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Tender

## **NP31424 Clozapine Medicines**

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

F02: Contract notice

Notice identifier: 2024/S 000-020629

Procurement identifier (OCID): ocds-h6vhtk-047b2c

Published 5 July 2024, 2:34pm

### **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**

Cameron Wright

#### **Email**

[cameron.wright@nhs.scot](mailto:cameron.wright@nhs.scot)

#### **Telephone**

+44 7870831908

## **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.2) Information about joint procurement**

The contract is awarded by a central purchasing body

## **I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/login.html>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/login.html>

## **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**

NP31424 Clozapine Medicines

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

- 33600000 - Pharmaceutical products

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

Supplies

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

Supply of clozapine medicines (alongside four (4) patient testing routes) to NHS Scotland.

Goods and Services have been split into four (4) categories, each of which identified as a "Lot". The Authority intends awarding a single-supplier Framework Agreement per Lot.

Further detail about each Lot is contained in Section II.2 of this Contract Notice.

#### **II.1.5) Estimated total value**

Value excluding VAT: £5,040,815

#### **II.1.6) Information about lots**

This contract is divided into lots: Yes

Tenders may be submitted for all lots

### **II.2) Description**

#### **II.2.1) Title**

Clozapine Orodispersible Tablets Sugar Free (Non-Core)

Lot No

2

### **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 Clozapine Orodispersible Tablets Sugar Free (Non-Core), alongside three (3) patient testing routes, to NHS Scotland. The Authority intends to award this Lot as a single supplier framework agreement per Lot. Full details of Goods and Services and their volumes can be found within the ITT documents.

### **II.2.5) Award criteria**

Quality criterion - Name: Technical (Services) -- Central Laboratory Testing / Weighting: 12

Quality criterion - Name: Technical (Services) -- Local Laboratory Testing / Weighting: 12

Quality criterion - Name: Technical (Services) -- Near Patient Testing (General) / Weighting: 12

Quality criterion - Name: Technical (Services) -- Training, Educational, and Support Materials / Weighting: 6

Quality criterion - Name: Technical (Services) -- Implementation Plan / Weighting: 18

Price - Weighting: 40

### **II.2.6) Estimated value**

Value excluding VAT: £334,525

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement includes the option to extend for any number of periods, up to a maximum overall period of twenty-four (24) months, upon giving not less than three (3) months written notice, such notice to expire no later than the date the Framework Agreement is due to expire.

### **II.2.10) Information about variants**

Variants will be accepted: No

### **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

## **II.2) Description**

### **II.2.1) Title**

Clozapine Tablets (Near Patient Testing (Capillary)) (Non-Core)

Lot No

4

## **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 Clozapine Tablets (Near Patient Testing (Capillary)) (Non-Core), alongside one (1) patient testing route, to NHS Scotland. The Authority intends to award this Lot as a single supplier framework agreement per Lot. Full details of Goods and Services and their volumes can be found within the ITT documents.

## **II.2.5) Award criteria**

Quality criterion - Name: Technical (Services) -- Central Laboratory Testing / Weighting: 12

Quality criterion - Name: Technical (Services) -- Local Laboratory Testing / Weighting: 12

Quality criterion - Name: Technical (Services) -- Near Patient Testing (General) / Weighting: 12

Quality criterion - Name: Technical (Services) -- Training, Educational, and Support Materials / Weighting: 6

Quality criterion - Name: Technical (Services) -- Implementation Plan / Weighting: 18

Quality criterion - Name: Technical (Services) -- Near Patient Testing (Capillary Blood Sampling) / Weighting: 0

Price - Weighting: 40

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement includes the option to extend for any number of periods, up to a maximum overall period of twenty-four (24) months, upon giving not less than three (3) months written notice, such notice to expire no later than the date the Framework Agreement is due to expire.

### **II.2.10) Information about variants**

Variants will be accepted: No

### **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

### **II.2.14) Additional information**

No value has been estimated for Lot 4 because (a) the requirement has never been used by Participating Authorities before, and (b) the requirement is speculative in nature.

Award to Lot 4 is contingent on the Potential Framework Participant (a) being proposed for award to Lot 1 and (b) receiving a score of "pass" for the "Near Patient Testing (Capillary Blood Sampling)" award criterion.

## **II.2) Description**

## **II.2.1) Title**

Clozapine Tablets (Core)

Lot No

1

## **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 Clozapine Tablets (Core), alongside three (3) patient testing routes, to NHS Scotland. The Authority intends to award this Lot as a single supplier framework agreement per Lot. Full details of Goods and Services and their volumes can be found within the ITT documents.

## **II.2.5) Award criteria**

Quality criterion - Name: Technical (Services) -- Central Laboratory Testing / Weighting: 12

Quality criterion - Name: Technical (Services) -- Local Laboratory Testing / Weighting: 12

Quality criterion - Name: Technical (Services) -- Near Patient Testing (General) / Weighting: 12

Quality criterion - Name: Technical (Services) -- Training, Educational, and Support Materials / Weighting: 6



Quality criterion - Name: Technical (Services) -- Implementation Plan / Weighting: 18

Price - Weighting: 40

### **II.2.6) Estimated value**

Value excluding VAT: £4,026,980

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

This framework includes the option to extend for any number of periods, up to a maximum overall period of twenty-four (24) months, upon giving not less than three (3) months written notice, such notice to expire no later than the date the Framework Agreement is due to expire.

### **II.2.10) Information about variants**

Variants will be accepted: No

### **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

## **II.2) Description**

### **II.2.1) Title**

Clozapine Oral Suspension Sugar Free (Non-Care)

Lot No

3

### **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 Clozapine Clozapine Oral Suspension Sugar Free (Non-Care), alongside three (3) patient testing routes, to NHS Scotland. The Authority intends to award this Lot as a single supplier framework agreement per Lot. Full details of Goods and Services and their volumes can be found within the ITT documents.

### **II.2.5) Award criteria**

Quality criterion - Name: Technical (Services) -- Central Laboratory Testing / Weighting: 12

Quality criterion - Name: Technical (Services) -- Local Laboratory Testing / Weighting: 12

Quality criterion - Name: Technical (Services) -- Near Patient Testing (General) / Weighting: 12

Quality criterion - Name: Technical (Services) -- Training, Educational, and Support Materials / Weighting: 6

Quality criterion - Name: Technical (Services) -- Implementation Plan / Weighting: 18

Price - Weighting: 40

### **II.2.6) Estimated value**

Value excluding VAT: £679,100

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement includes the option to extend for any number of periods, up to a maximum overall period of twenty-four (24) months, upon giving not less than three (3) months written notice, such notice to expire no later than the date the Framework Agreement is due to expire.

### **II.2.10) Information about variants**

Variants will be accepted: No

### **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 III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

Economic operators may be excluded from this competition if they are in breach of any situation referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

#### **III.1.3) Technical and professional ability**

List and brief description of selection criteria

(a) Potential Framework Participants must be able to demonstrate the existence of a valid and current UK Marketing Authorisation (PL, PLGB, or PLPI number) that has been approved by the MHRA for all tendered Medicines at the start date of the Framework Agreement.

AND

(b) Potential Framework Participants and any sub-contractor(s) must possess valid certification of BS EN ISO 9001 or equivalent.

(c) All tendered Goods must comply with the MHRA best Practice Guidance on Labelling and Packaging and the National Patient Safety Agency ("NPSA") Guidelines on Packaging and Labelling on pack design.

(d) Potential Framework Participants are required to provide evidence that their organisation has taken steps to build their awareness of the climate change emergency and how they will respond.

(e) Potential Framework Participants must be able to demonstrate that all devices tendered and associated ancillaries under this Framework Agreement comply with Medical Devices Regulations 2002 (SI 2002 No 618, as amended) (UK MDR 2002) and have an appropriate declaration of conformity and display a valid CE, CE UKNI or UKCA mark.

Minimum level(s) of standards possibly required

(a) Confirmation of existence of a valid and current UK Marketing Authorisation (PL, PLGB, PLPI number) that has been approved by the MHRA for all tendered Medicines at the date of

submission of the tender/start date of the Framework Agreement should be included in the Qualification Envelope of the ITT under the Technical and Professional ability: Quality Control.

AND

(b) Confirmation of the existence of valid certification of BS EN ISO 9001 or equivalent. Confirmation of such certification should be included in the Qualification Envelope of the ITT under the Quality Assurance Schemes.

AND

(c) Confirmation that samples for tendered Goods will be supplied upon request to ensure compliance with the MHRA best Practice Guidance on Labelling and Packaging and the National Patient Safety Agency ("NPSA") Guidelines on Packaging and Labelling on pack design. Confirmation of sample provision should be provided in the Qualification Envelope of the ITT under Technical and Professional ability: Products.

AND

(d) A completed copy of the Bidder Climate Change Plan Template, including planned projects and actions to reduce the bidder's carbon emissions should be provided in the Qualification Envelope of the ITT under Environmental Management Criteria. This does not need to contain calculated carbon emissions.

(e) Confirmation that all devices tendered and associated ancillaries which are classed as medical devices will carry the appropriate declaration of conformity for the UK market and display a valid CE, CE UKNI or UKCA mark prior to the start date of the Framework Agreement should be included in the Qualification Envelope of the ITT under Technical and Professional ability: Quality Control.

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Open procedure

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

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 3

In the case of framework agreements, provide justification for any duration exceeding 4 years:

To provide a longer implementation period for the awarded Framework Participant(s) and a reasonable incentive for extension following a successful implementation.

#### **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.2.2) Time limit for receipt of tenders or requests to participate**

Date

5 August 2024

Local time

12:00pm

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

#### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 3 (from the date stated for receipt of tender)

#### **IV.2.7) Conditions for opening of tenders**

Date

5 August 2024

Local time

12:00pm

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### **Section VI. Complementary information**

#### **VI.1) Information about recurrence**

This is a recurrent procurement: No

#### **VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

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

The estimated values referred to in Section II.1.5 and within all Lots cover the thirty-six (36) month Framework Agreement duration and the twenty-four (24) month extension period of the Framework Agreement.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 26293. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

Community benefits are included in this requirement. For more information see: <https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

A summary of the expected community benefits has been provided as follows:

It is a mandatory requirement that Potential Framework Participants agree to support the concept, provision, and ongoing development of community benefits provision in relation to this Framework Agreement.

Potential Framework Participants are required to agree to this mandatory requirement. They are also requested to provide a summary of the community benefits that have recently been delivered within Scotland, if at all, and what impact and outcomes these have achieved.

Potential Framework Participants are required to summarise any proposed community benefits that will be developed and delivered as part of this Framework Agreement if successful or, alternatively, Potential Framework Participants confirm that they will engage with the NHS Scotland's Community Benefits Gateway (CBG). This gateway, developed through requests from suppliers seeking opportunities to support the delivery of community benefits within the contracting region, provides information on community benefit opportunities. The CBG is a free and easy to use online service that connects NHS Scotland suppliers with third sector community organisations within Scotland and will be used for tracking and reporting and is an approved compliant route to the realisation of community benefits.

For further information please visit NHSS Community Benefit Gateway (<https://www.nss.nhs.scot/procurement-and-logistics/sustainability/access-our-community-benefit-gateway/>).

(SC Ref:771637)

## **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)

Telephone

+44 1312252525

Country

United Kingdom

Internet address

<https://scotcourts.gov.uk/the-courts/sheriff-court/about-sheriff-courts>

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The Authority will notify economic operators who submitted a tender or (where no deselection notification has previously been made) applied to be selected to tender, of its decision to award the framework agreement which notification will contain among other information, a summary of the reasons why the economic operators was unsuccessful. 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 dispatches the notice(s) 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(s). 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.