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Award

## **NP94023a-d Ellipta Inhalers**

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-021920

Procurement identifier (OCID): ocds-h6vhtk-03eb16

Published 28 July 2023, 8:55am

### **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

#### **Email**

[alison.stewart11@nhs.scot](mailto:alison.stewart11@nhs.scot)

#### **Telephone**

+44 7804475952

#### **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**

NP94023a-d Ellipta Inhalers

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

- 33600000 - Pharmaceutical products

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

Supplies

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

Supply of Ellipta Inhalers to NHS Scotland:

NP94023a: Umeclidinium bromide 65micrograms/dose / Vilanterol 22micrograms/dose dry powder inhaler (Anoro® Ellipta®)

NP94023b: Umeclidinium bromide 65micrograms/dose dry powder inhaler (Incruse® Ellipta®)

NP94023c: Fluticasone furoate 184micrograms/dose / Vilanterol 22micrograms/dose dry powder inhaler (Relvar® Ellipta®)

NP94023c: Fluticasone furoate 92micrograms/dose / Vilanterol 22micrograms/dose dry powder inhaler (Relvar® Ellipta®)

NP94023d: Fluticasone furoate 92micrograms/dose / Umeclidinium 55micrograms/dose / Vilanterol 22micrograms/dose dry powder inhaler (Trelegy® Ellipta®)

#### **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: £3,605,000

### **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**

The four individual Framework Agreements are for the supply of a range of Ellipta Inhalers to NHS Scotland. Each Framework Agreement has been awarded as a single supplier framework agreement to 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**

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:
  - protection of exclusive rights, including intellectual property rights

Explanation:

The medicines awarded to the individual framework agreements are protected by exclusive rights, including intellectual property rights, in line with Regulation 33(1)(b)(iii) 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

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

A contract/lot is awarded: Yes

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

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

27 July 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**

GSK UK Limited

1-3 Iron Bridge Road, Stockley Park West

Uxbridge

UB11 1BT

Telephone

+44 2089909000

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: £3,605,000

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## **Section VI. Complementary information**

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

Total value of the procurement (II.1.7 and V.2.4) covers the forty-eight (48) month contract duration and the twelve (12) month extension period of the Framework Agreements.

(SC Ref:740091)

### **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

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

Precise information on deadline(s) for review procedures

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 despatches the VEAT notice 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.

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.