28	Total Protein	29	15.75	15.75
29	Triglycerides	47	30	30
30	Urea	43	26	26
31	Uric Acid	55	25	25
32	Urine Microalbumin	121	70	70
33	Urine Microprotein	58	12	12
34	Lipase	320	180	180
35	(Creatinin Kinase) CPK	43	20	20
36	Creatinin Kinase -MB (CK-MB)	76	45	45
37	Creatinin Kinase -NAC (CK-NAC)	43	20	20
38	Ferritin	295	110	110
39	Compliment C3	60	65	60
40	Compliment C4	60	65	60
41	Amylase Pancreatic	98	52	52



Total	3054.9	1999.83
Bid Ranking Status	L2 BIDDER	L1 BIDDER

15. Clause 14 (e) of the bid document states that, "For deciding the overall L1 bidder, the following procedure shall be adopted: -

i. Total quoted rates for all Clinical Biochemistry Reagents of each bidder shall be ascertained and L1, L2 and L3 bidder for total quoted rates shall be identified. L1 bidder shall be awarded the rate contract provided the L1 bidder agrees to match the L1 rate for all individual L1 rates of Clinical Biochemistry Reagents for which it is not the L1 bidder. If the L1 bidder refuses to match the individual L1 rates of Clinical Biochemistry Reagents for which it is not the L1 bidder, L2 of total quoted rates shall be offered to match both the total L1 rate and individual L1 rates for which it is not the L1 bidder. Similar offer shall be extended to L3 bidder in case of refusal by L1 & L2. If L1, L2 and L3 refuse to comply with the terms of the offer as mentioned above, retendering shall be resorted to. Under no condition the offer shall be extended beyond L3 bidder.

ii. The final overall L1 rate shall be the sum of the individual L1 rates for all Clinical Biochemistry Reagents on conclusion of the above said counter offer process.

Accordingly, the Financial Evaluation Committee declares M/s POCT Services as L1 bidder & M/s Abbott Healthcare Pvt. Ltd. as L2 bidder and unanimously recommends for taking consent from the L1 declared bidder to match with the individual L1 declared rates for all Clinical Biochemistry Reagents before the release of the Letter of Intent.

16. The meeting thus concluded with a vote of thanks.

Sd/-
(Sunil Kumar Singh)
 GM (Procurement) BMSICL, Patna.

Sd/-
(Sheo Nandan Prasad)
 AIFA, Health Dept. Govt. of Bihar

Sd/-
(Dr. Ramji Prasad)
 Principal, PMCH, Patna.

Sd/-
(Rajani Kant)
 CGM (Supply Chain), BMSICL, Patna

Sd/-
(Khalid Arshad)
 Administrative Officer, SHSB.

Sd/-
(Dr. R.D. Ranjan)
 Director in Chief, Health Dept.
 Govt. of Bihar.

Sd/-
(Sanjaya Kumar Singh)
 Managing Director, BMSICL

