

United Kingdom-Exeter: Pharmaceutical products

OJ S 148/2013 01/08/2013

Contract notice

Supplies

Directive 2004/18/EC

## Section I: Contracting authority

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### I.1. Name and addresses

Official name: Royal Devon & Exeter NHS Foundation Trust

Postal address: Peninsula Purchasing and Supply Alliance, Royal Devon & Exeter Hospital (Heavitree), Gladstone Road, Devon

Town: Exeter

Postal code: EX1 2ED

Country: United Kingdom

For the attention of: Nigel D'Arcy, Interim Senior Category Buyer, Peninsula Purchasing and Supply Alliance

E-mail: [nigel.darcy@nhs.net](mailto:nigel.darcy@nhs.net)

Telephone: +44 1392405415

**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

## 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

T13/0283 - Supply of Imported Unlicensed Medicines

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

Supplies

Purchase

Main site or place of performance: NHS Bodies within the boundaries of Cornwall, Devon, Somerset, Dorset and Wiltshire to include but not be limited to the following NHS bodies:

Royal Devon and Exeter NHS Foundation Trust, Plymouth Hospitals NHS Trust, Royal Cornwall Hospitals NHS Trust, Northern Devon Healthcare NHS Trust, South Devon

Healthcare NHS Foundation Trust, Taunton and Somerset NHS Foundation Trust, Yeovil

District Hospital NHS Foundation Trust, Dorset County Hospital NHS Foundation Trust and Salisbury NHS Foundation Trust.

We reserve the right to extend this agreement to other NHS bodies within the boundaries of the NHS South West.

NUTS code UKK South West (England)

**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)**

Supply of Imported Unlicensed Medicines i.e. medicines that do not have a UK license but are licensed elsewhere in the world. The term 'unlicensed medicine' is normally applied to those medicines which do not have a UK Marketing Authorization (MA), formerly a Product License (PL), granted by the Medicines and Healthcare product Regulatory Agency (MHRA) or European Medicines Agency (EMA). The term is also applicable to licensed medicines when they are used for unlicensed applications.

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

33600000 Pharmaceutical products

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

The procurement is covered by the Government Procurement Agreement: no

**II.1.8. Lots**

This contract is divided into lots: no

**II.1.9. Information about variants**

Variants will be accepted: yes

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

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

Supply of Imported Unlicensed Medicines.

Estimated value excluding VAT: 1 500 000 GBP

**II.2.2. Information about options**

Options: yes

Description of options: We reserve the right to extend this contract for any period up to 24 months.

**II.2.3. Information about renewals**

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

Duration in months: 24 (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**

Parent company and other guarantees may be required in certain circumstances see the invitation to tender for further details.

**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 severable liability.

**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: Any supplier may be disqualified who does not respond to the following in the requisite manner:

- 1) Suppliers are required to express an interest in the OJEU process and complete PQQ documents (where applicable) via the Trusts eSourcing system TACTICA - which is accessed at <https://tacticalive.advanced365.com> - please make sure that you are registered to avoid any future delays.
- 2) Information and formalities necessary for evaluating if requirements are met:
  - (a) Is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
  - (b) Is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
  - (c) Has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;
  - (d) Has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
  - (e) Has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
  - (f) Has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
  - (g) Is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information;
  - (h) Has been the subject of a conviction for participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA;
  - (i) Has been the subject of a conviction for corruption, as defined in Article 3 of the Council Act of 26.5.1972 and Article 3(1) of Council Joint Action 98/742/JHA3 respectively;
  - (j) Has been the subject of a conviction for fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities;
  - (k) Has been the subject of a conviction for money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10.6.1991 on prevention of the use of the financial system for the purpose of money laundering.

Bidders who have been convicted of a Bribery Act 2010 offence under section 1 (offences

relating to bribing another person) or section 6 (bribery of foreign public officials) will be excluded.

In addition to the Provisions of Freedom of Information Act, Bidders will have due regard to the Trusts obligations on Transparency which are set out in more detail at

[www.businesslink.gov.uk/transparency/procurement](http://www.businesslink.gov.uk/transparency/procurement) and all offers will be submitted on the basis that the contract when awarded may be published in full in accordance with H M Government Transparency Guidance.

The Trust will also be utilising the supplier information database (SID4Gov) to manage and assess general pre-qualification information in the form of a profile. As well as responding to the tender via TACTICA, candidates are requested to provide or update their profile on the SID4Gov as follows:

- a) candidates should register on SID4Gov at <https://sid4gov.cabinetoffice.gov.uk/> by clicking on the 'Register for sid4gov' option listed under 'Join Us'.
- b) to continue with the registration process Suppliers must have a current DUNS Number. If a Supplier does not have a DUNS Number there is a link to the D&B UK website to request a DUNS Supplier Number.
- c) Suppliers who already have a published profile on SID4Gov must confirm that information is up to date; i) candidates should ensure all relevant sections of their SID4Gov profile are completed to demonstrate their ability to meet the short listing criteria applicable to this contract. Where access to SID4Gov is unavailable, please contact SID4Gov Support Centre on +44 8452992994

Please note all responses to OJEU should be made through TACTICA eSOURCING SYSTEM - Registration is required on SID4GOV to update or provide company profiles only

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

List and brief description of conditions: As per III.2.1. above

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

List and brief description of conditions:

As per III.2.1. above

### **III.2.4. Information about reserved contracts**

#### **III.3. Conditions specific to services contracts**

#### **III.3.1. Information about a particular profession**

Execution of the service is reserved to a particular profession: no

#### **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 3: and Maximum number 10

#### **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**

T13/0283

### **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**

29.8.2013 - 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**

To receive more information about this tender, including any amendments and/or clarifications and to request any clarifications and/or to respond to this tender, you must register your interest to this tender on the following site: <https://tactica-live.advanced365.com>

### **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 allow a minimum 10 calendar day standstill period between notifying the award decision and awarding the

contract. Unsuccessful tenderers and applicants are entitled to receive reasons for the decision, including the characteristics and relative advantages of the winning bid and the reasons why the tenderer/applicant was unsuccessful. Should additional information be required it should be requested of the addressee in section I.1. Aggrieved parties who have been harmed or are at risk of harm by breach of the procurement rules have the right to take action in the High Court (England and Wales). Any such action is subject to strict time limits and must be brought in accordance with the Public Contracts Regulations 2006 as amended by the Public Contracts (Amendment) Regulations 2009 and the Public Procurement (Miscellaneous Amendments) Regulations 2011.

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

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

29.7.2013