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Contract

## **NP38619 Compounded Aseptic Medicines**

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

F20: Modification notice

Notice identifier: 2024/S 000-009562

Procurement identifier (OCID): ocds-h6vhtk-044c3f

Published 25 March 2024, 11:24am

### **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**

Linda Downie

#### **Email**

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

#### **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)

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

NP38619 Compounded Aseptic Medicines

#### **II.1.2) Main CPV code**

- 33600000 - Pharmaceutical products

#### **II.1.3) Type of contract**

Supplies

### **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 at the time of conclusion of the contract:**

This Framework Agreement is for the supply of unlicensed, aseptically compounded, ready to use medicines in syringe and infusion bags to NHS Scotland.

The Goods have been separated into four (4) categories, each of which is identified as a "Lot".

Lot 1 - Atezolizumab, Cetuximab, Doxorubicin, Epirubicin,

Infliximab (Inflectra®), (Remicade®), (Remsima®)

Nivolumab, Pembrolizumab & Pertuzumab

Lot 2 - Cyclophosphamide, Fluorouracil, Irinotecan, Methotrexate & Rituximab (Mabthera®), (Rixathon®), (Truxima®)

Lot 3 - Bortezomib, Carboplatin, Cisplatin, Docetaxel, Gemcitabine, Oxaliplatin, Vincristine & Trastuzumab (Herceptin®), (Herzuma®)

Lot 4 - The molecules included in this Lot are, Bevacizumab,

Cytarabine, Infliximab (Zessly®), Insulin, Methotrexate,

Natalizumab, Nivolumab, Paclitaxel, Pemetrexed, Tocilizumab,

Trastuzumab (Kanjinti®), (Ontruzant®), Trastuzumab Subcutaneous & Vedolizumab

The Framework Participant was required to supply Goods to designated delivery points throughout Scotland for use by Participating Authorities.

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

Duration in months

12

#### **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.2) Administrative information**

#### **IV.2.1) Contract award notice concerning this contract**

Notice number: [2019/S 187-454140](#)

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

**Contract No**

NP38619

## **Title**

NP38619 Compounded Aseptic Medicines

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

### **V.2.1) Date of conclusion of the contract/concession award decision:**

23 February 2024

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

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

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

Baxter Healthcare Ltd

Wallingford Road, Compton,

Newbury, Berkshire

RG20 7QW

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

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

Qualasept Limited t/a Bath ASU

Unit A15 Fiveways Light Industrial Estate, Westwells Road,

Corsham

SN13 9RG

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**

ITH Pharma Limited

Unit 4 Premier Park, Premier Park Road

London

NW10 7NZ

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £21,299,267

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## **Section VI. Complementary information**

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

The estimated value of the Framework Agreement referred to in Section V11.1.6 cover(s) the 48 month contract duration of the Framework

Agreement.

The estimated value in Section V.2.4 covers the additional 12 month extension period of the Framework Agreement.

(SC Ref:761417)

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

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

Sheriff Court House Edinburgh

27 Chambers Street

Edinburgh

EH1 1LB

Email

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

Telephone

+44 1312252525

Country

United Kingdom

Internet address

<http://www.nss.nhs.scot/browse/procurement-and-logistics>

#### **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.

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 33600000 - Pharmaceutical products

#### **VII.1.3) Place of performance**

NUTS code

- 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.



**VII.1.4) Description of the procurement:**

This contract modification, effecting an extension of the Framework Agreement duration from 01/03/2024 until 28/02/2025, has been agreed between the suppliers and the Authority on behalf of NHS Scotland to meet the additional demands of the Scottish Health and Social Care sector.

This modification has been approved to maintain necessary supply and remove unnecessary disruption from the Authority at this time in line with Regulation 72(1)(c) of the Public Contracts (Scotland) Regulations 2015.

**VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

12

**VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£63,213,953

**VII.1.7) Name and address of the contractor/concessionaire**

Baxter Healthcare Ltd

Wallingford Road, Compton,

Newbury, Berkshire

RG20 7QW

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

**VII.1.7) Name and address of the contractor/concessionaire**

Qualasept Limited t/a Bath ASU

Unit A15 Fiveways Light Industrial Estate, Westwells Road,

Corsham

SN13 9RG

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**VII.1.7) Name and address of the contractor/concessionaire**

ITH Pharma Limited

Unit 4 Premier Park, Premier Park Road

London

NW10 7NZ

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

**VII.2) Information about modifications**

### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

This modification effects an extension of the Framework Agreement duration from 01/03/2024 until 28/02/2025. The modification notice is advised at Framework Agreement level only and so it does not detail individual Lots. All Terms and Conditions for the Framework Agreement remain in place.

### **VII.2.2) Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

This modification is necessary to meet the additional demands of the Scottish Health and Social Care sector to maintain necessary supply due to circumstances unforeseen by the Authority, and at this time have rendered this modification necessary, in line with Regulation 72(1)(c) of the Public Contracts (Scotland) Regulations 2015.

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £63,213,953

Total contract value after the modifications

Value excluding VAT: £84,513,220