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Tender

## **Antibiotic, Antiviral & Genito Urinary Medicines**

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

F02: Contract notice

Notice identifier: 2022/S 000-000510

Procurement identifier (OCID): ocds-h6vhtk-030896

Published 7 January 2022, 2:34pm

### **Section I: Contracting authority**

#### **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**

[siobhan.ramage@nhs.scot](mailto:siobhan.ramage@nhs.scot)

#### **Telephone**

+44 1698794410

#### **Country**

United Kingdom

**NUTS code**

UKM - Scotland

**Internet address(es)**

Main address

<http://www.nss.nhs.scot>

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)

**I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/login.html>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/login.html>

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Health

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Antibiotic, Antiviral & Genito Urinary Medicines

Reference number

NP36122

#### **II.1.2) Main CPV code**

- 33600000 - Pharmaceutical products

#### **II.1.3) Type of contract**

Supplies

#### **II.1.4) Short description**

This Framework Agreement is for the supply of Antibiotic, Antiviral & Genito Urinary Medicines to health boards across NHS Scotland. The Goods have been split into four (4) categories, each of which is identified as a "Lot". Full details of each Lot is contained in section II.2 of this notice.

#### **II.1.5) Estimated total value**

Value excluding VAT: £54,927,224

#### **II.1.6) Information about lots**

This contract is divided into lots: Yes

Tenders may be submitted for all lots

### **II.2) Description**

#### **II.2.1) Title**

Tobramycin, Colistimethate and Dornase Alfa Medicines for Inhalation

Lot No

2

**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 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**

Supply of Tobramycin, Colistimethate and Dornase Alfa Medicines for Inhalation to NHS Scotland in a range of presentations. The Authority intends awarding each product line as a multi-supplier unranked framework agreement on a line by line basis and it is envisaged a maximum of six (6) Framework Participants will be awarded to each line. Full details can be found within the ITT.

**II.2.5) Award criteria**

Quality criterion - Name: Logistics / Weighting: 5%

Price - Weighting: 95

**II.2.6) Estimated value**

Value excluding VAT: £891,564

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

Duration in months

24

This contract is subject to renewal

Yes

## Description of renewals

This Framework Agreement includes the option to extend for period(s) up to a combined total period of twenty-four (24) months, upon giving not less than three (3) months written notice of each extension, such notice to expire no later than the date the Framework Agreement is due to expire.

### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: No

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

## **II.2) Description**

### **II.2.1) Title**

Antibiotics for supply to the National NHS Pharmaceutical Specials Service (PSS)

Lot No

4

### **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

National NHS Pharmaceutical Specials Service (PSS), James Arnott Drive, Ninewells Hospital & Medical School, Dundee, DD2 1UB.

### **II.2.4) Description of the procurement**

This Lot is for the supply of twenty five (25) Antibiotic products direct to the National NHS Pharmaceutical Specials Service (PSS), based in NHS Tayside. The Authority intends awarding each product line within this lot to a single Framework Participant. Full details can be found within the ITT.

**II.2.5) Award criteria**

Quality criterion - Name: Batch Number / Weighting: 7.5%

Quality criterion - Name: Delivery Schedule / Weighting: 7.5%

Quality criterion - Name: Expiry Date / Weighting: 5%

Price - Weighting: 80

**II.2.6) Estimated value**

Value excluding VAT: £1,262,480

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement includes the option to extend for period(s) up to a combined total period of twenty-four (24) months, upon giving not less than three (3) months written notice of each extension, such notice to expire no later than the date the Framework Agreement is due to expire.

**II.2.10) Information about variants**

Variants will be accepted: No

**II.2.11) Information about options**

Options: No

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

## **II.2) Description**

### **II.2.1) Title**

Antibiotic, Antiviral & Genito Urinary Medicines

Lot No

1

### **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 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**

Supply of Antibiotic, Antiviral & Genito Urinary Medicines to NHS Scotland. The Authority intends awarding each product line within this Lot to a single Framework Participant. Full details of Goods and volumes can be found within the ITT documents.

### **II.2.5) Award criteria**

Quality criterion - Name: Logistics / Weighting: 5%

Price - Weighting: 95

### **II.2.6) Estimated value**

Value excluding VAT: £50,173,956

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement includes the option to extend for period(s) up to a combined total period of twenty-four (24) months, upon giving not less than three (3) months written notice of each extension, such notice to expire no later than the date the Framework Agreement is due to expire.

### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: No

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

## **II.2) Description**

### **II.2.1) Title**

Emergency Planning Antibiotics

Lot No

3

### **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

TPS Healthcare Ltd, 27-35 Napier Place, Wardpark, Cumbernauld, G68 0LL.

#### **II.2.4) Description of the procurement**

The Emergency Planning Antibiotic Lot includes six (6) products to be directly purchased by the Authority with direct deliveries to one nominated distributor to be held locally in Scotland for Emergency Pandemic purposes. The Authority intends awarding each product line within this Lot to a single Framework Participant. Full details can be found within the ITT.

#### **II.2.5) Award criteria**

Quality criterion - Name: Manufacturing Plant / Weighting: 2.5%

Quality criterion - Name: API Sources / Weighting: 2.5%

Price - Weighting: 95

#### **II.2.6) Estimated value**

Value excluding VAT: £2,599,224

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement includes the option to extend for period(s) up to a combined total period of twenty-four (24) months, upon giving not less than three (3) months written notice of each extension, such notice to expire no later than the date the Framework Agreement is due to expire.

### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: No

### **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 III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

Economic operators may be excluded from this competition if they are in breach of any of the situation referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

#### **III.1.3) Technical and professional ability**

List and brief description of selection criteria

(a) Potential Framework Participants must be able to demonstrate the existence of a valid and current UK Marketing Authorisation (PL or PLGB number) that has been approved by the MHRA for all tendered Medicines at the date of submission of the tender.

(b) Potential Framework Participants and any sub-contractor(s) must possess valid certification of BS EN ISO 9001 or equivalent at the date of submission of the tender.

(c) Potential Framework Participants must be able to demonstrate that all medical devices and associated ancillaries which are classed as medical devices tendered under this Framework Agreement comply with Medical Devices Regulations 2002 (SI 2002 No 618, as amended) (UK MDR 2002) and have an appropriate declaration of conformity and display a valid CE, CE UKNI or UKCA mark at the date of submission of the tender.

(d) All tendered Goods must comply with the MHRA best Practice Guidance on Labelling

and Packaging and the National Patient Safety Agency ("NPSA") Guidelines on Packaging and Labelling on pack design.

Minimum level(s) of standards possibly required

a) Confirmation of existence of a valid and current UK Marketing Authorisation (PL or PLGB number) that has been approved by the MHRA for all tendered Medicines at the date of submission of the tender, should be included in the Qualification Envelope of the ITT under the Technical and Professional ability: Quality Control.

(b) Confirmation of the existence of valid certification of BS EN ISO 9001 or equivalent at the date of submission of the tender should be included in the Qualification Envelope of the ITT under the Quality Assurance Schemes.

(c) Confirmation that all devices tendered and associated ancillaries which are classed as medical devices will carry the appropriate declaration of conformity for the UK market and display a valid CE, CE UKNI or UKCA at the date of submission of the tender should be included in the Qualification Envelope of the ITT under the Technical and Professional ability: Quality Control.

(d) Confirmation that samples for tendered Goods will be supplied upon request to ensure compliance with the MHRA best Practice Guidance on Labelling and Packaging and the National Patient Safety Agency ("NPSA") Guidelines on Packaging and Labelling on pack design. Confirmation of sample provision should be provided in the Qualification Envelope of the ITT under Technical and Professional ability: Products

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Open procedure

#### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: Yes

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

### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

7 February 2022

Local time

12:00pm

### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 3 (from the date stated for receipt of tender)

### **IV.2.7) Conditions for opening of tenders**

Date

7 February 2022

Local time

12:00pm

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: No

### **VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

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

The estimated value(s) referred to in Section II.1.5 & All Lots cover(s) the twenty four (24) month contract duration and the twenty-four (24) month extension period of the framework agreement.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 20261. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

Community benefits are included in this requirement. For more information see:

<https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

A summary of the expected community benefits has been provided as follows:

The Statement of Requirements will detail the Community Benefit background and objectives. The contract will mandate that suppliers respond in its tender outlining current Community Benefit proposals if successful and mandating that they support the overall Community Benefit concept and process including a contract and supplier management process post award.

(SC Ref:677344)

### **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

#### **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.