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**United Kingdom-Normanton: Surgical implants
2015/S 152-280016**

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
Foxbridge Way
For the attention of: Sophie Cockman
WF6 1TL Normanton
UNITED KINGDOM
Telephone: +44 7764976427
E-mail: sophie.cockman@supplychain.nhs.uk
Fax: +44 1924328744

Internet address(es):

General address of the contracting authority: 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:

Audiological Implantable Devices and Associated Products and Maintenance Ear Moulds.

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

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: 20

Duration of the framework agreement

Duration in years: 2

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

Estimated value excluding VAT: 53 000 000 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 of Audiological Implantable Devices and Associated Products and Maintenance and Ear Moulds to the NHS Supply Chain customer base via the eDirect Route for Lots 1-4 and via the Direct Route for Lots 5 and 6. These devices are to include: Cochlear Implant Systems for Unilateral Surgery Bone Anchored Hearing Aids, Middle Ear Devices Auditory Brain Stem Implants Ear Moulds and Maintenance for Audiological Implantable Devices.

This framework agreement will be split into 6 Lots which are:

1. Lot 1 — Cochlear Implants,
2. Lot 2 — Bone Anchored Hearing Aids,
3. Lot 3 — Middle Ear Devices,
4. Lot 4 — Auditory Brain Stem Implants,
5. Lot 5 — Ear Moulds,
6. Lot 6 — Maintenance for Audiological Implantable Devices.

This framework agreement is for 2 years with the option to extend by up to a further period of 24 months.

The estimated value of purchases throughout the term (including the extension option described at Section II.2.2) of the framework agreement as noted at Section II.1.4) above is circa 53 000 000 GBP. The actual value of the framework agreement may be less than or exceed the estimated value dependent upon the requirements of those bodies eligible to purchase from the framework agreement throughout the duration.

For the avoidance of doubt and notwithstanding the estimate indicated at Section 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.

Please refer to Section VI.3) of this notice for additional information. Further information will also be included in the Invitation to Tender Document.

II.1.6) Common procurement vocabulary (CPV)

33184100, 33185000, 33185100, 33185200, 50421000

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

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

II.1.8) Lots

This contract is divided into lots: yes

Tenders may be submitted for one or more lots

II.1.9) Information about variants

Variants will be accepted: yes

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 1st year of the framework agreement the value of purchases will be circa 11 330 000 GBP, however, this is approximate only. The figures below for the total estimated value are based on that initial expenditure.
Estimated value excluding VAT: 53 000 000 GBP

II.2.2) **Information about options**

Options: yes

Description of these options: This framework agreement will have the option to extend for up to a maximum period of 24 months, in addition to the initial 2 year period upon review.

II.2.3) **Information about renewals**

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

Duration in months: 24 (from the award of the contract)

Information about lots

Lot No: 1

Lot title: Cochlear Implants

1) **Short description**

Cochlear Implants.

2) **Common procurement vocabulary (CPV)**

33185200, 33185000, 33185100, 33184100

3) **Quantity or scope**

'NHS Supply Chain seeks to establish a non-exclusive framework agreement for the Supply of Cochlear Implant Systems to the NHS Supply Chain customer base via the eDirect Route.

It is anticipated that initial expenditure will be in the region of circa 4 000 000 GBP in the 1st year of this framework agreement. This is an estimate only as precise quantities of likely purchases are unknown and the values may vary depending on the requirement of those bodies purchasing under the framework agreement. The estimated value of purchases throughout the term (including the extension option described at Section II.2.2) of the framework agreement for this Lot is circa 20 000 000 GBP. The actual value of the Lot may be less than or exceed the estimated value dependent upon the requirements of those bodies eligible to purchase from the framework agreement throughout the duration.

Applicants that wish to express an interest in this Lot must tender for both product lines within this Lot. The product lines within this Lot will be awarded on a total Lot basis after evaluation of both the financial and non-financial criteria. NHS Supply Chain anticipates appointing all Applicants whose total score meets or exceeds the threshold of 50 % for this Lot of the Framework Agreement.

Estimated value excluding VAT: 20 000 000 GBP

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**

'NUTS Code: UK'.

Lot No: 2

Lot title: Bone Anchored Hearing Aids

1) **Short description**

Bone Anchored Hearing Aids.

2) **Common procurement vocabulary (CPV)**

33184100, 33185000, 33185100

3) **Quantity or scope**

NHS Supply Chain seeks to establish a non-exclusive framework agreement for the supply of Bone Anchored Hearing Aids to the NHS Supply Chain customer base via the eDirect route.

It is anticipated that initial expenditure will be in the region of circa 4 000 000 GBP in the 1st year of this framework agreement. This is an estimate only as precise quantities of likely purchases are unknown and the values may vary depending on the requirement of those bodies purchasing under the framework agreement. The estimated value of purchases throughout the term (including the extension option described at Section II.2.2) of the framework agreement for this Lot is circa 20 000 000 GBP. The actual value of the Lot may be less than or exceed the estimated value dependent upon the requirements of those bodies eligible to purchase from the framework agreement throughout the duration.

Applicants that wish to express an interest in this Lot must tender for the sole product line within this Lot. The product line within this Lot will be awarded on a total Lot basis after evaluation of both the financial and non-financial criteria. NHS Supply Chain anticipates appointing all Applicants whose total score meets or exceeds the threshold of 50 % for this Lot of the framework agreement.

Estimated value excluding VAT: 20 000 000 GBP

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**

NUTS Code: UK.

Lot No: 3

Lot title: Middle Ear Devices

1) **Short description**

Middle Ear Devices.

2) **Common procurement vocabulary (CPV)**

33184100, 33185000, 33185100

3) **Quantity or scope**

NHS Supply Chain seeks to establish a non-exclusive framework agreement for the supply of Middle Ear Devices to the NHS Supply Chain customer base via the eDirect route.

It is anticipated that initial expenditure will be in the region of circa 15 000 GBP in the 1st year of this framework agreement. This is an estimate only as precise quantities of likely purchases are unknown and the values may vary depending on the requirement of those bodies purchasing under the framework agreement.

The estimated value of purchases throughout the term (including the extension option described at Section II.2.2) of the framework agreement for this Lot is circa 60 000 GBP. The actual value of the Lot may be less than or exceed the estimated value dependent upon the requirements of those bodies eligible to purchase from the framework agreement throughout the duration.

Applicants that wish to express an interest in this Lot must tender for the sole product line within this Lot. The product line within this Lot will be awarded on a total Lot basis after evaluation of both the financial and non-financial criteria. NHS Supply Chain anticipates appointing all Applicants whose total score meets or exceeds the threshold of 50 % for this Lot of the framework agreement.

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**

NUTS Code: UK

Lot No: 4

Lot title: Auditory Brain Stem Devices

1) **Short description**

Auditory Brain Stem Devices.

2) **Common procurement vocabulary (CPV)**

33184100, 33185000, 33185100

3) **Quantity or scope**

NHS Supply Chain seeks to establish a non-exclusive framework agreement for the supply of Auditory Brain Stem Devices to the NHS Supply Chain customer base via the eDirect Route.

It is anticipated that initial expenditure will be in the region of circa 15 000 GBP in the 1st year of this framework agreement. This is an estimate only as precise quantities of likely purchases are unknown and the values may vary depending on the requirement of those bodies purchasing under the framework agreement.

The estimated value of purchases throughout the term (including the extension option described at Section II.2.2) of the framework agreement for this Lot is circa 60 000 GBP. The actual value of the Lot may be less than or exceed the estimated value dependent upon the requirements of those bodies eligible to purchase from the framework agreement throughout the duration.

Applicants that wish to express an interest in this Lot must tender for the sole product line within this Lot. The product line within this Lot will be awarded on a total Lot basis after evaluation of both the financial and non-financial criteria. NHS Supply Chain anticipates appointing all Applicants whose total score meets or exceeds the threshold of 50 % for this Lot of the framework agreement.

Estimated value excluding VAT: 60 000 GBP

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**

NUTS Code: UK

Lot No: 5

Lot title: Ear Moulds

1) **Short description**

Ear Moulds.

2) **Common procurement vocabulary (CPV)**

33185100

3) **Quantity or scope**

NHS Supply Chain seeks to establish a non-exclusive framework agreement for the supply of Ear Moulds to the NHS Supply Chain customer base via the Direct Route.

It is anticipated that initial expenditure will be in the region of circa 1 500 000 GBP in the 1st year of this framework agreement. This is an estimate only as precise quantities of likely purchases are unknown and the values may vary depending on the requirement of those bodies purchasing under the framework agreement.

The estimated value of purchases throughout the term (including the extension option described at Section II.2.2) of the framework agreement for this Lot is circa 6 000 000 GBP. The actual value of the Lot may be less than or exceed the estimated value dependent upon the requirements of those bodies eligible to purchase from the framework agreement throughout the duration.

Applicants that wish to express an interest in this Lot must tender for the sole product line within this Lot. The product line within this Lot will be awarded on a total Lot basis after evaluation of both the financial and non-financial criteria. NHS Supply Chain anticipates appointing all Applicants whose total score meets or exceeds the threshold of 50 % for this Lot of the framework agreement.

Estimated value excluding VAT: 6 000 000 GBP

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**

NUTS Code: UK

Lot No: 6

Lot title: Maintenance for Audiological Implantable Devices

1) **Short description**

Maintenance for Audiological Implantable Devices.

2) **Common procurement vocabulary (CPV)**

50421000

3) **Quantity or scope**

NHS Supply Chain seeks to establish a non-exclusive framework agreement for the supply of Maintenance for Audiological Implantable Devices to the NHS Supply Chain customer base via the Direct Route.

It is anticipated that initial expenditure will be in the region of circa 1 800 000 GBP in the 1st year of this framework agreement. This is an estimate only as precise quantities of likely purchases are unknown and the values may vary depending on the requirement of those bodies purchasing under the framework agreement. The estimated value of purchases throughout the term (including the extension option described at Section II.2..2) of the framework agreement for this Lot is circa 7 200 000 GBP. The actual value of the Lot may be less than or exceed the estimated value dependent upon the requirements of those bodies eligible to purchase from the framework agreement throughout the duration.

Applicants that wish to express an interest in this Lot may tender for 1 more than 1 or all of the product lines within this Lot. The product lines within this Lot will be awarded on a line by line basis after evaluation of both the financial and non-financial criteria. NHS Supply Chain anticipates appointing all Applicants whose total score for each product line meets or exceeds the threshold of 50 % for this Lot of the framework agreement.

Estimated value excluding VAT: 7 200 000 GBP

4) **Indication about different date for duration of contract or starting/completion**

5) **Additional information about lots**

NUTS Code: UK

Section III: Legal, economic, financial and technical information

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

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

The Contracting Authority reserves the right to request a parent company or other forms of guarantee. Further details will be set out in the tender documentation as appropriate.

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

'Details are set out in the tender documentation.'

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 1 party to undertake primary legal liability or to require that each party undertakes joint and several liability.

III.1.4) **Other particular conditions**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: 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.

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 e-Tendering 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 e-Tendering portal as follows:

1. Registration:

Use URL: <http://procurement.supplychain.nhs.uk/ISS/> to access the NHS Supply Chain Procurement Portal.

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.

2. 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.

3. 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.

4. Tender Response:

The system tasks required to complete the tender are:

— Header Level Requirements:

1. 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.

2. Applicants are required to upload the documents detailed at Section 8.2) of the ITT using the “Supplier Header Documents” button which is located in the “Select Framework” 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.

Applicants are required to upload the documents detailed at Section 8.7) of the ITT at Lot level using the “Supplier Lot Documents” button after selecting the relevant Lot in the “Lot Header” tab.

Complete price offers per line for the Lot by completing the required fields for all lines within the Lot 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. Please ensure all fields are complete in particular the mandatory fields.

Applicants are required to answer all mandatory Lot specific questions found in the "Lot Evaluation Criteria" tab.

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.

Finally Applicants are required to click on the "Submit Response to Selected Lot" button in the "Submit Individual Lot Response(s)" tab to submit their response for the Lot.

The above "Lot Level Requirements" actions must be repeated for each individual Lot an Applicant wishes to respond to.

Applicants are able to view their submission using the "Supplier Submission Report" button found in the "Submit Individual Lot Response (s)" tab. If the Applicant wishes to update their response before the tender closing date and time is reached it can do so by amending the response and resubmitting. Only the latest submission will be available to NHS Supply Chain after the Tender Closing Date.

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: Details are set out in the tender documentation.

III.2.3) Technical capacity

Information and formalities necessary for evaluating if the requirements are met:
Details are set out in the tender documentation.

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

An electronic auction will be used: yes

Additional information about electronic auction: NHS Supply Chain reserves the right to use an eAuction as part of any mini competition processes during the lifetime of the framework agreement.

IV.3) Administrative information

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

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

Prior information notice

Notice number in the OJEU: [2014/S 209-369730](#) of 30.10.2014

Other previous publications

Notice number in the OJEU: [2015/S 23-037480](#) of 3.2.2015

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**

7.9.2015 - 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: 180 (from the date stated for receipt of tender)

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

Place:

As in above mentioned in Section I.1)

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

Additional information about authorised persons and opening procedure: The NHS Supply Chain contract owner or a duly authorised delegate.

Section VI: Complementary information

VI.1) **Information about recurrence**

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

VI.3) **Additional information**

Tenderers should refer to Section 9) of the Invitation to Tender for details of the scoring process to be used to assess the suppliers to be appointed to the framework agreement.

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 acting as an agent of the NHS Business Services Authority and the Applicant. Under the framework agreement there will be 2 different methods of Supply 1 for Non-direct Contract Goods (Lots 1-4) and 1 for Direct Contract Goods (Lots 5 and 6). Only NHS Supply Chain can order Non-direct Contract Goods from the framework agreement and enter into contracts for such Goods under it.

NHS Supply Chain will be entitled to purchase the Goods identified in the tender documents as Non-direct Contract Products which it will then make available for purchase by:

- 1) any NHS Trust,
- 2) any other NHS entity,
- 3) any government department agency or other statutory body (for the avoidance of doubt including local authorities), and/or
- 4) any private sector entity active in the UK healthcare sector.

For the Goods identified as Direct Contract Products in the tender documents:

- 1) NHS Supply Chain,
- 2) any NHS Trust,
- 3) any other NHS entity,

4) any government department agency or other statutory body (for the avoidance of doubt including local authorities), and/or

5) any private sector entity active in the UK healthcare sector will be able to enter into a direct contract with the Supplier for any of the supplies and/or services under the framework.

Direct contracts placed under the framework agreement by parties other than NHS Supply Chain are between the party and the Applicant NHS Supply Chain is not a party to those contracts.

Non-direct Contract Products:

- Lot 1 — Cochlear Implants,
- Lot 2 — Bone Anchored Hearing Aids,
- Lot 3 — Middle Ear Devices,
- Lot 4 — Auditory Brain Stem Implants,

Direct Contract Products:

- Lot 5 — Ear Moulds,
- Lot 6 — Maintenance for Audiological Implantable Devices.

Electronic ordering will be used and electronic invoicing will be accepted and electronic payment will be used.

Tenders and all supporting documentation for the contract must be written in English and must be priced in Sterling. 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 3rd party costs fees or expenses) incurred by those expressing an interest in participating or tendering for this framework. 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. In addition, NHS Supply Chain reserves the right 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 e-Tendering portal at: <http://procurement.supplychain.nhs.uk/ISS/> using the Message Centre facility linked to this particular Contract Notice.

Please see Appendix 10 of the Invitation to Tender document for a Glossary of Terms.

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:

5.8.2015