

**United Kingdom-Derby: Pharmacy services**

OJ S 162/2016 24/08/2016

**Contract notice****Services****Directive 2004/18/EC****Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: East Midlands Pharmacy Collaborative

Postal address: The Gallery, Level 3, Royal Derby Hospital, Uttoxeter Road

Town: Derby

Postal code: DE22 3NE

Country: United Kingdom

For the attention of: Joe Fowke

E-mail: [joe.fowke@nhs.net](mailto:joe.fowke@nhs.net)

Telephone: +44 1332787861

Fax: +44 1332787861

**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: The class of contracting authorities specified in Section II.1.5)

**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**

Supply of Pharmaceutical Wholesaler Services.

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

Services

Service category No 27: Other services

Main site or place of performance: Main site or location of works: NHS Trusts within the East Midlands and West Midlands region of the UK and/or other participating NHS bodies (whether acting individually, or on behalf of, or together as members of any consortia) along with any other non-NHS bodies which the participants deem necessary for the delivery of services or goods to NHS bodies, local authorities, other government departments or non-departmental

public bodies charged with the delivery of healthcare or health related services (only through the prior approval of East Midlands Pharmacy Collaborative).

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 months: 24

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

This tender is to establish a framework agreement for the provision of a pharmaceutical wholesaler service to participating trusts, in-line with the agreed specification.

East Midlands Pharmacy Collaboration (EMPC) is a procurement collaborative hosted by Royal Derby Hospitals NHS Foundation Trust, acting as an agent on behalf of its Member Organisations. The member organisations currently working with EMPC and who may purchase under any contract awarded through this process are found at: <http://www.derbyhospitals.nhs.uk/primary/pharmacy/empc/>

The following bodies with consent from EMPC may also have access to this Framework Agreement:

The public and voluntary sector bodies to whom the use of this framework agreement will be open include all contracting authorities in the United Kingdom as defined in Regulation 3 of the Public Contracts Regulations 2015 as well as all contracting authorities and entities in the European Union as defined in the Annexes to Commission Decision 2008/963/EC as may be updated from time to time. In particular, it is envisaged that this framework agreement will be used by the following entities in the United Kingdom as described below (particularly where such entities are of a health and/or social care nature):

All National Health Service (NHS) bodies in England, including but not limited to:

— Acute trusts (a list of which can be found at: <http://www.nhs.uk/servicedirectories/pages/acute-trust-listing.aspx>);

— Health and care trusts (a list of which can be found at: <http://www.nhs.uk/ServiceDirectories/Pages/CareTrustListing.aspx>);

— Mental health trusts (a list of which can be found at: <http://www.nhs.uk/ServiceDirectories/Pages/MentalHealthTrustListing.aspx>);

— Clinical commissioning groups (a list of which can be found at: <http://www.nhs.uk/ServiceDirectories/Pages/CCGListing.aspx>);

— Ambulance trusts (a list of which can be found at: <http://www.nhs.uk/ServiceDirectories/Pages/AmbulanceTrustListing.aspx>);

— Area teams (a list of which can be found at: <http://www.nhs.uk/ServiceDirectories/Pages/AreaTeamListing.aspx>);

— Special health authorities (<http://www.nhs.uk/ServiceDirectories/Pages/SpecialHealthAuthorityListing.aspx>);

— NHS England (formerly the NHS Commissioning Board); and

— Clinical senates and strategic clinical networks.

Her Majesty's Prison Service (as detailed at [www.justice.gov.uk/about/hmps](http://www.justice.gov.uk/about/hmps)).

The above list includes each organisation's successors and assigns, any equivalent organisations and any associated organisations created as a result of any organisational changes.

In addition, the use of this framework agreement will be open to any bodies or organisations

operating in the United Kingdom and/or any country in the European Union which are of a health and/or social care nature or which have a similar procurement need in respect of any goods or services to any of the above listed organisations.

Furthermore, and if provided for in the contract documents, EMPC may extend the scope and benefit of the framework agreement to any private sector (i.e. all non-public sector) organisations operating in the United Kingdom and/or any country in the European Union which are of a health and/or social care nature who may also use this framework agreement. Whilst EMPC is not required by procurement legislation to do so, it has extended the principles of the public tendering so as to assure its private sector customers of best value and open and transparent processes. In the United Kingdom these entities are registered with the Care Quality Commission (a list of providers can be found at [http://www.cqc.org.uk/sites/default/files/cqc\\_locations\\_export.csv](http://www.cqc.org.uk/sites/default/files/cqc_locations_export.csv)). In the European Union, such entities are regulated by equivalent regulatory bodies, each of which maintains an equivalent list.

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

85149000 Pharmacy services, 63120000 Storage and warehousing services

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

The procurement is covered by the Government Procurement Agreement: no

#### **II.1.8. 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**

To provide a Pharmaceutical Wholesaler delivery service to participating trusts, in-line with the agreed specification.

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

Options: yes

Description of options: Possible extension of contract by up to 24 months.

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

This contract is subject to renewal: yes

Number of possible renewals: 1

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

in months: 24 (from the award of the contract)

#### **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 or other guarantees may be required in certain circumstances. See the invitation to offer 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 several liability.

**III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: It is planned that contract performance and technology reviews will be carried out on a quarterly basis.

**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: Suppliers Instructions: How to Express Interest in this Tender: 1. Register your company on the eSourcing portal (this is only required once) — Browse to the eSourcing Portal: <https://emprocurehns.bravosolution.co.uk> and click the link to register — Accept the terms and conditions and click 'continue' — Enter your correct business and user details — Note the username you chose and click 'Save' when complete — You will shortly receive an email with your unique password (please keep this secure); 2. Express an Interest in the Tender — Login to the portal with the username/password — Click the 'PQQs / ITTs Open to All Suppliers' link. (These are Pre-Qualification Questionnaires or Invitations to Tender open to any registered supplier) — Click on the relevant PQQ/ ITT to access the content — Click the 'Express Interest' button at the top of the page — This will move the PQQ /ITT into your 'My PQQs/ My ITTs' page. (This is a secure area reserved for your projects only) — You can now access any attachments by clicking 'Buyer Attachments' in the 'PQQ/ ITT Details' box; 3. Responding to the Tender — Click 'My Response' under 'PQQ/ ITT Details', you can choose to 'Create Response' or to 'Decline to Respond' (please give a reason if declining) — You can now use the 'Messages' function to communicate with the buyer and seek any clarification — Note the deadline for completion, then follow the on-screen instructions to complete the PQQ/ ITT — There may be a mixture of online and offline actions for you to perform (there is detailed online help available). You must then submit your reply using the 'Submit Response' button at the top of the page. If you require any further assistance please consult the online help, or contact the eTendering help desk.

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

List and brief description of conditions: Selection Criteria as stated in the procurement documents.

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

List and brief description of conditions:

Selection Criteria as stated in the procurement documents.

**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

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

D74.D55

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

no

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

Time limit for receipt of requests for documents or for accessing documents: 21.9.2016 - 17:00

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

21.9.2016 - 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**

EMPC is a procurement collaborative hosted by Royal Derby Hospitals NHS Foundation Trust, acting as an agent on behalf of its Member Organisations. (The member organisations currently working with EMPC and who may purchase under any contract awarded through this process are as follows: — United Lincolnshire Hospitals NHS Trust; — Northampton General Hospital NHS Trust; — Kettering General Hospital NHS Foundation Trust; — Derby Hospitals NHS Foundation Trust; — Sherwood Forest Hospitals NHS Foundation Trust; — University Hospitals of Leicester NHS Trust; — Nottingham University Hospitals NHS Trust; — Chesterfield Royal Hospital NHS Foundation Trust; — Derbyshire Healthcare NHS Foundation Trust; — Nottinghamshire Healthcare; — Walsall Healthcare NHS Trust Northampton). Healthcare NHS Foundation Trust Variants may be accepted at the member organisations' discretion provided that they meet the core requirements as set out in the Invitation to Tender. Tenders and all supporting documents must be priced in Sterling and completed in English (or full English translation provided at no cost). Any contract entered into be considered a contract made in England according to English Law and which shall be subject to the exclusive jurisdiction of the English Courts. The member organisations and EMPC are not and shall not be liable for any costs by those expressing an interest or concern for this contract opportunity. The member organisations and the host member reserves the right at all times acting in its absolute discretion, not to award a contract, to make what changes to the structure, format, procedures, CPV codes and timing of the procurement process and to cancel or vary the process in its entirety or any part of it.

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

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

#### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: East Midlands Pharmacy Collaborative will incorporate a minimum 10 calendar day standstill period at the point information on the award of contract is communicated to tenderers. This period allows unsuccessful tenderers to seek further debriefing from the EMPC before the contract is entered into. Applicants have 2 working days from the notification of the award decision to request additional debriefing, and that information has to be provided a minimum of 3 working days before the expiry of the standstill period. Such additional information should be requested via the Bravo eTendering system using the messaging facility within the appropriate ITT. If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2015 provide for aggrieved parties who have been harmed for are at risk from harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland).

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

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

18.8.2016