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Award

## **NHSScotland Frameworks Scotland 3 Extension**

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2025/S 000-008912

Procurement identifier (OCID): ocds-h6vhtk-04ebf7

Published 12 March 2025, 10:43am

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

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

1 South Gyle Crescent

Edinburgh

EH12 9EB

#### **Email**

[nss.hfsframeworkscotland@nhs.scot](mailto:nss.hfsframeworkscotland@nhs.scot)

#### **Telephone**

+44 1412071820

#### **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](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

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

NHSScotland Frameworks Scotland 3 Extension

#### **II.1.2) Main CPV code**

- 45000000 - Construction work

#### **II.1.3) Type of contract**

Works

#### **II.1.4) Short description**

Extension to Frameworks Scotland 3 – Principal Supply Chain Partner framework for a duration up to a maximum of 24 months.

The value referred to in this notice within sections II.1.7 and V.2.4 refers to the initial value of the original framework procurement which is not anticipated to be exceeded during the extension period.

#### **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: £650,000,000

## **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 71000000 - Architectural, construction, engineering and inspection services
- 71200000 - Architectural and related services
- 71220000 - Architectural design services
- 71221000 - Architectural services for buildings
- 71222000 - Architectural services for outdoor areas

- 71223000 - Architectural services for building extensions
- 71300000 - Engineering services
- 71400000 - Urban planning and landscape architectural services
- 71500000 - Construction-related services
- 71600000 - Technical testing, analysis and consultancy services
- 71700000 - Monitoring and control services
- 45000000 - Construction work
- 45100000 - Site preparation work
- 45110000 - Building demolition and wrecking work and earthmoving work
- 45111000 - Demolition, site preparation and clearance work
- 45111100 - Demolition work
- 45111200 - Site preparation and clearance work

### **II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

### **II.2.4) Description of the procurement**

The extension is required due to the current uncertainty around capital funding within NHSScotland which has continued through 2024/2025. With a number of projects already paused or cancelled, the future pipeline beyond the one-year Scottish Government Budget in December 2024 will not be known. Therefore, with such future pipeline uncertainty, it is not possible to go to the market to procure a replacement for Frameworks Scotland 3 at this time as the arrangement may not support delivery of the type / scale / complexity of projects to be delivered. The procurement strategy for the successor arrangement is in development, however at present the strategy is being developed on the basis of the future pipeline scenarios. It is anticipated, that by extending Frameworks Scotland 3 by up to a maximum period for 24 months, this will enable greater clarity around future pipeline and service needs. This should enable the future project delivery model and associated future procurement to be able to deliver the future NHSScotland Capital Programme. Should the current position change in the short term, then the procurement of the successor arrangement will commence. The new successor arrangement will be used for capital project delivery immediately following award which may be prior to expiry of the proposed extension to Frameworks Scotland 3.

Due to the cancellation and pausing of projects over the last 9-12 months, combined with the reduction in activity during the pandemic between 2020-2022, the anticipated spend through Frameworks Scotland 3 has been significantly below the stated contract value within the published Contract Notice. Therefore any future call-off from the framework during the 24-month extension period, should not exceed the original value in the Contract Notice. Furthermore, it is anticipated that the volume of activity will be limited by the current capital constraints.

The justification for the framework extension shall be on the basis of Regulation 72 (1) (c) where all of the following conditions are fulfilled—

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract or framework;
- (iii) any increase in price does not exceed 50 % of the initial contract value or Framework Agreement.

A modification notice will be issued via Public Contract Scotland portal on conclusion of the VEAT notice period, confirming a modification to the existing contract under Regulation 72 (1) (c).

The value referred to in this notice within sections II.1.7 and V.2.4 refers to the initial value of the original framework procurement which is not anticipated to be exceeded during the extension period.

#### **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

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## 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:

The extension is required due to the current uncertainty around capital funding within NHSScotland which has continued through 2024. With a number of projects already paused or cancelled, the future pipeline beyond the one-year Scottish Government Budget in December 2024 will not be known. Therefore, with such future pipeline uncertainty, it is not possible to go to the market to procure a replacement for Frameworks Scotland 3 at this time as the arrangement may not support delivery of the type / scale / complexity of projects to be delivered. The procurement strategy for the successor arrangement is in development, however at present the strategy is being developed on the basis of the future pipeline scenarios. It is anticipated, that by extending Frameworks Scotland 3 by up to a maximum period for 24 months, this will enable greater clarity around future pipeline and service needs. This should enable the future project delivery model and associated future procurement to be able to deliver the future NHSScotland Capital Programme. Should the current position change in the short term, then the procurement of the successor arrangement will commence. The new successor arrangement will be used for capital project delivery immediately following award which may be prior to expiry of the proposed extension to Frameworks Scotland 3.

Due to the cancellation and pausing of projects over the last 9-12 months, combined with the reduction in activity during the pandemic between 2020-2022, the anticipated spend through Frameworks Scotland 3 has been significantly below the stated contract value within the published Contract Notice. Therefore any future call-off from the framework during the 24-month extension period, should not exceed the original value in the Contract Notice. Furthermore, it is anticipated that the volume of activity will be limited by the current capital constraints.

The justification for the framework extension shall be on the basis of Regulation 72 (1) (c).

This notice is intended to notify the market of the intention to issue a modification for the contract under Regulation 72 (1) (c).

The date in section V.2.1 is the date of award of the original Framework Agreement. The

Modification of the Framework Agreement has not been entered into prior to publication of this VEAT notice.

#### **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: [2021/S 047-119371](#)

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## **Section V. Award of contract/concession**

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

6 November 2020

#### **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**

Balfour Beatty Construction Limited

Ravelston Terrace

Edinburgh

EH4 3TP

Telephone

+44 7580473753

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**

BAM Construction Scotland

Kelvin House, Buchanan Gate Business Park

Stepps

G33 6FB

Telephone

+44 1417798888

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

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

John Graham Construction Ltd, t/a Graham

1 Seaward Place, Centurion Business Park

Glasgow

G41 1HH

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**

Kier Construction

Buchanan Business Park, Stepps

Glasgow

G33 6HZ

Telephone

+44 7773575001

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**

McLaughlin & Harvey

15 Trench Road, Mallusk

Mallusk

BT36 4TY

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

The contractor/concessionaire is an SME

No

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

Robertson Construction Group

Robertson House,, Castle Business Park

Stirling

FK9 4TZ

Telephone

+44 7767562545

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £650,000,000

Lowest offer: £68,299,189 / Highest offer: £99,575,547 taken into consideration

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## **Section VI. Complementary information**

### **VI.3) Additional information**

(SC Ref:792227)

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

Edinburgh Sheriff Court and Justice of the Peace Court

Sheriff Court House 27 Chambers Street

Edinburgh

EH1 1LB

Country

United Kingdom

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The notification will incorporate a 'standstill period' of a minimum of 10 clear calendar days between the date on which the Authority despatches the VEAT notice and the date on which the authority proposes to issue the modification notice.

The bringing of court proceedings against the authority during the standstill period will automatically continue the prohibition on entering into the framework agreement modification notice until the court proceedings are determined, discontinued or disposed of, or the court, by interim order, brings to an end the prohibition. The remedies that may be awarded by the courts before the framework agreement has been entered into include the setting aside of the decision to award the framework agreement modification notice.

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.