Invitation to tender

for the Supply and Storage of Intravenous Fluids and Peritoneal Dialysis Fluids

ITT\_108

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# Introduction

## This Invitation to Tender (ITT) relates to the Procurement to award a Contract(s) for the Supply and Storage of Intravenous Fluids and Peritoneal Dialysis Fluids. The Authority reserves the right to award more than one contract per lot.

## When we use “The Authority”, “we”, “us”, “our” or “DHSC” we mean the Department of Health and Social Care acting on behalf of the Secretary of State for Health. When we use “you” or “your” we mean the organisation you represent as a Potential Provider.

## The Contract will be for an initial 19 month period with an option (to be exercised at the Authority’s sole discretion) to extend for up to one further 12 month period, to be reviewed before the first anniversary.

## The estimated value of the Contract is £32,000,000 for the total period (including potential extension options).

## The Public Contracts Regulations 2015 regulate how we procure. This Procurement will use the **Open Procedure.**

## This ITT contains the information and instructions you need to submit a Tender. Please read this document carefully as failure to follow these instructions may result in the rejection of your Tender.

## The Terms of Participation in ‘*Attachment 2 – Terms of Participation’* apply throughout this Procurement. You will need to confirm acceptance of these terms in order to be included in this procurement exercise.

## We are using our e-Sourcing Portal, [Bravo](https://www.gov.uk/government/organisations/department-of-health/about/procurement), to manage this Procurement. Tenders must be submitted via this portal. All communications relating to the Procurement will conducted through this e-Sourcing Portal.

## In order to ensure you receive messages in relation to this procurement (including responses to questions) you should express interest through Bravo, using the ‘Express Interest’ button, while using your primary login.

# OVERVIEW OF Invitation to tender

## The following attachments accompany this ITT:

|  |  |
| --- | --- |
| **OUR NEEDS AND INSTRUCTIONS** | |
| **Attachment 1 – Instructions to Potential Providers (this document)** | Provides an introduction to the Procurement and signposts key information. |
| **Attachment 2 – Terms of Participation** | Sets out rights/obligations which apply to you and us during this Procurement. |
| **Attachment 3 – Service Description / Product Requirements** | A detailed description of the Goods and Services that the Supplier will be required to provide. |
| **Attachment 4 – Contract for the provision of Goods and Services** | Provides the Contract document, including the Conditions of Contract that will exist between us and the Supplier. |
| **Attachment 5 – Evaluation Guidance** | Provides guidance on how we will evaluate Tenders. |
| **YOUR OFFER** | |
| **Attachment 6 – Selection Questionnaire** | You are required to complete the on line selection questionnaire within the Bravo e-Procurement System. |
| **Attachment 7 – Award Questionnaire** | A template containing award questions to which you are required to respond. (Includes appendices: Confidential/Commercially Sensitive Information, Administrative Instructions, Parent Company Guarantee, Conflicts Of Interest and Form Of Tender) |
| **Attachment 8 – Offer Schedule** | A template requiring product and pricing detail which you are required to respond to. |

# The Contract

## This Procurement may result in the award of one or more Contracts (per lot), (unless we exercise our right to cancel or vary the Procurement). Once the contract(s) commences, the Potential Provider(s) will become the Supplier(s).

## This Contract(s) is being offered under the Conditions of Contract (including the Schedules) available at ‘*Attachment 4 – Contract for the provision of Goods and Services’*

## The Conditions of Contract are non-negotiable. Where clarification is sought during the clarification period on points of ambiguity or apparent error, we may at our sole discretion make amendment.

# Requirements and lot structure and contract value

## A detailed description of the Goods and Services that a Supplier will be required to supply for a Lot in which it has been successful is set out at ‘*Attachment 3 – Service Description and Product Requirements’* and a short description is contained in the OJEU Contract Notice.

## The Goods and Services covered by this Procurement have been sub-divided into Two Lots, as further described below;

| **LOT** | **DESCRIPTION** |
| --- | --- |
| LOT 1 | Intravenous Fluids (refer to Attachment 3 – Service Description & Product Requirements for further detail) |
| LOT 2 | Peritoneal Dialysis Fluids (refer to Attachment 3 – Service Description & Product Requirements for further detail) |

## You may bid for all or any combination of the two Lots.

# PROCUREMENT TIMETABLE

## The timetable for this Procurement is set out in the table below.

## We may change this timetable at any time. You will be informed through the e-Sourcing Portal if changes to this timetable are necessary.

| **DATE** | **ACTIVITY** |
| --- | --- |
| 9th March 2018 | Despatch of the OJEU Contract Notice |
| 12th March 2018 | Clarification period starts |
| 15:00.00 GMT 26th March 2018 | Clarification period closes (“**Tender Clarifications Deadline**”) |
| 15:00.00 GMT 2nd April 2018 | Deadline for a response to the clarification questions |
| 15:00.00 GMT 17th April 2018 | Deadline for submission of a Tender via the e-Sourcing Portal (“**Tender Submission Deadline**”) |
| 17th April 2018 to 24th May 2018 | Evaluation Period |
| 24th May 2018 | Intention to award notices issued to successful and unsuccessful Potential Providers. |
| 24th May 2018 to 3rd June 2018 | 10 day Standstill Period (in accordance with Regulation 87) |
| 4th June 2018 | Expected date for signature of the Contract |
| 14th June 2018 | Anticipated Contract start date |

# questions AND CLARIFICATIONS

## You may raise questions or seek clarification regarding any aspect of this Procurement at any time prior to the Tender Clarification Deadline. Questions must be submitted via the e-sourcing Portal.

## To ensure that all Potential Providers have equal access to information regarding this Procurement, we will publish all questions and the responses to all Potential Providers.

## We will issue communications through the e-Sourcing Portal. Please ensure that the primary contact’s mailbox is reviewed on a regular basis.

# Conference - Not applicable

# Price

## Prices should be submitted in pounds sterling inclusive of any expenses but should exclude VAT.

## You are required to complete the Offer Schedule (see attachment 8) as requested within the commercial envelope and upload the completed document as required.

# Submitting a tender

## You are required to submit a Tender which fully complies with the instructions in this ITT and its Attachments. **You are strongly advised to read through all documentation first to ensure you understand how to submit a fully compliant Tender**.

## You must submit their proposals/answer all questions via [Bravo](https://www.gov.uk/government/organisations/department-of-health/about/procurement), (the “e-Sourcing portal”) unless otherwise stated. Tenders submitted by any other means will not be accepted.

## If you have any issues with using Bravo, or require any assistance, please contact the Bravo e-Sourcing Helpdesk prior to the submission deadline, at [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk) or 0800 069 8630.

## It is your responsibility to:

* + - ensure that a fully compliant Tender is submitted
    - ensure that the latest versions of this document and its Attachments are used
    - allow plenty of time for the entering of responses into the e-Sourcing Portal

## The Authority will ignore any additional attachments should be submitted with a Tender unless it has specifically requested them to be included.

## A fully compliant Tender must adhere to the following instructions:

* + - The Tender must be submitted in the English (UK) language
    - All questions must be answered accurately and as fully as possible, within any word / character limits specified
    - All pages of the Tender must be sequentially numbered (including any forms to be completed and returned)
    - Potential Provider’s must submit their Tender in a Microsoft Word compatible format.
    - Questions should not be answered by cross referring to other answers or to other materials (e.g. annual company reports located on a web site). Each question answered must be complete in its own right

## All Tenders must be received before the Tender Submission Deadline. Tenders received on or after the Tender Submission Deadline may be excluded from this Procurement.

## You may modify and resubmit a Tender at any time prior to the Tender Submission Deadline.

## Samples - on request Potential Providers may be required to submit samples of each item offered. Such samples shall be provided free of charge.

## You may withdraw from this Procurement by choosing not to submit a Tender by the Tender Submission Deadline.

## Tenders must remain valid for a period of 120 days following the Tender Submission Deadline.

# CONTRACTING ARRANGEMENTS (Sub-contractORS AND GROUPS OF ECONOMIC OPERATORS)

## It is important that Tenders accurately convey how Potential Providers will satisfy the minimum requirements for legal, economic, technical and professional capacity set out in the Selection Questionnaire (see on line documentation detailed within the Bravo e-Procurement System). The Authority needs clarity on how bids are structured in terms of organisations contributing to them.

## The Authority welcomes Tenders from economic operators collaborating as a Group of Economic Operators or sub-contracting elements of their obligations. Where one of these approaches is adopted the remaining provisions of this paragraph must be followed.

## The Tender must be completed in the name of the Potential Provider or, in the case of a Group of Economic Operators, the members that would enter into a Contract with the Authority and assume liability for performance of the Contract.

## **Sub-Contracting Proposals**

## Only Sub-Contractors identified in the Tender will be able to provide Goods and Services through the Contract.

## Any organisation, group company, subsidiary, parent company, holding company, associated company, franchise or fellow franchisee, strategic partner or organisation in any other relationship with the Potential Provider must be identified as a Sub-Contractor in the Tender

## Where Potential Providers propose to use one or more Sub-Contractors, they should complete question 1.2(b)(ii) as detailed within the on line Selection Questionnaire

## The Authority does not require all sub-contractors to be disclosed. Only those Sub-Contractors who directly contribute to the Potential Provider’s ability to meet obligations under the Contract must be disclosed. There is no need to specify sub-contractors supplying general services to you (such as window cleaners, lawyers, desktop software providers etc.)

## Reliance on the capability and/or experience of one or more Sub-Contractors to demonstrate ability to provide the Goods and Services must be described in the Tender. Potential Providers must clearly identify in responses to questions when it is relying on a Sub-Contractor.

## **Group of Economic Operator proposals:**

## If a Group of Economic Operators wishes to act jointly to provide the Goods and Services, it may do so with all parties signing the Contract and assuming joint and several responsibility for performance.

## The Authority may require the Group of Economic Operators to assume a specific legal form for the purpose of concluding the Contract. In the case the Authority may require the members of the Group of Economic Operators to nominate a Guarantor for the single legal entity’s performance of the Contract.

## A Lead Contact should be nominated to lead the bidding process and to complete the Tender on behalf of all the other members. Details of the members of the proposed Group of Economic Operators and the percentage of contractual obligations assigned to each member are requested in question 1.2(a)(i) as detailed within the on line Selection Questionnaire

## Reliance on the capability and/or experience of one or more members of the Group of Economic Operators to demonstrate ability to provide the Goods and Services must be described in the Tender. Potential Providers must clearly identify in responses to questions when it is relying on a member of the Group of Economic Operators and explain the member’s role, capability and experience as the context of the question requires.

## **Changes to the contracting arrangements**

## The Authority recognises that arrangements in relation to sub-contracting and Groups of Economic Operators may be subject to future change, and may not be finalised until a later date. However, any changes to those arrangements may affect the Potential Provider’sability to deliver the requirements. Potential Providers must tell us about any changes to the proposed sub-contracting or to the Group of Economic Operators. The Authority will assess the new information provided and reserves the right to exclude the Potential Provider prior to any award of contract.

## **Terms of Participation**

## The Authority requires single-entity Potential Providers or Lead Contacts to confirm that each sub-contractor and/or member of a Group of Economic Operators has read, understood and complied with all the statements contained within the Terms of Participation (Attachment 2).

# Procurement Contact

## The procurement lead for this requirement is:

### Name: John R Cook - Procurement Officer (Strategic Procurement)

### Telephone Number: 0118 902 7856

### Email: [john.cook@dh.gsi.gov.uk](mailto:john.cook@dh.gsi.gov.uk)

# glossary

## In this ITT the following words and phrases have the following meanings:

## “**Authority**” means Department of Health and Social Care on behalf of the Secretary of State for Health;

## “**Bravo e-Procurement System**” or “**Bravo**” means the online tender management system which is being used by the Authority for this Procurement, which can be found at <https://www.gov.uk/government/organisations/department-of-health/about/procurement>;

## “**Contract**” has the meaning set out in paragraph 3 of this document;

## “**e-Sourcing Portal**” means the same as Bravo e-Procurement System or Bravo;

## “**Group of Economic Operators**” means a group of economic operators acting jointly and severally to provide the Goods and Services;

## “**Invitation to Tender**” or “**ITT**” means this invitation to tender document and all related documents published by the Authority in relation to this Procurement;

## “**Lead Contact**” means the member of the Group of Economic Operators who is authorised in writing by each of the other members to that Group of Economic Operators to provide the Tender (including the responses to the Selection Questionnaire and the Award Questionnaire)

## “**Potential Provider**” means a company that submits a Tender in response to the Invitation to Tender;

## “**Procurement**” means the process used to establish a Contract(s) that facilitates the provision of the supply and storage of Intravenous Fluids and Peritoneal Dialysis Fluids;

## “**Regulations**” means the Public Contracts Regulations 2015 unless otherwise stated.

## “**Sub-Contractor**” means a third party which:

## provides the Goods and Services (or any part of them);

## provides facilities or services necessary for the provision of the Goods and Services (or any part of them); and/or

## is responsible for the management, direction or control of the Goods and Services (or any part of them);

## pursuant to any contract or agreement (or proposed contract or agreement), other than the Contract;

## “**Supplier[**s]” means the Potential Provider[s] with whom the Authority has concluded the Contract;

“**SME**” means an organisation or entity:

* having less than 250 employees; and
* having an annual turnover of less than forty million pounds (£40,000,000); or
* having a balance sheet of less than thirty five million pounds (£35,000,000); and
* is totally independent of other enterprises; or
* holds less than 25% of the capital or voting rights in one or more other enterprises and other enterprises do not each own more than 25% of its capital or voting rights;

## “**Tender Clarifications Deadline**” means the time and date set out in paragraph 4 for the latest submission of clarification questions;

## “**Tender Submission Deadline**” means the time and date set out in paragraph 4 for the latest uploading of Tenders; and

## “**Tender**” means the Potential Provider’s formal offer in response to the Invitation to Tender.

# Documents to be Returned

* Attachment 6 - completion of the on line Standard Questionnaire
* Attachment 7 – Administration Instructions

## Attachment 8 - Offer Schedule