NHS Supply Chain

NHS SUPPLY CHAIN -INVITATION TO TENDER

OPEN PROCEDURE – SUPPLIES

CONTRACT FOR COMBINED SAFETY SYRINGES AND NEEDLES FOR THE COVID-19 VACCINATION PROGRAMMES

ITT_39

2021/S 000-003742

Contents

1. NHS SUPPLY CHAIN

1.1 NHS Supply Chain is operated by DHL Supply Chain Limited acting on behalf of Supply Chain Coordination Limited (SCCL), on behalf of Public Health England.

1.2 Applicants should read all of the tender documents (including the Contract and all Schedules and Appendices to it) carefully before deciding whether to submit a Tender.

1.3 Applicants are deemed to fully understand the processes that NHS Supply Chain is required to follow under relevant European and UK legislation, particularly in relation to the Public Contracts Regulations 2015 and subsequent amendments. Compliance with all relevant legislation is required both in the tender procedure and during the term of any resultant Contract.

2. OVERVIEW OF THE REQUIREMENT

2.1 Public Health England (PHE) and Supply Chain Coordination Limited (SCCL) wish to procure a stockpile of products to be distributed for future vaccines in relation to the COVID-19 Vaccination Programme. The procurement for Combined Safety Syringes and Needles is for the administration of future pandemic vaccine candidates that are not yet available, but form part of the UK's overall vaccine programme. These products will be distributed by Public Health England.

2.2 The Supplier(s) awarded to this Contract will be required to deliver the required volume of the awarded products as stated within the tender documents to prescribed Movianto UK (or other nominated) Depots no later than the dates detailed in Appendix 7 Delivery Schedule. Product will be ordered in multiples of full cases and pallets wherever possible. Deliveries must be in full cases and full pallets as specified on the official order which will detail delivery volumes per location.

2.3 In submitting a tender response, Applicants confirm they:

- have the capacity to supply the volumes stated; and
- have the ability to deliver those volumes by the timeline shown in the Delivery Schedule to the below Movianto UK depot (or other nominated depots).

Movianto UK
Unit 2 Haydock Green
Penny Lane
HAYDOCK
WA11 9SE

2.4 Applicants must note that product must be capable of being stored for its full shelf life without damage and packaging must also be of sufficient strength to enable goods to be delivered without damage. Applicants will also remain responsible for the sustainability of the product within its packaging during its lifetime in storage.

2.5 Products must be suitable to be stored in ambient UK warehouses where there are no temperature management systems. Normal temperatures for such warehouses range from +2 degrees Celsius to +30 degrees Celsius. Evidence must be supplied to confirm this in the form of a Material Data Sheet.

2.6 Once delivered to Movianto UK (or other nominated) Depots, the stock will be distributed as required.

2.7 Applicants should familiarise themselves with the Contract and must comply with the Specification attached to this ITT.

2.8 Applicants should note that the evaluation to determine the awarded supplier(s) will be as per Section 11 (Contract Award Process And Evaluation Criteria) below.

3. CONDITIONS OF TENDER

3.1 The Contract is to procure a stockpile of Combined Safety Syringes and Needles products to be distributed for future vaccines in relation to the COVID-19 Vaccination Programme, referred to in Appendix 7 Delivery Schedule.

3.2 The contents of this ITT and of any other documentation made available to Applicants in respect of this procurement, are provided on the basis that they remain the property of NHS Supply Chain and must be treated as confidential and only shared with the Applicant's professional advisers and other parties essential to preparing their Tender and for no other purpose.

3.3 If any Applicant is unable or unwilling to comply with the requirements outlined in the tender documents, the Applicant must destroy this ITT and all associated documents immediately and must not retain any electronic or paper copies.

3.4 This ITT is made available in good faith. No warranty is given as to the accuracy or completeness of the information contained in it and any liability or any inaccuracy or incompleteness is therefore expressly disclaimed by NHS Supply Chain and its advisers.

3.5 No Applicant will undertake any publicity activities with any part of the media, on their own or any other websites or social media platforms, in relation to the Contract or this procurement without the prior written agreement of NHS Supply Chain, including agreement on the format and content of any publicity.

3.6 Failure to comply with any deadlines, fully complete the documents, provide all the information required (or requested by NHS Supply Chain throughout the tender

and/or evaluation process) or meet any of the ITT requirements may result in the Applicant's Tender not being considered by NHS Supply Chain.

3.7 The Applicant must submit their Tender response in English and using the NHS Supply Chain eProcurement Portal located at https://nhssupplychain.app.jaggaer.com.

3.8 Applicants are reminded that NHS Supply Chain is not able to provide any legal advice or answer any questions of a legal nature during the tender or the clarification period for this Contract (including but not limited to questions regarding the terms of the Contract).

3.9 Where the Applicant is a distributor, it must be able to provide evidence that it has distribution rights to supply the Goods, including detail of the time period that the distribution rights apply to, full detail of the information required is provided in Appendix 1 Grounds for Exclusion and Minimum Requirements. NHS Supply Chain reserves the right to exclude from the evaluation process the goods of any Applicant that cannot provide evidence of distribution rights in relation to the Contract, for the lifetime of the Contract.

3.10 In the event of an award, successful Applicants may be required to provide further information on the Goods they are awarded to supply via the Contract. NHS Supply Chain requires this information before Orders can be placed under the Contract.

3.10.1 Images and product data including but not limited to product specification sheets, packaging, weight and dimensions.

3.10.2 Safety Data Sheets (SDS) for all products that fall under REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) 2007 – more specifically, an SDS must be provided if a substance or a mixture supplied is classified as hazardous under the CLP Regulation (EC) No 1272/2008.

3.11 NHS Supply Chain reserves the right:

3.11.1 to cancel the Tender process (or any part of it) at any point, make no award at all, award incrementally, change the basis of and the procedures for the Tender process at any time, award individual Lot(s), Line(s) or procure the subject matter of the Contract by alternative means if it appears that it can be more advantageously procured by alternative means;

3.11.2 to verify the accuracy of any answers given in the Tender submission (including, but not limited to, relating to the Applicant's financial stability) at any time during the Tender process. It is the responsibility of the Applicant to ensure that NHS Supply Chain is informed as to any changes which affect the responses it has given. Inaccurate or misleading information may lead to an Applicant being removed from the Tender process or the Contract as the case may be;

3.11.3 to test the Applicant's Goods at the Applicant's expense or request further information from the Applicant to ensure the Goods comply with the Specification (and/or the Item Description) at any time during the Tender. In the event that the product(s) do not meet the Specification, NHS Supply Chain reserves the right to exclude the Goods / Applicant from the Contract and/or the tender process (as the case may be); and

3.11.4 to incorporate any of the information given in the Tender submission into the Contract which it enters into with any successful Applicant.

3.12 NHS Supply Chain is not liable for any costs resulting from any of the circumstances outlined above or for any other costs incurred by those tendering for this Contract.

3.13 In light of the financial challenges the NHS is facing, this Contract strategy is heavily focussed around the delivery of savings for the Trusts. This is reflected in the financial weighting of 100%, which is given to this tender evaluation. Suppliers are urged to provide pricing that reflects the benefits of being awarded the Contract.

4. SUMMARY OF CONTRACT

4.1 Contract Description

The Contract is for Combined Safety Syringes and Needles is for the administration of future pandemic vaccine candidates that are not yet available, but form part of the UK's overall vaccine programme. These products will be distributed by Public Health England.

4.2 Period of the Contract

The Contract will commence on the Commencement Date and will be in force until all obligations on both parties are discharged.

The Contract awarded to the winning Applicants for the relevant Product Line(s) will incorporate the terms set out in the Form of Offer. The Contract will (subject to paragraph 3.11) start automatically on earlier of the following: (i) the date that NHS Supply Chain confirms in writing to the Applicant that the Contract will commence; or, (ii) the date on which the first Order for the awarded Product Lines is issued to the Applicant (the "**Commencement Date**"). Applicants are therefore reminded to review the applicable Contract terms carefully (as these become binding once the Contract has started).

4.3 Appointment To The Contract

NHS Supply Chain anticipates appointing the highest scoring Applicant who meets the minimum requirements, which are set out in the tender documents to the relevant Product Line. Applicants may bid for one or more Product Lines, however

it should be noted that where they are the highest scoring Applicant for the 60% volume line their offer for the associated 40% volume line, if bid, will not be considered for evaluation. The successful Applicants will be able to supply their awarded volume either as:

4.3.1 100% (of the awarded volume) of the product bid against the evaluated Product Line in the 'Commercial Envelope'; or

4.3.2 A mix of the product bid against the evaluated Product Line in the 'Commerical Envelope' and second product offered as a family line product in the alternative size specified at the evaluated Product Line description. **For example,** the successful Applicant bids a 23g product against the evaluated Product Line and offers a 25g product as the associated family line product. Having been awarded 60% of the total volume for this Product Line, they may choose to split this 60% between both the 23g and 25g products offered. Applicants MUST refer to section 5 for full tender criteria in relation to a family line product offer.

4.4 Volumes

The award of the Contract commits NHS Supply Chain to purchase the required volume(s) detailed within Appendix 7 Delivery Schedule, in accordance with the terms of the Contract.

4.4.1 Applicants are requested to review the relevant volume(s) for the Product Line(s) which are set out in Appendix 7 Delivery Schedule and are reminded of their obligations which are set out in Section 9.10 of the Appendix 4 (Contract) also in the "Form of Offer" set out in Appendix 2. In signing the Form of Offer, Suppliers agree that they are capable (at the date of execution of the Form of Offer) of supplying the requisite volume(s) of the Product Line(s) in accordance with Appendix 7 Delivery Schedule and the Appendix 3 Specification.

4.4.2 Where specific requirements (determined by NHS Supply Chain in its absolute discretion) are identified that cannot be fulfilled by the products supplied by the successful Suppliers for the Product Lines, any purchases from unsuccessful Suppliers in these circumstances will be conducted in accordance with the terms of the Contract.

4.5 Sustainability

The Contract includes obligations with respect to environmental issues and the Contract includes a requirement for successful Applicants to comply with the NHS Supply Chain Supplier Code of Conduct (a copy of this document is provided for information).

5. FAMILY LINE CRITERIA

5.1 Where an Applicant submits a bid against a Product Line within the 'Commercial Envelope', the Applicant may submit the other size (as specified within the evaluated Product Line description) as a family line offer. The family line product must meet the following criteria:

5.1.1 be the alternate size to the product submitted against the evaluated Product Line;

5.1.2 be at the same price as the price submitted for the evaluated Product Line; and

5.1.3 be of the same brand as the product bid against the evaluated Product Line.

For example, where the Applicant has bid a 23g product against the evaluated Product Line only a 25g product of the same brand and same price can be submitted as the family line offer. Similarly, where the Applicant has bid a 25g product against the evaluated Product Line only a 23g product of the same brand and same price can be submitted as the family line offer.

5.2 Applicants who wish to offer a Family Product Line **MUST**:

5.2.1 complete all the yellow highlighted fields within Appendix 8 Family Line Information against the relevant Product Line(s) bid.

5.2.2 submit a ward ready product including packaging in line with the submission instructions set out in section 6. A `Ward ready product including packaging' is that which will be provided throughout the duration of the Contract and must be submitted in the packaging it would be delivered to Movianto depot.

5.3 If an Applicant fails to complete this Appendix to include the product which you are able to supply at the time of Tender submission, NHS Supply Chain reserves the right to prohibit the Applicant to supply that product during the Contract.

6. PROVISION OF SAMPLES FOR PRODUCT VERIFICATION

6.1 Applicants are required to submit quantity 1 x UOS of Ward Ready Products ("products for verification") for each product bid against the evaluated Product Line(s) and that offered as the family line product to the evaluated Product Line(s).

6.2 Products for verification must be provided free of charge.

6.3 All products for verification must be the products which will be provided for the Contract (validated by Specification Compliance and expiry date) and must be submitted in the packaging it would be delivered to Movianto depot.

6.4 Products provided for verification against the evaluated Product Line within the "Commercial Envelope" and the associated family line product (where offered) will be assessed as per paragraph 11.4. Once assessed the remaining quantity of unused products in their UOS will be used as a sealed sample and will be retained by NHS Supply Chain.

6.5 Products submitted for verification must be accompanied by a signed, un-amended, Appendix 5 (Agreement for Free of Charge Sample Products). This document must be completed where highlighted yellow, include an electronic signature, witnessed **but <u>not dated</u>** and attached to the response submission.

6.6 Products submitted for verification and the signed, un-amended Appendix 5 (Agreement for Free of Charge Sample Products) must be received no later than the date and time provided in paragraph 7 and the **outer box** labelled as follows to the following address:

FAO Frances Cumming,
COVID VACCINATION PROGRAMME SAMPLES,
Clinical Collaboration Team,
Tower 1,
NHS Supply Chain
Normanton Distribution Centre,
Foxbridge Way,
Normanton,
West Yorkshire,
WF6 1TL

'Products for assessment: Combined Safety Syringes and Needles for the COVID-19 Vaccination Programme.

SUPPLIER NAME: EXAMPLE SUPPLIER NAME

6.6.1 It is the Applicant's responsibility to ensure that the outer box is labelled correctly to ensure ease of identification and delivery internally. In the event products for verification are not received due to incorrect labelling, NHS Supply Chain reserves the right to reject the tender submission.

6.7 All products for verification must be delivered via tracked Service. Proof of delivery of products for verification should be attached with your Tender submission or as an attachment to a separate message before 10am the next working day after submission deadline. Please note that products for assessment must be received no later than the date and time provided in paragraph 7 below.

7. TIMETABLE

7.1 NHS Supply Chain intends to run this tender according to the following timetable, however Applicants should note that the dates listed in the timetable below are indicative only and NHS Supply Chain reserves the right to vary this timetable at its absolute discretion.

Description	**Date/Period**
Tender Publish Date	24th February 2021
Tender Closing Date and Time	26th March 2021 15:00 GMT
Deadline for the Receipt of Samples	9th April 2021
Opening of Tenders and Commencement of Evaluation Process	29th March 2021 09:00 GMT
Notification of Intent to Award and Standstill Process Begins	April/May 2021
Contract Commencement Date	May 2021
Delivery Dates	Succesful suppliers to deliver the required quantities in line with Appendix 7 Delivery Schedule.

8. COMMUNICATION

8.1 All communication regarding the contents of the tender including any of the documents and/or the tender questions must be sent via the 'Messages' Tab of the eProcurement Portal. Applicants **must not** contact any member of NHS Supply Chain's staff or its advisers by any other means.

8.2 NHS Supply Chain reserves the right not to respond to any clarification requests received within the final 6 calendar days before the tender closing date.

8.3 NHS Supply Chain may need to communicate with Applicants for clarification or to request supporting information during the full tender process. Please note that all messages from NHS Supply Chain to the Applicant will be addressed via the 'Messages' Tab of the eProcurement Portal. It is the Applicant's responsibility to ensure that the 'Messages' Tab is monitored throughout the procurement and that messages are responded to as required. NHS Supply Chain reserves the right

to treat failure to respond according to its instructions as a breach and exclude the Applicant's Tender from the evaluation process.

Any technical issues relating to the NHS Supply Chain eProcurement Portal or the 'Messages' Tab can be notified at any time during the tender process to NHS Supply Chain's system provider Jaggaer, whose contact details are available on: https://nhssupplychain.app.jaggaer.com/

Tel: 0800 069 8630 Email: help_uk@jaggaer.com

9. CONTENT OF TENDERS AND SUBMISSION INSTRUCTIONS

9.1 Applicants are encouraged to download the Supplier Handbook located within the eProcurement Portal by following the 'Supplier Help centre' link within the Useful Links section of the Dashboard. Applicants should use the Supplier Handbook to guide them through the process to complete their Tender submission.

9.2 Applicants are required to read all Tender and Contract Documents which can be accessed using the 'Attachments' tab, which is located in the 'ITT_39' Opportunity.

9.3 Applicants are required to upload the documents detailed below using the 'Qualification' tab, which is located in the **'ITT_39'** Opportunity.

9.3.1 Appendix 1- Grounds for Exclusion & Minimum Requirements or the Applicant's European Single Procurement Document, which must be completed in full and complete any further information which is set out in the Grounds for Exclusion document but not in the European Single Procurement Document. Including all requested supporting certification where currently held by the Applicant:

9.3.1.1 ISO9001:2015 Certificate accredited by the United Kingdom Accreditation Service (or equivalent);

9.3.1.2 Employer's (Compulsory) Liability Insurance Certificate;

9.3.1.3 Public Liability Insurance Certificate;

9.3.1.4 Product Liability Insurance Certificate;

9.3.2 Appendix 2 – A signed Form of Offer;

9.3.3 Appendix 5 – Agreement For Supply of Free Samples;

9.3.4 Appendix 6 – Conformance to Specification including requested Technical Data/ Product Information sheet to evidence no more than

35 microlitres of dead volume, latex free products and Polypropylene barrel;

9.3.5 Appendix 8 – Family Line Information;

9.3.6 Evidence of compliance to specification as requested at section 11.2 of this ITT:

9.3.6.1 Class I - Declaration of conformity to the Medical Devices Directive 93/42/EEC to be provided with your Tender response. **Please note that Applicants MUST complete the field '*CE Cert or Declaration of Conformity file name of document*' as per the requirement set out at 9.3.8.9 to clearly identify the document submitted for each MPC/Product Line(s) bid to which it relates;**

9.3.6.2 Class I Sterile, Class I measuring, Class IIa, Class IIb and Class III - CE certificate from a notified body to be provided with your tender response and Declaration of conformity to the Medical Devices Directive 93/42/EEC to be provided with your Tender response. **Please note that Applicants MUST complete the field '*CE Cert or Declaration of Conformity file name of document*' as per the requirement set out at 9.3.8.9 to clearly identify the document submitted for each MPC/Product Line(s) bid to which it relates**

9.3.6.3 **Where not Applicable** - Provide a statement confirming why this Directive does not apply to your product(s) submitted for a product line; and

9.3.7 Material Data Sheet – to evidence storage requirements set out at section 2.6.

9.3.8 **Mandatory** fields for each evaluated Product Line tendered are:

9.3.8.1 Unit price **(used for evaluation)** for Unit of Measure as specified within the e-Procurment Portal;

9.3.8.2 Supplier Unit of Sale (UOS);

9.3.8.3 Manufacturer Product Code (MPC);

9.3.8.4 GTIN Allocated to Product - Each (not UOS). The globally unique 14-digit number used to identify trade items, products, or services. Please note: We can accept 8, 12 & 13 char EANS if the 14 char GTIN is not available; and;

9.3.8.5 Brand Name;

9.3.8.6 Supplier Product Description;

9.3.8.7 Country of Origin;

9.3.8.8 Factory/Manufacturer name and address;

9.3.8.9 CE Classification (Medical Devices – Class I, Is, II, IIa, IIb, III);

9.3.8.10 VAT Rate; and

9.3.8.11 Able to supply required volumes by the required dates in Appendix 7.

9.3.9 **Optional fields** are:

9.3.9.1 Comments.

9.4 Applicants are able to view their submission using the "My Responses" option from the home screen. If the Applicant wishes to modify their response before the Tender Closing Date and Time is reached, it can do so by editing the response and resubmitting following the instructions within the 'Manage an RFx' section of the Supplier Handbook. Only the latest submission will be available to NHS Supply Chain after the Tender Closing Date.

10. ASSUMPTIONS ON PRICING

10.1 All pricing must:

10.1.1 be in £ Sterling;

10.1.2 exclude VAT;

10.1.3 include full delivery costs to Movianto UK (or other nominated) Depots and import duties;

10.1.4 remain open for acceptance for **seven (7) months**; and

10.1.5 be firm for the period of the Contract, subject only to any variation provisions contained in the Contract.

10.2 The evaluation is based on pricing for delivery to Movianto UK (and other nominated) Depots. All requested pricing must be submitted in the "**Commercial Envelope**" within the eProcurement Portal. NHS Supply Chain reserves the right (acting in its absolute discretion) to decide upon the appropriate route to market for each product by successful Applicant during the lifetime of the Contract.

10.3 **Unit of Measure (UOM):** Applicants are requested, for evaluation purposes only, to Tender pricing for the UOM as specified in the eProcurement Portal in the "**Commercial Envelope".**

11. CONTRACT AWARD PROCESS AND EVALUATION CRITERIA

11.1 STEP 1: GROUNDS FOR EXCLUSION AND MINIMUM REQUIREMENTS

11.1.1 Applicants must meet all of the requirements of Appendix 1. Any Applicants which do not meet all of the selection requirements set out in the Grounds for Exclusion and Minimum Requirements as found in Appendix 1 (or (1) submit their European Single Procurement Document, which must be completed in full (together with any further information which is required in the Grounds for Exclusion document but not in the European Single Procurement Document); or (2) explain to NHS Supply Chain's satisfaction why they do not) will be treated as ineligible for the Contract, their Tender will not be evaluated further and the Applicant will be informed of their rejection at this stage.

11.1.2 Applicants who have passed 'Grounds For Exclusion and Minimum Requirements' will move to step 2.

11.2 STEP 2: SPECIFICATION COMPLIANCE

11.2.1 **Compliance to Specification:** This step concerns compliance to the Specification which is assessed on a pass/fail basis. Any Applicant who does not conform to the Specification will not have their Tender evaluated further. Applicants are asked to confirm that their submitted Good(s) comply with the Line Item Description and the requirements which are set out in Appendix 3 – Specification by submitting the form in Appendix 6 – Conformance to Specification including requested Technical Data/ Product Information sheet to evidence no more than 35 microlitres of dead volume.

Evidence of compliance to the standards and legislation listed in the tables below ("Standards and Legislation") must be provided as part of an Applicant's Tender response (unless otherwise specified), where they apply to the Product Line(s) tendered. Please see section 9.3.6 for further details in respect of this.

The Files and Documents which must be uploaded as part of an Applicant's Tender response (as set out in section 9.3 of this ITT) must be clearly named with the Standards and Legislation to which they relate as well as clearly identifying which Product Line(s) they cover, including Jaggaer Item Code.

STANDARDS AND LEGISLATION	TENDER REQUIREMENTS
Medical Devices Directive 93/42/EEC (as amended) All products must have their CE marking evident on the product and/or packaging.	**(a) Class I** • Declaration of conformity to the Medical Devices Directive 93/42/EEC **to be provided with your Tender response.** **(b) Class I Sterile, Class I measuring, Class IIa, Class IIb and Class III** • CE certificate from a notified body **to be provided with your Tender response; and** • Declaration of conformity to the Medical Devices Directive 93/42/EEC **to be provided with your Tender response.**

11.2.1.1 Where the Applicant believes that the requirements set out in paragraphs (a) and (b) above are not applicable the Applicant must provide a signed statement with their tender response confirming why the requirements set out above do not apply to the relevant submitted product line.

11.2.1.2 Please note that NHS Supply Chain reserves the right to exclude an Applicant from the tender process who is unable to confirm to the absolute satisfaction of NHS Supply Chain that these requirements are not applicable to their submitted products and/or where these requirements are applicable but where the Applicant is unable to submit the required documentation to the absolute satisfaction of NHS Supply Chain.

11.2.2 **Compliance to Item Description and Specification:** Whilst NHS Supply Chain reserves the right to clarify any information submitted as part of the tender response, Applicants are reminded that by submitting a tender response they are confirming that their tendered product line meets the requirement of the Product Line Item Description as set out by NHS Supply Chain in these documents. NHS Supply Chain reserves the right to verify compliance to the Product Line Item Description and Specification and further reserves the right to exclude any Applicant from the tender process in the event that they are unable to verify (to their absolute satisfaction) that the tendered Product Line(s) meet the requirements of the Specification and/or the Product Line Item Description as the case maybe.Any submissions that do not meet the Compliance to Specification and Compliance to Item

Description and Specification requirements in this Step 2 will be treated as ineligible for the relevant Product Line and will not be evaluated further. The Applicant will be informed of the Product Line(s) which have been rejected at this stage.

11.2.3 Tenders which have passed the Compliance to Specification and Compliance to Item Description and Specification step will be evaluated according to steps 3 to 6.

11.3 STEP 3: PROVISION OF PRODUCTS FOR VERIFICATION

11.3.1 Applicants are required to submit quantity 1 x UOS of Ward Ready Products for each product bid against the evaluated Product Line(s) and any offered as the family line product to the evaluated Product Line(s), in line with requirements set out in section 6 of this ITT.

11.3.2 Failure to submit products for verification may result in the Applicant's Tender being treated as ineligible and will not be evaluated further. Any Applicant that does not meet the requirements of this Step 3 will be informed of the rejection at this stage. Those Applicants successfully completing all of the requirements of this Step 3 will move forward to Step 4.

11.4 STEP 4: PRODUCT VERIFICATION

11.4.1 Applicants who submit a bid for the Product Line(s) in the "Commercial Envelope" and have provided Ward Ready Products will have those Ward Ready Product(s) assessed alongside any submitted as the associated family line, to ensure they comply with the Specification criteria included in Appendix 9 (Product Assessment Methodology).

11.4.2 The product verification will be conducted by NHS Supply Chain's employees including members of Clinical Collaboration Team who will use the assessment criteria as set out in Appendix 9 (Product Assessment Methodology) to either pass or fail the product as per each criterion. The product verification will be conducted in the same order as seen in Appendix 9 (Product Assessment Methodology). The whole verification process will be overseen by a registered Clinician. If the product fails any one of the criteria in Appendix 9 it will be rejected.

11.4.3 Any Applicant that does not meet the requirements of this Step 4 will be informed of the rejection at this stage. Those Applicants successfully completing all of the requirements of this Step 4 will move forward to Step 5.

11.5 **STEP 5: FINANCIAL EVALUATION**

11.5.1 The financial weighting for this Tender is 100%.

11.5.2 The Tender with the lowest price submitted will gain the full 100% financial score. Subsequent Tenders will gain a percentage of the 100% financial score on a pro-rata basis from the top scoring price. This is calculated using the following formula:

Financial Score=100% x ((Lowest Price)/(Applicant Price))

where

Lowest Price = the lowest price offered for the specified product.

Applicant Price = the price offered by the Applicant for the specified product.

11.5.3 Where an Applicant bids for both the 60% and associated 40% volume lines and are the highest scoring Applicant for the 60% volume line their offer for the associated 40% volume line will not be considered for evaluation.

11.6 **STEP 6: AWARD OF CONTRACT**

11.6.1 NHS Supply Chain will appoint the highest scoring Applicant per Product Line to the Contract.

12. **THE CONTRACT**

12.1 NHS Supply Chain expects to be able to award the Contract approximately May 2021.

12.2 Applicants will be appointed to supply under the Contract such of their submitted product range as NHS SC determines, at its absolute discretion.

12.3 Any award is conditional on the Contract being approved in accordance with Public Health England (PHE) internal procedures and NHS Supply Chain being generally able to proceed, and can only be made after the regulatory standstill period has been satisfactorily completed.

12.4 The legal documentation will consist of:

12.4.1 the Contract Document as attached at Appendix 4;

12.4.2 the Contract Specification as attached at Appendix 3;

12.4.3 the Pricing Schedule as submitted by the Applicant which forms part of the response submitted by the Applicant using the Jaggaer eProcurement system; and

12.4.4 the NHS Supply Chain Supplier Code of Conduct as attached at Appendix 4.

13. CONFIDENTIALITY

13.1 NHS Supply Chain operated by DHL Supply Chain Limited acting as agent of Supply Chain Coordination Limited (SCCL), is subject to The Freedom of Information Act 2000 ("Act"), The Environmental Information Regulations 2004 ("EIR") and the Public Contracts Regulations 2015 (as amended) ("PCR 2015").

13.2 As part of SCCL's duties under the Act, the EIR and/or the PCR 2015, NHS Supply Chain may be required to publish and/or disclose information in relation to this procurement and/or any Contract entered into and/or any Special Terms awarded under such Contract.

13.3 If an Applicant reasonably considers that any of the information provided in its Tender should not be published and/or disclosed to third parties (either because it is exempt from disclosure under the Act and/or EIR and/or should be withheld from disclosure under the PCR 2015 and/or should be treated as confidential at common law), then the information should be clearly marked as "Not for disclosure to third parties" (the "Designated Information"). Valid reasons in support of the Designated Information being exempt from publication and/or disclosure under the Act and/or the EIR and/or being withheld by NHS Supply Chain from disclosure under the PCR 2015 and/or at common law (as the case may be) must also be provided.

13.4 Designated Information must be limited to information which is genuinely exempt from publication and/or disclosure under the Act and/or the EIR and/or should be withheld under the PCR 2015 and/or should be treated as confidential at common law (as the case may be). NHS Supply Chain will not accept blanket designations of documents.

13.5 NHS Supply Chain will have regard to any designation made by an Applicant in accordance with paragraph 13.3. However NHS Supply Chain shall be entitled in its absolute discretion to publish and/or disclose any Designated Information (or any part or summary of such Designated Information) where it has a bona fide belief that notwithstanding such designation, and/or reasons why the Designated Information is believed to be exempt from publication and/or disclosure under the Act and/or the EIR and/or being withheld by NHS Supply Chain from disclosure under the PCR 2015 and/or at common law (as the case may be), NHS Supply Chain is obliged to publish and/or disclose such Designated Information (or any part or a summary of such Designated Information) to comply with its

legal obligations. For the avoidance of doubt, NHS Supply Chain shall be entitled to publish and/or disclose any information (i) which is not Designated Information pursuant to paragraph 13.3; and (ii) where valid reasons have not been provided to support the contention that the relevant information is exempt from publication and/or disclosure pursuant to paragraph 13.3.

13.6 NHS Supply Chain will not be held liable for any loss or prejudice howsoever caused by publication and/or disclosure of any information (or any part or summary of such information) (i) where such information has not been clearly marked "Not for disclosure to third parties" in accordance with paragraph 13.3; and/or (ii) where valid reasons have not been provided to support the contention that the relevant information is exempt from publication and/or disclosure pursuant to paragraph 13.3; and/or (iii) pursuant to paragraph 13.4 NHS Supply Chain has a bona fide belief that NHS Supply Chain is obliged to publish and/or disclose such information (or any part or a summary of such information) to comply with its legal obligations.

14. LIST OF APPENDICES

No.	Title	Contents	Action
1	Grounds for Exclusion & Minimum Requirements	Mandatory/Discretionary and Minimum requirements of all Applicants	This document once completed should be attached to the response submission using 1.1 of the **"Qualification Envelope"**. Alternatively, Applicants may attach their European Single Procurement Document, which must be completed in full.
2	Form of Offer	Formal Commitment of Applicant to Tender Offer	An unamended copy must be signed by an appropriate person with the authority to commit the Applicant to the Tender offer and the Contract. This document is in PDF format and should be completed with electronic signature, printed name and position of signatory. A completed document should be attached to 1.2 of the response submission using the **"Qualification Envelope"**
3	Specification	Specification of the subject matter of the procurement	Applicants must confirm compliance with Appendix 3. Read and confirm commitment by submitting a signed unamended copy of Appendix 2 – Form of Offer (as listed in 2 above) and Appendix 6 – Conformance to Specification (as listed in 6 below).
4	Contract (including all Schedules and Appendices)	▪ Contract Document ▪ Supplier Code of Conduct	Read and confirm commitment by submitting a signed unamended copy of Appendix 2 Form of Offer (as listed in 2 above).

			For information purposes only.
5	Agreement For Supply of Free Samples	Template for completion for any Samples provided relating to any Product Lines being tendered for listed in the "Commerical Envelope".	This document requires completion. A completed document should be attached to 1.3 of the response submission using the **"Qualification Envelope".**
6	Conformance to Specification	Template for completion to relating to any Product Lines being tendered for listed in the "Commerical Envelope".	This document requires completion. A completed document should be attached to 1.4 of the response submission using the **"Qualification Envelope".**
7	Delivery Schedule	Additional information to assist the Applicant.	This document is for information purposes only.
8	Family Line Information	Additional information to assist the Applicant.	This document requires completion. Where no family line is submitted, Applicants must complete this Appendix with the wording `NO OFFER' and submit with their tender. A completed document should be attached to 1.5 of the response submission using the **"Qualification Envelope".**
9	Product Assessment Methodology	Additional information to assist the Applicant.	This document is for information purposes only.