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Contract

NP90323(c) Botulinum Toxin Type A Medicines (Xeomin®)

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

F03: Contract award notice
Notice identifier: 2023/S 000-034029
Procurement identifier (OCID): ocds-h6vhtk-0407c5
Published 17 November 2023, 9:13am

Section I: Contracting authority

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.2) Information about joint procurement

The contract is awarded by a central purchasing body

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(c) Botulinum Toxin Type A Medicines (Xeomin®)

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(Xeomin®) to NHS Scotland:

NP90323(c): Botulinum Toxin Type A Injection 50-unit vial/ Botulinum Toxin Type A Injection 100-unit vial/ Botulinum Toxin Type A Injection 200-unit vial (Xeomin®)

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: £2,935,440

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 (Xeomin®) to NHS Scotland. The Authority has awarded this framework as a Single supplier framework agreement to one (1) Framework Participant.

II.2.5) Award criteria

Price

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

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

- The 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 or a dynamic purchasing system

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

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: 2023/S 000-029230

Section V. Award of contract

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

24 October 2023

V.2.2) Information about tenders

Number of tenders received: 1

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

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

V.2.3) Name and address of the contractor

Merz Pharma UK Ltd

260 Centennial Park, Elstree

Herts

WD6 3SR

Email

zoe.dunbar@merz.com

Telephone

+44 2082360000

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor is an SME

No

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

Total value of the contract/lot: £2,935,440

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:749562)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

edinburgh@scotcourts.gov.uk

Telephone

+44 1312252525

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.