



## JAMMU AND KASHMIR MEDICAL SUPPLIES CORPORATION LTD.

(Public Sector Undertaking of Govt of Jammu & Kashmir)

Corporate Head Office: 1<sup>ST</sup> Floor, Drug Store Building, Govt. Medical College, Bakshi Nagar, Jammu

Corporate Office Kashmir: 121, Green Avenue, Hyderpora, Opp. Al-Farooq Masjid, Srinagar

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### CIRCULAR

It has been observed that bidders/successful bidders etc. are not strictly adhering to the standards prescribed in the Standard Procurement Procedure (SPP) of J&K Medical Supplies Corporation Limited, as far as it relates to maintaining of highest standards of professional ethics during the procurement & execution of contracts.

It has further been observed that they are oftenly approaching to the Tender Inviting Authority (TIA), members of Purchase Committee (SLPC) and officials/officers of the Corporation, besides, contacting them on telephones. Pertinent to mention that such practices is violative of guidelines contained in the Standard Procurement Procedure (SPP) of JKMSCL.

It has also been observed that some times, such an act on the part of bidders/successful bidders etc has resulted into undesirable situation & put a question mark on the working of Officers/Officials of Corporation. Besides, creating problem(s) for the officers/officials of the Corporation which otherwise could be avoided .

Therefore, in order to maintain the highest standards of ethics, it is enjoined upon all the concerned to follow the following guidelines contained in the Standard Procurement Procedure (SPP) of J&K Medical Supplies Corporation Limited in letter and spirit and any deviation shall be dealt strictly & action shall follow:

- I. *It is required that all concerned namely the bidders/ Successful bidders etc to observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, the Tender Inviting Authority defines, for the purposes of this provision, the terms set forth below as follows:*

- a) *"Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of any person in the procurement process or in contract execution and related activities of the corporation.*

- b) *"Fraudulent practice" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Tender Inviting Authority, and includes collusive practice among bidders (prior to or after tender submission) designed to establish tender prices at artificial non-competitive levels and to deprive the Tender Inviting Authority of the benefits of free and open competition. Suppression of facts such as blacklisting of the product/bidder elsewhere for reason of failure in quality / conviction under Drugs & Cosmetics act/declaration of more than 2 batches of the product quoted as NSQ in the current/previous years shall be deemed as*

*fraudulent practices. Making false/incorrect statements shall also be treated as fraudulent practice.*


*c) "Collusive practice" means a scheme or arrangement between two or more bidders, with or without the knowledge of the employer, designed to influence the action of any party in a procurement process or the execution of the contract.*

*d) "Coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or after the execution of the contract.*

*II. Tender Inviting Authority shall reject a proposal for award if it determines that the Bidder recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question; shall declare a firm ineligible, either indefinitely or for a stated period of time, to be awarded a contract by the Tender Inviting Authority if it at any time determines that the firm has engaged in corrupt or fraudulent practices in competing for, or in executing the contract.*

*III. No bidder shall contact the Tender Inviting Authority or any of its officers or any officers of the Government on any matter relating to its bid, other than communications for clarifications and requirements under this tender in writing, with an intention to influence the members of various committees or officials of Tender Inviting Authority or any person associated with JKMSCL. Any such effort by a bidder to influence the Tender Inviting Authority, bid evaluation committee, bid comparison or contract award decisions may result in rejection of the bidder's bid.*

*IV. The supplier shall not be in any way interested in or concerned directly or indirectly with, any of the officers, subordinates or servants of the Tender Inviting Authority in any trade or business or transactions nor shall the supplier give or pay promise to give or pay any such officers, subordinates or servants directly or indirectly any money or fee or other considerations under designation of "Custom" or otherwise, nor shall the supplier permit any person or persons whom so ever to interfere in the management or performance hereof under the power of attorney or otherwise without the prior consent in writing of the Tender Inviting Authority. Any such effort by the supplier to influence the Tender Inviting Authority or its officers may result in rejection of the bidder's bid.*

  
**(Inder Jeet), KAS**  
Managing Director

No: - PS/MD/JKMSCL/SGR/2018/2978-87

Dated: 26.07.2018

**Copy to the: -**

1. Financial Advisor-JKMSCL.

: for information and compliance.

2. General Manager-Adm-JKMSCL. : for information and compliance.
3. General Manager-P&S JKMSCL. : for information and compliance.
4. I/C Quality Control Cell-JKMSCL. : for information and compliance.
5. All In charges Medical Officers, Drug Ware Houses. : for information and compliance.
6. All registered bidders/Successful bidders. : for information.
7. All Officers/Officials of JKMSCL. for information and compliance
8. Nodal Officer- JKMSCL. For inf. He is asked to get the circular uploaded on JKMSCL Official website for general information of registered bidders.
9. Notice Board.
10. Office record file.