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Tender

NP30723 Medical Gases Supplied in Cylinders

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

F02: Contract notice

Notice identifier: 2023/S 000-026585

Procurement identifier (OCID): ocds-h6vhtk-03fb1f

Published 8 September 2023, 10:42am

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

Contact

Zenab Ghazali

Email

zenab.ghazali@nhs.scot

Telephone

+44 7977806098

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

<http://www.nss.nhs.scot/browse/procurement-and-logistics>

Buyer's address

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

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

NP30723 Medical Gases Supplied in Cylinders

II.1.2) Main CPV code

- 24111500 - Medical gases

II.1.3) Type of contract

Supplies

II.1.4) Short description

This Framework Agreement is for the supply of Medical Gases supplied in Cylinders to all health boards across NHS Scotland.

II.1.5) Estimated total value

Value excluding VAT: £10,800,000

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

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

This framework agreement is for the supply of Medical Gases supplied in cylinders to NHS Scotland.

This will be the direct supply of medical gases in cylinders to hospitals and dental clinics as directed by the Participating Authorities and include the rental and refilling of cylinders.

The total requirement will be awarded as a single supplier framework agreement.

The total requirement, including product specification and annual volumes, are detailed within the tender documentation.

II.2.5) Award criteria

Quality criterion - Name: Delivery Service / Weighting: 15

Quality criterion - Name: Supply and Demand Management / Weighting: 15

Quality criterion - Name: Training / Weighting: 10

Quality criterion - Name: Sustainability - Nitrous Oxide / Weighting: 5

Quality criterion - Name: Sustainability - Manufacturing / Weighting: 5

Quality criterion - Name: Contingency Planning / Weighting: 5

Quality criterion - Name: Communication with Participating Authorities / Weighting: 5

Price - Weighting: 40

II.2.6) Estimated value

Value excluding VAT: £10,800,000

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

Duration in months

48

This contract is subject to renewal

Yes

Description of renewals

This framework includes the option to extend for any number of periods, up to a maximum overall period of twenty four (24) months upon giving not less than three (3) months written notice, 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

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 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, PLGB, or PLPI 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.

(c) Potential Framework Participants must be able to demonstrate that where a medical device is supplied as part of the tendered Goods under this Framework Agreement the medical device must 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.

(d) Potential Framework Participants are required to provide evidence that their organisation has taken steps to build their awareness of the climate change emergency and how they will respond.

Minimum level(s) of standards possibly required

(a) Confirmation of existence of a valid and current UK Marketing Authorisation (PL, PLGB, PLPI 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. Confirmation of such certification should be included in the Qualification Envelope of the ITT under the Quality Assurance Schemes.

(c) Confirmation that any medical device supplied part of the tendered Goods will carry the appropriate declaration of conformity for the UK market and display a valid CE, CE UKNI or UKCA mark prior to the start date of the Framework Agreement should be included in the Qualification Envelope of the ITT under Technical and Professional ability: Quality Control.

(d) A completed copy of the Bidder Climate Change Plan Template, including planned projects and actions to reduce the bidder's carbon emissions should be provided in the Qualification Envelope of the ITT under Environmental Management Criteria. This does not need to contain calculated carbon emissions.

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 a single operator

In the case of framework agreements, provide justification for any duration exceeding 4 years:

The Framework Agreement requires significant investment in equipment and infrastructure from suppliers. This duration of Framework Agreement is to reflect the need for a return on investment for the successful Framework Participant.

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

10 October 2023

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

10 October 2023

Local time

12:00pm

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 Sections II.1.5 and II.2.6 cover(s) the forty eight (48) 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 24723. 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 summary of the community benefits that have recently been delivered within Scotland, if at all, and 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 framework 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 (<https://www.nss.nhs.scot/procurement-and-logistics/sustainability/access-our-community-benefit-gateway/>).

(SC Ref:742923)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

edinburgh@scotcourts.gov.uk

Telephone

+44 1312252525

Country

United Kingdom

Internet address

<https://scotcourts.gov.uk/the-courts/sheriff-court/about-sheriff-courts>

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.