

File No- BMSIC/40010/125-2023/10132

Date:- 22/02/2024

Order

M/s Goldwin Medicare Ltd. having its Head Office at 2, Doctor House, 2nd Floor, 124 Perin Nariman Street, Fort, Mumbai-400001, Maharashtra has participated in Tender No- BMSIC/MEDICAL DEVICES/CONSUMABLES/20-02 and was awarded the rate contract for the quoted products:-

- 1) Dressing Gauze (Sterile) [S0253]
- 2) Bandage - As per the specification mentioned in sch. F (11) of D C rule 1945 5cm*5mt [S0021]
- 3) Bandage Cloth (20metre x 90cm) [S0256]

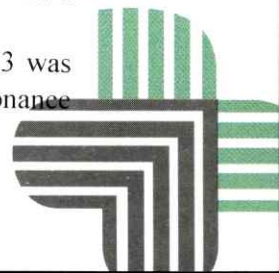
Subsequently, the firm M/s Goldwin Medicare Ltd. was issued Purchase Order vide Letter No. BMSIC/40025/166-2021/1401 dated 26.05.2023 for 460000 Pieces of Dressing Gauze (Sterile), 56000 Pieces of Bandage (5cm*5mt) & 4000 Pieces of Bandage Cloth (20metre x 90cm). The firm did not supply the ordered quantity within stipulated time of 60 days.

In view of the above, BMSICL issued show cause to the firm vide mail dated 09.08.2023. The firm has replied that "Your Office has issued Purchase order No. BMSIC/40025/166-2021/9585 dated 27.02.2023 for Rs 2,76,24,500/- which may lead to closure of our factory and render 350 persons jobless as company has no money with funds being blocked against supplies, have to pay 100% advance to yarn raw material mills for which there are no funds, increase in all other raw material, labour, power and overheads". Till today the firm has not 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, Second Show cause issued to the firm vide mail dated 29.11.2023. The firm has replied that "In this connection, we draw your attention to our letters bearing reference No.GML/SALES /80541 /21-23 dated 26.02.2022, No.GML/SALES/80655/22-23 dated 08.04.2022 No.GML/877/23-24 dated 24th April 2023 and No.GML/986/23-24 dated 20th May 2023 wherein we had appraised you of the raw material situation that prevailed Post Covid-19 and the difficulties encountered by us in executing the orders issued against the earlier orders placed by and therefore, we had requested your Office to not place further orders and give the same to L2 & L3. Press Release of Cotton Association of India was also enclosed with our representation of 20th May 2023 which was self-explanatory in support thereof. We request you to kindly go through the said submissions and evidence provided by us and to avoid any action on humanitarian grounds as it was a situation beyond our control. The reply by the firm was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document.

Accordingly, final show cause notice was issued to the firm vide letter no. 7577 dated 07.12.2023, against which firm has replied that "we wish to draw your attention to our letters bearing reference nos. GML/SALES/80541/21-23 dated 26/02/2022, GML/SALES/80655/22-23 dated 08/04/2022, GML/877/23-24 dated 24/04/2023 and GML/986/23-24 dated 20/05/2023 wherein we had appraised you of the raw material situation that prevailed post Covid - 19 and the difficulties encountered by us in executing the orders issued against the earlier orders placed and therefore, requested your Office to not place further orders and give the same to L2 and L3. Press Release of Cotton Association of India was also enclosed with our representation of 20/05/2023 which was self-explanatory thereof. As such, the supplies under the contract had become impossible to perform, the above communication was made for your kind and sympathetic consideration. However, given the grim situation mentioned above and with great difficulties we supplied 60000 Pcs of Dressing Gauze (Sterile) vide order no. BMSIC/40025/166-2021/9585 bearing invoice no. U1/23-24/0258 and U1/23-24/0259 dated: 26/06/2023 against Purchase order no. BMSIC/40025/166-2021/9585 dated 27/02/2023 via TCI Express."

The non executed Purchase Order No. BMSIC/40025/166-2021/9585 dated 27.02.2023 was previously cancelled vide order no. BMSIC/40010/125-2023/8358 dated 09.01.2024 and consonance



CIN No. : U85100BR2010SGC015886

to this, the purchase order issued on 26.05.2023 comes under the purview of non supply and non supply of this essential product adversely affecting the objectives of BMSICL i.e. Free Product 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/40025/166-2021/1401 dated 26.05.2023 issued to the firm M/s Goldwin Medicare Ltd. is hereby stand cancelled with immediate effect apart from forfeiture of security deposit submitted for the items namely Dressing Gauze (Sterile), Bandage (5cm*5mt) & Bandage Cloth (20metre x 90cm).


The proposal and the draft have been approved by the Managing Director, BMSICL.

Memo No. 10132


21.2.24
CGM (Supply Chain)
Date:- 22/02/2024

Copy to: The Managing Director, M/s Goldwin Medicare Ltd. For information and needful action.

Memo No. 10132


21.2.24
CGM (Supply Chain)
Date:- 22/02/2024

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.

