

OFFICE OF THE MANAGING DIRECTOR
ASSAM MEDICAL SERVICES CORPORATION LIMITED
Central Drug Ware House Campus, Patherquery, Narengi, Guwahati, Assam-781026
Email id: md-amscl@assam.gov.in

No. NHM/18017/30/2018-PROC-NHM/ECF-77425/ 4344

Date: 14/7/2022

From: Dr. Robin Kumar, IPS
Managing Director
AMSCL, Assam

To: Anglo French Drugs & Industries Ltd
41, 3rd Cross, 5th Block, Rajajinagar, BANGLORE-560010

Sub: - Product Debarment notice for non-completion of supply of ORS Sachet

- Ref: -1.** P.O for supply of ORS vide P.O no. AMSCL/DRUGS PROCUREMENT/DIST/2021-22/ECF:180423/2020102380651, Dt. 6-12-2021 and NHM-18011/1/208-PROC-NHM/ECF-172569/2020102380693, Dt. 8-12-2021
- 2.** Tender No-NHM/18017/31/2019-PROC-NHM/8328, Dated -05/07/19 and Corrigendum No. NHM/ 18017/31/2019-PROC-NHM/18485, DATE:16/10/19.
- 3.** Communication made with your company via mails from 19/4/2021 & 20/4/2021 regarding supply of ORS on urgent basis.
- 4.** Letter from your end on 25/04/2022 regarding your inability to supply ORS.
- 5.** Show Cause notice served to your company vide NHM/18017/9/2021-PROC-NHM/ECF-162334/2728, Dt. 5/5/2022 for non-completion of supply of ORS Sachet where final chance were given to your company to complete the supply.

Sir,

With reference to the subject cited above I am to inform you that your company has taken part in the referred tender (at above pt.2) and selected as L1 for the ORS Sachet.

Therefore, you were awarded Letter of Intent (LoI) & you have entered into Rate Contract (RC) with NHM, Assam.

Accordingly, supply order was placed to your company vide PO under reference at above pt.1. for vital drug ORS. But when it was found that after the completion of the contractual delivery time of 60 days from the day of placing of PO, your company did not even start any kind of supply, reminder mails were sent to you from this office as referred above at pt. 3.

Non supply of items like ORS resulted in the interruption of public health services & needy patients suffered who have attended public health facilities/Govt. hospitals of the state of Assam.

Suddenly on 25.4.2022, a letter was received from your company stating that due to huge hike of raw materials, your company will be unable to supply ORS of above referred P.O. But your letter was not accepted, hence a show cause notice was served to your company on 05/05/2022 and you were given a final chance to execute the supply within 2 weeks from the date of issuing the show cause notice. It was also mentioned clearly in the show cause notice that on non-completion of supply of ORS, following penal provisions mentioned in the tender would be applicable.

5.6 Delivery, Shortage & Delay Penalty

- 5.6.1.** In case there is delay in delivery beyond the stipulated period as mentioned in the purchase order, there shall be penal deduction @ 0.5% of the value of delayed goods per week of delay

or part thereof subject to a maximum of 10% of the total order value. Once the maximum price reduction is reached, termination of the whole contract will be considered.

- 5.6.2 Once the maximum price reduction is reached, termination of the contract may be considered. Non-performance of the contract provisions shall make the successful bidder liable to be disqualified to participate in any tender for the next 5 years, in addition to forfeiture of Security Deposit and other penal actions.

5.11 Alternative Purchase

- 5.11.1 If the empanelled supplier fails to execute the supply within the stipulated time, NHM, Assam is at liberty to make alternative purchase of the items of drugs and medicines for which the Purchase Orders have been placed from any other sources (such as Public Sector undertakings at their rates, empanelled bidders, and bidders who have been technically qualified in the said bid) or in the open market even at higher rates at the risk and the cost of the supplier and in such cases NHM, Assam shall have every right to recover the cost and impose penalty, apart from termination of the contract for the default.

- 5.11.2 In the event of making ALTERNATIVE PURCHASE, the supplier will be imposed penalty apart from forfeiture of Security Deposit. The excess expenditure over and above contracted prices incurred by the NHM, ASSAM in making such purchases from any other source or from the open market shall be recovered from the Security Deposit or from any other money due to the supplier and in the event of such amount being insufficient, the balance will be recovered personally from the supplier or from his properties, as per rules.

5.18.2 Pt. (3): Where the supplier has rate contract for three (3) or more drug items and debarred for a minimum of three drug items:

- **Firm Debarment:** The firm shall be black listed and debarred from participating in any tender for any drug item(s) issued by the TIA for 3 (three) years from the date of intimation.
- **Forfeiture of Performance Security:** In addition to firm debarment the entire performance security deposited by the supplier shall be forfeited and apportioned towards financial penalty.

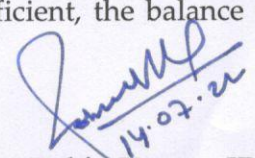
In spite of serving the show cause notice there was no supply of ORS sachet from your end causing interruption in public service in Govt. Health facilities of the state of Assam, especially during the ongoing flood calamity where the demand of ORS is very high but due to your non-execution of supply orders caused suffering to public.

Hence, in the greater public & patient interest, your company **Anglo French Drugs & Industries Ltd** is hereby disqualified to participate for **(ORS: Oral Rehydration salt) sachet** in any tender of AMSCL-Assam/NHM-Assam for next 5 (five) years (from the date of issuing the notice) as per referred tender clause 5.6.2 "Delivery, Shortage & Delay Penalty".

In addition to the product debarment, the performance security deposited against the value of the said product will be forfeited & if it will be found that you didn't submit any performance security for the said product than the value of performance security will be deducted from any of your outstanding bill.

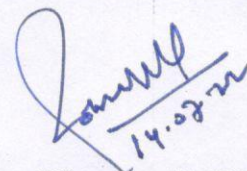
Please be noted that in the event of making ALTERNATIVE PURCHASE, you will be imposed penalty in time of excess expenditure made over and above contracted prices, in making such purchases and will be recovered either from the Security Deposit or from any other money due/ outstanding payment and in the event of such amount being insufficient, the balance will be recovered personally from your company.

This is for favour of your information.


(Dr. Robin Kumar, IPS)
Managing Director, AMSCL, Assam

Copy to the:

1. Principal Secretary to the Govt. of Assam, Health & FW for kind information.
2. Principal Secretary, all Autonomous Council & Deputy Commissioner, all Districts for information.
3. Mission Director, NHM, Assam for kind information.
4. Director Medical Education, Assam for information.
5. Director Health Services, Assam for information.
6. Executive Director, NHM, Assam for information. He is requested to direct MIS-Manager, NHM, Assam for uploading the debarment notice in NHM, Assam website.
7. Principal cum Chief Superintendent/ Superintendent, all Medical Colleges for information.
8. Director Finance & Accounts, NHM, Assam & AMSCL, Assam for information.
9. Jt. Director Health Services, all Districts for information.
10. M.O i.c/DPM/DDSM/Pharmacist, all Medical Colleges/Districts for information.
11. Manager-MIS, NHM, Assam/ Manager (IT), AMSCL for uploading the debarment notice in the website.
12. P.S to the Hon'ble Minister, Health & FW for kind information to the Hon'ble Minister.



Managing Director, AMSCL, Assam