

This notice in TED website: <https://ted.europa.eu/udl?uri=TED:NOTICE:546491-2019:TEXT:EN:HTML>

**United Kingdom-London: Surgical implants  
2019/S 223-546491**

**Contract notice**

**Supplies**

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

**I.1) Name and addresses**

Official name: NHS Supply Chain acting as agent for Supply Chain Co-Ordination Ltd (SCCL)

Postal address: c/o Skipton House, 80 London Road

Town: London

NUTS code: UKI4

Postal code: SE1 6LH

Country: United Kingdom

Contact person: Alexandra Gothard

E-mail: [Alexandra.Gothard@supplychain.nhs.uk](mailto:Alexandra.Gothard@supplychain.nhs.uk)

**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.2) Information about joint procurement**

The contract is awarded by a central purchasing body

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <http://procurement.supplychain.nhs.uk/ISS/>

Additional information can be obtained from another address:

Official name: Health Solutions Team Ltd

National registration number: 10863064

Postal address: Foxbridge Way

Town: Normanton

NUTS code: UKE4

Postal code: WF6 1TL

Country: United Kingdom

Contact person: Alexandra Gothard

E-mail: [Alexandra.Gothard@supplychain.nhs.uk](mailto:Alexandra.Gothard@supplychain.nhs.uk)

Telephone: +44 7929018002

**Internet address(es):**

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

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

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:**  
Audiological Implantable Devices and Associated Accessories, Consumables, Maintenance and Repair

II.1.2) **Main CPV code**  
33184100

II.1.3) **Type of contract**  
Supplies

II.1.4) **Short description:**  
NHSSC seeks to establish a non-exclusive framework agreement (FAG) for supply to NHSSC customer base via the non-direct and direct route, to supply audiological implantable devices, associated accessories, consumables, maintenance and repair.  
Precise quantities are unknown. It is anticipated that initial expenditure will be in the region of 43 000 000 GBP in the first year of this FAG, however this is approximate only and the values may vary depending on the requirements of those bodies purchasing under the FAG.

II.1.5) **Estimated total value**  
Value excluding VAT: 185 000 000.00 GBP

II.1.6) **Information about lots**  
This contract is divided into lots: yes  
Tenders may be submitted for all lots  
Maximum number of lots that may be awarded to one tenderer: 2

II.2) **Description**

II.2.1) **Title:**  
Cochlear Implant Systems (including Auditory Brainstem Implant Variants)  
Lot No: 1

II.2.2) **Additional CPV code(s)**  
33185200  
33184100

II.2.3) **Place of performance**  
NUTS code: UK

II.2.4) **Description of the procurement:**  
This lot covers Cochlear Implant Systems. Products include but are not limited to: cochlear implants, sound processors units, sound processor kits, electric acoustic stimulation audio processors, electric acoustic stimulation implants, auditory brainstem implants, biomodal kits, surgical equipment, accessories and consumables, care packages, maintenance and repair. Please refer to the specification for further details.  
Precise quantities are unknown.  
It is anticipated that initial expenditure will be circa 26 000 000 GBP in the first year of this framework agreement, however this is approximate only and the values may vary depending on the requirements of those bodies purchasing under the FAG.

II.2.5) **Award criteria**

Criteria below

Quality criterion - Name: Quality / Weighting: 4

Quality criterion - Name: Customer support / Weighting: 8

Quality criterion - Name: Product features / Weighting: 21

Quality criterion - Name: Software / Weighting: 7

Price - Weighting: 60

II.2.6) **Estimated value**

Value excluding VAT: 115 000 000.00 GBP

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

Duration in months: 24

This contract is subject to renewal: no

II.2.10) **Information about variants**

Variants will be accepted: yes

II.2.11) **Information about options**

Options: yes

Description of options:

The framework agreement will have an initial term of 24 months with an option to extend incrementally for up to a total period of 48 months.

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:**

Bone Conduction Hearing Implant Systems (including Middle Ear Devices)

Lot No: 2

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

33184100

33185000

33185100

II.2.3) **Place of performance**

NUTS code: UK

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

This lot covers a range of percutaneous, transcutaneous and middle ear bone conduction hearing implant systems. Products include but are not limited to: bone conduction hearing implants, sound processors units, sound processor kits, abutments, magnets, middle ear devices, middle ear implants, surgical equipment, accessories, consumables, maintenance and repair. Please refer to the specification for further details. Precise quantities are unknown.

It is anticipated that initial expenditure will be in circa 17 000 000 GBP in the first year of this framework agreement, however this is approximate only and the values may vary depending on the requirements of those bodies purchasing under the FAG.

Certain products within Lot 2 Bone Conduction Hearing Implant Systems may be classified as high cost tariff excluded devices under the NHS England High Cost Tariff Excluded Devices (HCTED) programme. Trusts who are commissioned to provide specialised services in England are directed to purchase all their requirements through a national supply system through NHS Supply Chain.

Details of the product categories currently within scope of the HCTED programme, can be found using the following link: <https://www.england.nhs.uk/commissioning/spec-services/key-docs/medical-devices/>

In accordance with the specialised services commissioning policy, NHS Improvement and NHS England will determine which products are classified as excluded from tariff and which are made available under the NHS England High Cost Tariff Excluded Devices (HCTED) programme.

**II.2.5) Award criteria**

Criteria below

Quality criterion - Name: Quality / Weighting: 19

Quality criterion - Name: Customer support / Weighting: 11

Price - Weighting: 70

**II.2.6) Estimated value**

Value excluding VAT: 70 000 000.00 GBP

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

Duration in months: 24

This contract is subject to renewal: no

**II.2.10) Information about variants**

Variants will be accepted: yes

**II.2.11) Information about options**

Options: yes

Description of options:

The framework agreement will have an initial term of 24 months with an option to extend incrementally for up to a total period of 48 months.

**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**

NHS Supply Chain anticipates appointing all applicants who have met the minimum requirements which are set out in these tender documents and whose total score meets or exceeds a hurdle of at least 50 % at tender evaluation stage to the relevant lot of the framework agreement.

**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:

Applicants should refer to II.2) of this contract notice for further details in respect of appointment to the individual lots across the framework agreement.

Applicants may bid for one, more than one or all 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 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 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. Under the framework agreement there will be 2 different methods of supply: one for non-direct contract products and one for direct contract products.

NHS Supply Chain will be entitled to purchase the supplies and/or services 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; and/or
- 4) Any private sector entity active in the UK healthcare sector.

For the supplies and/or services 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; 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.

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.

Please note that the maximum number of suppliers as set out in IV.1.3) is an estimate only.

### III.1.2) **Economic and financial standing**

Minimum level(s) of standards possibly required:

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**

Minimum level(s) of standards possibly required:

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.1.5) **Information about reserved contracts**

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

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

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.

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: 25

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

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

An electronic auction will be used

Additional information about electronic auction:

Although an electronic auction will not be used to award all or part of the requirements of the framework agreement the use of eAuctions may be an option as part of any contracts awarded under the 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 020-042393](#)

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

Date: 16/12/2019

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**

Duration in months: 7 (from the date stated for receipt of tender)

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

Date: 17/12/2019

Local time: 09:00

**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:**

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.

Header level requirements:

— applicants are required to read all framework header documents which can be accessed using the 'NHS Sheader 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,

— applicants are required to complete all mandatory questions, which can be accessed using 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 upload the documents requested using the 'Supplier Lot Documents' button, which is located in the 'Lot Header' tab,

— 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,  
— 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.  
Please refer to Section III.1.1) for additional information.

VI.4) **Procedures for review**

VI.4.1) **Review body**

Official name: NHS Supply Chain  
Town: Normanton  
Country: United Kingdom

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

Official name: NHS Supply Chain  
Town: Normanton  
Country: United Kingdom

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:**

15/11/2019