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Date: 27 January 2022
Our ref: K: FOI/Ref: 2021-000518

Direct Line: 0131 275 6807
Email: nss.pcf-foi@nhs.scot

Dear [REDACTED]

Freedom of Information Reference: FOI-2021- 000518 - NP590/15 Supply of Children's Buggies & Adult and Children's Wheelchairs

I refer to your freedom of information request which we received on 24 December 2021.

I can advise you that we have now completed the search of our records and can provide you with the following information:

- 1. Could The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS") please provide the documentation that informed manufactures of the legal changes being made to the contract NP590/15 Supply of Children's Buggies & Adult and Children's Wheelchairs which expired March 2020, and how these where communicated.**

The original term of this contact expired in March 2020. At that time business as usual contract work was interrupted for National Procurement resources to support the Scottish Government's response to the COVID-19 pandemic. The contract was extended with existing framework suppliers from 1st April 2020 to 30th September 2021. Extension letters were issued to Framework suppliers, see attached and listed below. No VEAT or modification notice was issued at that time. A further extension was approved from 30 September 2021 to 30 September 2022. Extension letters were issued to Framework suppliers, see attached and listed below. The ongoing pandemic, resource constraints and staff absences resulted in a delay to publishing this contract modification notice and a number of others.

Appendix 1 - 17th March 2020 Ext Letter – Chunc Ltd

Appendix 2 - 17th March 2020 Ext Letter – HC 21

Appendix 3 - 17th March 2020 Ext Letter – Invacare

Appendix 4 - 17th March 2020 Ext Letter – Ottobock

Appendix 5 - 17th March 2020 Ext Letter – Quantum



Headquarters

Gyle Square, 1 South Gyle Crescent, EDINBURGH EH12 9EB

Chairperson Keith Redpath

- Appendix 6** - 17th March 2020 Ext Letter – R-Link
- Appendix 7** - 17th March 2020 Ext Letter - Sunrise
- Appendix 8** - 28th September 2021 Ext Letter – Chunc Ltd
- Appendix 9** - 28th September 2021 Ext Letter – HC 21
- Appendix 10** - 28th September 2021 Ext Letter - Invacare
- Appendix 11** - 28th September 2021 Ext Letter - Ottobock
- Appendix 12** - 28th September 2021 Ext Letter -Quantum
- Appendix 13** - 28th September 2021 Ext Letter – R-Link
- Appendix 14** - 28th September 2021 Ext Letter - Sunrise
- Appendix 15** – Notice 679269

A new tender for Children's Buggies & Adult and Children's Wheelchairs is planned for issue in the Spring or early Summer 2022, enabling a new contract to be awarded from October 2022. Any supplier is encouraged and invited to participate in the procurement. Notification of the tender will be published on Public Contracts Scotland and Find a Tender Service (FTS).

2. **Could The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS") please provide the documentation that covers the internal process for these communication changes, either in an abridged form if document is extensive.**

Due to the unprecedented challenges on National Procurement resource due to the pandemic, there were a number of frameworks that needed to be extended under Regulation 72 (1)(b) and (c) of the Public Contracts (Scotland) Regulations 2015. It was during this period we noted that our work instructions did not fully reflect the need to issue a modification notice to that effect to the OJEU (now FTS). We have remedied this and now observe the following updated procedure an excerpt of which is produced as follows:

Extract below from internal work instruction for extending out with contractual term – version available in internal Quality Management System from August 2021.

Please see **Appendix 16** - Contract Extension Outside of Advertised Contract Term

It should be noted that the volume of activity and that extensions were already in progress has resulted in the late publishing of notices.

3. **Could The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS") please provide the details of any additional contracts that have expired and have not been formally communicated to inform manufactures of missed/delayed opportunities to gain access to these contracts when either a 15 voluntary ex ante Transparency (VEAT) Notice or 20 Modification Notice was not provided. [We represent other manufactures who have also expressed some concern]**



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All frameworks extended using Regulation 72(1)(b) or (c) have had modification notices published. Prior to updated work instruction (Aug 21) there were 12 notices with delayed publication covering legacy extensions. Please see **Appendix 17 Table 1**.

Following the updated work instruction, 7 modifications have been published, but after extension start date, 2 including VEAT notices. **See Appendix 17 Table 2**.

Reasoning for the delayed modification publication is due to ongoing constraints of the pandemic and has been acknowledged on the published notice.

I trust you will find the information of assistance and if you require any further information please do not hesitate to contact me.

If you are unhappy with any aspect of how we have dealt with your request you can make representations to us asking us to review the handling of your request. Please write to the

Associate Director Information Security & Governance
Digital & Security
NHS National Services Scotland
Headquarters
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within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online application form](#).

If you have any queries about this letter, please contact me at the above address.

Yours sincerely



Alan Davies
Business Support Manager



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