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Tender

NP42223 Provision of Pharmaceutical Goods and Services to Prisons in NHS Scotland.

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

F02: Contract notice

Notice identifier: 2023/S 000-004632

Procurement identifier (OCID): ocds-h6vhtk-03a5d5

Published 15 February 2023, 11:48am

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

Contact

Stephanie McNiven

Email

stephanie.mcniven2@nhs.scot

Telephone

+44 1312757454

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

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

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

NP42223 Provision of Pharmaceutical Goods and Services to Prisons in NHS Scotland.

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.1.4) Short description

This Public Contract is for the supply of pharmaceutical goods and services to prisons and community custody units located within nine health boards across NHSScotland.

II.1.5) Estimated total value

Value excluding VAT: £17,400,000

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.2) Additional CPV code(s)

- 75231230 - Prison services
- 33600000 - Pharmaceutical products

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

Prisons and community custody units across NHS Scotland, a list of the prisons is

available at <http://www.sps.gov.uk/Corporate/Prisons/Prisons.aspx>

II.2.4) Description of the procurement

The Authority is looking for one Supplier to provide the good and services to all noted Participating Authorities (the Contractual structure will be such that separate Contracts for each Participating Authority will be formed on the basis of the one Specification, and the one set of Terms and Conditions).

The Public Contracts are for the provision of pharmacy products and related services to all prisons and community custody units throughout Scotland in order to meet the pharmaceutical care needs of patients to agreed professional standards.

The Supplier appointed to the Contracts will be required to source and supply all required medicines and pharmaceutical supplies, dispense and deliver the Goods to all prisons and community custody units across Scotland and provide a professional pharmaceutical service to patients in these prisons.

The Contract Specification sets out the full service requirement which includes a supply and dispensing function and a clinical service element. For clarity, the requirement is that Potential Suppliers will be able to provide a full supply and dispensing function to all Premises detailed in the Contract Specification from the contract start date. The clinical service element will be implemented as soon as possible thereafter, further to discussion and agreement with the Authority and Participating Authorities.

The estimated value referred to in Section II.1.5 and II.2.6. does not include spend for the following medicines; Hepatitis C, Nicotine Replacement Therapy, Buvidal or Espranor. These medicines have an estimated total annual value of 5 900 000 (GBP) that the Supplier appointed to the Contract will be required to source.

Full detail of the Contract requirements can be found within the ITT documents.

II.2.5) Award criteria

Quality criterion - Name: Supply and Dispensing - Sourcing of Medicines / Weighting: 5%

Quality criterion - Name: Supply and Dispensing - Order Receipt and Dispensing/Stock Supply Process / Weighting: 5%

Quality criterion - Name: Supply and Dispensing - Delivery Solution / Weighting: 5%

Quality criterion - Name: Supply and Dispensing - Reporting Capabilities / Weighting: 5%

Quality criterion - Name: Professional Service - Patient Medication Record Creation and

Maintenance / Weighting: 5%

Quality criterion - Name: Professional Service - Pharmaceutical Care Review Process & Reporting / Weighting: 5%

Quality criterion - Name: Professional Service - Clinical Governance Adherence / Weighting: 5%

Quality criterion - Name: Risk and Deliverability - Contingency Planning / Weighting: 10%

Quality criterion - Name: Risk and Deliverability - Implementation Process / Weighting: 5%

Quality criterion - Name: Sustainability - Transport / Weighting: 5%

Price - Weighting: 45

II.2.6) Estimated value

Value excluding VAT: £17,400,000

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

The Contract may be extended at the sole discretion of the Participating Authorities on 1, 2, or 3 occasions as determined by the Authority for a further period of 1 year on each occasion, provided a notice of extension has been served on the Supplier by the Authority on behalf of all Participating Authorities no later than 1 month prior to the date upon which the Contract would otherwise 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

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 situation referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015

III.1.2) Economic and financial standing

List and brief description of selection criteria

The turnover of the economic operator in respect of its most recent full financial year must have been equal to or more than 20 000 000 (GBP).

Minimum level(s) of standards possibly required

The economic operator must provide either of the below within the Qualification Envelope of the ITT under the Economic and Financial Standing :-

(1) an extract from its audited accounts in respect of its most recent full financial year stating the turnover of the economic operator in respect of such financial year, such extract certified on its face by a solicitor or a chartered accountant as being a true copy of the original document, or

(2) a statement certified by the economic operator's auditors confirming the turnover of the economic operator in respect of its most recent full financial year.

III.1.3) Technical and professional ability

List and brief description of selection criteria

(a) All of the Goods supplied under the Contract must be stored in and distributed from a site holding an MHRA Wholesaler Dealers Authorisation which covers P, POM and GSL medicines.

- (b) Potential Suppliers and any sub-contractor(s) must possess valid certification of BS EN ISO9001 or equivalent.
- (c) All of the dispensed Goods supplied under the Contract will be dispensed in a pharmacy which at the time of dispensing is registered with the General Pharmaceutical Council.
- (d) All of the Pharmacist and Pharmacy Technician staff used to service this Contract will be registered with the General Pharmaceutical Council.
- (e) All direct prisoner contact will be undertaken by staff that, at the time of service provision, are members of the relevant Protecting Vulnerable Group scheme and all other staff involved in the delivery of this Contract, including all sub-contractors and couriers that, at the point of service provision, have Standard Disclosure clearance in accordance with the prevailing regulations.
- (f) Potential Suppliers are required to provide evidence that their organisation has taken steps to build their awareness of the climate change emergency and how they will respond.
- (g) Potential Suppliers and any sub-contractor(s) must possess a waste carriers licence.
- (h) Potential Suppliers and any sub-contractor(s) must possess a waste management licence.

Minimum level(s) of standards possibly required

- (a) Confirmation that the storage and distribution site(s) that will supply all medicines hold a current and valid MHRA Wholesaler Dealers Authorisation registration certificate must be included in the Qualification Envelope of the ITT under Technical and Professional ability: Quality Control.
- (b) Confirmation of the existence of valid certification of BS EN ISO 9001 or equivalent. Confirmation of such certification must be included in the Qualification Envelope of the ITT under Technical and Professional ability: Quality Assurance Schemes.
- (c) Confirmation of the dispensing site(s) General Pharmaceutical Council registration certificate must be included in the Qualification Envelope of the ITT under Technical and Professional ability: Quality Control.
- (d) Confirmation of the Work Instructions and a description of the processes that would be in place to ensure all Pharmacists and Pharmacy Technicians employed to service this Contract were registered with the General Pharmaceutical Council must be included in the Qualification Envelope of the ITT under Technical and Professional ability: Service

Contracts.

(e) Confirmation of Work Instructions and a description of the processes that would be in place to ensure all staff with direct prisoner contact were members of the relevant Protecting Vulnerable Groups scheme and that all other staff involved in the delivery of this Contract hold a Disclosure Scotland certificate at basic level at the time of service provision must be included in the Qualification Envelope of the ITT under Technical and Professional ability: Service Contracts.

(f) A completed copy of the Bidder Climate Change Plan template, including planned projects and actions to reduce the bidder's carbon emissions must be provided in the Qualification Envelope of the ITT under Environmental Management. This does not need to contain calculated carbon emissions.

(g) Confirmation of a waste carrier license must be provided in the Qualification Envelope of the ITT under Technical and Professional ability: Quality Control.

(h) Confirmation of a waste management license must be provided in the Qualification Envelope of the ITT under Technical and Professional ability: Quality Control.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Open procedure

Accelerated procedure

Justification:

Due to the previous inability to award a contract as no tenders or requests to participate were received, the accelerated procedure is being used due to the urgent requirement to assess potential commercial solutions for the provision of pharmaceutical services and supplies to prisons in Scotland and allow the safe transition of services to a new Supplier.

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

2 March 2023

Local time

4:00pm

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

2 March 2023

Local time

4:00pm

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 Common Services Agency (more commonly known as National Services Scotland) ('the Authority') acting through its division National Procurement, is undertaking this procurement of Provision of Pharmaceutical Goods and Services to Prisons in NHS Scotland on behalf of all entities constituted pursuant to the National Health Service (Scotland) Act 1978, (i.e. all NHS Scotland Health Boards, Special Health Boards and the Authority or other NHS Organisation established pursuant to the NHS (Scotland) Act 1978), any integrated Joint Boards established pursuant to the new Public Bodies (Joint Working) Scotland Act 2014 (collectively hereafter referred to as 'Participating Authorities') where applicable.

The estimated value referred to in Section II.1.5 and II.2.6 cover(s) the thirty six (36) month Contract duration and the three (3) individual twelve (12) month extension periods of the Contract.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 23517. 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:

It is a mandatory requirement that Potential Participants agree to support the concept, provision and ongoing development of community benefits provision in relation to this Contract.

Potential Participants are required to agree to this mandatory requirement. They are also requested to provide a brief summary of the community benefits that have recently been delivered within Scotland, if at all, and also what impact and outcomes these have achieved.

Potential Participants are required to summarise any proposed community benefits that will be developed and delivered as part of this contract if successful or, alternatively, Potential Participants confirm that they will engage with the NHS Scotland's Community Benefits Gateway (CBG). This gateway, developed through requests from suppliers seeking opportunities to support the delivery of community benefits within the contracting region, provides information on community benefit opportunities. The CBG is a free and easy to use online service that connects NHS Scotland suppliers with third sector community organisations within Scotland and will be used for tracking and reporting and is an approved compliant route to the realisation of community benefits.

For further information please visit www.nss.nhs.scot/procurement-and-logistics/sustainability/access-our-community-benefit-gateway

(SC Ref:722682)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

edinburgh@scotcourts.gov.uk

Telephone

+44 1312252525

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

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 operators 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 dispatches 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 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.