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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

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

 $\frac{https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA1188}{3}$

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

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

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

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

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

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Country

United Kingdom

NUTS code

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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

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

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 be 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.