

Minutes of meeting held on 18th March 2019

Recommendation by the committee after examination of the representations received w.r.t. various conditions of Tender enquiry document for Procurement of insecticides/larvicides against the indent received from NDMC.

Tender no. HLL/PCD/e-MCD-04/18-19 dated 08-03-2019

Sl. No.	TED Ref. /Clause	Clause Details as per Tender Document	Points/ queries raised by Likely Bidders	Clarifications/Comments
1	Section VII QC	The product offered by the tenderers/bidders must be registered under section 9(3) or 9(4) of the insecticide act 1968 and the tenderer/bidder should be manufacturer of the technical grade as well as formulations. Documentary evidence in the form of C.I.B registration certificates of technical grade and formulation should be enclosed. Valid manufacturing licenses for the quoted product and the technical grade to be enclosed.	<p>We also draw to your attention to two earlier tenders dated 31.08.2016 & 28.02.2017, SDMC/NDMC/EDMC had published a tender for procuring same product i.e. Diflubenzuron 25% WP, which was floated through HLL Lifecare Ltd, which does not warrant such requirement.(copies enclosed). In these tenders only two bidders quoted and this condition would mean that we will not be able to participate thereby limiting competition in the bidding process. The purpose of the tenders of such kind is to receive participation of National Competitive bidder to enable the organization to get the best quality products at most competitive rates.</p> <p>Correction Requested: The above condition needs to be replaced with- "Bidder should have CIB Registration certificate with Authorized source of Diflubenzuron 25% WP and a valid manufacturing licence for the product"</p>	No Change is accepted by the purchaser.
2	Section VII QC	50% of the tendered quantity must have been sold in any one year of the last three years to Govt./Semi Govt./Municipal bodies prior to the date of bid opening. In support of this, data on past performance should be submitted as per proforma in Section VIII. Supplies made to Whole Sale stockiest, Distributors, Own Agents, Sister Company will not be considered for counting 25% performance unless it reaches the end user, for which the performance certificate should be submitted as per the format provided at Section-VIII, Format A).	<p><u>FORMAT "A" FORMAT OF PERFORMANCE CERTIFICATE</u></p> <p><u>Our Submission:</u> We understand that this is new addition in the tender most Purchaser or Consignee has their own independent format for Performance Certificates and they provide it accordingly. Furthermore, They provide Performance Certificate only once and same cannot be issued based on requirement of some other tender.</p> <p><u>Correction Requested:</u> Hence we request that the requirement of the Performance Certificate as per Format A" should be replaced with condition that "The Bidder should furnish the performance certificate which should contain details such as Order Number, Quantity, Product name, Distributor or Supplier and Manufacture name with a confirmation that product was supplied satisfactorily.</p>	The Bidder/tenderer should furnish the performance certificate which should contain following minimum information: 1. Name & Address of bidders 2.Name of Goods/Stores and Quantity 3. Name of Manufacturer 4. Order number and date 5.Acceptance date 6.Name,Designation,Sign & Seal of the Purchaser/Consignee

3	Section VII QC	<p>Quoted product should be ISI marked and valid BIS mark certificate to be enclosed and if the IS specification has not been made for any product by BIS than IS mark will not be mandatory.</p>	<p>In reference to above condition, please refer to the technical specifications (copy enclosed) for the Product Diflubenzuron 25WP given by the apex body of vector control in India i.e National Vector Borne Disease ControlProgram me ("NVBDCP") which states that the product should confirm to the IS Specification No. 14186 : 1994. However condition mentioned in Tender requiring copy of BIS mark certificate is not in line with the NVBDCP recommendations. The above Tender condition will have the effect of limiting the competition. Moreover, the Tender includes the Pre-supply inspection and Testing regarding the quality of Product, which is reproduced below for your ready reference. Hence the additional requirement of BIS Mark Certificate docs not add any benefit.</p> <p>INSPECTION AND TESTS</p> <p>The Procurement Consultant or its representatives including consignees shall have the right to inspect and/or to test the Goods/ stores to confirm their conformity to the contract. The Special Conditions of Contract and/or the Technical Specifications specify what inspection and tests the Procurement Consultant requires and where they are to be conducted then such specification shall be complied with for the Goods/ stores to which it applies. The Procurement Consultant may notify the Supplier in writing of the identity of any representatives retained for these purposes, if any. The inspections and tests may be conducted on the premises/ godowns of the Supplier prior to dispatch of Goods/ stores or at point of delivery and/or at the Good's final destination. When conducted on the premises of the Supplier, all reasonable facilities and assistance, including access to drawings and production data shall be furnished to the inspectors at no charge to the Procurement Consultant.</p> <p>The following inspection and sampling procedure shall be followed by the Procurement Consultant or his representative while Inspection is carried out at Manufacturer's premises/warehouse.</p> <p>a) The entire quantity against each item of the Contract should be offered for Inspection and sampling preferably in one lot and in no case exceeding two lots.</p> <p>b) Three sets of samples of required quantity shall be drawn at random from each batch of product offered for inspection by the Procurement Consultant's inspector at manufacturer 's premises and sealed before dispatch.</p> <p>c) One set of sealed samples will be sent to a Government approved independent laboratory selected by the Procurement Consultant for conducting the required test as per specifications</p> <p>and give a report within 3 weeks to confirm whether the samples conform to the prescribed specification. One set of sealed sample will be retained with the manufacturer as counter sample and another set will be retained by the inspector of</p>	<p>No Change is accepted by the purchaser.</p>
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			<p>Procurement Consultant.</p> <p>We enclose the copy of the minutes of the pre-bid meeting held at EDMC wherein the BIS marked Certificate was changed to the product should conform to the IS 14186:1994 Specification.</p> <p>Correction Requested: The above condition should be replaced with - "The Product should confirm to the IS 14186 : 1994 Specification"</p> <p>We state that the award of Public Contract through open tender is to ensure transparency in public procurement , to maximize economy and efficiency in public procurement , to promote healthy competition among tenderers, to provide for fair and equal treatment to all the tenderers.</p> <p>In view of the above submissions, we request your good self to consider changing the above mentioned three conditions and consequently amend the Tender conditions.</p>	
4		Public Procurement(Preference to Make in India)	<p>This affidavit seems to pertain for Medical Devices. We request you to kindly clarify that this Affidavit is to be given for this tender for Insecticides/ Larvicides tender too.</p>	<p>Please refer the Doc No.: CDSCO/FAQ/MD/01/2018 which read as below: "As per the medical device definition the substances including mechanical contraceptives (condoms, intrauterine devices, tubal rings), disinfectants and insecticides notified under sub-clause (ii) of clause (b) of section 3 of Drugs and Cosmetics Act, 1940 (23 of 1940) are included in the definition of medical devices."</p>
5	Appendix B	Integrity Pact	<p>We would like to understand that the Pre-Contract Integrity Pact is to be submitted on letter head or on Stamp Paper or it should be only signed and stamped before submission. We request your clarification on the same.</p>	<p>Pre-contract Integrity Pact is to be submitted on Rs.100 non-judicial stamp paper.</p>

6	SECTION VII QUALIFICATION CRITERIA (QC)	50% of the tendered quantity must have been sold in any one year of the last three years to Govt./Semi Govt./Municipal bodies prior to the date of bid opening. In support of this, data on past performance should be submitted as per proforma in Section VIII. Supplies made to Whole Sale stockiest, Distributors, Own Agents, Sister Company will not be considered for counting 25% performance unless it reaches the end user, for which the performance certificate should be submitted as per the format provided at Section-VIII, Format A).	<p>"50 % of the tendered quantity must have been sold in any one year of the last three years to Govt. I Semi Govt. /Municipal Bodies prior to the date of the bid opening. In support of this data on past performance should be submitted as per proforma in section VIII. Supplies made to whole sale stockist, distributors, Own Agents, Sister Company will not be considered for counting 25% performance unless it reaches the end user, for which the performance certificate should be submitted as per the format provided at Section-VIII, Format A.</p> <p>As you are asking for that 50 % quantity must have been sold in any one year of the last three years but you are mentioning also that Supplies made to whole sale stockist, distributors, own agents, sister company will not be considered for counting 25 % performance unless it reaches to end user, Hence there is a contradiction, please specify that it is 25 % or 50 % so it needs amendment.</p>	The typographical error of 25% will be corrected to 50% and necessary amendment will be uploaded on the website.
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7	IFeB		<p>The requirement for the products mentioned in the subject tender is for North Delhi Municipal Corporation (NDMC). We are enclosing as per Annexure A the tender already floated by you for SDMC and EDMC. We also give below brief description of Item:</p> <table border="1"> <thead> <tr> <th>Tender No</th> <th>Brief description of item</th> <th>Quantity</th> <th>Consignee</th> </tr> </thead> <tbody> <tr> <td rowspan="2">HLL/PCD/e-MCD-01/18-19</td> <td rowspan="2">Alphacypermethrin 5%</td> <td>4650 Kg</td> <td>NDMC</td> </tr> <tr> <td>9500 Kg</td> <td>SDMC</td> </tr> <tr> <td rowspan="6">HLL/PCD/e-MCD-02/18-19</td> <td rowspan="2">Alphacypermethrin 5%</td> <td>4650 Kg</td> <td>NDMC</td> </tr> <tr> <td>9500 Kg</td> <td>SDMC</td> </tr> <tr> <td>Temephos EC 50%</td> <td>900 Ltr</td> <td>SDMC</td> </tr> <tr> <td>Temephos Granule 1%</td> <td>24000 Kg</td> <td>SDMC</td> </tr> <tr> <td rowspan="2">Pyriproxyphen 0.5% GR</td> <td>480 Kg</td> <td>SDMC</td> </tr> <tr> <td>200 Kg</td> <td>EDMC</td> </tr> <tr> <td>Cyphenothrin 5%EC</td> <td>2050 Ltr</td> <td>SDMC</td> </tr> <tr> <td rowspan="3">HLL/PCD/e-MCD-02-RT/18-19</td> <td rowspan="2">Alphacypermethrin 5%</td> <td>4650 Kg</td> <td>NDMC</td> </tr> <tr> <td>9500 Kg</td> <td>SDMC</td> </tr> <tr> <td>Temephos EC 50%</td> <td>900 Ltr</td> <td>SDMC</td> </tr> <tr> <td>Temephos Granule 1%</td> <td>24000 Kg</td> <td>SDMC</td> </tr> <tr> <td>HLL/PCD/e-MCD-03/18-19</td> <td>Malathion Technical</td> <td>14,555 Kg</td> <td>SDMC</td> </tr> </tbody> </table>	Tender No	Brief description of item	Quantity	Consignee	HLL/PCD/e-MCD-01/18-19	Alphacypermethrin 5%	4650 Kg	NDMC	9500 Kg	SDMC	HLL/PCD/e-MCD-02/18-19	Alphacypermethrin 5%	4650 Kg	NDMC	9500 Kg	SDMC	Temephos EC 50%	900 Ltr	SDMC	Temephos Granule 1%	24000 Kg	SDMC	Pyriproxyphen 0.5% GR	480 Kg	SDMC	200 Kg	EDMC	Cyphenothrin 5%EC	2050 Ltr	SDMC	HLL/PCD/e-MCD-02-RT/18-19	Alphacypermethrin 5%	4650 Kg	NDMC	9500 Kg	SDMC	Temephos EC 50%	900 Ltr	SDMC	Temephos Granule 1%	24000 Kg	SDMC	HLL/PCD/e-MCD-03/18-19	Malathion Technical	14,555 Kg	SDMC	
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8			<p>We assume but please confirm that the product under the subject tender are procured only for NDMC and Rate Contract as and when issued will clearly carry this clause and no other Corporations is included to procure the product as mentioned in the SOR in the amendment no. 1 dated 16.03.2019.</p>	Current requirement is for North Delhi Municipal Corporation(NDMC)																																														
9		Public Procurement(Preference to Make in India)	<p>Clause 1.1 under (ix) Appendix A - DIPP - Public Procurement (Preference to Make in India), Order 2017. We would like to bring to your kind attention that these are application for medical devise. The requirement of subject tender is for Chemicals.</p>	As mentioned at sl.no.4 above																																														

10		Public Procurement(Preference to Make in India)	We wish to place on record that any bidder who is offering a product whether imported or indigenous who have been classified as a manufacturer by various laws and acts covering various aspects of manufacturing and having valid certificate/licenses classified as a manufacturer who also be considered in Make in India	Public Procurement (Preference to Make in India) order 2017 and subsequent revision/amendment, if any will be applicable.
11	Section VII QC		Clause 5 (a) (v) on page 7, Authority Letter/Certificates from manufacturer (Please refer to Qualification Criteria in Section VII). There is no such requirement in Qualification Criteria on page 35 for the same. We have also noticed that the Qualification Criteria in this tender have been changed. The Qualification criteria mentioned the previous tender is attached as per Annexure B. It allows the manufacturer who imports the product into India requires authorization letter from their Principal Manufacturer abroad bidding as an Authorized Importers as per Page 48 of the tender document or allows the Agent to bid who requires manufacturer authorization as per page no. 49 of the tender document. The previous clauses in the qualification criteria may please be added in the subject tender so that manufacture who import the product out of India having valid certificate of registration in their name can bid or authorized agent having valid certificate of registration in their name can bid.	Refer to the qualification criteria of the above referred tender enquiry no. HLL/PCD/e-MCD-04/18-19 dated 08-03-2019
12	Section VII QC	Quoted product should be ISI marked and valid BIS mark certificate to be enclosed and if the IS specification has not been made for any product by BIS than IS mark will not be mandatory.	In the Qualification Criteria clause 4 on page 35, Quoted product should be ISI mark certificate to be enclosed and if the IS specification has not been made for any product by BIS than IS mark will not be mandatory. The quality of the product has no bearing or whether the product marked ISI or not since the product always been tested as per the prescribed by BIS and as per the specification laid down by BIS and the test protocol thereto.	No Change is accepted by the purchaser.
13	Section VII QC	50% of the tendered quantity must have been sold in any one year of the last three years to Govt./Semi Govt./Municipal bodies prior to the date of bid opening. In support of this, data on past performance should be submitted as per proforma in Section VIII. Supplies made to Whole Sale stockiest, Distributors, Own Agents, Sister Company will not be considered for counting 25% performance unless it reaches the end user, for which the performance certificate should be submitted as per the format provided at Section-VIII, Format A).	As per above, we would like to participate in the above tender for the supply of Diflubenzuron 25% WP to NDMC. As original manufacturer of this technical & various formulations, we have supplied this product to various Govt/Municipal Bodies through our national distributor M/s. Bayer Cropscience Ltd at India during the past many years. In addition, We had supplied this formulation to various govt health depts under our previous company name (M/s.Chemtura India Pvt. Ltd.) before 2016. We have now recently started our direct distribution activities from Nov'2018 onwards under our company & brand names and have started supplying directly to Govt depts. Considering this & to ensure that fair chance is given to all the original manufacturers of technical & formulations like us, we request you to consider relaxing the point no-3 on page no.35 from the current 50% to 5%.	Refer to the qualification criteria of the above referred tender enquiry no. HLL/PCD/e-MCD-04/18-19 dated 08-03-2019.

