

This notice in TED website: <http://ted.europa.eu/udl?uri=TED:NOTICE:328392-2017:TEXT:EN:HTML>

**United Kingdom-Normanton: Medical equipments, pharmaceuticals and personal care products
2017/S 159-328392**

Contract notice

Supplies

Directive 2014/24/EU

Section I: Contracting authority

I.1) Name and addresses

NHS Supply Chain acting as agent for NHS Business Services Authority
Foxbridge Way
Normanton
WF6 1TL
United Kingdom
Contact person: Jenny Moulton
Telephone: +44 7714041353
E-mail: jenny.moulton@supplychain.nhs.uk
Fax: +44 1924328744
NUTS code: UKE4

Internet address(es):

Main address: www.supplychain.nhs.uk

I.2) Joint procurement

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at:
www.supplychain.nhs.uk

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <http://procurement.supplychain.nhs.uk/ISS/>

Tenders or requests to participate must be submitted to the abovementioned address

I.4) Type of the contracting authority

National or federal agency/office

I.5) Main activity

Health

Section II: Object

II.1) Scope of the procurement

II.1.1) Title:

Anaesthesia Machines, Ventilator Equipment and Related Accessories.

II.1.2) Main CPV code

33000000

II.1.3) Type of contract

Supplies

II.1.4) **Short description:**

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;

— Anaesthesia Machines and related accessories (products and / or services);

— Ventilator Equipment and related accessories (products and / or services);

The term 'related accessories' refers to any options or accessories (Goods or Services) as relevant to the, said, types of equipment (or machines) that are supplied as standard and that enable the equipment (or machine) to operate immediately upon delivery. For example software modules, trolleys, cables, point of sale (POS) maintenance and after-sales warranty services.

The scope of this tender, and any resulting Framework Agreement, does not include the supply of consumable products only.

II.1.5) **Estimated total value**

Value excluding VAT: 80 000 000.00 GBP

II.1.6) **Information about lots**

This contract is divided into lots: yes

Tenders may be submitted for all lots only

II.2) **Description**

II.2.1) **Title:**

ANAESTHESIA MACHINES AND RELATED ACCESSORIES

Lot No: 1

II.2.2) **Additional CPV code(s)**

33000000

33100000

33172000

33172100

33172200

33170000

II.2.3) **Place of performance**

NUTS code: UK

II.2.4) **Description of the procurement:**

The range of anaesthesia machines and related accessories within this Lot includes

— Low acuity anaesthesia machines without ventilator;

— Low acuity anaesthesia machines with ventilator;

— Low acuity Magnetic Resonance Imaging (MRI) compatible anaesthesia machines without ventilator;

— Low acuity Magnetic Resonance Imaging (MRI) compatible anaesthesia machines with ventilator;

— Mid acuity conventional anaesthesia machines with ventilator;

— Mid acuity electronic anaesthesia machines with ventilator;

— High acuity anaesthesia machines with ventilator;

— Electronic Magnetic Resonance Imaging (MRI) compatible anaesthesia machines without ventilator; and

— Electronic Magnetic Resonance Imaging (MRI) compatible anaesthesia machines with ventilator

Please refer to section 7 of the Invitation to Tender document for the relevant assumptions on pricing information.

You are asked to provide details of any related accessories as part of your tender response and related accessories (products and services) are described further within the Specification document and this Notice (II.1.4).

This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the first 36 months of the Framework Agreement the value of purchases for this lot will be in the region of £19 800 000 however this is approximate only. The figures below for the total estimated value are based on that initial expenditure.

Applicants do not have to tender for all of the product lines within this Lot (1). However, in order to tender for any number (one or more) of the low acuity product lines the Applicant(s) must provide a formal tender response for at least one of the Mid or High Acuity product lines (this includes the Electronic Magnetic Resonance Imaging (MRI) compatible anaesthesia machines, with and without ventilator, product lines).

This means that if any Applicant is only able to offer/supply the four Low Acuity anaesthesia machine(s) then they will be unable to submit a compliant tender and all such tenders that may be received shall be rejected by NHS Supply Chain.

If an Applicant can only tender/offer the Mid and/or High acuity and/or the Electronic Magnetic Resonance Imaging (MRI) compatible anaesthesia machines (with and without ventilator) i.e. they cannot offer Low acuity product lines then the Applicant shall be able to proceed to tender/provide an offer. In other words Applicants do not have to be able to offer any one or more of the low acuity product lines within this Lot.

NHS Supply Chain anticipates awarding to all Applicants in this Lot who meet the minimum requirements which are set out in the tender documents and whose average basket Score (based on the methodology and definitions as stated within the Invitation to Tender document) meets or exceeds a hurdle of 50 % (when rounded up or down from four decimal places, as the case may be, to the nearest whole number) at tender evaluation stage across the number of product lines where they have submitted a valid tender response shall be awarded to the Lot. Should these Applicants be able to, over the lifetime of the Framework Agreement, supply any of the other product lines (that they have not tendered for) the Applicant(s) will be offered the opportunity to do so.

Please note that Applicants must submit a bid against all evaluated product lines which they are able to supply at the time of the tender, subject always to the terms of the tender.

If pricing information has not been submitted for a particular product line and where an Applicant is (immediately post-award) found to be able to supply the particular product line NHS Supply Chain reserves the right not to allow the Applicant (if successful) to supply that particular product line over the lifetime of the Framework Agreement.

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: 26 400 000.00 GBP

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 36

This contract is subject to renewal: no

II.2.10) Information about variants

Variants will be accepted: no

II.2.11) Information about options

Options: yes

Description of options:

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

II.2.12) **Information about electronic catalogues**

II.2.13) **Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds: no

II.2.14) **Additional information**

II.2) **Description**

II.2.1) **Title:**

Ventilator equipment and related accessories

Lot No: 2

II.2.2) **Additional CPV code(s)**

33000000

33100000

33172000

33172100

33172200

33170000

II.2.3) **Place of performance**

NUTS code: UK

II.2.4) **Description of the procurement:**

The range of ventilator equipment and related accessories within this Lot includes;

- Ventilators for use in intensive care;
- Ventilators for use in intensive care neonatal/paediatric;
- Non-invasive Continuous Positive Airway Pressure (CPAP) ventilators for in-hospital use; and
- Ventilators for transport/portable use and for intra-hospital and/or external use
- Ventilators for pre hospital use

Please refer to section 7 of the Invitation to Tender document for the relevant assumptions on pricing information.

You are asked to provide details of any related accessories as part of your tender response and related accessories (products and services) are described further within the Specification document and this Notice (II.1.4).

This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the first 36 months of the Framework Agreement the value of purchases for this lot will be in the region of £40 200 000. However this is approximate only. The figures below for the total estimated value are based on that initial expenditure.

Applicants do not have to tender for all of the product lines within this Lot (2). Applicants do not have to tender for the Non-invasive CPAP product line. However, where an Applicant is tendering for the Non-invasive CPAP product line Applicants must provide a bid for;

- the Non-invasive CPAP product line; and
- at least one of the other product lines within this Lot

This means that where an Applicant is tendering for the Non-invasive CPAP product line, if the same Applicant does not submit a tender for any other product line within this Lot, that Applicant will be unable to submit a compliant tender and all such tenders that may be received shall be rejected by NHS Supply Chain.

NHS Supply Chain anticipates awarding to all Applicants in this Lot who meet the minimum requirements which are set out in the tender documents and whose average basket Score (based on the methodology and definitions as stated within the Invitation to Tender document) meets or exceeds a hurdle of 50 % (when rounded up or down from four decimal places, as the case may be, to the nearest whole number) at tender evaluation stage across the number of product lines where they have submitted a valid tender response shall be awarded to the Lot. Should these Applicants be able, over the lifetime of the Framework Agreement, to supply any of the other product lines (that they have not tendered for) the Applicant(s) will be offered the opportunity to do so.

Please note that Applicants must submit a bid against all evaluated product lines which they are able to supply at the time of the tender, subject always to the terms of the tender.

If pricing information has not been submitted for a particular product line and where an Applicant is (immediately post-award) found to be able to supply the particular product line NHS Supply Chain reserves the right not to allow the Applicant (if successful) to supply that particular product line over the lifetime of the Framework Agreement.

II.2.5) **Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) **Estimated value**

Value excluding VAT: 53 600 000.00 GBP

II.2.7) **Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 36

This contract is subject to renewal: no

II.2.10) **Information about variants**

Variants will be accepted: no

II.2.11) **Information about options**

Options: yes

Description of options:

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

II.2.12) **Information about electronic catalogues**

II.2.13) **Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds: no

II.2.14) **Additional information**

Section III: Legal, economic, financial and technical information

III.1) **Conditions for participation**

III.1.1) **Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions:

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 as follows: 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.
 - Applicants are required to upload the documents requested using the 'supplier header documents' button, which is located in the 'select framework' tab (refer to section 6.2 of the Invitation to Tender document).
- There is no requirement in this tender to use the 'framework questionnaire' tab.

Lot Level Requirements:

- A preview of the Lot line details can be viewed using the 'lot header' tab, by selecting the lot and using the 'lot line information' button. In order to respond to a lot, applicants must select the relevant lot and then use the 'express intent' button. This expression of intent does not place any obligation on the Applicant to respond, the action unlocks the ability to respond.
 - Complete price offers per line for the Lot by completing the required fields for the lines the Applicant wants to include in the bid using the 'lot line detail' tab. There are a number of mandatory fields to complete on a product line basis, these are highlighted in yellow in the 'lot line detail' tab.
 - Applicants are required to answer all mandatory Lot specific questions found in the 'lot evaluation criteria' tab.
- 1.1 There are no documents in the 'NHS SC lot documents' tab in the 'lot header' tab for this tender.
- 1.2 The 'SUPPLIER LOT DOCUMENTS' button in each of the 'lot header' tabs has no requirement for completion in this tender.
- Applicants are then required to click on the 'terms and conditions' button in the 'submit individual lot response(s)' tab to view and accept the ISS Terms and Conditions.
 - Accept the ISS 'terms and conditions' button to access this function.
 - Submit Lot response, by clicking on the 'submit response to selected lot' button in the 'submit individual lot response(s)' tab to submit response for the Lot. Each Lot must be submitted independently.
 - Applicants are able to view their submission using the 'supplier submission report' button, found in the 'submit individual lot response(s)' tab.

III.1.2) Economic and financial standing

List and brief description of selection criteria:

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

III.1.3) **Technical and professional ability**

III.1.5) **Information about reserved contracts**

III.2) **Conditions related to the contract**

III.2.2) **Contract performance conditions:**

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.

The Framework Agreement includes obligations with respect to environmental 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.

III.2.3) **Information about staff responsible for the performance of the contract**

Section IV: Procedure

IV.1) **Description**

IV.1.1) **Type of procedure**

Open procedure

IV.1.3) **Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 17

IV.1.4) **Information about reduction of the number of solutions or tenders during negotiation or dialogue**

IV.1.6) **Information about electronic auction**

IV.1.8) **Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

IV.2) **Administrative information**

IV.2.1) **Previous publication concerning this procedure**

Notice number in the OJ S: [2016/S 179-321194](#)

IV.2.2) **Time limit for receipt of tenders or requests to participate**

Date: 18/09/2017

Local time: 15:00

IV.2.3) **Estimated date of dispatch of invitations to tender or to participate to selected candidates**

IV.2.4) **Languages in which tenders or requests to participate may be submitted:**

English

IV.2.6) **Minimum time frame during which the tenderer must maintain the tender**

IV.2.7) **Conditions for opening of tenders**

Date: 19/09/2017

Local time: 09:00

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

This is a recurrent procurement: no

VI.2) Information about electronic workflows

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

VI.3) Additional information:

NHS Supply Chain reserves the right to appoint more suppliers to the Framework Agreement in the event that more than 17 reach the minimum score for appointment which is set out in the Invitation to Tender.

Applicants may bid for one or both of the Lots and Applicants should refer to the Invitation to Tender for more information in respect of this. 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 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 participating contracting authorities reserve the right to finance the purchase of the supplies through a lease transaction using a third party lessor. Any such financial services will be obtained by the participating contracting authorities through a separate procurement exercise, and not as part of this procurement. The financial services may be sourced from the NHS Supply Chain leasing Framework Agreement.

In this event, the supplier appointed to the Framework Agreement may receive from a third party lessor appointed by the participating contracting authority a purchase order for delivery to the participating contracting authority. The supplier appointed to the Framework Agreement will then be required to supply in accordance with the terms and conditions of the Framework Agreement.

For the avoidance of doubt, 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.

Applicants are advised that at the time of publication of the Prior Information Notice (PIN), as referred to within this Notice, the Authority had not identified the product line entitled 'Ventilators for pre hospital use' (see the Lot

2 details/Annex B of this notice), but the Authority has (since publication of the PIN) identified and have captured the product line within this Contract Notice and the tender documents.

VI.4) **Procedures for review**

VI.4.1) **Review body**

Not applicable
Not applicable
United Kingdom

VI.4.2) **Body responsible for mediation procedures**

Not applicable
Not applicable
United Kingdom

VI.4.3) **Review procedure**

VI.4.4) **Service from which information about the review procedure may be obtained**

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

18/08/2017