

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/014763-2023>

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 000-014763

Procurement identifier (OCID): ocds-h6vhtk-03cef8

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

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

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

ERT Medicines

Reference number

NP92619 (a-d)

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:

NP92615 (a) Laronidase - Aldurazyme®

NP92615 (b) Imiglucerase - Cerezyme®

NP92615 (c) Agalsidase Beta - Fabrazyme®

NP92615 (d) Alglucosidase Alfa - Myozyme®

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: £5,014,100

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

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 138-339939](#)

Section V. Award of contract/concession

Contract No

NP92619(a-d)

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

Aventis Pharma Ltd Trading As Sanofi

410 Thames Valley Park Drive

Reading

RG6 1PT

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: £4,011,280

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(a)Aldurazyme®- 2019/S 170-415123

NP92619(b)Cerezyme®- 2019/S 170-415129

NP92619(c)Fabrazyme®- 2019/S 170-415117

NP92619(d)Myozyme®- 2019/S 170-415133

(SC Ref:730526)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

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.