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Contract

Medical Liquid Oxygen and Associated Equipment and Services

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

F20: Modification notice

Notice identifier: 2022/S 000-033663

Procurement identifier (OCID): ocds-h6vhtk-037562

Published 28 November 2022, 3:08pm

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

Marta Siwek

Email

marta.siwek@nhs.scot

Telephone

+44 1698794496

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

Medical Liquid Oxygen and Associated Equipment and Services

Reference number

NP37314

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)

- 33600000 - Pharmaceutical products

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

Main site or place of performance

All entities constituted pursuant to NHS (Scotland) Act 1978, any Integrated Joint Boards established pursuant to New Public Bodies (Joint Working) Scotland Act 2014.

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

This framework extension is for the supply of Medical Liquid Oxygen and Associated Equipment and Services to NHS Scotland.

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

Duration in months

108

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 000-028819](#)

Section V. Award of contract/concession

Contract No

NP37314

Title

Medical Liquid Oxygen and Associated Equipment and Services

V.2) Award of contract/concession

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

17 September 2014

V.2.2) Information about tenders

The contract/concession has been awarded to a group of economic operators: No

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

Air Products PLC

2 Millennium Gate, Westmere Drive

Crewe

CW1 6AP

Telephone

+44 1270614082

Fax

+44 8003890202

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: £17,774,858

Section VI. Complementary information

VI.3) Additional information

The estimated value referred to in Section V.2.4 covers the ninety-six (96) months of the framework length and twelve (12) months extension period of the framework agreement.

(SC Ref:714327)

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.1.3) 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 IJBs established pursuant to the Public Bodies (Joint Working) Scotland Act 2014.

VII.1.4) Description of the procurement:

This extension is for the supply of Medical Liquid Oxygen and Associated Equipment and Services to NHS Scotland.

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

Start date

1 November 2023

End date

31 October 2024

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

Total value of the contract/lot/concession:

£2,027,962

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

Air Products Plc

2 Millennium Gate, Westmere Drive

Crewe

CW1 6AP

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 modification to this Framework Agreement is an additional twelve-months extension. All terms & 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:

The additional demands of the Scottish Health and Social Care sector during the Covid-19 pandemic (and recovery of services), the need to maintain necessary supply and remove unnecessary disruption from the Authority at this time are all factors that have deemed this modification necessary 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: £17,774,858

Total contract value after the modifications

Value excluding VAT: £19,802,820