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Award

Amphotericin (Ambisome®)

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-021429

Procurement identifier (OCID): ocds-h6vhtk-02db24

Published 31 August 2021, 11:45am

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

Marta Siwek

Email

marta.siwek@nhs.scot

Telephone

+44 1698794410

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**

Amphotericin (Ambisome®)

Reference number

NP91021a

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.1.4) Short description

Supply of Amphotericin (Ambisome®) to NHS Scotland.

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: £6,427,024

II.2) Description

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 Amphotericin (Ambisome®)to NHS Scotland.

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

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
 - absence of competition for technical reasons

Explanation:

Although the patent has expired on Ambisome® there is no known generic competition in the UK market place due to the difficulties in replicating the manufacturing process.

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

Section V. Award of contract/concession

Contract No

NP91021a

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

31 August 2021

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

Gilead Sciences Ltd

280 High Holborn , Holborn

London

WC1V 7EE

Telephone

+44 2036814526

Country

United Kingdom

NUTS code

- UKI - London

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: £6,427,024

Section VI. Complementary information

VI.3) Additional information

The total value in Sections II.1.7 and V.2.4 refers to the twenty four (24) months initial period and the total twenty four (24) months extension period.

(SC Ref:665585)

VI.4) Procedures for review

VI.4.1) Review body

Edinburgh Sheriff Court

27 Chambers Street

Edinburgh

EH1 1LB

Country

United Kingdom

Internet address

<http://www.nhsscotlandprocurement.scot.nhs.uk/>

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.