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Award

NP92520b Aflibercept (Eylea®)

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-035009

Procurement identifier (OCID): ocds-h6vhtk-041d2d

Published 28 November 2023, 10:04am

Section I: Contracting authority/entity

I.1) Name and addresses

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

2 Swinhill Avenue

Larkhall

ML9 2QX

Contact

Siobhan Ramage

Email

siobhan.ramage@nhs.scot

Telephone

+44 1698794547

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**

NP92520b Afibercept (Eylea®)

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.1.4) Short description

Supply of Aflibercept (Eylea®) to NHS Scotland.

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: £109,422,991

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 Aflibercept (Eylea®) solution for injection vials to NHS Scotland. The Framework Agreement has been awarded as a single supplier framework agreement.

The Framework Participant is required to supply Goods to designated delivery points throughout Scotland for use by Participating Authorities.

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 procurement falls outside the scope of application of the regulations

Explanation:

This VEAT Notice is to advise the need for modification to meet the additional demands of the Scottish Health and Social Care sector during the Covid-19 pandemic and associated recovery, to maintain 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.

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

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2020/S 100-243207](#)

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

8 November 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

Bayer Plc

400 South Oak Way, Green Park

Reading

RG2 6AD

Telephone

+44 1635563432

Fax

+44 1635563693

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: £54,711,495

Section VI. Complementary information

VI.3) Additional information

The estimated value of the Framework Agreement referred to in Section 11.2.7 cover(s) the 20 month contract duration and the 24 month extension period of the Framework Agreement.

The estimated value in Section V.2.4 covers the additional 22 month extension period of the Framework Agreement.

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at

https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=749797.

(SC Ref:749797)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House Edinburg

27 Chambers Street

Edinburgh

EH1 1LB

Email

edinburgh@scotcourts.gov.uk

Telephone

+44 1312252525

Country

United Kingdom

Internet address

<http://www.nss.nhs.scot/browse/procurement-and-logistics>

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.