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Contract

## **CPH094 - Supply of Nicotine Replacement Therapy**

Derbyshire County Council

F03: Contract award notice

Notice identifier: 2022/S 000-027878

Procurement identifier (OCID): ocds-h6vhtk-031891

Published 4 October 2022, 3:44pm

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

Derbyshire County Council

County Hall

Matlock

DE4 3AG

#### **Contact**

Miss Caroline May

#### **Email**

[caroline.may@derbyshire.gov.uk](mailto:caroline.may@derbyshire.gov.uk)

#### **Telephone**

+44 1629536805

#### **Country**

United Kingdom

**Region code**

UKF1 - Derbyshire and Nottinghamshire

**Internet address(es)**

Main address

<http://www.derbyshire.gov.uk/>

Buyer's address

<http://www.derbyshire.gov.uk/>

**I.4) Type of the contracting authority**

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

CPH094 - Supply of Nicotine Replacement Therapy

Reference number

DN628817

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

- 33000000 - Medical equipments, pharmaceuticals and personal care products

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

Supplies

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

Contract for an accredited wholesale distributor to provide a range of licensed Nicotine Replacement Therapy (NRT) products for use by the Live Life Better Derbyshire (LLBD) Stop Smoking Service.

The LLBD Stop Smoking Service offers a 12-week programme to smokers and a regular supply of NRT is a key element to a successful quit programme.

#### **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: £5,000,000

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

#### **II.2.2) Additional CPV code(s)**

- 85000000 - Health and social work services

#### **II.2.3) Place of performance**

NUTS codes

- UKF1 - Derbyshire and Nottinghamshire

Main site or place of performance

Within the geographical area of Derbyshire

#### **II.2.4) Description of the procurement**

Contract for an accredited wholesale distributor to provide a range of licensed Nicotine Replacement Therapy (NRT) products for use by the Live Life Better Derbyshire (LLBD) Stop Smoking Service.

The LLBD Stop Smoking Service offers a 12-week programme to smokers and a regular supply of NRT is a key element to a successful quit programme.

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

Quality criterion - Name: Quality / Technical / Weighting: 20

Price - Weighting: 80

#### **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**

Award of a contract without prior publication of a call for competition in the cases listed below

- No tenders or no suitable tenders/requests to participate in response to open procedure
- The services can be provided only by a particular economic operator for the following reason:

- absence of competition for technical reasons

**Explanation:**

An open tender was originally published 18/02/2022 with a closing date of 24/03/2022. The tender was not awarded due to no suitable and compliant bids received.

The requirement is for a direct supply model with an accredited wholesaler provider to achieve best value.

A non-wholesaler delivery model is available however, it does not meet the Council's requirements and does not achieve best value.

Use of the negotiated procedure without prior publication Reg 32. contracting authorities may award public contracts by a negotiated procedure without prior publication.

Under the grounds of:

(a) no suitable tenders were submitted in response to the open procedure, the initial conditions of the contract are not substantially altered;

(ii) competition is absent for technical reasons (wholesale licence).

See Source Derbyshire for specification and contract: <http://www.sourcederbyshire.co.uk/>

search under CPH094.

#### **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: [2022/S 000-004597](#)

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

### **Contract No**

CPH094

### **Title**

CPH094 - Supply of Nicotine Replacement Therapy

A contract/lot is awarded: Yes

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

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

8 September 2022

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

Number of tenders received: 2

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: 0

Number of tenders received by electronic means: 0

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

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

Sigma Pharmaceuticals Plc

P.O.Box 233, 1 Colonial Way

North Watford

WD24 4YR

Email

[khs@sigmaplc.com](mailto:khs@sigmaplc.com)

Telephone

+44 01923444999

Country

United Kingdom

NUTS code

- UKF1 - Derbyshire and Nottinghamshire

The contractor is an SME

No

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

Initial estimated total value of the contract/lot: £5,000,000

Total value of the contract/lot: £5,000,000

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## **Section VI. Complementary information**

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

High Court (Technology and Construction Court)

Royal Court of Justice

London

Telephone

+44 02079477156

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

Derbyshire County Council will incorporate a minimum 10 calendar days (or 15 if non electronic or fax methods used) standstill period at the point information on the award of the contract is communicated to the relevant economic operators. Debriefing by the Council shall be in accordance with the Public Contracts Regulation 2015 (as amended) (the Regulations). Such information should be requested from the addressee in Section 1.1. If an appeal regarding the award of the contract has not been successfully resolved the Regulations provide for the aggrieved parties who are of the opinion that they have been harmed or are at risk of harm by a breach of the Regulations, to take action in the High Court (England, Wales and Northern Ireland). Any such action must be brought as soon as possible.

### **VI.4.4) Service from which information about the review procedure may be obtained**

Derbyshire County Council

County Hall

Matlock

DE4 3AG

Country

United Kingdom