

United Kingdom-Chester: Ophthalmology equipment

OJ S 226/2015 21/11/2015

Contract notice

Supplies

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: The Countess of Chester Hospital NHS Foundation Trust

Postal address: Liverpool Road

Town: Chester

Postal code: CH2 1UL

Country: United Kingdom

For the attention of: Ryan Sarah

E-mail: sarah.ryan6@nhs.net**Internet address(es):**General address of the contracting authority: www.coch.nhs.ukAddress of the buyer profile: www.coch-cps.co.ukElectronic access to information: www.nhssourcing.co.ukElectronic submission of tenders and requests to participate: www.nhssourcing.co.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: As per those listed in the additional information field VI.3

Section II: Object of the contract

II.1. Description**II.1.1. Title attributed to the contract by the contracting authority**

A National Framework Agreement for a Sleep Mask for the Treatment of Diabetic Retinopathy and Diabetic Macular Oedema.

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

Supplies

Purchase

Main site or place of performance: UK.

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 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:

Range: between 1 000 000 and 9 000 000 GBP

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

The Countess of Chester Hospital NHS Foundation Trust's Commercial Procurement Service seeks to introduce a new commercial framework agreement which will allow NHS authorities to procure the sleep mask for the treatment of Diabetic Retinopathy and Diabetic Macular Oedema with no further competition. This will enable Trusts to act quickly in reducing waiting lists and improving patient pathways.

II.1.6. CPV code(s)

33122000 Ophthalmology equipment, 85141210 Home medical treatment services, 33615000 Medicinal products used in diabetes

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

II.2. Scope of the procurement

II.2.1. Total quantity or scope

Estimated value excluding VAT:

Range: between 1 000 000 and 9 000 000 GBP

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

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

Section III: Legal, economic, financial and technical information

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

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://www.nhssourcing.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 & 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 e-Tendering help desk.

Legal and regulatory standards.

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved). If you have answered 'yes' to the question on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the authority for advice before completing this form.

You must confirm the following statements do not apply to your organisation (ie no), or to any director(s), partner(s) or proprietor(s): (yes=fail / no=pass).

(a) Conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;

b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;(c) the common law offence of bribery;(d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of the People Act 1983; e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities;(i) the offence of cheating the Revenue; (ii) the offence of conspiracy to defraud; (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;(iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006; fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;(vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or (ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;(f) any offence listed—(i) in section 41 of the Counter Terrorism Act 2008; or (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection; g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);(h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002; (i) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;(j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;(k) an offence under section 59A of the Sexual Offences Act 2003;(l) an offence under section 71 of the Coroners and Justice Act 2009(m) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or

(n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive— (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or (ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.

Non-payment of taxes.

Has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?

Health and Safety (yes=pass / no=fail):

Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.

Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent

body) in the last 3 years?

If your answer to this question was 'Yes', please provide details in a separate Appendix of any enforcement/ remedial orders served and give details of any remedial action or changes to procedures you have made as a result.

The Authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Authority's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.

Insurance: (yes=pass / no=fail).

Insurance — Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:

Employer's (Compulsory) Liability Insurance = 5 000 000 GBP.

Public Liability Insurance = 5 000 000 GBP.

III.2.2. Economic and financial ability

List and brief description of conditions: Tenderers must confirm that they comply with all Economic Standards detailed in Appendix 1.

Minimum level(s) of standards possibly required: Economic Standards (yes=pass / no=fail).

Tenderers must be able to confirm that the following questions do apply to their organisation (i.e. yes).

Has your organisation met the terms of its banking facilities and loan agreements(if any) during the past year?

Has your organisation met all its obligations to pay its creditors and staff during the past year?

III.2.3. Technical and professional ability

List and brief description of conditions:

Tenderers must confirm that they have the technical capacity to supply the product detailed within Appendix 1.

Minimum level(s) of standards possibly required:

Technical Standards — (yes=pass / no=fail).

Appendix 1 contains Technical Capacity exclusion criteria. Please see below:

Can you confirm the following statements do apply to your organisation (i.e. yes).

Can your organisation provide a Sleep Mask for the treatment of Diabetic Retinopathy (DR) and Diabetic Macular Oedema (DMO) as detailed within the Specification of requirement in Schedule D.

Can your organisation provide a sleep mask that is self-administered at home by patients as part of professionally monitored therapy.

Can your organisation provide Software with the sleep mask that contains the functionality for programming, patient tracking and compliance.

Is your organisation able to supply a sleep mask that can store usage data so that the mask is able to record and build up a full treatment history for that patient.

Does your organisation supply a sleep mask in accordance with the standards of ISO13485 or able to demonstrate equivalent standards?

Does your organisation supply a Sleep Mask that has CE Certification.

Does your organisation supply a sleep mask that is a Class IIa medical device or able to demonstrate equivalent 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

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

Envisaged number of candidates: 1

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

F/027/SM/15/SR

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: 21.12.2015 - 13:00

Payable documents: no

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

21.12.2015 - 13:00

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

18.11.2015

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

Duration in days: 90 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

VI.2. Information about European Union funds

VI.3. Additional information

Suppliers Instructions How to Express Interest and bid for this Tender:

1. Browse to the eSourcing portal <https://www.nhssourcing.co.uk> and click on view current opportunities.
2. Select the Title 'National Framework Agreement for A Sleep Mask for the treatment of Diabetic Retinopathy and Diabetic Macular Oedema.
3. Review the Invitation to Tender and Appendix 1 (you may do this without registering).
4. Register your company on the eSourcing portal (this is only required once).
5. 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 e-mail with your unique password (please keep this secure).
6. Login to the portal with the username/password.
7. Click the "PQQs/ITTs Open To All Suppliers" link. (These are Pre-Qualification Questionnaires or Invitations to Tender open to any registered supplier).
8. Click on the relevant PQQ/ITT to access the content.
9. 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.
10. 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 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 e-Tendering help desk.
11. The awarding authority seeks to establish a framework agreement which maybe used by the following authorities: Clinical Commissioning Group's, NHS Trust's, Special Health Authorities, The Care Quality Commission, National Institute for Health Care Excellence, known as NICE, The Health and Social Care Information Centre, The Secretary of State, relevant Welsh health service bodies, NHS Foundation Trusts, Academic Health Science Networks, The NHS Trust Development Authority, Monitor, Health Education England including Local Education and Training Boards (LETB) constituted as committees of Health Education England, NHS Health Research Authority, The Department of Health, Executive agencies of the Department of Health including but not limited to Pubic Health England, the Medicines and Healthcare Products Regulatory Agency and the National Institute of Health Research, Arms Length Bodies of the Department of Health not otherwise listed in this Contract Notice including but not limited to NHS Blood and Transplant, NHS Business Services Authority, NHS Litigation Authority, Human Fertilisation and Embryology Authority, and the Human Tissue Authority, Any provider of primary medical services under a GMS, PMS or APMS contract, All Local Authorities, as defined under section 1 the Local Government Act 2000 including Health and Well Being Boards established by any Local Authority, including as listed and maintained on the following URLs: <http://www.dh.gov.uk/health/category/arms-length-bodies> <http://www.england.nhs.uk/ccg-details/> <http://www.nhs.uk/servicedirectories/Pages/PrimaryCareTrustListing.aspx> <http://www.general-practitioners-uk.co.uk> <http://www.monitor-nhsft.gov.uk/about-nhs-foundation-trusts/nhs-foundation-trust->

[directory?letter=AllFT http://www.nhs.uk/servicedirectories/pages/acutetrustlisting.aspx](http://www.nhs.uk/servicedirectories/pages/acutetrustlisting.aspx)
<http://www.nhs.uk/servicedirectories/pages/caretrustlisting.aspx> <https://www.gov.uk/government/organisations> <http://openlylocal.com/councils/all>

The Contracting Authority expressly reserves the right (i) not to award any contract as a result of the procurement process commenced by publication of this notice; and (ii) to make whatever changes it may see fit to the content and structure of the tendering competition; and in no circumstances will the Contracting Authority be liable for any costs incurred by the candidates. If the Contracting Authority decides to enter into a Framework Agreement with the successful supplier, this does not mean that there is any guarantee of subsequent contracts being awarded. Any expenditure, work or effort undertaken prior to contract award is accordingly a matter solely for the commercial judgement of potential suppliers.

VI.4. Procedures for review

VI.4.1. Review body

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Precise information on deadline(s) for lodging appeals: The Countess of Chester Hospital NHS Foundation Trust will incorporate a standstill period at the point information on the award of the contract is communicated to tenderers. That notification will provide full information on the award decision. The standstill period, which will be for a minimum of 10 calendar days, provides time for unsuccessful tenderers to challenge the award decision before the contract is entered into.

The Public Contracts Regulations 2015 provide for aggrieved parties who have been harmed or are at risk of 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

18.11.2015