

<b>Reference:</b>	FOI.1605.19
<b>Subject:</b>	Ophthalmology
<b>Date of Request:</b>	25 September 2019

**Requested**

Please find below questions I would like to have answered via Freedom of Information (FOI) for Amman Valley Hospital, Glangwili General Hospital and Wthybush General Hospital.

1. When is the current contract for IOLs (Intra ocular lenses) in Ophthalmology up for renewal?
2. Who is your current IOL provider?
3. Please provide annual usage in the following years: 2015-2016, 2016-2017, 2017-2018, 2018 year to date
4. Please provide annual spend in the following years: 2015-2016, 2016-2017, 2017-2018, 2018 year to date
5. In relation to IOLS what is your Route to Market /OJEU reference and contractual commitments including extension options?
6. When is your Phaco machinery (for cataracts) contract up for renewal?
7. Who is your current provider of the Phaco machinery?
8. How many Phaco machines do you have and what are the age of these machines?
9. In relation to Phaco machines what is your Route To Market /OJEU reference and contractual commitments including extension options?
10. When is your VR (Vit-Ret) machinery contract up for renewal?
11. Who is your current provider of the VR machinery?
12. How many VR machines do you have and what are the age of these machines?
13. In relation to VR machines what is your Route To Market /OJEU reference and contractual commitments including extension options?
14. What type of contract do you have with your local commissioner payment by results, block contract, or an aligned incentives?
15. Do you currently have a managed equipment service within your NHS Trust?
  - a. If yes what disease area?
16. How many YAG lasers linked PCO (Posterior capsule Opacification) after cataracts have you undertaken between 2017-2018 and 2018-2019?

17. Does your NHS Trust outsource initiative list for cataracts to a 3rd party suppliers to support capacity inefficiencies?
- a. If yes is this contract between the Trust and 3<sup>rd</sup> party provider or the CCG and 3<sup>rd</sup> party provider?

**Response:**

1. Hywel Dda University Health Board (UHB) confirms the current contract across all UHB hospitals for Intra ocular lenses (IOL) in Ophthalmology is up for renewal 1 April 2023.
2. The UHB confirms the current IOL provider is Alcon Eye Care UK Ltd, Bausch and Lomb (UK) Ltd, Spectrum Ophthalmics.
3. The UHB provides, within the table overleaf, the annual usage for the periods requested.

Financial Year	Number ordered
2015/16	2
2016/17	34
2017/18	91
2018/19	1465
Total	1592

As the cost per annum requested from the UHB relates to third parties, the UHB considers that Section 43 applies to question 4, as answering would be Prejudicial to their Commercial Interests. Section 43(2) exempts information, disclosure of which would or would be likely to prejudice the commercial interests of any person, in this case the provider listed above. Commercial interests may be prejudiced where disclosure would, or would likely to:

- Weaken a company's position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors
- Damage a company's business reputation or the confidence that customers/users, suppliers or investors may have in it.

This exemption is qualified; therefore, even if information falls within Section 43, public authorities must then apply the public interest test set out in Section 2(2)(b). The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The UHB has therefore considered the following:

**In favour of disclosure:** There is a public interest in transparency and in the accountability 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. Private sector bodies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

**Against Disclosure:** Disclosure of this information would have a direct impact and cause substantial harm to the suppliers as it would disclose their pricing and products/services provided to the UHB, and this

would be likely that this would damage their ability to work within a highly competitive sector. The information being requested is likely to be used by their competitors to gain a competitive advantage.

It has therefore been decided above that releasing the information under the Freedom of Information Act 200, to which the UHB is subject, will give an unfair advantage to the suppliers' 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, and that there is a public interest in ensuring that there is competition for public sector contracts.

**Decision:** - The UHB considers that the public interest in withholding the cost per financial year is greater than the interests in disclosing it as together with the information provided in question 3, a unit cost could be calculated and thereby giving unfair commercial advantage to competitors of the company to which this information concerns.

The UHB can confirm the total spend was £84,535.20 for the financial years requested

5. The UHB confirms in relation to IOLs its contractual commitments are covered under a 4 year Framework Agreement, with no extension period.
6. The UHB confirms the Phaco machinery (for cataracts), contract is up for renewal on 26 August 2021.
7. The UHB confirms the Phaco machineries current provider is Bausch & Lomb.
8. The UHB confirms it has three (3) Phaco machines. One (1) is owned by the UHB and is located in Bronglais General Hospital (BGH). Two are on loan for a three year period (due to end imminently) on condition their lenses are purchased by the UHB. One (1) is located in Amman Valley Hospital, the other is located in Glangwili General Hospital.
9. The UHB follows the Official Journal of the European Union (OJEU) as its preferred tendering procurement process.
10. Not applicable
11. The UHB confirms it does not have a specific VR machine but the Bauch and Lomb stellaris facilitates basic VR procedures.
12. Not applicable.
13. Not applicable.
14. Not applicable.
15. The UHB confirms it does not currently have a managed equipment service
16. The UHB confirms, within the table overleaf, the number of YAG laser linked posterior capsule opacification (PCO) after cataracts which were undertaken for the periods requested.

	2017/18	2018/19
<b>YAG procedures</b>	89	52

17. The UHB confirms it does outsource initiative list for cataracts to a third party supplier to support capacity inefficiencies.

a. The UHB confirms the contract is between the UHB and a third party provider.