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Award

## **Trastuzumab (Herceptin®) 600mg/5ml solution for Injection**

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-004908

Procurement identifier (OCID): ocds-h6vhtk-029a9d

Published 11 March 2021, 9:16am

### **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**

[Linda.Downie3@nhs.scot](mailto:Linda.Downie3@nhs.scot)

#### **Telephone**

+44 1698794571

#### **Country**

United Kingdom

**NUTS code**

UKM - SCOTLAND

**Internet address(es)**

Main address

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

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.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**

Trastuzumab (Herceptin®) 600mg/5ml solution for Injection

Reference number

NP91221(a)

**II.1.2) Main CPV code**

- 33600000 - Pharmaceutical products

**II.1.3) Type of contract**

Supplies

**II.1.4) Short description**

The supply of Trastuzumab (Herceptin®) 600mg/5ml solution for Injection to NHS Scotland

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

This contract is divided into lots: No

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £27,141,272

### **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 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**

The supply of Trastuzumab (Herceptin®) 600mg/5ml solution for Injection to NHS Scotland.

#### **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 IV. Procedure**

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

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

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - protection of exclusive rights, including intellectual property rights

Explanation:

The medicine awarded to this Framework Agreement are, and will continue to be, protected by patent for the duration of the Framework Agreement.

#### **IV.1.3) Information about a framework agreement**

The procurement involves the establishment of a framework agreement

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

The procurement is covered by the Government Procurement Agreement: Yes

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## **Section V. Award of contract/concession**

### **Contract No**

NP91221(a)

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

10 March 2021

#### **V.2.2) Information about tenders**

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

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

Roche Products Ltd

6 Falcon Way, Shire Park

Welwyn Garden City

AL7 1TW

Country

United Kingdom

NUTS code

- UK - UNITED KINGDOM

The contractor/concessionaire is an SME

No

#### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £27,141,272

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## **Section VI. Complementary information**

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

The estimated value in Sections II.1.7 and V.2.4 covers the thirty (30) month duration of the Framework Agreement and the eighteen (18) month extension option.

(SC Ref:646987)

### **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)

Telephone

+44 1312252525

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.

