



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/18017/33/2021-PROC-NHM-Part-1/ ECF-186320/ 1994

Date: 30/03/2022

From: Dr. Lakshmanan S, IAS

Mission Director

National Health Mission, Assam

To: Morepen Laboratories Limited

4th Floor, Antriksh Bhawan, 22 K marg, New Delhi-110001

Sub: -Product Debarment notice.

Ref: -1. P.O- NHM-18011/33/2020-PROC-NHM/ECF-148149//2020102380143, Dated.1/1/21

2. P.O- NHM-18011/32/2020-PROC-NHM/ECF-147916/2020102380070, Dated.1/1/21

3. P.O-NHM-18011/4/2021-PROC-NHM/ECF-160230/2020102380320, Dated.9/5/21

4. P.O-NHM-18011/2/2021-PROC-NHM-Part-1/ECF-165005/2020102380416, Dated.9/5/21

5. Tender No-NHM/18017/31/2019-PROC-NHM/8328, dtd-05/07/19 & Corrigendum No. NHM/18017/31/2019-PROC-NHM/18485, DATE:16/10/19.

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 several items under the referred P.O. Accordingly, you were awarded Letter of Intent (LoI) & you have entered into Rate Contract (RC) with NHM, Assam.

Supply orders were placed to your company vide P.Os under reference but it is very astonishing that you have not executed any of the supply orders.

Undersigned found that these drugs are absolutely essential & life saving for needy patients getting treatment in Govt. Health Institutions of the state under Free Drugs scheme of Govt. of India & Govt. of Assam,

But, your non supply & non co-operation resulted in hindrance in public service, specially during the treatment of patient community at public health facilities & simultaneously there is an increase in out of pocket expenditure & incurred excess expenditure during the procurement locally by Hospitals/Districts/ State Authority.

Please be noted that being a pharmaceutical company of India, your approaches in this regard 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.

Hence, in the greater public interest You were given a final chance to execute the total supply of the P.Os under reference by next 2 weeks from the issuing of this letter i.e 27.1.2022 or else it was informed to you that as per the contractual obligations and penalty clauses of the referred tender & corrigendum there to necessary penal provision will be imposed (as described below) on your firm for non-execution of supply of life saving drugs.

5.6 Delivery, Shortage & Delay Penalty

5.61. 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.

Now it is very much disappointing that your company has delayed by more than 365 days & even after final show cause did not respond being a pharmaceutical company. Please be noted that your such negligence in terms of supply the essential drugs like Metoprolol Tablet 25 mg & Rampipril Tablet 2.5 mg resulted patient discomfort & increased the out of pocket expenditure of the patient community who 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 **Morepen Laboratories Limited** is hereby debarred from participation in any further tender of NHM, Assam/AMSCS, Assam for the product **Metoprolol Tablet 25 mg & Rampipril Tablet 2.5 mg** for a period of 1 year (from the date of intimation).

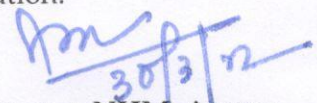
This is for your information.

Yours sincerely,


(Dr. Lakshmanan S, IAS)
Mission Director, NHM, 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. Managing Director, AMSCL, Assam for information.
4. Director Medical Education, Assam for information.
5. Director Health Services, Assam for information.
6. Executive Director, NHM, Assam for information.
7. Principal cum Chief Superintendent/ Superintendent, all Medical Colleges for information.
8. Director Finance, NHM, Assam for information.
9. Procurement Expert, NHM, Assam for information.
10. DSM-NHM, Assam & Manger (Proc. & QC), AMSCL, Assam for information.
11. Jt. Director Health Services, all Districts for information.
12. M.O i.c/DPM/DDSM/, all Medical Colleges/Districts for information.


30/3/22

Mission Director, NHM, Assam