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Award

## **NP93923a Dimethyl Fumarate (Skilarence®)**

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-009962

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

Published 5 April 2023, 1:44pm

### **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**

Ruaridh Armitage

#### **Email**

[ruaridh.armitage@nhs.scot](mailto:ruaridh.armitage@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**

NP93923a Dimethyl Fumarate (Skilarence®)

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

- 33600000 - Pharmaceutical products

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

Supplies

#### **II.1.4) Short description**

The framework agreement is awarded for the supply of Dimethyl Fumarate (Skilarence®) to NHS Scotland in secondary and homecare settings.

#### **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: £1,025,000

### **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 Services (Scotland) Act 1978, and any Integrated Joint Boards established pursuant to New Public Bodies (Joint Working) Scotland Act 2014.

## **II.2.4) Description of the procurement**

The scope of this framework is to supply Dimethyl Fumarate (Skilarence®) in secondary and homecare settings.

The tender covers: Dimethyl Fumarate 30mg Gastro-resistant Tablets, 42pk, Dimethyl Fumarate 120mg Gastro-resistant Tablets, 90pk & Dimethyl Fumarate 120mg Gastro-resistant Tablets, 180pk.

### **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 is, and will remain 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**

NP93923a

A contract/lot is awarded: Yes

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

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

5 April 2023

#### **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**

Almirall Ltd

Harman House, 1 George St

Uxbridge

UB81QQ

Telephone

+44 7717313230

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: £1,025,000

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### **Section VI. Complementary information**

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

The estimated values referred to in Section II.I.7 and V.2.4 cover the full fifty (50) month contract duration.

(SC Ref:728340)

#### **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

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

The notification will incorporate a 'standstill period' of a minimum of 10 clear calendar days (or a minimum of 15 if the communication method used is not electronic) between the date on which the authority despatches the VEAT notice and the date on which the authority proposes to conclude the relevant Framework Agreement. The bringing of court proceedings against the authority during the standstill period will automatically continue the prohibition on entering into the Framework Agreement until the court proceedings are determined, discontinued or disposed of, or the court, by interim order, brings to an end the prohibition. The remedies that may be awarded by the courts before the Framework Agreement has been entered into include the setting aside of the decision to award the Framework Agreement to the winning tenderer. 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.