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Contract

Emtricitabine / Tenofovir Alafenamide (Descovy®)

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

F03: Contract award notice

Notice identifier: 2022/S 000-006852

Procurement identifier (OCID): ocds-h6vhtk-0313b9

Published 14 March 2022, 12:47pm

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

Rashida Rasool-Gordon

Email

rashida.rasool-gordon@nhs.scot

Telephone

+44 1312756051

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.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

Emtricitabine / Tenofovir Alafenamide (Descovy®)

Reference number

NP91921(u)

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.1.4) Short description

Supply of Emtricitabine 200mg / Tenofovir Alafenamide 10mg tablets and Emtricitabine 200mg / Tenofovir Alafenamide 25mg tablets (Descovy®) 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: £2,788,288

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

Supply of Emtricitabine 200mg / Tenofovir Alafenamide 10mg tablets and Emtricitabine 200mg / Tenofovir Alafenamide 25mg tablets (Descovy®) to NHS Scotland.

II.2.5) Award criteria

Price

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 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 is, and will remain to be, protected by patent for the duration of the framework agreement.

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

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: [2022/S 000-003358](#)

Section V. Award of contract

Contract No

NP91921(u)

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

17 February 2022

V.2.2) Information about tenders

Number of tenders received: 1

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

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

V.2.3) Name and address of the contractor

Gilead Sciences Ltd

280 High Holborn

London

WC1V 7EE

Telephone

+44 7909532240

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor is an SME

No

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

Total value of the contract/lot: £2,788,288

Section VI. Complementary information

VI.3) Additional information

The total value in Sections II.1.7 and V.2.4 refers to the twenty-four (24) months initial period and twenty-four (24) months extension period.

(SC Ref:686517)

VI.4) Procedures for review

VI.4.1) Review body

Edinburgh Sheriff Court

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

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.