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Contract

## **NP56318 Peritoneal Dialysis**

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

F20: Modification notice

Notice identifier: 2023/S 000-010574

Procurement identifier (OCID): ocds-h6vhtk-03be3e

Published 13 April 2023, 8:44am

### **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](mailto: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](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883)

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**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.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 at the time of conclusion of the contract:**

The framework agreement is 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.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Start date

1 April 2018

End date

31 March 2023

#### **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.2) Administrative information**

#### **IV.2.1) Contract award notice concerning this contract**

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

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

### **Contract No**

NP56318

### **Title**

NP56318 Peritoneal Dialysis

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

#### **V.2.1) Date of conclusion of the contract/concession award decision:**

16 February 2018

#### **V.2.2) Information about tenders**

The contract/concession 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 the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £17,800,000

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## **Section VI. Complementary information**

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

The estimated value(s) of the Framework Agreement referred to in Section V.2.4 cover(s) cover(s) the sixty (60) month contract duration and the twelve (12) month extension period of the Framework Agreement.

(SC Ref:728493)

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

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

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

[edinburgh@scotcourts.gov.uk](mailto: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.

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 33600000 - Pharmaceutical products

#### **VII.1.2) Additional CPV code(s)**

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

#### **VII.1.3) Place of performance**

NUTS code

- 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.

#### **VII.1.4) Description of the procurement:**

The framework agreement is 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.

#### **VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

12

**VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£3,800,000

**VII.1.7) 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

**VII.1.7) 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

## **VII.2) Information about modifications**

### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

This modification effects an extension of the Framework Agreement duration from 01 April 2023 until 31 March 2024. The modification notice is advised at Framework Agreement level only and so it does not detail individual Lots. All Terms and Conditions of Contract remain in place.

### **VII.2.2) Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

This modification is necessary to meet the additional demands of the Scottish Health and Social Care sector during the Covid-19 pandemic and associated recovery, to maintain supply and remove unnecessary disruption from the Authority due to circumstances

unforeseen by the Authority in line with Regulation 72(1)(c) of the Public Contracts (Scotland) Regulations 2015.

**VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £3,800,000

Total contract value after the modifications

Value excluding VAT: £21,680,000