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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

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

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

Section IV. Procedure

IV.2) Administrative information

IV.2.1) Contract award notice concerning this contract

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

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

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

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.

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