

Framework Agreement for the Provision of X-Ray Contrast and Scan Media

Guide (Public)



Version Control

Contributor(s)	Date	Version	Comments
Remmy Kanya	19/10/2021	V1.0	First Draft

Contact Details

Jaqueline Eastwood

Associate Director
Medicine Optimisation and Pharmacy Procurement

NHS London Procurement Partnership
200 Great Dover Street
London SE1 4YB

General Enquiries: 02071886680
Email: Jacqueline.Eastwood@lpp.nhs.uk
Web: www.lpp.nhs.uk

Tracy McMillan

Pharmacy Procurement Operational Lead
Medicines Optimisation and Pharmacy Procurement

NHS London Procurement Partnership
200 Great Dover Street
London SE1 4YB

General Enquiries: 02071886680
Email: tracy.mcmillan@lpp.nhs.uk
Web: www.lpp.nhs.uk



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1. Introduction

This guide is intended to provide information about the Framework Agreement for the Provision of X-Ray Contrast and Scan Media and to provide practical support to Participating Authorities who wish to access the Framework Agreement to award contracts.

Please note that the guidance provided within this document only applies to this Framework Agreement and Participating Authorities should ensure they refer to the guidance document which is relevant to the Framework Agreement they wish to access to ensure that the right processes are being followed.

The Trust Pharmacy team must be involved in the decision to access the Framework Agreement to ensure that the decision fits with local pharmacy and procurement policies and Participating Authorities' standing financial instructions.

1.1. Key Information

Framework Title	The Provision of X-Ray Contrast and Scan Media
OJEU Reference Number	FTS-002713
LPP Reference Number	LPP/2021/099
Framework Period	Commencement Date: 6 th October 2021 Contract Length: 2 Years Extensions: 1 year + 1 year (24 Months)

1.2. Background

NHS LPP contracts as Guy's and St Thomas' NHS Foundation Trust who are the host for the NHS LPP ("**Host Trust**"). All references in this Framework Guide will be as to the NHS LPP. NHS LPP is the overarching programme structure that supports procurement across London and outside of London on behalf of member trusts (as may change from time to time). NHS LPP facilitates and supports procurement and contract management of London wide contracts. NHS LPP will be mentioned in this document where appropriate.

NHS LPP has set up Framework for the provision of X-Ray Contrast and Scan Media. This is a multi-supplier unranked Framework Agreement.

The aim of this Framework is to provide NHS Participating Authorities with a Framework which they can call off goods/services.

The Framework Agreement will operate for an initial term of 24 months with an option to extend for a further 24 months (12 +12).



Estimated highest value of the Framework Agreement is £26 million over the full 4 year term. Please note that figures provided below are an estimate of potential spend based on current activity within each region. Actual spend will be affected by multiple factors including drug price variations, the number of Trusts choosing to access services via the NHS LPP Framework and VAT regulations.

The Framework Agreement will be open to use by any and all organisations ("Participating Authority/Participating Authorities") throughout England, who will have the option to access the products and/or services via either direct award or through further competition.

1.3. Overview

The services included in this Framework agreement are described as services for the provision of X-Ray Contrast and Scan Media.

The Framework is split into the following lots:

Lot 1 – Non-ionic contrast media

Lot 2 – Gadolinium contrast media

Lot 3 – Ionic contrast media

Lot 4 - Specialist contrast media

1.4. Expected benefits

The NHS and public sector as a whole continues to strive for better value for money, improved quality, and increased performance in terms of time and productivity, to deliver tangible savings and efficiencies. This Framework will provide a flexible procurement solution for public sector organisations when procuring X-Ray Contrast and Scan Media.

Specific Benefits include:

- Direct award option.
- Standardised Forms of Contract.
- Simplify the procurement process for public sector organisations to procure the services.
- Streamlined Contract Management process for the overarching framework.

1.5. Awarding a Contract

To award a contract under this Framework the Participating Authorities have the option to access the goods and/or services via either direct award or through a further competition (also known as a mini-competition).



For direct award without reopening competition any Participating Authority ordering goods/services under this Framework Agreement shall be entitled to award directly to a Supplier without reopening competition if they :

- Ensure their requirements for goods and/or services is within the scope of the Framework Agreement.
- Apply the standard award criteria to all Suppliers capable of meeting their requirements in order to establish which Supplier offers the best value for money in accordance with the criteria and subject to requesting services from the highest scoring Supplier.
 - If the Framework Supplier is not able to provide the services, send a request to the next best value Framework Supplier repeating the process set out in this paragraph until the request is fulfilled or there are no further Framework Suppliers qualified to fulfil it;

Or,

- Directly call-off based on any product that has a fixed list price as of the Framework submission.

The Participating Authority will enter into a call-off contract with the Supplier at the end of the Direct Award procedure. Under these circumstances, the Participating Authority must;

- Use the pricing submitted by the Supplier in Clause 7; or
- Use amended pricing that has been approved by the Framework Authority as a result of an approved contract variation.

For further competition award any Participating Authority ordering goods and/or services under this Framework Agreement is required to follow the further competition process as listed in 4.3 below.

To establish a legally binding contract under this Framework Agreement, the customer must complete the Call-off Order Form (see Annex B of this document) which must be signed by the Participating Authority and the Supplier.

For the avoidance of doubt, the Participating Authority will only form a valid contract with the Supplier upon the completion and signature of all parties of the **Annex A to Schedule 7 - Call Off Order Form** (see Annex B of this document).



2. Management of the framework agreement

2.1. Framework Agreement

All Suppliers who have been awarded a position on this Framework have signed an agreement with NHS LPP. NHS LPP is responsible for the management of the Framework Agreement and will seek feedback from Participating Authorities to ensure maximum value is derived from the Framework.

2.2. Activity Based Income (ABI)

This Framework has been established with an Activity Based Income (ABI) charge of 1% of the total value of service charges invoiced excluding VAT. Each Supplier will pay NHS LPP the ABI charge for all contracts awarded under the Framework. Any pricing provided by Suppliers will be inclusive of this charge, there are no charges levied against the Participating Authority by NHS LPP. ABI is used to offset the costs of setting up and maintaining the Framework.

The Authority reserves the right to request copies of all PO's from the customer and/or invoices from the Supplier in order to ensure that they are accurately invoicing a given Framework Supplier for the correct amount of ABI owed.

2.3. Management Information

NHS LPP will collect management information on a monthly basis from each Supplier for each contract they have been awarded under the Framework. The management information will allow the category manager to have an overview of the Supplier performance on specific contracts and to calculate the ABI charge.

2.4. Contract Management Information

NHS LPP will collect contract management information from each Supplier who is awarded business under this Framework.

2.5. Framework Agreement (Contract) Manager

Participating Authorities who have any questions regarding the Framework should contact the Contract Managers in the first instance. These are the persons identified on page 2 of this document.

3. Using the Framework Agreement

3.1. Framework Access

This Framework is open to all Participating Authorities listed in section 1.2 above.



3.2. Benefits of Accessing a Framework Agreement

There are a number of benefits of awarding contracts under a Framework, these include:

- It is faster and less onerous than a full TED tender process
- There is no need to assess Framework Suppliers against criteria such as financial standing or business probity as these have been assessed during the Supplier selection stage of the Framework's establishment, although you may wish to do so
- By using the Framework there is no need for you to separately advertise your service requirement
- The terms and conditions of the Framework agreement and call-off contracts have already been agreed with all Framework Suppliers therefore no further legal dialogue is required.

3.3. Framework Agreement Access Charge

NHS LPP is not charging an access charge to Participating Authorities who wish to use this Framework Agreement.

3.4. Framework Access Agreement

Participating Authorities wishing to access this Framework should contact the Contract Managers detailed on page 2.

Once the signed access agreement has been returned to the Contract Manager the Participating Authorities will be provided with access to Suppliers pricing, products, related documentation and further competition documents.

All NHS organisations, across England, are required to use the Call-off Order Form to form a legally binding contract with the Supplier. This document is an important element of a robust audit trail in terms of compliance and for contract management.

Suppliers on the Framework will not enter contracts under this Framework with any Participating Authority until the Contract Manager has confirmed there is a signed Access Agreement.

Should a Participating Authority wish for NHS LPP to provide additional support, over and above what is shown in this document in awarding a contract, then NHS LPP reserves the right to charge for these additional services. This will be discussed and agreed with each Participating Authority on a case-by-case basis.



4. Running a Further-Competition

4.1. Establishing a Project Team

If the selected route to market will envisage a further competition process, Participating Authorities will need to establish a project team, which is responsible for supporting the award of the new contract. This project team should include key stakeholders from across the organisation who can input into the specification and evaluate the quality of responses from Suppliers under the Framework. This must include a pharmacy representative.

The project team should be supported by a project lead who is responsible for ensuring the project is supported by the Participating Authority's board and managing the implementation of the new contract.

If the Participating Authority does not have the resource to undertake this internally then NHS LPP can provide support but this may come at an additional cost. If this is required then you should contact the Contract Manager to discuss further.

4.2. Key Decisions and Actions

The Participating Authority should save time and money by awarding a contract under the Framework because much of the hard work has already been completed.

Please note that Suppliers awarded on to the Framework provided Financial and Insurance information at the time of Framework award. It is therefore fundamental that Participating Authorities requests evidence to satisfy themselves that the Supplier is financially robust and holds the required insurances requested under this contract prior to award.

It is the Participating Authority's responsibility to validate the data being sent out as part of the further competition, check the evaluation of all bids and award the contract under the Framework.

4.3. Undertaking a Further Competition

Once the Participating Authority has requested access to the Framework (see paragraph 3.4) The Framework template documentation will be provided through the MyLPP website to registered users.

NHS LPP provide template documents which can be used for the further competition and can be amended accordingly. These documents are intended as a guide to help clients outline their project requirements. You may wish to engage your legal team should you make changes to the NHS standard template contract, as appropriate for your project. The NHS LPP team can answer queries regarding the template documents and provide advice, however the specification design and any queries regarding this needs to be completed externally.

The main stages of running a further competition are:

- Define requirements and the invitation to tender (ITT)
- Invite all Suppliers awarded on the Framework to bid by issuing the ITT, requirements document and draft contract



- Evaluate suppliers responses
- Award a contract to the successful supplier and notify the unsuccessful supplier/s
- 10 day standstill period (optional)
- Complete the **Annex A to Schedule 7 - Call Off Order Form** and obtain signatures from both parties (see Annex B of this guide for the document)

If you need access to the mini-competition templates then please contact NHS LPP.

Available Support from NHS LPP

Under certain conditions and depending on the NHS LPP membership status, NHS LPP can issue your further competition for you through our e-tendering portal and work with you to structure responses to your Standing Financial Instructions. We will act as first contact for all queries regarding the further competition and forward any which require your input. These should be answered within 48 hours of receipt.

Further competition responses will be sent to our e-tendering portal. We will share these responses with you along with an evaluation template. The NHS LPP team will undertake the commercial evaluation while you score the responses to the questions asked. NHS LPP can complete all required documents and help to ensure compliance with procurement legislation requirements. Once the contract is signed you will enter the mobilisation period. Timescales for this will depend on the works, programme, and award decision. Following mobilisation your contract will go live. Throughout this process the Trust’s ratification process should be followed before a contract can be awarded.

If a Participating Authority wishes to request further support from NHS LPP with running a further competition then please contact the Contract Managers listed on page 2 for further details.

4.4. Evaluation Criteria

The following evaluation criteria were set out within the Framework Agreement.

Criteria	Framework Weighting	Mini-Comp Weighting <i>* minimum 5% weighting</i>
Quality & Technical Evaluation	75%	(NHS variable range 1 – 95%)*
Price Evaluation	20%	(NHS variable range 1 – 95%)*
Contract Management & Social Values	5%	Optional
Total	100%	Must total 100%

The headings stated should be used as part of any further competition within the Framework; however the Participating Authority can include sub-criteria as long as these are clearly stated to all Suppliers at the start of the further competition process. The weightings can be changed to meet the Participating Authority’s requirements.



5. Direct Award

The Framework has the provision to perform a direct award to a Framework Supplier where the terms governing the provision of goods and/or services are fully set out in the overarching Framework Agreement, and where the most suitable Supplier can be identified based on the objective conditions set out in the procurement documents without the need to re-open competition.

It is vital that transparency and objectivity are central to the process of making a direct award. Participating Authorities should always seek best value for money and assess their own requirements. The ultimate decision with which Supplier to award to for the X-Ray Contrast and Scan Media will be decided by the Participating Authority after careful analysis of the Suppliers' pricing model and based on their local needs. For the avoidance of doubt, it is not permissible under UK treaty principles to order directly from a preferred Supplier if the terms of the Framework need to be redefined and/or it cannot be immediately identified which product or service provides best value for money.

Main stages for direct award process:

- Identify the most economically advantageous Supplier on the basis of the price/service offered in the commercial schedule
- Approach the Supplier to discuss the Trusts requirements
- Complete the **Annex A to Schedule 7 - Call Off Order Form** and obtain signatures from both parties (see annex B of this guide for the document)

5.1. Transition, Planning and Support

As part of the further competition or call-off process the successful Supplier should provide you with a transition plan which clearly explains what tasks need to be undertaken and who is responsible for ensuring they are completed. This plan should set out the level of resource which is required from the Participating Authority during the transition process. The expected timescales for each stage of the transition and the mobilisation as a whole should be described. The Participating Authority should review the Supplier's performance against the plan on a regular basis throughout the transition.

5.2. Managing the Contract

The Participating Authority should hold regular meetings with the Supplier to review performance against agreed key performance indicators. Should the Supplier fail to meet the agreed key performance indicators then the Participating Authority should look to take corrective action as outlined within the contract document.

5.3. Key Performance Indicators

NHS LPP encourages the use of key performance indicators within contracts as a way of monitoring and managing Supplier performance. Key performance indicators should not be used



to punish a Supplier but should be used to encourage and reward high quality performance of the contract.

6. Frequently Asked Questions

6.1. What is a Framework Agreement?

A Framework is a general term for an Agreement with a provider(s) which sets out terms and conditions under which specific purchases (call-off orders) can be made throughout the term of the Agreement. Frameworks are established for bodies to buy goods or services via a pre-approved list of Suppliers.

6.2. Can a Supplier still take part if they are not on the Framework?

No. The Framework has been awarded via an TED process. Suppliers had the opportunity to register their interest for being awarded a position on the Framework at the time of advert. The tender process for the Framework has now closed and all lots awarded.

6.3. Do I need to invite all Suppliers to a further competition?

Yes, you will need to invite all Suppliers on the Framework to bid on further competition exercises.

6.4. How long does a further competition need to run for?

On average, NHS LPP would suggest Suppliers are given four weeks to respond to the further competition. For specific advice please contact the Contract Manager.

6.5. Do I have to apply a Standstill period to a further competition?

NHS LPP encourages the application of standstill periods for all further competitions under the Framework, especially where the value of the contract exceeds the TED thresholds. This ensures transparency to all Suppliers involved in the process and minimises the risk of challenge once a contract is awarded.

6.6. Using Atamis for your further competition

Further competitions can be carried out using the NHS LPP e-tendering Portal if so desired. Should you chose to use this option all the Supplier details will already be on the Portal which will assist with the process. Participating Authorities can also use their own e-tendering portal to run a further competition.



7. Framework Supplier Details

Bayer Plc
Name: Andrew Asbury Position: Contracts Manager Name of Tenderer: Bayer Plc Address: 400 South Oak Way, Reading, Berkshire, RG2 6AD Telephone number: 0118 206 3432 E-mail: address: Andrew.asbury@bayer.com
Bracco UK
Name: Steve Kennedy Position: Managing Director Name of Tenderer: Bracco UK Address: Unit 15, Valley Business Centre, Gordon Road, High Wycombe, HP13 6EQ Telephone number: +44 (0)1628 851507 E-mail address: Blosalesupportgb@bracco.com
GE Healthcare Pharmaceutical Diagnostics
Name: Simon Tennant Position: Business Development Manager Name of Tenderer: GE Healthcare Pharmaceutical Diagnostics Address: Pollards Wood, Nightingales's Lane, Chalfont St Giles, Buckinghamshire, HP8 4SP Telephone number: 07800 708303 E-mail address: PDX.ukoffice@ge.com
Guerbet Laboratories Ltd
Name: Lee Scott Position: General Manager Name of Tenderer: Guerbet Laboratories Ltd Address: Avon House, 435 Stratford Road, Shirley, Solihull B90 4AA Telephone number: 0121 733 8542 E-mail address: uk.sales@guerbet.com

