

Freedom of Information Act 2000 - Request Reference Fol/20/330
Joint Prosthesis

Request details

Can you please provide the following?

1- Who are your contracted Hip & Knee Prosthesis contracted providers

Cardiff and Vale University Health Board (the UHB) operates in connection with the All Wales contract AW33347 / (A) for this product area. Suppliers utilised as part of this framework in use are systems from Zimmer, LIMA, CORIN, Smith & Nephew, HI, Johnson & Johnson and Stryker for Hips and Knees: Link, J&J, S&N, Lima and Wright Medical. There will be multi suppliers as the contract is a framework but the above are the listed suppliers utilised from the framework for the UHB.

2- What are the current contract dates including extensions for your Hip & Knee Prosthesis Procurement

The contract is currently in an extension period due to COVID-19 with anticipated re-award mid 2021. You can get in contact with the category team by emailing: NWSSPProurement.ClinicalTeam@wales.nhs.uk. We operate in conjunction with the All Wales framework. If there is a system that the service wish to use that isn't listed on the framework the service can connect with their local team in support of the purchasing and system implementation.

3- What is your chosen procurement route and who is your procurement partner (if applicable) for Hip & Knee prosthesis purchase?

As stipulated above, multi partners dependent on patient need and surgeon requirement.

There is not a chosen partner. The All Wales contract is a framework model to allow each trust to utilise accordingly. The UHB consign systems that are required and signed off for use by the UHB directorates and systems that are patient specific. The All Wales contract is not set up for sole award suppliers by specialty.

4- What is the contract value (£)/agreement (market share) for hip replacements with your current providers

Hips across primary and revision, at the date of writing the UHB have systems consigned with Stryker, Zimmer, Corin with a few additional systems hired in on a patient by patient bases from J&J, Smith & Nephew & Lima. Zimmer is the dominant supplier in this area.

After considering your request for contract value, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under the Freedom of

Information Act 2000 (Section 43) Commercial Interests. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of the company in question. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure: There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure: There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with agencies. This in turn could lead to less effective use of public funds in future. It has been established above that releasing the information under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 ICO v Royal Marsden Hospital Trust).

Decision: The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the supplier to which this information concerns. The UHB believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it was not in the public's interest to disclose this information.

5- What is the contract value (£)/agreement (market share) for knee replacement procurement with each your current providers

For knees across primary, revision and UNI the UHB have systems consigned with J&J, Smith & Nephew, Zimmer, Wright Medical, Link and Lima.

The AW Welsh Joint Replacement Contract AW333347 (A) rolling value for the UHB contract to implementation date to date sits at a combined value of £8.5m. This is a framework contract so we cannot split out the usage value by hips and knees locally.

For the above mentioned key suppliers the spend sits at £5.1m contract start date of 01/01/2017 to date.