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Contract

NP813/18 - Authorising Engineers - Water

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

F20: Modification notice

Notice identifier: 2023/S 000-020787

Procurement identifier (OCID): ocds-h6vhtk-03e363

Published 19 July 2023, 2:19pm

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

Email

NSS.e-fcategory@nhs.scot

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

<http://www.nhsscotlandprocurement.scot.nhs.uk/>

Buyer's address

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

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

NP813/18 - Authorising Engineers - Water

II.1.2) Main CPV code

- 71300000 - Engineering services

II.1.3) Type of contract

Services

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

Main site or place of performance

All NHS properties throughout Scotland.

II.2.4) Description of the procurement at the time of conclusion of the contract:

The AE (Water) will act as an independent professional adviser to the NHS Health Boards. The AE (Water) will be appointed by the NHS Health Boards with a brief to provide services in accordance with all parts of Scottish Health Technical Memoranda (SHTM 00 and 04-01, all parts) guidance, COSHH and HSE ACoP L8.

The AE (Water) must be qualified to AE Foundation Certificate level and should preferably

be a qualified Microbiologist for this discipline, with a relevant degree in the field of science, preferably Microbiology and at least ten years relevant experience in healthcare. The organisation providing the service shall be a member of the Legionella Control Association and comply with its code of conduct.

In addition to the AE (Water) services stated, in the event that the NHS Health Board requests the contracted organisation to provide assistance with technical engineering issues related to AE (Water) services, then the contracted organisation must either directly employ a suitably qualified person, preferably a Chartered Engineer or arrange for one from a qualified third party to provide the service required. This suitably qualified person must have a minimum ten years relevant experience in healthcare sector.

II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession

Start date

1 September 2018

End date

15 April 2022

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: [2018/S 078-174285](#)

Section V. Award of contract/concession

Contract No

23035

Title

NP813/18 - Authorising Engineers - Water

V.2) Award of contract/concession

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

1 September 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

Pro Lp Consulting Ltd

9 Broomhill Drive

Glasgow

G73 3QH

Telephone

+44 7801640127

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

Yes

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

Hydrop

Wrens Court, 55 Lower Queen Street

Sutton Coldfield

B72 1RT

Telephone

+44 1213542030

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

Yes

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

Water Hygiene Centre

4 Southill Business Park, Cornbury Park

Charlbury

OX7 3EW

Telephone

+44 1993840400

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

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: £563,896

Section VI. Complementary information

VI.3) Additional information

The buyer is using PCS-Tender to conduct this ITT exercise.

(SC Ref:738461)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

Edinburgh

EH1 1LB

Country

United Kingdom

Internet address

<http://www.nhsscotlandprocurement.scot.nhs.uk/>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

The Authority will notify economic operators who submitted a tender or (where no deselection notification has previously been made) applied to be selected to tender, of its decision to award the framework agreement which notification will contain among other

information, a summary of the reasons why the economic operator was unsuccessful. The notification will incorporate a 'standstill period' of a minimum of 10 clear calendar days (or a minimum of 15 if the communication method used is not electronic) between the date on which the Authority despatches the notice(s) and the date on which the Authority proposes to conclude the relevant framework agreement. The bringing of court proceedings against the Authority during the standstill period will automatically continue the prohibition on entering into the framework agreement 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 to the winning tenderer(s). 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 2012 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. Economic operators are entitled to write to the Authority after receipt of the notification should they require further clarification. The Authority will respond within 15 days of such a written request, but it should be noted that receipt by the Authority of such request during the standstill period may not prevent the Authority from awarding the framework agreement following the expiry of the standstill period. Where an economic operator is dissatisfied with the Authority's response to its request for clarification, or considers that the framework agreement has been concluded in breach of The Public Contracts (Scotland) Regulations 2012, such economic operator is advised to promptly seek independent legal advice.

Section VII: Modifications to the contract/concession

VII.1) Description of the procurement after the modifications

VII.1.1) Main CPV code

- 71300000 - Engineering services

VII.1.3) Place of performance

NUTS code

- UKM - Scotland

VII.1.4) Description of the procurement:

The scope of this contract is for the services of an Authorising Engineer - Water to ensure that safe systems of work

and inspection regimes are in place and carried out in accordance with the guidance and legislative requirement

throughout NHS Scotland. The scope of the proposed framework agreement will cover the provision of Authorising

Engineers Services for Water only.

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:

£563,896

VII.1.7) Name and address of the contractor/concessionaire

Pro Lp Consulting Ltd

9 Broomhill Drive

Glasgow

G73 3QH

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

Yes

VII.1.7) Name and address of the contractor/concessionaire

HYDROP E.C.S.

Wrens Court, 55 Lower Queen Street

Sutton Coldfield

B72 1RT

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

VII.1.7) Name and address of the contractor/concessionaire

Water Hygiene Centre

4 Southill Business Park, Cornbury Park

Charlbury

OX7 3EW

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

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):

The change to this Framework is an additional 12 month extension covering period 16/04/23 to 15/04/24. All terms & conditions of original award 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:

The additional demands of the Scottish Health and Social Care sector during the Covid-19 pandemic (and recovery of services) 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.

The priorities for NSS, NHS Scotland and likely those suppliers who would wish to be part of a tender process (due to severe market conditions) have changed, as a result it is a necessary step to delay start of new tender process necessitating a 12 month extension to current framework.

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: £675,000

Total contract value after the modifications

Value excluding VAT: £787,000