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Tender

## **Surgical Staplers, Cutters & Clip Appliers and consumables**

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

F02: Contract notice

Notice identifier: 2024/S 000-029034

Procurement identifier (OCID): ocds-h6vhtk-044a8c

Published 11 September 2024, 9:43am

### **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**

Eleanor Dickson

#### **Email**

[eleanor.dickson@nhs.scot](mailto:eleanor.dickson@nhs.scot)

#### **Telephone**

+44 1698794410

## **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](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/>

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/>

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/>

## **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**

Surgical Staplers, Cutters & Clip Appliers and consumables

Reference number

NP65324

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

- 33162100 - Operating-theatre devices

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

Supplies

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

Renewal of National Framework for the Supply of Open/ Endo Surgical Devices covering the following products to NHS Scotland. Products can

be either supplied via the NDC(National Distribution Centre) or direct to hospitals across NHS Scotland. It is expected that the annual

value across all lots will not exceed GBP 7m excluding VAT.

The following products ranges are included:

Lot 1 Staplers only and consumables

Lot 2 Stapler/Cutters and consumables

Lot 3 Clip Appliers and consumables

Lot 4 Combination Lot

Lot 5 Enhanced Service/ Innovation Lot

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

Value excluding VAT: £23,500,000

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

This contract is divided into lots: Yes

Tenders may be submitted for maximum number of lots  
5

## **II.2) Description**

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

Surgical Stapler & Cutters & consumables for Open and/or Endo Surgical procedures

Lot No

2

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

- 33162100 - Operating-theatre devices
- 33141122 - Surgical staples

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

NUTS codes

- UKM - Scotland

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

"We require Surgical Staplers with cutting capability and related consumables for use in invasive surgical procedures. These will be used in an acute setting across NHSS by suitably trained personnel.

Tendered items should meet criteria set out in the "Relevant to all Lots" tab on the Scoring Methodology included with the tender. For the avoidance of doubt, this lot is intended for any products which are staplers which have cutting mechanisms. Products which staple but do not cut should be tendered to Lot 1.

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

Quality criterion - Name: Quality - Clinical References / Weighting: 20

Quality criterion - Name: After Sales, Service & support / Weighting: 20

Quality criterion - Name: Sustainability / Weighting: 5

Price - Weighting: 55

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

2 optional extension periods both consisting of 12 months can be utilised by the Authority.

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

Variants will be accepted: No

### **II.2.11) Information about options**

Options: No

### **II.2.12) Information about electronic catalogues**

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

### **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**

Combination Lot (Unscored)

Lot No

4

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

- 33162100 - Operating-theatre devices

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

NUTS codes

- UKM - Scotland

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

We require Surgical Staplers, Cutters & Clip Appliers for use in NHSS invasive surgical procedures. These will be used in an acute setting across NHSS by suitably trained personnel.

Bidders are requested to submit bids for combinations of staplers, stapler/cutters, clip appliers & related accessories/consumable products, as previously tendered in Lots 1-3, with additional discounts in return for additional combined volume discounts from the Health Boards, or collaboration of Health Boards, or any proposal which offers NHSS improved value for money.

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

Price is not the only award criterion and all criteria are stated only in the procurement

documents

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

2 optional extension periods both consisting of 12 months can be utilised by the Authority

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

Variants will be accepted: No

### **II.2.11) Information about options**

Options: No

### **II.2.12) Information about electronic catalogues**

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

### **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**

Enhanced Service / Innovation Lot

Lot No

5

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

- 33162100 - Operating-theatre devices

**II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

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

Bidders are requested to submit details of any Enhanced Service they offer. Key deliverables will be decided on a case by case basis but may include, but not be limited to, such evidenced criteria as:

- Reduced Waiting Times
- Streamlined Patient Pathway
- Reduced Hospital Bed Days
- Reduced Readmission Rate
- Lower Costs
- Enhanced Data Quality & Reporting
- Enhanced Inventory Management
- Innovation products which are expected to be ready for sale within the timeframe of the contract award.

Bidders should submit details of any product or service offered, including unique selling points, for consideration, in 5,000 words or less. Responses should include relevant case studies, successes and details of how purchase of these services, in addition to commitment volumes on Lots 1-3 inclusive, will positively impact commitment volume prices for Health boards.

PLEASE NOTE: This is an Unscored Lot. Boards will use the information provided here by all awarded suppliers to assess their local clinical requirements.



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

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

2 optional extension periods both consisting of 12 months can be utilised by the Authority

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

Variants will be accepted: No

## **II.2.11) Information about options**

Options: No

## **II.2.12) Information about electronic catalogues**

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

## **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**

Clip Appliers & Consumables for Open and/or Endo surgical Procedures

Lot No

3

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

- 33162100 - Operating-theatre devices
- 33141120 - Clip, suture, ligature supplies

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

NUTS codes

- UKM - Scotland

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

We require Clip Appliers and consumables for use in invasive surgical procedures. These will be used in an acute setting across NHSS by suitably trained personnel.

Tendered items should meet criteria set out in the "Relevant to all Lots" tab on this worksheet.

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

Quality criterion - Name: Quality - Clinical References / Weighting: 20

Quality criterion - Name: After Sales, Service & Support / Weighting: 20

Quality criterion - Name: Sustainability / Weighting: 5

Price - Weighting: 55

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

2 optional extension periods both consisting of 12 months can be utilised by the Authority

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

Variants will be accepted: No

### **II.2.11) Information about options**

Options: No

### **II.2.12) Information about electronic catalogues**

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

### **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**

Surgical Staplers only & consumables for Open and/or Endo Surgical Procedures

Lot No

1

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

- 33162100 - Operating-theatre devices
- 33141122 - Surgical staples

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

NUTS codes

- UKM - Scotland

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

We require Surgical Staplers and related consumables for use in invasive surgical procedures. These will be used in an acute setting across NHSS by suitably trained personnel.

Tendered items should meet criteria set out in the "Relevant to all Lots" tab on this worksheet. Lot 1 should include only those products relevant to the description Surgical Staplers. For the avoidance of doubt, any products which are staplers which have cutting mechanisms should not be tendered to Lot 1, but instead to Lot 2.

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

Quality criterion - Name: Quality - Clinical References / Weighting: 20

Quality criterion - Name: After Sales, Service & Support / Weighting: 20

Quality criterion - Name: Sustainability / Weighting: 5

Price - Weighting: 55

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

2 optional extension periods both consisting of 12 months can be utilised by the Authority.

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

Variants will be accepted: No

## **II.2.11) Information about options**

Options: No

## **II.2.12) Information about electronic catalogues**

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

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

List and brief description of selection criteria

(1) All candidates will be required to provide a statement, covering the 3 previous financial years including the overall turnover of the

candidate in respect of the activities which are similar type to the subject matter of the notice.

(2) All candidates will be required to provide statement of accounts or extracts relating to their business.

See contract/tender documentation which incorporates the requirements of the ESPD (Scotland) and the financial period of reporting is the

previous 3 financial years.

Minimum level(s) of standards possibly required

Employers (Compulsory) Liability Insurance GBP 5,000,000 minimum

Public Liability Insurance GBP 5,000,000 minimum

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

Selection criteria as stated in the procurement documents

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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

Envisaged maximum number of participants to the framework agreement: 12

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

The total potential Framework period is 5 years (3 years + 2 x 12month extensions). The Framework term has been extended to allow time for product change and standardisation, opportunity for the health boards to consolidate, and for the market to stabilise.

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

An electronic auction will be used

#### **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: [2024/S 000-008908](#)

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

Date

17 October 2024

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

24 October 2024

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 value in Section II.1.5 (23,500,000 GBP) refers to the full value of the framework including any extension options.

The buyer is using PCS-Tender to conduct this ITT exercise. The project code is XXXXX.

For more information see:

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

The Contracting Authority does not intend to include a sub-contract clause as part of community benefits (as per Section 25 of the

Procurement Reform (Scotland) Act 2014) in this contract for the following reason:

The contractor shall ensure that all contracts with sub-contractors and suppliers which the Contractor intends to procure following the

Commencement Date, and which the Contractor has not, before the date of this Contract, already planned to award to a particular

Sub-contractor or supplier, are advertised through the Public Contracts Scotland procurement portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk))

and awarded a fair, open transparent and competitive process proportionate to the nature and value of the contract.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 27245. For more information see:

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

The Contracting Authority does not intend to include a sub-contract clause as part of community benefits (as per Section 25 of the Procurement Reform (Scotland) Act 2014) in this contract for the following reason:

The Contracting Authority does not intend to include a sub-contract clause as part of community benefits (as per Section 25 of the

Procurement Reform (Scotland) Act 2014) in this contract for the following reason:

The contractor shall ensure that all contracts with sub-contractors and suppliers which the Contractor intends to procure following the

Commencement Date, and which the Contractor has not, before the date of this Contract,



already planned to award to a particular

Sub-contractor or supplier, are advertised through the Public Contracts Scotland procurement portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk))

and awarded a fair, open transparent and competitive process proportionate to the nature and value of the contract.

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:

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:

Employability / targeted recruitment & training

Supply chain initiatives

Workshops / Mentoring

Third sector engagement

Community consultation / engagement / events

Educational initiatives

Community benefits are included, but not mandatory, in this requirement. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2361>

(SC Ref:773104)

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

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

Sheriff Court House

27 Chambers Street,

Edinburgh

EH1 1LB

Country

United Kingdom

Internet address

<http://www.nhsscotlandprocurement.scot.nhs.uk>

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

Sheriff Court House

27 Chambers Street,

Edinburgh

EH1 1LB

Country

United Kingdom

#### **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 process 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 as to why the economic operator was unsuccessful. The notification will incorporate a 'standstill period' of a

minimum of 10 (ten) clear calendar days (or a minimum of 15 (fifteen) if the communication method used is not electronic) between the

date on which the Authority despatches 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.

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

Sheriff Court House

27 Chambers Street,

Edinburgh

EH1 1LB

Country

United Kingdom