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**United Kingdom-Normanton: Operating theatre devices and instruments
2016/S 176-316501**

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
NHS Supply Chain, Foxbridge Way
Contact point(s): NUTS Code UKE4
For the attention of: Ruth Jones
WF6 1TL Normanton
United Kingdom
Telephone: +44 7789201374
E-mail: Ruth.Jones@supplychain.nhs.uk
Fax: +44 1924328744

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:

'Diathermy Consumables'.

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

maximum number of participants to the framework agreement envisaged: 15

Duration of the framework agreement

Duration in months: 24

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

Estimated value excluding VAT:

Range: between 13 020 000 and 16 360 000 GBP

II.1.5) Short description of the contract or purchase(s)

This Framework Agreement is for the supply of Diathermy Consumables this includes but is not limited to Diathermy Plates Diathermy Pencils Electrodes and Associated Accessories Smoke Evacuation Diathermy Pencils including Filter Tips Argon Diathermy Pencils including Probes and Adapters Diathermy Suction Coagulators and Diathermy Forceps. This Framework Agreement is for 24 months with the option to extend in incremental stages for up to a total period of 48 months.

II.1.6) Common procurement vocabulary (CPV)

33162000, 33161000, 31711140, 33162100

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

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 24 months of the Framework Agreement the value of purchases will be in the region of 6 510 000 GBP and 8 180 000 GBP however this is approximate only. The figures below for the total estimated value are based on that initial expenditure and include a forecast for growth.

For the full 48 month term (if extended) the anticipated value is between 13 020 000 GBP and 16 360 000 GBP. These values are approximate only and are based on the most recent historical usage information with a forecasted level of growth. The values provided are for guidance only and are not a guarantee of business.'

Estimated value excluding VAT:

Range: between 13 020 000 and 16 360 000 GBP

II.2.2) Information about options

Options: yes

Description of these options: 'This Framework Agreement will have the option to extend incrementally for a further period of up to 24 months in addition to the initial 24 month period as set out in the Framework Agreement.'

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: Diathermy Plates and Associated Accessories

1) **Short description**

This Lot aims to offer Diathermy Plates and Associated Accessories, they are designed to act as the inactive electrode to carry electric current away from the patient during a surgical procedure involving diathermy.

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

33162000, 33161000, 33162100

3) **Quantity or scope**

'This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the 1st 24 months of the Framework Agreement the value of purchases for this lot will be in the region of 2 600 000 GBP to 3 000 000 GBP however this is approximate only. The figures below for the total estimated value (48 months) are based on that initial expenditure.

NHS Supply Chain anticipates appointing the top scoring 5 Applicants who have met the minimum requirements which are set out in the Invitation to Tender to each Product Line within the Lot. Applicants should note that they may therefore be appointed for 1 or a number of the Product Lines across this Lot and should refer to the Invitation to Tender for further information in respect of this.'

Estimated value excluding VAT:

Range: between 5 200 000 and 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: 2

Lot title: Diathermy Pencils, Electrode Attachments and Associated Products

1) **Short description**

This Lot aims to offer Diathermy Pencils, Electrode Attachments and Associated products, which can include, but not limited to, tip cleaners, X-ray scratch pads and polishers. Diathermy pencils are used during surgical procedures to cut both tissue and produce coagulation via electro-cautery. These are active electrode, electrode attachments and are to be used in conjunction with diathermy pencils, associated accessories can also be used in conjunction with both pencils and electrode attachments.

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

33162000, 33161000, 31711140, 33162100

3) **Quantity or scope**

'This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the 1st 24 months of the Framework Agreement the value of purchases for this lot will be in the region of 1 800 000 GBP to 2 200 000 GBP however this is approximate only. The figures below for the total estimated value (48 months) are based on that initial expenditure.

NHS Supply Chain anticipates appointing the top scoring 5 Applicants who have met the minimum requirements which are set out in the Invitation to Tender to each Product Line within the Lot. Applicants should note that they may therefore be appointed for 1 or a number of the Product Lines across this Lot and should refer to the Invitation to Tender for further information in respect of this.'

Estimated value excluding VAT:
Range: between 3 600 000 and 4 400 000 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: Smoke Evacuation Diathermy Pencils including Filter Tips

1) **Short description**

This Lot aims to offer Smoke Evacuation Diathermy Pencils including filter tips, these are used during surgical procedures to cut both tissue and produce coagulation via electro cautery, these pencils have an added feature of facilitating smoke evacuation via extraction tubes.

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

33162000, 33161000, 31711140, 33162100

3) **Quantity or scope**

'This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the 1st 24 months of the Framework Agreement the value of purchases for this lot will be in the region of 1 000 000 GBP to 1 400 000 GBP however this is approximate only. The figures below for the total estimated value (48 months) are based on that initial expenditure.

NHS Supply Chain anticipates appointing the top scoring 5 Applicants who have met the minimum requirements which are set out in the Invitation to Tender to each Product Line within the Lot. Applicants should note that they may therefore be appointed for 1 or a number of the Product Lines across this Lot and should refer to the Invitation to Tender for further information in respect of this.'

Estimated value excluding VAT:
Range: between 2 000 000 and 2 800 000 GBP

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: Argon Diathermy Pencils including Probes and Adaptors

1) **Short description**

This Lot aims to offer Argon Diathermy Pencils including probes and adaptors, these are used during surgical procedures to cut both tissue and produce coagulation via electro cautery, these pencils have an added feature of emitting a plume of Argon Gas from the tip of the pencil to help improve visibility of the procedure site and reduce the amount of blood present during the procedure.

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

33162000, 33161000, 31711140, 33162100

3) **Quantity or scope**

'This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the 1st 24 months of the Framework Agreement the value of purchases for this lot will be in the region of 140 000 GBP to 180 000 GBP however this is approximate only. The figures below for the total estimated value (48 months) are based on that initial expenditure.

NHS Supply Chain anticipates appointing the top scoring 5 Applicants who have met the minimum requirements which are set out in the Invitation to Tender to each Product Line within the Lot. Applicants should note that

they may therefore be appointed for 1 or a number of the Product Lines across this Lot and should refer to the Invitation to Tender for further information in respect of this.'

Estimated value excluding VAT:

Range: between 280 000 and 360 000 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: Diathermy Suction Coagulators

1) **Short description**

This Lot aims to offer Diathermy Suction Coagulators; these are used during open surgical procedures to aspirate blood and small tissue, whilst controlling bleeding.

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

33162000, 33161000, 33162100

3) **Quantity or scope**

'This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the 1st 24 months of the Framework Agreement the value of purchases for this lot will be in the region of 170 000 GBP to 200 000 GBP however this is approximate only. The figures below for the total estimated value (48 months) are based on that initial expenditure.

NHS Supply Chain anticipates appointing the top scoring 5 Applicants who have met the minimum requirements which are set out in the Invitation to Tender to each Product Line within the Lot. Applicants should note that they may therefore be appointed for 1 or a number of the Product Lines across this Lot and should refer to the Invitation to Tender for further information in respect of this.'

Estimated value excluding VAT:

Range: between 340 000 and 400 000 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: Diathermy Forceps

1) **Short description**

This Lot Aims to offer Diathermy Forceps; these are pincer type hand held electro-surgical instrument to coagulate tissue during surgical procedures.

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

33162000, 33161000, 33162100

3) **Quantity or scope**

'This is an estimate only as precise quantities of likely purchases are unknown. It is anticipated that in the 1st 24 months of the Framework Agreement the value of purchases for this lot will be in the region of 800 000 GBP to 1 200 000 GBP however this is approximate only. The figures below for the total estimated value (48 months) are based on that initial expenditure.

NHS Supply Chain anticipates appointing the top scoring 5 Applicants who have met the minimum requirements which are set out in the Invitation to Tender to each Product Line within the Lot. Applicants should note that

they may therefore be appointed for 1 or a number of the Product Lines across this Lot and should refer to the Invitation to Tender for further information in respect of this.'

Estimated value excluding VAT:

Range: between 1 600 000 and 2 400 000 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:**

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

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

'Please see tender documents.'

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 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 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;

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;
- The “Framework Questionnaire” tab has no requirement for completion in this tender;

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;
- The “Lot Questionnaire” tab 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.2.2) **Economic and financial ability**

III.2.3) **Technical capacity**

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: '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.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: [2015/S 175-317814](#) of 10.9.2015
- 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**
10.10.2016 - 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: 200 (from the date stated for receipt of tender)
- IV.3.8) **Conditions for opening of tenders**
Date: 11.10.2016 - 9:00
Place:
As in above mentioned I.1)
Persons authorised to be present at the opening of tenders: yes
Additional 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**
- VI.2) **Information about European Union funds**
- VI.3) **Additional information**
'NHS Supply Chain reserves the right to appoint more suppliers to the Framework Agreement in the event that more than 15 reach the minimum score for appointment which is set out in the Invitation to Tender. Applicants should refer to Annex B of this Contract Notice for further details in respect of appointment to the individual lots across the Framework Agreement. Applicants may bid for 1 more than 1 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/bulk buy initiatives.

NHS Supply Chain will share savings information in order to assist its customers with making informed procurement decisions.

NHS Supply Chain intends to enter into arrangements under which it will be entitled to purchase supplies and/or services which it will 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. Only NHS Supply Chain can order from the Framework Agreement and enter into contracts under it.

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.'

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:**

8.9.2016