



**OFFICE OF THE MISSION DIRECTOR
NATIONAL HEALTH MISSION, ASSAM**

Saikia Commercial Complex, Sri Nagar Path, Near Post Office Bus Stand, G. S. Road, Christianbasti, Guwahati – 781005

Website: <https://nhm.assam.gov.in> :: Phone No: 0361-2340236/39 :: Email Id: mdnrhmasm@gmail.com

No. NHM/PROC/RC-DRUG/NEW-EDL/3040/16-14/IPRC/ECF-72033/15133 Date: 02.08.21

From: **Dr. Lakshmanan S, IAS**
Mission Director
National Health Mission, Assam

To: **Naprod Life Science Pvt Ltd**
Town centre, Andheri Krula Road,
Andheri East, Mumbai-400059

Sub: - Debarment notice for default in supply of ordered drug Tab Thioguanine 40 mg (6 TG)

Ref: -1. P.O-NHM-18017/31/2019-PROC-NHM/ECF:110189/SPO-12755, dtd-20-04-2020
2. P.O-NHM-18011/33/2020-PROC-NHM/ECF:148149/2020/102380206, dtd-01-01-2021
3. Tender No-NHM/18017/31/2019-PROC-NHM/8328, dtd-05/07/19
4. Your letter submitted to NHM-Assam on dated 4/3/2021 vide letter no. 19022021/NHM/TS/2020-21
5. Letter issued from this office against your letter vide NHM/PROC/RC-DRUG/NEW-EDL/3040/16-14/IPRC/ECF-72033/366-P, dtd-25-5-2021
6. Your recent letter submitted to this office on 1/6/21 received at Procurement Cell on 8/6/21
7. Show Cause issued from this office to you vide NHM/PROC/RC-DRUG/NEW-EDL/3040/16-14/IPRC/ECF-72033/411-P, dtd-19/06/2021 by giving final scope to execute the supply of **Tab Thioguanine**.

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. 3) and selected as L1 for the **Tab Thioguanine 40 mg (6 TG)** under the referred P.O. Accordingly, you were awarded Letter of Intent (LoI) & you have entered into Rate Contract (RC) with NHM, Assam.

Whereas on dated 4/3/2021, a letter has been received from your end stating that you were not in a position to supply the **Tab Thioguanine 40 mg (6 TG)** due to non-availability of active Pharmaceutical ingredients in the country (letter under reference at pt. 4 above).

Undersigned found that the said drug is absolutely essential & life saving for cancer patients who are getting treatment in Govt. Health facilities of the state under Free Drug Drugs scheme of Govt. of India & Govt. of Assam, but due to your non supply, there is an increase in out of pocket expenditure.

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Therefore, a letter has been issued to you (under reference above at Pt. no. 5) with a request to execute the supply of the ordered Cancer drugs & undersigned has also mentioned the penal provision for non-supply as per the stated clauses of the referred tender.

But your approach in this regard by submitting a simple letter that you will not going to supply the ordered drugs doesn't serve the purpose of the rate contract, you have signed with NHM, Assam and also against the relevant clauses of the tender under reference. Your non execution of the contract provisions are causing hindrance in public service, especially during the treatment of Cancer patients.

Hence, Show Cause notice issued from this office to you vide letter under reference at pt. 6 above on dtd-19/06/2021 by giving final scope to execute the supply of **Tab Thioguanine 40 mg (6 TG)**, where it was clearly mentioned about the contractual obligations and penalty clauses of the referred tender including product debarment also necessary penal provisions was described as below to your firm on non-execution of supply of essential drug.

Tender Clause no. 5. 6: Delivery, Shortage & Delay Penalty & sub clauses below:

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 **Debarment/Blacklisting for failure in execution of supply/non-supply/default in supply**

Product debarment: In case of non-supply or incomplete supply (i.e less than 90% of the total ordered quantity) by the approved manufacturer/importer (Firm) within agreed delivery period including the delay penalty period or any such extended delivery period then the concerned rate contract shall be cancelled and the manufacturer/importer (Firm) shall be debarred for participating in any bid called by the Authority for 3 years from the date of debarment for that item.

In case the manufacturer/importer (Firm) supply 90% or more of the ordered quantity but fails to supply the entire quantity within the allowed delivery period then the firm shall be levied a penalty @ 10% of the value of the short supplied item and same shall be adjusted against the payment for supply.

Firm Debarment: The firm shall be black listed and debarred from participating in any tender by the TIA or procuring agency for 3 (three) years if the company is debarred for all the items (where it has RC-"Rate Contract" for less than 3 items) or at least 3 items (where it holds RC-"Rate Contract" for more than 3 items)

Forfeiture of Performance Security:

In case of Product debarment: In addition to product debarment the performance security deposited by the supplier for that particular product shall be forfeited and apportioned towards financial penalty.

In case of Firm debarment: In addition to firm debarment the entire performance security deposited by the supplier shall be forfeited and apportioned towards financial penalty.

But instead of arranging necessary supply, you were again & again submitting the prayer to be lenient giving you the benefit of doubt.

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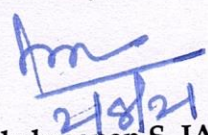
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Whereas, your act of negligence in terms of supply the essential lifesaving cancer drug **Tab Thioguanine 40 mg (6 TG)** resulted patient discomfort & increased the out of pocket expenditure of the patient community attended Govt. hospitals of the state of Assam & Govt. programme of providing free drug service at peripheral Hospitals under Govt. was also hampered badly.

Hence, in the greater public & patient interest your company i.e **Naprod Life Science Pvt.Ltd** is hereby debarred only for the product **Tab Thioguanine 40 mg (6 TG)** for a **period of 1 year** (from the date of intimation) from any further tender of NHM, Assam as per contractual obligation for non-execution of supply order of essential drug **Tab Thioguanine 40 mg (6 TG)**.

This is for your information.

Yours sincerely,


(Dr. Lakshmanan S, IAS)
Mission Director, NHM, Assam

Memo No. NHM/PROC/RC-DRUG/NEW-EDL/3040/16-14/IPRC/ECF-72033/15 134-138 Date: 02.08.21.

Copy to the:

1. Principal Secretary to the Govt. of Assam, Health & FW for kind information.
2. Managing Director, AMSCL, Assam for information.
3. Director Medical Education, Assam for information.
4. Director Health Services, Assam for information.
5. P.S to the Honb'le Minister, Health & FW, Govt. of Assam for kind information to the Hon'ble Minister.


Mission Director, NHM, Assam