



SHORT TENDER NOTICE

Directly from eligible Pharmaceutical Manufacturers/Direct Importers only for Rate Contracting of products mentioned in Category-A, Category-B, Category-C and Category-D

Background : Bihar is the third largest populated State in the country having population of more than 90 million. The State of Bihar intends to procure good quality drugs for all Government 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 Government Hospitals will increase at least two fold of the present strength by 2012 AD. Government is providing free medicine to all OPD and Indoor patients of all Government Hospitals of the State since 2007. On an average, more than 50,000 (fifty thousand) patient are turning up daily at OPDs only. During last three financial years, an allocation of approx. Rs. 200 crores have been made by the Government for procurement of medicines for State Government 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 all Government Health Institutions for the patients.

Tender bid is invited for generic drugs/reagents/surgical material **directly** from the eligible interested **Pharmaceutical Manufacturers/Direct Importers** for **'Rate Contracting of products mentioned in Category-A, Category-B, Category-C and Category-D'**. Category wise product list is uploaded on the website of SHSB also which may be seen at <http://statehealthsocietybihar.org> . This tender shall be two stage tender, therefore the bidders are required to submit their technical bid as well as their financial bid separately in separate sealed envelopes along with following documents.

Minimum Eligibility Criteria along with list of documents to be submitted in Cover 'X' (Technical Bid)

Bidders should meet the following criteria to be eligible for bidding for **Category-A, B, C and D, and relevant papers/documents must be submitted by them in their technical bid in support of their eligibility for the tender.**

- Tender bid is invited directly from Pharmaceuticals Manufacturers or Direct Importers only. **Dealers/Sole distributors/C&F agents etc. need not apply.** Companies which have been **Blacklisted by Central Government, Government of Bihar or SHSB or deregistered/debarred by Government of Bihar/SHSB** are barred from participating in this tender. **Their bids will not be considered.**
- Bidders must have Minimum three years old Manufacturing License of the product quoted with latest license renewal certificate and approved product list. In case of importer, the bidder (importer) firm must have minimum three years old valid import license of the quoted product. All quoted products should be accompanied by their invoices, statement and import license showing that the quoted products are being imported and sold in India by the bidder (importer) firm minimum for last three years. Manufacturing License/Import License must be valid on the last date of submitting the tender. The bidders are required to specify the quoted products in their approved product list by highlighting it and mentioning the serial number of the product as mentioned in the tender Drug list.

- c) (i) Bidder of Category- A, B & C products must have **Market Standing in India of minimum 3 years** issued by the concerned **Licensing Authority from Drugs Control Department only** for each & every product quoted in the tender.

Format for Market Standing Certificate of pharmaceutical manufacturer/ direct importer for Category A, B and C products.

| Sl. No. (as per tender drug list) | Name of Drug | Composition/ Specification with Strength | Dosage form | Pack size | Manufacturing license No./ Import license No. and address | Batch No. with date showing that drug is being manufactured / imported for last 3 years |
|-----------------------------------|--------------|------------------------------------------|-------------|-----------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------|
| | | | | | | |

- (ii) Bidder of Category- D products must have **Market Standing in India of minimum 3 years** issued by any Government Authority for each & every product quoted in the tender.

Format for Market Standing Certificate of manufacturer/ direct importer for Category- D products.

| Sl. No. (as per tender drug list) | Name of Drug | Specification with Strength | Manufacturing license No./ Import license No./Industrial license/Registration No. and address | Lot No. with date showing that product is being manufactured / imported for last 3 years |
|-----------------------------------|--------------|-----------------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| | | | | |

Note :- Non submission of Market Standing Certificate in the above format will render the bid disqualified.

- d) WHO-GMP/GMP (Good Manufacturing Practice)/COPP certificate for the manufacturing unit for two years or more for the bidders of category A, B & C products are to be submitted. For Category 'D'- products valid BIS (Bureau of Indian Standard) Certificate or CE Certificate, wherever applicable is to be submitted.
- e) Annual turnover of the **company should be minimum Rs. 25 crores (twenty five crores)** for **Category-A, Rs. 5 crores (five crores)** for **Category-B** and **Rs. 2 crores (two crores)** for **Category C and Category D** in each of the last three consecutive Financial Year 2007-08, 2008-09, 2009-10
Last three financial years Audited Annual Report showing details of their annual turnover should be submitted. **Auditor / C.A. Certificate of turn over will not be accepted.**
- f) Income tax return for assessment year 2008-09, 2009-10, 2010-11
- g) PAN card of the company.
- h) Sales Tax / VAT Registration Certificate and Commercial Tax/Sales Tax/ Trade Tax Annual Return for last 3 consecutive Financial Years 2007-08, 2008-09, 2009-10.
- i) Up to date Non-conviction certificate issued by the concerned Licensing Authority from Drugs Control Department 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 for category A,B & C. For Category 'D'- an affidavit sworn before the First Class Magistrate stating that the company or any officer of the company has not been ever convicted under relevant Act and Rules.
- j) Bidder shall submit an affidavit sworn before First Class Magistrate stating that "the company has not been blacklisted by the Central Government/Government of Bihar and/or by SHSB, and further the company has not been de-registered/ debarred by Government of Bihar and/or by SHSB.

- k) Maximum Batch Production Capacity Certificate (section wise) issued by concerned Licensing Authority from Drugs Control Department for Category-A, B & C products. For Category- D products, this certificate is to be issued by the Industry Department/Inspector of Factory or Production Manager of the firm.
- l) Bidders will be required to deposit a demand draft of Rs.1,50,000/- (One Lakh Fifty Thousand only) for Category- A, Rs. 1,00,000 (One Lakh only) for Category-B, Rs 50,000 (Fifty Thousand only) for Category-C and Rs. 50,000 (Fifty Thousand only) for category-D as EMD favouring Executive Director, State Health Society, Bihar.
- m) Check list along with Proforma 'A', 'B' and 'C' properly filled and signed with seal of the bidder firm on each & every page.
- n) Power of Attorney and Resolution of the Board by which the authorized signatory has been authorized by the bidder firm to sign the documents.

Note :-

- (i) **Non fulfillment of any of the above eligibility criteria may lead to disqualification of the tender.**
- (ii) **Kindly note that all the required documents and papers are to be submitted in the cover of technical bid by stipulated date. In no case or circumstances any opportunity shall be provided to any bidder to submit required documents, after the opening of the technical bid. Non submission of any of the required documents/ papers including the checklist & proforma A, B and C will render the bid disqualified.**

Submission Requirements : Interested eligible companies, wishing to participate in the tender of category-A may submit their bids in a large envelop marked “**Tender bid for Rate Contracting of Drugs-Category – A.** This large envelop will contain two separate sealed envelops—one marked as **Cover ‘X’ for technical bid for Category-A** and another marked as **Cover ‘Y’ for financial bid for Category-A**”. Similarly for **Category-B, bid should be submitted in a separate large envelop marked “Tender bid for Rate Contracting of Drugs-Category –B.** This large envelop will contain two separate sealed envelops—one marked as **Cover ‘X’ for technical bid for Category-B** and another marked as **Cover ‘Y’ for financial bid for Category-B**”. Similarly, for category C & D, bids should be submitted in separate envelops and should be marked as stated above.

NOTE: (for all Category bidders A,B,C & D) :

1. The names of drugs/items along with Sl.No. of the product list for the tender should be mentioned in proforma A and only relevant papers should be attached. The relevant page Numbers must be mentioned on the Check list also.
2. Bidders are required to submit separate bids for each Category. Bids for two or more categories of products found submitted in one envelope shall be rejected.
3. Bidders are required to submit separate EMD for each category.
4. Technical bids not accompanied by earnest money or any of the mentioned documents shall be rejected.
5. Loan License/third party manufactured products are not acceptable. Therefore manufacturers, who are manufacturing their products on loan license basis or on contract (third party) basis need not apply.
6. Documents in languages other than english must include a translation of all certificates into english in addition to the original untranslated documents.
7. All documents submitted with the tender should be duly attested by a Gazetted Officer or a registered Chartered Accountant bearing his Reg.No or a company secretary.
8. In case of imported products, manufacturing license of the country of origin, registration certificate and import license of Importers must be attached in the Technical Bid.
9. Bidders of all categories shall submit an affidavit sworn before the First Class Magistrate in technical bid stating that “the company has not been blacklisted by Central Govt./Government of Bihar and/or by SHSB, and further the company has not been deregistered/debarred by Govt. of Bihar and/or by SHSB”. If at any stage it comes to the notice of SHSB from any sources that company has concealed the 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 deposited by the bidder shall be forfeited. Their tender bid shall be rejected and legal proceedings against the company shall be initiated as per law.

10. Documents such as Power of Attorney, Resolution of Board by which the bidder has authorized the person to sign the bid documents should be enclosed with the tender and should also be produced for attending pre bid meeting and the meeting of opening of the bid . 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 for Category-A/Category-B/ Category-C shall be given strictly in the following format in two copies sealed in two separate envelopes 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 for Category A,B,C

| Sl. No. (as per tender drug list) | Name of Drug | Dosage Form | Composition/ Specification / strength | Pack Size | Rate in Rs. per unit i.e. of 1 (one) tab./cap./amp./vial/ phial/ bottle/tube etc. inclusive of all taxes | | MRP (As per Form-V) |
|--------------------------------------|--------------|-------------|---------------------------------------|-----------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------|
| | | | | | <u>In figure</u> (Up to 2 digits after decimal) | <u>In words</u> viz. 0.19 shall be written as “Zero decimal one nine” | |
| | | | | | | | |

Financial bid for Category-D shall be given strictly in the following format in two copies sealed in two separate envelopes 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 for Category D

| Sl. No. (as per tender item list) | Name of item | Composition/ Specification | Rate in Rs. per unit i.e. of one piece/kg/litre inclusive of all taxes | | MRP |
|--------------------------------------|--------------|----------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------|-----|
| | | | <u>In figure</u> (Up to 2 digits after decimal) | <u>In words</u> viz. 0.19 shall be written as “Zero decimal one nine” | |
| | | | | | |

NOTE:

1. In case of discrepancy in “In figure” price and “In words” price, “In words” price would prevail.
2. For all four categories 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 its MRP and the rate quoted in this financial bid, is not more than the rate quoted in any other Government/organization for supply.
3. Price List in form V as per provision of DPCO for drug item and Price List/ MRP List/Trade Price List for non drug item must be enclosed with the Financial Bid.
4. Quoted price of the drug must not exceed the ceiling price as fixed by NPPA as per the provisions of “Drugs Price Control Order” and an affidavit sworn before First Class Magistrate to this effect must be enclosed with the financial bid.

5. *In case of non submission of any one or all of the above, financial bid will not be considered.*
6. *Rate quoted shall be inclusive of Sales tax, VAT, Excise duty/ Custom duty, freight, insurance and any other taxes .*
7. *Financial bid should be typewritten and every correction and interlineations in the bid should be attested with full signature by the tenderer, failing which the bid will be treated as invalid.*
8. *Each page of the financial bid should be duly signed by the tenderer with their office seal.*

Bidders are required to submit their technical bid (Cover 'X') along with a cover letter / application by the bidder indicating the details of the documents submitted with relevant page number.

Tender conditions

- a) The rate contract will be applicable **up to 31.3.2013** from the date of award of the contract.
- b) Blood products should be supplied with HIV and Hepatitis-B screening certificate.
- c) The strips and outer layers shall have the logo of Government of Bihar. The embossing of the logo should be on the inner layer of the strips between two horizontal or vertical rows of the tablets or capsules. It should be in running strip. In case of bottles and vials the logo should be embossed on their cap .
- d) The cap of the bottle should not bear the name of the manufacturer.
- e) The selected Company will be immediately informed about the final award of the tender in their favour. In case, the selected Company declines to enter into the rate contract or fulfill the required obligations under the rate contract at the quoted and approved rates, the Company shall be barred from participating in any tender floated by the State Health Society Bihar. The tender/performance security money of the said firm shall also be forfeited. Other punitive action may also taken by the SHSB against such companies.
- f) Each successful bidder will have to furnish a suitable Performance Security **of an amount equivalent to 10% of the purchase value of estimated quantity of drugs shown in drug list 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.
- g) If the bidder fails to furnish the required performance security within the specified period of time after the award of the contract or refuses/denies to sign the rate contract, the EMD of such bidders shall be forfeited and the bidder shall be disqualified/blacklisted/barred for a period of 5 years from participating in any tender of SHSB.
- h) **The first supply shall be ensured within 30 days of the receipt of the first order and subsequent 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.**
- i) In case, the company is found to be habitual defaulter of delayed supply or not supplying the full quantity in time, the balance amount of performance security of such companies shall be forfeited. No further supply order shall be given to them and company shall be barred from participating in any tender floated by the State Health Society Bihar. Further, other punitive action, as SHSB thinks fit & proper, may also be taken by the SHSB against such defaulter companies. 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 also at L1 rate. Preference of offer will be in order L2 then L3 then L4 and so on, **only at L1 rate.**

- j) Remaining shelf life (expiry period) of the products should not be less than 75% of the total shelf life of the product on the date on which the store receives the product
- k) Leaked, soiled, broken containers with damaged labels shall not be accepted.
- l) The inner label as well as label on every 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.
- m) 3D multi-coloured self-adhesive hologram approved by the GOB/SHSB should be affixed on the packing of the products.
- n) Samples of drugs of each batch will be taken for testing/analysis by the Drug Inspector from company's Godown-cum Store. For this purpose every selected supplier company shall inform the concerned Drug Inspector in writing for collection of samples from their stores, as soon as the consignment of drugs reaches their godown-cum-store situated at Patna. A sum of 2% of total bill amount, exclusive of sales tax, shall be deducted from the bills of the supplies of the medicine towards testing charges of the drugs.
- o) If the product is found to be Not of Standard quality (NSQ), every sub standard batch will be taken back by the supplier firm at its own cost and the SHSB / Government shall not be responsible for any damage during this period. The payment of the NSQ drugs (used & unused both) will not be made to the supplier firm. If the payment has already been made, the same shall be deducted from the pending bills of the supplier firm or from their performance security. An additional amount equivalent to 10% of the total cost of NSQ drugs shall also be deducted from their performance security to meet the cost of handling of sub standard drugs. In no circumstances request for replacement of sub standard drugs by the supplier shall be entertained.

In case of substandard drugs, If the samples have been tested by empanelled Laboratory, the Drug Inspector shall again take the sample of the same batch and shall send it to Government Laboratory for test & analysis as per Drugs & Cosmetics Act, 1940 and the Rules, 1945 and shall proceed further as per the provisions of the same Act and Rules. Company found to be supplying of sub-standard drugs/items may be blacklisted and barred from applying is any tender floated by the State Health Society Bihar. No further supply order will be given to them and other punitive action as SHSB thinks fit & proper, may also be taken against such companies.

- p) The company shall have to submit copy of test report of each batch of drug supplied along with the sales invoice. In no case, the supply of drugs shall be made without enclosing copy of the test report.
- q) 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. All such companies whose expected purchase value will be more than Rs.20 lakhs per annum, as per the estimation of SHSB based on last year's consumption value, will be required to open their own godown-cum- store in State capital Patna.
- r) The first supply shall be ensured within 30 days of the receipt of the first order, thereafter subsequent supplies shall be made within 15 days of the receipt of the orders.
- s) The SHSB would only make a rate contract of the drugs/items as per the advertised drugs/item list. Superintendent, Medical College Hospital/Civil Surgeon-cum-Chief Medical Officer shall purchase the required drugs/items 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, they will have to inform or intimate

immediately about schedule of supply to the concerned Superintendent, Medical College Hospital /Civil Surgeon-cum-Chief Medical Officer. The concerned company is required to issue Proforma Invoice to the purchaser positively within 7 days of the receipt of the purchase order. After receiving the Proforma Invoice the concerned Superintendent, Medical College Hospital /Civil Surgeon-cum-Chief Medical Office shall receive the drugs within 20 days of supply order after making full payment. The authorized person will come and collect the medicines/items from the **Company's** godown-cum-store. **Bank Draft payable to the company will be handed over** to the Company's godown-cum-store, **after** drugs are supplied in full quantity i.e 100% of the indented quantity for which proforma invoice has been raised. Thus the purchase will be based on '**cash and carry**' mechanism. In no case any advance payment shall be made to any of the supplier.

- t) Non-fulfillment of any of conditions of the contract may lead to disqualification of the firm for a period of 5 years from participating in any tender of SHSB. This shall be put on the SHSB website for general notice also.
- u) The tenderer shall give an undertaking that all the statements made and submitted by him are true to the best of his knowledge and any information subsequently found incorrect or false will mean automatic cancellation of the tender and tenderer will be liable for penal action as will be deemed fit by the SHSB.
- v) Failure to comply with the above condition or furnishing of any incorrect or incomplete information will make the tender liable for rejection.
- w) For category-C and D, 5 (five) pairs of rate quoted disposable/consumable items in each quoted size to be submitted in separate packet marked as "Samples of Disposable/Consumable items".

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 the date of finalization of the contract with successful bidder. The EMD submitted by successful bidders shall also be returned to them after the deposition of the performance security amount according to conditions stipulated in the bid document.

Refund of Performance Security:

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

Jurisdiction of any dispute:

If any dispute or difference of any kind what so ever arises between the purchaser and supplier in connection with the contract or arises out of the contract, the parties shall first 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 Development Commissioner –cum- Chairman, SHSB shall be 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, the case shall be subject to the jurisdiction of Patna (Bihar) only .

Deadline for Submission of Bids-

The technical and financial bids, in separate sealed envelopes may be sent, to "**The Executive Director, State Health Society Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna-800 014**". The bids must reach the office of the undersigned latest by **3:00 P.M. on or before 30.9.2011** through Registered/Speed Post. Bids received after deadline, would not be entertained and considered as a valid tender bid. **No bid will be accepted directly or by hand or courier.** 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 PM on last date of submission of tender (i.e. 30.9.2011)** in the presence of bidders or their authorized representatives who desire to be present. Participating authorized representatives must bring proper authority letter of the company and identity proof with them. Without authority letter from the company, the representative will not be allowed to participate in the meeting. After opening of the bids, all opened technical bids shall be evaluated by a committee on technical grounds. Financial bid of only those bidders will be opened, whose technical bids are found eligible by the Technical Core Committee for Drug Purchase after site inspection and physical verification of the manufacturing premises. If anything adverse is reported by the inspection team after the site inspection and physical verification of the manufactory unit their, tender will be technically disqualified. Financial Bid will be opened in the presence of bidders or their authorized representatives. The date of opening of financial bid will be informed to the Technically Qualified bidders.

As soon as the Bihar Medical Services and Infrastructure Corporation Ltd. becomes fully functional, the tendering process shall be transferred to the Corporation.

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 amend any of the conditions, if required or 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
-cum-
Secretary, Health**