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**United Kingdom-Normanton: Electrosurgical unit  
2016/S 160-289983**

**Contract notice**

**Supplies**

Directive 2004/18/EC

**Section I: Contracting authority**

**I.1) Name, addresses and contact point(s)**

NHS Supply Chain acting as agent for NHS Business Services Authority  
NHS Supply Chain, Foxbridge Way  
Contact point(s): NUTS Code UKE4  
For the attention of: Jenny Moulton  
WF6 1TL Normanton  
United Kingdom  
Telephone: +44 7714041353  
Fax: +44 1924328744

**Internet address(es):**

General address of the contracting authority: [www.supplychain.nhs.uk](http://www.supplychain.nhs.uk)

**Further information can be obtained from:**

NHS Supply Chain acting as agent for NHS Business Services Authority  
Internet address: <http://procurement.supplychain.nhs.uk/ISS/>

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:**

NHS Supply Chain acting as agent for NHS Business Services Authority  
Internet address: <http://procurement.supplychain.nhs.uk/ISS/>

**Tenders or requests to participate must be sent to:**

NHS Supply Chain acting as agent for NHS Business Services Authority  
Internet address: <http://procurement.supplychain.nhs.uk/ISS/>

**I.2) Type of the contracting authority**

National or federal agency/office

**I.3) Main activity**

Health

**I.4) Contract award on behalf of other contracting authorities**

The contracting authority is purchasing on behalf of other contracting authorities: yes

**Section II: Object of the contract**

**II.1) Description**

**II.1.1) Title attributed to the contract by the contracting authority:**

'Electrosurgical Equipment Smoke Evacuators Related Products and Accessories'.

**II.1.2) Type of contract and location of works, place of delivery or of performance**

Supplies

Purchase

Main site or location of works, place of delivery or of performance: Various locations in UK.

NUTS code UK,UKE4

II.1.3) **Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**

The notice involves the establishment of a framework agreement

II.1.4) **Information on framework agreement**

Framework agreement with several operators

Number of participants to the framework agreement envisaged: 10

**Duration of the framework agreement**

Duration in years: 1

**Estimated total value of purchases for the entire duration of the framework agreement**

Estimated value excluding VAT:

Range: between 8 000 000 and 16 000 000 GBP

II.1.5) **Short description of the contract or purchase(s)**

NHS Supply Chain seeks to establish a non-exclusive Framework Agreement for the supply to the NHS Supply Chain customer base via the direct route of supply of Electrosurgical Equipment Smoke Evacuators Related Products and Accessories including but not limited to;

— Electrosurgical (Diathermy) Machines;

— vessel sealing units;

— smoke evacuators;

— any related software;

— point of sale maintenance; and

— any related options or accessories.

The scope of this tender and any resulting Framework Agreement does not include the supply of consumable products. 'Consumable products' means products that are typically supplied after the initial capital (machine) purchase. They are the single use or reusable products that are typically used for each patient procedure for example Diathermy Pencils Hand-pieces or Plates.

Suppliers must be able to supply the basic Electrosurgical (Diathermy) Machine referred to as the evaluated product line in order to respond to this Invitation to Tender.

This Framework Agreement is for 12 months with the option to extend in incremental stages for up to a total period of 36 months.

Please note that whilst there are no lots in this framework agreement a 'Lot' reference is still being used within the ISS System.

II.1.6) **Common procurement vocabulary (CPV)**

33161000, 42521000, 33162000, 33140000

II.1.7) **Information about Government Procurement Agreement (GPA)**

The contract is covered by the Government Procurement Agreement (GPA): yes

II.1.8) **Lots**

II.1.9) **Information about variants**

II.2) **Quantity or scope of the contract**

II.2.1) **Total quantity or scope:**

'This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the first 12 months of the framework agreement the value of purchases will be in the region of 2 000 000 GBP to 4 000 000 GBP however this is approximate only.

The figures below for the total estimated value are based on that initial expenditure.

Estimated value excluding VAT:

Range: between 80 000 000 and 16 000 000 GBP

**II.2.2) Information about options**

Options: yes

Description of these options: This Framework Agreement will have the option to extend incrementally for a further period of up to 36 months in addition to the initial 12 month period as set out in the Framework Agreement.

**II.2.3) Information about renewals**

**II.3) Duration of the contract or time limit for completion**

Duration in months: 12 (from the award of the contract)

**Section III: Legal, economic, financial and technical information**

**III.1) Conditions relating to the contract**

**III.1.1) Deposits and guarantees required:**

'Parent company or other guarantees may be required in certain circumstances. Further details will be in the tender documents'.

**III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:**

'Please see tender documents.'

**III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**

'The contracting authority reserves the right to require groupings of entities to take a particular form or to require one party to undertake primary legal liability or to require that each party undertakes joint and several liability'.

**III.1.4) Other particular conditions**

**III.2) Conditions for participation**

**III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers**

Information and formalities necessary for evaluating if the requirements are met: Submission of expression of interest and procurement specific information:

This procurement exercise will be conducted on the NHS Supply Chain eTendering portal at <http://procurement.supplychain.nhs.uk/ISS/>

Candidates wishing to be considered for this contract must register their expression of interest and provide additional procurement-specific information (if required) through the NHS Supply Chain eTendering portal as follows:

Registration

1. Use URL <http://procurement.supplychain.nhs.uk/ISS/> to access the NHS Supply Chain Procurement portal.
2. If not yet registered:
  - Click on the "Not Registered Yet" link to access the registration page.
  - Complete the registration pages as guided by the mini guide found on the landing page.

Portal access:

If registration has been completed:

- Login with URL <http://procurement.supplychain.nhs.uk/ISS/>
- Click on the "Supplier Dashboard" icon to open the list of new procurement events.

Expression of interest:

— View Contract Notice content by clicking on the “View notice” button for the procurement event. This opens a PDF document.

— Express an interest by clicking on the “Express interest” button.

— To start the response process after the expression of interest has been done select the “My Active Opportunities” option and click on the “Apply” button.

— Select the procurement event from the list by clicking on the description.

— In the detail view click on the orange coloured “Framework Agreement” button to start responding to the tender.

Tender response:

Header level requirements:

— Applicants are required to read all Framework Header Documents which can be accessed using the “NHS SC Header documents” button which is located in the “Select framework” tab.

Please see section 6 of the Invitation to Tender document for further information about how to submit your tender response.

III.2.2) **Economic and financial ability**

III.2.3) **Technical capacity**

III.2.4) **Information about reserved contracts**

III.3) **Conditions specific to services contracts**

III.3.1) **Information about a particular profession**

III.3.2) **Staff responsible for the execution of the service**

**Section IV: Procedure**

IV.1) **Type of procedure**

IV.1.1) **Type of procedure**

Open

IV.1.2) **Limitations on the number of operators who will be invited to tender or to participate**

IV.1.3) **Reduction of the number of operators during the negotiation or dialogue**

IV.2) **Award criteria**

IV.2.1) **Award criteria**

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document

IV.2.2) **Information about electronic auction**

IV.3) **Administrative information**

IV.3.1) **File reference number attributed by the contracting authority:**

"FAG000016391"

IV.3.2) **Previous publication(s) concerning the same contract**

**Prior information notice**

Notice number in the OJEU: [2015/S 174-316129](#) of 9.9.2015

IV.3.3) **Conditions for obtaining specifications and additional documents or descriptive document**

IV.3.4) **Time limit for receipt of tenders or requests to participate**

14.9.2016 - 15:00

IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates**

IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up**  
English.

IV.3.7) **Minimum time frame during which the tenderer must maintain the tender**  
in days: 120 (from the date stated for receipt of tender)

IV.3.8) **Conditions for opening of tenders**

Date: 15.9.2016 - 9:00

Place:

As in above mentioned I.1

Persons authorised to be present at the opening of tenders: yes

Additional information about authorised persons and opening procedure: 'Only the NHS Supply Chain contract owner or delegate'.

#### **Section VI: Complementary information**

VI.1) **Information about recurrence**

VI.2) **Information about European Union funds**

VI.3) **Additional information**

'Applicants should note that a single product line will be evaluated. Applicants must bid for the one line as set out in the (Lot 001) within the ISS system. Further details in respect of this are set out in the Invitation to Tender.

The term of contracts formed under the framework agreement may continue beyond the end of the term of the framework agreement itself. NHS Supply Chain expects to provide successful Suppliers with the opportunity to offer additional savings to customers through the provision of discounted pricing value added offerings and commitment/bulk buy initiatives.

NHS Supply Chain will share savings information in order to assist its customers with making informed procurement decisions.

The framework agreement will be between NHS Supply Chain and the Supplier however any NHS Trust; other NHS entities; any private sector entity which is active in the United Kingdom Healthcare Sector; any government department government agency or other statutory body (for the avoidance of doubt including local authorities); or any primary secondary tertiary vocational or higher educational establishment (and those purchasing on their behalf) including for example nursery schools primary schools middle or high schools secondary schools academies free schools pupil referral units (PRUs) further education colleges and universities will be able to enter into a direct contract with the Supplier for any of the supplies and/or services under the Framework. The Supplier will be required to report to and pay a direct contract management fee to NHS Supply Chain as detailed in the tender documents.

The framework agreement includes obligations with respect to environmental and social issues and a requirement for successful Suppliers to comply with the NHS Supply Chain Code of Conduct together with contractual obligations in relation to providing Goods and Services in accordance with the EU Green Public Procurement Guidance (energy performance criteria). Further information is provided in the tender documents.

Electronic ordering will be used and electronic invoicing will be accepted and electronic payment will be used. For the avoidance of doubt and notwithstanding the estimate indicated at II.2.1) NHS Supply Chain does not guarantee any level of purchase through the framework and advises Applicants that the framework shall be established on a non-exclusive basis.

Tenders and all supporting documentation for the contract must be priced in sterling and written in English. Any agreement entered into will be considered a contract made in England according to English law and will be

subject to the exclusive jurisdiction of the English Courts. NHS Supply Chain is not liable for any costs (including any third party costs fees or expenses incurred by those expressing an interest participating or tendering for this contract opportunity. NHS Supply Chain reserves the right to terminate the procurement process (or part of it) to change the basis of and the procedures for the procurement process at any time or to procure the subject matter of the contract by alternative means if it appears that it can be more advantageously procured by alternative means. The most economically advantageous or any tender will not automatically be accepted. All communications must be made through NHS Supply Chain's eTendering portal at <http://procurement.supplychain.nhs.uk/ISS/> using the Message Centre facility linked to this particular contract notice.

VI.4) **Procedures for appeal**

VI.4.1) **Body responsible for appeal procedures**

Not applicable

**Body responsible for mediation procedures**

Not applicable

VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: 'Appeals to be lodged in accordance with the Public Contracts Regulations 2015 (as amended)'.

VI.4.3) **Service from which information about the lodging of appeals may be obtained**

VI.5) **Date of dispatch of this notice:**

15.8.2016