Evaluation Report

In pursuance to the letter No. GM/JKMSCL/2018/4023-32 dated 01-12-2018, the meeting of the Committee was held on 04.12.2018 at 2.00 PM for perusing the complaint filed by M/s Ziqitza Pvt Ltd. against the tender of M/s BVG Pvt Ltd. The following officials attended the meeting:

S.No.	Name of Officer/Official	Designation
1.	Sh. Vivek Phonsa (KAS)	General Manager(Adm)
2.	Dr Rajesh Mahajan	Associate Professor Anaesthesia, ICU-GMC Jammu
3.	Dr. Sanjay Kalsotra	Associate Prof. GMC, Srinagar.
4.	Dr. Harjeet Rai	Divisional Nodal Officer,NHM,Jammu
5.	Dr. Javaid Ah Wani	Assistant Director(QC),JKMSCL
6.	Syed Muarif Andrabi	Dy. Director SMG Dept, Jammu
7.	Reyaz Ahmad Khan	Asst. Ex. Engineer SHTO,DHSK
8.	Dr. Mohd Iqbal Fateh Khan	Consultant Anaesthesia DH Budgam.
9.	Dr. Qazi Qammar	Medical Officer(JKMSCL)

The report and point wise remarks of the committee are as under:-

S. No	Contents of the Complaint in para-wise format.	Remarks/ Observations of the Committee
1.	The bidder is in case is the consortium of BVG India Ltd and Hollow down Ltd and hence the POA to the authorised person to represent the bidder in its dealing with JKMSCL should be given by both the companies, which is not the case as hollow down Ltd has not authorised any person. The entire bid document have to be signed by the authorised representative of hollow down ltd which is not the case.	The Corrigendum issued by JKMSCL vide No. JKMSCL/PS/GM/CORG/2018/2763-66 dated 18.09.2018 reads as under 'In case the applicant is in a consortium of two or more companies the proposal shall be signed by the duly authorized signatory of the Lead Member and shall be legally binding on all members of the consortium for the execution and completion of the project' (BVG in the instant case). As per Consortium Agreement BVG is the lead partner and the authorised signatory of the lead partner has duly signed all the documents of the tender and as such the condition of the NIT is duly complied with. **Hence the observation is found without any merit**
2	The turnover certificate for UK specialist Ambulance Service Ltd. is issued by Mr. Gary Drewery. He is not a Chartered Accountant As defined by /in RFP. Hence, the Turnover Certificate for UK Specialist Ambulance service Ltd. is an invalid document (which cannot even be corrected and /or clarified subsequently).	In any tender submitted by a consortium, the tender pre-qualifications whether financial or technical are added up to evaluate the overall eligibility of the consortium bidder. Since in this case the turnover of lead partner i.e M/S BVG India Limited itself is sufficient enough to qualify the bidder in this particular tender irrespective of the pre qualifications of the other partner (M/s Hollowdown UK ltd.) which is substantiated by the audited financial statements of M/s BVG ltd. The Technical Evaluation Committee had accordingly declared M/s BVG pvt. Ltd. as qualified in the Technical evaluations. **Hence, this observation is without any merit.**
3	This is not adhered too as the Turnover Certificate of Hollow down is for the year 2013-14, 2014-2015, 2015-2016. The turnover of the year 2016-2017 is missing. The Turnover Certificate for UK Specialist Ambulance Service Ltd. does not mention the turnover for the past three years as required by the RFP (2014-2015, 2015-2016 and 2016-2017 even giving the benefit of one year for adequate time for finalization of audit of accounts 2017-18. The bidder has to provide audited balance sheet for the last three financial years and in case of consortium by both the parties as both the parties are bidders in a consortium and hence all guideline applicable to a a single bidder would be binding on both the	**Already replied in the Remarks of point No 2.**

	parties of the consortium.	
4	The said certificate also mentions that the results are subject to audit, which means these are unaudited results while RFP requires audited figures. Further the name change had occurred on July 27, 2017 which is before the signing of the said CA Certificate and hence the CA Certificate should be in the name attached CA Certificate is that of an non-existent company	**Already replied in the Remarks of point No 2.**
5	This is not adhered too as the Turnover certificate of Hollow down is for the year 2013-2014, 2014-2015, 2015-2016. The turnover of the year 2016-17 is missing. The Turnover Certificate for UK Specialist Ambulance Service Ltd. does not mention the turnover for the past three years as required by the RFP 2014-2015, 2015-2016 & 2016-2017 even giving the benefit of one year for adequate time for finalization of audit of accounts 2017-18. Also the financial No of the year 2015-16 are unaudited as per the certificate submitted, which means the CA certificates is based on unaudited no's whereas the RFP clearly required audited no's even the attached balance sheet for the year ending September 2016 is not signed the chartered accountant though the report is attached in the balance sheet which is very misleading and would not have been ordinarily been noticed.	**Already 'replied in the Remarks of point No 2.**
6	*The CV attached of Key professional staff (Mr. Mahesh Bhagwan Jagdale and Mr. Inderjeet A Mane) are not employees of BVG/Hollow down Ltd. As mentioned in the bid document CV of other personnel have been mentioned as employees of BVG /Hollow down as the case may be. However in this two cases they are not employees of BVG/Hollow down. By submitting CV of their non-existing employees, they have submitted misleading documents which is s ground enough for disqualification*	The bidder has submitted the details of Proposed key personnel for their project in J&K which includes the personnel of M/s BVG identified by the complainant. The names of the key personnel shall be freezed in the agreement once arrived at with the successful bidder. And in the original NIT it has been provided under the relevant clause that the firm cannot change the key personnel without the prior approval of JKMSCL. However, during the course of tendering vide corrigendum No JKMSCL/PA/MD/Corg/2018/3014-17 dated 19.09.2018 the said condition was relaxed for all the bidders and it was stipulated that the company can change the key personnel at any point but the same shall be drawn in the revised agreement. As such the bidder has not been found mis-representation till this stage of tendering. The point as such is not tenable.
7	*EMT Experience Certificate is issued by Maharashtra Government based on an email shared by BVG India Ltd with them. The said certificate mentions that the training is done by Symbiosis International University but the certificate is issued by the Maharashtra Government*	With regard to the EMT trainings certification, the bidder has provided the required certificate issued by the Maharashtra Govt which fulfils the relevant clause of the NIT and had been accepted by the Technical Evaluation Committee. Moreover,

	is in favour of Symbiosis International University as the certificate itself mentions training is provided by them and not by BVG Limited Clearly there is no certificate from the institute imparting the training that they have trained at least 200 EMTs previously	during the course of technical evaluations, the bidder M/s BVG Ltd had provided to the Technical Evaluation Committee a certificate issued by the Symbiosis Institute Health Sciences issued vide No. SIHS/2016/24426 dated 11.02.2016 which adds to the qualifications of the bidder in this particular regard. **Hence this observation is without any merit.**
8	Annexure J: Supply Status report is not even attached and not even signed by the fabricator/equipment supplier who are part of the bidding as required by/in RFP clearly the credentials of the fabricator who is going to be a part of this bidding proposal have not been established in the absence of the supply status report and Annexure J which is compulsory have to be signed by the fabricator.	Annexure-J is simply a consolidated statement of the past experience certificates from the different consignees. Since all the bidders have supplied the experience certificates from the concerned consignees with regard to their performances as required in this tender and the same is fulfilling the requirements of annexure-J stipulated in the tender and has been uniformly accepted for all the three bidders by the technical evaluation committee.
9	Annexure E Declaration and Undertaking Should have been issued and signed by the fabricator equipment supplier but the same have been issued by BVG Ltd	As per the original Annexure E of the NIT, the undertaking is required to be signed by the authorized signatory of the lead bidder as per conditions of the NIT and subsequent clarifications issued to the tender. The same has been complied with by M/s BVG along with other bidders. The para of the complaint in this regard is not based on facts.
10	Nebuliser The Brand name is not specified nor the specifications have been mentioned except a statement by a reputed brand . this can mean low quality nebulizers can be supplied and not meeting there specifications in the RFP also this misleading as the financial analysis in the absence of gthe model /make details is not possible.	The complainant has made vague assumptions and presumptions about the Nebulizer quality and brand with the words line "can mean low quality" & "can be supplied not meeting these specifications". The L1 bidder has submitted the hard copy wherein it has been specified that the bidder has quoted the brand of Nebulizer as "Medi-Tech Handiweb Gold" which has been certified by the technical Committee as meeting the specification of the NIT . The same model of the item had also been presented by the bidder during the Technical presentations. Furthermore, the NIT has not specified any particular brand name of the item. In addition to this all the bidders have submitted the compliance sheets of technical Specifications of all the items. As such the point in the compliant is not based on merits.

11	POA in favour of Mr. Ranjan Roy has been signed by a Director of UKSAS Ltd. Kindly note that the said person is not a Director of Hollow down Ltd. hence on the date of filling of the bid document for J&K Tender the POA in favour of Mr. Ranjan Roy is not valid as its is issued by a non existing company. The change of name of the company was done July 27, 2017, which is prior to the date of filing of the bid document. Hence the POA should have been issued by Hollow down Limited. The said Director who has issued the POA in the name of UKSAS Ltd is no more the director of the company Hollowdown Ltd.	M/S BVG India limited has submitted the POA from M/S UKSAS ltd. (earlier name of M/S Hollowdown Ltd.) with the tender, however, during the course of technical evaluations, M/S BVG India limited was asked vide letter No. JKMSCL/MO/2018/01 dated 17.10.2018 to clarify the name change issue and the same has been satisfactorily clarified by the firm and a proper power of Attorney signed by the Chairman of Hollowdown ltd Mr. Mick Byrne in favour of MR. Rajan Roy dated 8th may 2018 was also provided by M/s BVG. Hence the POA has been issued in favour of Mr Ranjan Roy before the date of technical evaluation and has been accordingly considered by the Technical evaluation committee. The claim as such is not based on facts.
12	This is not complied with as the date of POA given by UKSAS to Ranjay Roy is December 09, 2013, which is almost 4 and 9 months old.	**Already replied in the Remarks of point No 11.**

Conclusion:

After threadbare discussions, the Committee observed that there is no merit in the complaint filed by M/s Ziqitza Ltd. against the pre-qualifications of M/s BVG India Ltd. It was also observed that the complaint has been filed by the firm who happens to be the second lowest tenderer after opening of the financial bid by JKMSCL which is itself indicative of the reasons and the contentions of the complainant. The complaint is as such warranted to be rejected.

Hence the report is accordingly submitted for further necessary action.

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MO, JKMSCL

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A.E.E. SHTO, DHSK

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Dr Harjeet Rai
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Dr Javed Ahmed Wani,
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