



**NOTICE INVITING TENDER**

***Directly from eligible Pharmaceutical Manufacturers/Direct Importers only for Rate Contracting of (i) Mifepristone (200 mg) (ii) Misoprostol (200 microgram & 400 microgram tab) (iii) Anti Haemophilic Factor- Factor VIII (AHF) each vial containing 250 I.U./500 I.U.***

**Background :** Bihar is the third largest populated State in the country having population more than 90 million. The State of Bihar intends to procure good quality drugs along with MTP drugs and AHF for all Govt. Hospitals/Institutions of Bihar having 6 Medical Colleges, 2 Health Institutions, 25 District Hospitals, 23 Sub Divisional Hospitals, 70 Community Health Centre, 76 First Referral Units, 534 Primary Health Centers and 1243 Additional Primary Health Centers. The combined bed strength of these hospitals is around 22000 beds. The State is also taking steps to increase the bed strength of these hospitals. It is expected that the bed strength of the Govt. Hospitals will increase at least two folds of the present strength by 2012 AD. Govt. is providing free medicine to all OPD and Indoor patients of all Govt. Hospitals of the State since 2007. Average more than 50,000 (fifty thousand) patients are turning up per day at OPD. During last three financial years an allocation of Approx. Rs. 200 crores have been made for medicines procurement for Govt. Hospitals, which is likely to increase in the coming years.

**Project Description**

State Health Society Bihar is implementing the National Rural Health Mission (NRHM) to carry out necessary correction in the basic health care delivery system. The Goal of the Mission is to improve the availability of and access to quality health care by people, especially for those residing in rural areas. As part of its overall mandate of ensuring accessibility to good quality healthcare and to meet the overall demand of good quality drugs in the government health institutions, the SHSB is aiming towards rational drug procurement and management, so as to ensure availability of good quality drugs in the Govt. Health Institutions for the patients.

MTP is a key component for reproductive and child health programme. Unsafe abortion is one of the cause of maternal mortality. It is a great challenge to women's health. When continuation of pregnancy is a risk to the life of the pregnant women or it can cause grave injury to her physical and mental health, MTP can help a lot. This has been legalized by Ministry of Health & Family Welfare, Govt. of India under Medical Termination of Pregnancy (MTP) Act (enacted in 1971 and amended in 2002). It is also recommended when there is substantial risk that the child, if born, would be seriously handicapped due to physical or mental abnormalities. Unsafe abortion can be prevented by providing quality of MTP-drug, improved access and quality of services.

Tender bid is invited only **directly** from eligible interested **Pharmaceutical Manufacturers/Direct Importers** for **Rate Contracting of (i) Mifepristone (200 mg) (ii) Misoprostol (200 microgram & 400 microgram tab) (iii) Anti Haemophilic Factor- Factor VIII (AHF) each vial containing 250 I.U./500 I.U.**

**Minimum Eligibility Criteria:-**

Bidders should meet the following criteria to be eligible for bidding.

- Tender bid is invited directly from Pharmaceuticals Manufacturers or Direct Importers only. **Dealers/Sole distributors/C&F agents etc. need not to apply.** Companies which have been **Blacklisted/de-registered by any Govt. and/or by any their agencies are barred from participating in this tender.**
- Bidder must have Minimum three years old Manufacturing License of the products quoted with latest license renewal certificate and product list. Incase of Importer, quoted products should be accompanied by their invoice, statement and import licence showing that the quoted products are being imported and sold in India minimum for last three years. Manufacturing Licence/Import Licence must be valid on the last date of submitting the tender. Import Licence should be issued by competent Drug Licencing Authority/Drug Controller General, India.
- Should have market standing **in India** of minimum **3 years continuously** issued by the concerned **Licensing Authority only** for each product quoted in the tender.
- WHO-GMP/GMP (Good Manufacturing Practice) certificate for the manufacturing unit for two years or more.
- Annual turnover of the company should be of minimum **Rs.25 (twenty five) crores** in each of the last three consecutive Financial Year i.e. 2006-07, 2007-08, 2008-09
- Income tax return report for assessment year i.e. 2007-08, 2008-09, 2009-10

- g) PAN card of the company.
- h) Up to date Non-conviction certificate issued by the concerned Licensing Authority stating that the company or any officer of the company has not been convicted ever before under Drugs and Cosmetics Act, 1940 and Rules 1945
- i) Bidder shall submit an affidavit from First Class Magistrate in his technical bid that “the company has not been blacklisted/de-registered/barred by Govt. of India, by any State Govt. and/or by any other Govt. Organization”.
- j) Sales Tax Registration Certificate.
- k) Large scale manufacturing /production capacity of drug/pharmaceutical issued by concerned Licencing Authority.
- l) Bidders will be required to deposit a demand draft of Rs 50,000 (Fifty Thousand only) as EMD favouring Executive Director, State Health Society, Bihar.

**Note :- Not fulfillment of any of the above eligibility criteria may lead to disqualification of the tender.**

**Submission Requirements :** Interested eligible companies, wishing to bid, may submit their tender in a large envelop marked “**Tender bid for Rate Contracting of (i) Mifepristone (200 mg) (ii) Misoprostol (200 microgram & 400 microgram tab) (iii) Anti Haemophilic Factor- Factor VIII (AHF) each vial containing 250 I.U./500 I.U.**”. This large envelop will contain two separate sealed envelops— one marked as Cover ‘X’ for technical bid and another marked as Cover ‘Y’ for financial bid.

The company fulfilling eligibility criteria is required to submit the following documents in **Cover ‘X’ (Technical Bid) :-**

- a) Minimum three years old Manufacturing License of the product quoted with up to date Licence renewal Certificate and their product list. In case of Importer, quoted products should be accompanied by their invoice, statement and import licence showing that the quoted products is being imported and sold in India minimum for last three years. Manufacturing Licence/Import Licence must be valid on the last date of submitting the tender. Import Licence should be issued by competent Drug Licencing Authority/Drug Controller General, India.
- b) Minimum three years market standing certificate for the Products quoted, issued by the concerned Licensing Authority only. This Market Standing certificate shall be accompanied with the following details in the format prescribed below.

**Format for Market Standing Certificate.**

Slno.	Name of Drug (as per tender only)	Specification (as per tender)	Manufacturing license No.	Batch No. with date showing that drug is being manufactured for more than past 3 years

- c) WHO-GMP/GMP certificate for the manufacturing unit for two years or more, which should be valid on the last date of submitting the tender.
- d) Last three financial years audited annual report showing details of their Annual Turnover, which should not be less than Rs 25 (twenty five) crores in each of the last three consecutive financial years years. (2006-07, 2007-08, 2008-09). **Auditor/ C.A. certificate of turnover will not be accepted.**
- e) Income tax return report for assessment year 2007-08, 2008-09, 2009-10
- f) Copy of PAN card of the company.
- g) Up to date Non-conviction certificate issued by the concerned licensing authority stating that the company or any officer of the company has not been convicted ever before under Drugs and Cosmetics Act, 1940 and Rules, 1945
- h) Bidder shall submit an affidavit from First Class Magistrate that “the company has not been blacklisted/de-registered/barred by Govt. of India, any State Govt. and any/or by any other Govt. Organization”.
- i) Sales Tax Registration Certificate.
- j) Documents mentioning the maximum Batch production Capacity of each section certified by the concerned Licensing Authority
- k) EMD in the form of Demand Draft of Rs 50,000 (Fifty Thousand only) favouring Executive Director, State Health Society, Bihar.

**Note :** Non submission of any of the above documents may lead to disqualification of the bid. All tender documents are to be duly attested by a registered Chartered Accountant bearing his Regn.No.

**Note for the bidders :**

1. Mention the name of drug for which you are bidding and only relevant paper should be attached.

2. Technical bid not accompanied by earnest money or any of the above mentioned documents are liable to be rejected.
3. Loan License will not be acceptable.
4. Documents in languages other than in English must include a translation of all certificates into English in addition to the original untranslated documents and duly attested by a registered Chartered Accountant bearing his Reg.No.
5. In case of import product, manufacturing license of the country of origin, registration and import license of Importers must be attached in the Technical Bid.
6. Bidder shall submit an affidavit from Court/First Class Magistrate in his technical bid that “the company has not been blacklisted/de-registered/barred by Govt. of India, by any State Govt. and/or by any other Govt. Organization”. If at any stage it comes to the notice of SHSB from any sources that company has concealed the actual facts, the SHSB reserves the right to verify it and if it is found that the company has really concealed the facts the Earnest money shall be forfeited and proceedings against the company shall be initiated as per the law.
7. Tender is invited for Generic name of drug only.
8. Quoted price of the product should not in anyway violate the provisions of “Drugs Price Control Order”.
9. Documents such as Power of Attorney, Resolution of Board by which the bidder has been authorized to sign the bid documents. Such authorization letter should be enclosed with the tender and should also have to produced for attending in the meeting of opening of the bid .
10. Unsigned bid is liable to be rejected.
11. Once the drug rate contract has been awarded to a successful bidder, the contract cannot be sub-let to others.

**Cover ‘Y’ (Financial Bid): –**

**Financial bid shall be given strictly in the following format in two copies sealed in two separate envelop marked as “First Copy” and “Second Copy”. The “Second Copy” will be opened and the “First Copy” shall be kept unopened in safe custody for future reference. In case any discrepancy arises, the “First Copy” will govern and shall be taken as final.**

*Format for Financial Bid*

Sl. No.	Name of Drug (as per tender only)	Dosages Form	Specification / strength (as per tendert)	Pack Size	Rate in Rs. per unit i.e. of 1 (one) Tab/cap.etc. inclusive of all taxes	
					<u>In figure</u> (Upto 3 digit after decimal)	<u>In words</u> viz. 0.109 shall be written as “Zero decimal one zero nine”

1. In case of discrepancy in “In figure” price and “In words” price, then “In words” price would prevail.
2. An affidavit has to be given in Cover ‘Y’ (Financial Bid) envelop that the rate quoted in the financial bid is at least 20% less than the MRP. In case the quoted price in the financial bid is not more than 20% less than the MRP, it will not be accepted.
3. DPCO Form-V Price List/ M.R.P. List should be enclosed with the Financial Bid.
4. The bidder firm will have to submit an affidavit from Notary in his financial bid declaring that the rate quoted in their financial bid for AHF/MTP Drug is not higher than the rate contracted/rate quoted in any tender (if any) of the same product (manufactured by own company) in any State/UT or any other Govt. organization
5. In case of non submission of any one of the above, financial bid will not be considered.

Bidders required to clearly indicate each of the submission requirements mentioned in Cover ‘X’ (Technical Bid) and Cover ‘Y’ (Financial Bid) with the relevant page number in their Cover Letter/ application accompanying the technical proposal.

## Tender conditions

- a) The rate contract will be applicable upto two years from the date of award of the contract.
- b) The strips and outer layers shall have the logogram of Govt. of Bihar. The embossing of the logogram should be in the inner layer of the strips in between the space between two horizontal or vertical rows of the tablets or capsules. It should be in running strip. In the case of vials, it should be in the inner inside cap.
- c) The selected Company will be immediately informed about the final award. In case the selected Company declines to take-up the task at the quoted and approved rates, it would be barred from applying for any tender from the State Health Society Bihar. The tender/performance security money of the said firm will also be forfeited.
- d) The each successful bidder will have to furnish a suitable Performance Security **of 5% to 10% of the purchase value of estimated quantity of drugs at the time of awarding the rate contract** for the period of the contract. The minimum Performance Security amount will be Rs 1 Lakh (One Lakh). The proceeds of their Performance Security shall be payable to the SHSB as compensation for supplier's failure to fulfill its obligation under the contract or for making delay in the completion of obligations under the contract.
- e) If the bidder fails to furnish the required performance security within the specified period after the award of the contract or refuses/denies to sign the rate contract, the EMD shall be forfeited and shall also be disqualified/blacklisted/barred for a period of 5 years for participating in any tender of SHSB.
- f) **The first supply shall be ensured within 30 days of the receipt of the first order, thereafter subsequent all supplies shall be made within 15 days of the receipt of the orders. Penalty will be levied for delayed supply (0.5% per day subject to a maximum of 35% of bill amount of delayed supply), which shall be deducted from their bill or Performance Security Money.**
- g) In case, the company found to be habitual defaulter of delay supply or not supplying the full quantity in time , the balance amount of performance security shall be forfeited. No further supply order will be given to them and company shall be barred from applying for any tender from the State Health Society Bihar and to ensure regular and uninterrupted supply of required quantity of the medicine the SHSB may offer for supply of the particular medicine/items to other successful bidder/bidders at L1 rate. Preference of offer will be in order L2 then L3 then L4 and so on, only at L1 rate.
- h) Minimum expiry period of the products should not be less than 1 ½ years from the date on which the store receives the product, provided if the shelf life of the drug is 1 ½ years only, the above condition shall be reduced to 1 year.
- i) Leaked, soiled, broken containers with damaged labels shall not be accounted for the purpose of supply.
- j) The inner label as well as label on the catch cover/carton shall bear conspicuously the words “ BIHAR GOVERNMENT SUPPLY – NOT FOR SALE” which will be bolder than those already printed on the label. The above caption shall run from the lower left hand corner to the top right hand corner of the label.
- k) Samples of drugs of each batch will be taken for testing/analysis by the Drug Inspector from companies Godown-cum Store/District Drug Store/Medical College Hospital Store. For this purpose every selected supplier company and Medical Officer I/c Distt Drug Store will have to inform the concerned Drug Inspector for taking sample. If the product found sub-standard , the every sub standard batch will be taken back by the supplier company at the supplier's cost and the SHSB/Government shall not be responsible for any damage during this period.

- l) If the sample drawn does not pass the test the Drug Inspector will take again the sample of the same batch as per Drugs & Cosmetics Act, 1940 and the Rules, 1945 and shall proceed as per the provisions of the same act and rule.
- m) Company found to be supplying of sub-standard drug shall be blacklisted and barred from applying for any tender from the State Health Society Bihar . No further supply order will be given to them. If any stock of the sub standard batch is still available in the Districts/Medical College Hospitals drug store then it has to be taken back by the concerned supplier/manufacturer and the supplier shall have to refund the full amount for both used and unused stock of drugs of sub standard batch.
- n) The list of L1 bidders will be finalized at the State Health Society Bihar. After being awarded the contract, the awardee will be required to be registered with the Bihar Sales Tax. The Firms will be required to open a **Company's** godown-cum- store at the State Level. **Supply must be made directly by the bidder Company, not through any agency.**
- o) The SHSB would only make a rate contract of the advertised drug. Superintendent, Medical College Hospital/Civil Surgeon-cum-Chief Medical Officer shall purchase the required drug on '**Cash & Carry Mechanism**'. The purchase orders shall be placed to the Company's depot/godown at Patna directly by the Superintendent, Medical College Hospital /Civil Surgeon-cum-Chief Medical Officer of respective district/Head of State level Government Hospitals/Institutions. As soon as the supplier receives the indent he shall have to inform or intimate immediately about schedule of supply to the Superintendent, Medical College Hospital /Civil Surgeon-cum-Chief Medical Officer. The concern company have to give Proforma Invoice within 7 days. After receiving the Performa Invoice the concern District/Hospitals have to receive the drugs within 20 days of supply order. The Districts will come and collect the medicine from the **Company's** godown-cum- store. Bank Draft payable to the company only will be handed over to the Company's godown-cum- store, **only after** drug are supplied in full quantity i.e 100% of the indented quantity for which performa invoice has been raised. Thus the purchase will be based on '**cash and carry**' mechanism, but no advance would be payable.
- p) In case of non-fulfillment of any conditions of the contract may lead to disqualified for a period of 5 years for participating in any tender of SHSB. This shall be put on the SHSB website for general notice.

**Refund of Earnest Money Deposit:**

The EMD submitted by unsuccessful bidders shall be returned to them without any interest whatsoever,, within 30 to 60 days after conclusion of the contract with successful bidder. The EMD submitted by successful bidders shall be returned to them after the successful bidder deposits the performance security according to conditions stipulated in the bid document.

**Refund of Performance Security:**

If the supplier duly performs and completes the contract in all respect, the performance security shall be returned the supplier without any interest, within 30 to 60 days of completion of all such obligations under the contract.

**Jurisdiction of any dispute:**

If any dispute or difference of any kind what so ever shall arises between the purchaser and supplier in connection with or arising out of the contract the parties first shall make every effort to resolve amicably such dispute or difference by way of mutual consultation and/or under "The Arbitration and Conciliation Act 1996" and for the said purpose the Secretary Health/Executive Director, SHSB is the sole arbitrator in the matter. If the parties fail to resolve their dispute or difference by such mutual consultation or under the Arbitration and Conciliation Act 1996 then in that case subject of jurisdiction to the Patna, Bihar .

**Pre-bid meeting of interested bidders** is scheduled on 20.05.2010 at 11:00 AM in Conference Hall, State Health Society Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna-14. Bidders seeking clarification on the bid document shall submit written query/queries (3 days) three days prior to the Pre-bid meeting date. Pre-bid amendments, if any, will be floated on the SHSB website -<http://statehealthsocietybihar.org> under tender information section.

**Deadline for Submission of Bids-**

The technical and financial bids, in separate sealed envelopes may be sent addressed to “**The Executive Director, State Health Society Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna-800 014**”. This must reach the office of the undersigned latest by 3:00 P.M. on or before 04.06.2010 through Registered/Speed Post only. In no circumstances bid will be received directly by hand or courier. Bids received after this deadline, would not be entertained. No any bid will be accepted directly or by hand. SHSB will not be responsible for postal delay. In the event of the specified deadline of submission of bid being declared a holiday, the bid shall be received on the next working day.

**Opening of Bids –**

Technical bid shall be opened at 4:00 P.M. on last date of submission of tender (i.e. 04.06.2010) in the presence of bidders or their authorized representative who desire to be present. Participating authorized representative must bring authority letter with them of company. Without authority letter they will not be allowed to participate at the time of opening of bid. Thereafter, opened bids shall be evaluated by a committee. Financial bid of only those bidders will be opened whose technical bid is found eligible by the Technical Core Committee for Drug Purchase after inspection of the manufacturing premises. If there is any adverse report during site inspection, tender will be technically disqualified. Financial Bid will be opened in the presence of bidders and will be informed later.

**Display of qualified/disqualified bidder on SHSB website:** Bidders should visit SHSB website-<http://statehealthsocietybihar.org> regularly for information regarding status on qualification/disqualification of their bid and for other related information.

The decision of the State Health Society Bihar shall be final, and no enquiries, or application for review, shall be entertained. **The State Health Society Bihar reserves the right to cancel or reject all or any bid/tender without assigning any reason.**

For details, please contact Phone – 0612-2281545, 2290328

**Sanjay Kumar, I.A.S.  
Executive Director**