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Contract

## **Cladribine (Mavenclad®)**

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

F20: Modification notice

Notice identifier: 2022/S 000-023054

Procurement identifier (OCID): ocds-h6vhtk-03602c

Published 19 August 2022, 8:45am

## **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**

Rashida Rasool

#### **Email**

[rashida.rasool-gordon@nhs.scot](mailto:rashida.rasool-gordon@nhs.scot)

#### **Telephone**

+44 1312756051

**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)

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**Section II: Object****II.1) Scope of the procurement****II.1.1) Title**

Cladribine (Mavenclad®)

Reference number

NP91617 (b)

**II.1.2) Main CPV code**

- 33600000 - Pharmaceutical products

**II.1.3) Type of contract**

Supplies

**II.2) Description****II.2.2) Additional CPV code(s)**

- 33600000 - Pharmaceutical products

**II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

**II.2.4) Description of the procurement at the time of conclusion of the contract:**

This modification of contract term from 01/09/2022 to 28/02/2023 is to meet the additional demands of the Scottish Health and Social Care sector during the current Covid-19 pandemic and to maintain necessary supply and remove unnecessary disruption from the Authority at this time in line with Regulation 72(1)(b) of the Public Contracts (Scotland) Regulations 2015

Modification notice is advised at framework level and does not detail individual lots.

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

Duration in months

6

**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.2) Administrative information****IV.2.1) Contract award notice concerning this contract**

Notice number: [2022/S 015-036896](#)

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**Section V. Award of contract/concession**
**Contract No**

NP91617 (b)

**Title**

Cladribine (Mavenclad®)

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

### **V.2.1) Date of conclusion of the contract/concession award decision:**

20 July 2022

### **V.2.2) Information about tenders**

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

### **V.2.3) Name and address of the contractor/concessionaire**

Merck Serono Limited

5 New Square, Bedfont Lakes Business Park , Feltham

Middlesex

TW14 8HA

Telephone

+44 7970151725

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

### **V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £31,102,148

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## **Section VI. Complementary information**

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

The estimated value in Section V.2.4 covers the forty-eight (48) months of the framework length and six (6) months extension period of the framework agreement.

(SC Ref:703561)

### **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)

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 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.

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 33600000 - Pharmaceutical products

#### **VII.1.2) Additional CPV code(s)**

- 33610000 - Medicinal products for the alimentary tract and metabolism

#### **VII.1.3) Place of performance**

NUTS code

- UKM - Scotland

#### **VII.1.4) Description of the procurement:**

This modification of contract term from 01/09/2022 to 28/02/2023 is to meet the additional demands of the Scottish Health and Social Care sector during the current Covid-19 pandemic and to maintain necessary supply and remove unnecessary disruption from the Authority at this time in line with Regulation 72(1)(b) of the Public Contracts (Scotland) Regulations 2015

Modification notice is advised at framework level and does not detail individual lots.

#### **VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

6

#### **VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£2,827,468

### **VII.1.7) Name and address of the contractor/concessionaire**

Merck Serono Limited

5 New Square, Bedfont Lakes Business Park , Feltham

Middlesex

TW14 8HA

Telephone

+44 7970151725

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

## **VII.2) Information about modifications**

### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

This modification is to meet the additional demands of the Scottish Health and Social Care sector during the current Covid-19 pandemic and to maintain necessary supply and remove unnecessary disruption from the Authority at this time in line with Regulation 72(1)(b) of the Public Contracts (Scotland) Regulations 2015

Modification notice is advised at framework level and does not detail individual lots.

### **VII.2.2) Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

This modification is to meet the additional demands of the Scottish Health and Social Care sector during the current Covid-19 pandemic and to maintain necessary supply and remove unnecessary disruption from the Authority at this time in line with Regulation 72(1)(b) of the Public Contracts (Scotland) Regulations 2015

Modification notice is advised at framework level and does not detail individual lots.

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £31,120,148

Total contract value after the modifications

Value excluding VAT: £33,929,616