Itahari Sub-Metropolitan City,
Office of the Municipal Executive

ITAHARI HOSPITAL

Itahari, Sunsari

Dr. Manish Kumar Sharma
Act. Medical Superintendent

ADDENDUM NO. 1

Date of Publication: - 2083-03-31 BS

Itahari Hospital, Itahari, Sunsari has made the following amendments to the bidding document for the contract named below.

Contract No.:- IH/NCB/1G/083/084

Project Title: - Supply and delivery of Medicines (WHO-GMP Certified Company), Itahari Hospital, Sunsari

Previous Last Date of Bid Submission: - 2083-04-01, 12:00 hour

Amendment Last Date of Bid Submission: - 2083-04-08, 12:00 hour

Previous Date of Bid Opening: - 2083-04-01, 13:00 hour

Amendment Date of Bid Opening: - 2083-04-08, 13:00 hour

Issued by: Itahari Hospital, Itahari, Sunsari (the "Purchaser").

Legal basis: Public Procurement (Second Amendment) Act, 2083.

Status: This Addendum forms an integral part of the Bidding Document for the above Contract and shall be read and construed accordingly. Where any provision of this Addendum conflicts with the original Bidding Document, this Addendum shall prevail.

Pursuant to the Public Procurement (Second Amendment) Act, 2083, the following provisions of Part 1 (Bidding Procedures – Instructions to Bidders – ITB), Part 3 (General Conditions of Contract – GCC / Special Conditions of Contract – SCC) and Section III (Evaluation and Eligibility Criteria) of the Bidding Document are hereby amended as set out below. All other terms and conditions of the Bidding Document remain unchanged.

1. ITB 36.1 – Evaluation and Comparison of Bids

In place of: "The Purchaser shall evaluate and compare all substantially responsive Bids to determine the lowest evaluated bid."

Read: "36.1 The Purchaser shall evaluate and compare all substantially responsive Bids, applying the criteria and methodologies set out in this Clause and in Section III (Evaluation and Eligibility Criteria), to determine the Average Bid Price and the bid closest to it (the 'Recommended Bid'), in accordance with ITB 36.1A–36.1C below."

2. ITB 36 – Insert new sub-clause 36.1A (Average Bid Method)

Insert after ITB 36.1:

"36.1A The Purchaser shall determine the arithmetic average of the evaluated bid prices of all substantially responsive and eligible Bidders, excluding any bid disqualified under ITB 36.1B. The Bidder whose evaluated price is closest to this average price shall be identified as the Recommended Bid for the award of Contract."

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3. ITB 36 – Insert new sub-clause 36.1B (Abnormally low bids)

"36.1B A bid quoting a price more than thirty percent (30%) below the Purchaser's approved cost estimate shall be excluded from the evaluation process outright and shall not be considered further."

Consequential: ITB 36.7 and ITB 36.8 are retained only as a quality-assurance and tie-resolution check on bids that fall within the 30% band, and shall no longer be applied as the basis for selecting the lowest bidder. In ITB 36.7, the reference to the "Lowest Evaluated Bidder" is replaced with the "Recommended Bid".

4. ITB 36 – Insert new sub-clause 36.1C (Tie-break rule)

"36.1C Where two or more Bidders' evaluated prices are exactly equal to the Average Bid Price, the successful Bidder shall be selected by lottery/draw in accordance with ITB 36.8. Where two Bidders' evaluated prices are equidistant from the Average Bid Price (one above and one below), the Bidder whose price is below the Average Bid Price shall be preferred."

5. ITB 37 – Post-qualification of the Bidder

In place of ITB 37.1: "The Purchaser shall determine to its satisfaction whether the Bidder that is selected as having submitted the lowest evaluated and substantially responsive Bid is qualified to perform the Contract satisfactorily."

Read: "37.1 The Purchaser shall determine to its satisfaction whether the Bidder that is selected as having submitted the Recommended Bid, in accordance with ITB 36, is qualified to perform the Contract satisfactorily."

Consequential: In ITB 37.3, "the next lowest evaluated bid" is replaced with "the next Recommended Bid, determined in accordance with ITB 36".

6. ITB 39 – Award Criteria

In place of: "The Purchaser shall select to award the Contract to the Bidder whose offer has been determined to be the lowest evaluated Bid and is substantially responsive to the Bidding Document, provided further that the Bidder is determined to be qualified to perform the Contract satisfactorily."

Read: "39.1 The Purchaser shall award the Contract to the Bidder whose offer has been determined, in accordance with ITB 36 and ITB 37, to be the Recommended Bid (i.e., the substantially responsive bid closest to the Average Bid Price), provided further that the Bidder is determined to be qualified to perform the Contract satisfactorily."

7. ITB 34.2 – Correction of Arithmetical Errors

In place of: "If the Bidder that submitted the lowest evaluated Bid does not accept the correction of errors, its Bid shall be rejected and the bid security shall be forfeited."

Read: "34.2 If the Bidder that submitted the Recommended Bid does not accept the correction of errors, its Bid shall be rejected and the bid security shall be forfeited."

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8. ITB 42 – Performance Security

In place of: the tiered formula – 5% of the bid price where the bid is up to 15% below the cost estimate; otherwise, Performance Security = [(0.85 × Cost Estimate − Bid Price) × 0.5] + 5% of Bid Price.

Read: "42.1 Within fifteen (15) days of the receipt of notification of award from the Purchaser, the successful Bidder shall furnish a Performance Security equivalent to five percent (5%) of the accepted Bid Price (excluding VAT and Contingencies but including Provisional Sum), from a Commercial Bank or Financial Institution eligible to issue a Bank Guarantee under prevailing law in Nepal, in accordance with the Conditions of Contract, using the Sample Form for the Performance Security in Section VIII (Contract Forms), or another form acceptable to the Purchaser."

Consequential: Delete the tiered formula sub-clauses (i) and (ii) and the associated calculation at ITB 42.1 and at GCC 17.1 (as set out in the SCC). In ITB 42.2, "the next lowest evaluated Bidder" is replaced with "the next Recommended Bidder, determined in accordance with ITB 36".

9. Section III (Evaluation and Eligibility Criteria), Clause 1 – Evaluation Criteria

Insert new Clause 1.3 after existing Clauses 1.1 and 1.2:

"1.3 Determination of the Recommended Bid (Average Bid Method)

Pursuant to ITB 36.1A–36.1C, after determining the evaluated price of each substantially responsive bid (i.e., bid price adjusted for arithmetic corrections, discounts, and non-material nonconformities per ITB 34 and ITB 33), the Purchaser shall:

(a) exclude from evaluation any bid priced more than 30% below the Purchaser's approved cost estimate;

(b) calculate the arithmetic average of the evaluated prices of the remaining substantially responsive and eligible bids;

(c) identify as the Recommended Bid the bid whose evaluated price is closest to that average; and

(d) where two or more bids are equally close to the average, apply the tie-break rule at ITB 36.1C."

10. Consolidated cross-reference amendments

The following cross-references throughout the Bidding Document are amended accordingly:

ITB 36.7: "the Lowest Evaluated Bidder" is replaced with "the Recommended Bid".

ITB 37.3: "the next lowest evaluated bid" is replaced with "the next Recommended Bid determined in accordance with ITB 36".

ITB 42.2: "the next lowest evaluated Bidder" is replaced with "the next Recommended Bidder determined in accordance with ITB 36".

Section VIII (Contract Forms), Letter of Intent to Award and its accompanying Notes: references to "substantially responsive lowest evaluated bid" are replaced with "substantially responsive Recommended Bid".

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11. IFB Paragraph 4 / ITB 7.2 – Bidding Document Fee

In place of: "…Bidders, submitting their bid electronically, should deposit the cost of a non-refundable fee of NPR 5,000.00, bidding document in the following Rajaswa (revenue) account…" and "The Purchaser will reject any Bid submission (in case of hard copy submission) if the Bidding Document was not purchased directly from the Purchaser… or has not deposited and uploaded the scanned voucher (in case of electronically submission) of the cost of Bidding Document…"

Read: "Bidders submitting their bid electronically through the e-GP system shall not be required to pay or deposit any bidding document fee. Bidders submitting bids in hard copy (where permitted) shall continue to deposit the cost of the bidding document as specified in the Invitation for Bids."

Consequential: Delete the corresponding bank deposit voucher requirement at ITB 7.2 and at ITB 23.1(b)(iv) (upload of scanned bank deposit voucher/cash receipt), since bid submission under this Contract is by electronic means only (BDS to ITB 23.1: "by electronic only").

This reflects the Second Amendment's provision waiving the bidding-document fee where the bid is invited and submitted through the electronic procurement system (e-GP) — relevant here since the BDS to ITB 23.1 already restricts submission to electronic-only.

12. ITB 3.3 – Fraud and Corruption / Blacklisting

Insert new grounds (e) and (f) after existing ITB 3.3(d):

(e) improper withdrawal of a bid; or

(f) refusal to provide information requested by the Purchaser during bid evaluation."

Blacklisting by PPMO on the recommendation of the Purchaser shall be on any of the grounds under Section 63 of the Public Procurement Act, 2063 (as amended), including but not limited to fraud and corruption, improper withdrawal of a bid, or refusal to provide information requested during bid evaluation.

13. GCC – Fraud, Forgery and Misrepresentation

Without prejudice to the Purchaser's rights of forfeiture, recovery, or termination under this Contract, where the Supplier, with mala fide intent, submits a false statement or misrepresentation, or fails to deliver the Goods causing loss or damage to the State, the Supplier (including its responsible partner, director, or authorized representative) shall be liable to prosecution under the prevailing criminal law relating to fraud and forgery, in addition to any other remedy available to the Purchaser under this Contract.

Except as expressly amended by this Addendum, all other terms, conditions, clauses and provisions of the Bidding Document shall remain valid and binding without change. Any difference in this addendum to Public Procurement act 2063 (Amendment, 2083), Prevailing procurement act with amendment shall apply.