

File No- BMSIC/40010/63-2019/ 1644

Date: - 07/06/2022

Order

M/s Symbiosis Pharmaceuticals Private limited, situated at village Nagal, Suketi road, Kala-Amb, District- Sirmour, Himachal Pradesh was declared as L1 bidder for the following two drugs vide tender reference no.- BMSIC/DRUGS/19-05:-

1. Meropenem Injection 500mg (with unit price of Rs. 52.00/-).
2. Streptokinase Injection 15,00,000 IU per Vial (with unit price of Rs. 720.00/-).

Accordingly, the firm M/s Symbiosis Pharmaceuticals Private limited was issued a Letter of Intent (LoI) vide letter no.- BMSIC/40010/63-2019/3296, dated 10-07-2020 for submitting the requisite documents, security deposit and to execute the Rate-Contract for the said two drugs. The rate contract was executed by BMSICL with this firm on 14.08.2020.

Subsequently, the firm M/s Symbiosis Pharmaceuticals Private limited was issued Purchase Orders for 50000 units of Meropenem Injection 500mg vide letter no. - BMSIC/40010/63-2019/4722 dated 23-09-2021.

The firm, M/s Symbiosis Pharmaceuticals Private limited did not supply the ordered quantity against the Purchase Order no- 4722 dated 23-09-2021, which adversely affected the objectives of BMSICL, i.e. Free Drug supply to every patients at all Government health facilities in the State of Bihar, thus violating Tender Clause No- 19 (e), which reads as, *"It is the duty of the supplier to supply Drugs/Medicines at the destinations mentioned in the Purchase Order and supply shall confirm to the conditions mentioned in the provisions of NIT, rate contract and directives of BMSICL."*

In view of the above, M/s Symbiosis Pharmaceuticals Private limited was issued a show cause notice vide mail dated 09-12-2021, and also informed that because of this activity of Non-supply of the ordered drug, BMSICL is forced to initiate strong action against your firm in accordance with the terms and conditions laid under the SBD pertaining to the Tender No- BMSIC/DRUGS/19-05.

The firm M/s Symbiosis Pharmaceuticals Private limited, was again issued a showcause notice vide mail dated 14-03-2022 & 06-04-2022 directing to reply within 24 hrs stating therein that in case of failure to give reply it would be presumed that the firm had nothing to say and accordingly appropriate action would be taken against the firm unilaterally as per provisions of law and terms and conditions outlined in the tender clauses. Despite that the firm has not bothered to reply which is a clear indication of the extension of the firm do not to abide by the term and conditions of the tender documents and its amounts to willful violation of the contract.

Clause 27 C of the Tender Document is relevant for such cases which reads as: *"(i) Notwithstanding various actions and penalties for non-supply and/or delayed supply of the drugs and medicines as stipulated in the terms and conditions of the tender, the BMSICL, shall take action against the supplier as follows: i. In case, the supplier is found to be habitual defaulter of delayed supply or not supplying the full quantity in time, the balance amount of performance security of such company shall be forfeited. No further supply order shall be given to them and company shall be barred from participating in any tender floated by BMSICL, further other punitive action such as blacklisting of the firm for a minimum period of 2 years from the date of intimation for blacklisting/debarring."*


(ii) Purchase orders, if any, already issued before taking any blacklisting action or orders given in past will not be affected in view of action taken as per above guidelines but all strict quality checks shall be observed for each supply of products. The blacklisting of particular product or company/firm will be done without prejudice to other penalties which may be imposed as per the conditions of Tender

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documents and also to other actions which may be initiated under Drugs and Cosmetics Act, 1940 or any other law of Land. BMSICL will display names of such blacklisted product(s) and company/firm on its website for general notice."


Therefore, as per the conditions outlined in Clause no- 27 C vide Tender reference no-BMSIC/DRUGS/19-05, M/s Symbiosis Pharmaceuticals Private limited situated at village Nagal, Suketi road, Kala-Amb, District- Sirmour, Himachal Pradesh is hereby blacklisted for its quoted product Meropenem Injection 500 mg for a period of two (02) years from the date of issue of this order. Its corresponding security deposit is also hereby forfeited along with the termination of rate contract of Meropenem Injection 500 mg with M/s Symbiosis Pharmaceuticals Private limited with immediate effect. The non-executed purchase orders issued earlier also stand cancelled


(Managing Director)

Memo No. -BMSIC/40010/63-2019/ 16 4 4

Date- 07/06/2022

Copy to: The Managing Director, Symbiosis Pharmaceuticals Private limited for information and needful action.


(Managing Director)

Memo No.-BMSIC/40010/63-2019/ 16 4 4

Date- 07/06/2022

Copy to:

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


(Managing Director)

