

This notice in TED website: <https://ted.europa.eu/udl?uri=TED:NOTICE:240767-2019:TEXT:EN:HTML>

**United Kingdom-London: Medical needles
2019/S 099-240767**

Voluntary ex ante transparency notice

Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority/entity

I.1) Name and addresses

NHS Supply Chain operated by DHL Supply Chain Ltd acting as agent of Supply Chain Coordination Ltd (SCCL)

c/o Skipton House, 80 London Road

London

SE1 6LH

United Kingdom

Contact person: Stefanie Harding

E-mail: stefanie.harding@supplychain.nhs.uk

Fax: +44 1924328744

NUTS code: UKI4

Internet address(es):

Main address: <https://www.gov.uk/government/organisations/department-of-health>

Address of the buyer profile: <https://www.gov.uk/government/organisations/department-of-health/about/procurement>

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:

Reprocessing of Sterile Bifurcated Needles

II.1.2) Main CPV code

33141320

II.1.3) Type of contract

Services

II.1.4) Short description:

This is a contract for the collection in phases (from various UK depots) of 62 469 100 bifurcated needles for re-sterilization, re-packaging and delivery back to various depots across the UK with a 5-year sterility shelf life and by the following dates:

Date: Quantity:

- 02/2020: 6 467 100,
- 05/2020: 8 001 000,
- 06/2020: 8 000 000,
- 07/2020: 16 001 000,
- 08/2020: 8 000 000,
- 09/2020: 8 000 000,
- 10/2020: 8 000 000.

All applicable legislation must be followed and certification obtained (including CE Certification) in order for the product to be suitable for its original manufactured purpose for the required shelf life.

II.1.6) **Information about lots**

This contract is divided into lots: no

II.1.7) **Total value of the procurement (excluding VAT)**

Value excluding VAT: 1 566 084.00 GBP

II.2) **Description**

II.2.1) **Title:**

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

33191000

79921000

II.2.3) **Place of performance**

NUTS code: UK

Main site or place of performance:

Various Locations in the UK.

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

This is a contract for the collection in phases (from various UK depots) of 62 469 100 bifurcated needles for re-sterilization, re-packaging and delivery back to various depots across the UK with a 5 year sterility shelf life and by the following dates:

Date: Quantity:

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All applicable legislation must be followed and certification obtained (including CE Certification) in order for the product to be suitable for its original manufactured purpose for the required shelf life.

II.2.5) **Award criteria**

Price

II.2.11) **Information about options**

Options: no

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 IV: Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated procedure without prior publication

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
 - absence of competition for technical reasons

Explanation:

NHS Supply Chain believes that the award of this contract without prior publication of a contract notice in OJEU is lawful under Article 32(2)(b)(ii) of Directive 2014/24/EU.

In providing the service, the service provider must:

- comply with all legislation (including certification requirements) which were followed by the manufacturer and supplier of the original product and/or such other legislation as is now applicable to bifurcated needles to ensure the goods are fit for purpose (that being use in the healthcare sector), and,
- take on legal liabilities associated with the manufacture of the needles (for their entire new shelf life) – effectively as original manufacturer – when they are returned to NHS Supply Chain, and,
- ensure that the entire stockpile of 62 469 100 bifurcated needles is re-sterilized, re-packaged and returned with a new 5-year shelf life before the shelf life of the current stockpile expires (timescales for the phased performance of the service were detailed in the associated Prior Information Notice noted below).

As indicated above this is an extremely specialised technical service, with stringent associated legal obligations, which is required to be performed upon a large number of medical devices within a strict timescale.

The contract requirements are critical and essential by virtue of the subject matter of the contract. They neither have the intention nor effect of artificially narrowing down the parameters of the procurement.

In order to 'test the market', NHS Supply Chain published a Prior Information Notice on 3.4.2019 setting out its requirements and its intention to publish a Contract Notice. However, this PIN did not receive any expressions of interest (or indeed any informal enquiries) from service providers.

This lack of response has led NHS Supply Chain to the conclusions that:

- (i) no supplier (other than the one identified in this notice) has the technical and other capacity to take on these obligations indicated above and to deliver the service required;
- (ii) it is extremely unlikely that any capable provider would bid for the contract if a call for competition was then issued via the intended Contract Notice (when would then excessively delay the award); and
- (iii) it is reasonable to conclude that competition for this award is absent for technical reasons.

The service provider cited in this notice has signaled that it is in a position (in terms of technical capacity etc) to perform this contract on the terms outlined above. Given the nature and importance of the service required, it has to be outsourced and awarded to a single supplier so, in the circumstances, the authority does not believe that there is any reasonable alternative or substitute to the use of this procedure to award the contract to this supplier.

NHS Supply Chain believes that it is entitled to enter into the contract with this service provider under Article 32(2)(b)(ii) of Directive 2014/24/EU and intends to conclude the contract after 10 days from the date of publication of this Notice.

IV.1.3) Information about framework agreement

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: [2019/S 069-161673](#)

Section V: Award of contract/concession

V.2) Award of contract/concession

V.2.1) Date of contract award decision:

21/05/2019

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: no

V.2.3) Name and address of the contractor/concessionaire

GBUK Group Ltd
North Duffield, Selby
United Kingdom
NUTS code: UKE2

The contractor/concessionaire will be an SME: no

V.2.4) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession: 1 566 084.00 GBP

V.2.5) Information about subcontracting

Section VI: Complementary information

VI.3) Additional information:

VI.4) Procedures for review

VI.4.1) Review body

Not applicable
Not applicable
United Kingdom

VI.4.2) Body responsible for mediation procedures

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures:
Appeals to be logged in accordance with the Public Contracts Regulations 2015 (as amended).

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

VI.5) Date of dispatch of this notice:

21/05/2019