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Award

## **Electrosurgical**

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-029476

Procurement identifier (OCID): ocds-h6vhtk-02fa93

Published 26 November 2021, 3:35pm

## **Section I: Contracting authority/entity**

### **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**

Josh Foggo

#### **Email**

[josh.foggo@nhs.scot](mailto:josh.foggo@nhs.scot)

#### **Telephone**

+44 7855060653

**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.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**

Electrosurgical

Reference number

NP172/16

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

- 33000000 - Medical equipments, pharmaceuticals and personal care products

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

Supplies

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

The Common Services Agency (more commonly known as National Services Scotland) ('the Authority') acting through its division

National Procurement, is undertaking this procurement of Electrosurgical Equipment, such as Electrosurgical Units, Smoke Evacuation

Systems, including any accessories and training, as well as single use Electrosurgical Consumables such as Diathermy Pencils, Active

Electrodes, Biopsy Forceps and Patient Return Electrodes ('Products') on behalf of all entities constituted pursuant to the National Health

Service (Scotland) Act 1978, (i.e. all NHS Scotland Health Boards, Special Health Boards and the Authority or other NHS Organisation

established pursuant to the NHS (Scotland) Act 1978), any integrated Joint Boards established pursuant to the new Public Bodies (Joint

Working) Scotland Act 2014 (collectively hereafter referred to as 'Participating Authorities').

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

This contract is divided into lots: Yes

### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £1,300,000

## **II.2) Description**

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

Single Use Diathermy Consumables

Lot No

3

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

- 33158200 - Electrotherapy devices

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

NUTS codes

- UKM - Scotland

Main site or place of performance

Any or all locations of NHS Scotland Health Boards, Special Health Boards and / or the NHS Scotland Common Services Agency (altogether 'NHS Scotland').

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

This requirements is for the supply of single use diathermy consumables including the following; single-use hand control pencils designed to remove tissue and control bleeding by use of high-frequency electrical current including various disposable active electrode options, single-use patient return electrodes and single use bipolar forceps for use with Electrosurgical Units.

Call off from the Lot shall be by submission of Orders by Participating Authorities to the Framework Providers or by undertaking a Mini Tender Process. Framework Participants will be ranked in accordance with the overall score achieved for the Lot following evaluation of all the Tenders. Where a Participating Authority intends to call off the Framework Agreement by submission of an Order, it may, depending on the particular requirements approach the first ranked Framework Participant for that Lot. If the first

ranked Framework Participant is capable of meeting the Participating Authority's requirements that Participating Authority will select the first ranked Framework Participant to supply its requirement and submit an order for the same. Without prejudice to the Participating Authority's other rights and remedies, if the first ranked Framework Participant is unable or incapable of meeting any Participating Authority's requirement (as determined by the Participating Authority) the Participating Authority shall consider the second ranked Framework, and so on.

#### **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**

Surgical Smoke Extraction Systems

Lot No

2

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

- 42521000 - Smoke-extraction equipment

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

NUTS codes

- UKM - Scotland

Main site or place of performance

Any or all locations of NHS Scotland Health Boards, Special Health Boards and / or the NHS Scotland Common Services Agency (altogether 'NHS Scotland').

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

This requirements is for surgical smoke evacuation systems used to capture the smoke generated during open surgical and erbium procedures in which there is tissue ablation

(e.g., laser surgery, electrocautery, etc).

Call off from the Lot shall be by submission of Orders by Participating Authorities to the Framework Providers or by undertaking a Mini Tender Process. Where a Participating Authority intends to call off the Lot by submission of an Order, it may, depending on the particular requirements approach such Framework Participant as offers the best value for the particular requirements of the Participating Authority.

Additional details regarding call off are included within tender documents.

#### **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**

Argon Plasma Coagulation Consumables

Lot No

4

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

- 33161000 - Electrosurgical unit

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

NUTS codes

- UKM - Scotland

Main site or place of performance

Any or all locations of NHS Scotland Health Boards, Special Health Boards and / or the NHS Scotland Common Services Agency (altogether 'NHS Scotland').

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

This requirements is for the supply of Argon Plasma Coagulation consumables.

Call off from the Lot shall be by submission of Orders by Participating Authorities to the Framework Providers or by undertaking a Mini Tender Process. Where a Participating Authority intends to call off the Lot by submission of an Order, it may, depending on the particular requirements approach such Framework Participant as offers the best value for the particular requirements of the Participating Authority. Additional details regarding call off are included within tender documents.

### **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**

Electrosurgical Units (ESU)

Lot No

1

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

- 33161000 - Electrosurgical unit

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

NUTS codes

- UKM - Scotland

Main site or place of performance

Any or all locations of NHS Scotland Health Boards, Special Health Boards and / or the NHS Scotland Common Services Agency (altogether 'NHS Scotland').

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

This requirement is for the supply of Electrosurgical Units (ESU) suitable for use in a wide range of operating procedures for adult and paediatric services, typically in operating theatres (General, Urology, Gynaecology, Neurosurgery etc). Electrosurgical Units (ESU) must have a wide range of modes of operation (including cutting, coagulation, blending), with a wide range of power levels and waveform types.

It must be able to be used with a wide range of surgical instruments, including both monopolar and bipolar instruments for open and laparoscopic procedures.

Call off from the Lot shall be by submission of Orders by Participating Authorities to the Framework Providers or by undertaking a Mini Tender Process. Where a Participating Authority intends to call off the Lot by submission of an Order, it may, depending on the particular requirements approach such Framework Participant as offers the best value for the particular requirements of the Participating Authority.

Additional details regarding call off are included within tender documents.

#### **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 IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

This VEAT notice is to advise the need for modification to meet the additional demands of the Scottish Health and Social Care sector during the current Covid-19 pandemic and to maintain necessary supply and remove unnecessary disruption from the Authority at this time in line with Regulation 72(1)(b) of the Public Contracts (Scotland) Regulations 2015

#### **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: [2016/S 130-232693](#)

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## **Section V. Award of contract/concession**

### **Lot No**

1

### **Title**

Electrosurgical Units (ESU)

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

16 August 2021

#### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: Yes

#### **V.2.3) Name and address of the contractor/concessionaire**

ConMed UK

73-74 Shrivenham Hundred Business , Swindon

Swindon

SN6 8TY

Telephone

+44 1793787905

Fax

+44 1793784568

Country

United Kingdom

NUTS code

- UKK14 - Swindon

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

Medtronic Limited

Building 9, Croxley Park

Watford

WD18 8WW

Telephone

+44 1923202577

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

STERIS SOLUTIONS Limited

Rayns Way, , Leicester

SYSTON

LE7 1PF

Telephone

+44 1162740600

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

Erbe Medical UK Limited

The Antler Complex, 1A Bruntcliffe Way

Morley

LS27 0JG

Telephone

+44 1132530333

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

Starkstrom Ltd

256 Field End Road , Ruislip, Middlesex

London

HA4 9UW

Telephone

+44 2088683732

Fax

+44 2088683736

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

#### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £720,000

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## **Section V. Award of contract/concession**

### **Lot No**

2

### **Title**

Surgical Smoke Extraction Systems

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

16 August 2021

**V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: Yes

**V.2.3) Name and address of the contractor/concessionaire**

Medtronic Limited

Building 9, Croxley Park

Watford

WD18 8WW

Telephone

+44 1923202577

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

STERIS SOLUTIONS Limited

Rayns Way, , Leicester

SYSTON

LE7 1PF

Telephone

+44 1162740600

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

Fannin (UK) Ltd. Part of DCC Vital

Westminster Industrial Estate, Repton Road, Measham

Swadlincote

DE12 7DT

Telephone

+44 35312907197

Fax

+44 35312907111

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

Stryker UK Limited

Stryker House, Hambridge Road, , Berkshire

Newbury

RG14 5EG

Telephone

+44 1635262408

Fax

+44 1635580606

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £1,332,000



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## **Section V. Award of contract/concession**

### **Lot No**

4

### **Title**

Argon Plasma Coagulation Consumables

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

16 August 2021

#### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: Yes

#### **V.2.3) Name and address of the contractor/concessionaire**

ConMed UK

73-74 Shrivenham Hundred Business , Swindon

Swindon

SN6 8TY

Telephone

+44 1793787905

Fax

+44 1793784568

Country

United Kingdom

NUTS code

- UKK14 - Swindon

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

Erbe Medical UK Limited

The Antler Complex, 1A Bruntcliffe Way

Morley

LS27 0JG

Telephone

+44 1132530333

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

Starkstrom Ltd

256 Field End Road , Ruislip, Middlesex

London

HA4 9UW

Telephone

+44 2088683732

Fax

+44 2088683736

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

#### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £720,000

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### **Section V. Award of contract/concession**

#### **Lot No**

3

#### **Title**

Single Use Diathermy Consumables

A contract/lot is awarded: Yes

#### **V.2) Award of contract/concession**

##### **V.2.1) Date of conclusion of the contract**

16 August 2021

##### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: No

**V.2.3) Name and address of the contractor/concessionaire**

Fannin (UK) Ltd. Part of DCC Vital

Westminster Industrial Estate, Repton Road, Measham

Swadlincote

DE12 7DT

Telephone

+44 35312907197

Fax

+44 35312907111

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £2,028,000

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## **Section VI. Complementary information**

### **VI.3) Additional information**

(SC Ref:668535)

### **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)

Telephone

+44 1312252525

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

Economic operators should approach the contracting authority in the first instance. However, the only formal remedy is to apply to the courts:

An economic operator that suffers, or is at risk of suffering, loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 or the Procurement Reform (Scotland) Act 2014, may bring proceedings in the Sheriff Court or the Court of Session.