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Award

## **ERT Medicines**

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-014762

Procurement identifier (OCID): ocds-h6vhtk-03cef7

Published 24 May 2023, 11:56am

## **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**

Michelle Semple

#### **Email**

[michelle.semple3@nhs.scot](mailto:michelle.semple3@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)

**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**

ERT Medicines

Reference number

NP92619 (e-g)

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

- 33600000 - Pharmaceutical products

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

Supplies

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

Supply of ERT medicines to NHS Scotland:

NP92617 (e) Velaglucerase alfa - VPRIV®

NP92617 (f) Idursulfase - Elaprase®

NP92617 (g) Agalsidase Alfa - Replagal®

#### **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: £2,427,469

### **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**

The Framework Agreements are for the supply of ERT Medicines to NHS Scotland. The Framework Agreements have been awarded as single supplier framework agreements per line to one (1) Framework Participant.

#### **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**

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

This VEAT Notice is to advise the need for modification 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.

#### **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

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

#### **IV.2.1) Previous publication concerning this procedure**

Notice number: [2019/S 138-339930](#)

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

### **Contract No**

NP92619(e-g)

A contract/lot is awarded: Yes

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

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

24 May 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**

Takeda UK Limited

Takeda House, Mercury Park, Wycombe Lane, Wooburn Green

High Wycombe, Bucks

HP10 0HH

Country

United Kingdom

NUTS code

- UKM - Scotland

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: £1,941,975

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## **Section VI. Complementary information**

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

Total value of the procurement (II.1.7) covers the total fifteen (15) month period, three (3) months which are covered in line with

Regulation 72(1)(a) of the Public Contracts (Scotland) Regulations 2015.

Total value of the concession/lot (V2.4) covers the twelve (12) month extension period as covered in line with Regulation 72(1)(c) of the

Public Contracts (Scotland) Regulations 2015.

OJEU notice numbers for each of the individual Awards:

NP92619(e)VPRIV®- 2019/S 170-415137

NP92619(f)Elaprase®- 2019/S 170-415114

NP92619(g)Replegal®- 2019/S 170-415138

(SC Ref:730595)

### **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

### **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.