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Award

NP90323(a) Botulinum Toxin Type A Medicines (Botox®)

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-029228

Procurement identifier (OCID): ocds-h6vhtk-0407c3

Published 4 October 2023, 11:19am

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

Michelle Semple

Email

Michelle.semple3@nhs.scot

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**

NP90323(a) Botulinum Toxin Type A Medicines (Botox®)

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.1.4) Short description

Supply of Botulinum Toxin Type A Medicines(Botox®) to NHS Scotland:

NP90323(a): Botulinum Toxin Type A Injection 50-unit vial/ Botulinum Toxin Type A

Injection 100-unit vial/ Botulinum Toxin Type A Injection 200-unit vial (Botox®)

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: £8,051,564

II.2) Description

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

The Framework Agreement is for the supply of Botulinum Toxin Type A (Botox®) to NHS Scotland. The Framework Agreement has been awarded as a Single supplier framework agreement to one (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

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 medicine to be awarded to the framework agreement is 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

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

4 October 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

AbbVie Ltd

Abbvie House, Vanwall Business Park

Maidenhead

SL6 4UB

Country

United Kingdom

NUTS code

- UKM - Scotland

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: £8,051,564

Section VI. Complementary information

VI.3) Additional information

The estimated value(s) of the Framework Agreement referred to in Sections II.1.7 and V.2.4 cover(s) the thirty-six (36) month contract duration and the twelve (12) month extension period of the Framework Agreement.

(SC Ref:743017)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

edinburgh@scotcourts.gov.uk

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.