

**UK-Edinburgh: Frozen vegetables**  
**OJ S 97/2013 22/05/2013**  
**Contract notice**  
**Supplies**

**Directive 2004/18/EC**

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: NHS Scotland National Procurement  
Postal address: Gyle Square (NSS Head Office), 1 South Gyle Crescent  
Town: Edinburgh  
Postal code: EH12 9EB  
Country: United Kingdom  
For the attention of: Loraine Hartley  
E-mail: [loraine.hartley@nhs.net](mailto:loraine.hartley@nhs.net)  
Telephone: +44 1312756366

**Internet address(es):**

General address of the contracting authority: <http://www.nhsscotlandprocurement.scot.nhs.uk/>  
Address of the buyer profile: [http://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA11883](http://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883)

**Additional information can be obtained from:**

Official name: NHS Scotland National Procurement  
Postal address: Gyle Square (NSS Head Office), 1 South Gyle Crescent  
Town: Edinburgh  
Postal code: EH12 9EB  
Country: United Kingdom  
For the attention of: Loraine Hartley  
E-mail: [loraine.hartley@nhs.net](mailto:loraine.hartley@nhs.net)  
Telephone: +44 1312756366  
Internet address: <https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/login.html>

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

Official name: NHS Scotland National Procurement  
Postal address: Gyle Square (NSS Head Office), 1 South Gyle Crescent  
Town: Edinburgh  
Postal code: EH12 9EB  
Country: United Kingdom  
For the attention of: Loraine Hartley  
E-mail: [loraine.hartley@nhs.net](mailto:loraine.hartley@nhs.net)  
Telephone: +44 1312756366  
Internet address: <https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/login.html>

**Tenders or requests to participate must be submitted:** Official name: NHS Scotland National Procurement

Postal address: Gyle Square (NSS Head Office), 1 South Gyle Crescent  
Town: Edinburgh

Postal code: EH12 9EB

Country: United Kingdom

For the attention of: Loraine Hartley

E-mail: [loraine.hartley@nhs.net](mailto:loraine.hartley@nhs.net)

Telephone: +44 1312756366

Internet address: <https://www.publictendersscotland.publiccontractscotland.gov.uk/web/login.html>

## **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: Golden Jubilee Hospital (National Waiting Times Centre Board)

Official name: NHS 24

Official name: NHS Ayrshire and Arran

Official name: NHS Borders

Official name: NHS Dumfries and Galloway

Official name: NHS Education for Scotland

Official name: NHS Fife

Official name: NHS Forth Valley

Official name: NHS Grampian

Official name: NHS Greater Glasgow and Clyde

Official name: NHS Health Scotland

Official name: NHS Highland

Official name: NHS Lanarkshire

Official name: NHS Lothian

Official name: NHS Orkney

Official name: NHS Shetland

Official name: NHS Tayside

Official name: NHS Western Isles

Official name: Scottish Ambulance Service

Official name: The Common Services Agency for the Scottish Health Service (a.k.a the NHS National Shared Services)

Official name: The State Hospital for Scotland

Official name: NHS Health Improvement Scotland

## **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**

Frozen Food

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

Supplies

Purchase

Main site or place of performance: Any or all locations of all NHS Scotland Health Boards, all NHS Scotland Special Boards and/or the authority

NUTS code UKM Scotland

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

The procurement involves the establishment of a framework agreement

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

Framework agreement with a single operator

**Duration of the framework agreement**

Duration in years: 4

**Estimated total value of purchases for the entire duration of the framework agreement**

Estimated value excluding VAT: 12 800 000 GBP

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

Supply of Frozen Food Products, available to all entites pursuant to the National Health Service (Scotland) Act 1978 i.e All NHS Scotland Health Boards, Special Boards and the Authority

This tender will be carried out using Public Contracts Scotland - Tender eSourcing portal.

NOTE: The authority is using PCS-Tender to carry out this procurement process. Please note this is a separate website and if you are not already registered, registration will be required.

To access PCS-Tender, record your interest in this notice and access the tender documentation please visit <https://www.publictendersscotland.publiccontractsscotland.gov.uk> and search for project Code NP705/13 within the appropriate area.

If you have already registered on Public Contracts Scotland and PCS-Tender and paired your accounts you can access PCS-Tender through your Public Contracts Scotland Control Panel.

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

15331170 Frozen vegetables, 15221000 Frozen fish, 15896000 Deep-frozen products, 15311000 Frozen potatoes

**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: no

**II.1.9. Information about variants**

Variants will be accepted: no

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

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

A framework Agreement for the supply of Frozen Products which will apply to all entities constituted

pursuant to the National Health Service (Scotland) act 1978, (i.e all NHS Scotland Health Boards, Special

Boards, and the Authority or other NHS Organisations). The Framework Agreement will be award as Single Supplier

Framework.

The tender will be carried out using Public Contracts Scotland - Tender eSourcing portal. The site requires you

to register to obtain the tender documentation. The portal website address is:

Estimated value excluding VAT: 12 800 000 GBP

**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**

Duration in months: 48 (from the award of the contract)

## **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**

See Contract / Tender Documents

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

See Contract / Tender Documents

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

The Prime Contractor shall be liable in the event of a consortium bid

#### **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: Economic operators should confirm that neither it, its directors, nor any person who has power or representation decision or control of the economic operator has been convicted of any of the offences detailed in Regulation 23(1) of The Public Contracts (Scotland) Regulations 2012 and that the grounds detailed in Regulation 23(4) of the Regulations do not apply to the economic operator.

#### **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.

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

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

Minimum level(s) of standards possibly required:

1) A copy of a valid certificate issued in the last 12 months certified by an accredited food product body confirming that the economic operators holds a relevant certificate to EN45011 British Retail Consortium (BRC) or equivalent standard in respect of food

2. A list of all refrigerated vehicles which the economic operator proposes will be used for the transport and delivery of all Frozen Goods products under the contract with temperature readings in respect of all vehicles

3. A copy of full Supply Chain and traceability documentation from the raw ingredients to finished Product
4. Conformance to product quality specification and standards as detailed in the tender documentation

#### **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**

Lowest price

##### **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**

NP705/13

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

##### **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**

9.7.2013 - 10:00

##### **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**

Date: 9.7.2013 - 10:00

Place:

## Section VI: Complementary information

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### VI.1. Information about recurrence

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

### VI.3. Additional information

The Authority intends that a single Framework Participant will be awarded to the Framework Agreement ('Framework Participant') (subject to submission of admissible Tenders as determined in accordance with the provisions of the ITT). The Framework Agreement is to be available to 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 organisations).

This tender will be carried out using Public Contracts Scotland – Tender eSourcing portal. The site requires you to register to obtain the tender documentation. The portal website address is:

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

(SC Ref:264960)

### VI.4. Procedures for review

#### VI.4.1. Review body

#### 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 framework agreement 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 (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 2012 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. 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 framework agreement 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 framework agreement 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**

17.5.2013