

File No- BMSIC/40030/132-2022/ 6020

Date: 20/10/2022

Order

M/s KMS Manufacturing Company, situated at Plot No-120, Dewan & Sons Industrial Estate, Mahim Village, Palghar-401404, Maharashtra was declared as L1 bidder for the below mentioned drug vide tender reference no.- BMSIC/DRUGS/21-12:-

1. Adhesive Tapes 4" (with unit price of Rs. 20.7/-.

Accordingly, M/s KMS Manufacturing Company was issued a Letter of Intent (LoI) vide letter no.- BMSIC/40030/132-2022/4493, dated 28-09-2022 for submitting the requisite documents, security deposit and to execute the Rate-Contract for the said drug within 10 days from the date of receipt of LoI, i.e by 06-10-2022.

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

The firm, M/s KMS Manufacturing Company vide mail dated 01-10-2022 informed that they will not be able to execute the agreement for Adhesive Tape size 4" and also stated that, "It has come to our notice that due to some major operational error from our tendering team the rates have been wrongly quoted by us."

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 The Tenderers who have withdrawn after participating in the tender either fully or partially, the entire firm/company will be blacklisted for a period of 2 years from the date of intimation by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

Hence in view of the violation of provisions contained in Clause 21.1 of the Tender document and on account of failure to enter into agreement after issuance of Letter of Intent (LoI) and failure to perform the obligations contained in Clause 27 A vide Tender reference no-BMSIC/DRUGS/21-12, M/s. KMS Manufacturing Company situated at Plot No-120, Dewan & Sons Industrial Estate, Mahim Village, Palghar-401404, Maharashtra is hereby blacklisted for its quoted product Adhesive Tapes 4" for a period of two (02) years from the date of issue of this order. The EMD/Performance Guarantee submitted by the firm for the said item shall also stand forfeited in accordance with the terms and conditions of the contract.


(Managing Director)

