

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/010192-2023>

Contract

NP90722m Brodalumab (Kyntheum®)

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

F03: Contract award notice

Notice identifier: 2023/S 000-010192

Procurement identifier (OCID): ocds-h6vhtk-03bd5f

Published 6 April 2023, 2:47pm

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

Laura McKenna

Email

laura.mckenna3@nhs.scot

Telephone

+44 1698794410

Country

United Kingdom

NUTS code

UK - United Kingdom

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.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

NP90722m Brodalumab (Kyntheum®)

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.1.4) Short description

Supply of Brodalumab (Kyntheum®) to NHS Scotland

II.1.6) Information about lots

This contract is divided into lots: No

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 Brodalumab (Kyntheum®) pre-filled syringes to NHS Scotland.

II.2.5) Award criteria

Quality criterion - Name: as per procurement docs / Weighting: 100

Price - Weighting: 0

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.1.8) 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 022-190021](#)

Section V. Award of contract

Contract No

N/a

A contract/lot is awarded: No

V.1) Information on non-award

The contract/lot is not awarded

Other reasons (discontinuation of procedure)

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:728609)

VI.4) Procedures for review

VI.4.1) Review body

Edinburgh Sheriff Court

27 Chambers Street

Edinburgh

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

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.