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Contract

NP93923a Dimethyl Fumarate (Skilarence®)

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

F03: Contract award notice

Notice identifier: 2023/S 000-014765

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

Published 24 May 2023, 12:00pm

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

Ruaridh Armitage

Email

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

I.2) Information about joint procurement

The contract is awarded by a central purchasing body

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

NP93923a Dimethyl Fumarate (Skilarence®)

Reference number

NP93923a

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.1.4) Short description

Supply of Dimethyl Fumarate (Skilarence®) to NHS Scotland. The Authority has awarded this Framework Agreement as a Single Supplier Framework per line 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.2.5) Award criteria

Price

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 is, and will remain to be, protected by patent for the duration of the Framework Agreement.

IV.1.3) Information about a framework agreement or a dynamic purchasing system

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: [2023/S 000-009962](#)

Section V. Award of contract

Contract No

NP93923a

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

5 April 2023

V.2.2) Information about tenders

Number of tenders received: 1

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

Almirall Ltd

Harman House, 1 George St

Uxbridge

UB81QQ

Telephone

+44 7717313230

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor is an SME

No

V.2.4) Information on value of contract/lot (excluding VAT)

Total value of the contract/lot: £1,025,000

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:732706)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

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

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 Contract has been entered into will not affect the Contract 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 Contract has been entered into are limited to the award of damages.