

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/010569-2023>

Contract

## **NP49119 Hepatitis C Medicines**

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

F20: Modification notice

Notice identifier: 2023/S 000-010569

Procurement identifier (OCID): ocds-h6vhtk-031e07

Published 13 April 2023, 8:39am

### **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](mailto:Nadia.Crockett@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)

---

**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.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:**

Lot 1 - This Framework Agreement is for the supply of medicines used in the treatment of Hepatitis C to NHS Scotland. This Lot is for the treatment cost per medicine.

Lot 2 - This Framework Agreement is for the supply of medicines used in the treatment of Hepatitis C to NHS Scotland. This Lot is for the treatment spend cap.

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

Start date

1 June 2019

End date

31 March 2023

**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.2) Administrative information**

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

Notice number: [2022/S 000-005998](#)

---

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

### **Contract No**

NP49119

### **Title**

NP49119 Hepatitis C Medicines

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

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

8 May 2019

#### **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**

AbbVie Ltd

Abbott House, Vanwall Road

Maidenhead

SL6 4XE

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.2.3) 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.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £45,913,668

---

## **Section VI. Complementary information**

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

The estimated value(s) of the Framework Agreement referred to in Section V.2.4 (comprising two (2) Lots) cover(s) the twenty two (22) month contract duration and the twenty four (24) month extension period of the Framework Agreement.

(SC Ref:728894)

### **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)

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.

---

## **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:**

Lot 1 - This Framework Agreement is for the supply of medicines used in the treatment of Hepatitis C to NHS Scotland. This Lot is for the treatment cost per medicine.

Lot 2 - This Framework Agreement is for the supply of medicines used in the treatment of Hepatitis C to NHS Scotland. This Lot is for the treatment spend cap.

#### **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:

£5,873,754

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

AbbVie Ltd

Abbvie House, Vanwall Business Park

Maidenhead

SL6 4UB

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**

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

### **VII.1.7) 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

### **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 April 2023 until 31 March 2024. The modification notice is advised at Framework Agreement level only and so it does not detail individual Lots. All Terms and Conditions of Contract

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 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.

### **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: £45,913,668

Total contract value after the modifications

Value excluding VAT: £51,787,422