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Award

## **NP49119 Hepatitis C Medicines**

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-005777

Procurement identifier (OCID): ocds-h6vhtk-03aca9

Published 28 February 2023, 10:32am

### **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**

Nadia Crockett

#### **Email**

[nadia.crockett@nhs.scot](mailto:nadia.crockett@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](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**

NP49119 Hepatitis C Medicines

**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 medicines used in the treatment of Hepatitis C to NHSScotland. It includes both a treatment cost per medicine and a treatment spend cap.

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

This contract is divided into lots: Yes

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

Value excluding VAT: £5,873,754

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

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

Treatment Cost per Medicine

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**

This Framework Agreement is for the supply of medicines used in the treatment of Hepatitis C to NHSScotland. This Lot is for the treatment cost per medicine.

#### **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**

Treatment Spend Cap

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**

This Framework Agreement is for the supply of medicines used in the treatment of Hepatitis C to NHSScotland. This Lot is for the treatment spend cap.

### **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

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

This VEAT Notice is to advise the need for modification to meet the additional demands of the Scottish Health and Social Care sector during the Covid-19 pandemic and associated recovery, to maintain supply and remove unnecessary disruption from the Authority due to circumstances unforeseen by the Authority in line with Regulation 72(1)(c) of the Public Contracts (Scotland) Regulations 2015.

#### 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

### IV.2) Administrative information

#### IV.2.1) Previous publication concerning this procedure

Notice number: [2019/S 108-262913](#)

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## Section V. Award of contract/concession

### Lot No

1

### Title

Treatment Cost per Medicine

A contract/lot is awarded: Yes

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

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

28 February 2023

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

The contract has been awarded to a group of economic operators: Yes

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

AbbVie Ltd

Abbott House, Vanwall Road

Maidenhead

SL6 4XE

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

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

Gilead Sciences Ltd

280 High Holborn , Holborn

London

WC1V 7EE

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

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

Merck Sharp & Dohme UK Ltd

120 Moorgate, London, United Kingdom

HODDESDON

EC2M 6UR.

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: £5,873,754

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

### **Lot No**

2

### **Title**

Treatment Spend Cap

A contract/lot is awarded: Yes

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

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

28 February 2023

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

The contract has been awarded to a group of economic operators: Yes

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

AbbVie Ltd

Abbott House, Vanwall Road

M Maidenhead

SL6 4XE

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

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

Gilead Sciences Ltd

280 High Holborn , Holborn

London

WC1V 7EE

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: £5,873,754

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## **Section VI. Complementary information**

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

The estimated value(s) referred to in Section II.I.7 and each Lot covers the twelve (12) month modification period of the framework agreement.

(SC Ref:720879)

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

Sheriff Court House

27 Chambers Street

EH1 1LB

Email

[edinburgh@scotcourts.gov.uk](mailto: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.