

CENTRAL MEDICAL SERVICES SOCIETY
(An Autonomous body under Ministry of Health & FW, Govt. of India)
2nd Floor, Vishwa Yuvak Kendra, Teen Murti Marg
Chanakyapuri; New Delhi 110 021

No: CMSS/PROC/2022-23/NACO/047 / 27

Date: 28.02.2024

To,
M/s Unicare India Ltd.
Unit 1, C-21 & 23, Noida-201301
Distt. Gautam Budh Nagar
U.P. , India

Sub: Debarring of M/s Unicare India Ltd., Unit-1: C-21, 22 and 23, Sector-3, NOIDA-201301, Distt. Gautam Budh Nagar,)U.P) (INDIA) for participation in CMSS' Tender against Tender No. CMSS/PROC/2023-24/NTEP/047 Dt: 26.10.2023 for Ethambutol 400 mg and Ethambutol 800 mg drugs for a period of 2 years.

Ref:

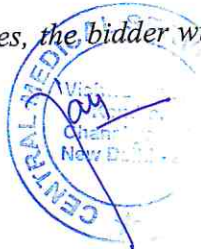
- (i) Unicare India Ltd. Letter no. UIL/CMSS/23-24/J-23(2)/1510 dated 21.12.2023
- (ii) Show cause dated 28.12.2023 issued to M/s Unicare India Ltd.
- (iii) Reply of the show cause notice by M/s Unicare India Ltd. dated 05.01.2024

Sir,

1. A Show Cause Notice dated 28.12.2023 was issued to M/s Unicare India Ltd. to show cause why appropriate action should not be taken by CMSS as per clause 9.4 of Tender Document against Tender No. CMSS/PROC/2022-23/NTEP/047. M/s Unicare India Ltd. asked to provide your explanation within a period of 7 days.
2. In its reply dated 05.01.2024, M/s Unicare India Ltd. admitted that it was mistake as its own its part and also that they take full responsibilities for the same.
3. As per clause 9.4 of contract / tender document stipulates as under:

"9.4 FORFEITURE OF EMD (if applicable)

- (i) *The Earnest Money Deposit (EMD) will be forfeited/vendor would be required to deposit the equivalent EMD amount as per Notarised Undertaking by MSE bidder, if the Tenderer withdraws or amends, impairs or derogates from the tender in any respect within the period of validity of his Tender.*
- (ii) *The Earnest Money Deposit (EMD) will be forfeited/ vendor would be required to deposit the equivalent EMD amount as per Notarized Undertaking by MSE bidder, in case of the lowest/ matched bidder, fails to execute the contract agreement and / or deposit the Security Deposit within the stipulated time. Additionally, actions as stipulated in clause no. 18.1 will also be taken.*
- (iii) *In both the above cases, the bidder will not be eligible to participate in the tender*



for same item for two years from the date of issue of letter of acceptance. The bidder will not approach the court against the decision of the CMSS in this regard."

In the light of facts mentioned above tender clauses following is ordered:

- A. M/s Unicare India Ltd., Unit-1: C-21, 22 and 23, Sector-3, NOIDA-201301, Distt. Gautam Budh Nagar, U.P, INDIA is debarred from participation in tender of CMSS for a period of 2 years with immediate effect for two drugs i.e. Ethambutol 400 mg and Ethambutol 800 mg.
- B. As per clause no. 9.4 (i) of the tender document if the tenderer amends the tender in any respect within the period of its validity, then the EMD will be forfeited. M/s Unicare India Ltd. vide letter dtd. 05.01.2024 has requested to allow it to deposit EMD amount in form of Demand Draft instead of forfeiture of bank guarantee. The matter is approved by the competent authority. Hence, You are hereby informed that the EMD Amount of Rs. 7,91,338 IS to be deposited in CMSS Account within 7 days of issuance of this order. The details of CMSS Account is as follows:
Beneficiary Name: Central Medical Services Society
A/C No. 32719062216
Bank Name: SBI Bank
Branch: Nirman Bhawan, Maulana Azad Road, New Delhi
IFSC Code: SBIN0000583

This is issued with the approval of the Competent Authority.

Jan 28/02/24
General Manager (Procurement)
Central Medical Services Society


Copy to:

1. Secretary (H), MoHFW- for information please.
2. AS & Chairman, GB, CMSS, MoHFW- for information please.
3. Advisor Cost/ JS Proc., MoHFW- for information please.
4. Dr. R.P. Joshi, DDG-NTEP, MoHFW- for information please.
5. DG and CEO, CMSS- For information please.
6. GM(Admin), CMSS – for information and uploading the same on CMSS Website.

Jan 28/02/24
General Manager (Procurement)
Central Medical Services Society




UNICURE INDIA LTD.

UIL/CMSS/23-24/J-23(2)/1510

Date: 21st Dec, 2023

The DG&CEO,
Central Medical Services Society,
Government of India,
Ministry of Health & Family Welfare,
2nd Floor, Viswa Yuvak Kendra,
Pandit Uma Shankar Dixit Marg
Chanakyapuri,
NEW DELHI-110021

Sub: Incorrect rates quoted in the BOQ one single tablet only.
Ref: **Your Tender No. CMSS/PROC/2023-24/NTEP/047.**

Dear Sir,

This is with reference to above mentioned tender for supply of Tab. Ethambutol 400 mg and Tab. Ethambutol 800 mg. While going through the rates offered by us, we have today observed that by error in the BOQ of the subject tender we have offered rates for one single tablet only instead of strip of 10 tablets as desired in the tender.

This is a human error which has happened due to the reason that in most of the CMSS Tenders rates are desired as single tablet only. However this is our mistake and we regret for the same. Please note that difference of the total price of the bid will be huge i.e. 10 times the actual quoted price. As you know that Ethambutol is a common drug and the cost of API of the product is almost 90% of the finished formulation. Our company which is MSME may not be able to bear such a huge loss and plunge in financial crises.

It is important to mention that we are one of the oldest supplier to Govt of India Programs and supplied huge quantities on very competitive prices. We have always stood with CMSS to supply drugs in the time of crises to help Govt. of India successfully complete patient welfare programs.

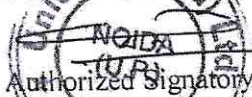
It is requested that Price offered by us in the BOQ may please be considered as price for single Tablet (one Tablet only) and order may be placed on us accordingly. We hope you will consider our request and oblige.

Inconvenience caused is highly regretted.

Thanking you,

Yours faithfully,

FOR UNICURE INDIA LTD


Authorized Signatory



UNIT-1: Sec-21, 22 & 23, SECTOR-3, NOIDA-201 301, DISTT. GAUTAMBUDH NAGAR, (U.P.) (INDIA)
Tel.: 0120-4786786, Ext. 700 to 715, E-mail: unicure@unicureindia.com

UNIT-2: 46-B/49-B, Village Raipur, Roorkee Dehradun Road, Bhagwanpur, ROORKEE, (Distt. HARIDWAR) U.K. INDIA,
Tel.: 01332- 235335/235334

UNIT-3: Plot No. 112-113, Ecotech-12, Greater Noida (West), (Gautam Budh Nagar)-201310 (U.P.) (INDIA)
Tel.: 0120-4786786, Fax: 0120-4320184, E-mail: unicure@unicureindia.com

Regd. Office: C-677, New Friends Colony, New Delhi-110 025

Website: www.unicureindia.com

CIN U74899DL1980PLC010642

CENTRAL MEDICAL SERVICES SOCIETY

Ministry of Health & Family Welfare (Government of India)
2nd Floor, Vishwa Yuvak Kendra, Pt. Uma Sankan Dikshit marg, Teen Murti
Road, Opposite Police Station Chanakya Puri, New Delhi- 110021
Ph -: +91-11-21410905/06

Ref: CMSS/PROC/2023-24/NTEP/047

28.12.2023

To

M/s Unicare India Ltd.
Unit 1, C-21 & 23, Noida-201301
Distt. Gautam Budh Nagar
U.P., India

Sub: Show Cause Notice against Tender for Procurement of Ethambutol 400 mg and 800 mg.

**Ref: 1. CMSS Tender No. CMSS/PROC/2023-24/NTEP/047
2. Letter no. UIL/CMSS/23-24/J-23(2)/1510 dated 21.12.2023**

Dear Sir,

Please refer to your letter dated 21.12.2023 wherein you have informed that you have quoted rate per 1 Tablet instead of strip of 10 tabs by error in the BOQ of the subject tender. Please note that our tender and BOQ clearly mentioned the unit as strip of 10 Tabs.

The competent authority is of the view that your bid will not be considered further and appropriate deemed fit actions will be persuaded against your firm.

This show cause notice is being issued to you to show cause why appropriate action not be taken by CMSS as per clause 9.4 of Tender document.

You are asked to provide your explanation within a period of one week from the date of this notice and in case failing to do so, it will be presumed that you have nothing to offer in this regard and appropriate action deemed fit will be taken in accordance with the Tender document.

Sakshi Juneja
28/12/23
Sakshi Juneja
A.G.M. (Procurement)
सहायक प्रबंधक (Procurement)
केन्द्रीय चिकित्सा सेवा
स्वास्थ्य और परिवार कल्याण
भारत सरकार / Government of India
Central Medical Services Society
Ministry of Health and Family Welfare





UNICURE INDIA LTD.

To,
DG&CEO,
Central Medical Services Society
2nd Floor, Vishwa Yuvak Kendra,
Pandit Uma Shaker Dixit Marg,
Chanakyapuri, New Delhi- 110021

Date: 05.01.2024

Sub: Reply of Show Cause Notice.

Tender No. CMSS/PROC/2023-24/NTEP/047 Dt:26.10.2023.

Name of Tender: - Online tender for Procurement of Ethambutol - 400mg & 800mg.

Dear Madam,

This is with reference to your mail dated 28/12/2023 and Show cause notice No. CMSS/PROC/2023-24/NTEP/047 dated 28/12/2023 against tender for procurement of Tab. Ethambutol 400 mg and 800 mg. As informed to you vide our earlier letter dated 21st Dec, 2023., that due to human error our person responsible for filling the BOQ have mentioned rates for one tablet only instead of strip of 10 tabs as asked in the tender. This has happened due to the reason that in most of the CMSS tender rates are asked for single tab only. However, this is a mistake on our side and we take full responsibility for the same.

You will appreciate that as soon as we realized our mistake we immediately informed you so that remedial measures can be taken. Please note that we are one of the oldest supplier of CMSS since its inception and have success fully supplied huge quantities of drugs and pharmaceutical products to Govt. of India through CMSS on very competitive prices. In fact, we are one of the past suppliers of Tab. Ethambutol to Govt. of India through CMSS in year 2018.

We have already taken severe action against the person responsible for this mistake and have also put a system in place so that such unwarranted mistakes are not repeated again. We also request you to kindly allow us to deposit the EMD amount in form of Demand Draft instead of forfeiture of bank guarantee.

we hope that looking into our past association and performance with CMSS, you will take sympathetic view before taking any penal action against us. We once again highly regret the inconvenience caused to you and assure you not to repeat such kind of error in future.

Thanking you,
Yours truly,
For Unicare India Ltd

Authorized Signatory



UNIT-1: C-21, 22 & 23, SECTOR-3, NOIDA-201301, DISTT. GAUTAM BUDH NAGAR, (U.P.)(INDIA)

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Regd. Office: C-677, New Friends Colony, New Delhi-110025

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