

**Government of National Capital Territory of Delhi,
Health & Family Welfare Department,
9th Level, Delhi Secretariat, I.P.Estate, New Delhi**

No. F. 3(2)/PPPCELL/HFW/2012/Pt. File/Vol.III/21-22

Dated : 08/01/2014

ORDER

Whereas, a notice dated 18/09/2013 vide Department of Health & Family Welfare reference no. F. 3(2)/PPPCELL/HFW/2012/Pt. File/Vol.III/607-08 was issued to the members of the consortium, namely, M/s Max Healthcare Institute Limited and M/s Nephrocare Health Services Pvt. Ltd., to show cause as to why they should not be debarred from participating in any of the tenders/bids/tendering process of the Department of Health & Family Welfare, GNCTD ("Authority") for a period of three years for their failure to accept and act upon the Notice of Award issued by this Deptt. vide its letter No. F. 3(2)/PPPCELL/HFW/2012/Pt. File/Vol.III/574 dated 29.07.2013 in terms of the RFP document in respect of setting up of dialysis facilities in Govt. hospitals under public private partnership mode.

Whereas, the aforesaid Notice of Award (NOA) had been issued by the Authority on 29.07.2013 to the said consortium of M/s Max Healthcare Institute Limited & M/s Nephrocare Health Services Pvt Ltd. ("Selected Bidder") and as per the terms of RFP, the Selected Bidder was required to sign and return the duplicate copy of Notice of Award, as acknowledgement of acceptance of award, within 7 days from the date of receipt.

Whereas, vide letter dated 13th August, 2013, the Selected Bidder expressed inability to perform obligations, as contemplated in the RFP as well as NOA. Further, vide subsequent letters dated 23rd October, 2013 and 22nd November, 2013, Selected Bidder conveniently changed stand and attempted to seek clarification under the garb of want of clarity, whereas no clarity was required as the Bid documents were adequately explicit and expressive and further, no such issues were raised during the Bidding process. It is indicative of wrong intent on part of Selected bidder to derail the Bid process thereby causing loss to GNCT of Delhi and cause detriment to the public interest as the project has been substantially delayed and needy dialysis patients denied the benefits due from this project.

Whereas, it is a matter of record that despite ample opportunities granted, the Selected Bidder did not give satisfactory reply to the above said Show Cause Notice dated 18th September, 2013. On the contrary, the Selected Bidder raised frivolous contentions, which were suitably responded by the Authority, vide its communication dated 18/11/2013.

Whereas, the Selected Bidder, besides having availed of the opportunity of extension of time to sign and return the duplicate NOA, failed to do so in terms of Clause 3.3.6 of the RFP, accordingly the aforesaid Notice of Award dated 29.07.2013 was annulled / cancelled vide the Authority's letter dt. 25/11/2013, and in terms of the RFP, the Bid Security amount was forfeited. This action of the Authority was without prejudice to its rights to take any other action against the Selected Bidder that may be warranted in the public interest, given the facts and circumstances pertaining to this project which has been seriously jeopardized to the detriment of the public interest.

Taking all the facts and circumstances into consideration, the Authority debars the members of the Selected Bidder namely, M/s Max Healthcare Institute Limited and M/s Nephrocare Health Services Pvt. Ltd., from participating for a period of one year, effective from date of issue of this order, in any of the bids/tenders issued or to be issued by the Authority.



(S.C.L. Das)

Secretary(Health &FW)

09-01-2014

To,

1. M/s Max Healthcare Institute Limited
Max House
Okhla
New Delhi 110020
(Kind Attn: Dr. Ajay Bakshi, CEO)

2. M/s Nephrocare Health Services Pvt Ltd.
Max House
Okhla
New Delhi 110020
(Kind Attn: Sh. Vikram Vuppala, CEO)