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ৰাষ্ট্ৰীয় স্বাস্থ্য অভিযান, অসম
OFFICE OF THE MISSION DIRECTOR
NATIONAL HEALTH MISSION, ASSAM
Saikia Commercial Complex, Near Post Office Bus-stand
Christianbasti, Guwahati- 5

No: NHM/MCP/2960/2016-17/226

Dated the 18th November, 2016

ORDER

Brief facts:

1. A short Tender Notice was floated for supply of "Mother and Child Protection (MCP) Cards vide No. NHM/MCP/2960/2016-17/6057 dated 12/9/2016 (**Annexure-I**) in light of Special Immunization Drive by NHM, Assam in which the MCP Cards are a vital component.
2. Considering the urgency, in the Short Tender certain specifications were prescribed and strict timelines were indicated.
3. In this Short Tender, M/s Top Printers was selected and supply order was placed and M/s Top Printers signed an Agreement (**Annexure-II**) to comply all tender conditions and timelines.
4. Verification was ordered for checking quality of paper etc under the chairmanship of Director, Finance, NHM vide No. NRHM/MD/Misc/2011-12/518/7938 dated 5th October, 2016 (**Annexure-III**). The Committee started collecting random samples from the store and from the districts.
5. On 01.11.2016, M/s Top Printers (after a gap of 25 days after verification process ordered) intimated that approximately 15% of the MCP cards, they had supplied a different quality of paper i.e. Glossy Paper instead of Mat paper and expressed that ***"this is not so easier to print such a bulk quantity within such a short period"***. He further quoted that, ***he took verbal approval from Shri Rahul Dev Chakrabarty, MIS Manager & In-charge Printing items, NHM, Assam*** to change (violate) the tender conditions (**Annexure-IV**).
6. A Show Cause Notice was issued vide No. NHM/MCP/2960/2016-17/10379 dated 4/11/2016 to M/s Top Printers as to why punitive action should not be taken against them for violation of the tender conditions (**Annexure-V**).
7. M/s Top Printers furnished their reply to Show Cause Notice on 8/11/2016 (**Annexure-VI**).



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8. An opportunity of personal hearing was given to M/s Top Printers on 16/11/2016 vide No. NHM/MCP/2960/2016-17/11148 dated 9/11/2016 (Annexure-VII).

Findings:

1. The reply to the Show Cause Notice furnished by M/s Top Printers and the documents furnished during the personal hearing are examined along with the Tender Conditions, Agreement signed by M/s Top Printers and the report furnished by the Verification Committee.
2. As per the Tender Condition No. 15 (a) "**Specification and Quality**" and "Annexure-V", the successful bidder is supposed to provide the MCP Cards made up of 170 GSM, Art Board, Mat finish paper, but items were reportedly supplied made in Glossy paper. This was agreed by M/s Top Printers themselves which is matching with Verification Committee's report. Though, M/s Top Printers says that he has supplied only 15% of the MCP Cards of different quality of paper, it is a self-made statement.
3. M/s Top Printers stated that the Verification Committee's report was not communicated to them, but one thing is clearly established that M/s Top Printers supplied different quality of papers stealthily and agreed in writing to have supplied such.
4. M/s Top Printers has stated that very little time was provided to fulfill the order - such kind of argument is not tenable. Nothing beyond the tender conditions was imposed upon them. The time limit was clearly known to M/s Top Printers even at the time of submission of bid documents.
5. M/s Top Printers intimated that verbal permission from Shri Rahul Dev Chakraborty, MIS Manager, NHM was taken, which Shri Rahul Dev Chakraborty denied straight (Annexure-VIII). In fact, post-tender and post-agreement, no junior official can allow deviation from any tender condition, that also verbally.
6. M/s Top Printers presented and produced certain papers and documents etc. during the personal hearing related to tax, purchase etc. but these never allow M/s Top Printers to supply different quality of papers.



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7. M/s Top Printers tried to justify that there is no difficulty in writing in Glossy paper and tried to justify his mistake and it appears a mere bluff. Tender authority has the prerogative to choose the quality of paper it wants.
8. As per tender condition No. 15 (a), it is the duty upon him to supply as per the contract provision within time and they clearly agreed that they have supplied 15% of the materials of different quality without any formal approval from the authority, till this point of time. Hence he is liable for action.

The following points of error are evident from M/s Top Printers:-

- i) **Violation of tender conditions** and supplying stealthily quality of different papers and remaining silent till authority started action. The details are discussed above. Hence, such kind of action from any supplier is dangerous for the organization and has to be stemmed.
- ii) **Gaining unfair advantages over the other bidders.** Other bidders might have quoted different rates considering the tight timelines given and also quality of paper prescribed.

M/s Top Printers agreed to the conditions but supplied different quality without any authority and now says that he can supply. Thus, M/s Top Printers gaining unfair advantage in tender process is not ruled out and this kind of practices have to be seriously dealt by the organization.



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Hence, it is ordered that:-

- i) M/s Top Printer's agreement under tender NHM/MCP/2960/2016-17/6057 dated 12/09/2016 shall be terminated henceforth.
- ii) Security deposit shall be forfeited.
- iii) As certain amount of agreed upon quantity as per specifications is apparently supplied and consumed, such amount should be objectively identified and due amount should be paid to M/s Top Printers for the proper quality of supplies made. Director, Finance, NHM will make this assessment.
- iv) M/s Top Printers, under the tender conditions No. 15 (a), is disqualified to participate in any tender process for next five years under National Health Mission, Assam.

(Dr. P. Ashok Babu, IAS)
Mission Director,
NHM, Assam

Memo No: NHM/MCP/2960/2016-17/226 A **Dated the 18th November, 2016**

Copy to:-

1. The PS to Hon'ble Minister, Health & Family Welfare, Assam with a request to bring it to the notice of the Hon'ble Minister.
2. The Commissioner & Secretary to the Govt. of Assam, Health & Family Welfare Department, for favour of kind information.
3. The Executive Director, NHM, Assam
4. The Director, Finance, NHM, Assam for information and necessary action.
5. The Consultant (MH)/Consultant(CH)/Procurement Expert/Manager, MIS/DDSM Head Qtr, NHM Assam for information.
6. M/s Top Printers, Janaki Path, Ganeshguri, Guwahati-781006 for information.

Mission Director
NHM, Assam