

**UK-Edinburgh: Surgical implants**

**OJ S 10/2013 15/01/2013**

**Contract notice**

**Supplies**

**Directive 2004/18/EC**

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Lothian NHS Board

Postal address: Procurement Headquarters, NHS-Lothian Pentland House 47 Robb's Loan

Town: Edinburgh

Postal code: EH14 1TY

Country: United Kingdom

Contact person: Procurement

For the attention of: Jim Patterson

E-mail: [jim.patterson@luht.scot.nhs.uk](mailto:jim.patterson@luht.scot.nhs.uk)

Telephone: +44 1314657631

**Internet address(es):**

General address of the contracting authority: <http://www.nhslothian.scot.nhs.uk/>

Address of the buyer profile: [http://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA00326](http://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00326)

**Additional information can be obtained from:**

the abovementioned address

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:**

the abovementioned address

**Tenders or requests to participate must be submitted:** the abovementioned address

**I.2. Type of the contracting authority**

Body governed by public law

**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

Official name: NHS Borders

Official name: NHS Fife

Official name: NHS Grampian

Official name: NHS Highland

Official name: NHS Lothian

Official name: NHS Tayside

**Section II: Object of the contract**

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**II.1. Description**

**II.1.1. Title attributed to the contract by the contracting authority**

Provision of mammary implants, expanders and sizers.

## **II.1.2. Type of contract and place of performance or delivery**

Supplies

Purchase

Main site or place of performance: Health Boards in the East of Scotland.

NUTS code UKM2 Eastern Scotland

## **II.1.3. Information about a framework agreement or a dynamic purchasing system**

The notice involves a public contract

## **II.1.4. Information about framework agreement**

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

The provision of mammary implants, expanders and sizers for NHS Lothian, Borders, Fife, Tayside, Highland and Grampian

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at [http://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=250478](http://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=250478).

The awarding authority has indicated that it will accept electronic responses to this notice via a 'Tender Submission Postbox' facility. Further details of this facility are available at [http://www.publiccontractsscotland.gov.uk/PostBox/Postbox\\_Explain.aspx?ID=250478](http://www.publiccontractsscotland.gov.uk/PostBox/Postbox_Explain.aspx?ID=250478).

Suppliers are advised to allow adequate time for uploading documents and to dispatch the electronic response well in advance of the closing time to avoid any last minute problems. The postbox closes precisely at the time stated.

## **II.1.6. CPV code(s)**

33184100 Surgical implants

## **II.1.7. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

## **II.1.8. Lots**

This contract is divided into lots: yes

Tenders may be submitted for all lots

## **II.1.9. Information about variants**

Variants will be accepted: no

## **II.2. Scope of the procurement**

### **II.2.1. Total quantity or scope**

### **II.2.2. Information about options**

Options: no

### **II.2.3. Information about renewals**

This contract is subject to renewal: no

## **II.3. Duration of the contract or time limit for completion**

Information about lots

Lot No: 1

Lot title: Tissue expander remote port

### **1) Short description**

as title

- 2) **CPV code(s)**  
33184100 Surgical implants
- 3) **Quantity or scope**  
approx 11 units bought per annum
- 4) **Indication about different time frame or duration**
- 5) **Additional information about lots**

Lot No: 2

Lot title: Tissue expander integrated port

- 1) **Short description**  
as title
- 2) **CPV code(s)**  
33184100 Surgical implants
- 3) **Quantity or scope**  
approx 28 units bought per annum
- 4) **Indication about different time frame or duration**
- 5) **Additional information about lots**

Lot No: 3

Lot title: Silicone mammary implant anatomical

- 1) **Short description**  
as title
- 2) **CPV code(s)**  
33184100 Surgical implants
- 3) **Quantity or scope**  
approx 280 units bought per annum
- 4) **Indication about different time frame or duration**
- 5) **Additional information about lots**

Lot No: 4

Lot title: Silicone mammary implant round

- 1) **Short description**  
as title
- 2) **CPV code(s)**  
33184100 Surgical implants
- 3) **Quantity or scope**  
approx 217 units bought per annum
- 4) **Indication about different time frame or duration**
- 5) **Additional information about lots**

Lot No: 5

Lot title: Expander permanent single stage

- 1) Short description**  
as title
- 2) CPV code(s)**  
33184100 Surgical implants
- 3) Quantity or scope**  
approx 77 units bought per annum
- 4) Indication about different time frame or duration**
- 5) Additional information about lots**

Lot No: 6

Lot title: Sizer inflatable

- 1) Short description**  
as title
- 2) CPV code(s)**  
33184100 Surgical implants
- 3) Quantity or scope**  
approx 90 units bought per annum
- 4) Indication about different time frame or duration**
- 5) Additional information about lots**

Lot No: 7

Lot title: Sizer fixed volume

- 1) Short description**  
as title
- 2) CPV code(s)**  
33184100 Surgical implants
- 3) Quantity or scope**  
approx 81 units bought per annum
- 4) Indication about different time frame or duration**
- 5) Additional information about lots**

### **Section III: Legal, economic, financial and technical information**

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#### **III.1. Conditions related to the contract**

##### **III.1.1. Deposits and guarantees required**

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

##### **III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded**

##### **III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: no

## **III.2. Conditions for participation**

### **III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions: (1) All candidates will be required to produce a certificate or declaration demonstrating that they are not bankrupt or the subject of an administration order, are not being wound-up, have not granted a trust deed, are not the subject of a petition presented for sequestration of their estate, have not had a receiver, manager or administrator appointed and are not otherwise apparently insolvent.

(2) All candidates will be required to produce a certificate or declaration demonstrating that the candidate, their directors, or any other person who has powers of representation, decision or control of the candidate has not been convicted of conspiracy, corruption, bribery, or money laundering. Failure to provide such a declaration will result in the candidate being declared ineligible and they will not be selected to participate in this procurement process.

(3) All candidates will be required to produce a certificate or declaration demonstrating that they have not been convicted of a criminal offence relating to the conduct of their business or profession.

(4) All candidates will be required to produce a certificate or declaration demonstrating that they have not committed an act of grave misconduct in the course of their business or profession.

(5) All candidates must comply with the requirements of the State in which they are established, regarding registration on the professional or trade register.

(6) Any candidate found to be guilty of serious misrepresentation in providing any information required, may be declared ineligible and not selected to continue with this procurement process.

(7) All candidates will have to demonstrate that they are licensed, or a member of the relevant organisation, in the State where they are established, when the law of that State prohibits the provision of the services, described in this notice, by a person who is not so licensed or who is not a member of the relevant organisation.

(8) All candidates will be required to produce a certificate or declaration demonstrating that they have fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the candidate is established

(9) All candidates will be required to produce a certificate or declaration demonstrating that they have fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established.

### **III.2.2. Economic and financial ability**

List and brief description of conditions: (1) All candidates will be required to provide a statement, covering the 3 previous financial years including the overall turnover of the candidate and the turnover in respect of the activities which are of a similar type to the subject matter of this notice.

Please supply a copy of your product liability insurance.

### **III.2.3. Technical and professional ability**

List and brief description of conditions:

(1) A statement of the candidate's average annual number of staff and managerial staff over the previous 3 years

(2) Details of the educational and professional qualifications of their managerial staff; and those of the person(s) who would be responsible for providing the services or carrying out the

work or works under the contract;

(3) All candidates will be required to provide certification from an independent body attesting conformity to environmental management standards in accordance with the Community Eco-Management and Audit Scheme (EMAS); or the European standard BS EN ISO 14001.

(4) All candidates will be required to provide certification drawn up by an independent body attesting the compliance of the economic operator with quality assurance standards based on the relevant European standards.

(5) Certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to specifications or standards.

(6) Samples, descriptions and/or photographs, the authenticity of which must be certified if the contracting authority so requests.

(7) A statement of the principal goods sold or services provided by the supplier or the services provider in the past 3 years, detailing the dates on which the goods were sold or the services provided; the consideration received; the identity of the person to whom the goods were sold or the services were provided

(8) A check may be carried out by the contracting authority or by a competent official body of the State in which the candidate is established, to verify the technical capacity of the candidate; and if relevant, on the candidates study and research facilities and quality control measures;

(9) A statement of the candidate's technical facilities; measures for ensuring quality; and their study and research facilities;

(10) An indication of the proportion of the contract which the services provider intends possibly to subcontract.

(11) A statement of the technicians or technical services available to the candidate to carry out the work under the contract; or be involved in the production of goods or the provision of services under the contract; particularly those responsible for quality control, whether or not they are independent of the candidate.

(12) A statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract.

### **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. Information about staff responsible for the performance of the contract**

## **Section IV: Procedure**

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### **IV.1. Type of procedure**

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

Open

#### **IV.1.2. Information about the limits on the number of candidates to be invited**

#### **IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue**

### **IV.2. Award criteria**

#### **IV.2.1. Award criteria**

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **IV.2.2. Information about electronic auction**

An electronic auction will be used: no

#### **IV.3. Administrative information**

##### **IV.3.1. File reference number attributed by the contracting authority**

LOTL156.

##### **IV.3.2. Previous publication concerning this procedure**

**Other previous publications**

Notice number in the OJ S: [2012/S 45-073547](#) of 6.3.2012

##### **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**

19.2.2013 - 12:00

##### **IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

##### **IV.3.6. Languages in which tenders or requests to participate may be submitted**

English.

##### **IV.3.7. Minimum time frame during which the tenderer must maintain the tender**

##### **IV.3.8. Conditions for opening of tenders**

#### **Section VI: Complementary information**

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##### **VI.1. Information about recurrence**

##### **VI.2. Information about European Union funds**

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

(SC Ref:250478).

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

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

Official name: Lothian Health Board

Postal address: Waverley Gate 2-4 Waterloo Place

Town: Edinburgh

Postal code: EH1 3EG

Country: United Kingdom

###### **VI.4.2. 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 contract which notification will contain among other information, a summary of the reasons why the economic operator

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 despatches the notice and the date on which the Authority proposes to conclude the relevant contract. The bringing of court proceedings against the Authority during the standstill period will automatically continue the prohibition on entering into the contract 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 contract has been entered into include the setting aside of the decision to award the contract to the winning tenderer. The bringing of court proceedings against the Authority after the contract has been entered into will not affect the contract unless grounds for the imposition of special penalties under the Public Contracts (Scotland) Regulations 2012 can be established. Otherwise the remedies that may be awarded by the courts where the contract has been entered into are limited to the award of damages. Economic operators are entitled to write to the Authority after receipt of the notification should they require further clarification. The Authority will respond within 15 days of such a written request, but it should be noted that receipt by the Authority of such request during the standstill period may not prevent the Authority from awarding the contract following the expiry of the standstill period. Where an economic operator is dissatisfied with the Authority's response to its request for clarification, or considers that the contract has been concluded in breach of The Public Contracts (Scotland) Regulations 2012, such economic operator is advised to promptly seek independent legal advice.

**VI.4.3. Service from which information about the review procedure may be obtained**

**VI.5. Date of dispatch of this notice**

10.1.2013