

File No- BMSIC/40010/132-2023/8432

Date:- 10.01.2024

Order

M/s Ornate Labs Pvt Ltd. having its Head Office at Industrial Estate, Bela, Muzaffarpur-842005 has participated in Tender No- BMSIC/DRUGS/20-10 and was awarded the rate contract for the quoted drug Metronidazole Suspension 40mg/ml [D0315].

Subsequently, the firm M/s Ornate Labs Pvt Ltd. was issued Purchase Order for 335000 Unit of Metronidazole Suspension 40mg/ml vide Letter No. BMSIC/40025/79-2021/9501 dated 25.02.2023. The firm did not supply the ordered quantity within stipulated time of 60 days.

In view of the above, BMSICL issued show cause to the firm vide mail dated 20.06.2023. The firm has replied that "we humbly request you to be kind enough to reschedule the supply period of the P.O's mentioned in your above subject show cause notice without charging late delivery fine. Sir based on various orders on time as it is already surplus to our Production Capacity. We have already ordered for the required Raw & Packaging Materials for the items mentioned in your subject show cause notice, and the same are on way and the moment we will receive the same we shall process your P.O.s' based on our production capacity." Till today the firm has not been supplied the said Purchase Order and the reply by the firm was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document.

Subsequently, final show cause notice was issued to the firm vide letter no. BMSIC/40010/132-2023/7708 dated 12.12.2023. The firm has replied that "Since the active raw material we imported from China failed in quality Test. The same was returned and procured again which took time because of various formalities met in meeting the technical requirement. Now the same is completed and will receive the RM within 10-12 days time from today. After that will certainly completed the supply by 20.01.2024".

As the said purchase order was issued on 25.02.2023 and non supply of this essential drug adversely affecting the objectives of BMSICL i.e. Free drug supply to every patients at all Government Health Facilities in the State of Bihar and your reply of this show cause was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document.

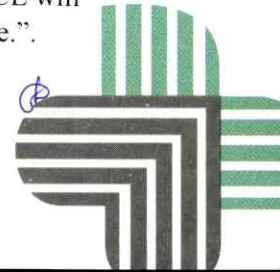
Clause 27(C) of the Standard Bidding Document States that, "BLACKLISTING FOR NON-SUPPLY/ PART SUPPLY/DELAYED SUPPLY/NON-FULFILLMENT OF CONTRACT OBLIGATION: -

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 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."



Hence, in view of the provisions contained in Standard Bid Document, the non executed Purchase Order No. BMSIC/40025/79-2021/9501 dated 25.02.2023, issued to the firm M/s Ornate Labs Pvt Ltd., Industrial Estate, Bela, Muzaffarpur-842005, is hereby declared as cancelled with immediate effect, apart from forfeiture of the security deposit submitted for the Drug namely Metronidazole Suspension 40mg/ml.

Memo No. 8432

Copy to: The Managing Director, M/s Ornate Labs Pvt Ltd. For information and needful action.

Memo No. 8432

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)

Date:- 10.01.2024

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