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CORRIGENDUM-III

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.

Notice Inviting Tender Ref No.:- BMSIC/REAGENT/19-01 Dated: 22-02-2019
(Only through E- Tender on website:-www.eproc.bihar.gov.in)

Bihar Medical Services and Infrastructure Corporation Limited (BMSICL) had invited E-Bids from the interested parties for "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", vide Notice Inviting Tender No.-BMSIC/REAGENT/19-01. In the light of suggestions/queries received during and after pre-bid meeting held on 22-01-2019, certain amendments have been made and some points of the bid document have been clarified vide Annexure-I of this corrigendum. Bidders are directed to submit the Affidavit cum Undertaking in the prescribed format as per Annexure-II of this corrigendum as a part of Technical Bid Document. In order to give sufficient time and to ensure wider participation of the bidders the Tender Schedule is being revised as follows:-

Revised Tender Schedule

Tender Reference No.	BMSIC/REAGENT/19-01
Date and time for downloading of bid document	Upto 05 th March 2019 till 1500 Hrs.
Last date and time of submission of online bids	07 th March 2019 by 18:00 Hrs.
Last date and time for submission of original bid documents with EMD and Tender Fees	08 th March 2019 till 14:00 Hrs.
Date, Time and Place of opening of Technical Bid	08 th March 2019 (at 15:00 Hrs.) on the website of www.eproc.bihar.gov.in in the office of BMSICL
Date and time of opening of Financial Bids	To be announced later on www.bmsicl.gov.in and www.eproc.bihar.gov.in
Validity of Tender	180 Days
Cost of the tender document	Rs. 10000/- (Ten Thousand only) Non-refundable.
Bid Processing Fee	Rs 1180/- (One thousand one hundred eighty only) Non-refundable.

Annexed-As Below:

- (I) Annexure-I: Clarifications/ Amendments in the light of suggestions/queries received during and after pre-bid meeting held on 22-01-2019.
(II) Annexure-II: Affidavit Cum Undertaking

Sd/-
GM (Procurement)
BMSICL

Note-I-Bidders are advised to go through the Annexure -I and II of this corrigendum carefully before submission of their bids.

Note-II- In case of any query/doubt one can contact DGM (Drugs) on Mobile No- 7008050665 or Manger (Drugs) on Mobile No- 9471009193 or may contact through e-mail on contact.

ANNEXURE-I

BMSIC/REAGENTS/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,
"Clarification in the light of queries/suggestions received from various firms during and after Pre-Bid Meeting held on 22/01/2019"

S.N.	Name of the Firm	Bidders Queries	Present Clause	Clarification/ Amendment
1	M/s. Abbott Healthcare Pvt. Ltd.	<p>Suggestion: The initial rate contract period should be valid for a period of 5 (five) years that could be extended for another term of 5(five) years.</p> <p>Justification: In perspective of the business viability of the contract, it in itself takes a period of 4-5 years on an average to achieve breakeven. Therefore, to earn nominal profit, the extended period of the contract should be kept as 5 (five) years.</p> <p>Suggestion: The criteria should be: The bidder shall produce copy/copies of executed supply order/orders for Biochemistry reagents worth minimum 10 (Ten) Crore rupees on a cumulative basis during the last three years from the Central Government / any state government / Any Central Government or State Government PSU supplied directly or through its distributors/dealers.</p> <p>Justification: Many Principal companies / Manufacturers conduct their business through their network of authorized distributors/dealers/channel partners only and do not supply their products to the end users directly. Therefore, incorporating the suggested modification clear, thus, allowing wider participation of the bidders in the tendering process.</p> <p>Suggestion: A point must be added in the supply conditions that the bidders should submit the Model, Make and USFDA certificate of the equipment they are proposing for replacement as well the list and description of ancillary equipment to be provided along with the main equipment in accordance to the tender terms.</p> <p>Justification: As this project involves a huge investment by the bidders to provide quality operational support the participant companies in the tender must have a proven track record in delivering such operational support along with adequate capability to ensure uninterrupted services. This will also keep a check on the bidders that at a later stage they will supply genuine USFDA approved products only as a replacement.</p> <p>Suggestion: Clinical Biochemistry Reagent box should be BAR CODED.</p> <p>Justification: In case of Open system, it is not required. Instrument should be capable to run many types of compatible branded reagents. Hence Reagent barcode can be made available on the box</p> <p>Recommendation: It should be included in the tender that orders supplied directly or through authorized dealers/channel partners will also be considered.</p> <p>Justification: In general, the principal companies sell their products through their distributors/channel partners and not directly to the end users. Adding the recommended modification in would make the requirements clearer, so, this will allow maximum participation of the bidders in the bidding process.</p> <p>Recommendation: The minimum annual average turnover should be 20 (Twenty) Crores.</p> <p>Justification: The requirement of 25 (Twenty five) crores of the average annual turnover is pretty large that would certainly create problems for interested bidders from participating in the tender. So, if the turnover limit is lowered to the recommended one then it will enable better participation from prospective bidders.</p>	<p>Clause No. 5- General Conditions, sub clause (f)- Validity of Rate Contract: Initial Rate Contract shall be valid for a period of 5 (Five) years and may be extended for another term of 3 (Three) years on evaluation of satisfactory performance of the Bidder.</p> <p>Clause No. 3- Minimum Eligibility Criteria (TECHNICAL BID), sub clause (b): The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore rupees on a cumulative basis during the last three years from the Central Government/ any state government/ Any Central Government or State Government PSU.</p> <p>Clause No.-20- Supply Conditions.</p> <p>Annexure VII</p> <p>Essential Technical Terms & conditions for supply of Clinical Biochemistry reagent bottle should be Bar Coded.</p> <p>BAR CODE should have information of manufacturing date and lot/batch number.</p> <p>Minimum Eligibility Criteria (Technical Bid): sub clause (b): The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore rupees on a cumulative basis during the last three years from the Central Government/ any state government/ Any Central Government or State Government PSU.</p> <p>Minimum Eligibility Criteria (Technical Bid): sub clause (k): Copy of the audited balance sheet and Profit and loss statement showing details of their annual average turnover not less than 25 Crores for any three of the last four consecutive financial years (auditor/CS certificate of turnover will not be accepted. Self attested copies are to be submitted).</p>	<p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p>The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore 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.</p> <p>No Change</p>

<p>2</p> <p>M/s Syndicate Diagnostics Pvt. Ltd.</p>	<p>Recommendation : Bidders who are manufactures as well as importers should also be allowed to participate in the bidding process.</p> <p>Justification : In most of the cases, there are some manufacturers that manufacture the products as well as import some of them that they cannot manufacture. If the recommendation is included in the tender, it would enable all the competent bidders to participate in bidding.</p> <p>Recommendation : The validity of initial rate contract period should be for a minimum of 7 (six) years along with an extension term of 3 (three) years.</p> <p>Justification : The initial rate contract period of 7 years would allow the bidders to get returns from their investment because it usually takes a period of 5 years to reach breakeven itself.</p> <p>Recommendation : Clinical Biochemistry Reagent box should be BAR CODED.</p> <p>Justification : for Open system analyzer it is possible to provide the same on the bottle. Whereas the bar coding can be made available on the reagent pack.</p>	<p>Clause No. 5- General Conditions, sub clause (a) Tender bid is invited directly from Manufacturers or Direct Importers only. Distributors/agents/loan licensees/contract manufacturers are not eligible to participate in the tender.</p> <p>Clause No. 5- General Conditions, sub clause (f) Validity of Rate Contract: -Initial Rate Contract shall be valid for a period of 5 (five) years and may be extended for another term of 3 (Three) years on evaluation of satisfactory performance of the Bidder.</p> <p>Annexure VII Essential Technical Terms & Conditions for supply of Clinical Biochemistry Reagents 22. Clinical Biochemistry Reagent bottle should be BAR CODED.</p> <p>BAR CODE should have information of manufacturing date and lot/batch number.</p>	<p>Bidders who are manufactures or direct importers or both are allowed to participate in the bidding process.</p> <p>No Change</p>
<p>3</p> <p>M/s Science House Medicals Pvt. Ltd.</p>	<p>Recommendation : We would like to recommend that the criteria should be "The bidder shall produce copy/copies of executed supply order/orders for Biochemistry reagents worth minimum 10 (ten) Crore rupees on a cumulative basis during the last three years from the Central Government / Any State Government / Any Central Government or State Government PSU supplied directly or through its distributors/dealers.</p> <p>Justification: Many Principal Companies/ Manufacturers conduct their business through their network of authorized distributors/dealers/channel partners only and do not supply their products to the end users directly. Therefore, incorporating the recommended modifications in the existing clause would make the requirements more adaptive, thus, allowing participation of a wider number of bidders in the tendering process.</p> <p>Recommendation : We would humbly recommend that the eligibility criteria as earmarked in clause 3, sub clause (k), providing statement of annual turnover of not less than 25 Crores, be turned down to the range of 18 to 20 Crores, to make the tender more inclusive and adaptive for MSMEs and other smaller concerns participating in the Bid.</p> <p>Recommendation : Our recommendation is that the bids should be invited from the Manufacturers or Direct Importers or both [i.e. both the manufacturers and the importers of the reagents].</p> <p>Justification: The reason for above recommendation is that, not in all cases the bidders might be just manufacturer or importers, in several cases they may act as a manufacturer or an importer for different categories of products.</p> <p>Recommendation : Our recommendation is that the initial rate contract period should be valid for a period of 5-5-10 (Ten) years.</p> <p>Justification: In light of the business viability of the contract, it takes a period of approximately 5-7 years on an average to achieve breakeven. Therefore, to earn nominal profit, the initial period of the contract should be kept as 10 (Ten) years.</p> <p>Suggestion: Clinical Biochemistry Reagent box should be BAR CODED.</p> <p>Justification: Bar coding is only possible for closed system Reagent Bottle manufactured by the company which also providing the equipment, for open analyzers only the box can be bar coded.</p>	<p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (h): The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore rupees on a cumulative basis during the last three years from the Central Government/ any state government/Any Central Government or State Government PSU .</p> <p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (h): Copy of the audited balance sheet and Profit and loss statement showing details of their annual average turnover not less than 25 Crores for any three of the last four consecutive financial years (auditor/CS certificate of turnover will not be accepted. Self attested copies are to be submitted).</p> <p>Clause No. 5- General Conditions, sub clause (a) Tender bid is invited directly from Manufacturers or Direct Importers only. Distributors/agents/loan licensees/contract manufacturers are not eligible to participate in the tender.</p> <p>Clause No. 5- General Conditions, sub clause (f) Validity of Rate Contract: -Initial Rate Contract shall be valid for a period of 5 (Five) years and may be extended for another term of 3 (Three) years on evaluation of satisfactory performance of the Bidder.</p> <p>Annexure VII Essential Technical Terms & Conditions for supply of Clinical Biochemistry Reagents 22. Clinical Biochemistry Reagent bottle should be BAR CODED.</p> <p>BAR CODE should have information of manufacturing date and lot/batch number.</p>	<p>The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore 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.</p> <p>No Change</p> <p>No Change</p> <p>Bidders who are manufactures or direct importers or both are allowed to participate in the bidding process.</p> <p>No Change</p>

	<p>Clarify Requirement: Request to change that it should be include Govt. and Trade.</p>	<p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (h): The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore rupees on a cumulative basis during the last three years from the Central Government/ any state government/ Any Central Government or State Government PSU.</p>	<p>The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore 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.</p>
<p>Clarify Requirement: Cumulative criteria should be minimum 3 - 5 core and distributor can also allow to participate behalf of manufacturer. Remark: Being company it is very difficult to keep record of purchase of each and every center in state. It is possible to keep record and supply material by local vender.</p>	<p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (k): Copy of the audited balance sheet and profit and loss statement showing details of their annual average turnover not less than 25 Crores for any three of the last four consecutive financial years (auditor/CS certificate of turnover will not be accepted. Self attested copies are to be submitted).</p>	<p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (k): No Change</p>	<p>For Clause No. 5- General Conditions, sub clause (a): Bidders who are manufacturers or direct importers or both are allowed to participate in the bidding process.</p>
<p>Clarify Requirement: There is no such clarity in required quantity of Semi Auto and Fully Automated Biochemistry Analyser in state. Every Center having different workload and due to same requirement of Consumable, Calibrator and Control is also varies. So how much quantity going to required is not clear. Remark: Industrial work load of each center is required for in case of semi Automated Analyser or else at least minimum workload for both segments.</p>	<p>Clause No. 20- Supply Conditions: Ensure uninterrupted functioning of all machines on 24*7 basis by providing free of cost maintenance of all machines and free of cost supply of consumables (Spare & Accessories) including all types of cleaning solution, control, calibrator and preventive maintenance kit for all semi auto & fully auto biochemistry analyzers across the state with a facility of proper standby equipment, which in case of replacement shall be deemed to be the property of the institution concerned, after three years.</p>	<p>Annexure - I (TENDERED PRODUCT LIST)</p>	<p>No Change</p>
<p>Clarify Requirement: Tendered Product List Remark: There no clarity that mentions workload is of each center for 1 Year of put together of all centers. There are few parameters in the mention list are very special and cost effective. Which was difficult to do on semi automated Biochemistry Analyser. Even Volume to perform test is different in case of both instruments in 1 ML. Please give nos. of instrument looking for Semi-automated and Fully-Automated.</p>	<p>Annexure - VII: Essential Technical Terms & Conditions for the Supply of Clinical Biochemistry Reagents Clinical Biochemistry Reagents should be approved by European-CE/USFDA.</p>	<p>No Change</p>	<p>No Change</p>
<p>Clarify Requirement: Essential Technical Terms & Conditions Remark: Many Indian Manufacture Companies comply with all safety and environment necessary standards and all "Make in India" standards which is equivalent to European CE/US FDA Standards.</p>	<p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (h): The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore rupees on a cumulative basis during the last three years from the Central Government/ any state government/ Any Central Government or State Government PSU.</p>	<p>No Change</p>	<p>The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore 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.</p>
<p>Justification: As a Business Strategy various Companies conduct its operation through a network of channel partners/distributors/Authorized Agents only where the end user is required to place their supply orders with the distributors/channel partners only. Therefore inclusion of this suggestion will surely increase the participation of more prospective bidders.</p>	<p>Clause No. 5- General Conditions, sub clause (a) Tender bid is invited directly from Manufacturers or Direct Importers only. Distributors/agents/loan licensees/contract manufacturers are not eligible to participate in the tender.</p>	<p>Bidders who are manufacturers or direct importers or both are allowed to participate in the bidding process.</p>	

<p>5</p> <p>M/s Acoma Health care</p>	<p>Suggestion : Initial rate contract period shall be valid for a period of 08 (Eight) years and may be extended for another term of 02 (Two) years on evaluation of satisfactory performance of the Bidder.</p> <p>Justification: Considering the operational cost of supply and ancillary services required to be provided by the bidder as per the terms of tender it will take more than 04 years to achieve the break even cost of sale and services by the bidder, with extended term the bidder will be able to earn the marginal profits in its operations and will be able to participate with more competitive prices.</p>	<p>Clause No. 5- General Conditions, sub clause (f) Validity of Rate Contract: Initial Rate Contract shall be valid for a period of 5 (Five) years and may be extended for another term of 3 (Three) years on evaluation of satisfactory performance of the Bidder.</p>	<p>No Change</p>
<p>5</p> <p>M/s Acoma Health care</p>	<p>Suggestion : AS per the S.No. 20 i.e. Supply Conditions, the successful bidder shall be required to provide various additional support services viz. requisite Manpower support with a minimum of one trained lab technician for every machine installed at the Health Facility concerned, free of cost maintenance of all machines with spares, accessories, control, calibrator, cleaning solution, preventive maintenance kit. Also the successful bidder shall be required to install L&B Information System (LIS) at every Medical College & Hospital (MCH) & District Hospital and all specialty hospitals through which sample collection & report generation using bar code system, registration of patients and online reporting facility shall be ensured.</p> <p>Justification: As all these aforementioned support services require an additional cost to be incurred by the successful bidder and the cost of which can only be recovered by apportioning the same in the cost of reagents to be quoted by the bidders thereby to obtain the marginal profit in the tender quoted it shall not be commercially feasible for each bidder to match the L1 Cost of each parameter with other bidders. Hence criteria of evaluation should be revised accordingly.</p>	<p>Clause No. 14- General Conditions, sub clause (e): 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.</p> <p>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.</p>	<p>No Change</p>
<p>5</p> <p>M/s Acoma Health care</p>	<p>Suggestion : i) Please mention that bidder can submit the documents for directly import or indirectly import documents. Please also mention "If needed, Bidder can place Semi Auto/ If) Fully Auto Analyser any Govt. institute/hospital at the same reagents price". ii) Please extend the Due date for another 7-10 days.</p>	<p>Clause No. 03- General Conditions, sub clause (E): iii) In case of Importer, The bidder (importer) firm must have valid Import License. All Quoted products should be accompanied by their invoices, statement and Import License showing that the quoted product are being imported and sold in India by the bidder (importer) firm minimum for last three years. Import license must be valid on the last date of submission of tender.</p>	<p>No Change</p>
<p>5</p> <p>M/s Acoma Health care</p>	<p>Suggestion: The list of Reagents, mentioned in Annexure - I of your tender documents, should be separated for semi automatic biochemistry analyser reagents and Fully Automated chemistry analyser reagents. The reagents which are being used on semi automated chemistry analyser are completely manual, and the reagents which are being used on Fully Automated chemistry analyser is bar coded and fitted directly in reagents compartment in the auto analyser. Its not only avoid the contamination & it saves the frequent breakdown of the instrument. The Barcode indicates the Lot no, Remaining test in the reagents bottle, NO of Test/bottle. More over Auto analyser reagents should be evaluated on cost/test basis and Semi Automated reagents evaluation should be on Cost/ml basis.</p> <p>Justification: AS Semi auto analyser reagent consumption is higher side (1 ml= 2 test) for perform the test. The reagents are manual and it comes in big bottle which can not be fitted in any Automated chemistry Analyser</p> <p>Lead Fully auto analyser reagents consumption is much lesser (1 ml = 6 Test). All Bar-coded system packs reagents comes with Total test information. Since the existing Auto analyser in your hospitals is open system & can be used by any companies system pack bar-coded reagents for better test report.</p>	<p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (a): In case of Importer, The bidder (importer) firm must have valid Import License. All Quoted products should be accompanied by their invoices, statement and Import License showing that the quoted product are being imported and sold in India by the bidder (importer) firm minimum for last three years. Import license must be valid on the last date of submission of tender.</p>	<p>No Change</p>
<p>5</p> <p>M/s Ekopam Laboratories Ltd.</p>	<p>Justification: The reason for above submission is to give opportunity to those manufacturers who are engaged in manufacturing as well as import of certain reagents.</p>	<p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (a): In case of Importer, The bidder (importer) firm must have valid Import License. All Quoted products should be accompanied by their invoices, statement and Import License showing that the quoted product are being imported and sold in India by the bidder (importer) firm minimum for last three years. Import license must be valid on the last date of submission of tender.</p>	<p>No Change</p>

	<p>Suggestion : The tender for "Rate contract & supply of clinical biochemistry reagents at different Healthcare facilities", as we all know, the instrument manufacturer or their authorized channel partner/distributor (if the manufacturer is abroad can only provide the service. No other company can provide the service for the instrument without manufacturer's consent/recommendation, by providing manufacturer's spare parts & consumables & proper service training.)</p> <p>Moreover, during placement of order by BMSICL, the CMC /AMC charges had mentioned in the Award of Contract agreement, which had signed by both the party, supplier & BMSICL. Without proper service, spares & consumables; the instrument, which is installed, at your different health centre; will not work. As a result all the instruments will be non- functional , which had purchased be BMSICL.</p> <p>We request you to please "Delete" the service part, as you have already done the CMC/AMC agreement with the instrument supplier.</p>	Clause No.-20- Supply Conditions.	No Change
	<p>Suggestion : Request you to amendment for evaluation criteria in supply mode. "ALL THE EGGS CAN NOT BE KEPT IN ONE BASKET" - One particular company awarded for ALL the reagents as a LI bidder (practically which is impossible for all teh individual reagents/parameter cost is lower than teh bidder) means:-</p> <p>a) If any performance issue for one or more reagents, all the test may stop in whole state.</p> <p>b) If any awarded bidder failed to supply any particular reagents/ Parameters for any reason like manufacturing issue/ customs clearance issue- all the test may stop in wholew state.</p> <p>We also request you for seperation of PART-A & PART- B. AS we all know that SE reagents and instrument consumables are the proprietary in nature and it can not supply by the 3rd party, except manufacturer particular authorization. Hope you will consider these points for the benefit of BMSICL, AS WELL AS THE POOR GENERAL PEOPLE OF BIHAR.</p>		No Change
	<p>Suggestion : The list of semi automatic instruments Reagents and fully auto automatic instruments Reagents should be separated. The concentration of both the reagents are different. Semi auto analyzer reagent consumption is always higher side. This reagents are manual and it comes with bigger size pack which are not going to fit in any Automated Chemistry Analyzer.</p>	Clause No.-20- SUPPLY CONDITIONS, clause (a) ii) Provide requisite Manpower support with a minimum of one trained lab technician for every machine installed at the Health facility concerned.	No Change
	<p>Suggestion : You have asked for manpower/trained technicians. Please provide the work load for every health institute. Without providing the informatin about the daily workload, it is not possible to offer/add the manpower cost with the reagentd cost.</p>	Clause No.-20- SUPPLY CONDITIONS, clause (a) iii) Ensure uninterrupted functioning of all machines on 24*7 basis by providing free of cost maintenance of all machines and free of cost supply of consumables (spares & Accessories) including all types of cleaning solution, control, calibrator and preventive maintenance kit for all semi auto & fully auto biochemistry analyzers across the state with a facility of proper standby equipment, which in case of replacement shall be deemed to be the property of the institution concerned, after three years.	No Change
7	<p>M/s Pristine Medicals</p> <p>Suggestion : You have asked regular maintenance and repair (including spares and consumables), cleaning solutions, control, calibrator and preventive maintenance. In your last 2 times tender, all the participants are tried to make your office understand that every instrument has proprietary items and without those items, instrument will not function. Please give a thought about consumables and proprietary items for Semi Automated chemistry analyzer and fully automated chemistry analyzer and remove this conditions</p> <p>We also request you to pleas "DELETE" the service part, as you have already done the service agreement with the instrument manufacturer/supplier.</p> <p>Suggestion : As you know, all of your required reagents are not being used in your health institute for last 6 years. Moreover, all the parameters are not the best in quality for any manufacturer. So we request you to amend and mention that at least 80%-90% quoted parameters must have valid Import license.</p>	Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (a): In case of Importer, The bidder (importer) firm must have valid Import License. All Quoted products should be accompanied by their invoices, statement and Import License showing that the quoted product are being imported and sold in India by the bidder (importer) firm minimum for last three years. Import license must be valid on the last date of submission of tender.	No Change

8	<p>M/s P. Ravi & company (Agencies)</p> <p>Recommendation: The bidder shall produce copy/copies of executed supply order/orders for Biochemistry reagents worth minimum 10 (Ten) Crores rupees on a cumulative basis during the last three years from the Central Government/ any state Government or state Government PSU supplied directly or through its distributors/channel partners."</p> <p>Justification: Generally the Manufacturers conduct business through their distributors/channel partners. So, adding the suggested modification in the mentioned clause would make the requirements clear. Thus, allowing larger participation of the bidders in the tendering process.</p> <p>Recommendation: The minimum annual average turnover should be 15 (fifteen) Crores for any three of the last four consecutive financial years.</p> <p>Justification: Minimum average annual turnover of 25 (twenty five) crores is a hefty number that will hinder larger participation in the tender therefore if the turnover limit is lowered, it will allow more participation from prospective bidders.</p> <p>Recommendation: The bid should also be invited from those bidders also who are manufacturers as well as importers.</p> <p>Justification: In most of the cases the bidders manufacture some of the products along with importing few others that they can't manufacture also. So, making such a provision will enable all the competent bidders to participate in the bidding process.</p> <p>Recommendation: The validity of initial rate contract period should be for a minimum of 6 (six) years.</p> <p>Justification: An initial rate contract period for at least 6 years would be required to allow the bidders to make marginal profit in their investment. It usually takes 5 years to reach the breakeven when such a huge investment is required from bidders.</p> <p>Recommendation: This Tender has been Re-Tendered by BMSICL due to less participation by Vendors. But surprisingly there is no change on Technical Specification against this re-tender compared to earlier tender. Which means again BMSICL will not get maximum participants.</p> <p>Also the reagents asked for Semi Auto analyzer & Fully auto analyzer are same. Whereas it should be different as Fully Auto Reagents are more expensive compared semi auto reagents.</p> <p>Recommendation: Notice Inviting Tender, it was clearly mentioned as "Tender for Rate Contract & Supply of Clinical Biochemistry Reagents" for Semi Auto & Fully Auto Analyzers installed through BMSICL. Whereas going through the entire tender document, we observed that this tender is not under Supply mode, rather it is under Services mode (Clause No. 20) where bidder has to repair the instrument, provide main power for operation, provide replacement to the instrument (USFDA Approved) if cannot be repaired, replace spares, provide Air Conditioner & deep freezer etc.</p> <p>(a) As per present Govt. GST Rule, if any Company works under Services Mode then he has to pay Services tax. In your tender if bidder will make supply & provide service then how BMSICL make payment to that bidder as goods service Tax which are different heads & both cannot be clubbed together with different HSN codes.</p> <p>(b) In the eye of law both taxes are different. Hence against this tender, Supply & Services both has to be separately floated & should not be mixed up.</p> <p>BMSICL has purchased Semi Auto & Fully Auto Analyzer from Specific Company. As per that Supply Order, BMSICL has to enter into Services Contract with that Company for next Seven years. Then why Reagent tender has been diverted from Supply Mode to Service Mode.</p> <p>As present instrument Service Contract is under process by BMSICL with the Company who had made supply of instruments</p>	<p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (b):</p> <p>The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore rupees on a cumulative basis during the last three years from the Central Government/ any state Government/ Any Central Government or State Government PSU.</p> <p>Clause No. 3- Minimum Eligibility Criteria (Technical bid), sub clause (k):</p> <p>Copy of the audited balance sheet and Profit and loss statement showing details of their annual average turnover not less than 25 Crores for any three of the last four consecutive financial years (auditor/CS certificate of turnover will not be accepted. Self attested copies are to be submitted).</p> <p>Clause No. 5- General Conditions, sub clause (a)</p> <p>Tender bid is invited directly from Manufacturers or Direct Importers only. Distributors/agents/loan licensee/contract manufacturers are not eligible to participate in the tender.</p> <p>Clause No. 5- General Conditions, sub clause (f)</p> <p>Validity of Rate Contract: Initial Rate Contract shall be valid for a period of 5 (Five) years and may be extended for another term of 3 (Three) years on evaluation of satisfactory performance of the Bidder.</p>	<p>The bidder shall produce copy/ copies of executed supply order/orders for Biochemistry reagents worth minimum 10(Ten) Crore 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.</p> <p>No Change</p> <p>Bidders who are manufacturers or direct importers or both are allowed to participate in the bidding process.</p> <p>No Change</p> <p>No Change</p>
9	<p>M/s Transasia Bio-Medicals Ltd.</p> <p>Recommendation: This Tender has been Re-Tendered by BMSICL due to less participation by Vendors. But surprisingly there is no change on Technical Specification against this re-tender compared to earlier tender. Which means again BMSICL will not get maximum participants.</p> <p>Also the reagents asked for Semi Auto analyzer & Fully auto analyzer are same. Whereas it should be different as Fully Auto Reagents are more expensive compared semi auto reagents.</p> <p>Recommendation: Notice Inviting Tender, it was clearly mentioned as "Tender for Rate Contract & Supply of Clinical Biochemistry Reagents" for Semi Auto & Fully Auto Analyzers installed through BMSICL. Whereas going through the entire tender document, we observed that this tender is not under Supply mode, rather it is under Services mode (Clause No. 20) where bidder has to repair the instrument, provide main power for operation, provide replacement to the instrument (USFDA Approved) if cannot be repaired, replace spares, provide Air Conditioner & deep freezer etc.</p> <p>(a) As per present Govt. GST Rule, if any Company works under Services Mode then he has to pay Services tax. In your tender if bidder will make supply & provide service then how BMSICL make payment to that bidder as goods service Tax which are different heads & both cannot be clubbed together with different HSN codes.</p> <p>(b) In the eye of law both taxes are different. Hence against this tender, Supply & Services both has to be separately floated & should not be mixed up.</p> <p>BMSICL has purchased Semi Auto & Fully Auto Analyzer from Specific Company. As per that Supply Order, BMSICL has to enter into Services Contract with that Company for next Seven years. Then why Reagent tender has been diverted from Supply Mode to Service Mode.</p> <p>As present instrument Service Contract is under process by BMSICL with the Company who had made supply of instruments</p>	<p>Clause No. 20- General Conditions:</p>	<p>No Change</p> <p>No Change</p>

	<p>Recommendation: Your entire bidding document covered by Regulatory Guide Line, "Drug & Cosmetic Act 1940 (23 of 1940) & Medical Devices Regulatory Guide Line, " Drug & Cosmetic Act 1940 (23 of 1940) & Medical Devices Rules 2017".</p> <p>In India, the Companies who are Manufacturers of Biochemistry reagents, possess GMP certificate as per schedule M (Goods manufacturing practice) from issued by Gov. of India which adheres to Quality parameter like US-FDA & European CE. In case of importer of Reagents, those importers will get the certificate from abroad (Principal Company).</p> <p>As per your tender (clause no. annexure – VIII) it has been asked that the bidder has to produce "US – FDA / European CE" Certificate for clinical Biochemistry reagents. This proves that the reference tender is biased to one specific company and this defeats the purpose of tendering process. This is also not in favor of "MAKE IN INDIA" concept of our Honorable Prime Minister as this clause will disqualify Indian Manufacturer from tendering process.</p>	<p>Annexure - VII: Essential Technical Terms & Conditions for the Supply of Clinical Biochemistry Reagents</p> <p>Clinical Biochemistry Reagents should be approved by European-CE/ USFDA.</p>	<p>No Change</p>
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ANNEXURE-II

AFFIDAVIT CUM UNDERTAKING

(ON Rs. 100 NON JUDICIAL STAMP PAPER)

To,
The Managing Director,
BMSICL,
Patna
Bihar

I,..... (name of the authorized representative of the bidder)
Son/daughter of resident of
.....(full address),
acting in capacity of Proprietor/Partner/Director of
..... (name of bidding firm) do hereby solemnly undertake and declare on oath as under:

1. That I am duly authorized by (The bidder) to sign and present this undertaking cum affidavit on their behalf.
2. That I/we hereby certify that all the information furnished with the bid submitted online and physical hard copies in response to notice inviting tender number BMSIC/Reagent/19-01 dated 08.01.2019 issued by Bihar Medical Services and Infrastructure Corporation Limited for procurement of Biochemistry Reagents in the State of Bihar, are true, correct and to the best of my knowledge.
3. That as per the tender terms & conditions I/we own the entire responsibility and assurance to comply and provide the complete operational support and services as listed below:
 - i. Maintain uninterrupted supply of Biochemical reagents to all the health facilities concerned.
 - ii. Provide requisite Manpower support with a minimum of one trained lab technician for every machine installed at the Health Facility concerned.
 - iii. Ensure uninterrupted functioning of all machines on 24*7 basis by providing free of cost maintenance of all machines and free of cost supply of consumables (Spares & Accessories) including all types of cleaning solution, control, calibrator and preventive maintenance kit for all semi auto & fully auto biochemistry analyzers across the state with a facility of proper standby equipment, which in case of replacement shall be deemed to be the property of the institution concerned, after three years.
 - iv. Ensure that all such semi & fully auto biochemistry analyzers which cannot be repaired shall immediately be replaced free of cost by another Semi auto analyzer /fully auto analyzer similar to the previous installation or of a higher/better model. All such new machines being used as replacement/stand by shall essentially be USFDA certified. Standby machine should be provided within a period of 48 hrs excluding Sunday and

public holidays. The USFDA certificate of the machine so replaced shall be submitted to the BMSICL and the hospital concerned immediately after such replacement.

v. Perform all necessary connected/related activities for ensuring smooth installation and functioning of the equipments including infrastructure upgradation, supply of ancillary and allied equipments such as computer systems, printer, barcode scanner, centrifuge, refrigerator, water-bath, incubator, UPS, Air conditioner, deep freezer along with furniture and fixture, as may be required at the centers where the equipments are installed.

vi. Install proper Lab Information System (LIS) at every Medical College & Hospital (MCH) & District Hospital and all speciality hospitals through which sample collection & report generation using bar code system, registration of patients and online reporting facility shall be ensured by the successful bidders.

4. I/We hereby agree that no extra payment other than the L1 rate finalized in respect of the Biochemistry Reagents shall be claimed by me/us for the fulfillment of the above said conditions.

5. That I/we declare and certify that I / We have not made any misleading or false representation in the forms, statements and attachments in proof of the document requirements as per this undertaking cum affidavit.

6. I/we also understand that our offer will be evaluated based on the documents /credentials submitted along with the affidavit and the same and also the terms and conditions laid in the tender document shall be binding upon us.

7. That in case the above information is found to be false or in the event of failure to provide the operational support service as mentioned, I/We are fully aware that the tender/ contract will be rejected/cancelled by the BMSICL, Patna, and EMD/Security Deposit and Performance guarantee shall be forfeited. In addition to the above the bidder would be blacklisted or debarred from participation in tenders of BMSICL, besides other actions as provided in the Tender document/contract.

(Authorized Signatory)

Name and Address of the Bidder

VERIFICATION:

I/we above named tenderer do hereby solemnly affirm and verify that the contents of my above affidavit are true and correct. Nothing has been concealed and no part of it is false.

(Authorized Signatory)

Name and Address of the Bidder

Place:

Date:

(NOTE: -This annexure must be sworn before First Class Magistrate/Notary.)