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Tender

## **NP37122 ENT, Ophthalmology & Skin Medicines/Medical Devices**

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

F02: Contract notice

Notice identifier: 2022/S 000-014847

Procurement identifier (OCID): ocds-h6vhtk-0340a5

Published 27 May 2022, 9:39am

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

Gyle Square (NSS Head Office), 1 South Gyle Crescent

Edinburgh

EH12 9EB

#### **Email**

[siobhan.ramage@nhs.scot](mailto:siobhan.ramage@nhs.scot)

#### **Telephone**

+44 1698794410

#### **Country**

United Kingdom

**NUTS code**

UKM - Scotland

**Internet address(es)**

Main address

<http://www.nss.nhs.scot>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA11883](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883)

**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

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/login.html>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/login.html>

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Health

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

NP37122 ENT, Ophthalmology & Skin Medicines/Medical Devices

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

- 33600000 - Pharmaceutical products

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

Supplies

#### **II.1.4) Short description**

This Framework Agreement is for the supply of ENT, Ophthalmology & Skin Medicines/Medical Devices to health boards across NHS Scotland. The Goods have been split into two (2) categories, each of which is identified as a "Lot". Full details of each Lot is contained in section II.2 of this notice.

#### **II.1.5) Estimated total value**

Value excluding VAT: £12,375,548

#### **II.1.6) Information about lots**

This contract is divided into lots: Yes

Tenders may be submitted for all lots

### **II.2) Description**

#### **II.2.1) Title**

ENT, Ophthalmology & Skin Generic Medicines/Medical Devices

Lot No

1

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

- 33600000 - Pharmaceutical products

### **II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

Main site or place of performance

All entities constituted pursuant to the National Health Service (Scotland) Act 1978, and any Integrated Joint Boards established pursuant to the new Public Bodies (Joint Working) Scotland Act 2014.

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

Supply of ENT, Ophthalmology & Skin Generic Medicines/Medical Devices to NHS Scotland. The Authority intends awarding each product line within this Lot to a single Framework Participant. Full details of Goods and volumes can be found within the ITT documents.

### **II.2.5) Award criteria**

Quality criterion - Name: Logistics / Weighting: 5%

Price - Weighting: 95

### **II.2.6) Estimated value**

Value excluding VAT: £10,250,651

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement with the option for period(s) up to a combined total period of twenty-four (24) months, upon giving not less than three (3) months written notice of each extension, such notice to expire no later than the date the Framework Agreement is due

to expire.

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **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) Description**

#### **II.2.1) Title**

Artificial saliva products, Eye preparations & Skin preparations

Lot No

2

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

- 33600000 - Pharmaceutical products

#### **II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

Main site or place of performance

All entities constituted pursuant to the National Health Service (Scotland) Act 1978, and any Integrated Joint Boards established pursuant to the new Public Bodies (Joint Working) Scotland Act 2014.

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

Supply of Artificial saliva products, Eye preparations & Skin preparations to NHS Scotland in a range of presentations. The Authority intends awarding each product line as a multi-supplier unranked framework agreement on a line by line basis and it is envisaged a

maximum of six (6) Framework Participants will be awarded to each line. Full details can be found within the ITT.

#### **II.2.5) Award criteria**

Quality criterion - Name: Logistics / Weighting: 5%

Price - Weighting: 95

#### **II.2.6) Estimated value**

Value excluding VAT: £2,124,897

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement with the option for period(s) up to a combined total period of twenty-four (24) months, upon giving not less than three (3) months written notice of each extension, such notice to expire no later than the date the Framework Agreement is due to expire.

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **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

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## **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

Economic operators may be excluded from this competition if they are in breach of any of the situation referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

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

List and brief description of selection criteria

(a) Potential Framework Participants must be able to demonstrate the existence of a valid and current UK Marketing Authorisation (PL or PLGB number) that has been approved by the MHRA for all tendered Medicines at the date of submission of the tender.

(b) Potential Framework Participants and any sub-contractor(s) must possess valid certification of BS EN ISO 9001 or equivalent at the date of submission of the tender.

(c) Potential Framework Participants must be able to demonstrate that all medical devices and associated ancillaries which are classed as medical devices tendered under this Framework Agreement comply with Medical Devices Regulations 2002 (SI 2002 No 618, as amended) (UK MDR 2002) and have an appropriate declaration of conformity and display a valid CE, CE UKNI or UKCA mark at the date of submission of the tender.

(d) All tendered Goods with the exception of medical devices must comply with the MHRA best Practice Guidance on Labelling and Packaging and the National Patient Safety Agency ("NPSA") Guidelines on Packaging and Labelling on pack design.

Minimum level(s) of standards possibly required

a) Confirmation of existence of a valid and current UK Marketing Authorisation (PL or PLGB number) that has been approved by the MHRA for all tendered Medicines at the date of submission of the tender, should be included in the Qualification Envelope of the ITT under the Technical and Professional ability: Quality Control.

(b) Confirmation of the existence of valid certification of BS EN ISO 9001 or equivalent at the date of submission of the tender should be included in the Qualification Envelope of the ITT under the Quality Assurance Schemes.

(c) Confirmation that all devices tendered and associated ancillaries which are classed as medical devices will carry the appropriate declaration of conformity for the UK market and display a valid CE, CE UKNI or UKCA at the date of submission of the tender should be included in the Qualification Envelope of the ITT under the Technical and Professional ability: Quality Control.

(d) Confirmation that samples for tendered Goods will be supplied upon request to ensure compliance with the MHRA best Practice Guidance on Labelling and Packaging and the National Patient Safety Agency ("NPSA") Guidelines on Packaging and Labelling on pack design. Confirmation of sample provision should be provided in the Qualification Envelope of the ITT under Technical and Professional ability: Products

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## **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

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

Date

27 June 2022

Local time

12:00pm

#### **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: 3 (from the date stated for receipt of tender)

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

Date

27 June 2022

Local time

12:00pm

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## **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**

The estimated value(s) referred to in Section II.1.5 & All Lots cover(s) the twenty four (24) month contract duration and the twenty four (24) month extension period of the framework agreement.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 21294. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

Community benefits are included in this requirement. For more information see: <https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

A summary of the expected community benefits has been provided as follows:

It is a mandatory requirement that potential framework participants agree to support the concept, provision and ongoing development of community benefits provision in relation to this framework.

Potential framework participants are required to agree to this mandatory requirement. They are also requested to provide a brief summary of the community benefits that have recently been delivered within Scotland, if at all, and also what impact and outcomes these have achieved.

Potential framework participants are required to summarise any proposed community benefits that will be developed and delivered as part of this contract if successful or, alternatively, potential framework participants confirm that they will engage with the NHS Scotland's Community Benefits Gateway (CBG). This gateway, developed through requests from suppliers seeking opportunities to support the delivery of community benefits within the contracting region, provides information on community benefit opportunities. The CBG is a free and easy to use online service that connects NHS Scotland suppliers with third sector community organisations within Scotland and will be used for tracking and reporting and is an approved compliant route to the realisation of community benefits.

For further information please visit NHSS Community Benefit Gateway

(SC Ref:692290)

## **VI.4) Procedures for review**

### **VI.4.1) Review body**

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

[edinburgh@scotcourts.gov.uk](mailto:edinburgh@scotcourts.gov.uk)

Country

United Kingdom

Internet address

<https://www.scotcourts.gov.uk/the-courts/court-locations/edinburgh-sheriff-court-and-justice-of-the-peace-court>

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The Authority will notify economic operators who submitted a tender or (where no deselection notification has previously been made) applied to be selected to tender, of its decision to award the framework agreement which notification will contain among other information, a summary of the reasons why the economic operators was unsuccessful. The notification will incorporate a 'standstill period' of a minimum of 10 clear calendar days (or a minimum of 15 if the communication method used is not electronic) between the date on which the Authority dispatches the notice(s) and the date on which the Authority proposes to conclude the relevant framework agreement. The bringing of court proceedings against the Authority during the standstill period will automatically continue the prohibition on entering into the framework agreement until the court proceedings are determined, discontinued or disposed of, or the court, by interim order, brings to an end the prohibition. The remedies that may be awarded by the courts before the framework agreement has been entered into include the setting aside of the decision to award the framework agreement to the winning tenderer(s). The bringing of court proceedings against the Authority after the framework agreement has been entered into will not affect the framework agreement unless grounds for the imposition of special penalties under the Public Contracts (Scotland) Regulations 2015 can be established. Otherwise, the remedies that may be awarded by the courts where the framework agreement has been entered into are limited to the award of damages.