

Minutes of Meeting of Technical Evaluation Committee for Tender No. BMSIC/2022-23/ME-292, held on 16th November 2022 at Conference hall of BMSICL Patna.

1. Attendance - As per the attendance register
2. Tender for Supply, Installation & Commissioning of Medical Equipment on Turn-key Basis for Government Dental College & Hospital, Rahui in Nalanda of Bihar was floated vide Tender No.-BMSICL/2022-23/ME-292. In the TEC meeting held on 04/11/2022 based on the examination of the post clarification documents with the help of SRU/TE, the status of bids was declared as following:-

Sl. No	Name of Bidders	Status
1	M/s Boston Ivy Healthcare Solutions Pvt. Ltd.	Technically Qualified
2	M/s Genuine Medica Pvt. Ltd.	Technically Disqualified
3	M/s POCT Services	Technically Disqualified
4	M/s Sysmed Exim Pvt. Ltd.	Technically Qualified

3. In the said meeting it was recommended unanimously to open the financial bids of the technically qualified bidders. The evaluation sheets along with minutes of meeting held on 04/11/2022 was uploaded on the website of BMSICL on 08/11/2022. Against which the firms M/s POCT Services, M/s Genuine Medical Pvt. Ltd. & M/s Boston Ivy Healthcare Solutions Pvt. Ltd. submitted their representation through e-mail on the following points. The point wise representations were examined further with the help of SRU/TE in the TEC meeting held on 11/11/2022 and findings were recorded as following:-

Sl. NO.	Name of Firm	Representation by the Firm	Findings	Remarks
1.	M/s POCT Services	<p>This is in reference to aforesaid Tender wherein our Bid has been disqualified by the Technical Evaluation Committee. We like to highlight unprofessional and unethical steps adopted by the Technical Evaluation Committee during the evaluation of Tender Bid documents. We have submitted our bids including all the requisite documents as per the requirement Tender No. BMSIC/2022-23/ME-292 dated: 19.08.2022, Further, a clarification was sought from us vide letter No. BMSIC/45025/64-2022/6241 dated: 28.10.2022, wherein 03 Nos queries was raised and we have submitted all the clarifications and documents as required in the Query on 04.11.2022. However, to our utter shock and dismay, we have been informed that against the Query No. 02, wherein it was stated that Technical Deviation Compliance was not submitted by us. We like to apprise your</p>	<p>The bidder has failed to submit valid quality certificate for following items:-</p> <p>a. Dental chair and pre-heating furnace of Annexure 1.</p> <p>b. Radiant warmer, Digital Audiometer, Slit Lamp, A-Scan, Applanation Tonometer, Operating Table Orthopaedic ,LED OT light Single dome , OT light Double dome, Diathermy , Defibrillator (with AED),ICU bed ,</p>	<p>Regarding the Quality certificate submitted for the Dental Chair of Confident dental equipment Pvt. Ltd., as quoted by Ms Sysmed Exim Pvt Ltd, the same may be verified through NABCB. However even after considering other points of representation the firm's (M/s POCT Services) technical qualification status (Disqualified) shall remain unchanged.</p>

		<p>kindself that we have submitted Technical Deviation Compliance of all the equipment/items with the Bid where the specification of equipment/items was mentioned in the Bid document/Corrigendum, however, Technical Deviation Compliance was not submitted for only those Equipment/items whose specifications were not mentioned in either Bid document or Corrigendum, although, we have submitted all the Catalogue and quality certification of these items. It is quite shocking that the Technical Evaluation Committee has rejected our bid without taking into consideration that it is impossible to submit Technical Deviation Compliance for those items whose specification have never been asked by the Tendering authority and bid rejection on such grounds is completely unjustified and unethical. In addition, under the Query No. 03, we have been technically disqualified for the reason that our submitted ISO 13485-2016 for quoted product "Dental Chair" in Annexure-I is not from NABCB approved CBs, in this regard we like to apprise your kind self that in the Corrigendum-II, it has been clearly mentioned that Quality standards certification for the Model quoted should be either USFDA or European CE from notified body or BIS from CDSCO approved CBs or ISO 13485 from NABCB approved CBs. However, during self-examination of other bidders especially M/s Sysmed Exim Pvt. Ltd., it came to our notice that M/s Sysmed had also not submitted ISO 13485-2016 from NABCB approved CBs but still was technically qualified by the Technically Evaluation committee. The ISO 13485-2016 by M/s Sysmed is issued by the LMS Certification Pvt. Ltd. which is Lucknow, Uttar Pradesh based certification body accredited from Korean Accreditation Board (KAB) being the</p>	<p>BIPAP of Annexure 2.</p>	
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		<p>member of the International Accreditation Forum (IAF), however, the fact that the accreditation body being member of IAF does not justify that it is also approved certification body of National accreditation Board for Certification Bodies (NABCB). We also enclosing the guidance documents from NABCB which clearly states that a certified member from NABCB should have unique accreditation number granted to them along with a requirement that the Certificate issued from such body should also carry the combined logo of NABCB and IAF. Further, we are also enclosing list of Certified NABCB members where it is apparently clear that the name of LMS Certification is nowhere in the list, which proves that the LMS Certification is not a NABCB certified body. (Copy of List of Certification Bodies –QMS is attached for your reference). While for other products, quoted by M/s Sysmed which requires European CE certification, the Technical Evaluation committee has accepted ISO 13485-2016 certificate from a non-notified body. Here, we would like to inform that as per European Union Medical Directive, CE certification is mandatory from Notified body only for kits and equipment(s) falling under Annexure-II of directive. Furthermore for all other device manufacturers or his authorized representative, it is mandatory to undergo an ISO13485 certification from a Notified Body under which their manufacturing, testing facilities and their equipment documents will be verified. If any manufacturer or his authorized representative have a valid ISO13485 quality certificate issued in its name, then they are legalized to issue a Declaration of Conformity which is treated as European CE certification. Any Non-Notified Body CE certificate or a Declaration of Conformity without a valid ISO 13485 certificate from a Notified Body is not a European CE.</p>		
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2	M/s Genuine Medica Pvt. Ltd.	<p>After going through your minutes of the meeting held on 04/11/2022 as stated and uploaded toady on the BMSICL website, we observed after seeing the report that the evaluation is done in a haphazard manner and in haste as it has a lot of mistakes. This is the first evaluation report we have seen being done by BMSICL which contradicts BMSICL's own tender requirements. That means the disqualification or qualification done is totally against the tender norms and illegal and due to this , the price bid opening needs to be stopped immediately.</p> <p>We, M/s Genuine Medica have submitted all the quality certificates asked in the tender either in the bid or in reply mail of clarification dated 01-11-2022 against the BMSICL extension letter of clarification dated 28-10-2022 for submission of queries up to 1st November 2022. We can see in the evaluation report that many of our replies were deliberately not considered although the replies are perfectly ok and as per tender</p>	<p>The bidder has failed to submit valid quality certificate for following items:-</p> <p>a) ILR , ILR With Stabilizer</p> <p>b) Head Light (cold light) as well as for the following items:-</p> <p>i) Operating Microscope</p> <p>ii) Semi Auto Analyzer</p> <p>iii) Sell Counter 3 part</p>	<p>The firm's claim of collusive bidding by M/s M/s Sysmed Exim Pvt. Ltd. and M/s Boston Ivy Healthcare Solutions Pvt. Ltd. was found without substance in terms of equipment quoted in Annexure –II and regarding the similarity of quoted equipment in Annexure-I, the bidders may be asked to explain. However even after considering other points of representation the firm's (M/s Genuine Medica</p>

		<p>requirements and cannot be disqualified on those points.</p> <p>If called upon we can come and clarify the same on our submitted bid and clarification letter. The two bidders M/s Sysmed and M/s Boston have submitted their bid in collusion by quoting almost all product make and models in most of the products and in a few products just changed the make and model from option-1 to option-2. but they are qualified although most of the product's quality certificates are missing, wrong certificates submitted, or are not available. The same has been overlooked by BMSICL. Besides this as per the evolution report, BMSICL has done an act of favor to these two companies by adding the quality certification these</p> <p>Companies have submitted but BMSICL tender specification has not been asked for. In the evolution report of M/s Genuine and M/s POCT, the quality certificates mentioned being asked by BMSCIL are different, and in the evolution report of M/s Sysmed and M/s Boston are different. It looks like this has been done deliberately to qualify these two companies for reasons unknown to us. With this act, BMSICL's credibility will be at stake, hence. Immediately re-evolution is a must to rectify it before the price bid opening. Technical evolution does not mean only the quality certificates but the product specification also needs to be checked properly in the catalogue or datasheet with make and model even if the demonstration is not called.</p> <p>M/s Sysmed and M/s Boston do not match the specification of many products including a few major products. Besides this, these two companies are qualified which is beyond our imaginations and tender norms. For this much big tender which is a turnkey tender, all bidders should be called and given the opportunity to clarify their stand on objections before declaring responsive and non-responsive bidders, or 3 days time should have been given to the bidders who are not responsive to clarify in physical presence failing which only they should have been disqualified which BMSICL has not given instead price</p>	<p>Pvt. Ltd) technical qualification status (Disqualified) shall remain unchanged as the request to ignore the non-submission of valid quality certificates for certain equipment cannot be accepted.</p>
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		<p>bid opening to be done has been declared in the web site through incorrect evaluation report.</p> <p>We are hereby attaching you the detailed reasons point wise and product wise, why our bid should not have been disqualified with the remarks in the tender checklist summary made by BMSICL</p> <p>“Quality certificate Not Submitted details attached in Annexure-1 (15 Nos) & Annexure-2-(2)”. The same was also discussed in a face to face meeting with the BMSICL officials with our representatives on 10.11.2022 after getting the opportunity from BMSICL. In the meeting one more point was raised regarding “Head Light (cold light)” of Annexure-2 although not given in disqualification list. We gave clarification for that also and the same is attached.</p> <p>Please refer to our meeting on 10.11.2022 at BMSICL, Patna where we clarified each and every point of disqualification and the same was accepted by BMSICL also except for Annexure-2 two items both are ILRs where we submitted the European EC certificate of M/s Blue Star although BMSICL officials promised to consider it.</p> <p>The same could not be submitted on 1 st of November clarification due to the reason that the clarification was asked in the middle of Diwali Festival and Chhath Puja holidays when the Blue Star officials were on leave because of which the delay happened. This certificate is a past history document which could not have been changed and hence any tendering organization allows to accept this even after. As such this is a common equipment to be purchased from the market hence anyone can check it online on the website.</p> <p>BMSICL tender documents Clause No. 26. PRELIMINARY EVALUATION “26.5</p> <p>The Purchaser may waive any minor infirmity or non-conformity or irregularity in a bid which doesn’t constitute a material</p>		
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		<p>deviation, provided such waiver doesn't prejudice or affect the relative ranking of any bidder." Allows to consider this, hence, we are sure BMSICL will be fair to consider this and qualify our firm for the financial bid opening. As such we have not raised any query on other three bidders documents, product specification and quality certificates as their submitted documents are not visible to us in the online tender portal. However, we are aware of the correctness of the specification match or mismatch and quality certificates of many products quoted by these bidders and we are sure BMSICL themselves will look into This matter and will do fair evaluation once again. As such so called qualified bidders M/s Sysmed and M/s Boston has tried to fool the BMSICL department by quoting same make and model of almost 95% of the product in Dental equipment and 70% in 100 bedded hospital equipment thinking that no one can notice it, however, we are sure BMSICL will not allow to happen this that the same two bidders quoting same equipment is only qualified bidders and other bidder who matches all is not qualified. We have full faith and confidence on BMSICL's decision after November 10 th, 2022 meeting. We are sure BMSICL will give due consideration to the above and make the tender fair and transparent and then only open the price bid.</p>		
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3	M/s Boston Ivy Healthcare Solutions Pvt. Ltd.	<p>The Minutes of Meeting of Technical Evaluation Committee for the captioned tender was published on the official website of BMSICL. We have gone through the technical evaluation sheet of all the bidders. We wish to bring your kind attention towards the technical evaluation sheet of the bidder M/s Genuine Medica Pvt Ltd. Certain quality certification submitted by the bidder has been inadvertently overlooked and accepted by the technical committee but the same needs to be reverified as the same is not as per the requirements of the tender. The details of the same areas under:</p> <p>Deep Freezer (-20C) with Stabilizer:- The certification pertains to the blood bank refrigeration range and only models for blood bank refrigerators are mentioned in the certification of the OEM Authentic. The certification is not valid for deep freezer as there is no mention of the product deep freezer or the model no. as quoted by the bidder. Hence, the certification cannot be accepted by the technical committee.</p> <p>2. Head Light (cold light) The bidder has submitted the certification from a non-notified body. Hence, the certification cannot be accepted by the technical committee.</p> <p>3. Operating Microscope The certificate submitted by the bidder for this equipment is from a non-notified body. The technical committee has inadvertently considered the certification of A-scan for this product of OEM Appasamy. The certificate for this product by a non-notified body is attached herewith for your kind perusal. Hence, the certification cannot be accepted by the technical committee.</p> <p>4. Semi auto analyzer – The manufacturer Meril do not have a CE certificate from a notified body. Inadvertently ISO certification from TUV has been considered in place of CE certification. The CE certification from a</p>	<p>1. Deep Freezer-20 Degree C with stabilizer: Bidder M/S Genuine Medica has submitted Offered model (DF-300 & DF-500) of equipment quality certificate (Issued by Notified body 1354) which is valid.</p> <p>2. Head light (Cold Light) -): Bidder has submitted Non Notified Body Issued CE Certificate Hence not complying to the tender conditions</p> <p>3. Operating Microscope-- Bidder has submitted Non Notified Body Issued CE Certificate.</p> <p>4. Semi Auto Analyzer: Bidder has submitted QM System ISO 13485 in place of ECCE/USFDA hence not complying to the tender conditions</p>	As mentioned above
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		<p>non-notified body for this manufacturer is attached herewith for your kind perusal. Hence, the certification cannot be accepted by the technical committee.</p> <p>5. Cell Counter Electronic* (CBC) (3-part) :-</p> <p>The manufacturer Meril do not have a CE certificate from a notified body. Inadvertently ISO certification from TUV has been considered in place of CE Certification. The CE certification from a non-notified body for this manufacturer is attached herewith for your kind perusal. Hence, the certification cannot be accepted by the technical Committee.</p>	<p>5. Cell Counter 3 part- Bidder has submitted QM System ISO 13485 in place of European CE/USFDA</p>	
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4. The minutes of TEC meeting held on 11/11/2022 was uploaded on the website of BMSICL on 14/11/2022, against which no any representation was received from any of the concerned firms.
5. Regarding verification of Quality standards certificate for Dental Equipment submitted by the firm M/s Sysmed Exim Pvt. Ltd., request was sent email was sent to NABCB vide BMSICL letter no-6537 dt-11/11/2022, against which NABCB has confirmed that the Quality standards certificate for Dental Equipment of the firm M/s Confident Dental Equipments Pvt. Ltd. is valid and active as on the website of LMS Certification Pvt. Ltd. which is accredited under ISO 13485:2016 by Korea Accreditation Board (KAB) Republic of Korea.
6. Regarding the allegation of collusive bids of the firm namely M/s Sysmed Exim Pvt. Ltd. & M/s Boston Ivy Healthcare Solutions Pvt. Ltd. clarification was sought through email dated 14/11/2022 from both firm against which the firms submitted the clarification as following:-

Clarification given by the firm M/s Sysmed Exim Pvt. Ltd:-

“We are in receipt of your email dated 14-11-2022 wherein we have been asked to provide the clarification against the representation given by the firm M/s Genuine Medica Pvt. Ltd regarding some allegations of collusive bids. We have gone through the contents of the representations moved by M/s Genuine Medica Pvt Ltd. On the onset, we wish to submit that the said representations are blatantly misleading and filled with false and baseless allegations. We confirm that there is no relation of our company with the bidder M/s Boston Ivy Healthcare Solutions Pvt Ltd in any manner. We wish to clarify, that in 100 bedded general equipment list of requirements,

the quoted products are 100% different in both the bids. However, if there is any match of quoted products by the bidders, it might be possible that there are limited products in the market which matches the technical specifications and bidders have no option left other than to quote the same product. Even so, for this reason only, there is a clause in the tender for submitting the manufacturer's authorization at the time of supply, as during submission of tender it might not be possible for the manufacturers to issue authorization letters to all the bidders at the same time.

Furthermore, in the bid for dental equipment list, we had approached Confident Dental Equipments Pvt. Ltd for quoting their products in the tender.

We had done extensive market research and only Confident Dental Equipments Pvt. Ltd was in a position to offer the complete range of products along with the certifications as asked in tender. Since, there is no need of authorization letter at the time of submission of bid, it is prerogative of the manufacturer to offer its products to any bidder. We have no knowledge whatsoever, if the manufacturer Confident Dental Equipments Pvt Ltd has offered its range of products to any other bidder or not. It is evident that the bidder M/s Genuine Medica Pvt Ltd is making a desperate attempt to sabotage the tendering process as they could not submit the required certification and other documents for qualification of their bid and; under the garb of such frivolous representations, they are trying to blackmail the department and other bidders. Giving any weightage to such malicious representations will delay the tendering process and would not serve any meaningful purpose. We reiterate that we do not have any kind of relationship with the bidder M/s Boston Ivy Healthcare Solutions Pvt Ltd and we have submitted our bid in accordance with the terms and conditions of the tender document. We hope that your high office will not succumb to such baseless and malicious representations of any bidder and maintain a healthy atmosphere in order to work with best of the services of the bidders for development of the state of Bihar and in larger interest of general public.”

Clarification given by the firm M/s Boston Ivy Healthcare Solutions Pvt. Ltd:-

“We wish to introduce ourselves as a healthcare company based out of Mumbai. We are dealing in extensive supply and installation of medical equipment as well as other healthcare products all across the country. We are currently having a turnover of more than 600 crores and enjoy a very high reputation in this field including many esteemed organisations/govt. departments/hospitals in the country. This is in reference to the email received by us yesterday i.e., on 14th November, 2022 regarding complaint made against us for collusive bidding with one of the bidders namely M/s Sysmedn Exim Private Limited. It has come to us as a matter of great surprise that these kinds of complaints are being made by the bidders without any cogent proof. Our company has a well established compliance team and it is made sure that no unfair means are adopted by any employee or any department of the company in order to achieve any business goals. Moreover, we do not have any link or connection with the bidder M/s Sysmed Exim Private Limited. We have our head office at Mumbai and the company Sysmed Exim Pvt Ltd is located somewhere in Chandigarh. The company is not even carrying on any day-to-day business in that region of the country. We are not able to understand that how a connection between our company and M/s Sysmed Exim Private Limited is being made out by any random bidder on the basis of assumptions and presumptions. Furthermore, all the products quoted by us are different from the bidder M/s Sysmed Exim Private Limited. Only in case of dental tender equipment the similarity has been seen and it is probable that both the bidders have approached the same manufacturer as the products asked in the tender are of such nature. We are also getting it clarified from the OEM.

We request you to take stringent action on the said bidder M/s Genuine Medica Private Limited who is trying to tarnish the image of other bidders by making false representation and obstructing the govt. procurement process.”

7. From the perusal of the NABCB report and the replies of the technically qualified firms viz. M/s Sysmed Exim Pvt. Ltd and M/s Boston Ivy Healthcare Solutions Pvt. Ltd. the allegations were found without substance.
8. It was therefore decided unanimously to go with the decision taken in the TEC meeting held on 04/11/2022 for opening of financial bids of the following technically qualified firm:-

Sl. No	Name	Name of Technically Qualified Bidders
1	Tender for Supply, Installation & Commissioning of Medical Equipment on Turn-key Basis for Government Dental College & Hospital, Rahui in Nalanda of Bihar	M/s Boston Ivy Healthcare Solutions Pvt. Ltd.
		M/s Sysmed Exim Pvt. Ltd..

9. The meeting thus concluded with a vote of thanks

Sd/-
(Sh. Navindra Kumar)
DGM (Equipment)

Sd/-
(Sh. Ramendra Kumar)
OSD, (D&E)
BMSICL

Sd/-
(Sh. Kamal Nayan)
AO Cum I/C Procurement,
SHSB

Sd/-
(Sh. Sudhir Kumar)
GM (Procurement)
BMSICL

Sd/-
(Sh. Rajani Kant)
CGM (Supply Chain)
BMSICL

Sd/-
(Sh. Ram Ishwar)
Joint Secretary,
Dept. of Health, Govt. of Bihar

Sd/-

(Dr. Usha Kiran Verma)
Director in Chief,
Dept. of Health, Govt. of Bihar