

Amendment no. 2

Notice Inviting Tender Ref No.: - PMBI/DRUG/RC-166/2021

Dated:02/11/2021

Subject: - Tender No. PMBI/DRUG/RC-166/2021 dated 30/09/2021 for supply of drug/medicine to Pharmaceuticals and Medical Devices Bureau of India (PMBI).

Reference: - i) Amendment No. 1 dated 18.10.2021

ii) Public Procurement Order on Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs),2017 and ORDER NO: F. No. 6/18/2019-PPD dated 23/07/2020 & 24/07/2020 respectively.

PMBI has invited e-Bids from the interested parties for “e- Tender for Supply of Drug/Medicine for the year 2021- 2023”, vide Notice Inviting Tender No.- **PMBI/DRUG/RC-166/2021**. Detailed tender document containing eligibility criteria, selection mechanism, other terms and conditions are available on the website of Central Public Procurement Portal; www.eprocure.gov.in and PMBI Website; www.janaushadhi.gov.in .

Considering the above-mentioned orders issued by the Government of India (GoI), the following amendment in the tender document with the extension of bid dates is here by authorized.

Part- A

In order to give sufficient time and to ensure wider participation of the bidders, the tender schedule is being revised as follows: -

Details	Scheduled dates:	Re-scheduled for:
Last date and time for submission of Online Bid i.e., Bid Submission End Date and time.	On 11/11/2021 (Thursday) up to 17.30 Hours.	On 25/11/2021 (Thursday) up to 17.30 Hours.
Last Date and time for submission of <i><u>Bid Security Declaration and Original Required Documents as per ANNEXURE I (Check List), in physical Form</u></i> in office of Pharmaceuticals & Medical Devices Bureau of India, 8 th Floor, Videocon Tower, Block-E1, Jhandewalan Extension, New Delhi-110055	On 16/11/2021 (Tuesday) by 17.00 Hours	On 01/12/2021 (Wednesday) by 17.00 Hours
Date and Time of opening of Technical Bid	On 17/11/2021 (Wednesday) at 15.00 Hours	On 02/12/2021 (Thursday) at 15.00 Hours

Clause no. **2. LAST DATE AND TIME FOR SUBMISSION OF ONLINE TENDER** has been amended as: -

FOR: -

i (a) Online Bids [in two separate Cover {Technical bid (Cover “A”) and price bid (Cover “B”)}] shall be submitted till 17.30 Hours Up to 11/11/2021 (Thursday) on CPP portal i.e., <https://eprocure.gov.in>.

READ: -

i (a) Online Bids [in two separate Cover {Technical bid (Cover “A”) and price bid (Cover “B”)}] shall be submitted **till 17.30 Hours Up to 25/11/2021 (Thursday)** on CPP portal i.e., <https://eprocure.gov.in>.

Part- B

The following Sub-Clause 3.(1) and corresponding Annexure XIV is hereby added after Clause 3. T (note) as: -

3.(1) Compliance under Rule 144 (xi) of the General Financial Rules (GFRs),2017 and ORDER NO: F. No. 6/18/2019-PPD dated 23/07/2020 & 24/07/2020 issued by Department of Expenditure (MoF).

DEFINITIONS

1. GoI vide Order (Public Procurement No.1, 2 & 3) dated 23 Jul 2020 & 24 Jul 2020 has imposed Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 on bidders from a country which shares a land border with India.
2. "Bidder" for the purpose of this Order (Public Procurement No.1, 2 & 3) (including the term 'tenderer', 'consultant' 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.
3. "Bidder from a country which shares a land border with India" for the purpose of this Order (Public Procurement No.1, 2 & 3) means;
 - a. An entity incorporated, established or registered in such a country; or
 - b. A subsidiary of an entity incorporated, established or registered in such a country; or
 - c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d. An entity whose beneficial owner is situated in such a country; or
 - e. An Indian (or other) agent of such an entity; or
 - f. A natural person who is a citizen of such a country; or
 - g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above

Note: "Beneficial owner" for the purpose of above paragraph (3) will be as under:

- i. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person(s), has a controlling ownership interest or who exercises control through other means.

Explanation

- a) "Controlling ownership interest" means ownership of, or entitlement to, more than twenty-five per cent of shares or capital or profits of the company;
- b) "Control" shall include the right to appoint the majority of the directors or to control the management or policy decisions, including by virtue of their shareholding or management rights or shareholder's agreements or voting agreements;
- ii. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
- iii. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership

of or entitlement to more than fifteen percent of the property or capital or profits of such association or **body of individuals.**

- iv. Where no natural person is identified under (i) or (ii) or (iii) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
- v. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.
- vi. "Agent" for the purpose of this Order (Public Procurement No.1, 2 & 3) dated 23 Jul 2020 & 24 Jul 2020 is a person employed to do any act for another, or to represent another in dealings with third persons.

Rule: Following shall be complied by the Bidders of the said countries while submitting bids.

- A) Any bidder from a country who shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority. The Competent Authority for the purpose of registration under this Order shall be the Registration Committee constituted by the **Department for Promotion of Industry and Internal Trade (DPIIT)**. However, Order will not apply to bidders from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects. Lists of countries to which lines of credit have been extended or in which development projects are undertaken are given in the website of the Ministry of External Affairs.
- B. The Bidder shall have to submit declaration / certificate as per the attached Format towards compliance of Public Procurement Order under Rule 144 (xi) of the General Financial Rules (GFRs), 2017.

Part- C

As per above Rule no. B, the format of declaration is hereby added as Annexure XIV in the tender document. It may be referred as under: -

Format for Declaration towards Compliance of Order (Public Procurement No.1, 2 & 3) dated 23 Jul 2020 & 24 Jul 2020 under Rule 144 (xi) of the General Financial Rules (GFRs), 2017.

This declaration must form part of all tenders & it contains general information and serves as a declaration form for all bidders. (Before completing this declaration, bidders must study the General Conditions, Definitions, Govt Directives applicable in respect of Public Procurement No.1, 2 & 3) dated 23 Jul 2020 & 24 Jul 2020 under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 & prescribed tender conditions).

ANNEXURE- XIV

**DECLARATION BY AUTHORISED SIGNATORY OF THE FIRM
(On Non-Judicial Paper duly notarized)**

I, the undersigned, (full names), do hereby declare, in my capacity asof M/s, that:

- 1) The facts contained herein are within my own personal knowledge.
- 2) I have read the Order (Public Procurement No.1, 2 & 3) dated 23 Jul 2020 & 24 Jul 2020 subjected "Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017" regarding restrictions on procurement from a bidder of a country which shares a land border with India and comply to all the provisions of the Order.
- 3) I certify that M/s(name of bidder/entity) is not from such a country or, is from such a country **(strike out whichever is not applicable)**, has been registered with the Competent Authority. I hereby certify that this **supplier** fulfils all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority is attached].
- 4) I understand that the submission of incorrect data and / or if certificate / declaration given by M/s.....(name of bidder entity) is found to be false, this would be a ground for immediate termination and further legal action in accordance with law as per Clause 12 of the Public Order on Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017.

AUTHORISED SIGNATURE:

DATE:

Seal / Stamp of Bidder:

Part- D

The above declaration has also been added in Annexure – I (Check List) after Sl. No. 22 as Annexure XIV (Sl. No. 23) in the tender document, which may be referred as mentioned under: -

S.N.	Check List	YES/No	Page No.	Remarks
23	Annexure XIV (Clause No. 3.(1) Declaration towards Compliance of Order (Public Procurement No.1, 2 & 3) dated 23 Jul 2020& 24 Jul 2020 under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 on Non-Judicial Paper duly notarized.			

All other contents of tender document remain unaltered. Bidders are requested to quote their rates considering all the terms and condition of the tender document including Amendment no. 1 dated 18/10/2021 & Amendment no. 2 dated 02/11/2021.

Sd/-
DGM (Procurement & Quality)
For & on behalf of PMBI
Ph: 011-49431811