

File No- BMSIC/40010/126-2023/ 8130

Date:- 01/01/2024

Order

M/s Kras Pharmaceuticals Pvt. Ltd. having its Head Office at C-15, Phase-II, Industrial Area, Fatwah-803201 Patna, Bihar, has participated in Tender No- BMSIC/DRUGS/22-02 and was awarded the rate contract for the quoted drug Amoxycillin dry Syrup 125 mg/5ml 30ml.

Subsequently, the firm M/s Kras Pharmaceuticals Pvt. Ltd was issued Purchase Order for 750000 units of Amoxycillin dry Syrup 125 mg/5ml 30ml, vide Letter No. BMSIC/40025/39-2022/9507 dated 25.02.2023. The firm did not supply the ordered quantity within stipulated time of 60 days.

In view of the above, BMSICL issued show cause to the firm vide mail dated 20.06.2023. The firm has replied that "The delay is happened in supply of Amoxycillin dry syrup 125mg/5ml bottle due to unavailability of Raw material and steep hike in raw material. Even the availability of raw material is not as reachable as before, though we are in process of procuring the raw material in huge loss just for the sake of needy of Bihar". Till today the firm has not been supplied the said Purchase Order and the reply by the firm was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document.

Subsequently, final show cause notice was issued to the firm vide letter no. 7508 dated 04.12.2023, against which firm has replied that "we have supplied in the month of Sept, but unfortunately, they all have been damaged in heavy rain while transportation. Again, we have to go for reprocess it and it makes the supply delay".

As the said purchase order was issued on 25.02.2023 and non supply of this essential drug adversely affecting the objectives of BMSICL i.e. Free Drugs supply to every patients at all Government Health Facilities in the State of Bihar and your reply of this show cause was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document.

Clause 27(C) of the Standard Bidding Document States that, "BLACKLISTING FOR NON-SUPPLY/ PART SUPPLY/DELAYED SUPPLY/NON-FULFILLMENT OF CONTRACT OBLIGATION: -

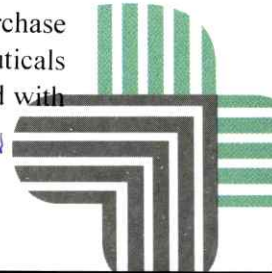
Notwithstanding various actions and penalties for non-supply and/or delayed supply of the drugs and medicines as stipulated in the terms and conditions of the tender, the BMSICL, shall take action against the supplier as follows:

(i) In case, the supplier 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 company shall be forfeited. No further supply order shall be given to them and company shall be barred from participating in any tender floated by BMSICL, further other punitive action such as blacklisting of the firm for a minimum period of 2 years from the date of intimation for blacklisting/debarring.

(ii) Purchase orders, if any, already issued before taking any blacklisting action or orders given in past will not be affected in view of action taken as per above guidelines but all strict quality checks shall be observed for each supply of products.


The blacklisting of particular product or company/firm will be done without prejudice to other penalties which may be imposed as per the conditions of Tender documents and also to other actions which may be initiated under Drugs and Cosmetics Act, 1940 or any other law of Land. BMSICL will display names of such blacklisted product(S) and company/firm on its website for general notice."

Hence, in view of the provisions in Standard Bidding Document, the non executed Purchase Order No. BMSIC/40025/39-2022/9507 dated 25.02.2023 issued to the firm M/s Kras Pharmaceuticals Pvt. Ltd., C-15, Phase-II, Industrial Area, Fatwah-803201 Patna, Bihar, is hereby stand cancelled with



immediate effect apart from forfeiture of security deposit submitted for Amoxicillin dry Syrup 125 mg/5ml 30ml.


Memo No. 8130


(Managing Director)

Date:- 01/01/2024

Copy to: The Managing Director, M/s Kras Pharmaceuticals Pvt. Ltd. For information and needful action.


Memo No. 8130


(Managing Director)

Date:- 01/01/2024

Copy to:

1. The Additional Chief secretary, Department of Health, Govt. of Bihar for kind Information please.
2. Executive Director, State Health Society, Bihar for kind Information please.
3. The CGM (Supply Chain), General Manager (Logistics), General Manager (Finance), BMSICL for information and necessary action. GM (Logistics) is requested to ensure publication of this order on the official website of BMSICL and Notice Board as well.
4. MD, All Medical Corporations and Procurement Agencies all over India for Information and necessary action please.
5. CEO, Government e-Marketplace for information and necessary action please.
6. All Civil Surgeons, Bihar and Superintendents of all Govt. medical colleges and hospitals of Bihar for information and necessary action.


(Managing Director)

