

United Kingdom-London: Orthopaedic implants

OJ S 147/2013 31/07/2013

Contract notice

Supplies

Directive 2004/18/EC

Section I: Contracting authority

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**I.1. Name and addresses**

Official name: Guy's and St.Thomas NHS Foundation Trust

Postal address: Guy's Hospital, Great Maze Pond

Town: London

Postal code: SE1 9RT

Country: United Kingdom

Contact person: LPP Offices

For the attention of: Nicco Varela

E-mail: [nicco.varela@lpp.nhs.uk](mailto:nicco.varela@lpp.nhs.uk)

Telephone: +44 2071886682

**Internet address(es):**

General address of the contracting authority: [www.lpp.nhs.uk](http://www.lpp.nhs.uk)

**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: Various

Postal address: N/A

Town: N/A

Country: United Kingdom

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**

Spinal Implants and Biologics.

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

Supplies

Purchase

NUTS code UK United Kingdom

**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 several operators

**Duration of the framework agreement**

Duration in years: 2

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

Estimated value excluding VAT:

Range: between 6 000 000 and 20 000 000 GBP

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

Orthopaedic implants. Orthopaedic prostheses. A tender for the provision of spinal implants and biologics and associated consumables.

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

33183100 Orthopaedic implants, 33183200 Orthopaedic prostheses

**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 tender for the provision of spinal implants and biologics and associated consumables.

**II.2.2. Information about options**

**II.2.3. Information about renewals**

This contract is subject to renewal: no

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

Start 26.7.2013. Completion 30.8.2013

**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**

Joint and several liability.

**III.1.4. Contract performance conditions**

## **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: The Authority will apply all the offences listed in Article 45(1) of Directive 2004/18/EC (implemented as Regulation 23(1) of the Public Contract Regulations (PCR) 2006 in the UK) and all of the professional misconducts listed at Article 45 (2) of Directive 2004/18/EC (see also Regulation 23(2) in the PCR 2006) to the decision of whether a Candidate is eligible to be invited to tender.

A full list of the Regulation 23(1) and 23(2) criteria are at <http://www.delta-esourcing.com/delta/project/reasonsForExclusion.html#pcr>

Candidates will be required to answer these questions as part of the qualification process. For candidates who are registered overseas, you will need to declare if you have any offences /misconduct under your own countries laws, where these laws are equivalent to the Regulation 23 lists.

Candidates who have been convicted of any of the offences under Article 45(1) are ineligible and will not be selected to bid, unless there are overriding requirements in the general interest for doing so.

Candidates who are guilty of any of the offences, circumstances or misconduct under Article 45 (2) may be excluded from being selected to bid at the discretion of the Authority.

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

List and brief description of conditions: (a) Appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance.

(b) The presentation of balance-sheets or extracts from the balance-sheets, where publication of the balance-sheet is required under the law of the country in which the economic operator is established.

(c) A statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available.

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

List and brief description of conditions:

(a) A list of the works carried out over the past five years, accompanied by certificates of satisfactory execution for the most important works. These certificates shall indicate the value, date and site of the works and shall specify whether they were carried out according to the rules of the trade and properly completed. Where appropriate, the competent authority shall submit these certificates to the contracting authority direct.

(b) A list of the principal deliveries effected or the main services provided in the past three years, with the sums, dates and recipients, whether public or private, involved. Evidence of delivery and services provided shall be given: - where the recipient was a contracting authority, in the form of certificates issued or countersigned by the competent authority, - where the recipient was a private purchaser, by the purchaser's certification or, failing this, simply by a declaration by the economic operator.

(c) An indication of the technicians or technical bodies involved, whether or not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, those upon whom the contractor can call in order to carry out the work

(d) A description of the technical facilities and measures used by the supplier or service provider for ensuring quality and the undertaking's study and research facilities.

- (e) Where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authorities or on their behalf by a competent official body of the country in which the supplier or service provider is established, subject to that body's agreement, on the production capacities of the supplier or the technical capacity of the service provider and, if necessary, on the means of study and research which are available to it and the quality control measures it will operate.
- (f) The educational and professional qualifications of the service provider or contractor and/or those of the undertaking's managerial staff and, in particular, those of the person or persons responsible for providing the services or managing the work.
- (g) For public works contracts and public services contracts, and only in appropriate cases, an indication of the environmental management measures that the economic operator will be able to apply when performing the contract.
- (h) A statement of the average annual manpower of the service provider or contractor and the number of managerial staff for the last 3 years.
- (i) A statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract.
- (j) An indication of the proportion of the contract which the services provider intends possibly to subcontract.
- (k) With regard to the products to be supplied: (i) samples, descriptions and/or photographs, the authenticity of which must be certified if the contracting authority so requests; (ii) 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.

#### **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**

Restricted

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

Envisaged minimum number 5: and Maximum number 20

##### **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**

LPP/2013/00013

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

no

#### **IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document**

Payable documents: no

#### **IV.3.4. Time limit for receipt of tenders or requests to participate**

30.8.2013 - 17:00

#### **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**

This is a recurrent procurement: no

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

The procurement is related to a project and/or programme financed by European Union funds:  
no

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

Bidders must access the Delta e-Sourcing portal to express interest in this tender and complete the Pre Qualification Questionnaire. Instructions for accessing the portal are at the bottom of the Additional Information section.

The contracting authority considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs). However, any selection of tenderers will be based solely on the criteria set out for the procurement, and the contract will be awarded on the basis of the most economically advantageous tender.

The deadline for submitting your Pre-Qualification Questionnaire response(s) is 30.8.2013 at 17:00 pm. Please ensure that you allow yourself plenty of time when responding to this invite prior to the closing date and time, especially if you have been asked to upload documents.

If you experience any technical difficulties please contact the Delta eSourcing Helpdesk on call 0845 270 7050 or email [helpdesk@delta-esourcing.com](mailto:helpdesk@delta-esourcing.com)

The framework will run for two years with options to extend by 2 further 12 month periods at the contracting authorities discretion.

Expressions of Interest must be submitted through the eTendering portal at Delta eSourcing. The London Procurement Partnership (LPP) must not be contacted directly in relation to this contract except through the identified channels as at Section I.1 .

When required, pricing must be in Sterling and payments under the contract will be made in

Sterling. The contract will be governed by English law. The LPP reserves the right to annul the tendering process and not award a contract.

If and when this requirement is offered to tender, this may be done in whole or in part via electronic means using the Internet. The contract is for the benefit of other participating NHS bodies (whether acting individually, or on behalf of, or together as members of any consortia) who are members of LPP which may change from time to time.

For means of clarity this is a regional framework agreement. This Framework Agreement is set up on behalf of the members of LPP from time to time. Only those organisations who are members of LPP at the time they wish to benefit from Framework are entitled to use this Framework. This Framework Agreement terminates automatically in respect of any member whose membership of LPP terminates for any reason (without prejudice to any Call off contracts/commitment that have been entered into by that member prior to termination). The supplier shall only enter into a Call Off contract/commitment under the Framework with an organisation which is a member of LPP at the time of exercising the call off [and/or] who has entered into an Access agreement with LPP [and the supplier].

The London Procurement Partnership contracting through Guy's and St.Thomas' NHS Foundation Trust is placing this framework agreement for the benefit of any NHS Trusts whom are members of the LPP. The tender exercise will be co-ordinated through a procurement panel of representatives from member organisations. Further information will be sent out in the tender documentation.

Bidder clarifications, if applicable, will be held after receipt of the Invitation to Tender Documents have been returned. It is the responsibility of the supplier to make themselves available for these clarifications.

The LPP does not bind itself to accept the lowest offer or any offer either in part, each item for this purpose being treated as separately.

The LPP cannot be held responsible for any costs incurred by offerors in relation to the preparation of their and any subsequent post offer clarifications.

It is the responsibility of suppliers to fully inform themselves of the requirements of this tender. Suppliers must use the file reference LPP/2013/00013 in all correspondence. Suppliers must follow the instructions fully. Suppliers must complete their PQQ document set before the deadline as set out in this notice.

For more information about this opportunity, please visit the Delta eSourcing portal at:

<https://www.delta-esourcing.com/tenders/UK-UK-London:-Orthopaedic-implants./3K56HJD387>

To respond to this opportunity, please click here:

<https://www.delta-esourcing.com/respond/3K56HJD387>

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GO Reference: GO-2013726-PRO-4987973

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

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

Official name: N/A

Country: United Kingdom

**Body responsible for mediation procedures**

Official name: N/A  
Country: United Kingdom

**VI.4.2. Review procedure**

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

Official name: n/a  
Country: United Kingdom

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

26.7.2013