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Award

NP56318 Peritoneal Dialysis

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-007328

Procurement identifier (OCID): ocds-h6vhtk-03b282

Published 14 March 2023, 9:35am

Section I: Contracting authority/entity

I.1) Name and addresses

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

Gyle Square (NSS Head Office), 1 South Gyle Crescent

Edinburgh

EH12 9EB

Contact

Mairi Gibson

Email

mairi.gibson@nhs.scot

Telephone

+44 1698794544

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

<http://www.nss.nhs.scot/browse/procurement-and-logistics>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Health

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

NP56318 Peritoneal Dialysis

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.1.4) Short description

This framework agreement for the supply and delivery of Peritoneal Dialysis fluids and consumables/ancillaries and dialysis machines within NHS Scotland to hospitals and patients' homes or other designated address.

The Framework is awarded as an unranked multi supplier Framework.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £3,690,570

II.2) Description

II.2.2) Additional CPV code(s)

- 33181510 - Renal fluid
- 33181000 - Renal support devices
- 33181520 - Renal dialysis consumables

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

Main site or place of performance

All entities constituted pursuant to the National Health Service (Scotland) Act 1978, and any Integrated Joint Boards established pursuant

to the new Public Bodies (Joint Working) Scotland Act 2014.

II.2.4) Description of the procurement

The framework agreement is awarded for the supply and delivery of Peritoneal Dialysis fluids and consumables/ancillaries alongside the dialysis machines within NHS Scotland to hospitals and patients' homes or other designated address.

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

This VEAT notice is to advise the need for modification to meet the additional demands of the Scottish Health and Social Care sector during the recovery from the Covid-19 pandemic and to maintain necessary supply and remove unnecessary disruption from the Authority at this time

in line with Regulation 72(1)(b) of the Public Contracts (Scotland) Regulations 2015.

IV.1.3) Information about a framework agreement

The procurement involves the establishment of a framework agreement

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2022/S 015-036899](#)

Section V. Award of contract/concession

Contract No

NP56318

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

14 March 2023

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: Yes

V.2.3) Name and address of the contractor/concessionaire

Baxter Healthcare Ltd

Wallingford Road, Compton,

Newbury, Berkshire

RG20 7QW

Telephone

+44 1635206000

Fax

+44 8002798490

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

V.2.3) Name and address of the contractor/concessionaire

Fresenius Medical Care (UK) Limited

Nunn Brook Road, Huthwaite,, Sutton-in-Ashfield, Nottinghamshire

Nottinghamshire

NG17 2HU

Telephone

+44 1623445149

Fax

+44 1623555546

Country

United Kingdom

NUTS code

- UKF1 - Derbyshire and Nottinghamshire

The contractor/concessionaire is an SME

No

V.2.4) Information on value of contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession: £3,690,570

Section VI. Complementary information

VI.3) Additional information

The estimated value(s) referred to in Section II.1.7 and Section V.2.4 covers the twelve (12) month modification period of the framework

agreement.

(SC Ref:725656)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

edinburgh@scotcourts.gov.uk

Country

United Kingdom

Internet address

<https://www.scotcourts.gov.uk/the-courts/court-locations/edinburgh-sheriff-court-and-justice-of-the-peace-court>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

Economic operators should approach the contracting authority in the first instance. However, the only formal remedy is to apply to the courts:

An economic operator that suffers, or is at risk of suffering, loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 or the

Procurement Reform (Scotland) Act 2014, may bring proceedings in the Sheriff Court or the Court of Session.

The bringing of court proceedings against the Authority after the Framework Agreement has been entered into will not affect the Framework Agreement unless grounds for the imposition of special penalties under the Public Contracts (Scotland) Regulations 2015 can be established. Otherwise the remedies that may be awarded by the courts where the Framework Agreement has been entered into are limited to the award of damages.