



BIHAR VIKAS MISSION

(Under Cabinet Secretariat Department, Government of Bihar)
Bihar State Building Construction Corporation campus,
Hospital Road, Rajvanshi Nagar, Patna – 800023
Telephone No – 0612-2285262

Memo No. – BVM / अधिनंदित (उपरकर एमसी) - ०३/२०२१
क्रमांक I - ९६६

Patna -23, Date: 21.09.2021

Office Order

Bihar Vikas Mission had published Tender for “Empanelment of AMC service provider agencies and selection of Agency for AMC of computers, laptops, printers, UPS, photocopier and other electronic & electrical items installed in different offices of Bihar Vikas Mission located in Patna” vide Tender Notice No. – BVM/(Pro)/AMC-01/2021 dated 17-03-2021.

During Technical Evaluation of the bids, a total of four bids were found qualified by the Tender Evaluation Committee namely Rapidtech IT Services Pvt. Ltd., Megamax Services Pvt. Ltd., Digital Solution and AVA India Services Pvt. Ltd. Proceeding of the meeting held for Tender Opening and Technical Evaluation is uploaded on BVM website vide Memo No. BVM/अधिनंदित (उपरकर एमसी)-03/2021-504 dated 29-06-21.

As per the provisions under section G(1) of the tender document – “Work Order will be awarded item-wise to the L1 bidder who has quoted the lowest amount for that particular item”. The Financial Bids of the technically qualified bidders were opened on dated 30-06-2021 in which three agencies were found L1 bidder for various items. Financial Bid was sought for a total of 25 items. Rapidtech IT Services Pvt. Ltd. was L1 for 6 items, AVA India Services Pvt. Ltd. was L1 for 17 items and Megamax Services Pvt. Ltd was L1 for 2 items. Proceeding of the meeting held for Financial Bid opening is uploaded on BVM website vide Memo No. BVM/अधिनंदित (उपरकर एमसी)-03/2021-512 dated 01-07-21.

Upon being successful in the Technical Evaluation and being L1 in the Financial Bid for 2 (two) items, the agency – Megamax Service Pvt. Ltd., Noida, was issued a Letter of Intent for Empanelment and award of Work Order vide BVM Memo No. BVM/अधिनंदित (उपरकर एमसी)-03/2021-540 dated 09-07-21). In the letter the agency was requested for signing of Empanelment Agreement and submission of requisite Performance Guarantee equivalent to 10% of work order amount which was Rs. 1,150.00 (Rupees One thousand one hundred and fifty only). However the agency in its response, vide email dated 22nd July 2021, submitted that - “we cannot undertake the partial contract as the same will not be feasible for us for obvious reasons”.

It is notable that under section G(1) of the tender document, it was clearly mentioned that - “Work Order will be awarded item-wise to the L1 bidder who has quoted the lowest amount for that particular item”. BVM had expressly sought bidder’s acceptance of terms and conditions of the tender for which the bidders were required to submit tender document duly signed and stamped by them. It was done to ensure that the bidder is well aware of the terms and conditions of the tender before submitting their bids. A signed copy of the tender document was also submitted by Megamax Service Pvt. Ltd., Noida along with the other requisite bid document which proves that the bidder was well aware of the terms and conditions of the tender.

The other two agencies which were found L1 for various items in the Financial Bid i.e. Rapidtech IT Services Pvt. Ltd. and AVA India Services Pvt. Ltd. were also issued similar letter of Intent for Empanelment and award of Work Order for their respective items. These two agencies have already entered into agreement with Bihar Vikas Mission on exactly same terms & conditions and accordingly work order has been issued to both the agencies.

(2)

The reasons provided by Megamax Service Pvt. Ltd., Noida in its email dated 22nd July 2021 regarding non-acceptance of Letter of Intent is clearly a deliberate misinterpretation of the terms and conditions of the tender. Non-acceptance of Letter of Intent on ground of partial award of contract is untenable and rather reflects non-seriousness and lack of professionalism on part of the agency. Therefore under the above circumstances, the Letter of Intent issued vide letter No. 540 dated 09-07-2021 was cancelled vide Memo No. BVM/अधिनियम (उपरकर AMC)-03/2021-891 dated 05-08-21 and was duly communicated to Megamax Service Pvt. Ltd., Noida vide email dated 05-08-21. In the same letter, it was also communicated to the agency that such non-acceptance of Letter of Intent on arbitrary reasons, which is contrary to the terms and conditions of the tender as well contrary to the agency's own acceptance of the terms and conditions, may lead to your rejection in any future tender that would be published by BVM. The agency - Megamax Service Pvt. Ltd., Noida has not submitted any clarification or response to the above mentioned letter.

From the above mentioned facts, it is clear that Megamax Services Pvt. Ltd., Noida, despite being fully aware of the terms and conditions of the tender, has deliberately misinterpreted the terms and conditions of the tender. Refusal of the agency to provide its services to Bihar Vikas Mission after participation in the tender process is violation of the fundamentals of fair play and has caused inconvenience to the working of Bihar Vikas Mission. In light of such outright refusal by Megamax Services Pvt. Ltd., Noida, there is no scope left for seeking a show cause from the agency.

As per the provision of the empanelment under section C(2) of the tender- "The empanelment shall be valid for a period of 1 year and may further be extended for a period of one year (maximum extension upto two years) after obtaining approval from competent authority", the maximum duration of empanelment could be three years. Therefore, it has been decided to blacklist the agency Megamax Services Pvt. Ltd., Noida for a period of three years from participating in any tender issued by Bihar Vikas Mission or by any other office under the aegis of Government of Bihar.

It is further directed to inform all Head of Department, Divisional Commissioner, District Magistrate and other related offices under the aegis of Government of Bihar regarding blacklisting of Megamax Services Pvt. Ltd., Noida and publish the information on website of Bihar Vikas Mission for public information.

Member Secretary, Bihar Vikas Mission

cum

Additional Chief Secretary, Cabinet Secretariat Department

Memo No. - BVM / अधिनियम (उपरकर AMC)-03/2021-893] Patna -23, Date: 21.09.2021
Copy to: Additional Chief Secretary / Principal Secretary / Secretary of all Departments, Government of Bihar –

For information and necessary action.

Copy to: All Divisional Commissioner / All District Magistrate - For information and necessary action.

Copy to: IT Manager, Bihar Vikas Mission – For publishing the order on official website of Bihar Vikas Mission.

Copy to: Megamax Services Pvt. Ltd. – For information and compliance of the order.

Member Secretary, Bihar Vikas Mission

cum

Additional Chief Secretary, Cabinet Secretariat Department