



उत्तराखण्ड राज्य

# DIRECTORATE OF MEDICAL EDUCATION

Uttarakhand

107, Chander Nagar, Dehradun 248001  
E-mail: medicaleducation107@gmail.com

No 4098/ME/124/11-Proc/EOI/Medical Colleges/2022

Dated 20 Oct, 2022

## REQUEST FOR EXPRESSION OF INTEREST (E.o.I) FOR PROVIDING ROBOTIC DIAGNOSTIC/ ULTRASOUND, X-RAY, ECG, EEG ETC TESTING SERVICES TO THE PATIENT IN OPD AS A PROJECT AT FOUR MEDICAL COLLEGES SITES AT UTTARAKHAND THROUGH P.P.P

### 1. Background:

The Government of Uttarakhand is committed to improve the health status and quality of life of its people, by focusing on health issues with the objectives of reducing disease burden, creating an enabling environment. The Government intends to reach its citizens with due attention to disadvantaged sections, inaccessible and remote areas. To improve the accessibility and quality of health care services, specific efforts are ensured to strengthen health infrastructure and promote Public Private Partnership. The Government is committed to reinforce Public Health investments and create a culture of ethical practices and accountability.

1. The department is committed towards its vision to deliver quality and timely dedicated, emergency tertiary and critical medical services (including Diagnostics, Treatment and follow-up to the poor and needy) and Medical Education.

2. Aims & objective:

To provide early and accurate diagnosis of disease which is critically important since, it can improve the effectiveness of treatments and avoid long-term complications for the infected patient. Undiagnosed patients can unknowingly transmit the disease to others. Early diagnosis can help to prevent or stop an outbreak.

2.1 When a diagnosis is accurate and made in a timely manner, a patient has the best opportunity for a positive health outcome because clinical decision making will be tailored to a correct understanding of the patient's health problem. In addition, public policy decisions are often influenced by diagnostic information, such as setting payment policies, resource allocation decisions, and research priorities.

2.2 Due to geographical location of Uttarakhand the people of this state have to face several problems to get health facilities. In the rural areas of the state, adequate health facilities are yet to reach the level as in urban areas. In case of illness, most of persons of these areas have to depend on the hospitals of the urban areas. To reach the urban areas they have to depend either on the government Transport service or have to hire some vehicles by spending more amount. The economically weaker and poor persons are not in a position to bear this burden of expenses. As a result of that they cannot get proper treatment.

2.3 It is difficult to match and update the infrastructure of medical diagnostics due to new tests and technology. Further, it requires the staff to be retained. Such a requirement which is necessary but at the same time puts enormous financial strain on the state and human resources.

2.4 Labs of the hospitals are burdened with tests and have its limitation due to few trained staff.

### 3. Project Based on PPP model

In order to improve the diagnostics services & to meet the objectives given above the Department of Medical Education has conceived a two-phase project based on PPP model for establishment of robotic diagnostics/testing lab services under one roof of the Govt. Medical college/hospital in Uttarakhand.

3.1 The project will be implemented in the following two phases:-

The **phase- I** there hospital sites given as below:-

- I. Doon Medical College, Dehradun
- II. Srinagar Medical College, Srinagar
- III. Haldwani Medical College, Haldwani
- IV. Almora Medical College

3.2 Empanelment of vendors for the project shall be done at the rough this E.o.I stage. Final selection shall be done based on response to the RFP floated at the State level and shall include the financial bid. It is important to note that only empanelled vendors qualified through this Eol shall be eligible to participate in bidding at RFP stage along with their financial bid.

#### **4. Invitation for Expression of Interest**

This Expression of interest (Eol) is for Empanelment of agencies for implementing and operating the phase of the project at four Medical college Hospital's at Dehradun, Almora, Srinagar & Haldwani.

4.1 Empanelment of Agencies for implementation of Labs as the project at the four districts of Uttarakhand shall remain valid for a period of 03 years from the date of Empanelment.

4.2 Department of Medical Education, Government of Uttarakhand [hereafter referred as Department] invites expression of interest from reputed private companies\organization\legal entities [hereafter referred as ' Agencie ] to submit their expression of interest in sealed cover for the implantation of phase-I of the project to meet the objectives.

4.3 Interested bidders are advised to study the Eol document carefully submission of Eol shall be deemed to have been done after careful study and examination of the Eol document with full understanding of its implications

4.4 interested bidders are advised to study the Eol document from the website <https://medicaleducation.uk.gov.in>. Eol responses should reach the address as given below. **Director, Directorate of Medical Education Uttarakhand, 107 Chander Nagar, Dehradun.**

4.5 Empanelment of vendors does not guarantee work\business for the bidder

4.6 Govt of Uttarakhand can stop the process of this Empanelment without cities any reason

4.7 Eol document is not transferable

4.8 The project information and the broad scope of work are detailed in this document in succeeding paras. Interested agencies fulfilling the minimum qualification criteria as stated in the EOI, may send their complete details given in this Eol document on or before **Nov, 07, 2022 Time: 3.00 P.M.** to the following address by post/hand in a sealed envelope superscribing "Expression of Interest (EOI) for project-based PPP Model, Phase-I" for short-listing the interested parties for further evaluation of their Request For Proposal (RFP) cum financial bids.

### **5. Broad Scope of Work**

#### **5.1 Objective of Eol**

5.1.1 Overall objective of this Eol is to shortlist and empanel Implementation Agencies with proven capabilities for Implementation of the Phase-I of the project in the 4 medical colleges of Uttarakhand.

5.1.2. This section describes the broad scope of work that shall be carried out by the bidder who is selected in the RFP stage to implement the project.

#### **5.2. Empanelment Procedure**

5.2.1. Each bidder participates in the following stages to get empanelled:

Stage I: Pre-Qualification

## **Stage II : Proof of concept**

5.2.2 Each shortlisted bidder based on the pre-qualification criteria shall mandatorily participate in Proof of Concept (PoC) demonstration which forms an integral part of the EoI process.

### **5.3 Scope of Work post Empanelment and Selection after RFP**

The selected bidder (based on REP evaluation) shall install, commission, operate and maintain the Robotic Diagnostic Lab for a period of 03 years from the date of acceptance of Letter of Intent (L.o.I.) /Work Order. An indicative scope of work to be undertaken by the selected bidder for setting up and operating Robotic Diagnostic Lab for the Phase-I at the four labs commissioned at medical colleges listed below :

- Design phase & Site Preparation
- Installation, Integration and Commissioning Phase
- Performance Quality / standard testing phase
- Operation and Maintenance phase.

5.3.1 **Agency Area:** It refers to the area where the implementing agency shall be located along-with its machines & equipment's for performing the operations and functions under of diagnostics lab.

#### **5.3.2 Design Phase & Site Preparation:**

The broad scope of work during this phase will include the following, but is not limited to :

- (i) Project Kick-off Meeting.
- (ii) In order to implement the project at the four sites, the need of each site is to be clearly identified in terms of requirements, augmentation and establishment of the infrastructure (diagnostic machines, equipment, store items, information Technology (IT) related / Non-IT) by the Implementing Agency.
- (iii) Preparation and submission of Comprehensive Project implementation plans and schedules separately.
- (iv) Preparation and submission of the separate site readiness reports for the installation of all required equipment for the project.
- (v) All paper work and necessary formalities/liason with OEM on behalf of tendering authority.
- (vi) Preparation and submission of separate Final Acceptance Test (FAT) Plans and schedules for the project.
- (vii) Preparation and submission of any other policies/documentation/reports as demanded in the RFP along with required schedules.
- (viii) Preparation and submission of manpower deployment plan and schedule with list of staff to be deployed under the project during different parts /stages of the project.
- (ix) Preparation and submission of schedules of supply, installation, testing and commissioning of the project.
- (x) Multi-layer physical security infrastructure to prevent unauthorized access of Data / Samples / Records of the lab.
- (xi) Networking & Security Infrastructure and other associated IT Components for integration with medical college's network.
- (xii) The space required by the agency to be provided by State, however the selected agency shall be responsible for Physical Infrastructure comprising of Civil, Electrical, and Mechanical & Plumbing works required to establish the lab.

#### **5.3.3 Supply, Installation, Testing and Commissioning Phase :**

Tendering Authority shall provide the necessary minimum constructed space for locating the diagnostics lab. Selected bidder shall arrange for necessary preliminary work which shall enable them to undertake civil, electrical, mechanical & plumbing works including false ceiling, partitioning, installation of electrical components, cable laying etc. at the site for the preparation of site as per the details that shall be given in the REP.

The selected bidder shall undertake all the necessary civil, electrical, mechanical & plumbing works including false ceiling/flooring, partitioning, installation of electrical components, cable laying and other necessary services to create the Lab, IT, non-IT / Physical infrastructure.

The selected bidder shall procure and install medical lab/Diagnostics / IT and Non-IT components, install and configure/reconfigure (at no cost) / integrate every component and subsystem component, required for functioning of the lab. The bidder shall ensure latest technology machine & equipments. All the machine must have use necessary certifications and also ensure that no used machine.

The selected bidder shall be responsible for but not limited to supply and installation of the following:

- (i) All active and passive components related to :
  - Radiology (Ultrasound, X-ray, E.C.G. & EEG )
- (ii) Physical infrastructure components such as UPS and Air-Conditioning System, Fire Detection and Control System, Diesel Generator Units, Lighting system, CCTV Surveillance systems and cabling etc.
- (iii) IT Infrastructure components such as Servers, Databases, Networking & Security components, Storage, Software and other IT components etc. required at the lab.
- (iv) Commissioning & Acceptance Testing shall involve the completion of the lab site preparation, supply and installation of the required components and making the lab available to the State for carrying out live testing and getting the acceptance of the same from the tendering authority.
- (v) Recruitment and Training of manpower of implementing agency's payroll.
- (vi) All documentation generated during design, installation and commissioning phases shall mandatorily be made available to the tendering authority.

**5.3.3.1 Testing and Commissioning:** Commissioning shall involve the completion of the following:

- (a) Lab Site preparation
- (b) Supply and installation of all the required lab equipment, IT/Non-IT components.
- (c) Making the lab available to State 24x7 for carrying out live testing operations.
- (d) Getting the acceptance of the same from the NABL or equivalent or an expert committee set by the tendering authority.

**5.3.3.2 Performance Quality / standard testing phase**

**5.3.3.3 Operations and Maintenance**

- (i) The selected bidder shall provide operating and maintaining the lab at sites identified for Phase-I for a period of 30 years from the date of commissioning of the lab. The scope of the services for overall management shall include Monitoring, Maintenance and Management of the entire lab including payment of wages and training of manpower deployed. The bidder shall also responsible for compliance of all labor laws.

#### **ii. Managed Services**

Selected bidder shall setup, operate & maintain the lab, including its staff, at State owned / rented premises with well trained & empowered staff to handle tests recommended and referred by Doctors of the medical college or Medical Officers of the Uttarakhand State Govt. and provide the patients timely report and provide films / record etc.

Number of lab machinery, technicians, clerical manpower, equipment & infrastructure required for managing the traffic of tests to be done at the lab shall be enhanced periodically or as per the requirement which will have to be approved by the identified competent authority to meet the growth in traffic of tests / grievances from different stakeholders of lab.

#### **iii. Channels Supported - Inbound and Outbound Patients**

- Scope of services includes handling all tests referred for in-patients and out-patients of the hospital referred by its doctors or Medical Officers of the said hospitals.

#### **iv. Window of Operations**

The support window required for lab shall be for 16 hours a day (6 a.m.- 10 p.m.), 6 days a week (excluding Sundays) throughout the year excluding National Holidays This may scale up to a 24x7 support at a future date depending on volume and /or other parameters

#### **v. Billed Services**

The solution design for the project labs shall provide for a prescribed test as per rate hired by govt of Uttarakhand/India. In case there is no rate fixed by either state govt. or govt. of India in that case rate prescribed by AIIMS will be applicable. List of procedures to the out-patients for which the users shall be charged at pre-decided rates at UGHD rates. For the tests referred for in-patients, the patient will be charged at the UG rates and will be split billed. While one part will be billed directly to the patient and credited to the account of the agency at the time of his discharge while the other part will be billed to the State (Department) which shall be settled monthly to the account of agency.

## vi. Information Management

The agency will provide keep utmost secrecy of patient information. All the transaction informational between Government and the Agency will have to seamlessly flow between Department and various Government entities. Thus, the selected bidder shall be responsible for the following: a. Data / information provided by Government Department / agencies in proper format both for internal purposes and for services delivered through its lab. b. Managing flow of information / data / record between State departments and agency. c. Modifying and updating the records. d. Preparing, publishing and maintaining the list of tests and patients tests record database.

## vii. Recruitment and Training

The selected bidder shall be responsible for recruiting the all technicians & staff and for its lab. Also, appropriate training shall be conducted to enable them to provide services through its lab.

## viii. Operations & Maintenance phase:

All the critical equipment which are directly or indirectly part of smooth operations of lab must be maintained and managed at all the times. The downtime of any diagnosis equipment should be minimum as per the AMC service level agreement with OEMs. The above-mentioned points, following is a list of indicative scope of work for the Operations & Maintenance phase: a. System administration, maintenance and management services b. Network management services c. Server and storage administration and management services d. Security administration and management services

## 7. INFORMATION AND INSTRUCTIONS TO THE BIDDERS

**7.1. Tender Fee : Rs 5000+18% GST All Total Rs. 5900/- (Five Thousand Nine Hundred Only) Demand Draft in favor of DIRECTOR MEDICAL EDUCATION, UTTARAKHAND, DEHRADUN.**

1. Name of the Client: Department Medical Education, Uttarakhand Government
2. Name of the assignment: "PROVIDING ROBOTIC DIAGONISTIC / Ultrasound, X-Ray, ECG, EEG SERVICES IN OPD AS A PROJECT AT FOUR HOSPITAL SITES AT UTTARAKHAND
3. Method of Empanelment: Pre-Qualification criteria and Demonstration of Proof of Concept (PoC)
4. Validity period of the Proposals: Proposal must remain valid for **one eighty (180) days** from the date of submission.
5. Period of Empanelment: The Empanelment shall be valid for an initial period of 03 years which may be extended on mutually agreed terms
6. Date of pre-bid meeting: Month Date, Oct, 28, 2022 at Time 11:00 AM at Directorate of Medical Education, 107, Chander Nagar, Dehradun - 248001

Last date for submission of written queries for clarifications is Date Oct, 29, 2022 Time 03:00 PM. Queries can be submitted through email or submitted in hard copy at the following address:

**Directorate of Medical Education, Uttarakhand,**

**Address: 107, Chander Nagar, Dehradun.**

**Email: medicaleducation107@gmail.com**

7. Last Date for submission of bids: Date Nov, 07, 2022 Time 03:00 PM. Proposal submission address is:

**Directorate of Medical Education, Uttarakhand,**

**Address: 107, Chander Nagar, Dehradun.**

**Email: medicaleducation107@gmail.com**

Proposals received after the stated time and date would not be considered and would be returned unopened

8. Opening of Prequalification Bids: Date of opening of pre-qualification shall be informed to the bidders during the pre-bid meeting.

9. Presentation on technical bid by short-listed bidders, if required.

10. Process for Empanelment: Empanelment of agencies for Phase-I shall follow the following process:

- i. Pre Qualification - All agencies responding to this tender would need to meet the pre-qualification criteria as prescribed in **PRE QUALIFICATION CRITERIA** to get qualified.
- ii. Demonstration of Proof of Concept (PoC) Agencies meeting the Prequalification criteria would be required to demonstrate a PoC. PoC is a mandatory activity for the qualified agencies to participate
- iii. Technical evaluation committee appointed by Department; Uttarakhand Government shall evaluate the PoC demonstration by participating bidders. iv. Only those bidders who successfully demonstrate a minimum of 6 test cases shali be empanelled. It is important to note that the decision of the Technical Committee/Department shall be final in this case.

## **7. Details to be submitted for E.O. I**

- i.** Company Profile
- ii.** Directors/Partners Profile
- iii.** Profile of Key Personnel likely to be associated
- iv.** Financial Turnover for last 3 to 5 years (Excluding MSME/Apply fresh start-up U.K.)
- v.** Similar information regarding other members of JV/Consortium, if planned.
- vi.** Approach and Methodology for project execution including approximate budgetary estimate and suggestions/comments.

## **8. Evaluation criteria of E.O.1**

### **9. Proof of Concept.**

Each shortlisted bidder, based on the Pre-qualification criteria shall have to mandatorily participate in the Proof of Concept (POC) demonstration.

**9.1.** Proof of concept for purpose of this Eol is defined as demonstration of capabilities for setting up and operating a diagnostics lab to prove the idea and feasibility of the project as envisioned by Uttarakhand Government. The demonstration could be done using a part of an existing lab and should provide a representative solution through a relatively small number of equipment working in a real / live medical hospital environment roles to satisfy various aspects of the requirements.

**9.2.** Each shortlisted bidder based on the pre-qualification criteria shall demonstrate the PoC using a combination of a presentation and a floor visit. It could be a small existing lab, for a Government / PSU/NGO process at a location convenient to the bidder (in near State Capitals) or as proposed by the Department. The Service Provider is expected to bear the cost of demonstrating the PoC and would also be responsible for making the tests.

**9.3** PoC demonstration shall be examined by the Technical Evaluation Committee (TEC), appointed by the Department, on the basis of the few pathological and/or radiological test cases given by the committee for the purpose. Bidder shall have to. Successfully demonstrate a minimum of 6 test cases from the list of test cases as a prerequisite for Empanelment. A detailed list of diagnostics test cases will be provided separately by the TEC and its authorized representatives shall witness the PoC results.

**9.4** Results and output from PoC demonstration shall form as inputs and used while finalization of the Project Design Document (PDD). Department reserves the right of updating changing / modifying the diagnostics test cases even during the PoC demonstration phase and may also review the condition for successful demonstration of at least 6 test cases as a prerequisite for Empanelment, if such a need is felt by the Technical Evaluation Committee.

**9.5** It is important to note that the decision of the Department shall be final and binding in this regard to all the participating bidders. Every shortlisted bidder shall submit a detailed approach & methodology and work plan/implementation plan for the following points in a proper format broadly covering the points as below.

### **Approach & methodology**

- i.** Understanding of scope
- ii.** Proposed Solution (end to end solution design)
  - Lab architecture & Infrastructure
  - Scalability
  - Security
  - Technical features offered beyond requirements
  - Human Resource Management
  - Information/Record & Data Management
- iii.** Quality framework Service Level Agreements (SLA)/AMC with OEMs
  - Methodology & proposed quality plan
  - Performance management
- iv.** Implementation Plan
- v.** Proposed business model
- vi.** Risk & challenges
- vii.** Value addition from bidder

9.6. Proposal Presentations - The shortlisted bidders based on the pre-qualification criteria shall be invited to make a presentation to the Department at a date, time and location notified by the Department. The purpose of such presentations would be to allow the bidders to present their technical solution, approach & Methodology & quality of the professionals proposed to the committee and other key points in their proposals.

9.7 Department may require verbal/written clarifications from the bidders to clarify ambiguities and uncertainties arising out of the evolution of the bid documents and PoC demonstration phase. Verbal clarifications provide the opportunity for Department to state its requirements clearly and for the bidder to more clearly state its proposal. Department may seek inputs from their professional technical faculties in the evaluation process and even during the PoC phase.

9.8 Department reserves the right to decide on the number of agencies to be empanelled. Decision of Department in this regard shall be final & binding and no further discussion/interface shall be held with the bidders whose bids are disqualified/rejected based on pre-qualification criteria or based on the PoC demonstration results.

9.9 Proof of Concept should include the five key aspects of successful operations:

1. Patient/People orientation,
2. Process Efficiency in turnaround time (Time at which patient enters the lab, tested and generation of report.)
3. Best practices followed as per NABL norms.
4. Human Resource and Training and
5. Dependencies related to cross process support and data management.

## 10. PRE-QUALIFICATION CRITERIA

As part of eligibility criteria only those bidders who meet the following pre-qualification criteria are eligible to participate in the Empanelment process. Bidder could be a single entity or a consortium. Bidders failing to meet these criteria or not submitting requisite supporting documents/documentary evidence for supporting pre-qualification criteria are liable to be rejected summarily.

### Pre-Qualification Criteria Required Documents

1. Bidder and consortium partner should be a Partnership firm or a company registered under the India companies act, 1956 and who have their registered offices in Uttarakhand with valid service tax registration Certificate of Incorporation and Articles of association of the bidder.
2. Apart from company registration, Bidder and Consortium partner must have Registration under Indian Labour Laws & Contract Act, valid VAT/Sales Tax Registration Certificate valid Service Tax Registration Certificate and Income Tax Return with Audit Report form CA Attested copy all the mentioned certificates. Bidder and Consortium partner shall attach the GST clearance certificates of last year. All the certificates have to be certified by statutory auditors of the respective firms.
3. Prime Bidder should have a positive net worth in the last Financial Year 2020-2021 Audited/Certified Financial statements & annual report 2020-2021 (Excluding MSME/Apply Fresh start-ups UK)
4. Prime Bidder should have a turnover of the least **INR 05 Crores (INR Five Crores)** in each of the last 3 Financial Years (FY 18-19, FY 19-20, FY 20-21) from diagnostic lab business Audited/Certified financial statements & Annual report for (FY 19-20, FY 20-21, FY 21-22) (Excluding MSME/Apply Fresh start-ups UK)
5. Bidder/ Consortium Partner should have experience in management implementation of diagnostic lab for inpatient/out patients/walk in patient channels for at least one hospital in India Details of projects including copy of work order clearly mentioning the among copy of agreements with OEM, SLA, Client satisfaction certificate and evidence of capability. The bidder must also have agreement with reputed global diagnostic medical equipment manufacturer such as Medtronic's, Johnson & Johnsons, Siemens, Philips, GE etc.
6. Bidder/Consortium Partner should not be an entity which has been black-listed by Government as on the bid submission date undertaking on company agency/department it is mandatory to enclose relevant letter/communication in this regard by the concerned agency/department.
7. Bidder and Consortium Partner shall have at least 15 lab technicians employed in In patient/out-patient lab operations in India (Excluding MSME/Apply Fresh start-ups UK)

8. Bidder/Consortium Partner shall have at capability of handling least 2000 tests per day at a single location in India Certified list of locations in India. (Excluding MSME/Apply Fresh start-ups UK)
9. Bidder/Consortium Partner shall have demonstrated capability of serving customers certified list of clients by the company Secretary with details. (Excluding MSME/Apply Fresh start-ups UK)
10. Bidder/Consortium shall have handled at least 2000 tests per in FY 20-21 Certified list of clients by the company Secretary. (Excluding MSME/Apply Fresh start-ups U.K.)
11. Bidder/Consortium should be BS 7799/ISO 27001 or BS1500/ ISO 20000/ISO 9001/ NABL Certifications for an operational lab operated by them as on the date of bidding from the statutory authority. (Excluding MSME/Apply Fresh start-ups U.K.)
12. Welcome Letter of Project fund issued by finance agency.
13. The firm/company should perform the work as per pardhanmantri startup moddle.
14. The bidder should employee the service staff i.e. doctor/paramedical etc. with an agreement through the registered the commercial employment agency with terms and agreements.
15. The Commercial employment agency has working experience of minimum 4 hospitals agreement letters.
16. The firm as be registered as per 1932, co. registration act. the firm

## **11. GENERAL CONDITIONS**

### **11.1. Participation in State RFP**

It is mandatory for all the empanelled vendors to participate for every District of Uttarakhand implementation at least for the 3 hospitals identified for phase- I mentioned in this Eol. However, the Department reserves the right of altering/changing this conditions and the decision of Department in this case shall be final.

### **11.2 Validity of Bid**

Bid submitted by the bidders shall remain valid for a period of 180 (one hundred and eighty)days after date of bid opening. Any bid valid for shorter period shall be treated and rejected as non-responsive. Department may solicit the bidders consent to an extension of bid validity beyond the mentioned time period but without the modification in the proposal.

### **11.3. Clarification to EoI**

During Eol evolution, Department may at its discretion, ask bidders for clarifications on their Eol. The bidders are required to respond within the time frame prescribed by Department during release of clarifications.

### **11.4. Amendments in EoI**

At any time prior to deadline for submission of Eol, Department may for any reason, modify the Eol. The prospective bidders having received the Eol shall be notified of the amendments through website and such amendments shall be binding on them.

### **11.5. Disqualification**

Department may at its sole discretion and at any time during the evaluation of Eol,

Disqualify any bidder, if the bidder has:

- i. Submitted the Eol documents after the response deadline.
- ii. Made misleading or false representations in the forms, statements and attachments submitted in proof of the pre-qualification requirements.
- iii. Exhibited a record of poor performance such as abandoning works, not properly completing the contractual obligations, inordinately delaying completions or financial failures, etc in any project in the preceding three years.
- iv. Submitted an Eol that is not accompanied by required documentation or is non responsive.
- v. Failed to provide clarifications related thereto, when sought
- vi. Submitted more than one Eol
- vii. Declared ineligible by the Government of India/ State/UT for corrupt and fraudulent practices or blacklisted.



## **11.6. Confidentiality**

Information relating to the examination, clarifications and comparison of the Eol shall not be disclosed to any bidders or any other persons not officially concerned with such process until the Empanelment process is over. The undue use by any bidder of confidential information related to the process may result in rejection of its Eol.

## **11.7. Force majeure**

No failure or delay or omission by either party to fulfill any of its obligations under Empanelment contract (other than the obligations to make payments when due) shall give rise to any claim against such party or be declared to be a breach of any terms and conditions defined in the Empanelment contract if any to the extent such failure, delay or omission arises from the "Force Majeur" event not within the reasonable control and at the instance of such Party (each an event of "Force Majeure"). Events of force Majeure shall be.

- i. Blockade, Revolution, Riot Bombs, Religious strife or civil commotion.
- ii. Strikes, lock out or other industrial action (other than those involving primarily Service Provider own employees or any of the contractors, subcontractors, etc. directly associated with the provision of services under this Eol.)
- iii. Act of war (whether declared or undeclared), terrorist or military action, politically motivated sabotage.
- iv. A decision or the order of a court or tribunal, which has the effect of restraining or delaying the provision of Services.
- v. Explosions, accident, breakage of facilities plant or equipment structural, collapse, fire chemical or radioactive contamination (other than resulting from an act of war, terrorism or sabotage) caused by a person not being the affected party or one of its contractors or sub-contractors, sub-lessors or any other agencies of the affected party or any of their respective employees, and not being due to inherent defects of the affected facility of the failure to properly operate the affected facility.
- vi. Fire, lightning, earthquake, cyclone, hurricane, whirlwind, flood, landslide or any such natural disaster.
- vii. Epidemic

## **11.8. Non-Waiver**

Waiver of any breach of the provision of any default under the Empanelment contract must be in writing and signed by the party granting the waiver. No failure or delay on the part of either party in exercising or any omission to exercise any right or remedy accusing to either party under the Empanelment contract shall be a waiver thereof nor will any partial exercise of any right or remedy particular be a waiver of further exercise of that right or remedy.

## **11.9. Amendment**

Terms and conditions as defined in the Empanelment contract shall be not be modified added to or amended in any manner except by mutual agreements in writing of the parties. All modifications, additions or amendments under the Empanelment contract must be in writing and signed by an authorized representative of the parties hereto be effective and enforceable between the parties.

## **11.10. Arbitration**

**11.10.1.** All disputes difference, claims and demands arising under the Empanelment contract shall be referred to arbitration of a sole arbitrator to be appointed by the mutual consent. All arbitration shall be held in Dehradun.

**11.10.2.** If the parties cannot agree on the appointment of the Arbitrator within a period of one month from the notification by one party to the other of existence of such dispute, then the Arbitrator shall be nominated by the Legal Department of Uttarakhand Government. The provisions of the Arbitration and Conciliation Act, 1996 shall be applicable and the award made there under shall be final and binding upon the parties hereto, subject to legal remedies available under the law. Such difference shall be deemed to be a submission to arbitration under the Indian Arbitration and Conciliation Act, 1996 or of any modifications, Rules or reenactments thereof.

### **11.11. Governing Laws**

11.11.1. Empanelment contract shall be covered and construed in accordance with Laws of India including without limitation, the relevant Central and State Acts and Rules, Regulations and Notifications issued and amended there under from time to time.

11.11.2. Courts at Dehradun shall have the jurisdiction in case of litigation between the parties.

### **11.12. Third party Claims.**

Bidder (the "Indemnifying Party") undertake to indemnify the client (the "Indemnified Party") from and against all losses claims for damages including losses, claims for damages on account of bodily injury death or damage to tangible

### **11.13. Limitation of Liability**

There shall be no limitation of liability in case of any damages for bodily injury (including death) and damage to real property and tangible personal property as also intangible personal property and intellectual property rights.

## **12 Terms and Conditions.**

Empanelment of Agencies for implementation of Project phase at the State shall remain valid for a period of 30 years from the date of Empanelment.

Upon successful completion of the initial phase, Uttarakhand Government can decide for roll-out of the phase- II of the project in the remaining Govt. hospitals and it shall be the discretion of Uttarakhand Government to extend the Empanelment of re-empanel the vendors for the same

Empanelment of vendors does not guarantee work/business for the bidder.

Uttarakhand Government can stop the process of this Empanelment without citing any reason.

**(Director)**

**Directorate of Medical Education Uttarakhand  
Dehradun.**